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**Justice as an Infused Virtue in the *Secunda Secundae*
and Its Implications for Our Understanding of the Moral Life**

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Abbreviations

Abbreviations for the Works of Aristotle

<i>DA</i>	<i>On the Soul (De Anima)</i>
<i>NE</i>	<i>Nicomachean Ethics</i>

Abbreviations for the Works of Thomas Aquinas

<i>In sent.</i>	<i>Scriptum super libros sententiarum</i>
<i>ST</i>	<i>Summa theologiae</i>
<i>ScG</i>	<i>Summa contra gentiles</i>
<i>De veritate</i>	<i>Quaestiones disputatae de veritate</i>
<i>De malo</i>	<i>Quaestiones disputatae de malo</i>
<i>De potentia</i>	<i>Quaestiones disputatae de potentia</i>
<i>De virt. in com.</i>	<i>Quaestio disputa de virtutibus in communi</i>
<i>De caritate</i>	<i>Quaestio disputa de caritate</i>
<i>De spe</i>	<i>Quaestio disputa de spe</i>
<i>De correct. frat.</i>	<i>Quaestio disputa de correctione fraterna</i>
<i>De virt. card.</i>	<i>Quaestio disputa de virtutibus cardinalibus</i>
<i>In de anima</i>	<i>Quaestio disputa de anima</i>
<i>Quodl.</i>	<i>Quaestiones de quolibet</i>
<i>In metaph.</i>	<i>Sententia super metaphysicam</i>
<i>In ethic.</i>	<i>Sententia libri ethicorum</i>
<i>In de anima</i>	<i>Sententia libri de anima</i>
<i>In politic.</i>	<i>Sententia libri politicorum</i>
<i>Super de trin.</i>	<i>Super boetium de trinitate</i>
<i>Super Mt.</i>	<i>Lectura super Matthaeum</i>
<i>Super Rom.</i>	<i>Super epistolam B. Pauli ad Romanos lectura</i>
<i>Super I Cor.</i>	<i>Super I epistolam B. Pauli ad Corinthios lectura</i>
<i>Super II Cor.</i>	<i>Super II epistolam B. Pauli ad Corinthios lectura</i>

<i>Super Gal.</i>	<i>Super epistolam B. Pauli ad Galatas lectura</i>
<i>Super Eph.</i>	<i>Super epistolam B. Pauli ad Ephesios lectura</i>
<i>Super Phil.</i>	<i>Super epistolam B. Pauli ad Philipenses lectura</i>
<i>Super Hebr.</i>	<i>Super epistolam B. Pauli ad Hebraeos lectura</i>
<i>Super Ps.</i>	<i>Postilla super psalmos</i>

<i>De duo. prae.</i>	<i>De duobus praeceptis caritatis</i>
<i>Princ. bibl.</i>	<i>Principium biblicum</i>
<i>Contra imp.</i>	<i>Contra impugnantes dei cultum et religionem</i>
<i>De reg. princ.</i>	<i>De regno ad regem cypri</i>
<i>De div. nom.</i>	<i>Super librum dionysii de divinis nominibus</i>
<i>De perf. spirit. vitae</i>	<i>De perfectione spiritualis vitae</i>
<i>Sermo</i>	<i>Sermones</i>

Other Abbreviations

<i>esp.</i>	<i>especially</i>
<i>i.e.</i>	<i>id est</i>
<i>e.g.</i>	<i>exempli gratiae</i>
<i>sc.</i>	<i>scilicet</i>

INTRODUCTION

0.1 Approach to Our Thesis: The Recovery of Infused Moral Virtue

0.1.1 The Return of “Virtue Ethics”

About twenty-five years ago, A. MacIntyre tried to illustrate in his book *After Virtue* the actual situation of moral philosophy as follows:¹ Imagine a world which has lost the whole memory of human history by a gigantic catastrophe. Only single concepts and fragments of former science are preserved. However, people do not recognize these pieces as isolated fragments of a greater whole. Consequently, they continue to practice natural sciences by using the relics of unknown times, assuming that the concepts portray still an unbroken context of facts. The result: They develop an amount of subtle pseudo-scientific theories, but their assertions are (as long as they do not recognize the fragmentary character of their concepts) incomplete and incorrect.

MacIntyre reads that pessimistic parable as an analogy for the present situation of moral science: As in the thought experiment people possess only fragments of a lost whole, likewise

what we possess, if this view is true, are the fragments of a conceptual scheme, parts which now lack those contexts from which their significance derived. We possess indeed simulacra of morality, we continue to use many of the key expressions. But we have – very largely, if not entirely – lost our comprehension, both theoretical and practical, of morality.²

MacIntyre claims that the vast plurality of rival ethics, which is characteristic for modern times, is the result from a loss of an original integrative perspective. Therefore, the contemporary difficulty to attain any agreement on moral issues will remain insurmountable as long as we don't try to reconstruct, return, or at least understand the former synthesis. In a time “after virtue,” it became impossible to render intelligible the most basic principles as, e.g., what is meant by the “moral good”, what is the ultimate foundation of “moral obligation,” etc. Whilst ancients spoke first of all about man himself, what he *is*, what he *could be* as agent, and as consequence, what he *should be* like (sc. by his actions, in respect to the acquisition of virtues etc.), nowadays – so MacIntyre argues – ethicists work on the

¹ See Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (London: Gerald Duckworth, 1981), 1-5.

impossible project to explain morality by means of particular aspects, by principles which are rooted outside their original context.

To substantiate this assertion, we offer an example. Most current moral systems share the general idea of a moral obligation that binds every human being. However, there are countless opinions in which way such universal duty should (or could) be justified. A universal agreement seems impossible. According to MacIntyre, the category of moral obligation is one of those isolated fragments of a lost tradition that, once taken out of its original context, had to lose its intelligibility. Does moral obligation ground in the categorical imperative of reason (as in the deontological account of I. Kant) or in man's strife for a maximum happiness of the largest possible number (as in the utilitarianism of J. Bentham)? Or is it simply impossible to found a moral debt by mere philosophical arguments, since it is originally born on a theological foundation (namely the unconditioned obedience regarding a commanding God) so that all trials to justify morality without that basis will remain a priori contradictory?

We observe a similar problem in specific moral issues, for example, the case of justice. Many years before MacIntyre's *After Virtue*, G.E.M. Anscombe argued in her seminal article "Modern Moral Philosophy"³ that today the content of just actions might be justified by concrete cases in a negative manner because everybody shares the experience that suffering injustice provides no happiness. However, it is impossible to define justice as positive duty or as unconditioned obligation by the just thing itself. For Kant it was still possible to invoke an (alleged) moral law in the human being that imposes upon him the positive obligation for specific actions.⁴ According to Anscombe however this way is barred for modern moral systems, since "it is not possible to have such a conception unless you believe in God as a law-giver."⁵ A modern ethic however has to avoid such a presumed principle if it wants to be universally acceptable as a moral theory. Anscombe continues: "If such a conception is dominant for many centuries, and then is given up, it is a natural result that the concepts of 'obligation,' of being bound or required as by a law, should remain though they had lost their root."⁶ The consequences which Anscombe suggests are unambiguous: "The expressions 'moral obligation', 'moral ought,' and 'duty' are best put on the index."⁷ This does not imply

² Ibid., 2.

³ Gertrude E. M. Anscombe, "Modern Moral Philosophy," in *The Collected Philosophical Papers of G. E. M. Anscombe: Ethics, Religion and Politics*, vol. 3 (Oxford: Basil Blackwell, 1981), 26-42.

⁴ About Kant's account of the self-commitment of the agent by his own reason, see Eberhard Schockenhoff, "Wozu gut sein? Eine historisch-systematische Studie zum Ursprung des moralischen Sollens," *Studia Moralia* 33 (1995): 109-120.

⁵ Anscombe, "Modern Moral Philosophy," 30.

⁶ Ibid.

⁷ Ibid., 38.

that she negates the existence of moral duties. She simply wants to advert the fact that modern moral systems are unable to justify the pivotal position of the concept of obligation which they themselves concede to that term.

Short Overview of the Historical Development

It might be helpful to summarize in a couple of sentences the historical evolution of the mentioned problems:⁸ Neither the ancient world nor the Middle Ages knew an isolated discussion of moral issues, of commands and prohibitions. The investigation of good and evil actions was embedded in the reflection on the agent himself, i.e. of the human being. J. Pieper explains this understanding: “Any ought grounds in being. . . . If you want to know and to achieve the good, you have to look at the objective world of beings.”⁹ As a consequence, in the middle Ages neither philosophy nor theology treated morals as isolated discipline. Ethics, i.e. the issue of good and evil, were discussed in the context of origin and final end of the whole human life.¹⁰ Consequently, one of the most important issues of morals was the discussion (and the development) of virtues, understood as necessary dispositions for the realization of a life that successfully attains its proper end.

A new approach arose from the influences of nominalism, on the theoretical side, and the Protestant Reformation, from the political side. According to William of Ockham, the goodness of human acts no longer relates to (or aims for) the perfection of the human being;

⁸ For the historical development, see for example Martin Honecker, “Schwierigkeiten mit dem Begriff Tugend,” in *Tugendethik*, ed. Klaus P. Rippe and Peter Schaber (Stuttgart: Philipp Reclam jun., 1998), 168-180.

⁹ Josef Pieper, “Die Wirklichkeit und das Gute,” in *Werke in acht Bänden. Schriften zur Philosophischen Anthropologie und Ethik: Grundstrukturen menschlicher Existenz*, vol. 5, ed. Berthold Wald (Hamburg: Felix Meiner Verlag, 1997), 48. For Pieper, this is the essential characteristic for the understanding of classical morals. Thus, he repeats again and again his assertion; e.g. Josef Pieper, “Über die Liebe,” in *Werke in acht Bänden: Schriften zur philosophischen Anthropologie und Ethik: Das Menschenbild der Tugendlehre*, vol. 4, ed. Berthold Wald (Hamburg: Felix Meiner Verlag, 1996), 330; likewise Josef Pieper, “Über den Begriff der Sünde,” in *Werke in acht Bänden. Schriften zur Philosophischen Anthropologie und Ethik: Grundstrukturen menschlicher Existenz*, vol. 5, ed. Berthold Wald (Hamburg: Felix Meiner Verlag, 1997), 233; Josef Pieper, “Glauben - Hoffen - Lieben,” in *Werke in acht Bänden. Miscellen. Register und Gesamtbibliographie*, vol. 8/1, ed. Berthold Wald (Hamburg: Felix Meiner Verlag, 2005), 318; Josef Pieper, “Über das Gute und das Böse. Vier Vorlesungen,” in *Werke in acht Bänden. Darstellungen und Interpretationen. Thomas von Aquin und die Scholastik*, vol. 2, ed. Berthold Wald (Hamburg: Felix Meiner Verlag, 2001), 37.

R. Spaemann summarized fittingly this special approach of the classical ethics: “Als vor etwa 2500 Jahren das philosophische Nachdenken über Ethik, das heißt über das richtige Leben begann, da stand am Anfang dieser Überlegung nicht die Frage nach dem, was wir sollen, sondern nach dem, was wir eigentlich und im Grunde wollen. . . . Jedes Sollen muss an irgendein schon vorhandenes Wollen anknüpfen, sonst hätten wir gar keinen Grund, uns dieses sollen zu eigenen zu machen. Hätten wir genau verstanden, was wir eigentlich und im Grunde wollen – so überlegten die Griechen – dann wüssten wir auch, was wir sollen und worin das richtige Leben besteht. Dies, was wir eigentlich und im Grunde wollen und weswegen wir alles andere wollen und tun, was wir tun, nannten die Griechen das Gute oder das höchste Gut.“ (Robert Spaemann, *Moralische Grundbegriffe* (Munich: Verlag C.H. Beck, 1982), 25).

this would imply an illegitimate limitation of the *potentia Dei absoluta*. Ockham tried to justify the goodness and evil of specific actions by referring to obedience regarding a divine command. These divine determinations, however, are commanded independently of the internal finality of human nature.¹¹

Two centuries later this theoretical perspective became a political necessity. As a result of the Protestant Reformation, western civilization lost its unifying perspective of the good human life, the right relationship between God and man, which had been constitutive for the whole society over centuries. Thus, the consensus about the final destination of human beings (inclusive the right way to this end) was lost. The reference system, the horizon of the common understanding of the “good life” was gone. This lack had to be filled, and it was filled by an emphasis on the moral obligation to obey a superior authority (the creator, human reason, the public state, etc.).¹²

This historical perspective shows that the development of modern ethics took place by an explicit renunciation of a possible focus on the righteousness of the human being.¹³ As a

¹⁰ See for example the first book of the Nicomachean Ethics and for Aquinas the first questions of the *Prima secundae* (qq. 1-5).

¹¹ “Omnis voluntas potest se conformare praecepto divino. Sed deus potest praecipere quod voluntas creata odiat eum, igitur voluntas creata potest hoc facere. . . . Odire deum potest esse actus rectus in via, puta si praecipiat a deo.” (Guillelmus de Ockham, *Opera philosophica et theologica. Opera theologica*, vol. 7 (Binghamton, NY: The Franciscan Institute of St. Bonaventure University, 1984), 352). See thereto also Peter A. Kwasniewski, “William of Ockham and the Metaphysical Roots of Natural Law,” *The Aquinas Review* 11 (2004): 1-81. It belongs to the special merits of S. Pinckaers to have portrayed this development (Servais Pinckaers, *The Sources of Christian Ethics* (Washington, D.C.: The Catholic University of America Press, 1995), esp. 240-253). This kind of thinking shapes the mind of the modern men till today. Pieper notes rightly that “der heutige Durchschnittschrist kaum noch auf den Gedanken kommt, in der Moral- oder Sittenlehre sei etwas über das wahre Sein des Menschen, über das Menschenbild, zu erfahren. Sondern: wir verbinden mit dem Begriff 'Sittenlehre' die Vorstellung einer Lehre vom Tun und vor allem vom Lassen, vom Dürfen und vor allem vom Nicht-Dürfen, vom Gebotenen und vor allem vom Verbotenen. Das also ist die erste moral-theologische Lehre des allgemeinen Lehrers: in der Sittenlehre geht es um die richtige Meinung vom Menschen.” (Josef Pieper, “Über das christliche Menschenbild,” in *Werke in acht Bänden. Religionsphilosophische Schriften*, vol. 7, ed. Berthold Wald (Hamburg: Felix Meiner Verlag, 2000), 95). The position of Aquinas is diametric contrary, as we can appreciate by the following quotation: “Patet quod non ex hoc tantum aliquid dicitur esse iustum quia est a deo volitum; sed quia est debitum alicui rei creatae secundum ordinem creaturae ad creaturam. Nihil enim alicui rei potest esse debitum nisi ratione suae naturae vel conditionis.” (*In sent.* IV 46.1.2A; similar in *Super II Cor III* 3; *ST II-II* 57.2 ad 3).

¹² The resignation of another theoretical grounding was not arbitrary but rather a necessary precondition for finishing the European religious wars (cf. Berthold Wald, “Abendländische Tugendlehre und moderne Moralphilosophie,” in *Josef Pieper. Schriften zur Philosophischen Anthropologie und Ethik: Das Menschenbild der Tugendlehre. Band 4*, 2 ed., ed. Berthold Wald (Hamburg: Felix Meiner Verlag, 2006), 431, footnote 9). However, M. Luther refused the Aristotelian understanding of the virtuous man not by political reasons, but for theological ones. He described the Nicomachean Ethics (because of its teaching on virtue) as very corruptive and even as enemy of grace: “Tota fere Aristotelis Ethica pessima est gratiae inimica. . . . Breviter, totus Aristoteles ad theologiam est tenebrae ad lucem.” (Martin Luther, *Disputatio contra scholasticam theologiam. These* 41 and 50, WA 1, 226).

¹³ As a consequence, human rights are justified nowadays not by reference to the human natural potentiality for certain perfections but as negative limit of actions, for safeguarding the “*Leben jedes Menschen in seiner personalen Unantastbarkeit und positiv unbeschreibbaren biographischen Einzigartigkeit*” (see Walter

consequence, ethics concentrated more on the substantiation of moral obligation (as ensuring obedience) than on virtues (as enabling a good life). Admittedly, there were some attempts to reintroduce the concept of “virtue” into the moral discussion. However, virtue wasn’t understood as perfection of the agent as human being, but rather as right conduct, as acting according to a given obligation. In short, those theories were based again on a legalistic moral understanding.¹⁴

Anscombe’s influential article “Modern Moral Philosophy” and MacIntyre’s *After Virtue* started an increasing engagement with the ancient ethical model. Those works were – so to speak – the initial spark for a detailed re-acquisition of the classical theory of virtue which continues up to the present.¹⁵

Schweidler, “Die Menschenrechte als metaphysischer Verzicht,” in *Das Unantastbare. Beiträge zur Philosophie der Menschenrechte*, ed. Walter Schweidler (Münster: Lit Verlag, 2001), 73-100, here 96).

Anscombe suggested that the decay of the ancient ethics is due to the spreading of Christendom which substituted the inclination for perfection by the obedience towards an divine lawgiver (cf. Anscombe, “Modern Moral Philosophy,” 30: “Between Aristotle and us came Christianity, with its *law* conception of ethics. . . . In consequence of the dominance of Christianity for many centuries, the concepts of being bound, permitted, or excused became deeply embedded in our language and thought.”) However, scholars as Pinckaers have shown convincingly that a legalistic morality was yet a decadent form of the proper Christian ethics. Nevertheless, down to the present days the opinion of Anscombe is repeated in literature; see for example Richard Taylor, *Virtue Ethics: An Introduction* (New York: Prometheus, 2002) or Ernst Tugendhat, *Vorlesungen über Ethik* (Frankfurt (Main): Suhrkamp, 1993), 65-67.

¹⁴ For example S. Pufendorf’s work *De officio hominis et civis* (1673) portrays ethics exclusively as an catalog of civil duties – a book published till the end of 18th century in more than 100 editions and translated in all European languages (Samuel von Pufendorf, *Über die Pflicht des Menschen und des Bürgers nach dem Gesetz der Natur* (Frankfurt (Main): Insel Verlag, 1994)). B. Wald describes the unsuccessful trial of M. Scheler, N. Hartmann and others in the first half of the 20th century to reintroduce the concept of virtue into the ethical discussion (Wald, “Abendländische Tugendlehre ...” 420-422). But as Pinckaers notes: “It is not enough to assign a place to virtue in a moral system based on concepts of obligation, duty, or utility. The nature of virtue calls for a specific systematization in which the other elements, particularly obligations, commandments, and means, play a subordinate role.” (Servais Pinckaers, “The Role of Virtue in Moral Theology,” in *The Pinckaers Reader. Renewing Thomistic Moral Theology*, ed. John Berkman and Craig St. Titus (Washington, D.C.: The Catholic University of America Press, 2005), 290).

¹⁵ Today, *Virtue Ethics* is sometimes called already the “third” ethical model besides deontology and utilitarianism (cf. Friedo Ricken, “Aristoteles und die moderne Tugendethik,” *Theologie und Philosophie* 74 (1999), 391). The literature to the modern *Virtue Ethics* is enormous: A good first approach offers Greg Pence, “Virtue Theory,” in *A Companion to Ethics*, ed. Peter Singer (Cambridge, MA: Basil Blackwell, 1991), 249-258. Besides Anscombe’s *Modern Moral Philosophy* and MacIntyre’s *After Virtue* one should mention also Philippa Foot, *Virtues and Vices and Other Essays in Moral Philosophy* (Berkeley, CA: University of California Press, 1978). A quite pointed comparison of modern ought-ethics and the approach of *Virtue Ethics* is found in Michael Stocker, “The Schizophrenia of Modern Ethical Theories,” in *Virtue Ethics*, ed. Roger Crisp and Michael A. Slote (Oxford: Oxford University Press, 2001), 66-78. Furthermore we have to refer to Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame, IN: University of Notre Dame Press, 1988) and Alasdair MacIntyre, “Das Wesen der Tugenden,” in *Tugendethik*, ed. Klaus P. Rippe and Peter Schaber (Stuttgart: Philipp Reclam jun., 1998), 93-113. The author develops in these works his concern of *After Virtue* in more detail (the first of both books contains an explicit appreciation of the importance of St. Thomas for the history of Western moral thought.).

For a general outline of all major themes of the *Virtue Ethics* we can defer to Rosalind Hursthouse, *On Virtue Ethics* (Oxford: Oxford University Press, 1999) (it is written as *textbook of Virtue Ethics* and avoids therefore special issues). Interesting is also Christine Swanton, *Virtue Ethics: A Pluralistic View* (Oxford: Oxford University Press, 2003). Swanton asserts that virtue is not to be understood exclusively in relation to the perfection of the agent (*agent flourishing*), but is always correlative to the demands of environment of the agent

According to S. van Hooft the purpose of the virtue ethics is “to describe what human flourishing consists in and how the virtues help us achieve it.”¹⁶ Such an approach avoids the reduction of the moral ought to mere obedience of norms or laws. Likewise, the goodness of an action does not depend only on the judgment of the expected positive consequence, whereby it remained unclear why one should obey the moral law or why the happiness of the majority should become our private concern. For the virtue ethics, however, the moral ought grounds itself in the natural or acquired inclinations of the agent himself. “Virtue ethics conceives of the virtuous agent as *wanting* to do what morality requires.”¹⁷ For R. J. Devettere the natural inclinations of man are the proper foundation of ethics.¹⁸ Virtue ethics tries to articulate this good which man strives for by nature. “Virtue ethics thus arises from the natural inclinations embedded in human nature. It is rooted in our natural desires for what is pleasurable and good. . . . Virtue ethics is about desire and not duty, about what we want to do and not what we ought to do.”¹⁹ And P. Geach annotates in this famous book *The Virtues*: “A moral code ‘freely adopted’ that ignores the built-in teleologies of human nature can only lead to disaster.”²⁰

In this introduction, it is neither possible nor necessary to portray (or also to criticize) the approach of virtue ethics in more detail. On that score we can defer to a large corpus of secondary literature.²¹

(*demands of the world*; *ibid.*, 68-76). She claims consequently a *pluralistic virtue ethic*. (“I prefer to understand the rationale of virtue not primarily through the idea of the perfection of our nature, but through the idea of the multifaceted, pluralistically understood demands of the world, ‘naturalized’ via the constraint of Virtue.” *Ibid.*, 94-95). That such a context-dependent *Virtue Ethics* does not lead necessarily to subjective arbitrariness is shown by Ludwig Siep, “Virtues, Values, and Moral Objectivity,” in *Virtue, Norms, and Objectivity. Issues in Ancient and Modern Ethics*, ed. Christopher Gill (Oxford: Clarendon Press, 2005), 83-98. Th. Hurka criticizes different aspects of *Virtue Ethics*, but shows in which way even a consequentialistic approach could profit from some of its elements (see Thomas Hurka, *Virtue, Vice, and Value* (Oxford - New York: Oxford University Press, 2001)).

¹⁶ Stan van Hooft, *Understanding Virtue Ethics* (Chesham, NH: Acumen, 2006), 10.

¹⁷ *Ibid.*, 17. The goodness of man – so Hooft further on – consists “in doing well what is in us as human beings to do. A good individual is one who is good as a human being.” (*Ibid.*, 15).

¹⁸ See the chapter *The Origin of Ethics* in Raymond J. Devettere, *Introduction to Virtue Ethics: Insights of the Ancient Greeks* (Washington, DC: Georgetown University Press, 2002), 13-39.

¹⁹ *Ibid.*, 20. And subsequently he explains: “The origin of virtue ethics lies in the instincts, desires, and impulses of human nature. . . . What gets ethics going is our natural instincts, desires, and impulses for something good that we need and do not have.” (*Ibid.*, 37).

²⁰ Peter Geach, *The Virtues* (Cambridge: Cambridge University Press, 1977), vii. Elsewhere he explains more detailed: “Of course a man is free . . . to lay down his own standards, regardless of his inbuilt teleologies. The trouble is that it will not work out.” (*Ibid.*, 19).

²¹ One of the usual points of criticism against a *Virtue Ethics* is the observation that every moral theory requires in a certain way the concept of a moral obligation. Does not also the *Virtue Ethics* imply an *ought* since man should act according virtues? See the critique in Robert B. Louden, “Einige Laster der Tugendethik,” in *Tugendethik*, ed. Klaus P. Rippe and Peter Schaber (Stuttgart: Philipp Reclam jun., 1998), 185-212, esp. 187-191. Schockenhoff argues that the approach of deontology as well as of *Virtue Ethics* can become one-sided if *ought* and *virtue* taken as ultimate terms (whereas for Schockenhoff the idea of the *good* is the proper foundation of ethics which grounds *ought* as well as *virtue*). See. Eberhard Schockenhoff, *Grundlegung der Ethik: Ein*

0.1.2 A Reborn Interest in St. Thomas's Virtue Theory: Aristotelian Virtues Crowned by Faith, Hope and Charity?

On the basis of the foregoing outline, it is not surprising that the reappraisal of virtue ethics has led to an increasing interest in ancient ethical theories, first of all in Aristotle who was the first to develop a systematic moral theory.²²

In a similar way (but as we will see with important modifications) the topic of virtues takes an important place in Aquinas's account of ethics. In the *Prima secundae* of the *Summa theologiae*, which discusses the general principles of moral theology, the treatise on virtues appears long before the discussion of law. Virtues are portrayed as internal principles of human actions, whereas laws determine practical matters only from the outside.²³ In the *Secunda secundae* (which examines moral issues in particular) the situation is even clearer. In the prologue to the *Secunda secundae*, Aquinas notes that moral study has to include the various virtues as well as their corresponding precepts and opposite vices, but as standard for structuring the whole discussion he prefers the particular virtues since all the other issues relate to virtues either as support (i.e. precepts) or as contrary (i.e. vices). Thus, "the whole matter of morals can be traced back to the consideration of virtues."²⁴

theologischer Entwurf (Freiburg: Herder, 2007), 48-54. Also M. Rhonheimer describes both systems as complementary approaches. (Martin Rhonheimer, *Die Perspektive der Moral. Philosophische Grundlagen der Tugendethik* (Berlin: Akademie Verlag, 2001), 18-30). Similarly Josef Schuster, *Moralisches Können: Studien zur Tugendethik*, 2 ed. (Würzburg: Echter Verlag, 1997) and Dietmar Mieth, *Die neuen Tugenden: Ein ethischer Entwurf* (Düsseldorf: Patmos Verlag, 1984). Hursthouse mentions several times that even a *Virtue Ethics* is necessarily an some ways normative. (Rosalind Hursthouse, "Normative Virtue Ethics," in *How Should One Live? Essays on the Virtues*, ed. Roger Crisp (Oxford: Clarendon Press, 1996), 19-36; Hursthouse, *On Virtue Ethics*, 43-62). On the other side, M. Honecker notes that the correct concern of the *Virtue Ethics* to take into account the human affects and desires, runs sometimes into danger to underestimate the role of reason (Honecker, "Schwierigkeiten mit dem Begriff Tugend," 180-183). An interesting collection of various critical essays about *Virtue Ethics* presents Daniel Statman, *Virtue Ethics: A Critical Reader* (Edinburgh: Edinburgh University Press, 1997).

²² See for example J.O. Urmson, *Aristotle's Ethics* (Oxford: Basil Blackwell, 1988); Julia Annas, *The Morality of Happiness* (New York: Oxford University Press, 1993); J.L. Ackrill, "Aristotle on 'Eudaimonia'," in *Aristotle's Ethics. Critical Essays*, ed. Nancy Sherman (Lanham, MD: Rowman & Littlefield Publishers, 1999), 57-78; David Bostock, *Aristotle's Ethics* (Oxford: Oxford University Press, 2000). For a historical overview of the beginnings of a scientific ethics *before* Aristotle, see Olof Gigon, "Einleitung," in *Die Nikomachische Ethik* (München: Deutscher Taschenbuch Verlag, 1972), 8-23.

²³ See *ST I-II 49 prologus*: "Post actus et passiones [*ST I-II 6-48*], considerandum est de principiis humanorum actuum. Et primo, de principiis intrinsecis; secundo, de principiis extrinsecis [i.e. de legibus; q. 90]. Principium autem intrinsecum est potentia et habitus; sed quia de potentiis in prima parte dictum est, nunc restat de habitibus considerandum. Et primo quidem, in generali; secundo vero, de virtutibus et vitiis, et aliis huiusmodi habitibus, qui sunt humanorum actuum principia."

²⁴ *ST II-II prologus*: "Tota materia morali ad considerationem virtutum reducta." As M.D. Jordan has shown Aquinas was original in using the different virtues for structuring the various issues of moral theology (Marc D. Jordan, "Ideals of 'Scientia moralis' and the Invention of the 'Summa theologiae'," in *Aquinas's Moral Theory*:

St. Thomas is of special interest for theologians since his enumeration of virtues doesn't contain only the "pagan" perfections treated by Aristotle, but also specific Christian elements. He continues in the prologue to the *Secunda secundae*: "All virtues can be traced back to seven which are the three theological [virtues] which are treated first, and the others are the four cardinal [virtues] which are treated afterwards."²⁵

Based on this statement and the resulting structure of the *Secunda secundae*, many scholars have interpreted and continue to interpret Aquinas's virtue theory as a mixture of two substantially different types of virtue. On the one side, there are the ordinary virtues of the common human life, exemplified by the four cardinal virtues of prudence, justice, fortitude, and temperance. There, according to a common opinion, Aquinas does nothing more than repeat Aristotle. On the other side, there are specific Christian virtues that are directly given by grace, namely faith, hope and charity. The former constitute the natural basis of ethics, valid and attainable for everybody, while the latter *add* a specific Christian character to the moral life of the faithful by subjoining some supplementary perfections which are, admittedly, essential for the Christian life but nevertheless leave untouched their more common natural basis.

Some Examples of this Interpretation

The proponents of such a view are legion. In their popular handbook on Christian ethics, W. Beach and H. R. Niebuhr hold the position that beside the addition of the theological virtues Aquinas did little more than reproduce Aristotle:

In man to man relationships, the life of a good man will be characterized by the practice of the four classical virtues: temperance, courage (or fortitude), justice, and above all wisdom or prudence, that refined ability to judge correctly what is right to know and do. This much can be developed by natural and reasonable man, quite apart from revelation and faith. In all this Thomas does little more than reproduce Aristotle. God endows man, through Christian

Essays in Honor of Norman Kretzmann, ed. Scott MacDonald and Eleonore Stump (Ithaca, NY: Cornell University Press, 1999), 91-95).

Already in the first half of the 20th century some moral theology textbooks have observed this peculiar structure of the *Summa Theologiae* and began to reorganize the special moral theology on the basis of the virtues rather than the Decalogue (as had been done since centuries). So for example Dominicus M. Prümmer, *Manuale theologiae moralis: Secundum principia S. Thomae Aquinatis*, vol. 1-3 (Freiburg: Herder, 1961) and Jean-Benoît Vittrant, *Théologie morale: Bref exposé à l'usage des membres du clergé et spécialement des confesseurs* (Paris: Beauchesne, 1953). However, in those cases the virtues served yet only to classify the list of obligations and prohibitions in a new way, whereas the focus was still obligation, not virtue itself. Nevertheless, those authors drew already attention to the limitation of a moral theory based exclusively on commandments.

²⁵ *ST II-II prologus*: "Omnes virtutes sunt ulterius reducendae ad septem, quarum tres sunt theologicae, de quibus primo est agendum; aliae vero quatuor sunt cardinales, de quibus posterius agetur."

revelation and the Church with its sacraments, with the added gift of the three theological virtues, faith, hope and love, which direct man to God Himself, and which therefore crown the four natural virtues. These seven cardinal virtues are the internal habits of the good life.²⁶

In the same way, A. Fagothey argues in his widespread book *Right and Reason*: “St. Thomas follows Aristotle, omitting some points, developing others more thoroughly, and adding the theological virtues.”²⁷ In her article “Virtues and Vices,” Philippa Foot describes Aquinas as a faithful disciple of Aristotle who just added some theological issues: “By and large Aquinas followed Aristotle – sometimes even heroically – where Aristotle gave an opinion, and where St. Thomas is on his own, as in developing the doctrine of the theological virtues of faith, hope and charity, . . . he still uses an Aristotelian framework.”²⁸

From a different viewpoint, J. F. Keenan suggested a similar account. In his book *Goodness and Rightness in Thomas Aquinas’s ‘Summa theologiae,’* he describes the cardinal virtues as providing *right* actions and making the agent *right*, whereas it is due to theological virtues to make the agent *good*. The former are an independent set of habits of the latter, and vice versa. Prudence, justice, fortitude and temperance are the key-virtues for human perfection, realizable even apart from specifically Christian qualities. And conversely, the infused virtues of faith, hope and charity can be possessed besides the cardinal virtues.

Can we imagine a person with the four cardinal virtues but without charity? Again, I think we can. If someone has the virtues but lacks charity, then he or she is a rightly ordered person without goodness. Similarly, we can consider the person who has charity but lacks the four virtues. This person wants to be temperate, brave, just, and prudent but has not yet attained, and may never attain, such integration. Many people may have the virtue of charity, who are not temperate, brave, just, or prudent.²⁹

²⁶ Waldo Beach and Helmut R. Niebuhr, *Christian Ethics: Sources of the Living Tradition*, 2 ed. (New York: The Ronald Press Company, 1973), 205-206.

²⁷ Austin Fagothey, *Right and Reason: Ethics in Theory and Practice*, 6 ed. (Saint Louis, MO: The C.V. Mosby Company, 1976), 180.

²⁸ Philippa Foot, “Virtues and Vices,” in *Virtue Ethics*, ed. Roger Crisp and Michael A. Slote (Oxford: Oxford University Press, 2001), 164.

²⁹ James F. Keenan, *Goodness and Rightness in Thomas Aquinas’s ‘Summa Theologiae’* (Washington, DC: Georgetown University Press, 1992), 11; developed in more detail in 92-105. The author proposed this position also in several other publications, e.g. James F. Keenan, “Die erworbene Tugend als richtige (nicht gute) Lebensführung: Ein genauerer Ausdruck ethischer Beschreibung,” in *Ethische Theorie praktisch: Der fundamental-moraltheologische Ansatz in sozialetischer Entfaltung*, ed. Franz Furger (Münster: Aschendorffsche Verlagsbuchhandlung, 1991), 19-35, esp. 29-33; James F. Keenan, “Proposing Cardinal Virtues,” *Theological Studies* 56 (1995): 709-729, esp. 716-717; James F. Keenan, “How Catholic Are the Virtues?,” *America* 176/20 (1997): 16-22.

The list of supporters of such an interpretation of Aquinas could be continued almost endlessly.³⁰

0.1.3 The Neglect of Infused Moral Virtues and Their Recent Rediscovery

The above described interpretation of St. Thomas's moral theory entails, however, two serious problems: a conflict between so-called "pagan" and "monkish" virtues, and a general disregard for the infused cardinal virtues.

(a) The Conflict between "Pagan" and "Monkish" Virtues

It remains unarguable that Aquinas integrated many Aristotelian elements into his moral theory. Nonetheless, it is impossible to read it as a simple reproduction of Aristotle crowned by some theological add-ons. Aquinas's theory contains not only the theological virtues as

³⁰ We want to advert to some further scholars who claimed a similar view: For example, E. Stump explains in her recent book about Aquinas: "The four cardinal virtues can be understood as habits of this sort [i.e. as acquired habits]. Reason's habit of good governance generally is prudence; reason's restraint which wards off self-serving concupiscence is temperance; reason's persevering rather than giving in to self-serving irascible passions such as fear is courage; reason's governance of one's relations with others is justice. Aquinas's normative ethics is based on virtues; it is concerned with dispositions and then with actions stemming from those dispositions. In addition to the moral virtues in all their various manifestations, . . . the supreme theological virtues of faith, hope and charity cannot be acquired but must be directly infused by God." (Eleonore Stump, *Aquinas* (London: Routledge, 2003), 25).

For another instance we can refer to Brian Davies, *The Thought of Thomas Aquinas* (Oxford: Oxford University Press, 1993). The author describes in a separate chapter first the function of moral virtue according to an Aristotelian pattern ("How to be happy," 227-249) which is followed by two chapters about grace and the specific Christian virtues faith hope and charity ("How to be holy" and "The heart of grace," 250-296).

Similar Copleston who explains Aquinas's moral theory as composed of an Aristotelian humanistic foundation which is crowned by the theological virtues: "While building, therefore, on a largely Aristotelian foundation, which represents what we may call the 'humanistic' element in his ideal for man, Aquinas proceeds to discuss the theological virtues which, are not acquired in the same way as the natural virtues." (Frederick C. Copleston, *Aquinas* (Harmondsworth: Penguin Books, 1961), 209).

Interesting is the account of V.J. Bourke (Vernon J. Bourke, "Is Thomas Aquinas a Natural Law Ethicist?," *The Monist* 58 (1974): 52-63). The scholar is well aware that for Aquinas good and evil are not only measured by the standard of the natural law (as natural reason) but also by the divinely revealed law. However, he reduces the purpose of that divine law to confirm natural reason as determining principle of moral judgments (ibid., 61-66).

Likewise D. Mieth mentions the difference between the "ordinary" cardinal virtues and the theological virtues as specific Christian ingredient. He suggests a "Christian integration of the cardinal virtues by the so-called theological virtues", (Mieth, *Die neuen Tugenden*, 43) which implies at the end that the theological virtues are read as specific Christian moral virtues (see the chapter *The virtues of faith: the art of hoping and loving*, ibid., 170-189).

Other authors who read the thomistic moral theory as composed of the four cardinal virtues and Christian charity (including faith and hope) are Geach, *The Virtues* and Paul J. Wadell, *Friends of God: Virtues and Gifts in Aquinas* (New York: Peter Lang, 1991), 103-109; Paul J. Wadell, *The Primacy of Love: An Introduction to the Ethics of Thomas Aquinas* (New York: Paulist Press, 1992), 126-136.

completely new perfections in addition to the “classical” moral virtues, but also the content of these ordinary human virtues is fundamentally transformed. Whilst the ancient thinkers have praised personal greatness and pride as man’s *ultimum posse*, St. Thomas, faithful to the Christian tradition, recommends the opposite as human virtuousness: obedience, humility and self-denial.³¹ Thus it shall be hard to describe the combination of these two heritages simply by terms of addition. Their amalgamation raises many more questions than is usually mentioned – if reconciliation is possible at all.

J. Casey brings the mutual contrariety to the point by saying:

We do value greatness of achievement as well as pure intentions; we respect proper pride in others, and need to have it in ourselves; we do understand the virtues as somehow fulfilled in a public sphere; we admire and love people more for the active virtues of courage and practical wisdom than for what Hume called the ‘monkish virtues’ of humility and self-denial. Yet at the same time it would be absurd to deny that we are all inescapably influenced by another tradition, one which teaches that he who would save his life must lose it; that the poor in spirit shall inherit the earth; that unless we become as little children we shall not enter the kingdom of heaven . . . On the face of it, these different traditions cannot be reconciled. It is true that Aquinas made an heroic attempt to reconcile the ethics of Aristotle with the teachings of Christ, and that many men of the Renaissance were quite unembarrassed by the conflict – just as they were happy to mingle Christian and pagan mythology in their art and literature.³²

The quotation makes very clear that a reading of St. Thomas as a simple repetition of Aristotle plus some new habits completely misunderstands his moral theory. Rather one might seriously doubt whether it is possible at all to find a common basis for the ancient ideal and the Christian “monkish virtues.”³³

(b) The Disregard of the Explicit References to Infused Cardinal Virtues

Beyond that, the outlined conception ignores an integral part of Aquinas’s moral theory, namely his doctrine of the *infused moral virtues*. According to St. Thomas, the act of divine justification bestows on the faithful faith, hope and charity. But not enough, in addition to that he claims the infusion of a specific set of supernatural cardinal virtues. In fact, he knows on the one hand *acquired* cardinal virtues as described by Aristotle (Aquinas even refers to these

³¹ E.g. *ST* II-II 104 and 161.

³² John Casey, *Pagan Virtue: An Essay in Ethics* (Oxford: Clarendon Press, 1990), 211.

³³ Also A. MacIntyre portrayed very well the tension between Aristotle and the Christian tradition (represented by St. Augustine’s theology) and argued for a successful reconciliation of both heritages (MacIntyre, *Whose Justice? Which Rationality?*, 164-182). However, he fails to address the tension between both conceptions of virtue.

virtues sometimes as “as those about which the philosophers have spoken”³⁴), on the other hand, he mentions a parallel set the *infused* cardinal virtues which are bestowed by God (given at once). Hence, a Thomistic moral account which refers only to cardinal virtues according to their Greek understanding ignores a substantial part of the source text.

Aquinas speaks about these infused cardinal virtues on many occasions. Thus, it is hard to believe that his interpreters could oversee the doctrine by accident. Rather it seems that they consciously omit mentioning of these virtues as an act of “mercy” regarding the *doctor communis*, considering the infused cardinal virtues as a superfluous attachment. G.J. Hughes called it a “rather bizarre duplication of all the natural moral virtues by parallel supernatural virtues.”³⁵ Such a position suggests that St. Thomas treated infused cardinal virtues either because of reverence of a previous tradition or for “esthetic” reasons, as a second batch of Christian perfections, construed in a strict parallelism to their pagan counterparts, as a product of the scholastic preference for putting systematic structures which are, however, in this case just a needless complication.³⁶

The opinion that infused cardinal virtues are redundant is not new. It was already held in the middle Ages by Duns Scotus.³⁷ But the denial by the Franciscan was rooted in a general rejection of the entire Thomistic anthropological framework,³⁸ whereas many contemporary accounts consider the doctrine of infused moral virtues as dispensable even within Aquinas’s own schema.

³⁴ *De virt. card.* 4: “de quibus locuti sunt philosophi.” Similar in ad 3 or also *ST I-II* 61.5 ad 4.

³⁵ Gerard J. Hughes, “Does Aquinas Have a Moral Philosophy?,” *Heythrop Journal* 38 (1998): 318.

³⁶ That’s the suspicion of Paul de Vooght, “Y a-t-il des vertus morales infuses?,” *Ephemerides Theologicae Lovanienses* 10 (1933): 240-241: “La mentalité métaphysique scolastique est la cause de celle-ci.” More refined is the critique of O. Lottin who repeated many times his critical position: Odon Lottin, “A propos des vertus morales infuses,” in *Principes de morale. Compléments de doctrine et d'histoire*, vol. 2, ed. Ders. (Louvain: Éditions de L'Abbaye du Mont César, 1947), 220-225; Odon Lottin, *Psychologie et morale aux XII^e et XIII^e siècles. Problèmes de morale*, vol. 4 (Louvain: Abbaye du Mont César, 1954), 804-807; Odon Lottin, *Morale fondamentale*, vol. 1 (Tournai: Desclée & Cie, 1954), 408-414; Odon Lottin, “Vertus morales acquises et vertus morales infuses chez Thomas d'Aquin,” in *Études de morale histoire et doctrine*, ed. Odon Lottin (Gembloux: J. Duculot, 1961), 140-149; Odon Lottin, *Principes de morale: Exposé systématique*, vol. 1 (Louvain: Éditions de L'Abbaye du Mont César, 1947), 272-275. Worth to note that Lottin does not negate the reality of supernatural moral virtues but holds the position that it is possible for a justified person to acquire supernatural moral virtues by means of commands of the theological virtues. More thereto in ch. 2.1.

An interesting attempt of a unifying “reinterpretation” of Lottin and Aquinas undertakes Amatus de Sutter, “De virtutum moralium infusarum existentia controversia recentior,” *Ephemerides Carmeliticae* 14 (1963): 413-431.

³⁷ For an overview of the doctrine on infused moral virtues at the beginning of the 14th century, see Lottin, *Psychologie et morale*, vol. 4, 737-807.

³⁸ In chapter 1 we will see that for Aquinas infused virtues (the theological as well as the infused moral ones) are necessary since the gift of grace elevates and divinizes man’s whole nature. Scotus, however, seems to identify grace simply with charity as a habit of the will, without raising man’s nature to a new and higher level. (“Scotus believes that sanctifying grace and the theological virtue of charity are one and the same.” (Richard Cross, *Duns Scotus* (Oxford: Oxford University Press, 1999), 107-111, here 108).

In recent times however a certain rediscovery of the doctrine of infused moral virtues has taken place. It is impossible to mention in an introduction all the scholarly articles which have touched upon the issue in some way. We will therefore restrict ourselves to a few authors who have contributed important support for a new appraisal of the Thomistic doctrine of infused moral virtues.

(1) Servais Pinckaers: The Scriptural Foundation of the Doctrine of Infused Virtues

First of all, we have to mention the inspiring studies of S. Pinckaers. The famous Dominican of Fribourg affirmed repeatedly the importance of infused cardinal virtues for the moral life in Aquinas's thought. And this as a result of its grounding upon the sources of divine revelation. "Some such theory [of infused moral virtues] seems necessary if we are to explain what the Scriptures teach concerning the way to life as followers of Christ."³⁹ Already a cursory overview of the relevant texts in the New Testament which touch the issue of moral virtues suggests a divine infusion. For example, according to the letter to the Ephesians, God has bestowed upon us grace that grants us "all wisdom and prudence [*φρόνησις*]" (Eph 1.8). 2 Timothy 1.7 tells us that "God did not give us a spirit of cowardice but rather of power, love and temperance [*σωφροσύνη*]." Further, the New Testament takes "power" (*δύναμις*) as one of the equivalents for the Greek virtue of fortitude.⁴⁰ Regarding justice (*δικαιοσύνη*) the hagiographers affirm that Christ is our justice (1 Cor 1.30) and in Christ we become justice of God (2 Cor 5.21). Thus, the New Testament portrays prudence, justice, fortitude and temperance as given to us by God. Pinckaers has shown in several books how the Thomistic account of morality (and especially the doctrine of infused virtues) is nothing else than a consequent advancement of the most fundamental sources of Christian faith.⁴¹

³⁹ Servais Pinckaers, *Morality: The Catholic View* (South Bend, IN: St. Augustine's Press, 2001), 72. Admittedly, Scripture does not know an *explicit* doctrine of infused virtues. But as O.H. Pesch has mentioned, from the basis of divine revelation they can be considered as valid "postulate" or "explanatory model." (Otto H. Pesch, "Die bleibende Bedeutung der thomanischen Tugendlehre," *Freiburger Zeitschrift für Philosophie und Theologie* 21 (1974): 375).

⁴⁰ Also Eph 6.10 notes that strength (*kratos*) for resisting the devil comes from God.

⁴¹ Servais Pinckaers, *Das geistliche Leben des Christen. Theologie und Spiritualität nach Paulus und Thomas von Aquin* (Paderborn: Bonifatius, 1995); Pinckaers, *The Sources of Christian Ethics*, esp. 104-167; Servais Pinckaers, "The Sources of the Ethics of St. Thomas Aquinas," in *The Pinckaers Reader. Renewing Thomistic Moral Theology*, ed. John Berkman and Craig St. Titus (Washington, DC: The Catholic University of America Press, 2005), 3-25; Servais Pinckaers, "Scripture and the Renewal in Moral Theology," in *The Pinckaers Reader: Renewing Thomistic Moral Theology*, ed. John Berkman and Craig St. Titus (Washington, DC: The Catholic University of America Press, 2005), 46-63; for a general presentation of (thomistic) morality on the basis of Scriptural texts, see Servais Pinckaers, *La justice évangélique* (Paris: Téqui, 1986); Servais Pinckaers, *The Pursuit of Happiness - God's Way: Living the Beatitudes* (New York: Alba House, 1998).

Recently, W.C. Mattison proposed an interesting application of Pinckers's claim. He relates the three theological and the four cardinal virtues to the seven petitions of the Prayer the Lord. Further, he notes that there is no

(2) Jean Porter: The Subversion of the Aristotelian Account by Infused Virtues

In 1992, J. Porter published the stimulating article “The Subversion of Virtue,” which investigates how Aquinas uses the Aristotelian account of virtues for his theological purposes. Porter succeeded to show that Aquinas had built the Christian moral synthesis upon the “pagan” understanding of virtue but simultaneously had transformed this original account by introducing the idea of infused habits.

The infused virtues function in a way that is significantly different from the way in which the acquired virtues function, so much so that they can be described as virtues only in a carefully qualified sense. And yet, without some reference to the acquired virtues as traditionally understood, Aquinas’s account of the infused virtues would lose its meaning and point. His theological treatment of the virtues builds upon the tradition of the ‘pagan virtues’ even as it subverts that tradition.⁴²

Though such a short article leaves many questions unanswered (for example the mutual cooperation of “pagan” and infused virtues), it designates an important step for recovering the doctrine of infused virtues by giving evidence for the concordance as well as difference between Aristotle and Aquinas.⁴³

(3) Renée Mirkes and Gabriel Baumann: The Cooperation of Acquired and Infused Virtue

Almost at the same time R. Mirkes prepared her dissertation about the relation of acquired and infused virtues. At the moment one receives the grace of divine justification, a supernatural set of cardinal virtues is also infused to the faithful. However, what does this imply for previously acquired “pagan” virtues? Are the infused virtues incomplete if the agent

rupture within the listing of the seven petitions. But the theological virtues are infused. Thus, he concludes that “the very format of the Lord’s Prayer is both an ‘argument’ for the existence of the infused cardinal (or moral) virtues, and indeed the primacy of the infused (rather than acquired) cardinal virtues.” (William C. Mattison, “The Lord’s Prayer and an Ethics of Virtue,” *The Thomist* 73 (2009): 310).

⁴² Jean Porter, “The Subversion of Virtue. Acquired and Infused Virtues in the ‘Summa theologiae’,” *The Annual of the Society of Christian Ethics* 12 (1992): 19-41, here 20.

⁴³ The issue of infused virtues is treated also in Jean Porter, “‘De ordine caritatis’: Charity, Friendship, and Justice in Thomas Aquinas’ *Summa Theologiae*,” *The Thomist* 53 (1998): 197-214 and shortly at the end of Jean Porter, “The Virtue of Justice (IIa IIae, qq. 58-122),” in *The Ethics of Aquinas*, ed. Stephen J. Pope (Washington, DC: Georgetown University Press, 2002), 282-284.

lacks such natural perfections? Mirkes argues in her extensive study that infused virtues are *perfect* moral virtues only in connection with acquired virtues.⁴⁴

Most recently G. Baumann published a thesis on the ontological rooting of infused virtues into the graced agent. The research treats at great length a possible clarification of the cooperation of both sets of virtue.⁴⁵

It is not possible to appreciate both studies in this introduction (we will refer to them several times later on, esp. in chapter 3), but they are certainly to be considered as important steps for a recovery of the doctrine of the infused moral virtues.

(4) Angela McKay: Infused Moral Virtues as Primary Concern of Aquinas's Moral Theory

Last but not least we have to mention the seminal dissertation *The Infused and Acquired Virtues in Aquinas' Moral Philosophy* of A. McKay,⁴⁶ who has contributed to the current discussion in two ways:

The first part of her thesis shows how the set of infused virtues “differs drastically”⁴⁷ from its acquired counterpart (regarding their right mean, their origin, their development, etc.). Further, she illustrates that even infused virtues alone are perfect virtues which confer by themselves to the agent a specific kind of facility (and not only by their combination with acquired virtues).

In the second (and even more challenging) part of her book she tries to demonstrate a highly controversial claim, which simply follows from consequent reasoning. If infused moral virtues are really the primary concern of Aquinas, then this position should have some effects on his portrayal of the particular virtues. More precisely stated, the detailed discussions of the four cardinal virtues in the *Secunda secundae* of the *Summa theologiae* should not describe

⁴⁴ Renée Mirkes, “Aquinas on the Unity of Perfect Moral Virtue and its Significance of the Nature-Grace Question,” (Ph.D. diss., Marquette University, 1995. The most principal points of her thesis are summarized in Renée Mirkes, “Aquinas's Doctrine of Moral Virtue and its Significance for Theories of Facility,” *The Thomist* 61 (1997): 189-218 and Renée Mirkes, “Aquinas on the Unity of Perfect Moral Virtue,” *American Catholic Philosophical Quarterly* 71 (1998): 589-605.

⁴⁵ Gabriel Baumann, “La surnaturalisation des actes humains par la grâce: L'enracinement ontologique des vertus morales infuses chez S. Thomas,” (S.T.D. diss., University of Fribourg, 2008, <http://ethesis.unifr.ch/theses/downloads.php?file=BaumannG.pdf> (accessed February 4, 2010)).

⁴⁶ Angela M. McKay, “The Infused and Acquired Virtues in Aquinas' Moral Philosophy,” (Ph.D. diss., University of Notre Dame, 2004, <http://etd.nd.edu/ETD-db/theses/available/etd-04152004-125337/unrestricted/McKayAM052004.pdf> (accessed February 4, 2010)). Nota bene: Recent articles of McKay are published under the name of “Angela McKay Knobel” (since 2010). Both names refer to the same author.

⁴⁷ *Ibid.*, 4.

pagan virtues, but infused cardinal virtues. McKay offers therefore in the second part of her dissertation a subtle investigation of the treatises on prudence and fortitude in the *ST II-II*⁴⁸ and demonstrates that reading these texts as concerning infused virtues is not only possible but is perhaps more suitable.

This leads us straightaway to the topic of our own thesis.

0.2 Our Thesis: Justice as an Infused Virtue in the *Summa Theologiae*

0.2.1 Reading the *Secunda secundae* as about Infused Moral Virtues

According to McKay's thesis infused moral virtue is the primary concern of the extensive section about the cardinal virtues in *ST II-II*. It is hard to find scholars who agree with McKay in this interpretation. Even among Thomists who acknowledge explicitly the importance of infused moral virtues and recognizes them as essential part of Aquinas's moral theory (few enough), the *Secunda secundae* is read as concerning acquired cardinal virtues.

One such writer is R. Mirkes, who of course is well aware of the two sets of moral virtues and who certainly does not undervalue the issue of infused virtues explains regarding *ST II-II*:

While insisting on the two species of moral virtue, acquired and infused, Aquinas devotes the greatest proportion of the *Secunda secundae* of the *Summa theologiae* to the analysis of the acquired moral virtues and neglects a correspondingly full exposition of their infused counterparts.⁴⁹

In the same way T.H. Irwin explains that the *Secunda secundae* is concerned about the three theological virtues and "the four cardinal virtues, as the basis of the acquired virtues."⁵⁰

Likewise G. Baumann, who writes at the end of his dissertation:

⁴⁸ The treatise on prudence (incl. all of its parts) comprises *ST II-II* 47-56, the treatise on fortitude qq. 123-140.

⁴⁹ Mirkes, "Aquinas's Doctrine," 190; the same position is repeated in Mirkes, "Aquinas on the Unity of Perfect Moral Virtue," 589.

⁵⁰ Terence H. Irwin, "Do Virtue Conflict? Aquinas' Answer," in *Virtue Ethics, Old and New*, ed. Stephen M. Gardiner (Ithaca, NY: Cornell University Press, 2005), 60.

When St. Thomas gives the definition of the cardinal virtues in this part of the *Summa theologiae* [sc. in the *Secunda secundae*] he never gives a definition whose object is supernatural. . . . ‘Natural reason’ is the measure of the acquired virtues which reserved to pagans from a supernatural optic. . . . Hence, the cardinal virtues there are treated as natural ones.⁵¹

M. Labourdette, who gave an excellent account of the general character of infused moral virtues in his commentary on the questions on virtue in the *Prima secundae*,⁵² can certainly be considered a specialist on the matter. Nonetheless, he argues the following about the *Secunda secundae*:

The first part of the *Secunda Secundae* . . . was dedicated to these supernatural powers of the divine participated life which are the theological virtues and the gifts of the Holy Spirit attached to them. Starting from question 47 we have entered another domain, namely that of the virtues of the human life as such, i.e. those perfections of the moral order which the human nature by itself demands to achieve, in whatever state it is.⁵³

Noteworthy is also the assertion of the Dutch Thomist L. Elders. Though a philosopher, Elders recognizes the important function of the infused moral virtues in Aquinas’s thought. Nevertheless, he argues that the *Secunda secundae* is to be read as concerning acquired virtues, which argument then serves as justification for his own philosophical investigation of the texts.

In the second volume of Part II of the *Summa theologiae* St. Thomas studies the infused supernatural virtues, as appears from the context of this treatise and its location after the discussion of the three theological virtues, faith, hope and love.. [sic] He does not explain the difference between the virtues we acquired in a natural way and the infused virtues, but his analyses and arguments concerning the nature and division of the virtues are at the level of natural reason. This means that Aquinas sees an analogy and coherence between the natural and the infused moral virtues. The nature and operation of the infused virtues must apparently be studied in the light of the acquired virtues. The acquired virtues, in fact, are taken up into the supernatural virtues. Their practice helps Christians on their way to their supernatural end. . . . This justifies presenting the insights of St. Thomas about the cardinal virtues in a study of philosophical ethics.⁵⁴

⁵¹ Baumann, “La surnaturalisation,” 265. The conclusion does not contradict the fact that for Aquinas the infused moral virtues are of higher importance since according to Baumann every act of infused virtue implies a simultaneous exercise of the corresponding natural virtue. Thus, the *Secunda secundae* describes just this subordinate habit (see the more detailed outline on that in ch. 3).

⁵² See M.-Michel Labourdette, *Cours de théologie morale: Les principes des actes humains (Ia-IIae, Qu. 49-70)* (Toulouse, 1963).

⁵³ M.-Michel Labourdette, *Cours de théologie morale: La justice (IIa-IIae, 57-79)*, vol. 1 (Toulouse, 1960), 1.

⁵⁴ Léon J. Elders, *The Ethics of St. Thomas Aquinas: Happiness, Natural Law and the Virtues* (Frankfurt (Main): Europäischer Verlag der Wissenschaften, 2005), 229.

Consequently, Elders never mentions the issue of infused virtue in the subsequent portrayal of justice in the *Secunda secundae*.⁵⁵

Moreover, scholars such as M.D. Jordan, S.J. Pope and C. Steel, who explicitly researched the structure of the *Secunda secundae*, describe the four sections on prudence, justice, fortitude and temperance unanimously as about acquired virtues.⁵⁶

The Challenge of McKay's Thesis

Against this background the challenging originality of McKay's thesis is apparent.⁵⁷ As already mentioned, the second part of her work contains a detailed reading of the treatise on prudence and fortitude to give evidence for her claim. For her purposes she focuses especially

⁵⁵ Ibid., 239-270.

⁵⁶ See Jordan, "Ideals of 'Scientia moralis' and the Invention of the 'Summa theologiae'," 91-95; Stephen J. Pope, "Overview of Ethics of Thomas Aquinas," in *The Ethics of Aquinas*, ed. Stephen J. Pope (Washington, D.C.: Georgetown University Press, 2002), 30-53; Carlos Steel, "Thomas' Lehre von den Kardinaltugenden (S.th. II-II, qq. 47-170)," in *Thomas von Aquin: Die 'Summa theologiae'. Werkinterpretationen*, ed. Andreas Speer (Berlin: Walter de Gruyter, 2005), 322-342.

Other authors remain unclear about this point. For example, R.J. Regan explains regarding the structure of the *Secunda secundae*: "After treating of the theological virtues, Aquinas considers the cardinal virtues: prudence, justice, fortitude, and temperance. These are natural virtues, to which charity adds supernatural prudence and supernatural moral virtues." (Richard J. Regan, "Introduction," in *The Cardinal Virtues. Prudence, Justice, Fortitude, and Temperance*, (contains the text of Thomas Aquinas) (Indianapolis, IN: Hackett Publishing Company, 2005), xvii). Although the assertion itself is unclear, his subsequent argument shows that he reads the discussion of the cardinal virtues in the *ST* II-II as about acquired virtues.

⁵⁷ There are few scholars who indicate gingerly that St. Thomas's first concern in the *Summa Theologiae* is (or *has to be*) infused moral virtues – however without drawing explicit conclusions for the reading of the *Secunda secundae*. For example R. Garrigou-Lagrange: "While reading the part of St. Thomas' *Summa* dealing with these Christian moral virtues, especially prudence, justice, fortitude, and temperance, many think these are only the natural virtues described by Aristotle and that they are clothed with a simple adventitious supernatural modality, springing from the influence of charity, which should direct all our acts to God. Some theologians have not gone beyond this conception. The thought of St. Thomas is far loftier. According to his teaching, the Christian moral virtues are infused and, because of their formal object, essentially distinct from the highest acquired moral virtues described by the greatest philosophers." (Reginald Garrigou-Lagrange, *Christian Perfection and Contemplation According to St. Thomas Aquinas and St. John of the Cross* (St. Louis, MO: B. Herder Book, 1937), 61). Similar E. Gilson who notes: "As to what moral virtues St. Thomas is actually speaking about in the *Summa*, the answer in principle is simple. He is speaking of the infused supernatural moral virtues and not the acquired natural moral virtues. However, we must not forget that philosophy is never absent from this synthesis of the revealed and the revealable. It is present in the moral parts as well as elsewhere. Perhaps it is especially present in the moral parts because here it represents that nature which is presupposed by grace in order to perfect it and bring it to its end." (Etienne Gilson, *The Christian Philosophy of St. Thomas Aquinas* (Notre Dame, IN: University of Notre Dame Press, 1994), 333-350, here 338-339). More recently Bonnie Kent, "The Moral Life," in *The Cambridge Companion to Medieval Philosophy*, ed. Arthur S. McGrade (Cambridge: Cambridge University Press, 2003), 248: "A close reading of the *Summa theologiae* reveals that these naturally acquired virtues play a far more modest role than one might expect." And elsewhere: "A few of the moral virtues described in the *Secunda Secundae* are supernatural." (Bonnie Kent, "Moral Provincialism," *Religious Studies* 30 (1994): 282). These short notices, however, fail to give any explicit reason or indication which would substantiate the assertion for the *Secunda secundae*.

on articles which define the particular moral virtue in connection with grace and charity, or which assert a necessary relation to a corresponding gift of the Holy Spirit or to the divine law.

It is impossible to summarize her complete argumentation in few lines. But it will be very helpful for the understanding of our own thesis to outline briefly at least some of its central points.

ST II-II 47-56: Prudence as Infused Virtue

McKay proves her contention about infused prudence in three steps:

First, she points to the fact that the general question on prudence (q. 47) describes grace as prerequisite for “prudence simply speaking” (*prudentia simpliciter*). Without grace somebody might have prudence in regard to particular issues, but not in regard to his final end, i.e. prudence in its proper form. Consequently, *prudentia simpliciter* is more than just “pagan” *phronesis*.⁵⁸

Secondly, q. 52 suggests a cooperation of prudence as cardinal virtue with counsel as a gift of the Holy Spirit. The former has to be perfected by the latter. Thus, we have to conclude that Aquinas here describes prudence as virtue in the order of grace.⁵⁹

And thirdly, the discussion of contrary vices describes repeatedly imprudent acts not only as contrary to prudence, but also as destructive to grace, i.e. as sins – another strong indication for McKay’s thesis that the prudence discussed perfects man in regard to his supernatural final end.⁶⁰

ST II-II 124-140: Fortitude as Infused Virtue

McKay develops her argument for infused fortitude in the following steps:

First, Aquinas’s discussion ends with a special question about the precepts of fortitude. Accordingly, he quotes some commands of divine law saying that they “are given with regard to what is convenient for the ordination of the mind towards God.”⁶¹ Consequently, the purpose of the described fortitude is not an earthly good but the attainment of God.⁶²

⁵⁸ *ST II-II* 47.13 and 14; see McKay, “Infused and Acquired Virtues,” 102-110.

⁵⁹ *Ibid.*, 110-114.

⁶⁰ *ST II-II* 53, esp. article 1 and 2; *Ibid.*, 114-117.

⁶¹ *ST II-II* 140.1: “Praecepta legis divinae, tam de fortitudine quam de aliis virtutibus, dantur secundum quod convenit ordinationi mentis in deum.” Even more explicit in ad 1.

⁶² McKay, “Infused and Acquired Virtues,” 133-137.

Furthermore, in another question he combines (similar to the case of prudence) fortitude as virtue with a particular gift of the Holy Spirit, both as perfecting the agent regarding his attainment of eternal life. Thus, fortitude is treated as belonging to the order of grace.⁶³

Secondly, Aquinas discusses magnanimity, patience, perseverance and magnificence as principal parts of fortitude.⁶⁴ In regard to each particular virtue, McKay points to some significant indications for an infused habit. According to q. 129, magnanimity does not consist in the realization of one's own greatness but in the actual primacy of the divine good participated by man. Obviously Aquinas does not simply repeat an Aristotelian account of magnanimity.⁶⁵ Subsequently, he notes an internal connection between magnanimity and humility. But the latter is clearly described elsewhere as an infused virtue.⁶⁶ In addition, Aquinas claims in the discussion of patience that there is no patience as virtue apart from charity. Only by charity one gives preference to grace over any kind of distress – which is the proper notion of patience. Hence, patience is understood as infused virtue.⁶⁷ Further, in q. 137 Aquinas asserts that perseverance “needs the gift of habitual grace as also the other infused virtues.”⁶⁸ And last but not least, in a *sed contra* of q. 134 he describes the magnificence possessed by man as “a certain participation in divine virtue.”⁶⁹

Thirdly, the first question of the whole treatise on fortitude in general is followed by a discussion about martyrdom as principal part of fortitude, defined in its perfect notion as suffering death for Christ. Clearly even this ordering suggests the concern about supernatural fortitude.⁷⁰

Admittedly, such a sketchy abstract of McKay's thesis may be too fragmented. But it should indicate at least the general method by which she proceeds to prove her controversial thesis – i.e. the general concern of the discussion of the cardinal virtues in the *Secunda secundae* is not acquired but infused virtue. However, she only covers the treatise on prudence and fortitude (with a few references to the discussion on temperance). She had to leave untouched

⁶³ ST II-II 139; Ibid., 137-140.

⁶⁴ Cf. ST II-II 129 *prologus*.

⁶⁵ ST II-II 129.3 ad 4: “Magnanimitas igitur facit quod homo se magnis dignificet secundum considerationem donorum quae possidet ex deo.”

⁶⁶ ST II-II 161.1 ad 5; see thereto McKay, “Infused and Acquired Virtues,” 142-166.

⁶⁷ ST II-II 136.3: “Quod autem aliquis praeferat bonum gratiae omnibus naturalibus bonis ex quorum amissione potest dolor causari, pertinet ad caritatem, quae diligit deum super omnia. Unde manifestum est quod patientia, secundum quod est virtus, a caritate causatur.” The reply to the second objection even distinguishes explicitly between this kind of virtue from political virtue. See Ibid., 166-179.

⁶⁸ ST II-II 137.4: “Hoc modo indiget dono habitualis gratiae, sicut et ceterae virtutes infusae.” Commented by Ibid., 179-182.

⁶⁹ ST II-II 134.1 *sed contra*: “Virtus humana est participatio quaedam virtutis divinae. Sed magnificentia pertinet ad virtutem divinam . . . Ergo magnificentia est virtus.” See Ibid., 182.

⁷⁰ ST II-II 124; Ibid., 182-86.

– for reasons of her dissertation’s length – the extensive part about justice in *ST II-II*. But if her thesis is principally right with regard to prudence and fortitude, then it also has to be possible to read the treatise on justice as about an infused cardinal virtue.

ST II-II 57-122 as about Infused Justice?

The case of the treatise on justice raises several important questions: The long treatise keeps – seemingly – complete silence about infused justice. Though the discussion is by far the longest part in the *Summa theologiae* dedicated to one special virtue (qq. 57-122), it is hard to find any references to the general topic of infused virtues, and Aquinas never mentions the term “*iustitia infusa*.” Thus, even McKay admits at the end of her dissertation that a reading of the treatise on justice as about infused virtue raises many and serious difficulties:

The treatises on temperance and justice pose more problems than the treatises on prudence and fortitude did. First, the treatises on prudence and fortitude both contain articles which clearly concern infused, and only infused, virtue – namely articles which ask whether a certain virtue can be possessed without grace. These articles provided us with a ‘way in,’ as it were, to the treatise as a whole. Because the treatises on temperance and justice do not contain such articles, they are that much more difficult to navigate. A second, even more complicated problem lies in the fact that the treatises on temperance and justice both contain discussions of virtues (fasting and religion) which one might intuitively think of as infused virtues, but which Aquinas clearly locates as natural, rather than supernatural, virtues. Although neither of these difficulties are insurmountable, they do render the treatises more problematic. While I do believe a reading similar to those given of prudence and fortitude can be given of temperance and justice, I also believe that a careful and detailed analysis of those treatises must precede any such reading.⁷¹

Therefore, after this long introduction, we reach finally our own thesis. Where the dissertation of McKay ends our work begins. We want to accomplish this “careful and detailed analysis” about the treatise on justice in the *Secunda secundae* which is necessary to demonstrate that not only can it be read as about infused justice, but that doing so makes even more sense than reading it as about an acquired cardinal virtue.

⁷¹ Ibid., 188.

A rare exception between scholars is Aumann who argues: “As an infused virtue justice is a supernatural habit that inclines the will constantly and perpetually to render each one that which is due strictly.” And in a footnote he refers to *ST II-II 58*, the introductory question about justice (see Jordan Aumann, *Spiritual Theology* (London: Sheed & Ward, 1980), 281). However, he fails to give any evidence for this claim.

0.2.2 ST II-II as about Infused Justice: The Structure of Our Argument

Our argument is constructed in three sections, organized in seven chapters.

In the **first section** (chapter 1-3), we clarify general issues of acquired and infused virtues.

Based on these results, the **second section** (chapter 4-6) reconstructs justice as an infused virtue. Since St. Thomas does not treat infused justice *ex professo*, it is necessary to deduce its exact meaning by reference to his general descriptions of infused virtues.

The **third section** (chapter 7) offers a reading through the treatise on justice in the *Secunda secundae* and tries to verify our proposed reconstruction of infused justice by referring to the text in the *Summa* itself.

In particular, our thesis proceeds in the following steps:

Chapter 1 outlines “The General Framework of Infused Moral Virtues: Their Perfection and Limitation.” In the first part, we portray Aquinas’s theory of acquired and infused virtues as two sets of moral virtues which are structured in a strict and parallel way (section 1.1). He describes infused virtues as *perfect virtues*, but everyday experience reveals many of the faithful as quite imperfect (though they should have – according to St. Thomas – infused virtues), so we have to determine carefully the function and limit of infused virtues (section 1.2). Moreover, Aquinas asserts an internal connection and cooperation of these virtues with the gifts of the Holy Spirit, so we shall have to discuss this relationship as well (section 1.3).

Chapter 2 adds further specifications of the “Differences between Acquired and Infused Virtues.” We develop our argument by reference to the four Aristotelian causes.

First, the efficient cause of infused virtues is – by definition – God himself. But why should it be impossible to acquire moral virtues which can cooperate with (infused) charity by one’s own repeated acts? Why does St. Thomas hold the position that acquired virtues cannot be guided by the theological virtues (section 2.1)?

Secondly, the formal determination of acquired virtues stems from human reason; the formal ratio of infused virtues is the divine law.⁷² But how are the two interrelated? In which way

⁷² Cf. ST I-II 63.4.

does the divine law inform infused virtues, and how is reason involved in their actions (section 2.2)?

Thirdly, the human city on earth is the final cause of acquired virtues; the community of saints, i.e. the Church, is the end of infused virtues.⁷³ More difficult than the second assertion is the first one: what is meant by acquired virtues as perfections regarding human things? Do they imply man's complete perfection on a natural level? Regarding all practical matters? As perfect natural virtues? Or does St. Thomas use the concept only for the ability to lead a peaceful and harmonious life in a human city, i.e. as political virtue? On that score, a heated controversy arose recently between McKay and Osborne. We shall suggest a solution which takes account of both positions and deepens the understanding of infused virtues as "political virtues" of the heavenly community (section 2.3).

Fourth, the material cause. As Aquinas notes somewhere, actions and passions are the matter for virtues. The issue is clear. However, we want to use this occasion for the investigation whether one virtue can be taken as "matter" of another virtue, for example temperance as matter of prudence. Beyond that, some scholars take the matter-form-analogy for exemplifying the relation of acquired and infused virtues. In section 2.4 we shall explore the possibility (and the limit) of this analogy.

Chapter 3 is concerned about "Different Theories about the Cooperation of Acquired and Infused Virtues Developed by the Commentators." Having outlined the specific difference between acquired and infused virtues, we have still to determine the possible interaction of the two kinds of virtue. How do acquired virtues affect the infused ones? Do infused virtues imply likewise acquired virtues? There are many concrete and tricky questions, many of which Aquinas had not addressed. As a result, the commentators were free to create numerous hypotheses. We want to give an overview about these theories and propose our own solution. The results of this third chapter are highly important for our further argument, since in the following chapters we apply these general principles to the special case of justice.⁷⁴

⁷³ See again *ST* I-II 63.4.

⁷⁴ Thus, if somebody disagrees with our results of chapter 3, he will probably regard also the line of argument of chapter 4 to 7 as less convincing.

Chapter 4, the first chapter of the second section (about the reconstruction of justice as infused virtue), describes “The General Structure of Justice According to St. Thomas.” Before we reconstruct justice as an infused virtue, we have to clarify the meaning of justice as such.

First, we discuss the special character of the object of justice, i.e. the *ius* (section 4.1), then the different kinds of *iusta*, namely natural and positive rights (section 4.2), and finally the foundation which grounds the obligation to render everyone his right (section 4.3). Based on these results, we shall be ready to grasp Aquinas’s definition of the virtue justice as an interior inclination of the will to give each his due (section 4.4). Moreover, Aquinas uses the concept of justice in several analogous ways, e.g., as a particular virtue, as a general virtue, as a mode of all virtues, as metaphorical justice, etc. In section 4.5 we present a short summary of these different meanings justice can carry in the *Summa*.

Chapter 5 investigates the relationship between “Charity and Justice.” The issue is important. Both virtues reside in the will, and both intend the good of the other. Nonetheless, both remain specifically different. Justice grants to the other what is due to him, i.e. what belongs to him in the proper sense, or what is *his*. Justice strives for compensation. Charity (or more common: friendship) bestows upon the other free gifts; it gives gratuitously from one’s own, from what is *mine* (section 5.1). Further, Aquinas does not only distinguish between charity and justice, but he knows even different kinds of friendship. As a result, there must exist various kinds of justice. Although he does not assert explicitly such a parallel structure, we can reconstruct such an understanding from various remarks he makes (section 5.2). Based on these findings, it becomes possible to delimit more exactly the particular character of infused justice in contrast to the other infused moral virtues (section 5.3) and the special cooperation of infused justice and charity (section 5.4).

At the end of this chapter however a new and serious difficulty presents itself. Reconstructing infused justice as rendering to another person what is due to him because of the divine law allows for a twofold interpretation. On one side, it seems to be a general virtue which might commands all virtuous acts (a kind of divine justice). On the other side, if we limit the task of infused justice to the ordinary matter of justice (i.e. external actions regarding fellow-citizens), it seems to be almost equal to its natural counterpart which strives for the wellbeing of the human society on earth (section 5.5).

Thus, a further chapter becomes necessary to clarify the exact meaning of infused justice according to the general features of infused moral virtues.

Chapter 6 undertakes “The Reconstruction of Justice as Infused Virtue,” not by referring to an explicit text of Aquinas (there are none), but by applying the general principles of acquired and infused virtues to the particular case of justice. The foundation for our argument in this section is laid down in the first part of our thesis, especially in the third chapter. (Needless to say that the cogency of your reconstruction depends largely on the validity of our results in chapter 3.)

We proceed in three steps: First, we give an account of infused metaphorical justice. On several occasions Aquinas describes the graced status of the justified faithful by the term “justice” – not as moral virtue but as a state of rectitude. That status, obviously has to be infused (section 6.1).

Further, we reconstruct infused justice as observing the whole divine law, rendering to God what is due to him. The result is an infused divine legal justice which corresponds to the first option of our dilemma at the end of the previous chapter (section 6.2).

More complicated is the account of infused justice as cardinal virtue in the proper sense (second option), as virtue by which we pay back what is due to the other insofar he is our fellow-citizen, but by reference to the divine law (section 6.3). The Old Law knew many determinations regarding these matters, i.e. the judicial precepts. In the New Law, however, Christ abandoned all these precepts and gave freedom to believers. Only the natural law, i.e. the moral precepts, remained obligatory, as well as the positive laws of the civil authority (if they are just) and – this is important – the ecclesiastical canons insofar they concern the civil life. These results allow the reconstruction of various kinds of justice: infused commutative justice, infused distributive justice, infused legal justice. It likewise makes clear that the external object of infused justice and of its acquired counterpart differs only in certain areas, whereas both coincide in many respects.

This will be of special importance for the next (and final) section.

Chapter 7, which comprises the third section of this dissertation, is titled “Justice as Infused Virtue in the Treatise on Justice in *ST* II-II.” After having shown what infused justice has to be like according to the general principles of infused moral virtues, we verify in a final step our reconstruction by reference to the treatise on justice in the *Secunda secundae*.

We examine first the order of the various questions in the treatise. Against a superficial similarity, the structure of the discussion of justice in the *Secunda secundae* differs in important respects from Aristotle's account: the whole treatise follows consequently the structure of the divine law as formulated by the Ten Commandments (section 7.1). In the next subchapters, we concentrate on the section about justice in its proper sense (qq. 58-79, section 7.2-5). After an initial reading of these questions, one may surmise that there is not the faintest mention of an infused virtue, whereas the second large part of the treatise contains some more apparent indications. Thus, if we succeed to demonstrate our thesis in this first part, it will be well positioned for the questions that arise in the second. In section 7.2 we investigate various indications for infused virtue as references to the divine law, to ecclesiastical determinations, to charity as the foundation of justice, to merit, to mortal sin as contrary, etc. Section 7.3 raises (and answers) some objections. Section 7.4 and 7.5 discuss the different kinds of justice (e.g., commutative and distributive justice, legal justice, etc.) as infused virtues, always by reference to the text itself. In section 7.6 we list briefly some arguments for infused virtues in the second part of the treatise, which discusses the potential parts of justice (qq. 80-119), as for example religion and piety. To conclude, we investigate q. 121 about piety as gift of the Holy Spirit. We will see that this question at the end of the whole discussion fits perfectly to a reading of the whole treatise as about infused justice (section 7.8).

We argue in the forgoing manner that it is possible to give evidence that the treatise on justice in *ST II-II* speaks indeed of an infused virtue.

0.3 Some Preliminary Remarks

First, regarding the method of our argument, the concern of our thesis is Aquinas's doctrine as such rather than the progression of his teaching. Therefore, we will largely ignore questions of development across texts, and focus instead on showing that it is possible to prove our claim by reference to Aquinas's corpus as a whole.

Moreover, some technical notes need to be made.

If a citation in this work contains an emphasis (italic, bold, or underlined formation), the highlighting is taken over from the original. Emphasis added to a quotation is always

mentioned explicitly. The only exceptions to this rule are quotations from the texts of St. Thomas. Due to the fact that there is no high-lighting in the original text, any emphasis in such quotations is ours, even if it is not marked as such. Further, we decided to use for all Latin citation a consistent style – what means for example the general renunciation of the usage of the letter “j” and its substitution by the classical “i” – even if the cited source makes a distinction. (The various volumes of the Busa-edition of Aquinas differ in this regard.)

Quotations of St. Thomas and of others authors in foreign languages are translated into English. All translations are mine. For cited texts of Aquinas, we give the original Latin text in footnotes. In the other cases, we quote only the most important terms in the original language. If we cite a text in foreign language only in an explicatory footnote, we dispense with an English translation.

If we refer in a footnote by a cross-reference to another footnote, the number relates to the footnote-numbering of the same chapter. Otherwise we give a special notation.

The abbreviations of Aquinas’s works are registered in a special table (see page viii), which is followed by a list of other abbreviations used in this dissertation.

FIRST PART: Acquired and Infused Virtues in Aquinas

1. The General Framework of Infused Moral Virtues: Their Perfection and Limitation

The purpose of this introductory chapter is quite humble. It wants to clarify the most general features of the Thomistic account of infused moral virtues and ward off some seemingly obvious objections against that doctrine which might make it appear as unreasonable “scholastic sophistry.” In this first chapter our argument proceeds in three steps:

First, infused virtues are called “infused” since they are immediately bestowed by God upon each human agent who receives sanctifying grace. This divine infusion is, however, not limited to the Christian “chief-virtues” faith, hope and charity which thereafter command (or cooperate with) the ordinary acquired moral virtues (as some scholars have read Aquinas; see the Introduction, section 0.2). Grace implies a parallel counterpart to each natural moral virtue. Thus, the structure of this “second set” of moral virtues imitates exactly its acquired complement. We shall outline this strict parallel construction in subchapter 1.1.

Second, having clarified the general features of infused moral virtue, we turn to the most common objections against this doctrine, namely those drawn from everyday experience: Does every graced agent really become simultaneously equipped with true moral virtues? Does our experience not show that after the sudden conversion of an obstinate sinner it takes years until he attains a certain ease and facility in performing good actions? Thus, how is it possible to argue for an immediate infusion of moral virtues together with sanctifying grace?

Moreover, many Christians who take their faith seriously and live in the state of grace (insofar as faith is ratable from external signs) remain nevertheless quite imperfect in many important practical matters. Obviously they possess grace without some moral virtues.

We shall see that even for St. Thomas infused moral virtues do not make the faithful a kind of “superman.” The graced agent might remain quite unskillful in many respects. However, this does not undermine Aquinas’s theory about infused virtues. It becomes necessary to determine the exact scope of those perfections – including their limitations.

Third, these limitations of infused moral virtues, however, seem to cut across the claimed parallel structure between both kinds of virtue. Ordinary acquired moral virtues imply a certain greatness and autonomy of the agent (not for nothing are self-confidence, pride, etc.,

counted as signs of excellence in Aristotelian terms), however the Christian virtues consist somehow in the opposite: in the admission of one's own imperfection, in submission, obedience, humility, self-denial, etc. Hence, how is it possible to maintain the analogue architecture of acquired and infused virtues? Section 1.3 shows that Aquinas can argue for such a structure by combining the idea of infused virtues with the doctrine of the gifts of the Holy Spirit, by which gifts the graced agent participates in the divine nature and becomes acquainted to following the divine instigations. Of course, there remains an important difference between acquired and infused virtues;¹ but nevertheless a basic parallel structure is preserved.

1.1 The Parallel Structure of Acquired and Infused Virtues

Aquinas distinguishes repeatedly a twofold frame of reference for human activity: the order of nature and the order of grace.² Although *in concreto* mankind lives only for one final end, namely the end of the *ordo supernaturalis*,³ the natural order is not suppressed, and both orders remain structured in a parallel fashion.⁴ For this reason Aquinas usually takes the

¹ Porter speaks rightly of a “subversion” of the Aristotelian understanding of virtue (Porter, “The Subversion of Virtue,” 19-41).

² This is the continuous teaching of Aquinas throughout his career: “Finis . . . communis et ultimus . . . est duplex.” (*In sent.* II 41.1). “Est autem duplex hominis ultimum bonum.” (*De veritate* 14.2). “Ultima autem perfectio rationalis seu intellectualis naturae est duplex.” (*ST* I-II 62.1). “Considerandum est autem, quod est duplex hominis bonum; unum quidem quod est proportionatum suae naturae; aliud autem quod suae naturae facultatem excedit.” (*De virt. in com.* 10). However, this might not be interpreted as two distinct ends of man – as for example Mondin who speaks of “due fini ultimi distinti” (Battista Mondin, “Il fine naturale della vita umana, quale fondamento ultimo della morale, nel commento alle sentenze di San Tommaso d'Aquino,” *Sapienza* 28 (1975): 385). As Stanley notes, “Thomas does not argue that man has two ends, the one natural and the other supernatural. Rather, he speaks of a single end which is twofold, which is realized at both a natural and supernatural level.” (Kevin M. Staley, “Happiness: The Natural End of Man?,” *The Thomist* 53 (1989): 215-234, here 227).

³ A short remark concerning the terminology of a *supernatural order*: To the best of our knowledge Aquinas does not use the term *ordo supernaturalis* but speaks usually of *ordo gratiae* (e.g. *ST* I 112.2). However, he uses more than 300 times the term *supernaturalis* (according the *Index thomisticus* at 314 places – including *supernaturaliter*). Often he asserts that virtues *ordinantur in finem supernaturalem* or *in beatitudinem supernaturalem*. One time he mentions things “quae a supernaturali dei ordinatione dependent.” (*ST* I 58.5). Another time he asserts that natural reason and will “deficient ab ordine beatitudinis supernaturalis.” (*ST* I-II 62.3). Hence, those texts show that the terminology of a *supernatural order* certainly corresponds to Aquinas general idea. Thereto also Carlos-Josaphat Pinto de Oliveira, “‘Ordo rationis, ordo amoris:’ La notion d’ordre au centre de l’univers étique de S.Thomas,” in ‘*Ordo sapientiae et amoris: Image et message de Saint Thomas d’Aquin à travers les récentes études historiques, herméneutiques et doctrinales*, ed. Carlos-Josaphat Pinto de Oliveira (Fribourg: Éditions Universitaires, 1993): 291, note 12.

⁴ For an outline of this parallelism, see: Lottin, *Morale fondamentale*, 370-414. Lottin disagreed with Aquinas in important issues – as we will see later, but he summarized faithfully that parallel treatment of both orders several times. For a more recent treatment: Romanus Cessario, *Moral Virtues and Theological Ethics* (London: University of Notre Dame Press, 1991), 94-125.

natural order as “starting-point” for his investigation of moral issues, and he transfers these findings to the order of grace based on this general principle:

Because of our deficiency, divine and necessary things which are most knowable by nature, are not apparent to us. Hence, we are not adapted their insight from an apt principle, and therefore we have to attain what is more knowable and prior by nature beginning with what is less knowable and posterior by nature.⁵

Following this principle St. Thomas distinguishes two different sets of virtues as man’s practical perfections in regard to both orders, namely acquired and infused virtues. An inquiry into the former will shed light on the understanding of the latter.

The Moral Order on a Natural Level

Aquinas’s teaching on virtues is based on the fact that the rational soul, though the immediate principle of man’s being, is not the immediate principle of his actions. Otherwise man would remain permanently in action. Therefore, he claims the existence of intermediate potencies between the human soul and man’s actions.⁶ Furthermore, for a *constant, easy and prompt* achievement of good actions, the potencies require habits which dispose the natural powers toward the right acting in respect to the human good, namely by acting in accordance with the order of reason. These habits are called virtue.⁷

Since virtues are additional determinants of the human powers (acquirable by the repeated acts of the same powers) they are potentially already contained in the human faculties. Aquinas substantiates his teaching as follows: The power of reason is equipped with a natural habit which provides the immediate understanding of its first principles, i.e. the *intellectus principiorum* which is the basis of all further intellectual knowledge. Analogously the appetitive powers bear a natural inclination towards universal goodness. These natural potencies are the basis of the acquisition of any virtue – Aquinas speaks of the “seeds of

⁵ *Super de trin.* 3.1: “Ex defectu vero nostro sunt non apparentia res divinae et necessariae, quae sunt secundum naturam maxime notae. Unde ad harum inspectionem non sumus statim a principio idonei, cum oporteat nos ex minus notis et posterioribus secundum naturam in magis nota et priora naturaliter pervenire.”

⁶ See *ST I* 77.1.

⁷ See for the definition of virtue by Aquinas in *ST I-II* 55.

virtues”⁸ – since man can only on the basis of those natural faculties perform good acts whose repetition will generate acquired virtues.⁹

This is the most general function of the moral life according to natural standards. In comparison, the organism of supernatural life corresponds to the structure of the natural order piece by piece but on a higher level.

The Order of Grace

As all human acts presuppose the rational soul as their underlying principle,¹⁰ likewise supernatural acts require habitual grace (*gratia gratum faciens*) as a kind of “supernatural nature,” although grace is, of course, not a substance but an accidental determination, a habitual entity in the essence of the soul which elevates its natural being. Further, the essence of the soul does not act except through mediation of different potencies (intellect, will, sensitive appetite, etc.) and their corresponding virtues, analogously habitual grace confers immediately a supernatural life but requires additionally further determinations which dispose the agent for supernatural actions.¹¹ Natural powers and acquired virtues are the proximate principles of the moral good operation. Likewise, some additional supernatural principles are required on the supernatural level.

But principles of which kind? Aquinas explains:

It is necessary, that some principles are divinely given to man, whereby he is directed to supernatural beatitude in the same way, as he is directed to his connatural end by the natural principles . . . And such principles are called *theological virtues*: first, because their object is God, insofar as they direct us rightly to God; secondly, because they are infused in us by God alone; thirdly, because these virtues are made known to us only by divine revelation, in holy scripture.¹²

⁸ *ST* I-II 51.1; *ST* I-II 63.1; *De virt. in com.* 8.

⁹ For the augmentation of acquired virtue by repeated actions, see *ST* I-II 51.2 and 3, and further the question 52. A good account of how the development of virtue grounds on such natural seeds offers Angela M. McKay, “Synderesis, Law, and Virtue,” in *The Normativity of the Natural: Human Goods, Human Virtues, and Human Flourishing*, ed. Mark J. Cherry (Austin, TX: Springer, 2009), 33-44.

¹⁰ *In de anima* I 1.7: “Ipsa anima est fons et principium omnis motus in rebus animatis.”

¹¹ See *De veritate* 17.5 ad 17: “Sicut essentia animae immediate est essendi principium, operationis vero principium est mediantibus potentiis, ita immediatus effectus gratiae est conferre esse spirituale, quod pertinet ad informationem subiecti, sive ad iustificationem impii, quae est effectus gratiae operantis. Sed effectus gratiae mediantibus virtutibus et donis est elicere actus meritorios, quod pertinet ad gratiam cooperantem.” For a detailed exposition see Jacques Maritain, *An Essay on Christian Philosophy* (New York: Philosophical Library, 1955), 61-108.

¹² *ST* I-II 62.1: “Oportet quod superaddantur homini divinitus aliqua principia, per quae ita ordinetur ad beatitudinem supernaturalem, sicut per principia naturalia ordinatur ad finem connaturalem . . . Et huiusmodi principia virtutes dicuntur theologicae, tum quia habent deum pro obiecto, inquantum per eas recte ordinamur in deum; tum quia a solo deo nobis infunduntur; tum quia sola divina revelatione, in sacra scriptura, huiusmodi

Thus, the purpose of the theological virtues is to direct man toward his supernatural final end (sc. divine beatitude). And since the beatific vision exceeds man's natural destiny infinitely, he must be directed by divine intervention towards his new ultimate end. This "reorientation" is due to faith, hope and charity.¹³

However, this is not enough. In addition to the three theological virtues, Aquinas demands parallel to each acquired virtue a special corresponding infused virtue: infused prudence to acquired prudence, infused justice to acquired justice, and infused fortitude to acquired fortitude etc.¹⁴ His argument is as follows: If grace directs man to a higher final end, then also actions about earthly affairs have to be measured regarding to this new standard, for things sufficient for the natural final end might be deficient for the supernatural end.¹⁵ The order of grace requires, therefore, not only the theological virtues in regard to the new final end, but also infused *moral* virtues in regard to earthly things but in reference to the final end.¹⁶

Aquinas clearly constructs his theological moral theory to parallel his account of natural ethics. In the order of nature, the natural habit of first intellectual principles and the natural inclination toward the good of reason are the sources and "seeds" of acquired moral virtues.

virtutes traduntur." Short in *ST* I-II 62.3: "Virtutes theologicae hoc modo ordinant hominem ad beatitudinem supernaturalem, sicut per naturalem inclinationem ordinatur homo in finem sibi connaturalem." Likewise *ST* II-II 2.3 ad 2.

Since the proper object of the theological virtues is God himself, Aquinas calls *only* those virtues "superhumanae vel divinae" virtues (*ST* I-II 61.1 ad 2), but not the infused moral virtues.

¹³ "Finis autem ad quem divina largitas hominem ordinavit vel praedestinavit, scilicet fruitio sui ipsius, est omnino supra facultatem naturae creatae elevatus . . . Ideo oportet quod superaddatur homini aliquid per quod habeat inclinationem in finem illum, sicut per naturalia habet inclinationem in finem sibi connaturalem: et ista superaddita dicuntur virtutes theologicae." (*In sent.* III 23.1.4C).

¹⁴ "Virtus infusa est simul cum virtute acquisita." (*In sent.* III 33.1.2C *sed contra* 2).

¹⁵ *In sent.* III 33.1.2D ad 2.

¹⁶ "Rectitudo actus est ex proportionem ad finem; ad diversos autem fines diversimode accipitur actus proportio: unde aliquis actus est rectus proportionatus bono civili, qui non est rectus proportionatus gloriae aeternae: unde oportet quod sint aliae virtutes infusae, quae faciant actus rectos ex proportionem ad finem." (*In sent.* III 33.1.2C ad 2; see also 2D).

A good survey of the practical implications of grace gives D. Westberg: "Regarding God as final end, new actions will be undertaken in the life of grace, specifically related to growing in love for God. Though varying in time and place, they will involve prayer, worship, and new ways of showing love to other people. The activities characteristic of ordinary human life will not change per se, because they have their own goodness and finality in the natural order, but they will change in relation to a firm held conviction of God as the true final end of living. The importance of eating, friendship, acquiring knowledge, and so on will be retained, but will be seen from a different perspective. There may be a change in the time or attention given, but primarily there will be a difference in the attitude and the quality of intention brought to bear. This relation of activities to God may in many cases result in an enrichment rather than a diminution of enjoyment. Eating and friendship, for example, when seen in relation to the love of God, take on a new purpose, a new awareness of God's presence and providence, and therefore a greater source of joy than when pursued as primary goods in themselves. It is in this way that Thomistic prudence, rather than being a narrower version of Aristotle's phronesis, is actually broadened." (Daniel Westberg, *Right Practical Reason. Aristotle, Action, and Prudence in Aquinas* (Oxford: Clarendon Press, 1994), 256).

Analogously, the theological virtues are the foundation and “seeds” for the supernatural order inclusive of the infused moral virtues.¹⁷

Theological and infused moral virtues differ from each other. The former give the general orientation towards God as supernatural final end, the latter perfect the human faculties regarding their own proper objects, i.e. created things in proportion to God as object of supernatural beatitude. The infused moral virtues are – to quote an expression of O. H. Pesch – the “*spreading of ‘infused’ grace into the powers of the soul.*”¹⁸

Aquinas summarizes the relationship of the various virtues of both orders in the following way:

Effects have to be proportionate to their causes and principles. Now all virtues, intellectual and moral, which are acquired by our actions, proceed from certain natural principles pre-existing in us . . . In place of these natural principles God bestows on us the theological virtues, whereby we are directed to a supernatural end, as stated above [ST I-II 63.1]. Therefore we need to receive from God other habits corresponding in due proportion to the theological virtues, which relate to the theological virtues as the moral and intellectual virtues relate to the natural principles of virtues.¹⁹

The relation is illustrated by the following schema:

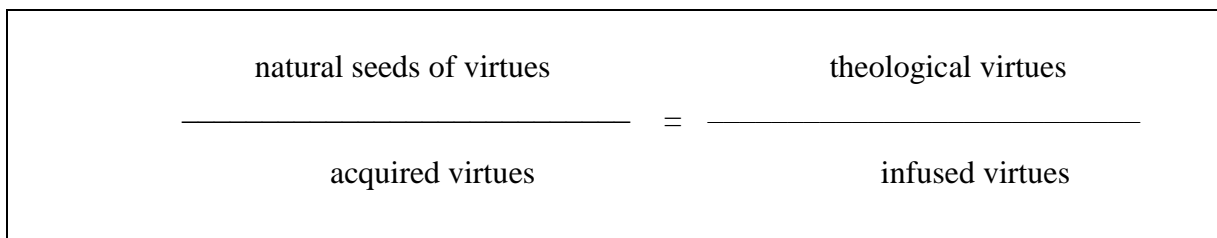


Figure 1

¹⁷ For example ST II-II 4.7.

¹⁸ Otto H. Pesch, “Die Theologie der Tugend und die theologischen Tugenden,” *Concilium* 23 (1987): 240 (emphasis in the original).

¹⁹ ST I-II 63.3: “Oportet effectus esse suis causis et principiis proportionatos. Omnes autem virtutes tam intellectuales quam morales, quae ex nostris actibus acquiruntur, procedunt ex quibusdam naturalibus principiis in nobis praeexistentibus . . . Loco quorum naturalium principiorum, conferuntur nobis a deo virtutes theologicae, quibus ordinamur ad finem supernaturalem, sicut supra dictum est. Unde oportet quod his etiam virtutibus theologicis proportionaliter respondeant alii habitus divinitus causati in nobis, qui sic se habeant ad virtutes theologicas sicut se habent virtutes morales et intellectuales ad principia naturalia virtutum.” See also ad 2, ad 3; likewise *De virt. in com.* 10. Pesch notes rightly that the function of infused moral virtues can be only understood on the basis of their dependence on the theological virtues (Otto H. Pesch, *Thomas von Aquin: Grenze und Größe mittelalterlicher Theologie; Eine Einführung*, 3 ed. (Mainz: Matthias-Gründewald-Verlag, 1995), 111).

Some Remarks Regarding the Used Terminology

(1) As we have seen, the concept of infused virtues can signify either the theological virtues or the corresponding supernatural moral virtues; both kinds have to be immediately infused by God since they belong to the order of grace. Here we use the name of *virtus infusa* exclusively as technical term for the supernatural moral virtues. Even Aquinas himself regularly compares in this sense acquired and infused virtues as corresponding counterparts.²⁰ Infused virtues are limited in that qualified meaning to virtues concerning created things (thus, moral virtues), but in respect of the final end of the order of grace. Hence, they do not include the theological virtues although even these are infused. As a collective term for infused moral virtues as well as the theological virtues we will use the term of the *supernatural virtues*.

(2) The use of the concept of natural virtues has to be clarified as well. For Aquinas the *virtutes naturales* do not denote moral virtues according to the order of nature, but simply the natural inclinations of the human powers which allow the generation of acquired moral virtues.²¹ This can be understood in a twofold way. On the one hand, from the part of man's rational soul, the natural virtue of the intellect consists in the immediate knowledge of first principles,²² and analogously for the will it consists in the natural inclination toward the reasonable good. We referred to these natural virtues in the foregoing paragraph as "seeds of virtue." On the other hand, there can be natural virtues rooted in man's bodily constitution, which depend on the fact of man's physicality. The one is more inclined to intellectual work, the other is more apt to perform courageous deeds, and the third has a temperate mind.²³ But none of these natural virtues is moral virtue in the proper sense.²⁴ They are rather natural dispositions for the acquisition of moral virtues.²⁵

Hence, originally the term of *virtutes naturales* is not used as counterpart of the *virtutes supernaturales*.²⁶ Nevertheless they correspond to something analogous in the supernatural

²⁰ See e.g. *In sent.* III 33.1.2D; *ST* I-II 63.4; *In virt. in com.* 10.

²¹ See *ST* I-II 51.1; 63.1; *De virt. in com.* 8.

²² For example in *ST* I-II 62.3 arg. 1 Aquinas designates the *intellectus principiorum* as *virtus naturalis*.

²³ This second point Aquinas overtook faithfully from Aristotle's teaching on natural virtues (cf. Stephen A. White, "Natural Virtue and Perfect Virtue in Aristotle," *Proceedings of the Boston Area Colloquium in Ancient Philosophy* 8 (1992): 135-169, esp. 152-160).

²⁴ Aquinas describes those dispositions also as "*virtutes imperfectae*" (*ST* I-II 65.1; *De virt. card.* 2).

²⁵ See for the question of natural virtue: Luke J. Lindon, "The Significance of the Term 'Virtus Naturalis' in the Moral Philosophy of St. Thomas Aquinas," *Proceedings of the American Catholic Philosophical Association* 31 (1957): 97-104. "Natural virtue is the natural inclination to the good of virtues as yet unpossessed. It is the human will's natural desire for virtue's good, or the lower powers considered as being subject to and able to move under the guidance of reason. . . . Briefly, man is not the agent or the producer or the cause of natural virtue: it is discovered in him as the seed of the acquired perfections which may accrue to him. These latter originate in the former, but are brought to fruition only through exercise." (*Ibid.*, 102).

²⁶ See the annotations in Richard J. Westley, "Commentary," *Proceedings of the American Catholic Philosophical Association* 31 (1957): 104-106.

order. For example, theological virtues provide the fundamental orientation of man toward his supernatural end and provide the foundation for infused moral virtues, and likewise the natural virtues (at least as they are rooted in the soul) supply the necessary foundation for moral virtues, namely the natural inclination toward the reasonable good.²⁷

To avoid any equivocation, however, we will conform in this paper to the linguistic usage of today and use the concept “natural virtue” synonymously to “acquired virtue,” i.e. as counterpart of supernatural virtues (including infused and theological virtues).

1.2 The Substantial Limitation of the Scope of Infused Virtues

In the act of justification God bestows at once, together with sanctifying grace, all moral virtues to the believer, to every believer, without exception. So goes the Thomistic doctrine. Therefore, it has to be true that in the state of grace no believer lacks any moral virtue. This conclusion, however, seems to be easily refuted. A lifelong alcoholic or an aged criminal who suddenly converts, who goes to confession and receives – according to the Catholic faith – sanctifying grace as well as – according to the doctrine at issue – simultaneously all moral virtues. But such a convert will nevertheless remain (at least normally) a quite “unvirtuous” believer, i.e. he remains – grace aside – still pitifully inclined toward his old lifestyle. Admittedly, he might succeed to abstain from evil deeds, but his former vicious inclinations will at least impede the realization of his new ideal. And not unless he has practiced the Christian way for many years and by great endeavors will he easily achieve good deeds. How does this experience not reduce the doctrine of infused virtue to absurdity?

Moreover, even from the opposite viewpoint the doctrine seems to be inconsistent. Everybody knows some faithful who lead serious religious lives, individuals who are ready to spend all their energy for the salvation of their neighbors. These believers obviously possess charity in a very high (and even heroic) degree, but many of them lack nonetheless some quite basic perfections in regard to their quotidian duties. For example, they may be unable to prepare realistic budgets their households, or the smallest things may make them anxious and timid, or they may fail to take sufficient care of their health, etc.

²⁷ See Hayden Ramsay, “Natural Virtue,” *Dialogue. Revue canadienne de philosophie* 37 (1998): 341-360.

Both cases seem to contradict the idea of infused moral virtues and to support the position that divine justification includes just the infusion of charity, by means of which a believer might subsequently acquire moral virtues – step by step – by living a stable Christian life. He might do so, of course, or he might lack these perfections for years despite acting out of a high degree of charity.

In the following subchapter we want to address these two “experimental” objections of which St. Thomas was well aware and still claimed the existence of infused moral virtues.²⁸

1.2.1 The Compatibility of Infused Virtues and Vicious Inclinations

As the first suggestive argument against the theory of infused moral virtue, we want to address their “obvious” absence in the recently converted sinner. In a more subtle way the same argument can be made from the observations of many Christians who obviously do not perform their good actions from virtue, since “virtue” implies – as Aquinas notes – the doing of these actions with ease, promptness and joy.²⁹ To them it actually appears that they could live a contrary lifestyle much more easily, promptly and with pleasure. Even though the converted (and *a fortiori* the “ordinary” believer) abstains from evil acts, how we can describe his conduct as virtuous? Or to put it another way, if Christians do what the divine law requires but apparently do so without any psychological inclination to do it, how can these actions be said to spring from virtues?

For these reasons some scholars – e.g. Schockenhoff, Günthör, Mirkes, and Harvey – have argued that infused virtue as such is not yet perfect virtue.³⁰ It is an “incomplete virtue”³¹ which does not correspond to “the concept of ‘virtue’ in its full notion.”³² Rather it implies a “transitional stage”³³ which requires for further perfection.³⁴

²⁸ For the following, see the helpful article of Michael S. Sherwin, “Infused Virtues and the Effects of Acquired Vice: A Test Case for the Thomistic Theory of Infused Cardinal Virtues,” *The Thomist* 73 (2009): 29-52.

²⁹ Cf. *De virt. in com.* 1.

³⁰ Eberhard Schockenhoff, *‘Bonum hominis:’ Die anthropologischen und theologischen Grundlagen der Tugendethik des Thomas von Aquin* (Mainz: Matthias-Gründewald-Verlag, 1987), 311-317. According to Mirkes moral virtue is perfect and complete only if consists in a conjunction of infused *and* acquired virtue; e.g. Mirkes, “Aquinas on the Unity of Perfect Moral Virtue,” 125-231. Likewise John F. Harvey, “The Nature of the Infused Moral Virtues,” *Proceedings of the Catholic Theological Society of America* 10 (1955): 215: “Neither the acquired nor the infused virtues are complete in themselves; each needs the other to attain perfection.”

³¹ Schockenhoff, *‘Bonum hominis’*, 315.

³² *Ibid.*

³³ *Ibid.*, 317.

Aquinas was well aware of the problems that seem to disqualify his doctrine of infused virtues. He himself formulates the same observation as an objection against his teaching:

Those who have a habit of virtue perform easily the acts of that virtue, and they are pleasing to them for their own sake . . . but many who have charity and are free from mortal sin, nonetheless have difficulty performing acts of virtue; nor do they find these acts pleasing for their own sake, but only for the sake of charity. Therefore many have charity without having other virtues.³⁵

In his response he draws an example from the speculative virtues, that a person who habitually knows some scientific truth and can therefore usually engage in acts of knowing that truth easily and with pleasure, may experience nonetheless difficulty in performing a concrete act of knowing because of accidental impediments, for example sickness or drowsiness, which impede his ability to exercise his intellectual virtue. Although he possesses virtue, he fails to experience the pleasure which he should feel by using the habit. This discomfort, however, is not due to a defect of the intellectual virtue but is caused by extrinsic impediments.

In an analogous way each faithful man or woman in the state of grace truly possesses infused virtues, but the ease and pleasure of engaging in related acts may be impeded by extrinsic impediments, namely by residual effects of previous acquired vices or bodily dispositions. “One may experience difficulty in performing the actions proper to the habit of infused moral virtues because of certain contrary dispositions surviving from previous acts.”³⁶

³⁴ A good English summary of Schockenhoffs view on that score gives William McDonough, “*Caritas* as the *Prae-Ambulum* of All Virtue: Eberhard Schockenhoff on the Theological-Anthropological Significance and the Contemporary Interreligious Relevance of Thomas Aquinas’s Teaching of the *Virtutes Morales Infusae*,” *Journal of the Society of Christian Ethics* 27 (2007): 97-126, esp. 103-109.

In a similar way A. Günther explains: “Zur vollen Ausgestaltung des gnadenhaft mit der übernatürlichen Tugend ausgestatteten Menschen gehören die natürlichen.” (Anselm Günthör, *Anruf und Antwort: Handbuch der katholischen Moraltheologie; Der Christ - gerufen zum Leben*, vol. 1 (Allgemeine Moraltheologie) (Vallendar-Schönstatt: Patris Verlag, 1993), 476).

³⁵ *ST* I-II 65.3 arg. 2: “Qui habet habitum virtutis, de facili operatur ea quae sunt virtutis, et ei secundum se placent . . . Sed multi habent caritatem, absque peccato mortali existentes, qui tamen difficultatem in operibus virtutum patiuntur, neque eis secundum se placent, sed solum secundum quod referuntur ad caritatem. Ergo multi habent caritatem, qui non habent alias virtutes.” See also In *Sent* IV 14.2.2 arg. 4: “Habitum virtutis non manet cum habitu vitii; quia contraria non sunt simul in eodem. Sed post contritionem adhuc manet habitus vitii, quod patet ex inclinatione ad pristinos actus. Ergo poenitentia non statim omnes virtutes restituit.”

³⁶ *ST* I-II 65.3 ad 2. The whole reply: “Quandoque contingit quod aliquis habens habitum, patitur difficultatem in operando, et per consequens non sentit delectationem et complacentiam in actu, propter aliquod impedimentum extrinsecus superveniens, sicut ille qui habet habitum scientiae, patitur difficultatem in intelligendo, propter somnolentiam vel aliquam infirmitatem. Et similiter habitus moralium virtutum infusarum patiuntur interdum difficultatem in operando, propter aliquas dispositiones contrarias ex praecedentibus actibus relictas. Quae quidem difficultas non ita accidit in virtutibus moralibus acquisitis, quia per exercitium actuum, quo acquiruntur, tolluntur etiam contrariae dispositiones.” The same argument is made in *De virt. card.* 2 ad 2.

Aquinas's solution for this runs as follows. Even if some Christians in the state of grace fail to perform acts of moral virtue with ease, pleasure, and delight, this does not undermine the existence of infused virtues, for the experience of weakness is not due to an imperfection of the infused virtues but is rather a consequence of some lingering contrary habits.

Let us add three further observations regarding this issue.

First, Aquinas refuses to portray such remaining dispositions as vices in the strict sense because they are no longer principles of our actions. Divine grace has destroyed intemperance *as vice* in an intemperate person who has converted and received infused temperance. What remains is just a contrary disposition to the inclination of the infused virtue – but as habit already “on the way of corruption.”³⁷ Nevertheless, those remnants can still impede our facility to act from the new infused principle. For example, the drunkenness of the recently converted alcoholic is really overcome, for his addiction has lost its ability to influence his actual behavior, even if a lingering inclination remains for the moment.

From this observation follows a second point. Since grace “destroys” previous vices so that they are no longer a principle of action, the graced agent, equipped by the contrary infused virtue, shall be able *in all occasions* to act according to the new habit, even if he might feel discomfort. In other words, infused virtues make it so that “those passions – though felt – in no way dominate. Infused virtue makes it that no one obeys in any manner the concupiscence of sin; and as long as [the infused virtue] remains, it does this *infallibly*.”³⁸

Thirdly, Aquinas argues that the delightful exercise of infused virtue is due not only to the absence of contrary habits but also to the virtue's own qualities. He distinguishes therefore a two-fold kind of joy and ease: “The facility in the achievement of virtuous deeds can have two origins, namely from a previous customization, and this facility is not given by infused virtue in its beginning; and from a strong adhesion to the object of virtue, and this can be found in infused virtue immediately from the beginning.”³⁹ In the case of the recently

³⁷ “Licet per actum unum simplicem non corrumpatur habitus acquisitus, tamen actus contritionis habet quod corrumpat habitum vitii generatum ex virtute gratiae; unde in eo qui habuit habitum intemperantiae, cum conteritur, non remanet cum virtute temperantiae infusa habitus intemperantiae in ratione habitus, sed in via corruptionis, quasi dispositio quaedam.” (*De virt. in com.* 10 ad 16).

³⁸ *De virt. in com.* 10 ad 14: “Praevalet virtus infusa [super virtutem acquisitam] quantum ad hoc quod facit quod huiusmodi passiones etsi sentiantur, nullo tamen modo dominantur. Virtus enim infusa facit quod nullo modo obediatur concupiscentiis peccati; et facit hoc infallibiliter ipsa manente.” See thereto Bonnie Kent, “Transitory Vice: Thomas Aquinas on Incontinence,” *Journal of the History of Philosophy* 27 (1989): 199-223 and Angela M. McKay, “Prudence and Acquired Moral Virtue,” *The Thomist* 69 (2005): 79-80.

³⁹ *In sent.* IV 14.2.2 ad 5: “Facilitas operandi opera virtutum potest esse ex duobus; scilicet ex consuetudine praecedente; et hanc facilitatem non tribuit virtus infusa statim in sui principio: et iterum ex forti inhaesione ad obiectum virtutis; et hanc est invenire in virtute infusa statim in sui principio.”

converted, the ease of “strong inhesion” might still be impeded by some lingering contrary inclinations, but nevertheless it allows acting “without difficulty.”⁴⁰ Thus, even if contrary depressive passions (caused from former vices) are psychologically felt, infused virtues provide supernatural motivation for acting easily against those passions.⁴¹ St. Thomas refers to the Aristotelian example of the annoyances of warfare which might hinder the soldier’s experience of full pleasure in achieving courageous deeds. Despite these annoyances, fortitude should provide the perfection required to accomplish the necessary acts without sadness. Analogously for infused virtue, “it is sufficient to act without sadness.”⁴² (We will discuss the two types of facility – i.e. because of infused virtues themselves, or because of freedom from contrary vices – in a more detailed manner in section 3.2).

1.2.2 The Compatibility of Infused Virtues with Serious Flaws

A second objection against infused virtues is based on the observation of believers who certainly have charity, but nonetheless remain very imperfect in practical matters, even in quite important ones. If, however, grace and charity are infused in combination with *all other* moral virtues, then it seems that an agent in the state of grace should be able to achieve the good in all important practical fields.

For resolving the issue we have to investigate the exact scope of infused moral virtues, and in so doing highlight their substantial limitations. To introduce this investigation, we will examine several historical examples of saints who possessed the infused virtues to a tremendous degree, but suffered at the same time a serious lack of “ordinary” human

⁴⁰ See *ST* III 89.1 ad 3: “Quantum est ex ipsa inclinatione caritatis et aliarum virtutum, poenitens opera virtutum delectabiliter et sine difficultate operatur.”

⁴¹ Hence, obviously B. Kent misreads Aquinas by arguing: “Acquired moral virtues make related actions easier; infused moral virtues do not.” (Kent, “The Moral Life,” 248). A similar (and simultaneously) inconsistent position is held by Coerver: On the one hand he claims “that *per se* the infused moral virtues do confer a certain measure of *intrinsic facility* inasmuch as they tend to strengthen the will and incline it intrinsically to acts of virtue.” (Robert F. Coerver, *The Quality of Facility in the Moral Virtues* (Washington, DC: The Catholic University of America, 1946), 115). But then he continues to argue the contrary: “However, this facility of itself does not moderate the passions, . . . nor render the practice of virtue easy and effortless.” (Ibid., 116). Obviously Coerver holds the option that infused virtues reside only in the will but do not perfect likewise man’s sensitive appetite – an understanding which is certainly not that of St. Thomas (more thereto in section 2.1).

A good and correct description of the intrinsic facility provided by infused virtues is given in Baumann, “La supernaturalisation,” 108-114.

⁴² *De virt. in com.* 10 ad 15: “Quia a principio virtus infusa non semper ita tollit sensum passionum sicut virtus acquisita, propter hoc a principio non ita delectabiliter operatur. Non tamen hoc est contra rationem virtutis, quia

perfections and virtues. Afterwards we will outline Aquinas's systematic explanation of this phenomenon.

a) Historical Examples of "Imperfect Saints" Who Are Canonized

St. Felicity: Infused Fortitude without Acquired Fortitude

The Passion of Perpetua and Felicity tells the story of the martyrdom of two ancient saints.⁴³ Perpetua was a young, well born and liberally educated woman. She lived in North Africa and, with her pregnant slave Felicity, was arrested for being a Christian. Some days before their scheduled execution Felicity gave birth to her child. The document reports:

Immediately after their prayer, her labor pains arrived. While she was in labor she was in great pain due to the natural difficulty of a birth in the eighth month. One of the prison guards said to her, "You're crying now. What will you do when you are thrown to the beasts, whom you scorned when you didn't want to sacrifice?" She responded, "What I suffer now, I suffer, but there will be someone within me who will suffer for me because I will be suffering for him." She gave birth to a girl and one of the sisters brought her up as her own daughter.⁴⁴

Indeed, shortly afterwards both women witnessed courageously to the faith by dying in the arena while singing psalms and encouraging each other (+202 at Carthage).

Whether the legend is true or not, it renders an ostensive example of what infused fortitude implies, as well as what it does not. Divinely infused courage enabled St. Felicity to sustain the most terrible sufferings while "chanting and singing psalms" (cf. Eph 5.19). She maintained her fidelity to Christ whom she loved by charity, in a grave situation in which divine friendship was at stake. However, this infused virtue didn't simply change her ordinary affective constitution in regard to any matter whatsoever. To be sure, it didn't provide fortitude and endurance in all situations. The Christian martyr might still shake with fear in considerably less dangerous situations than martyrdom. Infused fortitude, therefore, does not

quandoque ad virtutem sufficit sine tristitia operari; nec requiritur quod delectabiliter operetur propter molestias quae sentiuntur; sicut philosophus dicit III ethic., quod forti sufficit sine tristitia operari." See also *ST I-II* 59.3.

⁴³ Cf. Johannes Quasten, *Patrology*, vol. 1 (Westminster, MD: Newman Press, 1960), 181.

⁴⁴ *The Passion of Saints Perpetua and Felicity*, XV.4-7, cited in Richard Valantasis, *Late Antiquity in Practice* (Princeton, NJ: Princeton University Press, 2000), 394.

necessarily confer courage or the qualities of a heroic soldier to aid a believer in his purely private affairs.⁴⁵

St. John Vianney and Charles de Foucault: Infused Temperance without Acquired Temperance

Something similar can be shown for infused temperance for example in the life of St. John Mary Vianney, the Curé of Ars, who was famous for his rigorous fasting and other austerities.⁴⁶ For reasons of vicarious penitence for sinners, the Curé lived for several years on practically nothing but a small portion of potatoes that he prepared once a week. This is an extraordinary example of tempering one's inclination to enjoy food for reasons of divine charity. As he confessed toward the end of his life, however, he lacked the right measure of fasting in relation to preserving the health of his body, i.e. acquired temperance.

Another example illustrating our point regarding infused temperance is the conversion of blessed Charles de Foucault. Having received the sacrament of confession, he changed his sensual lifestyle overnight (he was famous for his excessive revelries) and began to live a completely abstinent life. However, as he declared later on, he ruined his health in these first years after his conversion by failing to achieve the right mean mean of austerity.

In short, though the divine gift of infused temperance enables the believer, moved for reasons of divine charity, to abstain in a heroic way from sense pleasures, it does not provide the capability to achieve the temperate mean in every respect.

St. Louis: The Imperfection of Infused Prudence⁴⁷

St. Louis IX, King of France, was already recognized as a man of great personal sanctity by his contemporaries. By all accounts, he was an exemplary Christian who certainly possessed the infused virtues to a high degree. Nevertheless, one can blame him for seriously unwise decisions regarding the governance of his reign, for example his endeavors on behalf of the seventh crusade (which ended in disastrous failure). At the least, the crusade distracted him

⁴⁵ Aquinas distinguishes (and compares) various kinds of fortitude: For a juxtaposition of infused fortitude and civic fortitude, see for example *ST* II-II 124.2 ad 1. In *De virt. in com.* 10 ad 4 he opposes fortitude of the individual and of the good citizen. More thereto in section 2.3.

⁴⁶ See Herbert Thurston and Donald Attwater, *Butler's Lives of the Saints. Complete Edition*, vol. 3, 1995), 280-287.

⁴⁷ I owe the following reference to St. Louis as an example of the limited perfection of infused prudence to Sherwin, "Infused Virtues," 41-42.

from attending to the internal affairs of his country.⁴⁸ This is just one example in which St. Louis failed to choose and achieve always just and prudent actions.

Are these examples from the lives of the saints arguments against the doctrine of infused virtue? Not really. Infused virtues are given for the maintenance of the order of charity, or to remain faithful to divine friendship. They do not provide perfection in regard to all human matters.

b) The Twofold Limitation of Infused Virtues

For a theoretical account of what the three examples above demonstrate we can refer to *ST* II-II 47.14 ad 1, where Aquinas distinguishes two kinds of prudence. The first kind is sufficient for things which are necessary for salvation (*de necessitate salutis*), and this prudence is possessed by all who have grace. The other kind of prudence, however, “is more perfect [*plenior*], since through it a man is able to provide both for himself and for others not only in things which are necessary for salvation, but also in all things pertaining to human life; and such industry is not in all who have grace.”⁴⁹

The assertion shows clearly a limit to the infused virtues. They perfect an agent only in respect to his final end in the order of grace, and consequently they do not include virtuousness in regard to all earthly affairs. They provide the capacity for one to preserve his orientation towards God as final end in all mundane affairs, but they do not make the agent a perfect manager of routine business. Elsewhere Aquinas notes that a graced agent may know how to use his reason for choosing right action in the sight of God while at the same time he

⁴⁸ See *Ibid.*, 394-398. “Though the two crusades in which he was engaged were failures, he is certainly to be ranked among the most valiant of princes, and a perfect example of the good and great medieval nobleman.” (*Ibid.*, 394).

⁴⁹ *ST* II-II 47.13 ad 1: “Duplex est industria. Una quidem quae est sufficiens ad ea quae sunt de necessitate salutis. Et talis industria datur omnibus habentibus gratiam, quos unctio docet de omnibus, ut dicitur I Ioan. II. Est autem alia industria plenior, per quam aliquis sibi et aliis potest providere, non solum de his quae sunt necessaria ad salutem sed etiam de quibuscumque pertinentibus ad humanam vitam. Et talis industria non est in omnibus habentibus gratiam.” Aquinas uses sometimes the concept *industria* instead of *prudentia* for distinguishing true and perfect prudence (*ad totius vitae finem*) from false or imperfect prudence in respect to apparent or particular goods (cf. *ST* II-II 47.13 ad 3). For a good explanation of that prudence which is “plenior” than mere infused prudence, see Josef Pieper, “Traktat über die Klugheit,” in *Werke in acht Bänden: Schriften zur Philosophischen Anthropologie und Ethik: Das Menschenbild der Tugendlehre*, vol. 4, ed. Berthold Wald (Hamburg: Felix Meiner Verlag, 1996), 12.

may lack “worldly cleverness.”⁵⁰ St. Louis obviously had infused prudence, but he lacked such *mundana astutia*. His infused virtues didn’t save him from serious misjudgments regarding his political affairs. Virtuousness in such domains, explains St. Thomas, is not given by infusion but requires natural talents and permanent training.⁵¹ In a similar way we have to understand the case of the Curé of Ars. Obviously he failed (by a lack of acquired temperance and prudence) to choose the right means regarding the care of this bodily health. Infused temperance led by infused prudence provided only the right use of food in regard to a perfect submission of his body to the soul, nothing else.

This assertion should be taken in the most strict sense. It does not deny that infused virtues are concerned about the things of the earthly life. To be sure, their proper matter is human life. But infused virtues exclusively enable man to use those things of life in regard to his final end, i.e. to dwell in earthly affairs without losing divine friendship. In the case of St. Louis this implies a life as king without losing his personal orientation towards the final end. *This* is the proper task of infused virtues, and not providing perfection with regard to right action in concrete political issues (except cases in which his own salvation would be at stake, for example by establishing unjust laws).

This first observation implies *ipso facto* another limitation: infused virtues are not only limited in regard to many desirable goods, they might even fail to judge by one’s own consideration the necessary means regarding one’s supernatural end. Virtue in the ordinary sense disposes an agent to self-reliant operation. According to the description of infused virtues, however, the virtuous agent might be dependent and reliant upon good counsel of others. The only indispensable characteristic which Aquinas identifies in the infused virtues is that “those who require to be guided by other’s counsel, are – if they have grace – at least able

⁵⁰ See *ST* I-II 58.4 arg. 2 (affirmative): “Quandoque contingit quod aliqui in quibus non multum viget usus rationis, sunt virtuosus et deo accepti.” And he replies: “In virtuoso non oportet quod vigeat usus rationis quantum ad omnia, sed solum quantum ad ea quae sunt agenda secundum virtutem. Et sic usus rationis viget in omnibus virtuosus. Unde etiam qui videntur simplices, eo quod carent mundana astutia, possunt esse prudentes; secundum illud Matth. X, estote prudentes sicut serpentes, et simplices sicut columbae.” (*ST* I-II 58.4 ad 2). Cf. *ST* II-II 52.1 ad 1 where Aquinas describes the graced man as prudent “in his quae sunt necessaria ad salutem.”

⁵¹ As Aquinas explicitly mentions in *ST* II-II 47.13 ad 3, in matters, which are not necessary for salvation, human endeavor and repeated actions are required for attaining the proper perfection: “In his autem qui iam habent usum rationis est etiam secundum actum quantum ad ea quae sunt de necessitate salutis, sed per exercitium meretur augmentum quousque perficiatur, sicut et ceterae virtutes.” It is worth to note that Aquinas simply argues at this point that the repeated action *merit* the augmentation of virtue; it remains, however, unclear, in which way we have to think this acquisition. Is it merited in the sense as natural consequence? Or as divine infusion? More on that in chapter 3.

to take counsel for themselves in this point, that they require the counsel of others and can discern good counsel from evil one.”⁵²

These considerations reveal a substantial limitation of the scope of infused virtues. They do not create a kind of “superman,” but contrarily enable a very restrained kind of perfection. One might even doubt whether these infused habits should be called “virtues” at all except in a highly qualified sense. One might also doubt whether it is reasonable to compare them with the ordinary concept of moral virtues, understood as perfections which enable a man to achieve good deeds by himself, on his own account, and by his own resources.

This will be the issue of the next subchapter. How does Aquinas succeed to claim, on the one hand, a parallel structure of acquired and infused virtue (cf. section 1.1), and to limit on the other the scope of the infused virtues in such a drastic manner (cf. section 1.2)?

1.3 The Relevance of the Gifts for the Understanding of Infused Virtues

Aquinas succeeds in maintaining the parallel structure of both sets of virtues by combining the doctrine of infused moral virtues with the ancient idea of the gifts of the Holy Spirit. Admittedly, we will see that the ordinary understanding of moral virtues becomes thereby reversed. Nonetheless, it allows a parallel portrayal of both types of virtue despite their important differences. What does this mean?

J. Porter mentioned the common opinion that the gifts “may seem at first to be a marginal component of his [Aquinas’s] moral theory.”⁵³ Normally scholars focus exclusively on St. Thomas’s teaching on the virtues and consider the gifts as a redundant appendix. Nevertheless, the gifts reappear again and again throughout his whole work with important consequences for his doctrine on virtue.

Aquinas is used to portraying the order of nature and the order of grace in a parallel fashion (cf. section 1.1). The gifts, however, introduce a fundamental difference between the two orders. As was already shown, the natural moral virtues ground in the natural capacity of human powers (the “natural seeds” of acquired virtues), whereas the infused moral virtues are

⁵² *ST* II-II 47.13 ad 2: “Illi qui indigent regi consilio alieno saltem in hoc sibi ipsis consulere sciunt, si gratiam habent, ut aliorum requirant consilia, et discernant consilia bona a malis.”

⁵³ Porter, “The Subversion of Virtue,” 35.

rooted in the theological virtues.⁵⁴ The two kinds of perfection differ in an important respect: “Although this second perfection is greater than the first, the former is possessed by man in a more perfect way than the latter, because man has the former in his full possession, whereas he possesses the latter imperfectly, since we love and know God imperfectly.”⁵⁵ Faith, hope and charity are “superhuman” virtues⁵⁶ and their resulting acts are *supernatural* actions. Therefore, man cannot use these virtues (and consequently even the infused moral virtues) completely by his own, but rather he has to be moved by a higher agent who is in full disposal of those actions, namely by God Himself who dwells by grace in the agent’s heart and moves him from within.⁵⁷ The gifts of the Holy Spirit dispose man to respond to this higher motion man. “In order to the supernatural final end, to which reason moves somehow and imperfectly informed by the theological virtues, the motion of reason does not suffice, unless it receive in addition the prompting or motion of the Holy Spirit. . . . Therefore, in order to accomplish this end, it is necessary for man to have the gift of the Holy Spirit.”⁵⁸ Thus, the gifts are habitual dispositions of the soul which make man amenable to the immediate motion of the Holy Spirit. From that perspective one might be inclined to read the function of the gifts and the infused virtues as two separate modes of acting (and this is indeed the common interpretation of Thomists⁵⁹): on the one hand, actions moved directly by the Holy Spirit through the gifts, and on the other, as the more ordinary way, by human powers perfected through infused virtues.

⁵⁴ ST I-II 68.2: “Ratio autem hominis est perfecta dupliciter a deo, primo quidem, naturali perfectione, scilicet secundum lumen naturale rationis; alio modo, quadam supernaturali perfectione, per virtutes theologicas.”

⁵⁵ ST I-II 68.2: “Quamvis haec secunda perfectio sit maior quam prima, tamen prima perfectiori modo habetur ab homine quam secunda, nam prima habetur ab homine quasi plena possessio, secunda autem habetur quasi imperfecta; imperfecte enim diligimus et cognoscimus deum.”

⁵⁶ See quotation in footnote 11.

⁵⁷ ST I-II 68.2: “Id quod imperfecte habet naturam aliquam vel formam aut virtutem, non potest per se operari, nisi ab altero moveatur. Sicut sol, quia est perfecte lucidus, per seipsum potest illuminare, luna autem, in qua est imperfecte natura lucis, non illuminat nisi illuminata.”

⁵⁸ ST I-II 68.2: “In ordine ad finem ultimum supernaturalem, ad quem ratio movet secundum quod est aliquammodo et imperfecte formata per virtutes theologicas; non sufficit ipsa motio rationis, nisi desuper adsit instinctus et motio spiritus sancti . . . Et ideo ad illum finem consequendum, necessarium est homini habere donum spiritus sancti.”

⁵⁹ See for example A. Gardeil who describes the difference of infused virtues and gifts as grounding two different modes of action: “La raison unique de leur distinction est dans la différence de leur mode intérieur d’opérer: ici mode humain, là mode divin; ici action surnaturalisée, mais réglée par la raison, là activité d’abord purement réceptrice, puis agissante, mais uniquement sous l’inspiration du Saint-Esprit, règle divine, supérieure à la raison, même surnaturalisée, étant la Raison divine elle-même.” (A. Gardeil, “Dons du Saint-Esprit,” in *Dictionnaire de Théologie Catholique*, ed. A. Vacant, E. Mangenot, and É. Amann (Paris: Librairie Letouzey et Ané, 1939), 1728-1781, here 1739). Similar Garrigou-Lagrange, *Christian Perfection*, 272-277 and Romanus Cessario, *Introduction to Moral Theology* (Washington, DC: The Catholic University of America Press, 2001), 205-212 (also in Romanus Cessario, *The Virtues, or the Examined Life* (Münster: Lit Verlag, 2002), 13-18). Recently in Ulrich Horst, *Die Gaben des Heiligen Geistes nach Thomas von Aquin* (Berlin: Akademie Verlag, 2001), 79-92. According to Lottin, Thomas supported the doctrine of the gifts only because he was dependent on his time without fully believing in it (Lottin, *Morale fondamentale*, 427-434. A good overview of the doctrine of the gifts in times after Aquinas is given in Lottin, *Psychologie et morale*, vol. 4, 667-736).

According to that view an understanding of the gifts is actually dispensable for a theory of infused virtue.

However, some scholars have recently argued for a more intimate connection between the gifts and the infused virtues. Also, the structure of the *Secunda secundae* itself, in which Aquinas treats the gifts in connection with the particular cardinal virtues, suggests such an interpretation. We have to be content here simply to refer to these discussions and to summarize shortly their principle arguments insofar as they are relevant to our thesis:⁶⁰

St. Thomas mentions several times that an operation instigated by the Holy Spirit, which is mediated by the gifts, remains nevertheless a human act that involves human reason as well as his will. “Man is so acted upon [*agitur*] by the Holy Spirit, that he also acts himself [*agit*], in so far as he has a free-will.”⁶¹ Hence, we can conclude a necessary cooperation of the gifts with the infused moral virtues. The gifts dispose man to be amenable to divine motion, but since divine motion results in human acting, the relative virtues are likewise and necessarily involved. The issue is maybe less clear in *ST* I-II 68, the general question about the gifts. An assertion Aquinas makes in the Commentary on the Letter to the Romans is more explicit:

The spiritual man is inclined to do something not principally by the motion of his own will but by the instinct of the Holy Spirit. . . . Thereby, however, it is not excluded that spiritual men operate by will and free decision, since the Holy Spirit causes in them the motion of the will and free decision, as it is said in Phil II 13: *It is God who works in us the willing and achieving*.⁶²

⁶⁰ See Porter, “The Subversion of Virtue,” 33-37. Likewise Servais Pinckaers, “Morality and the Movement of the Holy Spirit: Aquinas’s Doctrine of ‘Instinctus’,” in *The Pinckaers Reader. Renewing Thomistic Moral Theology* (Washington, DC: The Catholic University of America Press, 2005), 385-395, esp. 390-392. A quite detailed portrayal of the cooperation of gifts and infused moral virtues is given by McKay, “Infused and Acquired Virtues,” 33-57. McKay summarizes her thesis on that score as following: “My interpretation requires that (1) every act of infused virtue involves the simultaneous operation of the corresponding gift and (2) that the motion of the holy spirit is operative in every act of infused virtue.” (Ibid., 39, footnote 57). She points out also some problems of the “two-mode” action-theory. More recently she repeated her view in Angela M. McKay, “Ethique et vertus morales infuses,” in *Renouveler toutes choses en Christ: Vers un renouveau thomiste de la théologie morale*, ed. Michael S. Sherwin and Craig St. Titus (Fribourg: Academic Press Fribourg, 2009), 122-139, esp. 134-135.

⁶¹ *ST* I-II 68.3 ad 2: “[Homo] sic *agitur* a spiritu sancto, quod etiam *agit*, in quantum est liberi arbitrii.” And in the *Secunda secundae* he explains: “Mens humana ex hoc ipso quod dirigitur a spiritu sancto, fit potens dirigere se et alios.” (*ST* II-II 52.2 ad 3).

⁶² *Super Rom.* VIII 3: “Homo spiritualis non quasi ex motu propriae voluntatis principaliter sed ex instinctu spiritus sancti inclinatur ad aliquid agendum. . . . Non tamen per hoc excluditur quin viri spirituales per voluntatem et liberum arbitrium operentur, quia ipsum motum voluntatis et liberi arbitrii spiritus sanctus in eis causat, secundum illud Phil. II, 13: *deus est qui operatur in nobis velle et perficere*.” This quotation makes very clear that the account of Horst is incorrect who characterise virtues as active principles, while “wir uns gegenüber den Gaben des Hl. Geistes eher abwartend, *patientes*, verhalten, also ‘getrieben’ werden und nicht selbst ‘treiben’.” Horst, *Die Gaben des Heiligen Geistes nach Thomas von Aquin*, 83).

This quotation makes clear that for Aquinas the doctrine of the gifts does not imply a second kind of action that is optional for the graced agent. Rather, it relates to two different aspects of *each human act* in the state of grace, for each act depends on an instigation by the Holy Spirit (as first cause), but implies likewise a partnership and cooperation of the human powers that are ordinarily involved in human actions (but now as second causes) and are perfected by virtue. Therefore, the gifts as well as the infused virtues are necessary in graced human activity. In one respect the actions of the graced agent are *divine* since they are moved by the Spirit as first cause through the gifts, and in another respect they are *human* since they are determined by reason as second cause through the infused virtues (which are, admittedly, moved beforehand by the Spirit). Both causes belong essentially and inseparably to the supernatural action.⁶³

Aquinas thematizes the issue *ex professo* in his *Commentary on the Sentences* where he distinguishes three meanings of human operation. First, it belongs to an *actus humanus* to originate from human reason;⁶⁴ secondly, to consist in operations and passions, the proper matter of human actions;⁶⁵ and thirdly, to be performed *in a human mode*, i.e. by the ordinary powers of man. “Thirdly, [an action] is called *human* because of its mode, namely if in a human operation of the first or second kind is also a *human mode* preserved.”⁶⁶ Subsequently, he contrasts that *human mode* with a *divine mode* of acting: “If, however, somebody executes things which belong to man in a supra-human mode, the operation is not simply human, but in a certain way divine.”⁶⁷ Thus, the text makes clear that that *divine mode* of some human actions does not suppress the two prior meanings. Even *operationes divino modo* (which means: originated by a divine instigation) remain *human actions* in the first and second sense, i.e. actions and passions originated from reason.

⁶³ See *ST I* 23.5: “Nec est distinctum quod est ex causa secunda, et causa prima.” And even more explicit in *ScG III* 70.7: “Non sic idem effectus causae naturali et divinae virtuti attribuitur quasi partim a deo, et partim a naturali agente fiat, sed totus ab utroque secundum alium modum: sicut idem effectus totus attribuitur instrumento, et principali agenti etiam totus.”

⁶⁴ “Operatio autem hominis potest dici tripliciter. Primo ex potentia eliciente vel imperante operationem; sicut operatio rationis vel alicuius potentiae quae obedit rationi, quia a ratione habet homo quod sit homo; nutriri autem et videre non sunt operationes hominis inquantum est homo, sed inquantum est vivum vel animal; et secundum hoc omnes habitus perficientes ad operationes aliquas in quibus non communicat homo cum brutis, possunt dici virtutes humanae.” (*In sent.* III 34.1.1).

⁶⁵ “Secundo dicitur operatio humana ex materia, sive obiecto, sicut illae quae habent pro materia passiones, sive operationes humanas: sic enim virtutes morales proprie virtutes humanae dicuntur. Unde dicit philosophus 10 ethicor., quod opus speculativae virtutis est magis divinum quam humanum: quia habet necessaria et aeterna pro materia, non autem humana.” (*In sent.* III 34.1.1).

⁶⁶ *In sent.* III 34.1.1: “Tertio dicitur humana ex modo, quia scilicet in operationibus humanis vel primo vel secundo modo, etiam modus humanus servatur.”

⁶⁷ *In sent.* III 34.1.1: “Si autem ea quae hominis sunt, supra humanum modum quis exequatur, erit operatio non humana simpliciter, sed quodammodo divina.”

For an example we can refer to the gift of counsel, described as corresponding and perfecting the gift of (infused) prudence.⁶⁸ St. Thomas emphasizes that the divine instigation received through the gift of counsel does not dispense with the need for prudence, which is about practical ambiguities and doubts. He even mentions that “doubts belong to counsel [as a gift],”⁶⁹ since it is due to prudence to inquire into the various possibilities by which an end may be attained.⁷⁰

This shows how the gifts and the infused virtues require each other. The gifts dispose man to be moved by the Holy Spirit, and the virtues perfect the human faculties to achieve the human act readily under the influence of the divine motion. According to that view graced actions do not only presuppose infused virtues but they also arise (since they are likewise *superhuman* actions) necessarily from a motion of the Holy Spirit. As a result, every act of infused virtue involves the corresponding cooperation of a gift. As Pinckaers explains, such a conception of the gifts illustrates “the unity of action between the superior principle, which is God’s Spirit, and the interior principles which are the virtues, at the level of our free and reasonable will, at the source of our actions.”⁷¹

What’s the gain for a parallel understanding of acquired and infused virtues? The foregoing chapter has shown that acquired virtues grant to the agent a certain autonomy; he is able to decide and achieve the good on his own resources, whereas infused virtues do not provide a self-sufficiency of the graced agent. The reason for this is now clear. Infused virtue does not imply a “full perfection” in the sense of autonomy and independency, since it is a participation in the divine perfection. In this way (as Pinckaers explains elsewhere) “the first source of moral excellence is no longer located in the human person, but in God.”⁷² The divine perfection, however, cannot be possessed in the same complete way as natural virtues. It is a participated perfection. The parallel to acquired virtues remains only possible if one takes into account their essential connection with the divine mover by means of the gifts of

⁶⁸ *ST* II-II 52.2: “Prudentia, quae importat rectitudinem rationis, maxime perficitur et iuvatur secundum quod regulatur et movetur a spiritu sancto. Quod pertinet ad donum consilii.”

⁶⁹ *ST* II-II 52.3 ad 2: “Dubitatio pertinet ad consilium [ut donum] secundum statum vitae praesentis.” See also the argument in the body of the article: “Mens viatorum movetur a deo in agendis per hoc quod sedatur anxietas dubitationis in eis praecedens.”

⁷⁰ The general cooperation of the virtue of prudence and the gift of counsel is described as following: “Dona spiritus sancti, ut supra dictum est [*ST* I-II 68.1], sunt quaedam dispositiones quibus anima redditur bene mobilis a spiritu sancto. deus autem movet unumquodque secundum modum eius quod movetur . . . Est autem proprium rationali creaturae quod per inquisitionem rationis moveatur ad aliquid agendum, quae quidem inquisitio consilium dicitur. Et ideo spiritus sanctus per modum consilii creaturam rationalem movet.” (*ST* II-II 52.1).

⁷¹ Pinckaers, “Morality and the Movement,” 389.

⁷² Pinckaers, *Morality: The Catholic View*, 71.

the Holy Spirit. Thus, the gifts are essential for an adequate understanding of infused moral virtues as true virtues.

Nonetheless, a study about infused virtue should not focus permanently on this fact. Since graced actions, achieved according to a divine mode, are likewise human acts, the essential structure of human acting is preserved (which means their determination by reason, operations and passions as objects). Since those powers are perfected by infused virtues, research about infused justice might dispense with an explicit focus on the gifts – though it should be aware of their internal connection.

This introductory outline provided a first approach to the Thomistic doctrine of infused virtues with the intention to depict the general framework in which the doctrine is developed and to remove some of the usual reservations against it. Of course, there remain many unanswered issues. In chapter 2 we will address a number of more specific questions regarding the difference of acquired and infused virtues. Afterwards, chapter 3 shall treat the interaction of both types of virtues.

2. Differences between Acquired and Infused Virtues: Four Clarifications

The aim of this second chapter is to provide a more detailed clarification of the differences between acquired and infused virtues. As a starting point of our research we take *ST* I-II 63.4, which investigates whether acquired virtues belong to the same species as infused virtues. In a certain way the whole of chapter 2 will be nothing else than a commentary on this article. Therefore, we begin by quoting the text of the article's corpus in full:

On the contrary, any change introduced into the difference expressed in a definition involves a difference of species. But the definition of infused virtue contains the words, *which God works in us without us*, as stated above [q. 55.4]. Therefore acquired virtue, to which these words cannot apply, is not of the same species as infused virtue.

I answer that, there is a twofold specific difference among habits. The first, as stated above, is taken from the specific and formal aspects of their objects. Now the object of every virtue is a good considered as in that virtue's proper matter: thus the object of temperance is a good in respect of the pleasures connected with the concupiscence of touch. The formal aspect of this object is from reason which institutes the mean in these concupiscences: while the material element is something on the part of the concupiscences. Now it is evident that the mean that is appointed in such like concupiscences according to the rule of human reason, is seen under a different aspect than the mean which is imposed according to divine rule. For instance, in the consumption of food, the mean stated by human reason, is that food should not harm the health of the body, nor hinder the use of reason: whereas according to the divine rule it requires that man *chastises his body, and brings it into subjection* (1 Cor. 9.27), by abstinence in food, drink and the like. It is therefore evident that infused and acquired temperance differ in species; and the same applies to the other virtues.

The other specific differences among habits is taken from the things to which they are directed: for a man's health and a horse's are not of the same species, on account of the difference between the natures to which their respective healths are directed. In the same sense, the Philosopher says in *Polit.* III 3, that the virtues of citizens are different by which they are well directed to diverse forms of government. In the same way, too, those infused moral virtues, whereby men behave well in respect of their being *fellow-citizens with the saints, and of the household of God* (Eph. 2.19), differ from the acquired virtues, whereby man behaves well in respect of human things.¹

¹ *ST* I-II 63.4: "Sed contra, quaelibet differentia in definitione posita, mutata diversificat speciem. Sed in definitione virtutis infusae ponitur, quam deus in nobis sine nobis operatur, ut supra dictum est. Ergo virtus acquisita, cui hoc non convenit, non est eiusdem speciei cum infusa.

Respondeo dicendum quod dupliciter habitus distinguuntur specie. Uno modo, sicut praedictum est, secundum speciales et formales rationes obiectorum. Obiectum autem virtutis cuiuslibet est bonum consideratum in materia propria, sicut temperantiae obiectum est bonum delectabilium in concupiscentiis tactus. Cuius quidem obiecti formalis ratio est a ratione, quae instituit modum in his concupiscentiis, materiale autem est id quod est ex parte concupiscentiarum. Manifestum est autem quod alterius rationis est modus qui imponitur in huiusmodi concupiscentiis secundum regulam rationis humanae, et secundum regulam divinam. Puta in sumptione ciborum, ratione humana modus statuitur ut non noceat valetudini corporis, nec impediat rationis actum, secundum autem regulam legis divinae, requiritur quod homo castiget corpus suum, et in servitutem redigat, per abstinentiam cibi et potus, et aliorum huiusmodi. Unde manifestum est quod temperantia infusa et acquisita differunt specie, et eadem ratio est de aliis virtutibus. Alio modo habitus distinguuntur specie secundum ea ad quae ordinantur, non enim est eadem specie sanitas hominis et equi, propter diversas naturas ad quas ordinantur. Et eodem modo dicit philosophus, in III *polit.*, quod diversae sunt virtutes civium, secundum quod bene se habent ad diversas politias.

The body of the article distinguishes acquired and infused virtues by means of their formal and final causes, while the *sed contra* invokes God as the efficient cause of infused virtues.² Furthermore, there is even a reference to the material cause: the pleasures of the concupiscence of touch are described as the matter of temperance. We will therefore use the four Aristotelian causes as a framework for a more detailed investigation of the acquired and infused virtues.³ Each of the following four subchapters contains the clarification of a problematic issue which is either controversial among scholars or simply not mentioned by them.

Section 2.1 is concerned with the efficient cause and returns to the question why the infused *moral* virtues are necessary at all (see section 1.1). In particular we deal with the more subtle issue of whether infused prudence in cooperation with acquired moral virtues may be enough for graced actions according to the supernatural rule.

Section 2.2 deals with the two different formal rules: reason as the measure of acquired virtues, and the divine rule as measure of the infused ones. But how does the divine law intervene in the reasonable human act? Or put another way, what is the precise function of the rule of reason in the act of infused virtues?

Section 2.3 is concerned with the different final causes. Whereas Aquinas's statement regarding the purpose of infused virtues is quite clear (man's membership in the Church), the exact purpose of acquired virtue remains controversial. What does Aquinas mean by good behavior in respect to human things? Are acquired virtues identical with pagan political virtues, or do they require man's total order in all practical matters on a natural sphere?

Finally, we treat the material cause of the virtues, which are usually identified as man's actions and passions. Section 2.4, however, poses the question in a much more specific way: can a *virtue* be considered as matter of another virtue? Aquinas often speaks of charity and

Et per hunc etiam modum differunt specie virtutes morales infusae, per quas homines bene se habent in ordine ad hoc quod sint cives sanctorum et domestici dei; et aliae virtutes acquisitae, secundum quas homo se bene habet in ordine ad res humanas."

² Scholars often distinguish acquired and infused virtues based on these three causes (e.g. Cessario, *Introduction to Moral Theology*, 201). An exception is Aubert who determines the differences between the natural and supernatural order in reference to all four causes (cf. Jean-Marie Aubert, "La spécificité de la morale chrétienne selon Saint Thomas," *Le Supplément* 92 (1970): 69-73).

³ For a general outline of habits by the four aristotelian causes, see Jacobus M. Ramirez, *De habitibus in communi*. In *I-II Summae Theologiae divini Thomae expositio (QQ. XLIX-LIV)*, vol. 2 (Madrid: Instituto de Filosofía 'Luis Vives', 1973), 234-237. Interesting on that score is also William C. III Mattison, "Thomas's Categorizations of Virtue: Historical Background and Contemporary Significance," *The Thomist* 74 (2010): 189-235. Mattison shows in which way Aquinas brought more clarity into the common distinction of acquired and infused virtues by a precise determination of their efficient and final cause and their respective objects.

prudence as forms of all virtues. But then it should be possible to understand some virtues as the matter of other “formatting” virtues.

Through the investigation of these four issues, which resembles a “commentary” on *ST* I-II 63.4, we prepare the way for an investigation of the interaction of acquired and infused virtues in chapter 3.

2.1 The Efficient Cause: The Absolute Need for Infused Moral Virtues

In this first subchapter we investigate Aquinas’s assertion that God himself is – and *has to be* – the efficient cause of moral virtues with regard to man’s supernatural end, whereas acquired virtues may be generated and developed by the repeated operations of the agent himself. We can skip an outline of Aquinas’s understanding of the ordinary acquisition of natural moral virtues because it is an uncontroversial theme.⁴ The moral virtues of the order of grace, however, are given by divine infusion, which – according the famous definition of Peter Lombardus – “God works in us without us.”⁵

In the introduction we already mentioned the old and often repeated objection of Duns Scotus who argued for a cooperation of infused theological virtues and “ordinary” acquired moral virtues. According to the Franciscan scholar, the doctrine of infused moral virtues was redundant.⁶ But as shown in section 1.1, the theological virtues perfect the graced agent only

⁴ The acquisition of a natural virtue is explained in *In sent.* II 44.2.1 ad 6; III 33.1.2B; *ST* I-II 63.2; *De virt. in com.* 9; for a description of the acquisition of habits in general: *ST* I-II 51.2 and 3. A helpful exposition of Aquinas’s doctrine on the development of acquired virtue provides Hilary Carpenter, “The Natural Virtues,” in *Moral Principles and Practice. Papers Read at the Summer School of Catholic Studies Held at Cambridge, 1932*, ed. G.J. MacGillivray (London: Burns Oates & Washbourne LTD., 1938), 106-125. Very detailed is Ramirez, *De habitibus*. For the development of affective virtues see Peter Nickel, *Ordnung der Gefühle: Studien zum Begriff des ‘habitus’* (Hamburg: Felix Meiner Verlag, 2001).

⁵ Quoted in e.g. *ST* I-II 55.4: “deus in nobis sine nobis operatur.” The expression “sine nobis” might be misleading. Aquinas certainly does not hold a quasi mechanic, external infusion of virtues, independent of man’s own attitude. The consent of man remains necessary also for an infusion *sine nobis*; in this way man is involved even in the process of the infusion of virtues. In contrast, the acquisition of virtues acts vice versa: The natural virtues are caused by man’s own operation, but even here the motion arises, of course, from God as first cause; it is an acquisition which achieves God in us *with us*, i.e. *though* our actions. “Virtus infusa causatur in nobis a deo sine nobis agentibus, non tamen sine nobis consentientibus. Et sic est intelligendum quod dicitur, quam deus in nobis sine nobis operatur. Quae vero *per nos* aguntur, deus in nobis causat non sine nobis agentibus, ipse enim operatur in omni voluntate et natura.” (*ST* I-II 55.4 ad 6).

⁶ According to Duns Scotus the command of supernatural charity suffices to move the human potencies to act, if they are prepared by natural virtues to follow a superior command. “Si virtutes morales sufficienter inclinant in fines suos et humanos (quod est idem), et prudentia dirigit circa media in acquirendo illos fines, et caritas ultima ad ultimum finem, igitur - secundum hoc - homo potest simpliciter esse perfectus sine moralibus infusis. Et sic non necesse est ponere infusas propter medium, quia ad hoc valet prudentia, - nec propter finem ultimum, quia

with regard to God as final end.⁷ Virtuous acts regarding temporal things, however, require a special set of additional moral virtues measured by a divine standard.⁸

Against this need for infused moral virtues, however, one could make another more sophisticated objection. Wouldn't it be sufficient to argue for the theological virtues *in combination with infused prudence*? Faith, hope, and charity provide man's direction towards the final end, and infused prudence chooses the right means with regard to this end, i.e. according to a supernatural measure. Subsequently, it commands the act of man's appetitive powers (i.e. the will, the irascible and concupiscible appetitive), which are disposed to follow the command of (infused) prudence by the acquired moral virtues, namely justice, fortitude, and temperance. Thus, are not at least the infused moral virtues of the appetitive powers redundant?

This will be the first issue which is clarified in this section. For its solution we have to attain a more exact understanding of the function of moral virtues. In fact, Aquinas insistence on the need for a necessary divine *causa efficiens* for supernatural moral virtues will remain strange if we understand moral virtue as mere neutral readiness of the appetitive powers to obey the command of a superior power.

In a second subchapter we shall inquire as to the manner in which (or *whether* at all) God as efficient cause of infused virtues can serve as a distinctive principle in regard to acquired virtues. The secondary literature barely mentions this question.⁹ However, Aquinas just states this claim in the *sed contra* of *ST* II-II 63.4.¹⁰ In which sense does he make this assertion?

ad hoc sufficit caritas: nec enim temperantia infusa, si poneretur, alium finem acquireret." (Joannes Duns Scotus, *Lectura in librum tertium sententiarum*, vol. 21 (Rome: Typis vaticanis, 2004), dist. 36, qu. unica, no. 122).

⁷ Namely in regard to God as first truth in respect to faith, as final end in respect to hope and charity.

⁸ See *ST* I-II 63.3 and 65.3, *corp. art.* and ad 1.

⁹ An exception is Jeffrey Hause, "Aquinas on the Function of Moral Virtue," *American Catholic Philosophical Quarterly* 81 (2007): 15-18 and Paul Ramsey, *Basic Christian Ethics* (Louisville, KY: Westminster John Knox Press, 1993), 214; however, the latter, as we shall see, in a somehow problematic way. J. Inglis mentions the distinction between acquired and infused virtue by their different efficient causes (John Inglis, "Aquinas's Replication of the Acquired Moral Virtues: Rethinking of Standard Philosophical Interpretation of Moral Virtue in Aquinas," *Journal of Religious Ethics* 27 (1999): 21), but subsequently his argument slides to acquired and infused virtues as two efficient causes of one common moral act (what is a quite different thing).

¹⁰ See footnote 1.

2.1.1 The Necessary Infusion of Special Virtues in the Appetitive Powers

Why does St. Thomas consider the cooperation of acquired moral virtues and infused prudence insufficient for the perfect life of the graced agent? The answer depends on the general interpretation of the function of the human appetites and their virtues. Usually moral virtues are understood as habits of the appetitive human powers that provide a “neutral” readiness to obey the command of a superior power.¹¹ If this were already the full description of a moral virtue, then indeed the Scotist objection against supernatural moral virtues could be hardly refuted. If an appetitive power were already disposed by an acquired virtue to obey the command of reason, then why couldn’t it likewise obey the guidance of infused prudence?

This, however, is not at all Aquinas’s view of moral virtues. In a recently published article, J. Hause has shown for the case of justice that it cannot be reduced to a mere readiness of its underlying power (the will) to follow the command of reason. Rather justice consists in an additional “strong direction” to some ends which implies an additional specification of the natural appetite.¹² The readiness of the will to be subject to reason pertains already to its nature.¹³ Consequently, it does not require an additional habit. But to render everybody his due (the proper task of justice) demands a new perfection, a special inclination.¹⁴ Nevertheless, Hause doubts whether Aquinas would assert such a “strong direction” generally for all moral virtue or whether a “weak direction” understood as mere readiness to obey a superior virtue wouldn’t be sufficient for most virtues.¹⁵

In the following paragraphs we hope to show that actually *every* moral virtue implies more than a neutral disposition, that the power itself receives a new inclination, and that every moral virtue consists – according to the terminology of Hause – in a *strong direction*.

We will first test our thesis by applying it to acquired temperance, and then we will apply the results generally to all the infused moral virtues.

¹¹ E.g. *ST* I-II 58.3.

¹² Hause, “Aquinas on the Function of Moral Virtue,” 1-12; about the “strong directive function” see esp. 7-10.

¹³ Since the *bonum intellectum* is the proper object of the will.

¹⁴ See *ST* I-II 56.6.

¹⁵ Hause, “Aquinas on the Function of Moral Virtue,” 10.

a) Acquired Temperance as *Reasonable* Inclination of the Sensitive Appetite

Temperance: Just a Question of “Obedient” Passions?

It is not by chance that the function of temperance is often reduced to a passive readiness of the sensitive appetite to follow the command of reason. In fact, there is something true about it. Passions are principles of action. Their natural motions are determined by the sensible good, which is their proper object. On that level the sensitive appetite is not yet a subject of moral virtue since it lacks a relation to the reasonable good. “The irascible and concupiscible powers can be considered in two ways. First, in themselves, in so far as they are parts of the sensitive appetite. And in this way they are not the subject of virtue.”¹⁶ However, since the will is able to move the other human powers (in cooperation with the practical intellect), it might move even the sensible appetite. And thereby the latter participates in the order of reason. Passions are in this way, as Aquinas says, “subjectable” to the order of reason and become thereby morally relevant.¹⁷

Secondly, they can be considered as participating in reason, since they have the natural capacity to obey reason. And in this way the irascible or concupiscible power can be the subject of human virtue; since something is a principle of a human act insofar it participates in reason. And to these powers it is necessary to put virtues.¹⁸

However, the sensible appetite does not follow “automatically” the command of reason but may resist guidance. For example, the intellect commands us to renounce a further glass of wine, but our passions push us to continue drinking. Maybe the intellect wins the internal struggle. But as long as the appetite is inclined to follow its own law the commanded act remains a source of certain sadness, since it is moved violently by the higher appetite.

¹⁶ ST I-II 56.4: “Irascibilis et concupiscibilis dupliciter considerari possunt. Uno modo secundum se, in quantum sunt partes appetitus sensitivi. Et hoc modo, non competit eis quod sint subiectum virtutis.”

¹⁷ “Naturale est quod vires inferiores sint subiectibiles rationi.” (*De virt. in com.* 8 ad 17). *In sent.* III 33.1.2A explains that the appetitive powers “naturaliter sunt obaudibiles rationi: unde naturaliter sunt susceptivae virtutis.” And consequently: “In irascibili et concupiscibili . . . sit aliquid rationis participative, in quantum rationi obedire possunt.” (*In sent.* III 33.2.4B).

¹⁸ ST I-II 56.4: “Alio modo possunt considerari in quantum participant rationem, per hoc quod natae sunt rationi obedire. Et sic irascibilis vel concupiscibilis potest esse subiectum virtutis humanae, sic enim est principium humani actus, in quantum participat rationem. Et in his potentiis necesse est ponere virtutes.” Similar in *In sent.* III 33.2.4B ad 4: “Sensibilis appetitus, secundum quod in natura sua consideratur, dicitur sensualitas, et sic est perpetuae corruptionis; et secundum ipsum non differt homo a brutis, nec potest esse subiectum virtutis, non autem secundum quod est participans aliquantulum ratione; et ideo nihil prohibet sic in eo esse virtutem sicut in proximo subiecto.” It should be noted that because of this potential reasonability man’s passions are from the very beginning essentially different from the sensitive appetite of non-rational animals. (Cf. the analysis of

Therefore, the virtuous functioning of the sensible appetite presupposes the absence of unregulated passion and the disposition of easy submission.¹⁹

Temperance as Reasonable Inclination of the Sensitive Appetite

So far, so good. However, although the passive disposition of the sensitive appetite for being moved by the higher power is important, it is neither the complete character of temperance nor the most important one. Accordingly, St. Thomas: “No act is perfectly produced by an active power, unless it is connatural to that power by some form, which is the principle of that action.”²⁰ Hence, neither the absence of unregulated passions, nor the passive readiness to obey a potential command, but the actual conformity of the sensitive appetite according to the order reason is the specific character of affective virtue. “Since the good disposition of the power which moves by being moved, depends on its conformity with the moving power, therefore the virtue which is in the irascible and concupiscible power is nothing else but a certain habitual conformity of these powers to reason.”²¹ The mere fact that the sensible appetite *can* follow the command of reason (or even that it follows a concrete command) is not the proper purpose of an affective virtue. Rather, it implies – so to speak – the realization of the order of reason in the sensible appetite. “Moral virtue . . . is not only *according to right reason* [*secundum rationem rectam*], . . . but it is also *with right reason* [*cum ratione recta*].”²² Only because of this participation of the sensible appetite in the order of reason is

human passions according to Aquinas in Lee H. Yearley, *Mencius and Aquinas: Theories of Virtue and Conceptions of Courage* (New York: State University of New York Press, 1990), 72-112).

¹⁹ “Quando igitur oportet operationem hominis esse circa ea quae sunt obiecta sensibilis appetitus, requiritur ad bonitatem operationis quod sit in appetitu sensibili aliqua dispositio, vel perfectio, per quam appetitus praedictus de facili obediat rationi; et hanc virtutem vocamus.” (*De virt. in com.* 4).

²⁰ *ST* II-II 23.2: “Nullus autem actus perfecte producitur ab aliqua potentia activa nisi sit ei connaturalis per aliquam formam quae sit principium actionis.” G. Abbà mentioned a development regarding the function of moral matters in Aquinas’s thought. Whereas in his earlier works moral virtue is yet described as mere readiness to follow the judgment of reason, in his later works (esp. the second part of the *Summa theologiae*) moral virtue implies itself an inclination to the good act. See the summary of his research: Giuseppe Abbà, ‘*Lex et virtus*.’ *Studi sull’evoluzione della dottrina morale di san Tommaso d’Aqino* (Rome: Libreria Ateneo Salesiano, 1983), 265-271; for an outline of Aquinas’s developed position in the *Summa theologiae*, see *ibid.*, 174-224.

²¹ *ST* I-II 56.4: “Quia bona dispositio potentiae moventis motae, attenditur secundum conformitatem ad potentiam moventem; ideo virtus quae est in irascibili et concupiscibili, nihil aliud est quam quaedam habitualis conformitas istarum potentiarum ad rationem.” Also ad 2: “Irascibilis et concupiscibilis ex se quidem non habent bonum virtutis. . . . In quantum vero conformantur rationi, sic in eis adgeneratur bonum virtutis moralis.” In fact, it is due to moral virtue to incline the underlying power itself to the good of the reasonable order, to provide a “convenire rationi” of the passions (*ST* I-II 59.1). Or elsewhere: “Habitui vero proprium est ut inclinet potentiam ad agendum quod convenit habitui in quantum facit id videri bonum quod ei convenit, malum autem quod ei repugnat.” (*ST* II-II 24.11). Consequently, in *ST* I-II 58.5 Aquinas defines virtues of the sensitive appetite as dispositions “quae vim appetitivam inclinat ad bonum conveniens rationi.” Porter rightly emphasizes that the affective virtues are more than a mere “self-control” of passions (Jean Porter, *The Recovery of Virtue: The Relevance of Aquinas for Christian Ethics* (Louisville, KY: John Knox Press, 1990), 110-123).

²² *ST* I-II 58.4 ad 3: “Virtus moralis non . . . solum est *secundum rationem rectam*, in quantum inclinat ad id quod est secundum rationem rectam, ut Platonici posuerunt; sed etiam oportet quod sit *cum ratione recta*, ut

temperance a virtue at all. Temperance as a neutral disposition without own “reasonable tendency” would collapse, since it is the intrinsic reasonableness which constitutes the specific character of virtue.²³ Therefore, we can assert that temperance is the imprint of the *ordo rationis* in the sensible appetite.²⁴ Wadell describes virtuous affections even as “spirited emotions,”²⁵ as affects that answer a sensible good as proximate object but in a reasonable way. Thus, referring again to our example, the concupiscible appetite of a temperate person would refuse a fifth glass of wine not only because it is trained to be obedient to a command of reason but also because it inclines itself according to the order of reason.

According to the weak-direction-theory of Hause, one could imagine a hypothetical situation where a man loses reason but his sensible appetite remains perfected by temperance (at least for some time) since his passions do not incline him immediately to intemperate things. Not so for Aquinas. Admittedly, a certain habit might remain in the appetitive power even without prudence. That remaining habit, however, is not a moral virtue in its proper sense because the habit does not participate in the reasonable order. The *ratio virtutis* of temperance is not specified by the calmness of passions but by the imprint of the order of reason in the appetitive power itself.

Aristoteles dicit, in VI ethic.” Similar in *De virt. in com.* 12 ad 16: “Virtus moralis nihil aliud est quam participatio quaedam rationis rectae in parte appetitiva.”

²³ Temperance and fortitude never can be addressed without implicit reference to reason. “Habitum qui est in irascibili, non habet rationem virtutis . . . nisi in quantum intellectum et discretionem recipit a ratione, quam perficit prudentia.” (*In sent.* III 27.2.4C). Hence, it is would be inadequate to ascribe a temperate action exclusively to the appetitive power: always the formal part of the act pertains to reason. “Sicut iam dictum est, actus virtutis non potest esse irascibilis vel concupiscibilis tantum, sine ratione. Id tamen quod est in actu virtutis, principalius est rationis, scilicet electio; sicut et in qualibet operatione principalior est agentis actio quam passio patientis. Ratio enim imperat irascibili et concupiscibili. Non ergo pro tanto dicitur esse virtus in irascibili vel concupiscibili, quasi per eas totus actus virtutis vel principalior pars expleatur; sed in quantum, per virtutis habitum, ultimum complementum bonitatis actui virtutis confertur: in hoc scilicet quod irascibilis et concupiscibilis absque difficultate sequantur ordinem rationis.” (*De virt. in com.* 5 ad 2). What is true for temperance and fortitude, is likewise valid for all virtues of appetitive powers: “Habitum moralis habet rationem virtutis humanae, in quantum rationi conformatur.” (*ST* I-II 58.3). “Sicut virtutis moralis subiectum est aliquid participans ratione, ita virtus moralis habet rationem virtutis in quantum participat virtutem intellectualem.” (*ST* II-II 47.5 ad 3).

²⁴ Cf. *In sent.* III 27.2.4C ad 5. Affective virtues rule the sensible appetite in such a way that they conform themselves to the true good. “Elles gouvernent les passions de sorte que l’on désire ce qui est vraiment conforme au bien.” (Jean Porter, “Vertus,” in *Dictionnaire Critique de Théologie*, ed by Jean-Yves Lacoste, Paris: Presses Universitaires de France, 1998, 1219).

However, it should be noted that the affective powers – despite the rational inclination – do not produce human acts apart of a precedent act of reason and will. Every human act originates from man’s intellectual faculties. “Actus virtutis non potest esse irascibilis vel concupiscibilis tantum, sine ratione. Id tamen quod est in actu virtutis, principalius est rationis, scilicet electio; sicut et in qualibet operatione principalior est agentis actio quam passio patientis. Ratio enim imperat irascibili et concupiscibili. Non ergo pro tanto dicitur esse virtus in irascibili vel concupiscibili, quasi per eas totus actus virtutis vel principalior pars expleatur; sed in quantum, per virtutis habitum, ultimum complementum bonitatis actui virtutis confertur: in hoc scilicet quod irascibilis et concupiscibilis absque difficultate sequantur ordinem rationis.” (*De virt. in com.* 4 ad 2).

²⁵ Cf. Wadell, *The Primacy of Love*, 98-103.

Conclusion: Temperance as Directing Prudence

Up to now we have spoken of the “order of reason” while avoiding any reference to prudence. As the virtue of the practical intellect prudence is defined as *recta ratio agibilium*, as a virtue of the intellect which inquires, judges and commands the right mean in practical matters.²⁶ The foregoing findings might suggest the idea that temperance simply consists in the participation of the sensible appetite *in prudence*. Is prudence therefore the superior virtue which determines the order of temperance?

Aquinas addresses the general relation between prudence and moral virtues on several occasions, asking whether the moral virtues can exist without prudence and *vice versa*.²⁷ He argues for a somehow circular schema: the moral virtues require prudence and prudence requires the moral virtues. The latter require prudence since by themselves they imply just the inclination towards the right end. On their own they fail to choose and command the right means for attaining these right ends. Therefore, they need the guidance of prudence which determines *ea quae sunt ad finem*.²⁸ Conversely, prudence can only choose the right means if the human appetite is already ordered towards its right end. In other words, the right appetite towards the end is the measure of the practical intellect for the right means.²⁹ Thus, prudence presupposes the moral virtues, which direct the human appetites to the right ends – in a way “before” the proper activity of prudence.³⁰

This assertion requires a twofold explanation.

First, moral virtues are not blind inclinations, although their end is not determined by prudence. St. Thomas denies that the ends of moral virtues are the result of a proceeding inquiry by prudence. Nonetheless, they are known by reason, namely immediately and naturally as first principles of the practical intellect, such as the preservation of one’s life. “In practical reason some principles preexist naturally known, and those are the ends of moral

²⁶ *ST* I-II 57.4-6; *ST* II-II 47.1-5.

²⁷ See e.g. *ST* I-II 58.4 and 5; 66.3 ad 3; *ST* II-II 47.6 and 7; *De virt. card.* 2; *Quodl.* XII 15.1 etc.

²⁸ *ST* I-II 58.4; *ST* II-II 47.7.

²⁹ Very illuminative is the following explanation in *In ethic.* VI 2.8: “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.”

³⁰ Thus, it is clear that prudence does not choose the end of moral virtues; see *ST* I-II 58.5; *ST* II-II 47.6.

virtues.”³¹ And further: “The end of moral virtues is determined by natural reason which is called *synderesis*.”³² Only subsequently to this principal orientation of the moral virtues towards immediately known practical ends does the virtue of prudence inquire, judge and command the apt means for attaining the end.

Secondly, though prudence does not choose the end of the moral virtues, Aquinas sometimes says that it might dictate their ends. “Prudence directs the moral virtues not only in choosing the right means, but also in prescribing the end.”³³ Such an assertion is based on the fact that the ends which are (already) determined by nature and known by the practical intellect have yet to be decreed to the appetitive powers. As seen above, the appetitive powers have to be determined according to the order of reason.³⁴ And in this qualified sense prudence even prescribes their end. However, this does not imply a potential choice regarding the end.³⁵

Let us apply this view to the concrete example of temperance. By his practical intellect man immediately acknowledges health as a good. Temperance thus inclines the concupiscible appetite towards health – according to the order of reason, but not as *chosen* by prudence. Only subsequently does prudence join the process of action. It chooses the right means for attaining the already determined end, and it commands particular acts from temperance to achieve the end, i.e. in virtue of its inclination towards the end.

This outline should provide us enough to show that prudence cannot be portrayed simply as the guiding virtue of moral virtues. On the contrary, prudence is, in a certain sense, even subordinate to the moral virtues.

b) Infused Prudence and Its Cooperation with Infused Moral Virtues

The insufficiency of mere infused prudence without infused moral virtues should now be evident. Moral virtues do not only dispose their underlying powers to follow a superior

³¹ *ST* II-II 47.4: “In ratione practica praeexistunt quaedam ut principia naturaliter nota, et huiusmodi sunt fines virtutum moralium.”

³² *ST* II-II 47.6 ad 1: “Virtutibus moralibus praestituit finem ratio naturalis quae dicitur synderesis.” In *ST* I-II 58.4 Aquinas attributes the knowledge of the end to the intellectual virtue of *intellectus* (which is discussed in *ST* II-II 57.2).

³³ *ST* I-II 66.3 ad 3: “Prudentia non solum dirigit virtutes morales in eligendo ea quae sunt ad finem, sed etiam in praestituendo finem.” Similar also in *ST* II-II 47.2 ad 1: “In genere autem humanorum actuum causa altissima est finis communis toti vitae humanae. Et hunc finem intendit prudentia.”

³⁴ *ST* I-II 60.1: “In moralibus ratio est sicut imperans et movens.”

command; they also imply in themselves an inclination to right ends on the natural level according to the immediate insights of *synderesis*. Analogously, the infused moral virtues have to consist in the participation of the appetitive powers in a certain order, namely the order of grace. Or to put it another way, by the infused moral virtues the appetitive powers incline to certain ends according to the first principles of the supernatural life, principles which we identified in section 1.1 as the theological virtues.

This point is highly important. If we reconstruct the account of infused moral virtues in a parallel fashion to their acquired counterparts, then their ends are not chosen by infused prudence which inquires, elects, and commands *ea quae sunt ad finem*. On the contrary, it is due to the light of divine faith that the graced agent acknowledges immediately and *quasi-naturally* some supernatural truth which exceeds mere human reason. This divine knowledge of faith includes not only speculative but also practical truth about some goods unknowable by mere natural *synderesis*. And these revealed goods constitute the ends of infused moral virtues.³⁶

Our interpretation is confirmed by Aquinas's discussion of understanding and knowledge as gifts of the Holy Spirit to support divine faith.³⁷ Through the influence of those gifts man knows truths above his reason,³⁸ not only theoretical but also practical ones. Those insights – exceeding the *synderesis* but made possible by the gift of intellect and the virtue of faith – become the first principles of the moral life of the graced agent. St. Thomas explains: “The rule of human actions is human reason and the eternal law, as stated above. Now the eternal law exceeds human reason. And therefore the knowledge of human actions as ruled by the eternal law, exceeds natural reason, and requires the supernatural light of a gift of the Holy Spirit.”³⁹ And from those first principles man can draw further practical conclusions, supported by the gift of knowledge. “By [the gift of] knowledge of the things of faith, and the

³⁵ On the contrary: Aquinas notes that prudence is moved by the natural knowledge the practical principles. “Synderesis movet prudentiam, sicut intellectus principiorum scientiam.” (*ST* II-II 47.6 ad 3).

³⁶ *ST* II-II 4.2 ad 4: “Fides est in intellectu speculativo sicut in subiecto, ut manifeste patet ex fidei obiecto. Sed quia veritas prima, quae est fidei obiectum, est finis omnium desideriorum et actionum nostrarum, ut patet per Augustinum, in I de Trin.; inde est quod per dilectionem operatur. Sicut etiam intellectus speculativus extensione fit practicus.” See thereto also Christopher J. Thompson, “The Spirit and the Limits of Prudential Reasoning,” *The Thomist* 63 (1999): 433-434.

³⁷ Discussed in *ST* II-II 8 and 9.

³⁸ *ST* II-II 8.1.

³⁹ *ST* II-II 8.3 ad 3: “Regula humanorum actuum est et ratio humana et lex aeterna, ut supra dictum est. Lex autem aeterna excedit naturalem rationem. Et ideo cognitio humanorum actuum secundum quod regulantur a lege aeterna, excedit rationem naturalem, et indiget supernaturali lumine doni spiritus sancti.” Similar in the *corp. art.*: “Donum intellectus etiam ad quaedam operabilia se extendit . . . inquantum in agendis regulamur rationibus aeternis, quibus conspiciendis et consulendis, secundum Augustinum, XII de Trin., inhaeret superior ratio, quae dono intellectus perficitur.”

conclusions drawn from those things of faith, we are directed in our actions.”⁴⁰ This shows that the ends of supernatural moral virtue are not inquired and chosen by prudence, but already predetermined.

However, the mere intellectual knowledge of these supernatural goods is not enough, since moral virtues consist in the right inclination of the appetitive powers themselves. A theory of infused moral virtue becomes therefore necessary. Acquired temperance *is* the inclination of the sensible appetite according to the order of reason. Analogously, infused temperance *is* the inclination to the right ends in respect to the supernatural order. Only on this basis – subsequently – prudence becomes relevant, namely as inquiring, choosing, and commanding the right means, but always in regard to an already determined end.

Let us assume *per impossibile* the hypothetical case that an irrational animal becomes equipped with by rational powers. Thus, reason would direct the animal to a new (and higher) end. But such a divine infusion of reason would not imply automatically a potential virtuousness of the sensitive appetite. Even a command or approval of some passions by reason wouldn’t already be temperate. Unless the sensitive appetite of the animal is not fundamentally transformed – namely if it does not become *itself* reasonable by participation in the intellect – then the miraculous animal couldn’t act temperately in the proper sense. Analogously, the infusion of theological virtues together with infused prudence would be insufficient to transform the human moral life unless a new set of moral virtues are equally infused.⁴¹

⁴⁰ ST II-II 9.3: “Per scientiam credibilium, et eorum quae ad credibilia consequuntur, dirigimur in agendis.”

⁴¹ For the same reasons the suggestion that those supernatural habits could be generated by repeated actions is impossible. Without infused moral virtues the human faculties lack the adequacy in regard to the divine good and hence they are simply disproportioned to follow a supernatural command; see ST I-II 63.3 *corp.* and ad 1; the “proportionaliter” obviously does not imply a neutral readiness regarding theological virtues. This sheds light also on Lottin’s position who didn’t negate the specific difference between natural and supernatural acts, but he held that under the influence of theological virtues the acquired virtues become able to bring forth supernatural actions. “A baptême, nous recevons la grâce sanctifiante et les trois vertus théologiques, habitus surnaturels qui contiennent virtuellement tout ce qui surnaturalisera les actes humains . . . Quand se posera devant la conscience un acte à poser qui relève d’une vertu morale, la foi et la charité interviendront, l’une pour conférer à cet acte un objet formel surnaturel, l’autre pour l’orienter vers la fin dernière. Il est donc inutile de recourir à d’autres habitus infus.” (Lottin, *Morale fondamentale*, 412). In this way he even conceded the existence of infused virtues, although the meaning of the concept has fundamentally changed: “Les vertus morales dites infuses ne sont pas un vain mot; elles sont des réalités, des habitus, des vertus, non toutefois des vertus qui nous seraient *infuses* au baptême, mais des vertus acquises par l’exercice des vertus théologiques.” (Lottin, “Vertus morales acquises,” 140-141, footnote 3). In a similar (though slightly different) way Beraza defended the necessity of infused moral virtues because of the supernatural final end (Blasio Beraza, *Tractatus de virtutibus infusis* (Bilbao: El Mensajero del Corazón de Jesús, 1929), 646), but reduced the need to the perfection of the will. “Virtutes morales per se infusas esse tantum in voluntate.” (Ibid., 646-647). Those authors obviously ignore the fact that all human faculties from the very beginning of their supernatural acting need a proper inclination in accordance to the order of grace.

This principle, which clearly holds for temperance, is universally valid for all moral virtues as perfections of human appetitive powers, i.e. for fortitude, justice, and their annexed virtues. God himself must be the efficient cause of a new set of moral virtues, since they consist in a specific inclination of the particular human powers themselves, an inclination to use the created things in regard to new supernatural ends. The moral virtues in themselves have to contain a divine measure and consequently they can only be caused directly by God himself.⁴²

Thus, for St. Thomas the divine gift of charity has to be completed by the infusion of supernatural moral virtues:

In order that the act of a lower power is perfect, not only there has to be a perfection in the higher power, but also in the lower: for if the principal agent were well disposed, perfect action does not follow, as long as the instrument also is not well disposed. Thus, in order that man work well in things pertaining to the end, he needs not only a virtue disposing him well to the end, but also virtues which dispose him well to the things referred to the end: for the virtue which regards the end is the chief and moving principle in respect of those things that are referred to the end. *And therefore it is necessary to have together with charity other [infused] moral virtues.*⁴³

⁴² J. Hause describes the character of the infused moral virtues as a “strong direction” toward the right mean according to a divine measure which lies *per se* beyond the human moral knowledge which we can attain through our own nature. Thus, God has to infuse those virtues. “When we acquire virtue, we do it on the basis of our experience and on the basis of moral principles available to us. But both our knowledge and our experience are necessarily limited; and so if our virtues provide us with strong direction, that direction will be limited by the constraints on our own knowledge and experience. When God infuses virtues in us, Aquinas might say, he can overcome these limitations. The resulting strong direction makes up for what we cannot know and cannot experience. . . . The difference in efficient causes explains why the infused virtues have different formal objects and ends than the acquired virtues.” (Hause, “Aquinas on the Function of Moral Virtue,” 17-18).

⁴³ *ST* I-II 65.3 ad 1: “Ad hoc quod actus inferioris potentiae sit perfectus, requiritur quod non solum adsit perfectio in superiori potentia, sed etiam in inferiori, si enim principale agens debito modo se haberet, non sequeretur actio perfecta, si instrumentum non esset bene dispositum. Unde oportet ad hoc quod homo bene operetur in his quae sunt ad finem, quod non solum habeat virtutem qua bene se habeat circa finem, sed etiam virtutes quibus bene se habeat circa ea quae sunt ad finem, nam virtus quae est circa finem, se habet ut principalis et motiva respectu earum quae sunt ad finem. Et ideo cum caritate necesse est etiam habere alias virtutes morales.” See also *De virt. in com.* 10: “Infunditur igitur divinitus homini ad peragendas actiones ordinatas in finem vitae aeternae primo quidem gratia, per quam habet anima quoddam spirituale esse, et deinde fides, spes et caritas; ut per fidem intellectus illuminetur de aliquibus supernaturalibus cognoscendis, quae se habent in isto ordine sicut principia naturaliter cognita in ordine connaturalium operationum; per spem autem et caritatem acquirit voluntas quamdam inclinationem in illud bonum supernaturale ad quod voluntas humana per naturalem inclinationem non sufficienter ordinatur. Et sicut praeter ista principia naturalia requiruntur habitus virtutum ad perfectionem hominis secundum modum sibi connaturalem, ut supra dictum est; ita ex divina influentia consequitur homo, praeter praemissa supernaturalia principia, aliquas virtutes infusas, quibus perficitur ad operationes ordinandas in finem vitae aeternae.” See also ad 5.

2.1.2 The Efficient Cause of Infused Virtues as Criterion of Discernment

The second question regarding the efficient cause of infused virtue was whether the mere fact of a divine infusion implies necessarily a different species of virtue. Aquinas claims in the *sed contra* of *ST* I-II 63.4 that there is a specific difference between acquired and infused virtues *because of* the divine infusion of the latter.⁴⁴ P. Ramsey has argued on the basis of this argument that both kinds of virtue “differ mainly in that their source is different.”⁴⁵ But St. Thomas himself acknowledges that a man who is immediately created by God does not differ specifically from a man born by nature – as the eyesight of a healthy man is of the same species as that of man who was born blind and healed miraculously by Jesus (Jn 9).

Both examples are conceded.⁴⁶ This is not the point in question, however. There is no doubt that God could infuse the habit of acquired natural virtue immediately through a miracle.⁴⁷ Therefore, it has to be conceded that the formal difference between natural and supernatural moral virtues cannot be determined by the mere fact of God’s immediate infusion. But Aquinas’s assertion is more moderate. He does not claim that the efficient cause provides a formal criterion of discernment for infused virtues. Rather, it is their necessary infusion which demonstrates sufficiently a principal difference to the species of acquired virtues. In the aforementioned quotation he refers to the statement “which God works in us without us” as the general difference of the supernatural moral virtue in relation to acquired virtues. The former can only be generated by infusion, whereas their natural counterparts might be accidentally infused. Hence, not only the fact of a divine infusion determines the species of infused virtues, but their necessary infusion.

In conclusion, as some scholars have rightly noted, the efficient cause does not provide a formal definition of infused virtue, for this remains only an extrinsic element.⁴⁸ Nevertheless, the fact that those moral virtues can be possessed only by and through divine infusion can be

⁴⁴ See the quotation corresponding to footnote 1.

⁴⁵ Ramsey, *Basic Christian Ethics*, 214. See the whole statement: “There is a table of infused moral virtues exactly identical with St. Thomas’s table of acquired moral virtue, each bearing the same name and referring to almost the same essential quality of character. Theses duplicate sets of virtues differ mainly in that their source is different.”

⁴⁶ Cf. *ST* I-II 63.4 arg. 3; *De virt. in com.* 10 arg. 7.

⁴⁷ “Omnem formam quam operatur natura, potest etiam eandem specie deus operari per seipsum sine operatione naturae: et secundum hoc, sanitas quae a deo miraculose perficitur, est eiusdem speciei cum sanitate quam facit natura. Unde non sequitur quod omnem formam quam deus potest facere, possit etiam natura perficere.” (*De virt. in com.* 10 ad 7).

⁴⁸ See e.g. Odon Lottin, *Psychologie et morale aux XII^e et XIII^e siècles: Problèmes de morale*, vol. 3 (Louvain: Abbaye du Mont César, 1949), 461.

taken as evidence that even the content of those virtues must differ from their acquired counterparts.

2.2 The Formal Cause: The Asymmetric Relation of Acquired and Infused Virtues

According to *ST I-II 63.4*, the set of acquired virtues is characterized by the rule of reason as its formal measure (*secundum regulam rationis humanae*), and the set of infused virtues is directed by the divine rule (*secundum regulam divinam*). At first glance, the distinction seems completely clear. The actual text, however, is more sophisticated. St. Thomas does not simply speak of various measures, but of two *rationes formales obiectorum virtutum*. What does he mean by this? Reason is described as formal measure of the objects of acquired virtue, the divine rule in regard to the objects of infused virtues. But what function does reason assume in the case of infused virtues? At the end of the *Prima secundae* we read: “As the acquired virtues perfect a man to walk in accordance with the natural light of reason, likewise the infused virtues perfect a man to walk in accordance with the light of grace.”⁴⁹ Hence, does the divine law work as a formal notion *besides* reason? Or is there even in the case of infused virtues an essential involvement of reason? This will be the issue of the next section (2.2.1).

Moreover, *ST I-II 63.4* remains silent about the reciprocal relationship of both rules. For a solution to these questions we will turn to the section on law at the end of the *Prima secunda*,⁵⁰ where the law is defined as *rule of human actions*,⁵¹ and where natural law and divine law are distinguished. We hope to show that it is possible to draw from these articles certain conclusions regarding the relationship between the formal rules of both sets of virtues.

⁴⁹ *ST I-II 110.3* – “Sicut enim virtutes acquisitae perficiunt hominem ad ambulandum congruenter lumini naturali rationis; ita virtutes infusae perficiunt hominem ad ambulandum congruenter lumini gratiae.” For literature about that twofold rule, we refer to Michael Schmaus, “Das natürliche Sittengesetz und das Gesetz des Evangeliums,” in *San Tommaso e la filosofia del diritto oggi*, ed. Giovanni Ambrosetti (Rome: Città nuova editrice, 1975), 222-238.

⁵⁰ See *ST I-II 90-108*.

⁵¹ *ST I-II 90.1*: “Lex quaedam regula est et mensura actuum, secundum quam inducitur aliquis ad agendum, vel ab agendo retrahitur, dicitur enim lex a ligando, quia obligat ad agendum.”

2.2.1 What is *Not* Meant by the Different Formal Notion

Aquinas invokes the rule of reason as the formal measure of acquired virtue, contrasting it with the divine rule as the measure of infused virtue. What is the exact meaning of this assertion? Or better, what is *not* meant thereby?

A careful reading of *ST* I-II 63.4 shows that St. Thomas does not directly portray reason as the rule of acquired virtues and divine rule as the measure of infused virtues.⁵² In particular, he refers to the two rules as “special and formal notions of [their] objects.”⁵³ The object of any virtue is defined as the good considered in its relative matter. Thomas takes as his example the virtue of temperance, whose matter is sensible pleasure. Consequently, the object of temperance (the good of sensible concupiscence) is determined either according to the measure of reason or according to divine law. Or to put it another way, the end of acquired temperance (since the good is the end) is determined by reason, whereas the end of infused temperance is specified by the divine law.

At this point we can apply the results of the previous section. The good of acquired temperance – St. Thomas refers to bodily health as an example – is known by reason (by *synderesis*, as natural knowledge). On the other hand, the good of infused temperance – the ready submission of the body to the spirit – is revealed by Sacred Scripture and commanded by divine law. The two resulting species of temperance are just different inclinations of the sensible appetite towards their specific object as measured by two standards. And subsequently it is due to prudence (either acquired or infused) to choose and command the right means for attaining the relative end which is already determined either by the rule of reason or by the divine rule.

From this perspective it should be clear what the different formal notions of acquired and infused virtue do *not* mean. They do *not* imply that reason possesses only a decisive function in the acts of the acquired virtues, whereas the acts of the infused virtues are specified somehow directly from the divine law. Of course, the divine rule determines the “objects” of infused virtues, i.e. their ends. This determination, however, does not take place without an involvement of man’s own reason, but of course through *perfected reason*. The divine law is revealed to man’s mind by divine faith (in cooperation with the gifts) as new practical principles which determine the end of infused moral virtues. But these divinely given

⁵² One time he speaks also of the divine *law*.

⁵³ “Speciales et formales rationes obiectorum” (*ST* I-II 63.4). Similar some lines later: “. . . cuius quidem obiecti formalis ratio est a ratione.”

principles are known only by man's reason, which subsequently chooses and commands particular human acts. Admittedly, we are dealing here not with mere natural reason, but with a reason that presupposes a divine enlightening (with an involvement of a corresponding gift, presupposing a motion of the Holy Spirit). However, it is still true human reason.

In the disputed question *De malo*, St. Thomas speaks of *ratio informata lege divina* as the formal principle for morally good and evil actions: "Good and evil in human acts is considered insofar the act concords to reason informed by the divine law."⁵⁴ And some articles later he adds: "It belongs to reason to rule the appetite, especially insofar it is informed by the law of God."⁵⁵ In a similar way *ST* I-II 19.4 describes reason as *regula proxima* of the human act, whereas the eternal law is the remote rule. And the third reply mentions the possibility that the latter is made known to human reason either by natural knowledge of reason or by divine revelation, which is nothing else than the divine law.⁵⁶ But in both cases the human power of reason remains the proximate rule of the moral act, though in the latter case it is reason elevated and illuminated by the revealed divine law.

We have to learn from these quotations that Aquinas's description of the divine rule as formal notion of the infused virtues depicts the principle which determines the end of those virtues. But it does not deny reason's essential function for the acts of such virtues. Reason remains the *regula proxima* even for the graced human acts which are therefore in a certain way *formally* determined by reason, though reason itself is informed by a higher principle. (The result fits again to our outline of the function of the gifts where we saw that the instigation of the Holy Spirit does not supercede the act of reason but moves it.⁵⁷) Hence, Aquinas can write without hesitation: "Virtue entails ruling *by reason* internal affections as well as the use of corporal things. This, namely, is constituted by the divine law."⁵⁸ Thus, Aquinas's assertion should not mislead us to undervalue the ordinary structure of the human act (as ruled by reason) even in the case of infused virtues.

⁵⁴ *De malo* 2.4: "Bonum et malum in actibus humanis consideratur secundum quod actus concordat rationi informatae lege divina."

⁵⁵ *De malo* 8.2: "Ad rationem pertinet dirigere appetitum, et praecipue secundum quod est lege dei informata." See for this: van C.A.J. Ouwerkerk, '*Caritas et Ratio: Étude sur le double principe de la vie morale chrétienne d'après s. Thomas d'Aquin*' (Nijmegen: Drukkerij Gebr. Janssen, 1956), 59-64. In the *Summa theologiae* we do not find the explicit expression of reason informed by the divine law, but there are some indirect hints, so for example *ST* I-II 74.7: "Actus humani regulari possunt ex regula rationis humanae, quae sumitur ex rebus creatis, quas naturaliter homo cognoscit; et ulterius ex regula legis divinae."

⁵⁶ "Licet lex aeterna sit nobis ignota secundum quod est in mente divina; innotescit tamen nobis aliquantulum vel per rationem naturalem, quae ab ea derivatur ut propria eius imago; vel per aliqualem revelationem superadditam." (*ST* I-II 19.4 ad 3).

⁵⁷ Even if *ST* I-II 68.2 demands "non sufficit ipsa motio rationis, nisi desuper adsit instinctus et motio Spiritus Sancti", the motion of the Holy Spirit does not make redundant the act of reason.

This finding becomes very important for the remaining parts of this work, since we now have to expect that Aquinas might refer to *reason* in a more general way as the measure for the infused virtues, even without an explicit indication of whether reason is informed by the divine law.⁵⁹

2.2.2 The Mutual Relationship between Rule of Reason and Divine Rule

Subsequent to the previous section we need to investigate the mutual relationship between the rule of reason and the divine rule. Aquinas describes this relationship in the treatise on law in the *Summa theologiae*. According to *ST* I-II 63.4, the two rules lead to different kinds of virtue. As was seen in the previous chapter, however, reason, which is the measure of the one, is also essentially involved in the action of the other. Hence, how does Aquinas describe the interaction of both measures?⁶⁰ The ordering of our actions by the rule of reason corresponds to the natural law (*lex naturalis*), while the ordering by the divine rule depends on the divine law. Thus, the natural law is determinative for acquired virtues, the divine law for infused virtues. Therefore, we will investigate first the content of these two laws, and then we draw some conclusions regarding the relation between the formal rules of both kinds of virtue.

⁵⁸ *ScG* III 121.3: “Virtus autem in hoc consistit, quod tam interiores affectiones, quam corporaliū rerū usus, ratione reguntur. Est igitur hoc lege divina statuendum.”

⁵⁹ As example we can refer to *In sent.* III 36.1.2C ad 3, where he describes infused affective virtues as participating in reason: “Virtutes infusae et acquisitae non sunt in irascibili et concupiscibili nisi secundum quod participant aliquantulum rationem.” In *ST* II-II 161.5 even the theological virtues are described as realizing the order of reason: “Bonum humanae virtutis in ordine rationis consistit. Qui quidem principaliter attenditur respectu finis. Unde virtutes theologicae, quae habent ultimum finem pro obiecto, sunt potissimae.” Thus, Pieper argues for such a wider use of the term *ratio* in the work of Aquinas: “Vernunft ist . . . nicht notwendig eingeschränkt zu denken auf den Bereich des natürlicherweise Erkennbaren; oft genug . . . erscheint die *ratio* als Partnerin des Glaubens oder auch als seine Voraussetzung, aber ebensooft ist damit einfachhin die Kraft gemeint, Wahrheit zu fassen, die gewusste wie die geglaubte.” (Pieper, “Über den Begriff der Sünde,” 240).

⁶⁰ See for the following Ouwkerk, ‘*Caritas et Ratio*’, 59-64; 92-101.

Important to notice: At the present stage we are not yet concerned about the interaction of both *virtues*; this will be the issue of chapter 3.

a) The Natural Law as Formal Rule of the Objects of Acquired Virtues

A first exposition of St. Thomas's doctrine on natural law is given in *ST* I-II 91.2. It is treated in more detail later in q. 94. The doctrine of the *lex naturalis* as the foundation of morality has become in past decades a topic of controversy.⁶¹ It is neither possible nor necessary to dwell on these issues in our research. In a few lines, we will only recount the most basic (and undisputed) aspects of Aquinas's doctrine.

The starting point for his outline of the natural law is the assertion that every operation of a creature arises from a natural inclination, i.e. from a natural striving for certain predetermined ends, which consist in nothing else than the perfection of the agent according to his own nature, or its proper good. In this way creatures participate in the divine governance of the universe, which Aquinas identifies with the eternal law.⁶² Through the natural inclinations of creatures God himself guides all things according to his wisdom (i.e. the eternal law).⁶³

What is valid for all created things is valid for man in a special way. Rational creatures surpass other beings since their natural inclinations do not push them *in a passive way*, but rather they apprehend (by reason) certain objects immediately (*naturaliter*) as good and appetibile. They thereby participate in an *active* and *reasonable* way in the governance of the universe. Thus, St. Thomas defines the natural law for man's acting: "The natural law . . . is the light of the intellect as implanted to us by God, by which we recognize what to do and what to avoid."⁶⁴

Thus, though it is finally the eternal law which constitutes the order of goodness, man's reason constitutes analogously an order of goodness – not autonomously but simply through participating in the eternal law. Aquinas describes this participation in terms of the first principle of the practical intellect, divinely impressed and therefore immediately known, and by which man is inclined in accordance to the eternal law – naturally and reasonably at once.⁶⁵ Thus, man's natural inclinations are not understood as a blind, irrational instinct, but

⁶¹ For a detailed overview of the whole problematic see Martin Rhonheimer, *Praktische Vernunft und Vernünftigkeit der Praxis. Handlungstheorie bei Thomas von Aquin in ihrer Entstehung aus dem Problemkontext der aristotelischen Ethik* (Berlin: Akademie Verlag, 1994).

⁶² For the eternal law, cf. *ST* I-II 91.1 and more extensive q. 92. In *ST* I-II 71.6 Aquinas refers to the *lex aeterna* parallel to human reason as "quasi ratio die."

⁶³ "Omnia participant aequaliter legem aeternam, in quantum scilicet ex impressione eius habent inclinationes in proprios actus et fines." (*ST* I-II 91.2).

⁶⁴ *De duo. prae.*, prologus: "Lex naturae . . . est . . . lumen intellectus insitum nobis a deo, per quod cognoscimus quid agendum et quid vitandum."

⁶⁵ For Aquinas nature and reason are not yet contraries (see Pinckaers, *The Sources of Christian Ethics*, 400-405).

as an intelligible tending towards the specific human good.⁶⁶ This intuitive practical knowledge is expressed in the most basic axiom: “Good is to be done and pursued, and evil is to be avoided.”⁶⁷ This is the first precept of the natural law. Though it is the expression of a natural inclination, it is nevertheless a law in the proper sense, sc. “a certain ordinance of reason,”⁶⁸ since it is based on the natural judgment of the practical intellect.

There are, of course, further precepts which the human agent comprehends immediately as conclusions of the first natural precept.⁶⁹ Aquinas presents a short overview about the principal natural precepts in three levels: first, in common with every other substance, man inclines to preserve his own being according to his nature; secondly, as all animals, he inclines to the procreative union of male and female, including the education of the offspring, etc.; thirdly, as a specific characteristic of mankind, man enjoys life in community and strives for the knowledge of the truth about God.⁷⁰

Already this sketchy outline of Aquinas’s doctrine of natural law shows what is meant by the description of reason as “ratio formalis obiectorum” for acquired virtues. For example the sound care for bodily health belongs to the human good not because of the mere fact of an instinctive striving for survival, but because practical reason perceives its own substantial being as appetibile. And consequently, acquired virtues consist in habitual inclinations regarding objects (as their ends) which are immediately known by reason as good.⁷¹

⁶⁶ “Inter cetera autem rationalis creatura excellentiori quodam modo divinae providentiae subiacet, inquantum et ipsa fit providentiae particeps, sibi ipsi et aliis providens. Unde et in ipsa participatur ratio aeterna, per quam habet naturalem inclinationem ad debitum actum et finem. Et talis participatio legis aeternae in rationali creatura lex naturalis dicitur.” (ST I-II 91.2).

⁶⁷ ST I-II 94.2: “Bonum est faciendum et prosequendum, et malum vitandum.”

⁶⁸ ST I-II 90.4: “quaedam ordinatio rationis.”

⁶⁹ In the famous article 94.2 of ST I-II Aquinas draws a parallel between practical and speculative intellect: The speculative intellect contains some first principles, which are naturally known and which provide the necessary basis of any further knowledge of truth. Likewise the practical intellect contains some first *practical* principles, known not by discursive reasoning, but by immediate understanding.

⁷⁰ “Inest enim primo inclinatio homini ad bonum secundum naturam in qua communicat cum omnibus substantiis, prout scilicet quaelibet substantia appetit conservationem sui esse secundum suam naturam. Et secundum hanc inclinationem, pertinent ad legem naturalem ea per quae vita hominis conservatur, et contrarium impeditur. Secundo inest homini inclinatio ad aliqua magis specialia, secundum naturam in qua communicat cum ceteris animalibus. Et secundum hoc, dicuntur ea esse de lege naturali quae natura omnia animalia docuit, ut est coniunctio maris et feminae, et educatio liberorum, et similia. Tertio modo inest homini inclinatio ad bonum secundum naturam rationis, quae est sibi propria, sicut homo habet naturalem inclinationem ad hoc quod veritatem cognoscat de deo, et ad hoc quod in societate vivat.” (ST I-II 94.2).

⁷¹ For further discussion of the relationship of moral virtue and *lex naturalis* see for example Schuster, *Moralisches Können*, 43-52.

b) The Divine Law as Formal Notion of the Objects of Infused Virtues

What about the divine law? The infused moral virtues are specifically different from their acquired counterparts because of their specification by the divine law. The concept of the *lex divina* must not be confused with the *lex aeterna*.⁷² The latter means, as seen above, divine providence itself, i.e. the divine governance of the universe (“ratio gubernationis rerum in deo”⁷³). On the contrary, the term of the divine law is based on the fact that God has ordered man as rational creature towards supernatural friendship with himself. The divine law consists of precepts revealed by God (directly or mediated by man or angels⁷⁴) for ordering man towards that new supernatural end.⁷⁵ Whereas the natural law is accessible to human reason since it corresponds to his natural inclinations, the attaining of supernatural beatitude exceeds human natural powers. Hence man’s destiny to such a higher end has to be revealed and the necessary principles of action have to be given in addition to his natural powers. Consequently, a corresponding law also became necessary – the divine law. Aquinas explains: “Since man is ordained to the end of eternal beatitude which exceeds the proportions of the natural human faculty, . . . therefore it was necessary that, besides the natural and the human law, man should be directed to his end by a law given by God.”⁷⁶ Both the natural and the divine law are specifically different, not only because of the different kinds of promulgation, but first and foremost by their different ends. Consequently, virtues which imply a direction to objects measured by those different rules are also formally distinct. Acquired virtues on the one hand, infused virtues on the other hand.

Aquinas devotes a long exposition to the topic of divine law. It is divided in internally connected two parts: an extended discussion of the Old Law (*ST* I-II 98-105), and a shorter section on the New Law (qq. 106-108). Although we live in the time of the New Law, the

⁷² For a good overview of the different kinds of law in Aquinas, see Thomas Gilby, “Appendix 2: The Theological Classification of Law (1a2ae. 91,1-3),” in *Summa Theologiae: Law and Political Theory*, vol. 28 (Cambridge: Cambridge University Press, 2006), 162-164.

⁷³ *ST* I-II 91.1; cf. *ST* I-II 93.

⁷⁴ Cf. *ST* I-II 98.2 and 3.

⁷⁵ In a certain way the eternal law is combines both the natural and divine law: “Per naturalem legem participatur lex aeterna secundum proportionem capacitatis humanae naturae. Sed oportet ut altiori modo dirigatur homo in ultimum finem supernaturalem. Et ideo superadditur lex divinitus data, per quam lex aeterna participatur altiori modo.” (*ST* I-II 91.4 ad 1; cf. also ad 2 and *ST* II-II 22.1 ad 1).

⁷⁶ *ST* I-II 91.4: “Quia homo ordinatur ad finem beatitudinis aeternae, quae excedit proportionem naturalis facultatis humanae, . . . ideo necessarium fuit ut supra legem naturalem et humanam, dirigeretur etiam ad suum finem lege divinitus data.” Aquinas mentions here three further reasons for the necessity of a divinely revealed law, although these arguments would not require necessarily a revelation: a) the fallibility of human knowledge of the moral precepts; b) the impossibility of human law to judge internal actions; c) the human law cannot prohibit all evil actions.

treatise on the Old Law is of great interest, at least because Aquinas makes some key distinctions solely in this prior part

i) The Divine Law of the Old Testament

For Aquinas the *lex vetus* is not a totally different law from the *lex nova*. Both are given for the same end, namely man's direction to supernatural beatitude.⁷⁷ But the Old Law differs from the New Law as something imperfect in relation to its perfect state.⁷⁸ Nevertheless, both truly belong to the divine law. Also, the Old Law cannot be reduced to the natural law that directs man to his natural perfection, but it is given as *imperfect* preparation for his supernatural end.⁷⁹

In this context Aquinas explicitly asserts that the Old Law as part of divine law does not contradict the natural law but rather concords with right reason. "The Old Law was in accordance with reason."⁸⁰ This *consonantia* of the natural and divine laws is highly important for the relation between the rule of reason and the divine rule. It is impossible to interpret the consonance as a simple the identity of both laws. In *ST I-II 98.5* St. Thomas asks the question whether all men are obligated to observe the Old Law. In his answer he distinguishes some precepts which belong to the natural law *per se* but are "additionally" revealed by divine law, the so called *praecepta moralia*, and these precepts are obligatory also for pagans since they can be known by mere reason.⁸¹ Those precepts are revealed only because of the weakness and uncertainty of man's natural knowledge.⁸² But there are other precepts which were given to the Jews beyond the natural law as additional principles in regard to the final end, and for these precepts there is no universal obligation. Aquinas summarizes the point as follows: "The Old Law showed forth the precepts of the natural law, and added certain precepts of its own."⁸³

⁷⁷ Cf. *ST I-II 91.5* and *107.1*.

⁷⁸ *Ibid.*

⁷⁹ Cf. *ST I-II 98.1*.

⁸⁰ *ST I-II 98.1*: "Lex autem vetus rationi consonabat."

⁸¹ "Praecepta moralia ex ipso dictamine naturalis rationis efficaciam habent, etiam si nunquam in lege statuantur." (*ST I-II 100.11*). Smith speaks of the moral precepts of the Old Law as the "written articulation of the natural law." Cf. Randall Smith, "What the Old Law Reveals About the Natural Law According to Thomas Aquinas," *The Thomist* 75 (2011): 105-108.

⁸² Cf. *ST I-II 91.4*.

⁸³ *ST I-II 98.5*. The whole context: "Lex vetus manifestabat praecepta legis naturae, et superaddebat quaedam propria praecepta. Quantum igitur ad illa quae lex vetus continebat de lege naturae, omnes tenebantur ad

It is especially through these additional precepts that man is directed positively to his supernatural end. These precepts regulate man's actions in a twofold respect: they determine his relation toward God as well as toward his neighbors. In both cases they do so with regard to the attainment of his supernatural end. In the Old Law the former are the *praecepta caeremonialia*, the latter the *praecepta iudicialia*. But even these additional precepts never contradict the precepts of natural law. Why? The fact that man is well ordered in regard to both God and his neighbors already belongs to the common dictate of reason (i.e. to the natural law).⁸⁴ The divine law of ceremonial and judicial precepts provides only a further *determination* of these two relations.⁸⁵

The exact meaning of such a determination is discussed in the context of human law in *ST* I-II 95.2. The lawgiver is entitled to determine in greater detail what is already just by nature. For example, the natural law itself demands generally the punishment of a delinquent, but the civil authority has to determine the measure of the penalty.⁸⁶ Those determinations exceed the natural law, but they may not contradict it. Analogously, the ceremonial and judicial precepts of the divine law never contradict the natural law. Rather, they are further determinations of the natural law based on the natural law itself. However, the binding force of these divine determinations completely depends on divine revelation and promulgation.

Thus, the Old Law contains three different kinds of precepts: "We must therefore distinguish three kinds of precept in the Old Law; namely moral precepts, which are dictated by the natural law; ceremonial precepts, which are determinations of the divine cultus; and judicial precepts, which are determinations of the justice to be maintained among men."⁸⁷

observantiam veteris legis, non quia erant de veteri lege, sed quia erant de lege naturae. Sed quantum ad illa quae lex vetus superaddebat, non tenebantur aliqui ad observantiam veteris legis nisi solus populus Iudaeorum." And in *ST* I-II 99.2 ad 1: 99.2 ad 1: "Lex vetus distinguitur a lege naturae non tanquam ab ea omnino aliena, sed tanquam aliquid ei superaddens. Sicut enim gratia praesupponit naturam, ita oportet quod lex divina praesupponat legem naturalem."

⁸⁴ The natural precept to love God and one's neighbor belongs to the most obvious natural laws. As a result they are omitted in the Decalogue (*ST* I-II 100.11). Nevertheless both relations are further specified by the divine law.

⁸⁵ "Ad legem divinam pertinet ut ordinet homines ad invicem et ad deum. Utrumque autem horum in communi quidem pertinet ad dictamen legis naturae, ad quod referuntur moralia praecepta, sed oportet quod determinetur utrumque per legem divinam vel humanam, quia principia naturaliter nota sunt communia tam in speculativis quam in activis. Sicut igitur determinatio communis praecepti de cultu divino fit per praecepta caeremonialia, sic et determinatio communis praecepti de iustitia observanda inter homines, determinatur per praecepta iudicialia." (*ST* I-II 99.4). And ad 2: "Praecepta iudicialia communicant in aliquo cum moralibus, in quantum scilicet a ratione derivantur."

⁸⁶ "Derivantur ergo quaedam [sc. leges] a principiis communibus legis naturae . . . per modum determinationis, sicut lex naturae habet quod ille qui peccat, puniatur; sed quod tali poena puniatur, hoc est quaedam determinatio legis naturae." (*ST* I-II 95.2).

⁸⁷ *ST* I-II 99.4: "Oportet tria praecepta legis veteris ponere; scilicet moralia, quae sunt de dictamine legis naturae; caeremonialia, quae sunt determinationes cultus divini; et iudicialia, quae sunt determinationes iustitiae inter homines observandae." Consequently: "Praecepta caeremonialia et iudicialia sunt determinativa praeceptorum Decalogi ex vi institutionis, non autem ex vi naturalis instinctus." (*ST* I-II 100.11 ad 2). Hence, even ceremonial

This reveals two important points. First, natural law and divine law are not only in harmony, but the supernatural law even *includes* the natural law. The precepts of the natural law remain valid as an integral part of the divine law.⁸⁸ Second, in this way the natural law is already a certain preparation for the divine law.⁸⁹ And although the divine law requires much more by adding some additional precepts, sc. the ceremonial and judicial precepts, it always consists in a determination of the natural law.

ii) The Divine Law of the New Testament

The same fact becomes apparent from a different viewpoint, that is in the context of the New Covenant. For Aquinas, the New Law is only secondarily a list of written precepts contained in Holy Scripture. First and foremost, the *lex nova* is grace. “Principally the New Law is the grace itself of the Holy Spirit.”⁹⁰ Thus, unlike the Old Law, the New Law does not consist in precepts imposed on man from the outside. Rather the Holy Spirit, dwelling in the hearts of the justified, moves them from within towards the supernatural final end and works thereby as

and judicial precepts are based on the natural law, but in different ways. Thus P.M. Hall explains: “All the precepts of the Old Law thus belong, diversely, to the natural law by way of clarification or further specification of it.” (Pamela M. Hall, “The Old Law and the New Law (Ia IIae, qq. 98-108),” in *The Ethics of Aquinas*, ed. Stephen J. Pope (Washington, DC: Georgetown University Press, 2002), 197).

A very helpful overview of these three kinds of divine laws in the Old Testament (incl. examples) is given in Quodl. II 4.3: “In veteri autem testamento triplex genus praeceptorum erat. Quaedam enim erant praecepta moralia, quaedam iudicialia, quaedam caeremonialia. Praecepta moralia sunt indita naturali rationi, ad quae homines omni tempore obligantur, ut honora patre et matrem, non moechaberis, non furtum facies, et similia. Praecepta autem iudicialia sunt per quae iudicia exercebantur; puta, si quis furaretur unam ovem, redderet quatuor. Et huiusmodi praecepta non sunt indita rationi naturali. Non enim ratio naturalis habet quod ille qui furatur ovem, magis reddat quatuor quam tres vel unam. Sed tamen per huiusmodi praecepta determinatur morale praeceptum. Habet enim ratio naturalis quod ille qui furatur, debeat puniri; sed quod tali poena puniatur, hoc determinatur per praeceptum iudiciale. Praecepta autem caeremonialia veteris legis sunt quae pertinent ad observantiam divini cultus, et sunt ordinata ad figurandum aliquod futurum, sicut immolatio agni paschalis figurabat occisionem christi.”

⁸⁸ Aubert made an interesting comment from the viewpoint of the actual coextension of salvific history and world history: In the time before the revelation of the divine law mankind was ruled only by the natural law; nonetheless it was ordered (implicitly) towards the supernatural end; thus, the New Law cannot stand in contradiction to the natural law (cf. Jean-Marie Aubert, “Nature de la relation entre ‘lex nova’ et ‘lex naturalis’ chez Saint Thomas d’Aquin,” in *Atti dell’VIII Congresso Tomistico Internazionale VI. Morale e Diritto nella prospettiva tomistica*, ed. Pontificia accademia di S. Tommaso e di religione cattolica (Vatican City: Libreria Editrice Vaticano, 1982):).

⁸⁹ Aquinas even says: “Gratia et virtus imitantur naturae ordinem.” (ST II-II 31.3). Dewan explains thereto: “Both [orders] are from God, and one prepares for the other: the natural prepares for the supernatural.” (Lawrence Dewan, “Wisdom and Human Life: the Natural and the Supernatural,” in *Wisdom, Law, and Virtue. Essays in Thomistic Ethics* (New York: Fordham University Press, 2008), 8). And further: “Not only does grace presuppose nature, but its role is to elevate nature in a direction already pointed to by nature.” (Ibid., 9).

⁹⁰ ST I-II 106.1: “Principaliter lex nova est ipsa gratia Spiritus Sancti.” For a good commentary, see Edward Kaczynski, “‘Lex nova’ in San Tommaso: Le tendenze spiritualistiche e legalistiche nella teologia morale,” in

a “personal lawgiver.”⁹¹ (Again, the conception fits perfectly to our outline about the gifts of the Holy Spirit in section 1.3). For this reason, the ceremonial and judicial precepts of the Old Law, which were merely preparations for the New Covenant, are abrogated, not because their end has changed but because the perfect state surpasses the imperfect state. As St. Paul explains it, the full statue of man supersedes every childish behavior.⁹²

But what about the relationship between the New Law and the rule of reason? The moral precepts, which are just formulations of natural law, remain valid also for the state of grace. “The moral precepts necessarily retained their force under the New Law, because they are of themselves essential to virtue.”⁹³ The supernatural order does not suppress the order of nature; what is recognized as good by reason remains good even for man in the state of grace. Therefore, we have to conclude that the graced agent belongs at the same time to two orders. “There are two ways in which a thing may be instilled into man. First, through being part of his nature, and thus the natural law is instilled into man. Secondly, a thing is instilled into man as something added to his nature by a gift of grace. In this way the New Law is instilled into man.”⁹⁴

Thus, as in times of the Old Law the *lex divina* of the New Covenant corresponds to but exceeds the rule of reason.

c) Consistency and Disparity of the Double Formal Notion

This inquiry into Aquinas’s account of natural law and divine law allows now a more precise specification of the objects of acquired and infused virtues. We can draw two conclusions.

Atti dell’VIII Congresso Tomistico Internazionale VI. Morale e Diritto nella prospettiva tomistica, ed. Pontificia accademia di S. Tommaso e di religione cattolica (Vatican City: Libreria Editrice Vaticano, 1982), 26-31.

⁹¹ Baumann, “La surnaturalisation,” 13: “législateur personnel.”

⁹² See 1 Cor 13.11: “When I was a child, I spake as a child, I understood as a child, I thought as a child: but when I became a man, I put away childish things.”

⁹³ *ST* I-II 108.3 ad 3: “Praecepta moralia omnino in nova lege remanere debebant, quia secundum se pertinent ad rationem virtutis.” See also 108.2 ad 1.

⁹⁴ *ST* I-II 106.1 ad 2: “Dupliciter est aliquid inditum homini. Uno modo, pertinens ad naturam humanam, et sic lex naturalis est lex indita homini. Alio modo est aliquid inditum homini quasi naturae superadditum per gratiae donum. Et hoc modo lex nova est indita homini.”

i) The Asymmetric Consistency of Both Rules

In *ST* I-II 63.4, the article with which we started, Aquinas points the rule of reason and the rule of divine law as formally distinguishing the objects of the acquired virtues and infused virtues. In the treatise on law, however, it becomes clear that the order of grace does not only *not* contradict the order of nature, but that there exists an internal though asymmetric relation. The Old Law contains natural laws (*praecepta moralia*) as well as additional divine laws, likewise the New Law preserves all natural precepts, but beyond them it demands even more. The rule of divine law includes the rule of reason, *but not vice versa*. “The divine law is the higher rule; therefore, it extends to more things, so that whatever is ruled by human reason is also ruled by divine law, but not vice versa.”⁹⁵ It is the divine law which determines the unique ultimate end of human actions, and therefore it is the higher rule, but always in accord with the rule of reason.⁹⁶ Thus, good actions according to the divine rule accord (and have to accord) simultaneously with the rule of reason.⁹⁷

The opposite is quite different. The natural order does not include the revealed supernatural rule *per se* (otherwise it wouldn’t be truly *super*-natural). Thus, although there is an important parallel between both orders, there is at the same time an asymmetry. The supernatural end is beyond nature *and reasonable*; it contains both orders.⁹⁸ The order of nature, however, is “only” reasonable but does not extend to the end of the order of grace. It is limited to the order of nature.⁹⁹

⁹⁵ *ST* I-II 63.2: “Lex divina est superior regula, ideo ad plura se extendit, ita quod quicquid regulatur ratione humana, regulatur etiam lege divina, sed non convertitur.”

⁹⁶ That’s nothing else as the common principle that grace does not destroy but perfect nature. “Cum enim gratia non tollat naturam, sed perficiat, oportet quod naturalis ratio subserviat fidei; sicut et naturalis inclinatio voluntatis obsequitur caritati.” (*ST* I 1.8 ad 2). According to St. Thomas even in heavenly beatitude the natural acts continue: “Oportet quod natura salvetur in beatitudine. Et similiter oportet quod in actu beatitudinis salvetur actus naturae.” (*ST* I 62.7).

⁹⁷ One example therefore is given in *De malo* 1.3: “Delectatio et quodlibet aliud in rebus humanis est mensurandum et regulandum secundum regulam rationis et legis divinae.” Likewise in *De malo* 2.2 and *ST* II-II 141.2 ad 1 the good act is defined by reference to the rule of reason *as well as* the divine rule.

⁹⁸ Although the supernatural order contains the natural order, both orders are directed toward the supernatural end in different ways. As Cajetan notes, virtues of the supernatural order are directed to the final end *per se*; the natural virtues *ab alio* – namely by the higher order. “Bonum secundum regulam divinam, quod est proprius finis moralis infusae, et bonum secundum humanam regulam, quod est proximus finis acquisitae, ita se habent, quod hoc est humani, illud divini ordinis: et consequenter hoc ex alio tantum, illud etiam ex se habet, quod ad deum supernaturalem finem ordinetur.” (Cajetanus, “Commentarium,” in *Summa Theologiae* (Rome: S.C. de Propaganda Fide, 1891);, in *I-II Summae Theologiae*, I-II 63.3).

⁹⁹ See also *De virt. in com.* 9 and 10. We should note that a twofold rule of human actions does not imply necessarily a double end of man’s life (cf. Brian J. Shanley, “Aquinas on Pagan Virtue,” *The Thomist* 63 (1999): 555). Carpenter has expressed it pointedly: “The natural end of man now is a supernatural end.” (Hilary Carpenter, “The Supernatural Virtues,” in *Moral Principles and Practice. Papers Read at the Summer School of Catholic Studies Held at Cambridge, 1932*, ed. G.J. MacGillivray (London: Burns Oates & Washbourne, 1938), 130).

ii) All Acts of Acquired and Infused Virtues Are Specifically Different

The fact that the divine rule does not contradict but instead reaffirms and extends the rule of reason may mislead us to the faulty conclusion that some acts of infused virtues might be identical with the acts of their acquired counterparts. An example: the rule of reason as well as the divine law demand love of God, but the natural virtuous act of love is essentially different from supernatural charity. “Charity loves God above all things in a higher way than nature does. For nature loves God above all things inasmuch as he is the principle and the end of natural good, whereas charity loves him as the object of beatitude and inasmuch as man has a spiritual fellowship with God.”¹⁰⁰ Indeed, in both ways man loves God above all things, even more than himself; by both he is united to God. Charity does not contradict natural law,¹⁰¹ but nevertheless both ways of loving God are essentially different. Aquinas speaks even of a “double union with God”¹⁰² – either by natural love or by charity. In both types of union God is loved as “highest good”,¹⁰³ but each time under a different aspect. Consequently, though the natural law does not contradict the supernatural law, the acts of natural love and supernatural love are always specifically different.

The same is valid for any moral act in the state of grace. Even if an act of infused virtue does not contradict the rule of reason by following the divine law, even if its external appearance is similar to an act of acquired virtue, nonetheless it is not just a natural act but specifically different. For example, in particular cases infused temperance might respond to the pleasure of savoring an excellent wine with the same concrete passions as acquired temperance. However, if the affective response arises from infused virtue, it arises first of all by an

¹⁰⁰ *ST I-II* 109.3 ad 1: “Caritas diligit deum super omnia eminentius quam natura. Natura enim diligit deum super omnia, prout est principium et finis naturalis boni, caritas autem secundum quod est obiectum beatitudinis, et secundum quod homo habet quandam societatem spiritualem cum deo.” And Aquinas continues: “Addit etiam caritas super dilectionem naturalem dei promptitudinem quandam et delectationem, sicut et quilibet habitus virtutis addit supra actum bonum qui fit ex sola naturali ratione hominis virtutis habitum non habentis.” For the twofold direction of man towards God by natural and supernatural love, see also *In sent.* III 23.1.4C ad 1, *In sent.* II 28.3 ad 2; *De caritate* 2 ad 16; *De spe* 1 ad 9; *ST I* 61.5 ad 4; *Super II Cor.* XIII 4; furthermore: Shanley, “Aquinas on Pagan Virtue,” 569-570.

¹⁰¹ “Si naturaliter plus seipsum diligeret quam deum, sequeretur quod naturalis dilectio esset perversa; et quod non perficeretur per caritatem, sed destrueretur.” (*ST I* 60.5). Similar in *Quodl.* 4.8.4.

¹⁰² *Super II Cor.* XIII 4: “Nos autem habemus duplicem coniunctionem cum deo. Una est quantum ad bona naturae, quae hic participamus ab ipso; alia quantum ad beatitudinem, inquantum nos hic sumus participes per gratiam supernae felicitatis, secundum quod hic est possibile, speramus etiam ad perfectam consecutionem illius aeternae beatitudinis pervenire et fieri cives caelestis ierusalem. Et secundum primam communicationem ad deum, est amicitia naturalis secundum quam unumquodque, secundum quod est, deum ut causam primam et summum bonum appetit et desiderat, ut finem suum. Secundum vero communicationem secundam est amor charitatis, qua solum creatura intellectualis deum diligit.”

¹⁰³ *De caritate* 1.2 ad 16: “Amor summi boni, prout est principium esse naturalis, inest nobis a natura; sed prout est obiectum illius beatitudinis quae totam capacitatem naturae creatae excedit, non inest nobis a natura, sed est supra naturam.”

instigation of the Holy Spirit, following a divine measure, and therefore the whole act would be different in its kind. Why? Since the divine rule, while not contradicting the rule of reason, determines formally the object of the infused virtue. W. C. Mattison explains it very well: “Even when the one with infused cardinal virtue performs acts that appear the same to the external observer as the ones performed by someone with acquired cardinal virtues, those acts nonetheless possess a different overall meaning due to their relation to the supernatural destiny of the person.”¹⁰⁴

2.3 The Final Cause: The Different Purpose of Acquired and Infused Virtues

ST I-II 63.4 describes the end of acquired virtues as man’s right order “in regard to human things” (*ad res humanas*). At first glance the description seems simple and clear. However, it allows for two quite different interpretations, and it has in fact been interpreted in quite different ways. The right order in respect to *human things* can be understood either as man’s perfection regarding every practical matter on the level of nature, or – since Aquinas is speaking here in the context of perfections regarding different *politiae* – as man’s perfection as a good member of the human community on earth. In the second case acquired virtues would be identical with *political virtues*, “by which man is rectified in civic operation.”¹⁰⁵ The important difference between both accounts should be obvious. In the first case acquired virtue implies man’s complete natural perfection; in the second it perfects the agent only in regard to the public order, including first of all the observance of human law. Hence, what does Aquinas have in mind exactly by referring to acquired virtues as virtues of the citizen “whereby man behaves well in respect to human things”?

The clarification is not only important for the understanding of the acquired virtues, but also for that of the infused virtues, since Aquinas describes the two in a parallel fashion. A certain interpretation of the acquired virtues necessarily has certain ramifications for one’s notion of the infused virtues.

Our argument proceeds in the following manner.

¹⁰⁴ William C. Mattison, *Introducing Moral Theology: True Happiness and the Virtues* (Grand Rapids, MI: Brazos Press, 2008), 328.

¹⁰⁵ This definition of *virtutes politicae* is given in *In sent.* III 33.1.4 ad 2: “Homo per eas in civilibus operibus rectificatur.”

The next section gives a short summary of the *status quaestionis*, i.e. whether acquired virtues in Aquinas are to be read as perfections of the good pagan citizen, or as man's ultimate perfection on a mere natural level (section 2.3.1). In the subsequent subchapter (section 2.3.2) we investigate the textual basis for the two contrary positions in the works of St. Thomas. On this basis we will suggest an interpretation which allows an understanding of acquired virtues as perfection in regard of particular matters (i.e. the human city) which is nevertheless faithful to Aquinas's doctrine of the necessary connection of all virtues (section 2.3.3). Thereby it will become clear in which way the two rival interpretations refer to something correct.

In section 2.3.4 we apply these results to our understanding of the infused moral virtues, namely as *heavenly political virtues*. This application of the understanding of (pagan) political virtues to the infused virtues sheds a surprising (and for our research important) light on the relationship of divine law and *human law* with regard to the two kinds of virtue (section 2.3.5).

2.3.1. A Recent Controversy: Political Virtue or Perfect Acquired Virtue?

The issue of the meaning of acquired virtues was recently part of the debate about the role of Augustinianism in Aquinas's moral theology, i.e. whether Aquinas's understanding of virtue is more in debt to St. Augustine or to Aristotle. The former position was defended, for example, by A. MacIntyre's arguing that there is no genuine virtue that is not shaped by divine infusion.¹⁰⁶ The latter position was defended by B. Kent who argued for the possibility of moral virtue even apart from grace.¹⁰⁷ B. Shanley suggested in his article "Aquinas on Pagan Virtue" something of a middle course by arguing that St. Thomas's understanding of virtue combines Augustinian insights as well as Aristotelian ones: "Aquinas admits

¹⁰⁶ MacIntyre's post-*After Virtue* narratives deal explicitly with the thomistic doctrine. Regarding the virtue of justice he claims: "Justice cannot flourish, cannot indeed, so it turns out, even exist as a natural virtue, unless and insofar as it is informed by the supernatural virtue of *caritas*." (MacIntyre, *Whose Justice? Which Rationality?*, here 205; see also Alasdair MacIntyre, *Three Rival Versions of Moral Enquiry: Encyclopaedia, Genealogy, and Tradition* (London: Gerald Duckworth & Co, 1990)).

Of course, the idea is not an invention of MacIntyre. Yet Maritain held a similar position (Jacques Maritain, *Science and Wisdom* (London: The Centenary Press, 1944), 145-154; 180-183). Quite bold also Carpenter: "Since the supernatural end is the only true ultimate end, not only for those who have actually received sanctifying grace, but for all mankind, it follows that merely natural habits cannot be true virtues, even though for the sake of convenience the courtesy title is left to them." (Carpenter, "The Supernatural Virtues," 134).

¹⁰⁷ Kent, "Moral Provincialism," 269-285, referring to MacIntyre on pages 274-277. She repeats her critique in Bonnie Kent, *Virtues of the Will: The Transformation of Ethics in the Late Thirteenth Century* (Washington, DC: The Catholic University of America Press, 1995), 19-34.

Aristotelian virtue, but within Augustinian limitations.”¹⁰⁸ Only supernaturally infused virtues enable man to achieve meritorious actions which serve for the attainment of his supernatural end. Here Aquinas remains a faithful adherent to St. Augustine’s doctrine. At the same time, acquired virtues are true perfections with regard to the temporal city. These are understood by St. Thomas as *pagan civil virtues*, as true though limited perfections, as dispositions which enable man to preserve the good of the earthly city, independent of his overall moral perfection on a natural level, and *a fortiori* apart from grace.

A sharp controversy arose in the wake of Shanley’s seminal article. Th. Osborne objected and argued that according to Aquinas man in his fallen state is unable to acquire true virtues as stable habits even on a mere natural level without the help of grace. He might acquire dispositions for some good work, but perfect acquired virtue can develop only under the influence of supernatural aid – even on a natural level. In defense of Shanley’s account, A. McKay replied to Osborne that in the writings of St. Thomas acquired virtues denote explicitly human perfections disregarding the help of grace, sc. they are true virtues with regard to specific practical areas.¹⁰⁹

a) Shanley and McKay: Acquired Virtue as Pagan Political Virtue

At the beginning of his article Shanley summarizes his principal thesis as follows: “Acquired moral virtue . . . is essentially political virtue, the virtue of man as a social being ordered to the common good . . . Aquinas believed that such virtue had been not only articulated by pagans, but also actually achieved.”¹¹⁰ Hence, according to Shanley, Aquinas’s concept of acquired virtue is not to be understood “as the achievement of man’s natural end, but rather as the optimal good achievable by human beings apart from grace.”¹¹¹ Certainly, the Dominican scholar is aware that pagan civil virtues do not make man *simply good*, i.e. he does not become perfect in respect to all practical matters. Shanley explicitly negates the identification

¹⁰⁸ Shanley, “Aquinas on Pagan Virtue,” 554.

¹⁰⁹ McKay, “Prudence and Acquired Moral Virtue,” 535-555, especially 552-555; even in her dissertation she defends this position (McKay, “Infused and Acquired Virtues,” 85-124). Similar Mirkes who argues that acquired virtues are concerned only with particular goods: Mirkes, “Aquinas on the Unity of Perfect Moral Virtue,” 596; Mirkes, “Aquinas’s Doctrine,” 195.

¹¹⁰ Shanley, “Aquinas on Pagan Virtue,” 554-555.

¹¹¹ *Ibid.*, 555.

of political virtues with “complete moral virtue.”¹¹² He distinguishes carefully between the pagan virtues and the achievement of the complete good, proportionate to human nature.

The key distinction in this discussion is that before the Fall man could achieve the complete good proportionate to his nature without the aid of grace, while after the Fall man is unable to achieve that complete good. Aquinas leaves the door open to the achievement of a genuine but incomplete human good.¹¹³

According to this interpretation, right order towards God remains impossible even for an agent who possesses acquired virtues, that is his relation towards supernatural beatitude as well as his natural relation to God as creator of every being. Due to his weakened nature, injured by the Fall, man is unable to fulfill all natural obligations unless he receives gratuitous support from God.¹¹⁴ As a result, acquired virtues understood as pagan virtues are in principle compatible with repeated acts of certain mortal sins.¹¹⁵

Shanley however puts an emphasis on the fact that though pagan political virtues achieve only a particular human good, nevertheless they build a unified whole. It is the common good of the city which rules those virtues as a connecting final end and therefore provides an internal unity. “A necessary condition for the achievement of the acquired moral virtues is the overarching rectification of a person’s will with respect to the *bonum civile* or *bonum commune*.”¹¹⁶

Especially the latter point is further developed by McKay in her defense of Shanley’s position. Her principal concern: “Aquinas clearly indicates that acquired moral virtues, connected by prudence, can exist apart from grace.”¹¹⁷ In a detailed analysis of various texts of Aquinas she tries to demonstrate that charity and grace are only necessary prerequisites for infused moral

¹¹² See Ibid., 567. Rather, pagan virtue achieve only an *incomplete human good* (see *ibid.*, 572).

¹¹³ Ibid., 569.

¹¹⁴ “We cannot autonomously achieve a natural love of God qua metaphysical source of being and goodness; . . . This means that even if a person were to recognize the moral obligation to practice the virtue of religion, he could not effectively do so apart from grace.” (Ibid., 571).

¹¹⁵ “Aquinas thinks that it is possible to live the life of acquired moral virtue even though one performs actions that can be categorized theologically as mortal sins.” (Ibid., 557).

¹¹⁶ Ibid., 561.

¹¹⁷ McKay, “Prudence and Acquired Moral Virtue,” 555; likewise at many other places, e.g. 536. The position is certainly not novel; e.g. Gardeil argues: “Chez celui qui ne vit pas de la charité, il peut y avoir d’excellentes dispositions et habitudes vertueuses et, par suite, des actions vertueuses proprement dites, encore qu’il manque à celles-ci, pour être parfaitement vertueuses, d’être ordonnée à Dieu.” (H.-D. Gardeil, “Appendice,” in *Somme théologique: La charité; Tome premier 2^a-2^{ae}, questions 23-26* (Paris: Desclée & Cie, 1967), 268).

virtues, whereas St. Thomas never refers to a *perfect natural virtue* which the human agent would cultivate in the state of grace.¹¹⁸

b) Osborne: The Argument for Perfect Acquired Virtue

Precisely this last assertion provoked Osborne's critique in his response to Shanley as well as to McKay.¹¹⁹ Principally, he defends the following two propositions: "(1) that humans without grace are unable to fulfill even their natural obligations, and (2) that someone without grace cannot possess the same type of perfect acquired moral virtue that can be possessed by someone with grace."¹²⁰ It is noteworthy that the first point may be conceded by all Thomists, inclusive Shanley and McKay.¹²¹ The second assertion, however, seems to be controversial. Osborne argues: "Although pagan virtue differs from vice, it is not the same as the acquired virtue of a good Christian."¹²² Shanley had generally identified acquired virtue as pagan political virtue.

Osborne argues the following to support his view of two different kinds of acquired virtue:

In the state of fallen nature there can be no ordering to the natural end without an ordering to the supernatural end. Consequently, although acquired and infused prudence are distinct, there cannot even be perfect acquired prudence in an individual who does not have the infused virtues and whose actions are not ordered to his supernatural end. Moreover, without perfect acquired prudence it is impossible fully to possess the other acquired moral virtues. Therefore, without charity there is no prudence and the moral virtues are not connected.¹²³

¹¹⁸ This is her final conclusion (McKay, "Prudence and Acquired Moral Virtue," 555).

¹¹⁹ For his response to Shanley, see Thomas M. Osborne, "The Augustinianism of Thomas Aquinas's Moral Theory," *The Thomist* 67 (2003); for his reply to McKay, see Thomas M. Osborne, "Perfect and Imperfect Virtues in Aquinas," *The Thomist* 71 (2007). Indirectly he touches the issue also in Thomas M. Osborne, "Thomas and Scotus on Prudence Without All the Major Virtues: Imperfect or Merely Partial?," *The Thomist* 74 (2010): 165-188.

¹²⁰ Osborne, "The Augustinianism," 280.

¹²¹ For example Shanley, "Aquinas on Pagan Virtue," 568: "In his fallen condition, however, man is unable to achieve the complete good proportioned to his nature." And McKay, "Prudence and Acquired Moral Virtue," 541; 546.

¹²² Osborne, "The Augustinianism," 289.

¹²³ *Ibid.*, 292. Or the other way around: "According to my interpretation, no agent can be ordered to the natural end without at the same time being ordered to the supernatural end through charity. Moreover, this ordering to the natural end is a necessary condition for acquired prudence and the unity of the acquired moral virtues. Consequently, if a pagan possesses acquired moral virtues that are connected with each other through prudence, it follows that he must be ordered to even the supernatural last end, which requires charity." (*Ibid.*, 300).

It is the famous teaching of the unity of virtues which compels Osborne (who presents in this point the position of many Thomists¹²⁴) to argue for the distinction between two kinds of acquired virtue, or to speak more cautiously, between two different *grades* of those virtues,¹²⁵ namely an imperfect and a perfect state of acquired virtue.¹²⁶ He does not want to deny the existence of true civil pagan virtues, attainable even for non-Christians, independent of the help of grace. But since those acquired virtues are possessed by an agent who remains disordered in some practical matters, meaning he acts imprudently regarding certain issues – e.g. in relation towards God, the area of religion,¹²⁷ – his acquired good habits regarding the common good of the earthly city would also stay in permanent danger of becoming occasionally overwhelmed by still disordered desires. They would suffer an essential instability since the remaining disorder could compromise the already acquired good habits at any time. According to Osborne, acquired virtues as *pagan political virtues* might therefore be described as good habits with regard to some particular good, but as long as prudence has not been perfected to extend to all practical matters, the moral virtues remain disconnected and are characterized by an intrinsic imperfection and instability.¹²⁸

Quite a different person emerges in the state of grace. Through infused virtues an agent is ordered to the right (supernatural) final end. Certainly, acquired virtues remain essentially different to infused virtues, since their rule is not divine law but human reason. However, through infused habits the agent is “already” ordered as a whole toward the right final end. And under such conditions even the natural virtues, which are *per se* too weak to achieve man’s overall perfection, can be fully developed, so to speak under the protection of the

¹²⁴ Osborn refers to authors as the Carmelites of Salamanca, Cajetan, John of St. Thomas, Billuart etc. (Osborne, “Perfect and Imperfect Virtues,” 43; 50-51). The same position is developed in greater detail by Garrigou-Lagrange (esp. Réginald Garrigou-Lagrange, “L’instabilité dans l’état de péché mortel des vertus acquises,” *Revue Thomiste* 43 (1937): 258-262). Likewise by Parent who explains: “L’homme ne saurait être bon, au sens plein du mot, s’il n’est ordonné à la fin ultime; et depuis le péché, il ne peut être ordonné à cette fin (même naturelle) sans la grâce.” (Joseph-Marie Parent, “Les vertus morales infuses dans la vie chrétienne,” in *Théologie. Cahiers II - III. Études et recherches IV - V*, ed. Collège Dominicain d’Ottawa (Ottawa: Les Éditions du Lévrier, 1944), 219).

¹²⁵ “The imperfect/perfect distinction within acquired virtue need not be between distinct kinds of virtue but rather is in the way in which the virtue is possessed.” (Osborne, “Perfect and Imperfect Virtues,” 57).

¹²⁶ For this, see especially *Ibid.*, 52-57.

¹²⁷ That’s not only a question of supernatural divine friendship. As Osborne rightly mentions that man’s obligation to be thankful toward God for the received gifts does not depend on a divine precept but is a result of natural reasoning; see Osborne, “The Augustinianism,” 287.

¹²⁸ For the same argument see Parent, “Les vertus morales infuses dans la vie chrétienne,” 214- 219: “La prudence acquise ne saurait être parfaite sans la rectification de la volonté vis-à-vis de la fin naturelle. Or, il se trouve que le péché mortel ou l’état de péché - incompatible avec la grâce et la charité - non seulement détourne l’homme de sa fin dernière surnaturelle, mais détruit également son ordination à la fin ultime naturelle, parce qu’il n’est pas moins contraire à la loi naturelle et à la raison qu’à la loi divine. On ne peut pas dire du pécheur qu’il reste bien disposé à l’égard de la fin ultime naturelle; même s’il garde l’amour du bien rationnel en tel ou tel domaine, cet attachement n’a pas la fermeté ni l’universalité requises pour le bon fonctionnement de la

infused virtues. Osborne describes such virtues as *perfect acquired virtues*, or man's reasonable order "concerning every moral matter,"¹²⁹ in regard to his "natural ultimate end."¹³⁰ He therefore concludes: "Perfect acquired virtue is impossible in someone who lacks grace."¹³¹ And to put a fine point on his conclusion: "Acquired virtue depends on grace for its full development."¹³²

We can summarize the distinction Osborne makes between the two grades of acquired virtues as follows. *Imperfect* acquired virtues well-dispose man in regard to some particular good; they are guided by an imperfect kind of prudence which may choose the right means in some practical areas but likewise fail in other concerns. Therefore, those virtues are only unconnected and scattered good dispositions. On the other hand, *perfect* acquired virtues provide man's perfection in all moral matters according to the rule of reason, including his relationship to God. But since man can relate to God rightly only by grace, perfect acquired virtues are attainable only under the influence of grace, although by themselves they remain only natural habits.¹³³

At this stage we can see that Osborne's thesis does not necessarily contradict Shanley's or McKay's principal position. In the first part of his article Shanley describes political virtues as "the optimal good achievable by human beings apart from grace."¹³⁴ This accords fully with Osborne's imperfect acquired virtues. In the second part of his essay, subtitled "The Impossibility of a Right Order to God Without Grace," Shanley himself negates the possibility of a perfect moral virtue on a natural level apart from grace. Osborne holds the same view for perfect acquired virtues. Substantially, there is no disagreement between the two authors.¹³⁵

prudence. Celle-ci, en effet, est totale ou elle n'est pas; le défaut de prudence sur un point rejaillit sur les autres." (Ibid., 16-217).

¹²⁹ Osborne, "Perfect and Imperfect Virtues," 58.

¹³⁰ Ibid., 56.

¹³¹ Ibid., 51. And further: "For there to be perfect acquired virtue without grace, an agent would have to be fully virtuous on a natural level and yet be turned away from the supernatural ultimate end." (Ibid., 55).

¹³² Ibid., 40. Garrigou-Lagrange has shown in which way mortal sin – as act against charity – implies *ipso facto* an act against the order or reason; cf. Garrigou-Lagrange, "L'instabilité," 255 -262.

¹³³ *Perfect* acquired virtues are connected by a perfect natural prudence which regards all moral matters. The way, how imperfect and perfect acquired virtues depend on imperfect and perfect acquired prudence as connecting principle, is explained most clearly in Osborne, "Perfect and Imperfect Virtues," 57-62; Osborne reads *ST* II-II 47.13 as distinction between different grades of acquired prudence.

¹³⁴ Shanley, "Aquinas on Pagan Virtue," 555.

¹³⁵ Or more exact: Shanley argues by a negative statement, namely that *perfect acquired virtue* is impossible to attain for man in the present state apart from grace; Osborne suggests a positive thesis, sc. that *perfect acquired virtue* develops under the protection of infused virtues. Concerning *imperfect* acquired virtue (in Osborne's terms) both scholars agree. Shanley certainly would consent with Osborne's assertion (understood as critique at Shanley): "Someone without charity can consistently perform good actions and it is in this sense that he can be

However, it remains unclear in which sense Aquinas himself uses the term *virtus acquisita*: as *pagan virtue* alone or also as *perfect acquired virtue*? This is, in a certain sense, a question of interpretation. Is there textual support for Osborne's assertion? He concedes that the distinction cannot be found *verbatim* in Aquinas, but he holds that it is implicitly present and presupposed in various texts. To give an example for imperfect acquired virtues as unconnected good dispositions (i.e. the pagan civil virtues), Osborne refers to *ST I-II 49.2 ad 3*, where Aquinas describes dispositions for good deeds which remain essentially instable because of their mutual disconnection (*dispositio instabilis*). He calls them "true but imperfect" virtues;¹³⁶ *true* since they are true perfections in regard to certain goods, but *imperfect* since not yet connected by prudence. Likewise in *ST I-II 65.2* Aquinas talks about a kind of acquired virtue which is found "in many pagans" apart of grace.¹³⁷ In contrast, when Aquinas speaks about moral virtues ruled by prudence, then – according to Osborne's interpretation – *perfect acquired virtues* are at stake, since true prudence requires a unity of all moral virtues.¹³⁸ Of course, since they do not enable man to attain his supernatural end, these perfect virtues are only "*aliqua perfecta*", i.e. *perfect* on a natural level but not according to the divine law, even if they flourish only under the protection of charity.

Osborne's argumentation is impressive. However, there are other texts of Aquinas which contradict his interpretation. In the *Commentary on the Sentences*, for example, Aquinas devotes two special articles to the question of the connection of virtues, in particular of infused virtues,¹³⁹ but also of *political* virtues.¹⁴⁰ Even more problematic, the article about political virtues as acquired virtues refers to the very same distinction between connected and disconnected virtues as *ST I-II 65.1* and *De virt. card. 2*, the two articles which Osborne invokes for his thesis of perfect acquired virtues. But the article in *In sent.* presents explicitly political virtues as connected virtues. "In a different way virtue is considered as something perfect because of customization; and in this it takes the name of a political virtue; and in this way it is necessary that there are all virtues at once."¹⁴¹

This quotation demonstrates the need to refer to St. Thomas himself as the primary source for a well founded interpretation of what Aquinas has in mind when describing acquired virtues

said to have true virtue. Nevertheless, this true virtue will be very imperfect even on only a natural level." (Osborne, "The Augustinianism," 299).

¹³⁶ *ST I-II 49.2 ad 3*: "vera sed imperfecta."

¹³⁷ *ST I-II 65.2*: "in multis gentilibus."

¹³⁸ E.g. *De virt. card. 2*; *ST I-II 65.2*. Osborne reads *ST I-II 65.2* as description of infused and perfect acquired virtue.

¹³⁹ "Utrum virtutes gratuita sint connexae." (*In sent.* III 36.1.2).

¹⁴⁰ "Utrum virtutes politicae sint connexae." (*In sent.* III 36.1.1).

as “*circa res humanas*.” We return to our original question: are the acquired virtues political virtues only, or do they contribute to man’s total perfection according to the rule of natural reason?

2.3.2 The Textual Basis for the Meaning of Acquired Virtues

In the following subchapter we will investigate the textual basis for both interpretations. Does Aquinas describe acquired virtues explicitly as man’s limited perfection in regard to the political common good? Or does he use the concept for man’s overall perfection according to the rule of reason? Or does he use the term according to both meanings?

a) Textual Evidence for Acquired Virtue as Political Virtue

Aquinas identifies repeatedly acquired virtues with political virtues. We present a short overview of this equation found in the *Commentary on the Sentences*, the disputed questions *De virt. in com.* and *De virt. car.*, up to the *Summa theologiae*.

Comparing infused and acquired virtues, Aquinas describes the latter in the *Commentary on the Sentences* again and again as political virtues. “Infused virtue is not more deficient in meritorious operations than acquired virtue in political operations. But acquired virtue guides man sufficiently in all civic operations.”¹⁴² And again: “Through charity the soul does not have less goodness in the life of grace [*in esse gratiae*] than through acquired virtue in the political life [*in esse politico*].”¹⁴³ Acquired virtues perfect the agent in respect to life in the

¹⁴¹ *In sent.* III 36.1.1: “Alio modo consideratur virtus secundum esse perfectum quod ex assuefactione recipit; et sic accipit nomen politicae virtutis; et hoc modo oportet virtutes omnes esse simul.”

¹⁴² *In sent.* I 14.2.1A arg. 4 (affirmative): “Virtus infusa non est deficientior in operibus meritoriis, quam virtus acquisita in operibus politicis. Sed virtus acquisita sufficienter dirigit hominem in omnibus civilibus.”

¹⁴³ *In sent.* I 17.1: “Per caritatem anima non habet minus de bonitate in esse gratiae, quam per virtutem acquisitam in esse politico.” Likewise in *In sent.* III 26.2.1 arg. 2: “Virtutes infusae ordinantur ad aliquod arduum, quod est vita aeterna; ita et virtutes acquisitae ad aliquod arduum, quod est felicitas civilis.” And the reply to the objection: “Illud arduum in quod ordinant virtutes acquisitae, est finis proportionatus facultati naturae; et ideo natura per seipsam determinata est ad sperandum illum finem; unde non indiget aliquo habitu superaddito, per quem determinetur in illud.” (ad 2). Further in *In sent.* III 33.1.2C arg. 2: “Ad faciendum actum rectum sufficit virtus acquisita, ad faciendum autem meritorium sufficit caritas. Ergo non indigemus virtutibus moralibus infusis.” And Aquinas answers: “Aliquis actus est rectus proportionatus bono civili, qui non est rectus

political community: “[Virtues] perfect man in regard to different lives; acquired ones in regard to the civil life, infused ones in regard to the spiritual life.”¹⁴⁴ The good achieved by acquired virtues is therefore the good of the community. “Acquired [virtues] guide in regard to the civil life; thus, they have the civil good as end.”¹⁴⁵ He limits explicitly the range of these virtues to regulations of interhuman relations; their goal is the welfare of the earthly city, and consequently man’s relationship to angels (as other created persons) does not belong to the task of acquired virtues.¹⁴⁶ Moreover, Aquinas identifies these political virtues clearly with the moral virtues. “Something is called *political* because it relates to the civil life, and in this sense all moral virtues are sometimes called *political*.”¹⁴⁷

The identification of acquired virtues with political virtues is not limited to Aquinas’s earliest work. We find the same conception in his later writings. In *De virt. in com.* he argues that although man cannot attain heavenly beatitude by acquired virtues, they allow him to achieve a “certain beatitude . . . in this life about which Aristotle has written in *Metaphysics X*,” i.e. the beatitude of a happy life in the earthly city.¹⁴⁸ He is even more explicit in *De virt. in com.* 9 ad 18: all objections in this article deal with the question of whether some virtues can be acquired by repeated actions. The eighteenth objection asserts that virtues depend on grace, but not on actions. Aquinas responds: “Grace is said to be the form of infused virtue, not in the sense that it gives virtue its specific being, but insofar as by grace the act of virtue is somehow informed. Hence it is not necessary that political virtue results from the infusion of grace.”¹⁴⁹ Although the reply does not mention the concept of acquired virtue, it is clear that it presupposes the identification of the political and acquired virtues.

In *De virt. card.* St. Thomas again describes acquired virtues as political virtues. The text is of special interest since it repeatedly refers to acquired virtues “as those about which the

proportionatus gloriae aeternae: unde oportet quod sint aliae virtutes infusae, quae faciant actus rectos ex proportionem ad finem.” (ad 2).

¹⁴⁴ *In sent.* III 33.1.2D: “In alia vita [virtutes] hominem perficiunt, acquisitae quidem in vita civili, infusae in vita spirituali.” Also *In sent.* III 36.1: “Consideratur virtus secundum esse perfectum quod ex assuefactione recipit; et sic accipit nomen politicae virtutis.”

¹⁴⁵ *In sent.* III 33.1.4: “[Virtutes] acquisitae dirigunt in vita civili; unde habent bonum civile pro fine.” See also *In sent.* III 33.1.2D ad 2: “Per virtutem acquisitam collimitantur circumstantiae secundum proportionem ad bonum civile.” Further clear indications: *In sent.* II 44.2.1 ad 6.

¹⁴⁶ *In sent.* III 33.1.4 ad 5: “Philosophus loquitur de virtutibus acquisitis, quae perficiunt hominem in vita civitatis terrenae, in qua vita non habemus cum Angelis aliquam communicationem.”

¹⁴⁷ *In sent.* III 33.3.4E ad 3: “Politicum . . . dicitur . . . secundum quod respicit civilem vitam; et sic omnes virtutes morales quandoque dicuntur politicae.”

¹⁴⁸ *De virt. in com.* 9 ad 6: “Per virtutes acquisitas non pervenitur ad felicitatem caelestem, sed ad quamdam felicitatem quam homo natus est acquirere per propria naturalia in hac vita secundum actum perfectae virtutis, de qua Aristoteles tractat in *X Metaph.*” Similar in *De virt. in com.* 10 ad 8 where acquired virtues are described as “ad bonum praesentis vitae.” Cf. also *In sent.* III 27.2.2.

philosophers have spoken,”¹⁵⁰ a notable indication that acquired virtues do not comprise man’s perfection according to reason in all practical matters (which would presuppose grace and therefore was certainly not discussed by the philosophers). “The acquired virtues, which were discussed by the philosophers, are ordered only for perfecting men in regard to the civic life.”¹⁵¹

In the *Summa theologiae* the concept of acquired virtue is introduced surprisingly late. The section on virtues begins with *ST* I-II 55. But topics such as the general character of (moral) virtues, and their distinction from intellectual virtues and arts, their cooperation with prudence, their residing in the various powers of man, etc., are discussed almost without any reference to the term of *virtus acquisita*. Finally in *ST* I-II 61.5, in the context of discussing four traditional species of virtue (by Macrobius), Aquinas introduces the concept of *political virtues* by differentiating them from the *virtutes exemplares* in God, the *virtutes purgati animae* of the blessed in heaven, and the *virtutes purgatoriae* of the saints on earth.¹⁵² The *political virtues* are described as following:

Since man by his nature is a political animal, these virtues, in so far as they are in him according to the condition of his nature, are called *political*; since it is by reason of these virtues that man behaves rightly in the conduct of human affairs. It is in this sense that we have been speaking of these virtues until now.¹⁵³

Though Aquinas does not refer to the concept of acquired virtue, his description “*prout scilicet homo secundum has virtutes recte se habet in rebus humanis gerendis*” corresponds plainly to the quotation of *ST* I-II 63.4, where acquired virtues are defined as perfections “*in*

¹⁴⁹ *De virt. in com.* 9 ad 18: “Gratia dicitur esse forma virtutis infusae; non tamen ita quod ei det esse specificum; sed in quantum per eam informatur aliquammodo actus eius. Unde non oportet quod virtus politica sit per infusionem gratiae.”

¹⁵⁰ *De virt. card.* 4 corp. art. and ad 3.

¹⁵¹ *De virt. card.* 4: “Virtutes acquisitae, de quibus locuti sunt philosophi, ordinantur tantum ad perficiendum homines in vita civili.” Similar in the reply to objection 3: “Bonum civile non est finis ultimus virtutum cardinalium infusarum, de quibus loquimur, sed virtutum acquisitarum de quibus philosophi sunt locuti.” (Already in the objection he writes – affirmatively: “Virtutes cardinales ordinantur ad bonum civile.”) And ad 7: “Virtutes politicae de quibus ipse loquitur, ordinantur tantum ad bonum civile praesentis vitae.” Already in article 2 ad 9 of *De virt. card.* Aquinas describes the *virtutes acquisitae* as virtues “quae ordinant hominem in his quae occurrunt in vita humana.”

¹⁵² Aquinas’s interpretation of these classic division is maybe most clear in *Princ. bibl.* 3: “In primo gradu, secundum eum, sunt virtutes politicae, quibus homo moderate rebus mundi utitur et inter homines conversatur; . . . In secundo gradu sunt virtutes purgatoriae, quibus homo se a rebus mundi exuit per contemptum; . . . In tertio gradu sunt virtutes purgati animi, quibus homo, saeculi curis penitus calcatis, in sola sapientiae contemplatione delectatur.”

¹⁵³ *ST* I-II 61.5: “Quia homo secundum suam naturam est animal politicum, virtutes huiusmodi, prout in homine existunt secundum conditionem suae naturae, politicae vocantur, prout scilicet homo secundum has virtutes recte se habet in rebus humanis gerendis. Secundum quem modum hactenus de his virtutibus locuti sumus.”

res humanas.” In *ST* I-II 63.2 Aquinas finally discusses the question of acquiring virtue by repeated action and introduces thereby the relating concept, though he does not mention the term “political virtue” there. In an indirect way, however, the reply to the second objection is instructive. The answer explains that acquired virtues are not lost by contrary actions. In fact, they are compatible with repeated evil deeds, theologically categorized as mortal sins. “Virtue which is acquired in a human mode is compatible with the act of sin, even if mortal.”¹⁵⁴ Obviously, acquired virtue is not understood as man’s overall-perfection on a natural level. Hence, although in the *ST* there is no direct description of acquired virtues as political virtues, this understanding is implicitly presupposed.¹⁵⁵

b) Textual Indications for Perfect Acquired Virtue

Osborne’s principle argument in defending a *perfect acquired virtue* is Aquinas’s teaching that a moral virtue as a stable and perfect habit has to be connected with all moral virtues. As long as an agent lacks a virtue in one practical area, his perfection in other practical matters remains imperfect.¹⁵⁶ An agent possesses either all virtues or none. “In order to have one virtue, somebody has to be well disposed about all things which are useful in life.”¹⁵⁷ In the

¹⁵⁴ *ST* 63.2 ad 2. The complete text: “Virtus humanitus acquisita potest secum compati aliquem actum peccati, etiam mortalis, quia usus habitus in nobis est nostrae voluntati subiectus, ut supra dictum est; non autem per unum actum peccati corrumpitur habitus virtutis acquisitae; habitui enim non contrariatur directe actus, sed habitus. Et ideo, licet sine gratia homo non possit peccatum mortale vitare, ita quod nunquam peccet mortaliter; non tamen impeditur quin possit habitum virtutis acquirere, per quam a malis operibus absteat ut in pluribus, et praecipue ab his quae sunt valde rationi contraria.” Later on this argument is repeated several times, for example in *ST* I-II 71.4: “Peccatum mortale non potest simul esse cum virtutibus infusis, potest tamen simul esse cum virtutibus acquisitis.” Or *ST* I-II 73.1 ad 4 “unus actus peccati etiam mortalis, non tollit habitum virtutis acquisitae.”

¹⁵⁵ For a good argumentation thereto (including an interpretation of political virtues in *ST* I-II 61.5) see: Mary M. Keys, *Aquinas, Aristotle, and the Promise of the Common Good* (New York: Cambridge University Press, 2006), 130-140.

¹⁵⁶ Utz summarizes well the equivalence of perfect moral virtue and prudence: “Es ist ein und dasselbe, ob man sagt, die vollkommenen Tugenden seien wesentlich verknüpft oder die Tugenden seien in der Klugheit verknüpft, denn vollkommen ist eine sittliche Tugend entsprechend ihrer Unterordnung unter die Klugheit.” (A.F. Utz, “Kommentar,” in *Die deutsche Thomas-Ausgabe: Summa Theologica; Grundlagen der menschlichen Handlung*, 2 ed., vol. 11 (Salzburg: Verlag Anton Pustet, 1940), 615).

¹⁵⁷ *In sent.* III 36.1.1 ad 1: “Oportet ad hoc quod una virtus habeatur, quod bene se habeat quis circa omnia quae in usum vitae veniunt.” Aquinas discusses the issue several times. Cf. *In sent.* III 36.1-2; IV 33.3.2 ad 6; *Quodl.* XII 15; *In NE* VI 11; *ST* I-II 65; *De virt. card.* 2. About the history of this question from St. Thomas to Duns Scotus, cf. Lottin, *Psychologie et morale*, vol. 4, 551-663; a scholarly discussions of Aquinas’s doctrine provides Fridolino M. Utz, *De connexione virtutum moralium inter se secundum doctrinam St. Thomae Aquinatis* (Oldenburg: Albertus-Magnus-Verlag, 1937), 97-126; more recently: Bonnie Kent, “Habits and Virtues (Ia IIae, qq. 49-70),” in *The Ethics of Aquinas*, ed. Stephen J. Pope (Washington, DC: Georgetown University Press, 2002), 122-124.

famous article *ST* I-II 65.1 – *utrum virtutes morales sint ad invicem connexae* – St. Thomas suggests the following argument:

It is necessary that man works simultaneously in the matters of all moral virtues. And if he exercises by good deeds in all matters, he will acquire the habits of all the moral virtues. But if he acts by good deeds in regard to one matter, but not in regard to another, for instance, by behaving well in matters of anger, but not in matters of concupiscence, he will acquire a certain habit of restraining his anger; but this habit will lack the nature of virtue, because of the defect of prudence, which is corrupted in matters of concupiscence.¹⁵⁸

Even from a different viewpoint one can show the necessary connection of all moral virtues on a natural level. As seen in section 2.2, natural reason is the formal cause of acquired virtue. Consequently, it seems that every action and every passion which can be judged by reason must be ruled by acquired prudence. Otherwise, the agent would behave in certain things *unreasonably*, i.e. *unvirtuously*. Hence, moral virtue on a natural level (i.e. ruled by natural reason) has to be concerned *circa omnia*. Aquinas explains: “Moral virtue perfects the appetitive part of the soul by directing it to the good of reason. Now the good of reason is that which is moderated or directed by reason. Consequently, there are moral virtues about all matters that are subject to reason’s direction and moderation.”¹⁵⁹

There is a third continuously repeated argument brought forward in defense of perfect acquired virtues. Prudence as right reason in practical matters may perfect the agent in regard to particular ends. Aquinas, however, puts emphasis on the fact that this kind of practical knowledge is only *prudentia secundum quid*. The *simply prudent* knows to judge and command the right means for the good life as a whole. “Just as he who reasons well for a

The doctrine of the connection virtues down to the present day a controversial issue. For authors who negate the connection, see e.g. Geach, *The Virtues*, 160-168; James D. Wallace, *Virtues and Vices* (Ithaca, NY: Cornell University Press, 1978), 121-127. The doctrine is defended by Casey, *Pagan Virtue*, 70-78; Jean Porter, “The Unity of the Virtues and the Ambiguity of Goodness: A Reappraisal of Aquinas’ Theory of the Virtues,” *Journal of Religious Ethics* 21 (1993): 145-160; again in Jean Porter, “Virtue and Sin: The Connection of the Virtues and the Case of the Flawed Saint,” *Journal of Religion* 75 (1995): 523-528. For a non-thomistic defense of the unity of virtue: Devettere, *Introduction to Virtue Ethics*, 78-82.

¹⁵⁸ *ST* I-II 65.1 ad 1: “Oportet quod homo simul exercitetur circa materias omnium virtutum moralium. Et si quidem circa omnes exercitetur bene operando, acquirat habitus omnium virtutum moralium. Si autem exercitetur bene operando circa unam materiam, non autem circa aliam, puta bene se habendo circa iras, non autem circa concupiscentias; acquirat quidem habitum aliquem ad refrenandum iras, qui tamen non habebit rationem virtutis, propter defectum prudentiae, quae circa concupiscentias corrumpitur.” Aquinas distinguishes in the article (and at many other places) two different meanings of the *connexio virtutum*, on the one hand as general mode of every virtue (i.e. every virtue must be applied *prudently, justly, bravely* and *modestly*), on the other hand as perfection of all relevant human powers in regard of a specific good. For our present issue only the second meaning of connection is important.

¹⁵⁹ *ST* I-II 59.4: “Virtus moralis perficit appetitivam partem animae ordinando ipsam in bonum rationis. Est autem rationis bonum id quod est secundum rationem moderatum seu ordinatum. Unde circa omne id quod contingit ratione ordinari et moderari, contingit esse virtutem moralem.”

particular end, such as victory, is said to be prudent, not absolutely, but in a particular genus, namely warfare, so he who reasons well with regard to right life as a whole, is said to be prudent absolutely.”¹⁶⁰

Therefore, though we have seen in the forgoing passage that Aquinas clearly identifies acquired and political virtues, the doctrine of the connection of virtues seems to demand necessarily moral virtue as man’s overall perfection in regard to all practical matters, even on a natural level. In short, the doctrine demands perfect acquired virtue.

2.3.3 St. Thomas’s Analog Understanding of the *connexio virtutum*

The foregoing overview of the textual basis might give the impression that Aquinas holds at the same time two contrary positions. He identifies acquired virtues with political virtues, but he argues likewise for a necessary connection of virtues, i.e. for their completeness in regard to all practical matters. In this subchapter we want to suggest an interpretation by which both (seemingly contradictory) assertions can be simultaneously accepted. Our argument proceeds in three steps.

(a) Aquinas defends clearly the connection of all moral virtues by prudence. We want to argue that we should read this principle in an analogous way. The principle *can* mean man’s ordering in respect to all practical matters, in respect to himself as well as to his neighbors as well as to God. However, this is not the only possible interpretation of the unifying function of prudence. In several places St. Thomas distinguishes between various perspectives of man’s perfection: man perfected *as single individual (ut homo)*, or perfected *as member of a community (ut civis)*. The latter option is again subdivided, sc. man either as part of the human society or united with God in divine friendship. According to the explicit affirmation of Aquinas there are specific virtues for each of these aspects. As we shall argue, they are *true and connected virtues*. The concept “connected” attains here an analogous meaning. The various virtues are truly connected, namely in respect to their relative good – the good of the individual, the public good, and the divine good. Hence, the human agent can have connected

¹⁶⁰ ST II-II 47.2 ad 1: “Sicut ille qui ratiocinatur bene ad aliquem finem particularem, puta ad victoriam, dicitur esse prudens non simpliciter, sed in hoc genere, scilicet in rebus bellicis; ita ille qui bene ratiocinatur ad totum bene vivere dicitur prudens simpliciter.”

virtues in respect to this proper perfection (connected since he chooses all necessary things for his private good), whereas he remains disordered in relation to the common good. Of course, such virtues for the own good are less perfect than virtues which perfect man for the good life in human society or for divine friendship. Nevertheless – so we argue – they are true and connected virtues.

In summary, prudence works as a unifying virtue not only in respect to the final end of the whole human existence, but also because it belongs to the very essence of prudence to direct an agent to a specific end in a certain genus. Thereby it connects all relating virtues.¹⁶¹

We will check our interpretation against Aquinas's own statements.

(b) As the second step of our argument we want to argue against an “over-interpretation” of some general assertions in St. Thomas concerning moral virtues. On many occasions (maybe in *most* cases) Aquinas talks about moral virtue in a very general way, in describing generally man's perfection as a reasonable agent, or in explaining the common relation between intellectual and moral virtues, etc., without intending any prediction concerning the exact extent of the practical area or the question of acquiring those virtues, often even without distinguishing the natural and supernatural level. He describes moral virtues just as dispositions which provide man's right order towards the *bonum rationis*.¹⁶² But do these texts imply a *perfect acquired virtue* in the sense Osborne describes? Does the connection of the virtues by prudence necessarily include all practical matters? We do not think so. Aquinas says what he says, nothing more and nothing less. Moral virtues provide man's right ordering toward his final end on the level of natural reason, but it remains undetermined whether Aquinas intends man's good as individual, as member of the human society, or as regarding God. Certainly, these assertions can be taken as the starting point of an argument that the whole order of reason would require virtues regarding all practical matters, and this would result on a natural basis in perfect acquired virtues, which in the present state (after the Fall) nobody can acquire without the help of grace etc. All these conclusions are totally right and coherent to the thought of Aquinas. But they are interpretations of his thought. *If* Aquinas were asked about the possibility of perfect natural moral virtues, then he may give such an answer. Nevertheless, to the best of our knowledge St. Thomas himself never identifies the “*virtutes acquisitae*” as man's overall perfection according to the rule of reason.

¹⁶¹ As example we can refer to B. Kent who argues for the existence of connected virtues apart from charity (Kent, “Habits and Virtues,” 123); however her short outline does not clarify how this is to be understood.

¹⁶² ST I-II 59.4: “Virtus moralis perficit appetitivam partem animae ordinando ipsam in bonum rationis.”

a) Connected Virtues in Regard to Different Aspects of Man

The guiding principle of our argument is Aquinas's assertion that the consideration of man from different aspects lead to one to consider his different goods, and consequently his different virtues. Of course, this does not imply several "complete" or "perfect" goods for man. Since every creature is directed to one final end, consequently there is only one perfect good, namely the attainment of his ultimate end. Nevertheless, St. Thomas distinguishes several true human goods which result from consideration of man from various points of view (*secundum diversas considerationes hominis*).

The idea is clearly outlined in *De virt. in com.* 9. Starting from the observation that different things are characterized by different ends and therefore are perfected by different goods, he applies this general principle to man as considered from different viewpoints, either as individual man (*ut homo*) or as member of a community (*ut civis*).

The proper good of one thing is not the same as the good of other things, since to diverse perfectible things belong diverse perfections. Thus, the good of man is different from the good of a horse or a stone. Even for man himself there are diverse kinds of goods according to diverse considerations. For the good of man *as man* is not the same as his good *as citizen*. Since the good of man *as man* is that his reason be perfected by knowledge of truth and that his inferior appetites be subjected to the rule of reason, for man is human precisely because he is rational. However, the good of man *as citizen* is that he is ordered to all things according to society. Hence the Philosopher explains, in the *Politics* III, that a man's virtues are not the same insofar he is a good [man] and insofar he is a good citizen.¹⁶³

We should note that the expression *ut homo* connotes in this context an agent *as individual*, contrasted to his *membership* in a greater whole (*ut civis*). Hence, the *ut homo* here is not identical with the frequently used distinction of man *ut animal* and man *ut homo*, as a

¹⁶³ *De virt. in com.* 9: "Bonum autem proprium uniuscuiusque rei est aliud ab eo quod est proprium alterius: diversorum enim perfectibilium sunt diversae perfectiones; unde et bonum hominis est aliud a bono equi et a bono lapidis. Ipsius etiam hominis secundum diversas sui considerationes accipitur diversimode bonum. Non enim idem est bonum hominis in *quantum est homo*, et in *quantum est civis*. Nam bonum hominis in quantum est homo, est ut ratio sit perfecta in cognitione veritatis, et inferiores appetitus regulentur secundum regulam rationis: nam homo habet quod sit homo per hoc quod sit rationalis. Bonum autem hominis in quantum est civis, est ut ordinetur secundum civitatem quantum ad omnes: et propter hoc philosophus dicit, III politic., quod non est eadem virtus hominis in quantum est bonus et hominis in quantum est bonus civis."

A similar argument can be found in *De caritate* 2. Aquinas distinguishes there even more aspects, sc. *ut homo*, *ut artifex*, *ut civis*. "Manifestum est quod secundum propriam virtutem homo ordinatur ad proprium bonum. Proprium autem bonum hominis oportet diversimode accipi, secundum quod homo diversimode accipitur. Nam proprium bonum hominis in quantum homo, est bonum rationis, eo quod homini esse est rationale esse. Bonum autem hominis secundum quod est artifex, est bonum artis; et sic etiam secundum quod est politicus, est bonum eius bonum commune civitatis."

sensitive living being or reasonable agent.¹⁶⁴ On the contrary, in *De virt. in com.* 9 and 10 (and likewise in other texts¹⁶⁵) the distinction *ut homo* – *ut civis* refers to two different aspects of man as reasonable animal. For reasons of greater clarity we will translate *ut homo* in the subsequent text *as individual* and contrast it with man *as citizen*.¹⁶⁶

These two different ways to look at man (*ut homo* – *ut civis*) lead to identifying two different goods, or more exactly to two different “genus” of the human good. Furthermore, corresponding to these two aspects, Aquinas demands respectively two different sets of virtue which perfect man, either *inquantum est homo* or *inquantum est civis*.¹⁶⁷ His good as single man consists in the perfection of those powers which relate immediately to his wellbeing as an individual. Thomas mentions knowledge of truth and obedient submission of the passions under the guidance of reason. As citizen, man’s good consists in his right relationship to the other members of the community and to the common good. (Aquinas subsequently distinguishes man’s citizenship in the human society and in the heavenly society, the Church. We will return to this further distinction at the end of this chapter).

So far, Aquinas’s assertions are explicit. In the following paragraphs, we shall argue that the two different aspects of man lead to two different sets of *connected virtues*, though none of them can be identified with *perfect acquired virtues*. Admittedly, St. Thomas does not mention in this context the issue of connected virtues. Our thesis seeks to develop this point further by offering a reconstruction of Aquinas’s thoughts rather than a simple summary of

¹⁶⁴ Usually the formal aspect *ut homo* intends man’s specific character as *animal rationale*. The distinction between man *ut animal* and *ut homo* can be found throughout the work of Aquinas. Some examples: *In sent.* III 17.1.1B: “Sicut autem de perfectione humanae naturae, inquantum homo est homo, est rationis voluntas; ita de perfectione hominis, inquantum animal, est appetitus sensibilis.” *De veritate* 5.9 ad 5: “Animal non ratiocinatur inquantum est animal, sed inquantum est homo.” *ST I* 76.1: “Natura enim uniuscuiusque rei ex eius operatione ostenditur. Propria autem operatio hominis, inquantum est homo, est intelligere, per hanc enim omnia animalia transcendit.” Of special interest is *ST I-II* 21.2 ad 2, where St. Thomas connects the consideration *ut homo* with the moral order. “In moralibus, ubi attenditur ordo rationis ad finem communem humanae vitae, semper peccatum et malum attenditur per deviationem ab ordine rationis ad finem communem humanae vitae. Et ideo culpatur ex tali peccato homo et inquantum est homo, et inquantum est moralis.”

¹⁶⁵ Aquinas refers several times to the comparison of the *good man* and the *good citizen*. *De virt. in com.* 10; *De caritate* 2; *In politic.* III 3; indirect dissection is presupposed in *ST I-II* 56.6; *De virt. in com.* 5.

¹⁶⁶ Since the twofold meaning of *ut homo* is fundamental for the right understanding of the present issue we want to clarify the distinction by a graphic:

man	<i>ut homo</i> (as reasonable animal)	<i>ut homo</i> (as individual)
	<i>ut animal</i>	<i>ut civis</i> (as member)

¹⁶⁷ In *De virt. in com.* 10 the argument is reassumed and the difference of both kinds of virtue even more emphasized: “Secundum igitur quod bonum diversificatur in homine, oportet etiam quod et virtus diversificetur; sicut patet quod aliud est bonum hominis in quantum et homo, et aliud in quantum civis. Et manifestum est quod aliquae operationes possent esse convenientes homini in quantum est homo, quae non essent convenientes ei secundum quod est civis.”

his texts. Nonetheless, we think there is sufficient evidence that our view is what St. Thomas would have said.

First, we shall clarify the distinction by concrete examples.

Man as Individual

The good individual is characterized by the ability to achieve his private good. Thus, the relative virtues help him to work for goods that promote his wellbeing as an individual, e.g. wealth and health. Interestingly, Aquinas mentions here only the intellectual and affective virtues: prudence perfects practical reason for choosing and commanding the right human acts; and temperance and fortitude perfect the sensitive appetite, since uncontrolled passions would hinder the execution of the *actus humanus*. But what about the will? Article 5 of *De virt. in com.* raises the question whether there is any virtue at all in the will.¹⁶⁸ Aquinas answers: “Each appetite tends to the proper good of the appetizing [agent].”¹⁶⁹ But the will is the natural inclination of man.¹⁷⁰ Consequently, the will is inclined by nature towards the proper good of man. Only its outreach to things beyond the proper good of man (“some good might exceed the proportion of the will”¹⁷¹) requires an additional virtue. Accordingly, St. Thomas mentions *caritas* as regarding the divine good, and *iustitia* in relation to the good of the other, since the good of the other “transcends the limits of the human nature.”¹⁷²

Therefore, justice does not belong for Aquinas to the virtues of man *as individual*. To consider the agent *ut homo* abstracts from his membership in a community and the resulting relations to others. A man might be avaricious against others, and this defect would violate the good of others. It would also constrain the common good. Ultimately, it would harm even the agent himself. But the agent’s avarice would harm him only in his relationship to others, as a member of a community, or *ut civis*. Avarice implies a lack of a civil virtue; it compromises man *as citizen* but not *as individual*. Aquinas repeats Aristotle saying that there are men who provide *virtuously* for their proper good but fail to seek the common good. Such

¹⁶⁸ As parallel article in the *Summa theologiae*, cf. *ST* I-II 56.6.

¹⁶⁹ *De virt. in com.* 5: “Uniuscuiusque appetitus tendat in proprium bonum appetentis.”

¹⁷⁰ Cf. *De veritate* 22.5 ad 3: “Intellectus enim etsi habeat inclinationem in aliquid, non tamen nominat ipsam inclinationem hominis, sed voluntas ipsam inclinationem hominis nominat.”

¹⁷¹ *De virt. in com.* 5: “Aliquod bonum potest excedere voluntatis proportionem.”

¹⁷² *ST* I-II 56.6: “transcendit limites humanae naturae.” Cf. also ad 3. Even more developed is the argument in *In sent.* III 33.2.4C: “In voluntate enim, secundum quod est finis, non potest esse aliqua virtus moralis, quia ad bonum civile et naturale hominis, voluntas naturalem inclinationem habet sicut in proprium subiectum; sed secundum quod voluntas est eorum quae sunt ordinata ad finem, sic in voluntate potest esse moralis virtus, scilicet iustitia.”

men are perfect *as individuals* but wicked *as citizens*. “Many are able to use virtue in proper things, but in things regarding others, they cannot.”¹⁷³

Thus, for St. Thomas there could exist an agent who possesses in a certain way connected virtues but simultaneously lacks in regard to other aspects some important virtues. An agent who is perfect *as individual* requires affective virtues (*temperance* in the concupiscent appetite, *fortitude* in the irascible appetite), since only a virtuous sensitive appetite does not disturb voluntary actions (as seen, the will tends naturally towards his own good).¹⁷⁴ Imagine a fraudulent merchant. He certainly lacks justice. Nevertheless, he might be well-prepared to care for his health and wealth, i.e. for his private good. *As individual* he acts virtuously. And these virtues can be understood as connected virtues, since all human powers are perfected *in respect to his private good*. To achieve his own prosperity the wicked merchant needs fortitude (to sustain himself against the dangers of a mercantile expedition), temperance (to control his desire to drink and to stay sober in the market), and prudence (to choose the right means for attaining his end). All three virtues are mutually dependent.¹⁷⁵

Moreover, the good man *as individual* may not only lack the virtue of justice, but even his affective virtues have not to be perfect in respect to all matters. It would be sufficient if his passions were controlled in things pertaining to him alone. Maybe he becomes quickly angry in conversation. As long as this does not infect his own good, it wouldn't contradict his virtues as *good individual*. Admittedly, those virtues might be quite poor perfections.¹⁷⁶ But

¹⁷³ *De virt. in com.* 5: “Multi in propriis quidem virtute uti possunt, in his autem quae sunt ad alterum, non possunt.” See also *De virt. card.* 1; *ST II-II* 58.6 *sed contra*; *In ethic.* V 2.9.

At this point one could object that the perfection of the single man contains necessarily his right order toward the other. The part of a whole is only perfect if it is in right relation to the whole (*ST I-II* 21.3; *II-II* 47.10 ad 2). The argument is certainly right. But by considering the good of the agent *ut homo* Aquinas explicitly abstracts from man's relation to the common good. This shall become clearer if we discuss prudence regarding the proper good and the common good (*ST II-II* 47.11).

Pinckaers comments on that: “Love for self comes first and is the source of friendship with others, because each of us is a substantial unity and there is inevitably a certain distance between us and others, even in the heart of our communion. Given this distance to be bridged, which is most apparent when external action according to an objective standard, such as justice, is involved, one's natural love for others needs to be strengthened, perfected by a virtue. This is not to say that natural love is limited to self-love, but that it does need to go beyond itself towards others in order to develop its natural inclination. This does not happen, actually, without a progressive adjustment between one's self and the other, which calls for and forms a virtue, the steady, strong will to give the other his due.” (Servais Pinckaers, “Christ, Moral Absolutes, and the Good: Recent Moral Theology,” *The Thomist* 55 (1991): 139-140).

¹⁷⁴ Cf. *ST I-II* 56.6 ad 1: Aquinas confirms here that temperance and fortitude works “ad bonum proprium ipsius volentis.” See also *ST II-II* 47.10 arg. 3 (affirmative).

¹⁷⁵ Aquinas himself shows by an example how temperance and fortitude are mutually dependent: “Si autem exercitetur bene operando circa unam materiam, non autem circa aliam, puta bene se habendo circa iras, non autem circa concupiscentias; acquirit quidem habitum aliquem ad refrenandum iras, qui tamen non habebit rationem virtutis.” (*ST I-II* 65.1 ad 1).

¹⁷⁶ In his *Commentary on the Nicomachean Ethics* he explicitly evaluates the civil virtue (as legal justice) as *perfect virtue* in comparison to the virtue *ad bonum proprium*. “Iustitia legalis est perfecta virtus, quia ille qui habet hanc virtutem, potest uti virtute ad alterum, et non solum ad seipsum; quod quidem non contingit omnibus

nonetheless they could be described as connected virtues, connected *in respect to the private good* of the agent.

Man as Citizen

Something analogous is true for man's perfection *ut civis*. The virtues of the good citizen dispose man such "that he is ordered to all things according to the society."¹⁷⁷ We know from the foregoing quotation of *De virt. in com.* 5 that inter-personal relations are perfected by justice,¹⁷⁸ which is used in a general sense as collective term for one's disposition to live in accordance with his fellow citizens.¹⁷⁹

Analogously to the previous paragraph, we can describe the virtues of the good citizen as connected virtues, *connected* since they include all perfections necessary for the achievement of the society's common good. It wouldn't be enough if a citizen had justice only in a partial area, if he respected the bodily integrity of his fellow-citizen but betrayed his trade partners or to told lies. In the good citizen, all the subspecies of justice have to be connected. Moreover, justice alone would be insufficient. Being a good citizen also presupposes the affective virtues, since their right functioning requires an ordered sensitive appetite. Otherwise, disordered passions would regularly disturb man in his civil actions.¹⁸⁰ Hence, the good citizen is characterized by justice combined with temperance and fortitude, which were originally portrayed as virtues of the good man (including, of course, prudence). Aquinas therefore claims the following connection to obtain. It belongs to justice, he argues, "to establish the order of reason in all human things, whereas the other virtues conserve this good, inasmuch as they moderate the passions, for not leading man away from reason's good."¹⁸¹

virtuosis; multi enim possunt uti virtute in propriis, qui non possunt ea uti in his quae sunt ad alterum." (*In ethic.* V 2.9).

¹⁷⁷ *De virt. in com.* 9: "Ut ordinetur secundum civitatem quantum ad omnes."

¹⁷⁸ See footnote 173. As mentioned above, for the moment we disregard Aquinas's consideration of man's citizenship in the Church and concentrate exclusively to his membership in the earthly community.

¹⁷⁹ Cf. *In ethic.* V 2.10: "Sola iustitia inter virtutes videtur esse alienum bonum, quia est ad alterum in quantum intendit operari ea quae sunt utilia alteri, scilicet vel ipsi communitati vel principi communitatis; aliae vero virtutes intendunt operari bonum proprium, puta temperantia intendit quietare animum a turpibus concupiscentiis. Et idem est in aliis virtutibus." We shall investigate the proper structure of justice later on in more detail (chapter 4); for the moment it is enough to understand justice as general virtue which perfects the human will in regard to the good of the other and the common good.

¹⁸⁰ *ScG* III 121.4: "Homo legem non sequeretur nisi alia omnia quae pertinent ad hominem, rationi subderentur."

¹⁸¹ *ST* II-II 123.12: "Ad ipsam [sc. iustitiam] pertinet ordinem rationis ponere in omnibus rebus humanis. Aliae autem virtutes sunt conservativae huius boni, in quantum scilicet moderantur passiones, ne abducant hominem a bono rationis." Similar in *ST* II-II 123.1. For Aquinas's differentiation between the affective virtues and justice, see Bonnie Kent, "Justice, Passion, and Another's Good: Aristotle Among the Theologians," in *Nach der Verurteilung von 1277. Philosophie und Theologie an der Universität von Paris im letzten Viertel des 13.*

The issue, however, suffers further complication. For Aquinas, the kind of temperance and fortitude which characterize the good individual is insufficient to support justice for the good citizen. The good citizen therefore needs a different – a “higher” – species of affective virtue.

A virtue ordered to an inferior end does not produce an act ordered to a superior end, except by means of superior virtue; as the fortitude which is man’s virtue *as individual* [*qua homo*] does not order its act to the common good except by means of fortitude which is a man’s virtue *as citizen* [*inquantum est cives*].¹⁸²

Although the fortitude of the good individual is a true virtue and connected with the other virtues, it does not enable the agent to perform courageous deeds (*fortia*) in every respect. A man who is brave regarding his personal good needs a more perfect species of fortitude in order to be able to defend courageously the political good. Hence, it wouldn’t be enough if justice commands the fortitude of the good individual. Rather, there must be a proper species of *political* fortitude which is commanded by justice in regard to the common good. Right here we reach the proper meaning of *political virtue*. A virtue becomes “political” when is employed by justice (political virtues are “embodied in justice”¹⁸³) and work thereby for the sake of the common good.¹⁸⁴

Quite similar is the case of temperance: As a virtue of the good individual, temperance enables the agent to use sensible pleasures in order to provide for his bodily health. As a political virtue, however, temperance is measured “not only according to the convenience of the body, but also according to the convenience of external things, such as wealth and charges, and especially according to the convenience of honesty.”¹⁸⁵ Elsewhere Aquinas says: “It

Jahrhunderts. Studien und Texte, ed. Jan A. Aertsen, Kent Emery, and Andreas Speer (Berlin: Walter de Gruyter, 2001), 706-710.

¹⁸² *De virt. in com.* 10 ad 4: “Virtus ordinata in finem inferiorem non facit actus ordinatum ad finem superiorem, nisi mediante virtute superiori; sicut fortitudo, quae est virtus hominis *qua homo*, non ordinat actum suum ad bonum politicum, nisi mediante fortitudine quae est virtus hominis *in quantum est civis*.”

¹⁸³ Harry V. Jaffa, *Thomism and Aristotelianism: A Study of the commentary by Thomas Aquinas on the Nicomachean Ethics* (Westport, CT: Greenwood Press, 1979), 31. The whole text: “If all moral virtues are embodied in justice, and justice is essentially political; and if, further, practical wisdom, which supplies the rule and measure of moral virtue, is in substance the same virtue as political wisdom, as Aristotle also says, then it is clear that there is no moral virtue which is not essentially a part of (or derivative form) the political relationship.” (Ibid., 31-32).

¹⁸⁴ As Aquinas explains in *ST I* 60.5, political virtues enable man to favor the common good to the private good.

¹⁸⁵ *ST II-II* 141.6 ad 3: “Temperantia respicit necessitatem quantum ad convenientiam vitae. Quae quidem attenditur non solum secundum convenientiam corporis, sed etiam secundum convenientiam exteriorum rerum, puta divitiarum et officiorum; et multo magis secundum convenientiam honestatis.”

Though Aquinas does not use the concept of “political temperance” at this place, it is clear that he describes here temperance as political virtue.

belongs to the rule of reason that man takes food insofar it is convenient to the sustenance of [his] nature, and to the good habitude of man, and the conversation of his fellow-citizen.”¹⁸⁶

Thus, the right mean of temperance in the case of the good citizen is not only determined by his private good, but it has to take into account man’s relation to his neighbor, i.e. it aims for the common good . . . *and for nothing beyond*. The good citizen possesses all virtues (as connected virtues) which are necessary for achieving the common good of the city. Anything more, however, is not required. Even on this level it is not necessary that the sensitive appetite is ordered in any possible respect. To assent sometimes knowingly and willingly to intemperate passions would not immediately hinder the act of justice. The right order towards God is likewise not a *conditio sine qua non* for those political virtues. Imagine an atheist who refuses impenitently to render honor to God, but who pays back everybody his due, who is honest in business, who respects human laws, etc. Such a person could be, according to Aquinas, a *good citizen* who possesses connected political virtues, though he lacks the important virtue of religion.¹⁸⁷

This restriction of political virtue to the achievement of the common good of the city may seem too narrow for earning the name of *moral* virtues, but this is explicitly the position Aquinas takes. “The whole of moral philosophy seems to be ordered to the civic good.”¹⁸⁸ Moral virtues perfect man “in things which pertain to the communitarian life.”¹⁸⁹ Justice is therefore “all virtue.”¹⁹⁰

Several Species of Prudence, Several Kinds of Connected Virtues

Up to now our inquiry of the virtues of the good citizen has focused on justice, fortitude and temperance. By themselves the latter two are virtues of man as individual, but as virtues

¹⁸⁶ *De malo* 14.1 ad 1: “Regula rationis haec est, ut homo sumat cibum secundum quod convenit sustentationi naturae, et bonae habitudini hominis, et conversationi eorum cum quibus vivit.” Similar in *In ethic.* III 21.5 where St. Thomas describes temperance as directed “ad sanitatem et bonam habitudinem corporis et ad decentem conversationem cum aliis.”

¹⁸⁷ On this regard, Finis notes rightly about the common good of the city: “The specifically political common good does not, as such, include certain important human goods which essentially pertain to individuals in themselves, such as the good of religious faith and worship.” (John Finnis, “Public Good: The Specifically Political Common Good in Aquinas,” in *Natural Law and Moral Inquiry: Ethics, Metaphysics, and Politics in the Work of Germain Grisez*, ed. Robert P. George (Washington, DC: Georgetown University Press, 1998), 178).

¹⁸⁸ *In ethic.* VIII 1.5: “Tota moralis philosophia videtur ordinari ad bonum civile.” Thus, Kluxen notes rightly: “‘Moralis’ und ‘moralis scientia’ werden fast immer in diesem Sinn verwendet [sc. for man’s perfection regarding the common life]; nur in der Einteilung der Ethik erscheint ‘monastica’, wie *In Eth.* I, 1 n. 6.” (Wolfgang Kluxen, *Philosophische Ethik bei Thomas von Aquin*, 3 ed. (Hamburg: Felix Meiner Verlag, 1998), 90, footnote 20).

¹⁸⁹ *ST I-II* 66.3 ad 1: “Virtutes morales sunt magis permanentes quam intellectuales, propter exercitium earum in his quae pertinent ad vitam communem.”

which support and preserve justice they also pertain to political virtues. But what about prudence? If our interpretation is right, Aquinas should distinguish also two kinds of prudence – one for the good individual, another for the good citizen. And indeed, in a clear parallel to the connected virtues of the *good individual* and the *good citizen*, Aquinas recognizes different species of prudence which guide the agent either in achieving his own good or the good of the city. We refer to *ST II-II 47.11*, which asks whether prudence regarding one's proper good is of the same species as prudence which extends to the common good. The article shows that even prudence is not a univocal concept. Different kinds of prudence work for different ends and connect different sets of moral virtues.¹⁹¹ Following Aristotle, Aquinas distinguishes three species of prudence: *monastica* as prudence in regard to the private good, *oeconomica* regarding the good of the household, and *politica* concerning the common good of society. His argument is as follows. Prudence chooses and commands the right means for attaining the right end. But the private good, the good of the household, and the common good are different ends, which require different species of prudence. Hence, the practical intellect has to be perfected in regard to those different goods by different species of prudence.

The species of habits differ by their relation to different ends. But the individual good, the good of the family, and the good of the city and kingdom are different ends. Hence, there have to 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 [*oeconomica*] which is directed to the common good of the house or the family; and a third, political prudence [*politica*] which is directed to the common good of the state or kingdom.¹⁹²

This shows that the differentiation between moral virtues specifying man *as individual* and other virtues required for man *as citizen* is not an isolated assertion of *De virt. in com.* 9 and 10. This differentiation is confirmed also in Aquinas's discussion of prudence. Prudence *simpliciter dicta* rules the virtues in respect to the good as individual (in the *sed contra* Aquinas refers to this species of prudence as *monastica*).¹⁹³ All virtues of the *good individual*

¹⁹⁰ *De virt. card.* 3 ad 8: "tota virtus." Similar in *In ethic.* V 2.7 and 13.

¹⁹¹ Osborne would probably remark at this point that he never negated the existence of prudence in regard to particular ends, rather he distinguished between imperfect prudence (in regard to particular goods) and perfect acquired prudence (in regard to all moral matters, according to the reasonable rule); both as two different "grades" of *recta ratio agibilium*. However, this statement does not correspond exactly to Aquinas. Virtues *ut homo* do not refer to man's complete reasonable order, but his perfection in regard to the good *as individual*.

¹⁹² *ST II-II 47.11*. For a more extended discussion of the various species of prudence see *ST II-II 50 De partibus subiectivis prudentiae*. In *ST II-II 50.4* even the art of military command (directed to the conservation of the common good) is described as prudence.

¹⁹³ *ST II-II 47.11*: "Necesse est quod ex relatione ad diversos fines diversificentur species habitus. Diversi autem fines sunt bonum proprium unius, et bonum familiae, et bonum civitatis et regni. Unde necesse est quod et prudentiae differant specie secundum differentiam horum finium, ut scilicet una sit prudentia simpliciter dicta,

are combined by this special kind of prudence, namely in respect to the achievement of the proper good. Similarly prudence in respect to the good of the household and the common good; prudence as *oeconomia* and as *politia* rule all virtues of the good member of the household and the citizen. Hence the domestic virtues as well as the political ones can be understood as connected virtues, connected by a proper species of prudence.

This view clarifies again that the concept of “connected moral virtues” is an *analogous* term. As Aquinas notes, every species of prudence results in a different set of virtues in the appetitive powers: “Prudence is not only in the reason but has something in the appetite. Therefore, everything mentioned here is a species of prudence [sc. *monastica*, *oeconomica*, *politica*] to the extent that it does not reside only in reason but has something in the appetite.”¹⁹⁴

Concerning the mutual relationship of the various kinds of prudence Aquinas makes another interesting argument: though *monastica* and *politica* are different because of their proper end (*bonum proprium* – *bonum commune*), nevertheless *politica* is only perfect if it is accompanied by prudence regarding the proper good. As long as *politica* lacks the more basic prudence, it remains imperfect. “Civic and domestic prudence are not sufficient without prudence in the own things. Even if the city and the household are properly arranged, it is still not evident how one’s own affairs have to be disposed.”¹⁹⁵ *Politica* is therefore the more perfect species of prudence; it is *prudentia completa*, since it includes prudence regarding

quae ordinatur ad bonum proprium; alia autem oeconomica, quae ordinatur ad bonum commune domus vel familiae; et tertia politica, quae ordinatur ad bonum commune civitatis vel regni.” Aquinas’s diction is here somehow ambiguous: The concept *prudentia simpliciter dicta* might be read as prudence for the final end of all human life. In that way *ST* I-II 47.2 is to be read about the agent who is *simply prudent* (*prudens simpliciter*) since he acts rightly for the final end. Thus, *prudence simpliciter dicta* seems to be rather perfect acquired (or even infused) prudence than prudence only for the good of the individual – disregarding the community and God. However, the *sed contra* identifies *prudentia simpliciter dicta* clearly with *monastica*, i.e. prudence in own things. Moreover, Aquinas inherited the diction *virtus simpliciter dicta* from Aristotle who made use of it in right the same context: An act of any virtue commanded by justice adopts the notion of justice, but stems likewise from the “simple virtue” (“ἀπλῶς ἀρετή” *NE* V 3 1130a11); St. Thomas comments: “Actus enim idem subiecto producitur a iustitia legali et a virtute simpliciter dicta.” (*In ethic.* V 2.13). This shows that the diction *prudentia simpliciter dicta* does not imply the right final end but rather the *basic meaning* of prudence. Likewise in *In ethic.* VI 7.5: “Quamvis politica tam legis positiva quam executiva sit prudentia, tamen maxime videtur esse prudentia quae est circa unum tantum, scilicet circa seipsum. Et talis ratio suiipsius gubernativa retinet sibi commune nomen prudentiae; quia aliae partes prudentiae habent propria nomina, quibus nominantur; earum enim quaedam quidem dicitur oeconomia, id est prudentia dispensativa domus; quaedam vero dicitur legis positio, id est prudentia ponendi leges; quaedam vero est politica, id est prudentia exequendi leges.” See thereto also Thomas Gilby, *Principality and Polity: Aquinas and the Rise of State Theory in the West* (London: Longmans, Green and Co, 1958), 227.

¹⁹⁴ *In ethic.* VI 7.6: “Prudentia non est in ratione solum, sed habet aliquid in appetitu. Omnia ergo de quibus hic fit mentio [sc. *monastica*, *oeconomia*, *politia*], in tantum sunt species prudentiae, inquantum non in ratione sola consistunt, sed habent aliquid in appetitu.”

¹⁹⁵ *In ethic.* VI 7.13: “Nec tamen sufficit politica et oeconomica sine prudentia propriorum. Quia recte disposita civitate et domo, adhuc est immanifestum qualiter oportet disponere ea quae ad seipsum pertinent.”

one's own good (*monastica*).¹⁹⁶ Or more exactly, political prudence makes use of the other kinds of prudence regarding the common good; it *commands* the less perfect virtue regarding one's proper good and thereby *redirects* it toward its own higher end.¹⁹⁷

The foregoing shows that moral virtues, understood as political virtues, contain two aspects: they perfect man as individual and as member of a human community. More, however, is not required of them.¹⁹⁸

Summa: Connected Virtues *ad finem in aliquo genere*

Following up on the results of the preceding section we can conclude that the doctrine of the *connexio virtutum* is for Aquinas not a technical term having a simple univocal sense, such that (as Osborne has argued) only the agent who works for the *ultimate end* of the human life can possess truly connected virtues, combined by prudence. Rather virtues are called “connected” whenever they are ordered by a particular species of prudence *in relation to a certain final end*. But these final ends do not necessarily have to be the final end of man's whole life. On the contrary, the good of the individual (warranted by fortitude and temperance), the good of the household (guaranteed by the virtues of family life¹⁹⁹), and the common good (achieve by general justice), each functions as a unifying principal for connected virtues – the connected virtues of a *good individual*, of a *good member of the household*, and of a *good citizen*.

Aquinas mentions such a possible partial limitation of the moral virtues explicitly in texts discussing the unity of virtues. *De virt. card.* 2 describes *acquired virtues* not as virtues regarding the end of the whole life (on a natural level) but explicitly as “right reason in

¹⁹⁶ “Politica est prudentia quaedam, qua homo dirigitur in his quae ad alium spectant; unde nominat *prudentiam completam*. Et quia non omnis prudentia habet istam completionem; ideo ponitur pars eius. Tamen in eo in quo completum habet esse, prudentia non differt secundum substantiam habitus prudentiae et politicae, sed ratione tantum.” (*In sent.* III 33.3.1D ad 3). Gilby describes very well, in which way complete prudence includes *monastica*, *oeconomia* and *politia*; Gilby, *Principality and Polity*, 227-228.

¹⁹⁷ In *ST* I-II 47.11 ad 3 Aquinas describes how a superior virtue commands inferior habits (“imperet aliis habitibus”). In the same way *politia*, which is about the common good, commands *monastica* which is about the proper good. From this point Aquinas can identify both species *secundum substantiam*, whereas they differ in relation. “Politica et prudentia sunt idem habitus secundum substantiam, quia utraque est recta ratio rerum agibilium circa humana bona vel mala; sed differunt secundum rationem. Nam prudentia est recta ratio agibilium circa unius hominis bona vel mala, idest suiipsius. Politica autem circa bona vel mala totius multitudinis civilis. Ex quo patet quod ita se habet politica ad prudentiam, sicut iustitia legalis ad virtutem.” (*In ethic.* VI 7.2; cf. *ST* II-II 47.10 ad 1).

¹⁹⁸ *In ethic.* I 1.6 is very clear on that regard: “Moralis philosophia in tres partes dividitur. Quarum prima considerat operationes unius hominis ordinatas ad finem, quae vocatur *monastica*. Secunda autem considerat operationes multitudinis domesticae, quae vocatur *oeconomica*. Tertia autem considerat operationes multitudinis civilis, quae vocatur *politica*.”

respect to *any genus*”, and later on, “in respect to a human good.”²⁰⁰ Furthermore, *ST* I-II 65.2 distinguishes the connection of acquired virtues by prudence and of infused virtues by charity. Although the acquired virtues fail to direct man toward his supernatural final end, nevertheless “they direct man well in respect to the ultimate end in some particular genus, but not in respect of the final end simply.”²⁰¹ Hence, the most important articles about the connections among virtues describe acquired virtues (as connected) not in regard to a hypothetical natural final end, but *in regard to a final end in any genus*.²⁰²

¹⁹⁹ In fact, Aquinas knows also a special set of virtues for the family-life; cf. e.g. *ST* II-II 47.11 ad 2; implicit also in *ST* II-II 57.4.

²⁰⁰ *De virt. card.* 2: “Rectam rationem in quolibet genere . . . respectu boni humani.” Interesting to note: In various replies of the article Aquinas describes these virtues *in quolibet genere* as connected by prudence (see ad 4, ad 9, ad 10, ad 13 and ad 14). Hence, Osborne is wrong to read these descriptions as *perfect acquired virtue* (cf. Osborne, “The Augustinianism,” 297-298).

²⁰¹ *ST* I-II 65.2. The whole text: “Solae virtutes infusae sunt perfectae, et simpliciter dicendae virtutes, quia bene ordinant hominem ad finem ultimum simpliciter. Aliae vero virtutes, scilicet acquisitae, sunt secundum quid virtutes, non autem simpliciter, ordinant enim hominem bene respectu finis ultimi in aliquo genere, non autem respectu finis ultimi simpliciter.” There are even more hints that Aquinas speaks in 65.2 about acquired virtue not in the sense of “perfect acquired virtue.” For example he replies to the first objection: “Virtutes ibi accipiuntur secundum imperfectam rationem virtutis. Alioquin, si virtus moralis secundum perfectam rationem virtutis accipitur, bonum facit habentem; et per consequens in malis esse non potest.” Hence, the imperfect virtue here is not identical with connected acquired virtue; otherwise it would make man itself good.

Further, at the very beginning of the *corpus articuli* he defines acquired virtues as “in ordine ad finem qui non excedit facultatem naturalem hominis”, which “possunt per opera humana acquiri.” Is this to be understood as an abstract assertion about human nature as such (in its unfallen state) or about man in his concrete historical state? If (a) would be true, the imperfect virtue in 65.2 could be perfect moral virtue; if (b) would be the case, imperfect virtue implies just a perfection in certain matter, since after the fall man cannot achieve his natural good as a whole, as it is clear from *ST* I-II 109.2. But by his reference to the pagans Aquinas clearly determines his assertion in respect to the real state of man. Hence, imperfect virtue here has to be understood as particular perfections.

Even the last sentence of the body of the article does not allow a different understanding. Aquinas quotes Augustine for rendering more precisely the meaning of imperfect virtue in this context: “Ubi deest agnitio veritatis, falsa est virtus etiam in bonis moribus.” Admittedly, the quotation is harsh for describing political virtue (Gilson calls it “an extreme expression” Gilson, *The Christian Philosophy*, 498). It is, however, entirely impossible to read it as a description of *perfect acquired virtue*.

Worth to note that Osborne who refers to *ST* I-II 65.2 as affirmation for this own thesis about *perfect acquired virtue* embezzles Aquinas’s accessory sentence that the virtues connected by prudence are “respectu finis ultimi in aliquo genere.” (See the discussion in Osborne, “Perfect and Imperfect Virtues,” 54-55).

²⁰² Cf. also *De virt. in com.* 6. The function of acquired prudence is not the installation of an overall order, but the rule the agent towards the end of the particular moral virtues. “Prudentia . . . est perfectiva omnium virtutum moralium quae sunt in parte appetitiva, quarum unaquaeque facit inclinationem appetitus in aliquod genus humani boni: sicut iustitia facit inclinationem in bonum quod est aequalitas pertinentium ad communicationem vitae; temperantia in bonum quod est refrenari a concupiscentiis; et sic de singulis virtutibus.” And *ST* I-II 58.4 ad 3 describes the purpose of prudence as “recta electio eorum quae conveniunt ad debitum finem” – and leaves the issue open whether the due end is the final end of the whole life.

Of special interest is *ST* II-II 23.7, where St. Thomas distinguishes on the one hand charity and its connected virtues in regard to the supernatural end, and on the other hand virtues in regard to some particular end, “puta conservatio civitatis vel aliquid huiusmodi.” The statement of *ST* II-II 23.7 fits perfectly to *ST* I-II 65.2; it is even more precise, insofar it describes those virtues as *true* virtues (since connected), but *imperfect* virtues (since not directed to the supernatural final end). See thereto also Odon Lottin, “Les vertus morales acquises: sont-elles des

b) Reinterpretation of Some General Assertions of Aquinas

We have shown how Aquinas recognizes connected virtues in regard to particular matters. Consequently, his frequent reference to the connection of all virtues (by prudence) does not necessarily indicate “perfect acquired virtues.” Nonetheless, there are some difficult texts which require a special explanation if we want to demonstrate that Aquinas uses the term “*virtus acquisita*” generally in the sense of political virtue.

As we have seen in the textual overview, Aquinas sees only that prudence which rules life as a whole as *prudentia simplex*.²⁰³ The ability to choose the right means in regard to particular ends – as for example the virtues of an artist or the good soldier – are qualified as prudence *secundum quid*. We quoted already the text of *ST* II-II 47.2.²⁰⁴ Similarly in a later question Aquinas states: “Somebody is called *prudent* in two ways: First, *simpliciter*, i.e. in relation to the end of the whole life. Secondly, *secundum quid*, i.e. in relation to some particular end, for example if somebody is said to be prudent in business or something else.”²⁰⁵ So what does Aquinas intend by *prudence simpliciter* in this context?

Osborne reads such passages as descriptions of *perfect acquired prudence*, i.e. man’s complete order on a natural level. In contrast, scholars like McKay argue that it has to be *infused prudence* because only infused virtues provide man’s orientation toward the final end of his whole life. The point at issue here is explained in *ST* II-II 47.13, where Aquinas explicitly affirms that a sinner cannot possess perfect prudence. Aquinas distinguishes between *true but imperfect prudence*, i.e. the knowledge to attain particular ends, and *true and perfect prudence*, i.e. “*ad totam vitam*.” The former kind might be possessed even by sinners. Thus, it is apparently an imperfect kind of prudence, whereas the latter (since implying the right order to the ultimate end of the whole life) is possessed only by justified persons. This is described as perfect prudence. McKay concludes that perfect prudence (and likewise *prudentia simplex* in regard to the end of the whole life) must be identified with infused prudence. Osborne, however, reads the same article as a statement about perfect acquired virtue which is only attainable by a justified person but remains specifically different from

vraies vertus? La réponse des théologiens de saint Thomas à Pierre Auriol,” *Recherches de théologie ancienne et médiévale* 21 (1954): 102-103.

²⁰³ Worth to note: Aquinas uses the diction of *prudentia simplex*, not, however, *prudentia simpliciter dicta* which is used in the sense of *monastica*. See footnote 193.

²⁰⁴ See footnote 33 and 160.

²⁰⁵ *ST* II-II 55.2: “*Prudens dicitur aliquis dupliciter, uno modo, simpliciter, scilicet in ordine ad finem totius vitae; alio modo, secundum quid, scilicet in ordine ad finem aliquem particularem, puta sicut dicitur aliquis prudens in negotiatione vel in aliquo huiusmodi.*”

infused prudence. His argument seems persuasive since Aquinas does not mention infused virtues in *ST* II-II 47.13.²⁰⁶ Furthermore, Aquinas applies the distinction between simple prudence *ad finem totae vitae* and prudence *secundum quid* regarding particular ends quite often in passages and contexts where the issue of infused virtues is obviously absent. An example for this can be found in *ST* I-II 57.4 ad 3, long before the issue of infused moral virtues is even introduced into the discussion:²⁰⁷ “Prudence consists in good counsel about things which pertain to man’s entire life, and the ultimate end of human life.”²⁰⁸ Can one argue that Aquinas makes at this place a statement about *infused* prudence without mentioning it? Or rather does he speak here of perfect acquired prudence?

Further, in his *Commentary on the Nicomachean Ethics* Aquinas describes prudence in the same way, i.e. as perfection of the practical intellect “in regard to the whole moral matter”²⁰⁹ and “in regard to the whole life.”²¹⁰ But it seems unlikely that Aquinas refers to divinely infused virtues in a commentary on the pagan philosopher. Similarly, it cannot be a political virtue he refers to, since those provide only man’s order toward the common good and fail to rule man’s relation to God.²¹¹ So are these texts not obvious cases of *perfect acquired virtue*?

Although the conclusion seems obvious, it does not follow necessarily. Admittedly, Aquinas does not use the term of *virtutes infusae* in those texts, but likewise he does not refer to *virtutes acquisitae*.²¹² He just describes the function of moral virtues under the guidance of

²⁰⁶ Admittedly, in the following article (47.14) he refers explicitly to infused virtues.

²⁰⁷ The first explicit consideration of infused virtues takes place not before *ST* I-II 63.3.

²⁰⁸ *ST* I-II 57.4 ad 3: “Prudentia est bene consiliativa de his quae pertinent ad totam vitam hominis, et ad ultimum finem vitae humanae. Sed in artibus aliquibus est consilium de his quae pertinent ad fines proprios illarum artium. Unde aliqui, inquantum sunt bene consiliativi in rebus bellicis vel nauticis, dicuntur prudentes duces vel gubernatores, non autem prudentes simpliciter, sed illi solum qui bene consiliantur de his quae conferunt ad totam vitam.”

²⁰⁹ See *In ethic.* VI 11.14. “Si essent diversae prudentiae circa materias diversarum virtutum moralium, sicut sunt diversa artificiorum genera, nihil prohiberet unam virtutem moralem esse sine alia, unaquaque earum habente prudentiam sibi correspondentem. Sed hoc non potest esse; quia eadem sunt principia prudentiae *ad totam materiam moralem*, ut scilicet omnia redigantur ad regulam rationis. Et ideo propter prudentiae unitatem omnes virtutes morales sunt sibi connexae.”

²¹⁰ *In ethic.* VI 4.3: “Si ergo ille qui est bene consiliativus ad aliquid particulare est prudens particulariter in aliquo negotio; consequens est, quod ille sit totaliter et simpliciter prudens qui est bene consiliativus de his quae pertinent *ad totam vitam*.” Similar in *In ethic.* VI 4.2.

²¹¹ But reason constitutes a relation between man and God which has to be rectified; cf. *ST* I-II 62.1 ad 3.

²¹² To the best of our knowledge, the only exception to our general observation that Aquinas never refers to the term of “acquired virtue” in his descriptions of prudence as determined by the final end of the whole life, is found in the treatise on grace in the *ST* I-II. In this context Aquinas uses the term of *acquired virtue* two times in a way which could be interpreted as description of man’s overall perfection according to a natural level. “In statu naturae integrae, quantum ad sufficientiam operativae virtutis, poterat homo per sua naturalia velle et operari bonum suae naturae proportionatum, quale est bonum virtutis acquisitae, non autem bonum superexcedens, quale est bonum virtutis infusae. Sed in statu naturae corruptae etiam deficit homo ab hoc quod secundum suam naturam potest, ut non possit totum huiusmodi bonum implere per sua naturalia.” (*ST* I-II 109.2). Similar in *ST* I-II 110.3: “Sicut enim virtutes acquisitae perficiunt hominem ad ambulandum congruenter lumini naturali rationis; ita virtutes infusae perficiunt hominem ad ambulandum congruenter lumini gratiae.” Hence, do those texts show

prudence. The question whether the virtues are directed to a supernatural or a natural end is simply absent. Likewise absent is the question whether the agent possesses those virtues by infusion or by proper acquisition. These texts are concerned only with the general structure of moral virtues, their cooperation, and their guidance by prudence as an intellectual virtue.²¹³ Hence, it would be inadequate to force on such texts an interpretative decision between *either* infused virtues *or* perfect acquired virtues. This description of virtue comes “before” the question is raised whether there is only a natural order of virtue or also a supernatural one. Theoretically the particular texts can apply to both levels. Starting from these texts, therefore, one could continue to argue that a historical concrete human being has *de facto* only a supernatural final end, and consequently only infused prudence is *prudentia simplex*. McKay then appears to be completely right. Likewise, one can argue that Aquinas speaks only about *right reason* in respect to the whole life, and this suggests man’s order to God on a natural level which, however, can be developed fully only under the reign of grace. Osborne then appears to be right as well. These two conclusions lead in two contrary directions, but both can be validly made. Aquinas, however, draws none of these further conclusions explicitly. He gives just a description of the function of moral virtue.

Aquinas’s general description of moral virtue as regarding man’s final end of the whole life is therefore neither an argument for perfect acquired virtues nor for infused virtues. As a result,

that Aquinas uses the term of “acquired virtues” as perfections in regard to man’s natural final end? I.e. as perfect acquired virtues?

We want to argue that there are two reasonable ways to explain this seemingly exception: First, in the treatise on grace Aquinas applies regularly the distinction between man *in statu naturae integrae* and *in statu naturae corruptae*; even in the conflicting article (109.2) he refers to these two aspects. But the un-fallen man certainly would have been able to achieve completely his natural good by his own resources. Hence, *in statu naturae integrae* man could have been acquired perfect natural virtues, i.e. *perfect acquired virtues*. According to this interpretation it is the special context of the question which allows using the term “virtus acquisita” in respect to the complete moral perfection on a natural level. A second possible explanation relies on another assertion which St. Thomas makes in the same context. In *ST I-II 110.3* he contrasts the end of acquired and infused virtues describing the former in relation to the nature of man, the latter in relation to the divine nature. “Virtutes acquisitae per actus humanos, de quibus supra dictum est, sunt dispositiones quibus homo convenienter disponitur in ordine ad naturam qua homo est. Virtutes autem infusae disponunt hominem altiori modo, et ad altiorem finem, unde etiam oportet quod in ordine ad aliquam altiorem naturam. Hoc autem est in ordine ad naturam divinam participatam.” Hence, it seems natural that even in this context Aquinas limits the scope of acquired virtues to the regulation of interhuman relationships, i.e. the common good of the earthly city, disregarding man’s direction toward God himself.

In any case, it would be somehow daring to ground on two quotations the argument that Aquinas intends by the term “virtus acquisita” man’s perfect order toward a natural final end.

²¹³ As a further urgent indication for our thesis we can invoke Aquinas’s structure of his discussion of moral virtue in the *Prima secundae* as well as in *De virt. in com.* Both writings begin with a long description of moral and intellectual virtues in general, their inhering in the human powers and their interaction. In both cases distinction of natural and supernatural, acquired and infused is introduced *afterwards*, sc. in the *Summa* for the first time in *ST I-II 61.5*, in *De virt. in com.* in article 8. The prior discussion focus on morality in a more general way; hence, it would be anachronistic to try to interpret those texts as perfect acquired or infused virtue. Something analog could be said about the whole text of *In ethics*.

his discussion here cannot be taken either as an argument against the identification of acquired virtues with political virtues.

c) The Essential Imperfection and Limitation of Acquired Virtues

To conclude the present section we intend to show not only that Aquinas does *not* use the term of acquired virtues as *perfect natural virtues* in the sense of Osborn, but also, and to the contrary, that the notions of *imperfection*, *instability*, and *limitation* belong essentially to these virtues. Of course, acquired virtues are imperfect in comparison with infused virtues since they are ruled by mere reason and fall short of directing an agent to his supernatural end. This kind of imperfection, however, would be true also for *perfect acquired virtue*. But the imperfection which Aquinas combines with acquired virtue goes much further and is again an argument for the identification of acquired virtue with political virtue.

i) Acquired Virtues: Working “*ut in pluribus*”

Aquinas several times discusses the *mode of action* of acquired virtues, i.e. their reliability and infallibility (or fallibility) to accomplish constantly and firmly good deeds. According to Osborne’s view, Aquinas speaks of *perfect* acquired virtues as stable (since connected) habits by which the agent is able to achieve the good on any occasion and at any time. Hence, if Aquinas in fact speaks of *perfect* acquired virtue which (of course assisted by grace) can provide for man’s overall perfection, he would have to mention it in just this context.

In a stark contrast, however, Aquinas always emphasizes the weakness and instability of acquired virtues. His teaching is unequivocal: a subject equipped with acquired virtues can never abstain from all evil actions, but avoids bad works only *ut in pluribus*. “Acquired virtue does not make the agent to decline always from sin, but only in many cases, since also things which happens naturally, take place in many cases”²¹⁴ In another place the teaching is even

²¹⁴ *De virt. in com.* 9 ad 5: “Virtus acquisita facit declinare a peccato non semper, sed ut in pluribus: quia et ea quae naturaliter accidunt, ut in pluribus eveniunt.” The same assertion in *ST I-II* 63.2 ad 2: “Virtus humanitus acquisita potest secum compati aliquem actum peccati, etiam mortalis, quia usus habitus in nobis est nostrae voluntati subiectus, ut supra dictum est; non autem per unum actum peccati corrumpitur habitus virtutis acquisitae; habitui enim non contrariatur directe actus, sed habitus. Et ideo, licet sine gratia homo non possit peccatum mortale vitare, ita quod nunquam peccet mortaliter; non tamen impeditur quin possit habitum virtutis

stronger. The promptness and “infallibility” which is due to acquired virtues consists in their functioning *in pluribus*: “It is the effect of [acquired] virtue that man attains the good *promptly and infallibly in most of the cases*.”²¹⁵ Obviously it belongs to the very essence of acquired virtue to fail sometimes. Their *infallibility* consists in performing good works *most of the time*.²¹⁶

One could argue that St. Thomas speaks here about acquired virtue apart from grace, i.e. as imperfect virtue, and that in the graced person acquired virtues attain a stability and force by which the agent could achieve his proper work reliably and at any time. Going in this direction, however, is also blocked. In *De virt. in com.* 10 ad 14 Aquinas compares directly the *modus actionis* of acquired and infused virtues: “Infused virtue works such that man in no way obeys the concupiscence of sin, and it does so infallibly as long as it remains. Acquired virtue, however, falls short in this respect, although only in a small number of instances.”²¹⁷ If Aquinas used the term of *virtutes acquisitae* in the sense of perfect acquired virtues which ignores every failure, he would have to mention it in this context. But he affirms just the opposite.

Moreover, if we interpret acquired virtue as political virtue, its limited power (as working *ut in pluribus*) loses its pejorative meaning. The end of civil virtues is the preservation of the common good. Not every evil deed, however, threatens men’s peaceful living together, otherwise, the earthly city would be an absurd project from the very beginning. This allows St. Thomas to argue that acquired virtues achieve their proper end *prompte et infallibiliter* by working *ut in pluribus*. The ultimate reason why he can use this seemingly contradictory expression is the fact that the common good of the human society is already infallibly achieved if the citizens act virtuously “most of the time,” especially in things “which are very

acquirere, per quam a malis operibus abstineat ut in pluribus, et praecipue ab his quae sunt valde rationi contraria.”

²¹⁵ *De virt. in com.* 8. ad 6: “Est effectus virtutis [acquisitae], quod homo *prompte et infallibiliter ut in pluribus* bonum attingat.” Note that Aquinas does not refer in the reply *verbatim* to “acquired virtues.” However, the context of the whole article is plainly about the issue of these virtues.

²¹⁶ Likewise in *In sent.* I 39.2.2 ad 4: “Tunc est agens perfectum quantum ad omnes suas operationes, quando iam perfecta est perfectionibus secundis, quae sunt virtutes; et ideo quando determinatur per perfectionem secundam vel infusam vel acquisitam, tunc determinatur ad unum, vel ad quod tendat ut in maiori parte, sicut in statu viae, vel ut semper, sicut in statu patriae.”

²¹⁷ *De virt. in com.* 10 ad 14: “Virtus enim infusa facit quod nullo modo obediatur concupiscentiis peccati; et facit hoc infallibiliter ipsa manente. Sed virtus acquisita deficit in hoc, licet in paucioribus.” That is not to say that a person with infused virtues cannot sin; but if one sins, it is because he is not using infused virtues. If one is using it, one cannot fail. In contrast, it is essential for acquired virtues to provide the good acting *ut in pluribus* but not always. See also *De virt. in com.* 9 ad 5. About the infallibility of infused virtues, see Nickel, *Ordnung der Gefühle*, 45-51.

contrary to reason.”²¹⁸ More is not required.²¹⁹ To be sure, more is not even possible apart from grace. But this fact does not undermine the meaning of acquired virtues as connected political virtues.

ii) Acquired Virtues: Disregarding Man’s Relation Towards God

Political virtues perfect man in respect to the earthly city according to the rule of reason; but they leave man’s relation to God untouched. Man relates to God not only by grace, however, but also on a pure natural level. “Reason and will are naturally directed to God, insofar as he is the principle and end of nature, but in proportion to nature.”²²⁰ Again, Aquinas says: “It belongs to the dictate of natural reason that man should do something for divine reverence.”²²¹ Does this not lead to the necessary conclusion that acquired virtues (as virtues ruled by reason) have to include also man’s relation to God? That they cannot be limited to the human city?

It is certainly true that man relates to God not only by divine faith but also by natural reason.²²² Aquinas nevertheless limits the range of acquired virtues constantly to human life on earth; they direct man “*ad bonum praesentis vitae*,”²²³ “*bonum humanum*”²²⁴ or “*bonum in rebus humanis gerendis*.”²²⁵ Theoretically, of course, those terms could also include man’s natural relation to God since he relates to God even by reason. However, if for St. Thomas this relationship were ruled by acquired virtues, then he would not oppose acquired virtues as directed to the *bonum humanum* against infused virtues as directed to the divine good.²²⁶ Similarly the expression “*bonum praesentis vitae*” could include man’s relation to God. But at

²¹⁸ ST I-II 63.2 ad 2: “per quam a malis operibus abstineat ut in pluribus, et praecipue ab his quae sunt valde rationi contraria.”

²¹⁹ Quite different in the case of infused virtues: The nature of these virtues (and the character of their supernatural end) demands an acting *ut in omnibus*, since already one failure (i.e. mortal sin) would destroy grace and all infused habits.

²²⁰ ST I-II 62.1 ad 3: “Ad deum naturaliter ratio et voluntas ordinatur prout est naturae principium et finis, secundum tamen proportionem naturae.”

²²¹ ST II-II 81.2 ad 3: “De dictamine rationis naturalis est quod homo aliqua faciat ad reverentiam divinam.” Similar in ST II-II 83.16; 85.1; 87.1; cf. also ST I-II 99.3 ad 2; 99.4; 104.1 ad 3.

²²² This is well shown by David Gallagher, “The Role of God in the Philosophical Ethics of Thomas Aquinas,” in *Was ist Philosophie im Mittelalter? Akten des X. Internationalen Kongresses für mittelalterliche Philosophie der Société Internationale pour l’Étude de la Philosophie Médiévale 25. bis 30. August 1997 in Erfurt*, ed. Jan A. Aertsen and Andreas Speer (Berlin: Walter de Gruyter, 1998), 1024-1033 and MacIntyre, *Three Rival Versions of Moral Enquiry: Encyclopaedia, Genealogy, and Tradition*, 141-142.

²²³ Cf. *De virt. in com.* 10 ad 8. For a good discussion, see Gallagher, “The Role of God,” 1024-1033.

²²⁴ Cf. *De virt. in com.* 9 ad 7.

²²⁵ Cf. ST I-II 61.5; II-II 129.1.

²²⁶ “Virtus acquisita non est maximum bonum simpliciter, sed maximum in genere humanorum bonorum; virtus autem infusa est maximum bonum simpliciter, in quantum per eam homo ad summum bonum ordinatur, quod est deus.” (*De virt. in com.* 9 ad 7).

other places the good of the present life is clearly rooted in the earthly city.²²⁷ Moreover, Aquinas describes acquired virtue as “perfect” if it disposes man “for a certain happiness that man can acquire through his own natural powers in this life by an act of perfect virtue, of which Aristotle treats in Book X of the *Metaphysics*.”²²⁸ But the moral virtues of the Greek philosopher are constantly determined as political virtues,²²⁹ a clear indication that acquired virtues *disregard* man’s relation to God.

Later on in the *ST II-II* Aquinas again limits the *human virtues* to mere interhuman actions. He gives the following exhaustive list of moral virtues:

It belongs to *human virtue* to make man good and to make his work accord with reason. This happens in three ways: first, by rectifying reason itself, and this is done by the intellectual virtues; secondly, by establishing the rectitude of reason in human things, and this belongs to justice; thirdly, by removing the obstacles to the establishment of this rectitude in human things. Now the human will is hindered in two ways from following the rectitude of reason. First, if [the will] is drawn by some object of pleasure to something other than what the rectitude of reason requires; and this obstacle is removed by the virtue of temperance. Secondly, if the will is disinclined to follow that which is in accordance with reason, on account of some difficulty that presents itself. And this obstacle is removed by the virtue of fortitude.²³⁰

This whole outline of human virtues disregards man’s relationship towards God.

A final objection presents itself. The negation of any relevance of political virtue for man’s relation to God seems to imply an irreligious state, a *politia* which is neutral towards matters of religion. This modern view is certainly alien to Aquinas, who demands even the acknowledgment of God’s supremacy by the state as integral part of the earthly common good. “The purpose of human life and society is God.”²³¹ This observation, however, does not

²²⁷ So for example in *In ethic.* III 14.9; 18.6.

²²⁸ *De virt. in com.* 9 ad 6: “Per virtutes acquisitas non pervenitur ad felicitatem caelestem, sed ad quamdam felicitatem quam homo natus est acquirere per propria naturalia in hac vita secundum actum perfectae virtutis, de qua Aristoteles tractat in X metaph.”

²²⁹ E.g. *De virt. card.* 4 *corpus articuli*, also ad 3.

²³⁰ *ST II-II* 123.1: “Ad virtutem humanam pertinet ut faciat hominem et opus eius secundum rationem esse. Quod quidem tripliciter contingit. Uno modo, secundum quod ipsa ratio rectificatur, quod fit per virtutes intellectuales. Alio modo, secundum quod ipsa rectitudo rationis in rebus humanis instituitur, quod pertinet ad iustitiam. Tertio, secundum quod tolluntur impedimenta huius rectitudinis in rebus humanis ponendae. Dupliciter autem impeditur voluntas humana ne rectitudinem rationis sequatur. Uno modo, per hoc quod attrahitur ab aliquo delectabili ad aliud quam rectitudo rationis requirat, et hoc impedimentum tollit virtus temperantiae. Alio modo, per hoc quod voluntatem repellit ab eo quod est secundum rationem, propter aliquid difficile quod incumbit. Et ad hoc impedimentum tollendum requiritur fortitudo.” Similar in *ST II-II* 123.12.

²³¹ *ST I-II* 100.6: “Finis autem humanae vitae et societatis est deus.” See also *ST I-II* 100.8; *ST II-II* 25.1 ad 2; 26.3; 26.4 ad 3. Consequently, Dewan and Pakaluk have argued that the common good of the society demands for man’s right order even towards to God; see Lawrence Dewan, “St. Thomas, John Finnis, and the Political Good,” *The Thomist* 64 (2000): 337-374; Michael Pakaluk, “Is the Common Good of Political Society Limited and Instrumental?,” *Review of Metaphysics* 55 (2001): 57-94.

undermine our thesis that political virtues do not perfect man's internal relation to God. Admittedly, it is true that Aquinas explains: "Since *politica* prescribes all things which belong to the city, consequently it prescribes also things which pertain to the divine cultus."²³² This, however, rather proves our position. The state *commands* certain acts which pertain to the divine cult, but only insofar as the proper end of those acts is the common good of the state. Of course, *in itself* the divine cult stands above the earthly common good, and *in themselves* those commanded acts aim for man's right relation to God. Nevertheless, the immediate finality of those "religious" human laws remains the good of the human city. St. Thomas states about the human laws of the Jews: "The human laws have not concerned themselves with the institution of anything relating to divine worship except as affecting the common good of men, and for this reason they have devised many institutions relating to divine matters, since it seemed expedient for the formation of human morals, as it might be seen in the rites of the gentiles."²³³ Elsewhere, St. Thomas clarifies the issue through a comparison. The acts of wisdom are *in themselves* more perfect than decisions of prudence, but the latter have to command the necessary circumstances for attaining wisdom, although prudence cannot determine wisdom itself. In an analog way, the political virtues relate to religion which is *in itself* of a higher order, but nevertheless the performance of external acts of the divine cultus belongs likewise to political virtues, commanded by human laws, which provide the necessary space for the true virtue of religion, which belongs to a higher order (as wisdom).²³⁴ Even if the human city commands external acts of religious devotions, it does not follow that political virtues necessarily touch man's internal relation to God.²³⁵

²³² *In ethic.* VI 11.17: "Cum politica praecipiat de omnibus quae sunt in civitate, consequens est, quod praecipiat de his quae pertinent ad cultum divinum."

²³³ *ST* I-II 99.3: "Leges humanae non curaverunt aliquid instituere de cultu divino nisi in ordine ad bonum commune hominum, et propter hoc etiam multa confinxerunt circa res divinas, secundum quod videbatur eis expediens ad informandos mores hominum; sicut patet in ritu gentilium." See likewise ad 2.

²³⁴ "Prudentia, etiam politica, non utitur sapientia praecipiens illi qualiter debeat iudicare circa res divinas, sed praecipit *propter illam*, *ordinans scilicet qualiter homines possint ad sapientiam pervenire.*" (*In ethic.* VI 11.16).

²³⁵ Helpful is also *ScG* III 80.14-16 where Aquinas clearly distinguishes the common good of the city from the good of religion: "In rebus humanis est aliquod bonum commune, quod quidem est bonum civitatis vel gentis. . . . Est etiam aliquod humanum bonum quod non in communitate consistit, sed ad unum aliquem pertinet secundum seipsum, non tamen uni soli utile, sed multis. Sicut quae sunt ab omnibus et singulis credenda et observanda, sicut ea quae sunt fidei, et cultus divinus, et alia huiusmodi."

iii) The Civil Good as *bonum humanum*

We can reach the same conclusion from exactly the opposite perspective. Thomas does not only describe man's perfection "*in rebus humanis*" independent of his relation to God, he even distinguishes it from actions which injure only man's own good. The proper "*bonum humanum*" consists in this membership in the earthly city.²³⁶ Actions against one's own good are not against the human good as long as they do not hinder the achievement of the common good. In this sense not every inordinate act is called "evil."

The philosopher does not call each inordinate act *evil*, but only an act which is injuring in regard to the other; therefore he says in *Ethics* IV, that the prodigal who because of the waste of his goods in an inordinate way, is not evil but vane; and in a similar way he speaks of many other vices.²³⁷

Only the act which is harmful to the other is qualified as harmful to the human good. Admittedly, justice requires temperate passions for its own function, but not every single willing assent to blameful concupiscence is "evil" in comparison to the *bonum humanum*, although it is evil according to the divine measure. Aquinas notes, therefore, in the subsequent text that the philosopher "uses *evil* in a stricter sense than we do since for us all inordinate acts are evil",²³⁸ and accordingly for St. Thomas every inordinate act is at least against the divine good. However, the quotation provides sufficient indication that the term of "human things" does not include all relationships, but refer only to those things of the human city.

Another confirming statement is found in Aquinas's *Commentary on the Metaphysics*. Someone may perform evil actions because he lacks virtue, but such action that are negligible regarding one's neighbor are not to be categorized as evil. "If somebody lacks virtue in regard to an action which is very small and quasi indifferent for life, then it is not called *evil*; but only if he lacks virtue in regard to acts which are important and necessary for life."²³⁹ Again,

²³⁶ *In ethic.* I 2.13: "Sciendum est autem, quod politicam dicit esse principalissimam, non simpliciter, sed in genere activarum scientiarum, quae sunt circa res humanas, quarum ultimum finem politica considerat. . . . Dicit autem ad politicam pertinere considerationem ultimi finis humanae vitae." See also *ST* II-II 136.3 ad 2: "Bonum politicae virtutis est commensuratum naturae humanae."

²³⁷ *In sent.* II 40.1.5 ad 1: "Philosophus appellat malum non omnem actum inordinatum, sed solum illum qui nocivus est respectu alterius; unde dicit in 4 ethic., quod prodigus, quia causa iactantiae sua inordinate expendit, non est malus sed vanus; et similiter de multis aliis vitiis dicit."

²³⁸ *In sent.* II 40.1.5 ad 1: "Et sic patet quod ipse strictius accipit malum quam nos dicentes omnem actum inordinatum esse malum."

²³⁹ *In metaph.* X 6.21: "Si aliquis virtute careat quantum ad aliquos actus minimos et quasi indifferentes ad vitam, non dicitur malus; sed solum si careat virtute quantum ad actus principales et necessarios ad vitam." Interesting also *In sent.* II 40.1.5 ad 1: "Sicut ait Commentator, in 10 metaph., quod dicitur homo neque bonus neque malus,

the virtuousness becomes defined by reference of man's relation to the other, to the earthly society, as political virtue. Relations beyond this area are irrelevant for the *bonum humanum*.²⁴⁰

2.3.4. Infused Virtue as “Political Virtue:” Aquinas’s Inventive Use of Aristotle

From various perspectives we have seen Aquinas’s use of the term of acquired virtue as a synonym for political virtue. The foregoing long analysis was necessary to determine the exact significance of that technical term in St. Thomas’s writings. The understanding of acquired virtue as political virtue has, of course, some important consequences for the general juxtaposition of acquired and infused virtues. The commentators are used to reducing both kinds to their two different formal aspects, that is the rule of reason and the divine rule (understood as divinely enlightened reason; see section 2.1.3). From this they conclude that acquired virtues imply man’s complete perfection according to the measure of reason (at least perfect acquired virtues), and infused virtues man’s complete perfection according to the divine law. Both imply an overall perfection of the agent, though by different standards. One of the main reasons against understanding acquired virtues as political virtues is certainly the apparent incongruence between political virtues and their infused counterparts. The former demand only a partial realization of their formal principle (since the good citizen of the earthly city can act further on unreasonably in regard of his final end as human being), the latter require man’s universal order according to the divine law.

Hence, the issue at question is the following: does the interpretation of acquired virtues as political virtues really hinder a parallel juxtaposition of acquired and infused virtues? We will show that the contrary is the case. Aquinas employs the general understanding of political

qui non est susceptibilis bonitatis vel malitiae civilis; sicut agrestis, qui extra civilem vitam est, et per consequens actiones eius neque bonae neque malae sunt civiliter, inquantum non sunt ordinatae ad civile bonum.”

²⁴⁰ The same teaching in *In ethic.* IV 4.4 “Prodigus non videtur esse pravus secundum id quod pertinet proprie ad virtutem moralem, quae respicit directe appetitivam potentiam. Non enim pertinet ad malum sive corruptum appetitum, neque ad defectum virilis animi, quod aliquis superabundet in dando et in non accipiendo, sed hoc videtur pertinere ad insipientiam quamdam. Et sic videtur, quod prodigalitas non tam pertineat ad malitiam moralem, quae respicit pronitatem appetitus ad malum, quam secundum rationis defectum.” See also *In ethic.* IV 4.5. It should be noted that in the *Summa theologiae* Aquinas presents a somewhat different view. In *ST* II-II 119.2 the habit of *prodigalitas* is described as (at least venial) sin. However, this difference makes perfect sense if we are right that the primarily concern of the *Secunda secundae* is not acquired but infused virtue.

virtue to introduce divinely infused habits in his system of moral virtues, namely as political virtues of a higher form of city. Consequently, the interpretation of acquired virtue as political virtues does not only not hinder their comparison with the infused virtues, but rather this interpretation confirms such a comparison.

a) Various Regimes, Various Political Virtues

As seen in section 2.3.3a, Aquinas adopts the Aristotelian claim that the good citizen surpasses the good individual since he does not work only for his private good but also for the common good.²⁴¹ However, in addition to these univocal assertions, Aristotle argues sometimes for the opposite, and Aquinas adopts this assertion as well: “It happens that somebody is a good citizen, but lacks the virtue of the good man.”²⁴² Do Aristotle and St. Thomas contradict themselves here?

It would seem not, although Aquinas uses the statement in a way which goes far beyond the assertion of Aristotle.²⁴³ According to a general view, the good citizen has to possess also the virtues of the good man. (“Neither *politica* nor *oeconomica* is enough without prudence in the own things.”²⁴⁴) However, without denying those premises, Aristotle distinguishes in his *Politics* (and subsequently Aquinas in his commentary) different forms of government of the human city, as e.g. monarchy, tyranny, aristocracy, oligarchy, democracy, etc. But political virtues perfect the citizen in reference to the particular conditions of a city, so each of these different regimes requires special kinds of political virtues:

It is clear that the virtue of the citizen as citizen is considered in relation to the regime, so that the good citizen is the man who works well to preserve the regime. Now there are several species of regimes . . . and men are well ordered to different regimes by means of different virtues. Since a democracy is preserved in one way, and an oligarchy or a tyranny in another. Hence it is evident that there is not one perfect virtue according to which a citizen [sc. *as citizen*] can be called simply good.²⁴⁵

²⁴¹ E.g. *ST* II-II 58.6 *sed contra*; *De virt. card.* 1; *In ethic.* V 2.9.

²⁴² *In politic.* III 3.2: “Contingit igitur aliquem esse bonum civem, qui tamen non habet virtutem secundum quam aliquis est bonus vir.”

²⁴³ See for the following: Gilson, *The Christian Philosophy*, 308.

²⁴⁴ *In ethic.* VI 7.13: “Nec tamen sufficit politica et oeconomica sine prudentia propriorum.”

²⁴⁵ *In politic.* III 3.2: “Patet, quod virtus civis in quantum est civis, consideretur in ordine ad politiam; ut scilicet ille sit bonus civis, qui bene operatur ad conservationem politiae. Sunt autem plures species politiae . . . ad diversas autem politias ordinantur homines bene, secundum diversas virtutes. Alio enim modo conservatur

The good citizen of a tyranny has to know how to become a friend of the tyrant and to be ready to accomplish every command without reservation, while the good citizen of the democracy has to know how to convince this fellow-citizen and to submit himself to the decision of the majority, etc. In both cases a man is a good citizen if he respects the laws of his city and is successful according to the standards of each form of government, though he does not necessarily possess virtues as man in the above discussed sense. He might be judged as *virtuous* only in comparison to the laws of his relative *politia*, e.g. the tyranny.

Aristotle introduces therefore a distinction between imperfect and perfect forms of government. In the former it is possible to have political virtues independent of man's virtuousness *as man*, but which are certainly true and efficient political virtues according to the laws of a specific city.²⁴⁶ Only in the *politia optima* (identified as aristocracy²⁴⁷) the good citizen and good man are identical since rights, duties and positions in the city are assigned according to virtue.²⁴⁸ "In a certain city, sc. the aristocracy, the good man and the good citizen are identical, since the ruling offices are granted according to the virtue which is that of the good man. In other [forms of governments], however, the good citizen is not the same as the good man, sc. in the corrupt regimes, in which ruling offices are not distributed according to virtue."²⁴⁹

Thus, it becomes necessary to assert different kinds of civil virtues which do not imply the same degrees of personal virtue. Each kind is perfect in terms of civil virtue itself, but only one of them presupposes the good man in the proper sense.

democratia, et alio modo oligarchia, aut tyrannis. Unde manifestum est quod non est una virtus perfecta secundum quam civis possit simpliciter dici bonus." For good outline of the issue in Aristotle, see Günther Bien, "Gerechtigkeit bei Aristoteles (V)," in *Aristoteles: Die Nikomachische Ethik*, ed. Otfried Höffe (Berlin: Akademie Verlag, 1995), 143.

²⁴⁶ Cf. In *ST* I-II 92.1.

²⁴⁷ Cf. *ST* I-II 105.1.

²⁴⁸ Aristotle and Aquinas distinguish further on between the good citizen *as ruler* and *as inferior*, e.g. *ST* I-II 92.1 ad 3; II-II 47.12, *In politic.* III 3.2-13. For our present concern, however, we can let aside this difference.

²⁴⁹ *In politic.* III 4.7: "In aliqua civitate, scilicet aristocratica, idem est bonus vir et bonus civis, quia scilicet principatus dantur secundum virtutem quae est boni viri. In aliquibus autem alius est bonus vir et alius bonus civis, scilicet in corruptis politiis in quibus principatus dantur non secundum virtutem." Similar in the already earlier quoted text: "Contingit igitur aliquem esse bonum civem, qui tamen non habet virtutem secundum quam aliquis est bonus vir; et hoc in politiis, quae sunt praeter optimam politiam." (*In politic.* III 3.2).

b) Infused Virtues as Political Virtues of the Citizen in the Church

Such is the Aristotelian doctrine. Aquinas does not only repeat this Aristotelian distinction of various *politiae* and further several species of political virtues, he also makes use of the idea to integrate infused virtues into his moral-system. He distinguishes not only different regimes of the earthly city but he interprets the order of grace as a special *politia*, as the most perfect city. Consequently, infused virtues are understood as political virtues of that special “city.” We recall *ST I-II 63.4*: infused virtues are habits “whereby men behave well in respect of their being *fellow-citizens with the saints, and of the household of God.*”²⁵⁰ Already in his *Commentary on the Sentences* Aquinas identified the community of Saints and God’s household with the Church: “Acquired virtues perfect man in regard to the civic life, the infused ones in regard to the spiritual life which is from grace, according to which the virtuous man is a member of the Church.”²⁵¹ The infused virtues dispose men not for actions “proportioned towards the civic good” but “proportioned towards eternal glory.”²⁵² As man is inclined by nature towards the life in a human city and is disposed for that life by political virtues, the graced agent is inclined by charity towards divine friendship and beatitude and is disposed by infused virtues for the corresponding life, as “quasi citizen and companion of that blessed society.”²⁵³

St. Thomas gains a double advantage by interpreting man’s friendship with God in terms of a specific political regime.

First, acquired virtues (as political virtues) and infused virtues turn out to be two sets of virtue that are truly comparable. Both sets perfect man completely in regard to a specific end: acquired virtues in regard to the civil good, infused virtues towards the good of the Church. From this viewpoint it becomes useless to criticize the alleged inconsistency in a comparison between political virtues as focusing on a limited perfection on the natural level and infused

²⁵⁰ *ST I-II 63.4*: “per quas homines bene se habent *in ordine ad hoc quod sint cives sanctorum et domestici dei.*”

²⁵¹ *In sent. III 33.1.2D*: “In alia vita hominem perficiunt, acquisitae quidem in vita civili, infusae in vita spirituali, quae est ex gratia, secundum quam homo virtuosus est membrum ecclesiae.”

²⁵² *In sent. III 33.1.2C ad 2*: “Rectitudo actus est ex proportionem ad finem; ad diversos autem fines diversimode accipitur actus proportio: unde aliquis actus est rectus proportionatus bono civili, qui non est rectus proportionatus gloriae aeternae: unde oportet quod sint aliae virtutes infusae, quae faciant actus rectos ex proportionem ad finem.”

²⁵³ *De caritate 2*: “Si autem homo, in quantum admittitur ad participandum bonum alicuius civitatis, et efficitur civis illius civitatis; competunt ei virtutes quaedam ad operandum ea quae sunt civium, et ad amandum bonum civitatis; ita cum homo per divinam gratiam admittatur in participationem caelestis beatitudinis, quae in visione et fruitione dei consistit, fit quasi civis et socius illius beatae societatis, quae vocatur caelestis ierusalem secundum illud, Ephes. II, 19: estis cives sanctorum et domestici dei. Unde homini sic ad caelestia adscripto competunt quaedam virtutes gratuita, quae sunt virtutes infusae; ad quarum debitam operationem praeexigitur amor boni communis toti societati, quod est bonum divinum, prout est beatitudinis obiectum.”

virtue as implying man's supernatural perfection in regard to all matters. Interpreting both as political virtues in regard to different cities, each one implies man's full perfection in regard to a certain city.²⁵⁴ Admittedly, man's citizenship of the heavenly city belongs to a higher order than membership in any earthly community, but nevertheless the benchmark of the relative virtues is the same – man's perfection *as member of a certain community*.

Secondly, Aristotle distinguishes between virtues of the *politia optima* and the *politiae corruptae*. Though only the former includes also the virtue of the good individual, nevertheless all kinds are true virtues in respect to their relative *politia*. This distinction allows Aquinas not only to interpret acquired and infused virtues under the same aspect (as political virtues), but simultaneously to maintain the radical difference between both, sc. the essential superiority of infused virtues. For St. Thomas, the heavenly city becomes the *politica optima*, and consequently only in this case the good man is identical with the good citizen.

2.3.5 The Parallel Function of Human and Divine Laws and the Consequences for Acquired and Infused Virtues

The parallel understanding of acquired and infused virtues as different kinds of *political virtue* gets unexpected support from the structure of the treatise on law in the *Prima secundae* of the *Summa theologiae*.²⁵⁵ A reading of the whole treatise shows that Aquinas compares repeatedly two kinds of community, namely the human city, ruled by human law, and man's supernatural community with God (described as divine friendship), which is ruled by divine precepts. "The divine law is instituted principally for ordering men to God, while the human

²⁵⁴ Aquinas emphasizes that rectitude of the act of acquired virtues is measured by his adequacy *ad bonum civile*. Hence, actions which are against the order of reason, but does not harm the civil order, lies beyond the range of acquired virtues. "Rectitudo actus est ex proportionem ad finem; ad diversos autem fines diversimode accipitur actus proportio: unde aliquis actus est rectus proportionatus bono civili, qui non est rectus proportionatus gloriae aeternae: unde oportet quod sint aliae virtutes infusae, quae faciant actus rectos ex proportionem ad finem." (*In sent.* III 33.1.2C ad 2). Therefore, as seen above (section 2.3.3c-i), for acquired virtues an acting *ut in pluribus* is enough.

²⁵⁵ After the introductory question about law in general (q. 90) Aquinas presents in q. 91 the different kinds of law which he discusses later on in more detail: the eternal law (q. 93), the natural law (q. 94), the human law (q. 95-97), and the divine law (q. 98-108). Though the eternal law is the ultimate reason of every law, only the latter three have an *immediate* relevance for man's action. (The eternal law, identified as divine providence, becomes relevant for man *through* the natural, the human and the divine law.)

law is instituted principally for ordering men in relation to one another.”²⁵⁶ “Just as the principal intention of human law is to create friendship between man and man; so the intention of divine law is principally to establish the friendship of man to God.”²⁵⁷ St. Thomas returns to this distinction again and again.²⁵⁸ At the same time, we note *not a single time* a similar comparison between the different ends of the natural law and the divine law.

This observation appears even more surprising if we consider that human and divine laws are, in a certain way, two incomparable categories. The human law is confined to ruling only external relations between single men and leaves untouched their internal motives. In other words, it includes only a part of man’s practical action.²⁵⁹ On the contrary, the divine law rules external as well internal actions in regard to man’s ultimate end. Although both kinds of law work for a certain *politia*, namely the earthly city and the community of saints (or friendship with God), their “matter” does not coincide.

It should be known that the end of human law is different from the end of divine law. For the end of human law is the temporal tranquility of the city, which end law attains by restraining external actions, insofar as those evils might disturb the peaceful condition of the city. But the end of the divine law is to bring man to the end of eternal happiness, which end is hindered by any sin, not only by external acts but also by internal ones.²⁶⁰

But why does Aquinas never compare the divine law with the natural law? Such a comparison seems to be much more fitting, since then both would effect man’s complete ordering, covering internal as well as external acts, and remain distinguished only by their different formal measures, namely reason and the divine rule.

Certainly, the reader already anticipates our response: the human law, given for the sake of the human city, corresponds in some way to acquired virtues understood as political virtues. Admittedly, political virtues fail to avoid every sin,²⁶¹ but they are sufficient to preserve the human community and they are powerful enough to enable the agent to observe all human

²⁵⁶ ST I-II 99.3: “Lex divina principaliter instituitur ad ordinandum homines ad deum; lex autem humana principaliter ad ordinandum homines ad invicem.”

²⁵⁷ ST I-II 99.2: “Sicut intentio principalis legis humanae est ut faciat amicitiam hominum ad invicem; ita intentio legis divinae est ut constituat principaliter amicitiam hominis ad deum.”

²⁵⁸ For example ST I-II 98.1; 100.2.

²⁵⁹ See ST I-II 100.2 or 100.9.

²⁶⁰ ST I-II 98.1: “Est autem sciendum quod est alius finis legis humanae, et alius legis divinae. Legis enim humanae finis est temporalis tranquillitas civitatis, ad quem finem pervenit lex cohibendo exteriores actus, quantum ad illa mala quae possunt perturbare pacificum statum civitatis. Finis autem legis divinae est perducere hominem ad finem felicitatis aeternae; qui quidem finis impeditur per quodcumque peccatum, et non solum per actus exteriores, sed etiam per interiores.”

²⁶¹ Cf. ST I-II 63.2 ad 2.

laws. In a parallel fashion, the divine laws command all necessary prerequisites for divine friendship, and infused virtues enable the graced agent to observe completely these laws.

An objection is duly raised at this point in our argument. Though the repeated juxtaposition of human and divine law in the treatise on law might be persuasive, there remain some difficulties. Does our interpretation of this juxtaposition not contradict the teaching that the formal notion of acquired virtues is reason and not human law? If our argument is correct, then why does Aquinas not describe the human law as the formal principle of acquired virtues? Moreover, wouldn't human law be quite a poor measure for moral virtue?

Confronting these objections requires a short excursus on the function of human law. But it is worth the expense, since the result will allow a more profound understanding of the relationship of infused virtues to the divine law.

a) The Human Law and Its Relation to Political Virtues

For Aquinas, the purpose of human law is to promote the “temporal tranquility of society”²⁶² and the order of “men to each other.”²⁶³ Sometimes he also adds the acquisition of virtue: “It was necessary to constitute laws in order that man might have peace *and virtue*.”²⁶⁴ However – and this seems to undermine our argument – human laws neither prohibit all vices nor command all virtues which are helpful for the flourishing of the common good or which correspond to the order of reason. As Aquinas explains, every human society contains both virtuous and wicked citizens. The law of a community, however, has to be compliable for all members, even for citizen without virtues at all. As a consequence, human law prohibits “only the more grievous vices from which it is possible for the majority to abstain, and chiefly those which imply injury of others, without the prohibition of which human society could not be maintained.”²⁶⁵ Acts which would destroy the good of peace and social order are forbidden, while other vices remain allowed by law, although they are against the order of reason.

²⁶² *ST* I-II 98.1: “temporalis tranquillitas civitatis.”

²⁶³ *ST* I-II 100.2: “homines ad invicem.”

²⁶⁴ *ST* I-II 95.1: “Necessarium fuit ad pacem hominum et virtutem, ut leges ponerentur.”

²⁶⁵ *ST* I-II 96.2: “Lege humana non prohibetur omnia vitia . . . solum graviora, a quibus possibile est maiorem partem multitudinis abstinere; et praecipue quae sunt in nocumentum aliorum, sine quorum prohibitionem societas humana conservari non posset.”

Similarly, the prescription of acts of virtue: human law does not command all good actions since this would be impossible for many people to accomplish. It prescribes only acts which relate to the public order, either because they belong intrinsically to the common good (as e.g. the defense of the city), or because they generate a certain discipline through which a citizen will be disposed to preserve in the future the public order, although the act belongs properly to the good of the individual (as e.g. acts of temperance).

The human law does not prescribe all the acts of every virtue, but only those that are ordainable to the common good, either immediately, as if certain things are done directly for the common good, or mediately, as if a lawgiver prescribes certain things pertaining to good discipline, whereby the citizens are formed to conserve the common good of justice and peace.²⁶⁶

This shows that the immediate and proper end of human law is the preservation of public order,²⁶⁷ while their remote and indirect end is the acquisition of corresponding virtues, attained by a life lived according to those precepts.²⁶⁸ This final point is important. Human laws are something written and therefore only external principles of actions. They determine what is to be done, but by themselves they do not produce virtue. Rather, they work by “compelling by the fear of punishment.”²⁶⁹ As long as laws are observed by constraint, they just safeguard the human community. The individual citizen is rather *acted on* than *acting*. It is – so to speak – the law “who” acts. But when the citizen accepts *knowingly and voluntarily* the human law as something to be done, he himself is acting by his reason and will. Though

²⁶⁶ ST I-II 96.3: “Non . . . de omnibus actibus omnium virtutum lex humana praecipit, sed solum de illis qui sunt ordinabiles ad bonum commune, vel immediate, sicut cum aliqua directe propter bonum commune fiunt; vel mediate, sicut cum aliqua ordinantur a legislatore pertinentia ad bonam disciplinam, per quam cives informantur ut commune bonum iustitiae et pacis conservent.”

²⁶⁷ In *In ethic.* III 8.2 Aquinas compares political peace for the community with sanity for the body. “[Pax] se habet ad civitatem sicut sanitas ad corpus hominis, quae consistit in convenientia humorum sicut pax in convenientia voluntatum.” Müller notes: “Der Friede ist das Hauptgut einer Gemeinschaft.” (Wilhelm Müller, *Der Staat in seinen Beziehungen zur sittlichen Ordnung bei Thomas von Aquin* (Münster: Aschendorffsche Verlagsbuchhandlung, 1916), 29). Subordinate are virtues and even external goods. “Iusta legalia dicuntur ea quae sunt factiva et conservativa felicitatis et particularum ipsius, idest eorum quae ad felicitatem ordinantur, vel principaliter sicut virtutes, vel instrumentaliter sicut divitiae, et alia huiusmodi exteriora bona.” (*In ethic.* V 2.4). For a good discussion of the ends of the political state, see Müller, *Der Staat*, 28-60.

²⁶⁸ The second part of ST I-II 92.1 distinguishes between laws, which make man only *bonum secundum quid* – even if he is a *good citizen* because of obeying the law, namely if the laws themselves are not directed to the true common good. The parallel to *In polit.* III 3.2 is obvious: laws make man *bonus simpliciter*, if they are given for the true common good, i.e. if it is “ruled according to divine justice.” Worth to note that not human laws *according to the rule of reason* make the citizen *bonus simpliciter* but only the concordance to the divine law. “Proprius effectus legis sit bonos facere eos quibus datur, vel simpliciter vel secundum quid. Si enim intentio ferentis legem tendat in verum bonum, quod est bonum commune secundum iustitiam divinam regulatum, sequitur quod per legem homines fiant boni simpliciter. Si vero intentio legislatoris feratur ad id quod non est bonum simpliciter, sed utile vel delectabile sibi, vel repugnans iustitiae divinae; tunc lex non facit homines bonos simpliciter, sed secundum quid, scilicet in ordine ad tale regimen.” (ST I-II 92.1).

the content of such acts is determined by the human law, they are formally specified by reason insofar as the citizen acknowledges the observance of laws as something good, and therefore it is reason which commands him to act according to the law. In this way, the external law becomes something internal, i.e. the beginning of virtue which acts from within. Admittedly, it is only an initial state of virtue which has to be developed, for a single deliberated and willed obedience to a written law does not summon forth virtue in its full sense. Aquinas notes, however, that the observance of law “from the mere dictate of reason [is yet] a kind of principle of virtue.”²⁷⁰ If an agent familiarizes himself with the law and interiorly decides to follow its precepts, then he begins to develop the virtues which are required of a good citizen.²⁷¹

This allows us to answer the first objection. The determination of the content of political virtues by human law does not cut across Aquinas’s doctrine that reason is the formal principle of acquired virtues. The virtuous observance of the human law has to arise from reason as its formal principle. Otherwise, the acts would be neither virtuous nor human at all.²⁷²

However, the second question remains. Is the mere observation of human law sufficient to promote moral virtue? Or shouldn’t we expect much more than legal fidelity?

It is important to remember that we are speaking about political virtue; i.e. virtue which perfects man in regard to the human city. Human laws are given to make good citizens. Aquinas quotes Aristotle: “It is the will of every lawgiver to make good citizens.”²⁷³ He explains further: “The virtue of any subordinate thing consists in being well subordinated to the ruler.”²⁷⁴ Thus, a citizen is good if he acts lawfully from his own volition and works thereby for the conservation of the city. This, however, implies (as we saw above) that his acts are ruled by reason, that he is inclined to achieve what he acknowledges as good in respect to the common good, according to the determination of the human law. But such a habit, once

²⁶⁹ *ST I-II* 95.1: “cogens metu poenae.”

²⁷⁰ *ST I-II* 92.1 ad 2: “Ex solo dictamine rationis quod est quoddam principium virtutes.”

²⁷¹ *ST I-II* 92.1 ad 3: “Impossibile est quod bonum commune civitatis bene se habeat, nisi cives sint virtuosus, ad minus illi quibus convenit principari. Sufficit autem, quantum ad bonum communitatis, quod alii intantum sint virtuosus quod principum mandatis obediant.”

²⁷² For a more detailed description of the development of virtue by observing laws, see Michel Therrien, “Law, Liberty & Virtue: A Thomistic Defense for the Pedagogical Character of Law,” (S.T.D. diss., University of Fribourg, 2007, <http://ethesis.unifr.ch/theses/downloads.php?file=TherrienM.pdf> (accessed August 29, 2011)). See esp. the chapter “Law and Virtue”, 101-113.

²⁷³ *ST I-II* 92.1 *sed contra*: “Voluntas cuiuslibet legislatoris haec est, ut faciat cives bonos.”

²⁷⁴ *ST I-II* 92.1: “Virtus cuiuslibet subiecti est ut bene subiiciatur principanti.” And the text continues: “Ad hoc autem ordinatur unaquaeque lex, ut obediatur ei a subditis. Unde manifestum est quod hoc sit proprium legis, inducere subiectos ad propriam ipsorum virtutem.” The final sentence is decisive: The law induces the citizens

acquired, shall act spontaneously even for more than just the observance of the human law if the citizen acknowledges further things as good. As Aquinas notes, the virtuous citizen acts potentially even against the human law, namely if the citizen acknowledges either the injustice of a law or the failure of a law in a particular case.²⁷⁵ Our thesis does therefore not restrict acquired virtues to the mere observance of human law. Laws are the strict minimum which acquired virtue can and has to achieve, though the virtuous citizen, of course, shall do much more. But this “more” – and this is our point – is not the specific criterion of acquired virtue. Political virtues might be too weak to achieve each act according to the order of reason, but they are sufficient for observing *infallibly* human laws which assign the minimum for the common good.

b) The Written Divine Law as Minimum Content of Infused Virtues

The human law works for a harmonious relation of “men to each other;” the divine law aims for man’s friendship with God, the order of “man to God.” “As the principal intention of human law is to make friendship between man and man, so the intention of the divine law is to establish first of all friendship between man and God.”²⁷⁶

Since divine friendship demands different actions, the range of the divine law is widely enlarged. “Many things are directed by divine law, which human law is unable to direct.”²⁷⁷ It commands more virtues and prohibits all vices.²⁷⁸ In contrast to human law, it is impossible to observe divine law to its full amount without the corresponding virtues which consequently have to be infused.

(*subiectos*) to their specific virtues, to their virtues as citizen (*ad propriam ipsorum virtutem*). Laws do not provide a general goodness; but some perfection in regard to the corresponding law.

²⁷⁵ See *ST* I-II 92.1 ad 4, 96.6, and II-II 120.

²⁷⁶ *ST* I-II 99.2: “Sicut intentio principalis legis humanae est ut faciat amicitiam hominum ad invicem, ita intentio legis divinae est ut constituat principaliter amicitiam hominis ad deum.” Cf. also *ST* I-II 99.1 ad 2. Worth to note that already in *ST* I-II 90.2 (the article which describes the essential relation of every law to the common good) Aquinas asserts that law leads to “*felicitas vel beatitudo*.” Kossel observes that this twofold description can be read as anticipation of the beatitude which provides the human law (*felicitas*) or the divine law (*beatitudo*); Clifford G. Kossel, “Natural Law and Human Law (Ia IIae, qq. 90-97),” in *The Ethics of Aquinas*, ed. Stephen J. Pope (Washington, DC: Georgetown University Press, 2002), 183, footnote 9. The distinction fits to *ST* I-II 4.7.

²⁷⁷ *ST* I-II 93.3 ad 3: “*Multa autem diriguntur lege divina quae dirigi non possunt lege humana.*”

²⁷⁸ Man is united with God primarily by internal acts; therefore the divine law commands external acts as well as internal. Hence, not only external acts, but also internal acts of the will are meritorious or culpable; see *ST* I-II 21.4; 100.2; 100.9; *In sent.* III 37.2B.

Despite these differences, there remains a striking parallel between human laws and divine precepts. Human laws demand the necessary minimum for the preservation of the human city, while the divine precepts ensure the minimum for divine friendship. Furthermore, political virtues enable the good citizen to perfectly observe the human law as a minimum and to achieve even more by means of his reason. Similarly, infused virtues enable the graced agent to perfectly observe the divine precepts as a minimum for the preservation of friendship with God, though he will achieve even more by means of his enlightened reason (and moved by the instigations of the Holy Spirit).²⁷⁹ Aquinas distinguishes very carefully the divine precepts which guarantee this “minimum” for the union with God, and additional actions beyond those laws which serve for the “well-being” of divine friendship. “Certain matters, without which the order of virtue . . . cannot even exist, come under an obligation of precept; whereas other matters, which pertain to the well-being of perfect virtue, come under an admonition of counsel.”²⁸⁰ Thus, the divine laws – written precepts – simply determine the ultimate minimum of the virtuous citizen of the Church, and the human law denotes the minimum for political virtues. A further similarity is that a virtuous citizen acknowledges by natural reason many things as good beyond the range of the human law, while the graced agent recognizes and realizes by the motion of the Holy Spirit (the New Law in the proper sense) many things which are beyond the written divine precepts.

Acquired and infused virtues function in a parallel manner. Likewise, human laws and the written divine precepts relate in a parallel fashion. The former dispose man in regard to the human city, the latter do so in regard to God. “Human precepts justify according to acquired justice”²⁸¹, whereas the divine laws correspond to “justice which is by God.”²⁸² Hence, we can summarize the relation of acquired and infused virtues, their corresponding laws and their formal notion by the following table:

²⁷⁹ “Les vertus morales ‘infuses’ nous permettent de réussir toutes les obligations de notre vie humaine en regard et en fonction de cette amitié vécue avec Dieu.” (Gardeil, “Appendice,” 370).

²⁸⁰ *ST* I-II 100.2: “Lex divina convenienter proponit praecepta de actibus omnium virtutum, ita tamen quod quaedam, sine quibus ordo virtutis . . . observari non potest, cadunt sub obligatione praecepti; quaedam vero, quae pertinent ad bene esse virtutis perfectae, cadunt sub admonitione consilii.”

²⁸¹ *ST* I-II 100.12 ad 3: “Praecepta legis humanae iustificanc iustitia acquisita.”

²⁸² *ST* I-II 100.12 ad 3: “Iustitia quae est apud deum.”

in respect to the human city	in respect to divine friendship
human law determines the <i>minimum</i> for the preservation of the human community	divine law (as written law) determines the <i>minimum</i> for the preservation of divine friendship
political virtue achieves <i>infallibly</i> the requirements of the human law as a minimum, but works even beyond that according to the rule of...	infused virtue achieves <i>infallibly</i> the requirements of the divine law as a minimum, but works even beyond that according to the rule of...
(natural) reason formal notion of all acts of political virtue	divinely enlightened reason ²⁸³ formal notion of all acts of infused virtue

Figure 2

2.3.6 Conclusion: The Misleading “Triangle” of Moral Virtues

The purpose of section 2.3 was to determine the exact meaning of acquired virtues “whereby man behaves well in respect of human things” and infused virtues “whereby men behave well in respect of their being *fellow citizens with the saints, and of the household of God.*”²⁸⁴ We have seen that the virtues regarding “human things” can signify theoretically either man’s overall perfection in relation to all practical things, according to the rule of reason, in regard to himself, to his neighbor, and ultimately to God as principle of his being, or it can signify man’s virtue to lead a life appropriated to his social nature, i.e. to live in peace and concord with his fellow citizens. Both corresponding sets of virtues follow a natural standard, but the first would be *perfect moral virtue*, the second *pagan political virtue*. Based on Aquinas’s general description of moral action depending formally on reason, one could indeed develop and defend both arguments. Starting from the *lex naturalis* one could argue toward perfect acquired virtue, or starting from the *lex humana* one could reach the pagan political virtues.

Nonetheless, Aquinas actually uses the concept of acquired virtues only in the sense of political virtue. He never applies the term as a description of man’s right ordering toward a (hypothetical) natural final end of the whole life. Again, Aquinas certainly mentions a natural relation between man and God. He is well aware of man’s natural duties in regard to God, and

²⁸³ Moved by the instigation of the Holy Spirit, mediated through the infused gifts; see section 1.3.

²⁸⁴ *ST* I-II 63.4; for the Latin text, see footnote 1.

he describes single acts which are directed towards God on the basis of mere nature.²⁸⁵ But he never uses the concept of “acquired virtue” for denoting a natural virtue which would provide a natural perfect ordering towards God. Admittedly, Aquinas speaks of something like acquired religion, but instead of aiding man’s right ordering towards God, this “political religion” only promotes the achievement of external cultic acts for the sake of the common good.²⁸⁶

Potentially Aquinas could have spoken about three different sets of virtue: pagan political virtues, perfect natural moral virtues and infused moral virtues. And he could have structured these three species in a kind of a triangle: two species on the level of reason (either in a restricted way in regard to the good of the human city, or including all practical matters), political virtue and perfect moral virtue; and a third species on the level of grace, namely the infused virtues. Aquinas could have made such a triangle, but in fact he didn’t. Since he distinguishes moral virtue not only by its formal difference but also by its end, he ultimately obtains only two species of moral virtue, sc. regarding the earthly city and the Church, namely acquired and infused virtue. This determination of acquired and infused virtues by their different ends excludes an interpretation of perfect acquired virtue. In effect, there remain only two comparable species of moral virtues:

acts...	in regard of the human city (<i>ad finem in aliquo genere</i>)	in regard to divine friendship (<i>ad finem totius vitae</i>)
according to enlightened reason (by the div. law)	—	infused virtue
according to the rule of natural reason	acquired virtue as pagan political virtue	[theoretically: perfect acquired virtue]

Figure 3

Our table shows why an exclusive reference to the formal difference is insufficient for the distinction of acquired and infused virtue. The formal cause alone leaves unclear whether acquired virtue means pagan political or perfect acquired virtue. (In this regard *ST* I-II 63.4 is somehow misleading, insofar as it seems to suggest two optional ways to distinguish acquired and infused virtues, namely the formal notions and different ends.) Through the simultaneous

²⁸⁵ See the various quotations of St. Thomas in footnotes 220 and 221; for references to secondary literature on that issue, see footnote 222.

²⁸⁶ See *ST* I-II 99.3, quoted in footnote 233. Hence, the following claim of Osborne is ambiguous: “We have seen that religion is an acquired moral virtue. Thomas does not oppose the religious to the political.” (Osborne, “The

application of both criteria the proper significance of acquired virtues as “*ad res humanas*” becomes unequivocal. They do not imply man’s overall perfection according to reason, but his wellbeing in regard to the human society.²⁸⁷

2.4 The Material Cause: Virtues as “Matter” of Other Virtues

This fourth section of chapter 2 investigates the material cause of both acquired and infused virtue. Of course, matter is not a principle of distinction but rather the unqualified substrate which is determined by the form. Thus, it is clear from the very beginning that the *causa materialis* will not provide a further criterion for the distinction of acquired and infused virtues, but nevertheless our analysis will not only serve aesthetic reasons (for the completion of the four Aristotelian causes) but it will also provide a more accurate understanding of the cooperation of various virtues. And the later will be of great value for the next chapter concerning the cooperation of acquired and infused virtues (chapter 3).

Some Preliminary Remarks

We can speak of a material cause of virtues only in an analogous way, for virtues themselves are not material things. “Virtue has no matter *ex qua*, neither any other accident; but it has matter *circa quam*, and matter *in qua*, namely the subject. But the matter *circa quam* is the object of the virtue.”²⁸⁸ There is no need for a discussion of the matter *in qua*, namely the underlying subject of the various virtuous, i.e. the human powers. In *ST* I-II 56 Aquinas treats all the human faculties in which moral virtues can inhere: the intellect,²⁸⁹ the will,²⁹⁰ and the

Augustinianism,” 290). Aquinas might know an acquired kind of religion regarding external acts; but such a virtue could not provide man’s right order toward God; not even on a natural level.

²⁸⁷ In the *Commentary on the Nicomachean Ethics* Aquinas describes first the end of the *politica* as “*bonum commune civitatis*” (*In ethic.* I 2.10); subsequently this end is defined the best in human things. “*Finis politicae est humanum bonum, id est optimum in rebus humanis.*” (*In ethic.* I 2.11). And the preservation of this order is the proper task of human virtue. “*Ad rationem virtutis humanae pertinet ut in rebus humanis bonum rationis servetur, quod est proprium hominis bonum.*” (*ST* II-II 129.3).

²⁸⁸ *ST* I-II 55.4: “*Virtus autem non habet materiam ex qua, sicut nec alia accidentia, sed habet materiam circa quam; et materiam in qua, scilicet subiectum. Materia autem circa quam est obiectum virtutis.*”

²⁸⁹ *ST* I-II 56.3.

²⁹⁰ *ST* I-II 56.6.

concupiscible and irascible appetite.²⁹¹ The virtues perfect the natural orientation of those powers according to the order of reason.

More important for our study is the *materia circa quam*, i.e. the objects of virtues. In that regard, Aquinas distinguishes in his *Commentary on the Ethics* two further meanings. First, one may speak of virtue's *remote matter*, such as external situations and material objects in the proper sense, which give rise to human actions. For example, food and dangerous situations, in respect to eating and courageous deeds. Secondly, there is virtue's *proximate matter*, which includes the very actions and passions of man.²⁹² In this second sense, Aquinas also refers in *ST I-II* 63.4 to the matter of virtue, namely to sensible pleasures (i.e. passions) as the matter of temperance. Elsewhere, he describes fears as the matter of fortitude, doubts as the matter of prudence, and selling and contracts as the matter of justice.²⁹³ Certainly this is the most proper meaning of "matter" in regard to virtues.

However, in many places Aquinas describes certain virtues as the *form* of other virtues, and this implies conversely that some virtues can be understood as *matter* for other virtues. For example, according to the enduring teaching of St. Thomas, charity is the *form of all virtues*. Likewise prudence in regard to moral virtues. How have we to interpret this assertion? Can we deduce from this principle that all virtues relate to charity as matter to form?²⁹⁴ Or does Aquinas limit this principle to the dependence of virtuous *acts* in respect to their underlying virtue? And further, is charity to be understood as *forma virtutum* only in respect to the infused virtues, or to the acquired ones also?

A. J. Falanga, for example, argued in his study *Charity the Form of the Virtues According to Saint Thomas* for an univocal application of the matter-form analogy in describing the relationship of charity to the infused and acquired virtues, and to their acts: "Charity is the immediate form of the acts of the infused habit of prudence; prudence informed by charity is the immediate form of the acquired habit of prudence . . . and hence of all the other moral

²⁹¹ *ST I-II* 56. 4.

²⁹² *In ethic.* IV 1.4: "Est tamen considerandum quod aliquid potest dici materia virtutis moralis dupliciter. Uno modo sicut materia propinqua. Et hoc modo passiones sunt materia plurimarum virtutum moralium. Alio modo sicut materia remota, et hoc modo obiecta passionum ponuntur materiae. Sicut fortitudinis materia proxima est timor et audacia, materia autem remota pericula mortis. Temperantiae autem materia proxima concupiscentiae et delectationes, materia autem remota cibi et actus venerei. Sic igitur et liberalitatis materia quidem propinqua est cupiditas vel amor pecuniarum, materia autem remota ipsa pecunia." For further statements see *In sent.* III 33.3.2A; *In sent.* IV 25.3.1A; *De virt. in com.* 13.

²⁹³ Eg. *ST I-II* 61.3.

²⁹⁴ See for example R.J. Regan: "God infuses supernatural moral virtues and the theological virtue of charity, which informs every moral virtue, whether naturally acquired or supernaturally infused, in those he justifies." (Richard J. Regan, "Introduction," in *Treatise on Law*, (contains the text of Thomas Aquinas) (Indianapolis, IN: Hackett Publishing Company, 2000), xviii).

virtues which demand prudence that they may exist as perfect moral virtues.”²⁹⁵ In more recent times, Dell’Olio has suggested a similar view: “Charity serves as the ‘remote’ form of the acquired moral virtues by serving as the ‘proximate’ form of infused prudence. For infused prudence itself serves as the proximate form of acquired prudence in the life of the Christian, and acquired prudence, since it directs all acquired moral virtues by right reason to their proper ends, serves as the proximate form of the other moral virtues. . . . In this sense, we may say that the infused virtues stand to the natural virtues as form stands to matter.”²⁹⁶

There are several scholars (e.g. Klubertanz, Bullet, Mirkes etc.) who favor the application of the matter-form analogy for describing the cooperation of acquired and infused virtue. This will be the topic of chapter 3. In the present chapter, however, we shall clarify in which way an inferior virtue might be considered as the matter of another virtue.

As a kind of preparation, we inquire first into Aquinas’s description of the collaboration of two acts by means of the form-matter analogy (section 2.4.1). Subsequently, we distinguish two different understandings of an act as the matter of another act (section 2.4.2). On this basis we will then be prepared to answer our main-question, namely in which sense a virtue can be the matter of another virtue. We determine first the mutual influence of different (acquired) moral virtues (section 2.4.3a), and then we apply these results to the relation between charity and the infused virtues (section 2.4.3b).

2.4.1 The Matter-Form Analogy in the Context of Human Action

It is impossible to refer to the concept of matter apart from form as its counterpart. Aquinas uses these complementary concepts to describe the mutual relation between two acts, or more exactly to clarify how *one human act* can be composed of *two different components*. Originally the idea stems from physics: natural things combined of matter and form are two in principle, but one in being, e.g. man composed of body and soul. Analogously, the human act can be “made of” different parts, insofar as it arises from different powers. The act does remain one act, however, if those powers cooperate in the one act. For example, when Christ purified the Jerusalem temple with a whip, in this one action were involved his practical

²⁹⁵ Anthony J. Falanga, *Charity the Form of the Virtues According to Saint Thomas* (Washington, DC: The Catholic University of America Press, 1948), 125.

intellect, his will, his irascible appetite, and the limbs of his body. All these various components worked together for one single, unified human action. Certainly, the one action cannot be ascribed to the various powers in a univocal way, but the action presupposes an order among them. It occurs *non ex aequo, sed ordine quodam*, as Aquinas explains.²⁹⁷ The order of the different “parts” of one human act is grounded in the fact that one power can move or determine the other(s) to act. Christ’s intellect proposed to his will the cleaning of the temple as an appropriate action. Thus, the will chose this option and approved the motion of his passions (holy anger), and subsequently executed the action by using the limbs as instruments. The common principle at play here is as follows: the superior power is able to move the inferior to its act. Our example combines the acts of three different powers, but because of their hierarchic ordering they constitute at the same time just one human act that stems from the intellect, the will and the irascible appetite.²⁹⁸

Applying the matter-form analogy to the context of human action, the act of the inferior power relates as matter to the act of the superior as its formal principle, which determines the “material” part as its instrument.

In human acts, the act of an inferior power relates as matter in regard to the act of a higher power, in so far as the inferior power acts in virtue of the higher power moving it; in this way also the act of the first mover relates as form to the act of its instrument. Hence it is evident that the command and the act commanded are one human act, just as a whole is one, but many in its parts.²⁹⁹

²⁹⁶ Andrew J. Dell’Olio, *Foundations of Moral Selfhood. Aquinas on Divine Goodness and the Connection of the Virtues* (New York, NY: Peter Lang, 2003), 134-135.

²⁹⁷ In a very similar context, namely regarding the question how one virtue can belong to different powers, he explains: “Aliquid esse in duobus, contingit dupliciter. Uno modo, sic quod ex aequo sit in utroque. Et sic impossibile est unam virtutem esse in duabus potentiis, quia diversitas potentiarum attenditur secundum generales conditiones obiectorum, diversitas autem habituum secundum speciales; unde ubicumque est diversitas potentiarum, est diversitas habituum, sed non convertitur. Alio modo potest esse aliquid in duobus vel pluribus, non ex aequo, sed ordine quodam. Et sic una virtus pertinere potest ad plures potentias; ita quod in una sit principaliter, et se extendat ad alias per modum diffusionis, vel per modum dispositionis; secundum quod una potentia movetur ab alia, et secundum quod una potentia accipit ab alia.” (*ST I-II* 56.2).

²⁹⁸ “Quando una potentia est movens alteram, tunc actus earum sunt quodammodo unus, nam idem est actus moventis et moti.” (*ST I-II* 17.4 ad 1). Klubertanz explains thereto in regard to the cooperation of intellect and will: “In St. Thomas’s psychology there is no separation of any kind between intellect and will, but only a distinction based on their formal objects and their causal order. Intellect and will are not just closed, noncommunicating essences; in the order of operation they interpenetrate.” (George P. Klubertanz, “The Unity of Human Activity,” *The Modern Schoolman* 27 (1950): 91)

²⁹⁹ *ST I-II* 17.4: “In actibus humanis, actus inferioris potentiae materialiter se habet ad actum superioris, inquantum inferior potentia agit in virtute superioris moventis ipsam, sic enim et actus moventis primi formaliter se habet ad actum instrumenti. Unde patet quod imperium et actus imperatus sunt unus actus humanus, sicut quoddam totum est unum, sed est secundum partes multa.”

Notable in this quotation is the reference to the command (*imperium*) and to the commanded act (*actus imperatus*). Human acts, composed of different parts, can only be described by the schema of command and commanded act. The command moves an inferior power to act for the sake of its own end (like as instrument) and functions thereby as unifying principle which provides the unity of the complete action. The command relates as form to commanded acts as matter.³⁰⁰

According to Aquinas, the command is essentially an act of reason, since it implies the impressing of a certain order (or orientation) to the acts of other powers, but the task of ordering belongs to reason.³⁰¹ However, the command does not only achieve the formal specification of the commanded act, but it also implies the realization of the act (i.e. the induction to acting). The exercise, however, does not belong to the intellect but to the will. Hence, the *imperium* of the intellect presupposes an act of the will, so that the intellect can perform the ordering and moving task as well. The command is an “act of the reason, presupposing an act of the will, in virtue of which the reason moves by its command to the execution of an act.”³⁰²

We must also consider each act, insofar as being moved by reason and will results in an *actus imperatus*. These may include external acts of the body, the passions of the sensible appetite (insofar as they obey a voluntary command), and finally even acts of the intellect and will themselves.³⁰³ St. Thomas substantiates his statement with the examples of stealing for the sake of fornication. Stealing is the commanded act, whereas the unchaste desire works as a

³⁰⁰ Cf. Klubertanz, “The Unity of Human Activity,” 85-89.

As an example of the formal unity of a material multiplicity we want to quote Aquinas’s description of the virtue of worship (*latria*); it contains many singular actions (matter) which the one virtue commands according one unifying aspect, i.e. worship. “*Latria in se considerata est specialis virtus, quia habet specialem rationem obiecti et actus, scilicet ut exhibeatur aliquid deo in recognitionem servitutis, sicut feudatarius aliquid reddit domino suo in recognitionem dominii: unde actum et obiectum habet formaliter unum et specialem quantum ad praedictam rationem; quamvis materialiter sint multi actus et multa obiecta. Potest autem dici generalis quantum ad duos . . . modos. Potest enim uti actibus aliarum virtutum materialiter sub praedicta ratione proprii obiecti; et iterum ad actum eius praeexiguntur multae virtutes aliae, sicut fides quae ostendit cui exhibenda sit latria, et caritas, quae afficit ad eum cui exhibenda est; et sic possunt multae aliae concurrere. Quamvis autem utatur materialiter actibus aliarum virtutum sub ratione proprii actus, tamen utitur quibusdam actibus qui non sunt proprii alicuius alterius virtutis elicitive, sicut offerre sacrificia, facere protestationes, et huiusmodi: nisi forte sicut imperantur a caritate et ostenduntur a fide, non autem eliciuntur; et isti videntur proprie actus esse latriae.*” (*In sent.* III 9.1B).

³⁰¹ Cf. *ST* I-II 17.1. Helpful is also *ST* I-II 9.1 where Aquinas shows how the determination of a voluntary act essentially belongs to reason.

³⁰² *ST* I-II 17.1: “Primum autem movens in viribus animae ad exercitium actus, est voluntas, ut supra dictum est. Cum ergo secundum movens non moveat nisi in virtute primi moventis, sequitur quod hoc ipsum quod ratio movet imperando, sit ei ex virtute voluntatis. Unde relinquitur quod imperare sit actus rationis, praesupposito actu voluntatis, in cuius virtute ratio movet per imperium ad exercitium actus.”

³⁰³ See *ST* I-II 18: article 9 for the command of external acts, article 7 about passions, article 5 and 6 about commanded act of the will and the intellect.

command, and since the command relates to the commanded act as form to matter, the whole act is more an act of fornication than of stealing.³⁰⁴

This example may seem to contradict the previous description of the command as an act of reason. In which way can fornication be considered as the command of stealing? Obviously Aquinas speaks elliptically in the example, for describing fornication (as the intended action) as the command of another act disregards reason's involvement. Command is defined as an "act of reason, presupposing an act of the will." Thus, a detailed outline of the example would imply the following components. First, the volition of fornication, maybe preceded by the movement of some passions. Secondly, the ordering of the necessary means by reason, i.e. the command of theft. And thirdly, the execution of the act of theft. Though the efficient cause of the commanded act is a prior act of volition, nevertheless its formatting determination of the commanded act, i.e. the command properly speaking, is due (and always due) to reason.³⁰⁵

This example makes clear that in a general sense every act can adopt the position of a command, as for instance adultery, namely insofar it provides the efficient cause for the execution of the commanded act of theft. However, its formal specification stems (necessarily and always) from reason.³⁰⁶ The commanding act works only in this way as the unifying principle of a compound human act. St. Thomas usually omits any mention of this involvement of reason. However, insofar as he refers in this context to the matter-form analogy, reason has to take part in the action.

We have to observe in regard to the acts of the soul, that an act which belongs essentially to a power or habit, receives its form or species from a higher power or habit, insofar as the inferior is ordained by the superior; for if somebody performs an act of fortitude because of love of God, that act is materially an act of fortitude, but formally an act of charity.³⁰⁷

At this point one might ask, what is meant by the assertion that the commanded act receives the form of the command? Does it lose thereby its own specification? The matter-form analogy reveals its advantage right there. Saying that a wooden table is materially wood and

³⁰⁴ "Ille qui furatur ut committat adulterium, est, per se loquendo, magis adulter quam fur." (*ST* I-II 18.6). Aquinas quotes here Aristotle (*NE* 5.2 1130a24). The principle behind: "Formalis ratio moralis actus accipitur per comparationem ad finem." (*De malo* 4.2).

³⁰⁵ Consequently in irrational animals there is no command in the proper sense (*ST* I-II 17.2).

³⁰⁶ Cajetan describes even the relation between the presupposed motion of the will and the ordering act of reason by the matter-form-dichotomy: "Consequens est ut ordinatio intimativa in imperio se habeat ut materia, et motio ut forma; ac per hoc, imperium est elicitive et essentialiter actus rationis, voluntatis vero primordialiter quoad formam." (Cajetanus, "Commentarium," about *ST* I-II 17.1).

formally a table does not imply that it loses its being made of wood, but its specific determination as being a table stems from its form. Likewise, to refer to the *actus imperatus* as matter and to the command as form does not imply that the commanded act (the matter) loses its proper significance. In itself it remains determined by its proper object.³⁰⁸ However, the concrete composed act (i.e. the *actus humanus* consisting of both *actus imperatus* and *imperium*) is determined by the unifying form which comes from the command. Though this does not abandon the proximate finality of the commanded act, nevertheless the command determines the character of the whole human act.³⁰⁹ Almsgivings moved one time by benevolence or another time for the sake of vain-glory are two specifically different acts, but nevertheless it remains one and the same species of almsgiving (matter) which is realized in both cases.³¹⁰

So far, so good. The distinction between command and commanded act bears particular importance for the determination of the morality of a concrete human act. The moral relevance of an action depends on its voluntariness.³¹¹ However, since only the will as rational appetite tends to the reasonable good as its proper object, good and evil pertain only to voluntary actions as a formal difference.³¹² As a consequence, only acts which arise from will and reason (i.e. from a command as described above) are morally relevant acts. The *actus imperatus* as material part does not imply *per se* a necessary relation to the reasonable good. It might bear only accidentally a moral qualification.³¹³ The commanded act receives its moral qualification insofar as it is commanded by the intellectual powers and participate in this way in the moral qualification of the *imperium* of the practical reason.

³⁰⁷ ST I-II 13.1: “In actibus animae, quod actus qui est essentialiter unius potentiae vel habitus, recipit formam et speciem a superiori potentia vel habitu, secundum quod ordinatur inferius a superiori, si enim aliquis actum fortitudinis exerceat propter dei amorem, actus quidem ille materialiter est fortitudinis, formaliter vero caritatis.”

³⁰⁸ Aquinas emphasizes that the determination, which supplies the end, is more general and receives sometimes a further specification by the proper object of the commanded act. “Differentia specifica quae est ex fine, est magis generalis; et differentia quae est ex obiecto per se ad talem finem ordinato, est specifica respectu eius.” (ST I-II 18.7). The commanded act is (and remains) determined by the *finis proximus*, the command by the *finis remotus*. (Cf. Joseph Pilsner, *The Specification of Human Actions in St. Thomas Aquinas* (Oxford: Oxford University Press, 2006), 234-238).

³⁰⁹ Pilsner makes very well the difference between the species of the commanded act, determined by its own object and its proximate end, and the concrete human act which receives its form from the final end. See chapter 9 in *Ibid.*, 217-238.

³¹⁰ Klubertanz shows analogously that the act of justice motivated by charity becomes formally an act of charity, but the internal structure of justice remains preserved (Klubertanz, “The Unity of Human Activity,” 84).

³¹¹ Cf. ST I-II 1.3.

³¹² Cf. ST I-II 18.1 and 5.

³¹³ It is in *In sent.* II 40.1 that Aquinas describes the *actus imperatus* as belonging only accidentally the species of moral acts: “Quia, ut dictum est, hoc modo aliquid ad genus moris pertinet quo voluntarium est; ideo ipsi actus voluntatis, qui per se et immediate ad voluntatem pertinent, per se in genere moris sunt; unde simpliciter specie dividuntur interiores actus voluntatis per bonum et malum, sicut per differentias essentielles: actus autem imperati a voluntate, elicit per alias potentias, pertinent ad genus moris per accidens, secundum scilicet quod

At this point a question arises regarding the material part of the human act: Does the commanded act as such, apart from the command, possess simply no relevance for the morality of the act? Is it to be understood as *first matter*, open for every kind of formation through the command of a superior faculty? Or are there commanded acts which bear in themselves a certain fittingness to the order of reason, or vice-versa some contrariety, so that in the latter case even a good command cannot make good use of it as its form? The questions show that the commanded act as matter requires further distinction.

2.4.2 Two Different Meanings of “Matter” in the Context of Action

a) The Commanded Act as “First Matter”

A commanded act might be considered as wholly undetermined matter in respect to its command – as first matter – if it contains *per se* no concordance or repugnance to the order of reason. This might be the case in two ways.

First, in the context of the involvement of passions for the moral act. As we have seen in section 2.1, Aquinas distinguishes between the consideration of passions *per se*, i.e. determined only by their proper object, namely the sensible good, and passions as participating in reason.³¹⁴ According to the first, passions are neither morally good nor evil; they are just an affective response to a sensible good (pleasure or displeasure).³¹⁵ They do not become morally relevant unless they are commanded (or at least approved) by an act of

sunt a voluntate imperati; et ideo actus illi secundum substantiam non distinguuntur secundum speciem per bonum et malum, sed per accidens, secundum quod ad genus moris pertinent.”

³¹⁴ See *ST I-II* 56.4; cf. chapter 2.1.1.

³¹⁵ See *De virt in com.* 4 ad 1: “Actio concupiscibilis et irascibilis si secundum se consideratur, non est peccatum mortale, concurrunt tamen in actu peccati mortalis, quando ratione movente vel consentiente tendit in contrarium legis divinae; ita actus eorumdem, si per se accipiuntur, non possunt esse actus virtutis, sed solum quando concurrunt ad consequendum imperium rationis.” Aquinas distinguishes therefore a material and formal element in sins: “Unum quod pertinet ad substantiam actus humani, quod est quasi materiale in peccato, cum dixit, dictum vel factum vel concupitum; aliud autem quod pertinet ad rationem mali.” (*ST I-II* 71.6). See also *ST I-II* 80.3 ad 3: “Concupiscentia carnis contra spiritum, quando ratio ei actualiter resistit, non est peccatum, sed materia exercendae virtutis.”

reason and will, depending on their forming through a commanding act.³¹⁶ Thus, disregarding the order of reason, affections are to be considered “first matter” of the moral act.³¹⁷

Secondly, there are also some corporeal actions which do not bear in themselves the qualification as morally good or evil, since their content lacks a necessary relation to the order of reason. In themselves, they are indifferent. Aquinas gives some examples: “It happens that the object of an action does not include something pertaining to the order of reason; as for example to pick up a straw from the ground, to walk in the fields, and things like this. And such actions are indifferent according to their species.”³¹⁸ The moral quality of each act stems from its relation to reason. But if there is not such a relation, the action remains undetermined – first matter – in respect to its moral qualification. In those cases the formal determination of a concrete human act depends completely on the command: if somebody walks in the field for honest reasons, it is good. If the motives are condemnable, then the whole action is evil.³¹⁹

It is important to note, however, that not all acts of all human powers can be considered as the matter of moral acts, but only acts of powers which are principally suited to follow the command of reason, which might be moved (informed) by a command. Due to this the term of matter is used as something capable of being further determined by another principle. Hence, acts as matter must be capable of being commanded by reason. The vegetative powers are therefore principally improper as matter for virtues,³²⁰ but in contrast all acts which can be measured by reason are potential matter of a command.³²¹

³¹⁶ *ST I-II* 17.7.

³¹⁷ “Cum virtutis sit reddere opus bonum, operatio potest dici bona vel formaliter, inquantum procedit ex potentia quae movetur in bonum secundum rationem boni, vel materialiter, secundum quod est congruus et connaturalis potentiae.” (*In sent.* III 23.2.4A).

³¹⁸ *ST I-II* 18.8: “Contingit autem quod obiectum actus non includit aliquid pertinens ad ordinem rationis, sicut levare festucam de terra, ire ad campum, et huiusmodi, et tales actus secundum speciem suam sunt indifferentes.”

³¹⁹ “Contingit autem in his quae ad aliud ordinantur, quod aliquid est bonum ex hoc solum quod ad aliud ordinatur, sicut potio amara ex hoc solo est bona, quod est sanativa. Unde non est alia bonitas sanitatis et potionis, sed una et eadem. . . . Sic ergo dicendum quod, quando actus exterior est bonus vel malus solum ex ordine ad finem, tunc est omnino eadem bonitas vel malitia actus voluntatis, qui per se respicit finem, et actus exterioris, qui respicit finem mediante actu voluntatis.” (*ST I-II* 20.3).

³²⁰ “Materia enim uniuscuiusque virtutis moralis est id circa quod modum rationis imponit.” (*In ethic.* II 3.3). And: “Agibilia sunt . . . materia moralium virtutum secundum quod sunt obiectum virtutis appetitivae, scilicet sub ratione boni.” (*ST II-II* 47.5 ad 3).

³²¹ “Omnia quaecumque rectificari possunt per rationem sunt materia virtutis moralis.” (*ST II-II* 58.8).

b) The Commanded Act as Yet Formed Matter

In contrast to the previous paragraph, some commanded acts imply in themselves a concordance to the order of reason (or contradict it). Almsgiving to an indigent person is in itself reasonable (though it can become evil because of particular circumstances), whereas thievery as taking away something that belongs lawfully to another person is principally opposed to the order of reason.

Every action receives its species from its object; and the human act, which is called moral, receives its species from the object in relation to the principle of human actions, which is reason. Therefore, if the object of an action includes something in accord with the order of reason, the act will be a good according to its species; for instance, to give alms to an indigent person. But if it includes something repugnant to the order of reason, it will be an evil act according to its species, as to steal, which consists in taking things of the other.³²²

Hence, there are some commanded acts which are to be judged as good or evil independent of the moral specification of their command. Of course, the isolated goodness of the commanded act would be insufficient for the moral goodness of the human act as a whole. The *actus imperatus* alone remains a theoretical abstraction, unless it is judged in connection with the commanding act, its definite moral qualification is impossible.³²³ Almsgiving in itself may be good, but even this act becomes evil if it is commanded for vain glory. Only if the commanded act itself and the command (i.e. the end for which it is willed) are in concordance with reason, the human act is morally good.³²⁴

³²² ST I-II 18.8: "Actus omnis habet speciem ab obiecto; et actus humanus, qui dicitur moralis, habet speciem ab obiecto relato ad principium actuum humanorum, quod est ratio. Unde si obiectum actus includat aliquid quod conveniat ordini rationis, erit actus bonus secundum suam speciem, sicut dare eleemosynam indigenti. Si autem includat aliquid quod repugnet ordini rationis, erit malus actus secundum speciem, sicut furari, quod est tollere aliena." Cf. *De malo* 2.3: "Quaedam peccata sunt in quibus actus exteriores non sunt secundum se mali, sed secundum quod ex corrupta intentione vel voluntate procedunt: puta, cum quis vult dare eleemosynam propter inanem gloriam; et in huiusmodi peccatis manifestum est quod omnibus modis peccatum principaliter consistit in voluntate. Quaedam autem peccata sunt in quibus exteriores actus sunt secundum se mali, sicut patet in furto, adulterio, homicidio et similibus."

³²³ See ST I-II 18.9.

³²⁴ "Actus aliquis determinatur ad speciem moris dupliciter. Uno modo ex parte obiecti, sicut fornicatio ex hoc quod est circa delectabilia tactus; et haec determinatio est materialis, et respicit habitum elicientem actum. Alio modo ex parte finis; et haec est formalis specificatio, et respicit habitum imperantem." (*In sent.* IV 38.2.2B). According to a scholastic axiom the human act is good only if all its components are good: *Bonum ex integra causa, malum ex singularibus defectibus* (cf. ST I-II 20.2). In this way externally considered it might be often impossible to decide whether a certain action is only materially a virtuous act or also formally. Only in a negative sense a univocal judgment is possible from the outside: If the matter of an act contains an *implicit malice* or *impropriate circumstances* – for example thievery, speaking against truth etc. – the whole act never is virtuous, since the matter in itself is already inadequate. However, this indirect qualification is possible only in one direction, i.e. in the case of external evil acts, but not in respect to good external acts – because of the quoted

Even under the supposition that the commanded act is *per se* good or evil, it remains only the material part of the human act, whereas its form is determined further on by the command. If almsgiving is motivated by the desire for assimilation to the poorness of Christ, it is more an act of charity for Christ than a support of the poor (though without standing in contradiction). Likewise in the case of sins. Whoever steals for the sake of fornication performs rather an act of intemperance than of thievery. Or more exactly, formally he commits an act of intemperance, materially an act of injustice.³²⁵

Aquinas explains that in the case of a yet determined commanded act the qualification of the matter depends on reason, for only the intellect can judge the appropriateness of the object of the commanded act in respect to the order of reason.³²⁶ The full perfection of the human act however is not achieved unless the commanded act (which is in accordance with reason) is performed also for a right end. Thus, it is due to the will to supply this second qualification. Therefore, the goodness of the material part depends on reason, while the goodness of the formal command belongs to will.³²⁷

c) Excursus: The Material Aspect of an Action as *Substantia Operis*

Sometimes Aquinas refers to the material aspect of an act by the term *substantia operis*. The following excursus is necessary since the distinction between an action *quantum ad substantiam operis* and *quantum ad modum operis* is often used in the context of the cooperation of acquired and infused virtues (see chapter 3). St. Thomas normally applies this distinction to resolve the issue whether moral precepts command only the external realization

axiom. See thereto also David M. Gallagher, "Aquinas on Moral Action: Interior and Exterior Acts," *Proceedings of the American Catholic Philosophical Association* 64 (1990): 118-129.

³²⁵ "Actus enim unius vitii, secundum quod ordinatur ad finem alterius vitii, recipit formam eius; utpote qui furatur ut fornicetur, materialiter quidem fur est, formaliter vero intemperatus." (*De caritate* 3). Similar in *ST I-II* 18.6: "Quod est ex parte voluntatis, se habet ut formale ad id quod est ex parte exterioris actus, quia voluntas utitur membris ad agendum, sicut instrumentis . . . Et ideo actus humani species formaliter consideratur secundum finem, materialiter autem secundum obiectum exterioris actus." Likewise *ST I-II* 75.4: "Finis dat formam in moralibus, ut supra habitum est, ex hoc etiam sequitur quod unum peccatum sit formalis causa alterius, in actu enim fornicationis quae propter furtum committitur, est quidem fornicatio sicut materiale, furtum vero sicut formale." Cf. *De malo* 2.2 ad 13.

³²⁶ "Bonitas autem vel malitia quam habet actus exterior secundum se, propter debitam materiam et debitas circumstantias, non derivatur a voluntate, sed magis a ratione." (*ST I-II* 20.1).

³²⁷ "In actu exteriori potest considerari duplex bonitas vel malitia, una secundum debitam materiam et circumstantias; alia secundum ordinem ad finem. Et illa quidem quae est secundum ordinem ad finem, tota dependet ex voluntate. Illa autem quae est ex debita materia vel circumstantiis, dependet ex ratione, et ex hac dependet bonitas voluntatis, secundum quod in ipsam fertur." (*ST I-II* 20.2).

of a certain operation or include also their mode.³²⁸ His answer is that a law obliges its subjects to perform certain just or courageous deeds (“man achieves just and courageous deeds”³²⁹) – i.e. to realize the substance of certain operations, its “matter.” The law, however, does not demand a certain *mode* of acting. Just acts can be achieved *justly*, and courageous deed *courageously* – i.e. out of virtue, with a promptness, delight, and constancy. In those cases not only the substance of the act but also its mode and form are virtuous.³³⁰

So far, the common usage of the distinction. Sometimes, however, its meaning is enlarged. Generally, the *modus operis* can be understood in three different ways.³³¹ First, to do something knowingly. Whoever accomplishes an operation unconsciously (*ex ignorantia*³³²) might achieve a somehow just “substance,” but the act is not performed in a human mode. Secondly, to do something voluntarily. To perform an external virtuous act without an internal voluntary command is again substantially good, but as long as the will is not involved, it is not achieved *humano modo*. Thirdly, somebody accomplishes something knowingly and willingly, but not *firme et immobiliter*, e.g. if he does not possess the corresponding virtues. Again, the substance of the act is good, but now the substance of the act denotes a true human act, though its mode is not yet unrestrictedly virtuous.³³³

The three different meanings of the *modus operis* show that the concept of the *substantia operis* covers not in all cases the complete moral act. In the first and second cases it denotes – as the concept of matter – only the commanded act, disregarding the command which specifies the action morally.³³⁴ In these cases the *substantia operis* designs an action determined by its immediate object, which might imply *per se* a concordance or a contradiction to reason (matter in the second sense) or disregard completely the order of reason (as “first matter”). In both cases only the *modus* allows a definite moral qualification.

³²⁸ See e.g. *In sent.* II 28.3; *De veritate* 24.14 ad 1; 2; 7; *ST* I-II 96.3 ad 2; 100.9; 4; 109.4; II-II 44.4 ad 1.

³²⁹ *ST* I-II 109.4: “Homo operatur iusta et fortia.”

³³⁰ *Ibid.*, “Non solum quantum ad substantiam operis, sed etiam quantum ad modum agenda.”

³³¹ See *ST* I-II 100.9.

³³² For Aquinas’s outline of ignorance as hindrance for the human act, see *ST* I-II 6.8 and 76.1-4.

³³³ For the third meaning, see *ST* II-II 32.1 ad 1: “Actus virtutis dupliciter. Uno modo, materialiter, sicut actus iustitiae est facere iusta. Et talis actus virtutis potest esse sine virtute, multi enim non habentes habitum iustitiae iusta operantur, vel ex naturali ratione, vel ex timore sive ex spe aliquid adipiscendi. Alio modo dicitur esse aliquid actus virtutis formaliter, sicut actus iustitiae est actio iusta eo modo quo iustus facit, scilicet prompte et delectabiliter. Et hoc modo actus virtutis non est sine virtute. Secundum hoc ergo dare eleemosynas materialiter potest esse sine caritate, formaliter autem eleemosynas dare, idest propter deum, delectabiliter et prompte et omni eo modo quo debet, non est sine caritate.” Also *In sent.* III 23.2.3C and IV 15.1.1A.

³³⁴ Cajetan identifies explicitly the substance and the matter of an human act: “Actus compositus ex duobus spectantibus ad diversas potentias, illius est potentiae essentialiter et elicitive, cuius est materialiter, seu quantum ad substantiam actus.” (Cajetan, “Commentarium,” about *ST* I-II 17.1). Likewise Labourdette – stressing the unity of the human act – explains that the human act belongs *per modum substantiae* to the power of the commanded act, but *per modum formae* to the power of the command (cf. M.-Michel Labourdette, *Cours de théologie morale: Les actes humains (Ia-IIae, 6-48)* (Toulouse, 1962), 73).

Hence, it is important to see that the *modus operis* is certainly not randomly accidental. Speaking about the *substantia operis* might be misleading, since in Thomistic language the substance denotes usually the very basis and foundation of a being.³³⁵ In the third case it indicates the very being of an action which also disregards the virtuous mode of a definite moral qualification.³³⁶ However, according to the first and second meaning the *substantia operis* does not contain the whole determination of the act, but only the material aspect of an action. Vice versa, the *modus operis* does not denominate a mere accidental accessory but the formal determination which gives the ultimate specification to the human act as a whole. “The end, even if it does not denote the substance of the act, is nevertheless the most principal cause of the act [*causa principalissima*], insofar as it moves to the act.”³³⁷

If only the substance of an act is considered, it would make no difference if a dangerous situation is endured because of charity, because of a judgment of natural prudence, or because of vain glory: The substance of the act – namely enduring dangers – remains three times the same. The substance takes in account only the *actus imperatus* as such, abstractly considered,³³⁸ in its *species naturae*,³³⁹ but disregards the intention which specifies the act (*imperium*).³⁴⁰ Nevertheless, the two concrete courageous acts as human acts (one time because of charity, another time because of vanity) are specifically different, although they contain the same commanded act, i.e. the same substance.

This shows that it is impossible to describe the moral qualification of an act only by reference to its substance, to its material part. Only if the substance is determined by the right mode, it is formally good.

³³⁵ Cf. *In sent.* III 23.21 ad 1: “Substantia est fundamentum et basis omnium aliorum entium.”

³³⁶ In this sense Aquinas explains elsewhere about the act of sin: “Substantia actus peccati est a deo, non autem deformitas.” (*De potentia* 3.6 arg. 21 – affirmative).

³³⁷ *ST* I-II 7.4 ad 2: “Finis, etsi non sit de substantia actus, est tamen causa actus principalissima, in quantum movet ad agendum.” Cf. also *ST* I-II 7.4: “Principalissima est omnium circumstantiarum illa quae attingit actum ex parte finis, scilicet cuius gratia, secundaria vero, quae attingit ipsam substantiam actus, idest quid fecit.”

³³⁸ We should note that *actus imperatus* designates often an external act, but not necessarily. Even the act of the intellect can be commanded by the will, so that one can abstract the substance of the act.

³³⁹ See *ST* I-II 18.7 ad 1: “Actus qui secundum substantiam suam est in una specie naturae, secundum condiciones morales supervenientes, ad duas species referri potest.”

³⁴⁰ Aquinas notes that *quantum ad substantiam operis* all acts of virtues can be commanded even without such virtues, by the mere command of reason and will (cf. *De Veritate* 24.14 ad 1 and ad 2 – at least for most times; cf. ad 7; *ST* I-II 109.4); also the grave sinner can fulfill the acts of the Christian fasting *quoad substantiam operis*, according to St. Paul even martyrdom is possible without the corresponding virtue of charity (cf. 1 Cor 13.3).

2.4.3 Virtue (*qua habitus*) as Matter of Another Virtue

Having discussed the various possibilities of how one human act may be composed of different parts and how those parts relate to each other as matter and form, we pose the question whether the relation between various virtues can be described by the matter-form analogy: can we understand temperance – as habit – as the matter of prudence? Or even as the matter of justice? And can we interpret the infused moral virtues as the matter of charity? Admittedly, Aquinas suggests quite clearly such a relation in many of his texts. For example: “It is fitting that habits which are in inferior powers are informed by habits which are in superior powers; and in this way the formation of the inferior virtues has to stem from any superior virtue.”³⁴¹ And subsequently he concludes for charity: “Therefore it is said somewhat commonly that charity, quasi the most principle of all virtues, is the form of the other virtues.”³⁴² But does Aquinas speak here about the formation of virtues themselves or only of their acts?

In the following, we shall first clarify the issue of the relationship linking the different virtues on the natural level, and then in a second subchapter we will apply our findings to the relationship between charity and infused virtues.

a) Can One Acquired Virtue Relate to Another as Matter?

The interpretation of one virtue as the matter of another raises the following question: if we understand the commanding virtue as the form of the one commanded, it seems that the latter becomes finally the former. Why? At the beginning of section 2.4 we asserted the following principle: the command relates to the commanded act as form to matter. The commanded act receives its specific character from the command. Stealing because of adultery is formally speaking an act of intemperance. Analogously, to argue that an inferior virtue receives *as habit* the form of the superior seems to imply that the inferior virtue becomes the superior one. So are all moral virtues finally just one virtue? As clearly as Aquinas defends the matter-form

³⁴¹ *De veritate* 14.5: “Oportet quod habitus qui sunt in inferioribus viribus formentur per habitus qui sunt in superioribus; et sic ab aliqua virtute superiori debet esse inferiorum virtutum formatio.”

³⁴² *Ibid.*, “Unde quasi communiter dicitur, quod caritas, quasi praecipua virtutum, sit aliarum virtutum forma.” Similar in *De caritate* 3.

analogy in the case of command and commanded act, he negates the principle in the case of the virtues:

The act of one habit, insofar as it is commanded by another habit, takes its moral species, formally speaking, from that [commanding] act. Hence, when a man commits fornication in order to steal, the act may be materially of intemperance, but formally it is of avarice. But although an act of intemperance may in a certain sense receive its species from avarice because it is commanded; nevertheless, it does not follow from this that intemperance takes its species from the fact that its act is commanded by avarice.³⁴³

The assertion is completely clear. But there are other texts (we quoted two above) which claim such an “informing” of one virtue by another virtue. Thus, is there any qualified sense in which one virtue can be described as form of another – *qua virtus*?

i) The Relation of One Virtue in Regard to the Act of Another

In a first step toward answering this question, we investigate the implications of one virtue for the *acts* of another one. The point that two virtues relate to each other as form to matter can mean that one virtue works as form of the act of the other. St. Thomas explains: “When something, what belongs to one habit, relates as form to the act of another habit, then the one habit relates to the other habit as form.”³⁴⁴ The statement is not really surprising. It is just a consequence of his doctrine about human acts combined of *imperium* and *actus imperatus*: the commanded act belongs to the inferior virtue, moved by the command of another virtue. If, for example, the virtue of justice commands an act of temperance, justice can be described as form of the virtue temperance. Of course, we should not ignore the essential contribution of reason for the commanding act. Justice by itself is a moral virtue of the reasonable appetite.

³⁴³ *De virt. in com.* 10 ad 10: “Actus alicuius habitus, prout imperatur ab illo habitu, accipit quidem speciem moralem, formaliter loquendo, de ipso actu; unde cum quis fornicatur ut furetur, actus iste licet materialiter sit intemperantiae, tamen formaliter est avaritiae. Sed licet actus intemperantiae accipiat aliquam speciem, prout imperatur ab avaritia; non tamen ex hoc intemperantia speciem accipit secundum quod actus est ab avaritia imperatus.” And Aquinas substantiates the principle by the example of charity: “Ex hoc ergo quod actus temperantiae vel fortitudinis imperantur a caritate ordinante eos in ultimum finem; ipsi quidem actus formaliter speciem sortiantur: nam formaliter loquendo fiunt actus caritatis; non tamen ex hoc sequeretur quod temperantia vel fortitudo speciem sortiantur.” (Ibid.).

³⁴⁴ *De caritate* 3: “Quando id quod est unius habitus, est ut formale *in actu alterius habitus*, oportet quod unus habitus se habeat ad alium ut forma.” Likewise *In sent.* II 26.4 ad 5: “Caritas enim est forma virtutum ex parte actus, inquantum scilicet omnes actus virtutum in suum finem convocat, eo quod eius obiectum est finis ultimus. Sic enim est in omnibus potentiis et actibus ordinatis, quod illa quae altiore finem respicit, largitur formam arti

Hence, by itself it provides only the efficient cause for another act, but its formal determination remains due to reason. Consequently, there is always need for a certain involvement of prudence. Or to be more precise, justice determines the end and motivation of the whole action, but the informing of the commanded act is due to prudence which works in virtue of the inclination of justice. Thus, properly speaking, prudence achieves the formal determination of the temperate act, but moved by justice towards the end of justice.

Is this already the whole meaning of virtue as matter of another virtue? Can we interpret only the act of one virtue as matter of a superior virtue? Or is there also a possibility to understand the habit itself of the commanded virtue as matter of the commanding?

ii) The Relation of One Virtue *qua virtus* as Matter of Another

In section 2.1 we outlined at great length the nature of moral virtue as the participation of an appetitive power in the order of reason, or as a reasonable inclination of the human appetite towards those goods which man recognizes immediately as good by the practical intellect (i.e. the *synderesis*). Prudence appears only on the basis of this orientation of moral virtues toward the achievement of its proper task, namely to inquire, choose, and then command the fitting actions of these virtues to attain their ends.

This short flashback shows that there may be a twofold informing of a given virtue. On the one hand, if prudence chooses and commands the concrete acts of moral virtues (namely on the basis of their general inclination to their specific ends), it determines formally the concrete act of the commanded virtue. This is the conclusion reached in the previous paragraph. On the other hand, moral virtue itself consists in an inclination towards its proper end, which is known by the natural habit of *synderesis*. Hence, in a certain way even virtue *as virtue* is somehow formed by the practical intellect. St. Thomas explains:

In these virtues [i.e. in moral virtues] there is something formal, and something *quasi* material. The material element in these virtues is a certain inclination of the appetitive part to the passions and operations according to a certain mode. But since this mode is determined by reason, the formal element is this order of reason.³⁴⁵

quae sub ipsa est, cuius actus in suum finem ordinatur.” See on this issue Klubertanz, “The Unity of Human Activity,” 77; 82 and 85.

³⁴⁵ *ST* I-II 67.1: “In huiusmodi virtutibus aliquid est formale; et aliquid quasi materiale. Materiale quidem est in his virtutibus inclinatio quaedam partis appetitivae ad passiones vel operationes secundum modum aliquem. Sed

In many texts Aquinas attributes this formatting function of reason to prudence. “Prudence is the form of the other moral virtues insofar as the sealing of prudence in the inferior powers gives to the habits which are there the notion of virtue.”³⁴⁶ Or, as he says elsewhere in a more detailed manner:

A lower power does not have the perfection of virtue except by participating in the perfection of a higher power, as for example a habit in the irascible power does not have the nature of virtue . . . except inasmuch as it receives understanding and distinction from reason, which is perfected by prudence; and accordingly, prudence places a form and a appropriate manner of acting into all the other moral virtues.³⁴⁷

In these citations St. Thomas refers to prudence not in its specific sense, i.e. as the virtue which inquires, chooses, and commands the concrete actions of a certain moral virtue. Hence, prudence informs just the practical intellect insofar as it determines the end of moral virtue (which is known by *synderesis*).³⁴⁸ In this qualified sense, however, prudence is not only the form of virtuous acts, but it also determines the orientation of moral virtues. And in this way prudence can be called the form of all moral virtues.³⁴⁹

If our interpretation is correct, we can even go a step further. It should now be possible to describe indirectly the mutual relation of various moral virtues by the matter-form analogy. For example, according to what logic can we describe justice as the form of fortitude? In section 2.3, we distinguished virtues which perfect the agent either as an individual or as a

quia iste modus determinatur a ratione, ideo formale in omnibus virtutibus est ipse ordo rationis.” Already *ST I-II* 66.2 refers to the matter-form-analogy for describing the relation between prudence and the other moral virtues and clarifies how all moral virtues can be equal: Since all acts of moral virtues have to be formed by the one virtue of prudence, they are *formally* equal. “Sic igitur et ratio aequalitatis virtutum potest accipi ex parte prudentiae, quantum ad id quod est formale in omnibus virtutibus moralibus, existente enim ratione aequaliter perfecta in uno et eodem, oportet quod proportionaliter secundum rationem rectam medium constituatur in qualibet materia virtutum. Quantum vero ad id quod est materiale in virtutibus moralibus, scilicet inclinationem ipsam ad actum virtutis; potest esse unus homo magis promptus ad actum unius virtutis quam ad actum alterius, vel ex natura, vel ex consuetudine, vel etiam ex gratiae dono.” (*ST I-II* 66.2). Similar in *De virt. in com.* 12 ad 23: “De prudentia vero manifestum est quod quodammodo est generalis, in quantum habet pro materia omnia moralia, et in quantum omnes virtutes morales quodammodo eam participant, . . . et hac ratione dicitur quod omnis virtus moralis debet esse prudens.”

³⁴⁶ *In sent.* III 27.2.4C ad 1: “Prudentia est forma aliarum virtutum moralium, in quantum sigillatio quedam prudentiae in inferioribus viribus dat habitibus qui ibi sunt, rationem virtutis.”

³⁴⁷ *In sent.* III 27.2.4C: “Inferior enim potentia non habet perfectionem virtutis nisi secundum quod participat perfectionem potentiae superioris; sicut habitus qui est in irascibili, non habet rationem virtutis, ut dicitur in 4 ethic., nisi in quantum intellectum et discretionem recipit a ratione, quam perficit prudentia; et secundum hoc prudentia ponit modum et formam in omnibus aliis virtutibus moralibus.” See also *De veritate* 27.5. ad 5.

³⁴⁸ See thereto footnote 33 in section 2.1.

³⁴⁹ *In sent.* IV 15.1.1B ad 3: “Quaelibet virtus moralis participat actus prudentiae, eo quod formaliter ipsa complet in eis rationem virtutis, cum secundum eam medium accipiatur in singulis virtutibus moralibus.”

citizen. The former are first of all the affective virtues, while the latter involves justice and its parts. The good function of justice in regard to one's neighbor, however, presupposes and includes also affective virtues, or temperance and fortitude not as virtues of the good individual (inclined to the proper good of the individual) but as political virtues. Aquinas knows a specific fortitude which works for the good of the individual and also a political fortitude which makes the good citizen.³⁵⁰ The special character of the latter consists in the inclination of the irascible appetite towards the end of justice – “civil fortitude strengthens man's mind in regard to human justice”³⁵¹ – namely the wellbeing of the human city.³⁵²

Thus, in this indirect way it should be possible to describe justice as the form of political fortitude, for justice inclines the good citizen towards the common good as to his end. This end, however, is relevant even for political fortitude. It is the inclination of justice (to the common good) which determines likewise the end of political fortitude. Hence, justice relates to this species of fortitude as a formal principle. Or more precisely, justice determines the end which is imprinted on the irascible appetite by the mediation of prudence. As we have seen, the task of ordering is due to reason, so the immediate informing of the sensitive appetite also stems from reason (prudence). Nevertheless, the general “focus” on the common good as the end of human action is constituted by justice. And in this indirect way justice can be portrayed as the form of the political virtues.

In the next chapter we will examine whether it is possible to apply these results analogously to the relationship of charity and the infused moral virtues.

b) Infused Virtues as Matter Respectively of Charity

We have clarified how virtues can be addressed as the form of other virtues, either of their acts or even (in a more qualified sense) of virtues themselves. What consequences arise from this for understanding charity and the other infused virtues?

³⁵⁰ See *De virt. in com.* 10 ad 4: “Fortitudo, quae est virtus hominis qua homo, non ordinat actum suum ad bonum politicum, nisi mediante fortitudine quae est virtus hominis in quantum est civis.”

³⁵¹ *ST* II-II 124.2 ad 1: “Fortitudo civilis firmat animum hominis in iustitia humana, propter cuius conservationem mortis pericula sustinet.”

³⁵² *In sent.* III 33.3.3C ad 1: “Fortitudo politica dicitur ex motivo, quia scilicet aliquod bonum quod a civitatibus praestari fortibus solet, ad actum fortitudinis movet.”

i) Charity as Form of Acts. Aquinas's Elliptical Way of Expression

On many occasions Aquinas quotes the famous principle *caritas forma virtutum* – a quasi common concept for the Middle Ages.³⁵³ The assertion often describes charity's influence on the acts of other virtues. In particular, charity is portrayed as the form of commanded acts which are in turn portrayed as its matter. For example, the temperate act commanded by charity belongs materially to infused temperance but formally to charity. And since charity constitutes the ultimate end of all acts in the justified person, consequently all virtuous acts are performed in some way for the sake of charity. Charity is therefore *forma virtutum omnium*; it moves all virtues to their proper act. "By charity the acts of all other virtues are directed to the ultimate end. And therefore, it gives the form to all acts of the other virtues. And precisely in this sense charity is called the form of the virtues, even these are called virtues in relation to informed acts."³⁵⁴

This assertion, however, requires some qualification. The previous section has shown that justice – commanding temperance – can do so only by the involvement of prudence. Something analogue has to be said in the present case. Charity belongs to the will. It provides the inclination towards God as final end of all actions. Consequently, it might command the acts of all other virtues. It causes the *exercitium actus* insofar as it works as an efficient cause, but it requires the cooperation of a cognitive virtue for the *specificatio actus*.³⁵⁵ This is due to (infused) prudence which inquires, chooses, and commands the concrete actions in respect to the final end of charity.³⁵⁶

³⁵³ The axiom became diffused by the *Sentences* of the Peter Lombard where it is written: "Fides autem qua creditur si cum caritate sit, virtus est, quia caritas, ut ait Ambrosius super Epist. ad Rom., mater est omnium virtutum, quae omnes informat, sine qua nulla vera virtus est." (Peter Lombard, *Libri Sententiarum*, dist. XXIII, no. 3, PL 192, 805). Though Ambrose is quoted in this context (in reality it is a text of the Ambrosiaster), the original citation speaks only of charity as mother of all virtues, which "informs" the other virtues (see Falanga, *Charity the Form*, xiii; xv-xvi).

³⁵⁴ ST II-II 23.8: "Per caritatem ordinantur actus omnium aliarum virtutum ad ultimum finem. Et secundum hoc ipsa dat formam actibus omnium aliarum virtutum. Et pro tanto dicitur esse forma virtutum, nam et ipsae virtutes dicuntur in ordine ad actus formatos." Cf. ST II-II 23.4 ad 2: Charity extends to all other human acts "per modum imperii, non quasi immediate eliciens omnes actus virtutum." See also *In sent.* III 27.2.4C; *De veritate* 14.5 (esp. ad 5); *De malo* 8.5; *De virt. in com.* 12 ad 9; *De caritate* 3; ST I-II 65.2. In order to describe the function of charity as commanding the acts of other virtues Aquinas uses alongside the concept of *forma* also terms as *radix*, *motor*, *finis*, *mater* and *fundamentum* (for a detailed outline: J.E. van Roey, *De virtute charitatis: Quaestiones selectae* (Mechelen: H. Dessain, 1929), 39-41).

³⁵⁵ This is nothing else than the application of the description of the general structure of the act of the will (cf. esp. ST I-II 9.1) to the supernatural act of charity. For a more extensive account see Michael S. Sherwin, *By Knowledge and by Love: Charity and Knowledge in the Moral Theology of St. Thomas Aquinas* (Washington, DC: The Catholic University of America Press, 2005), 186-192.

³⁵⁶ Enlightening in this context is ST II-II 27.6 ad 3 where Aquinas argues that the internal act of charity (i.e. the act of love toward God) is not measured by reason since it exceeds every measure, whereas commanded acts of charity (Aquinas speaks of *actus exteriores*) are to be commensurate to charity *as well as reason*. "Obiectum divinae dilectionis, quod est deus, excedit iudicium rationis. Et ideo non mensuratur ratione, sed rationem

As a result, the axiom of charity as the form of each act of an infused moral virtue has to include an interconnection of charity and infused prudence. Such an interconnection may be described as follows. Charity provides the general orientation regarding the final end, while it is by infused prudence that graced actions of created things are specified. Thus, only the motive cause to the exercise of those acts is due to charity itself.

Admittedly, Aquinas usually skips this more elaborate expression and refers elliptically just to charity as form of all virtues.³⁵⁷ But obviously he is aware of that relationship, as we can recognize on the basis of a few short remarks.³⁵⁸

As an example emblematic of St. Thomas's thought, we refer to a short note that appears in *De veritate*: the act of moral virtues (e.g. temperance) relate as matter to the command of prudence, which designates the right mean. However, just this act (as derived from temperance *and* prudence) relates again as matter in respect to charity, which commands the prudent act for attaining of the final end. Hence, the complete virtuous act can be considered as matter in a twofold way: in respect to prudence and in respect to charity. The informing of charity works simultaneously through prudence, and therefore the act is informed in two ways:

In one way, in so far as the due conditions for the substance of the act are placed, by whose limits it is constituted in the mean of virtue. And this the act of virtue has from prudence; since the mean of virtue is determined according to right reason, as said in the *Ethic.* II. And in this sense prudence is called the form of all the moral virtues. But the act of virtue thus constituted in the mean relates quasi-material in regard to the order to the ultimate end; this order is

excedit. Nec est simile de interiori actu caritatis et exterioribus actibus. Nam interior actus caritatis habet rationem finis, quia ultimum bonum hominis consistit in hoc quod anima deo inhaereat, secundum illud psalm., mihi adhaerere deo bonum est. Exteriores autem actus sunt sicut ad finem. Et ideo sunt commensurandi et secundum caritatem et secundum rationem." (ibid.). This shows: It is not due to charity itself to determine the right mean of a virtuous action whose proper object are created things (e.g. external acts); charity's proper object is God himself. To determine the right mean in respect of things requires the measure of elevated reason – in other words: infused prudence. See thereto Ibid., 176-187.

³⁵⁷ Certainly in agreement with the prior tradition. See e.g. *ST* I-II 65.2. A concrete case is described by Aquinas in *ST* II-II 124.2 ad 2 where he explains that charity commands martyrdom as an act of fortitude.

³⁵⁸ Aquinas explains for example that faith causes through charity the acts of the other virtues. "Fides interior, mediante dilectione, causat omnes exteriores actus virtutum mediantibus aliis virtutibus, imperando, non eliciendo." (*ST* II-II 3.1 ad 3). Yet in his *Commentary on the Sentences* he touches the cooperation of faith and charity in regard to the practice of supernatural actions. In *In sent.* III 9.1B the virtue of *latria* depends on faith regarding its specification and on charity according its exercise. ("... fides quae ostendit cui exhibenda sit latria, et caritas, quae afficit ad eum cui exhibenda est." And later on: The acts of *latria* "imperantur a caritate et ostenduntur a fide"). Further examples: *In sent.* III 27.2.4C ad 2 and ad 5; *De veritate* 27.5 ad 5.

Helpful also the following notice of Cajetan: "Sicut in virtutibus acquisitis synderesis non ponit medium nisi mediante prudentia, et morales appetitivae medium illud exequuntur; ita in infusis fides, finem ultimum firmans et largiens, mediante prudentia infusa, medium moralibus infuses imponit, et illas oportet medium illud habilitare. Fides ergo medium non dat nisi remote: prudentia autem infusa proxime." (Cajetanus, "Commentarium," about *ST* I-II 63.3).

applied to the act of virtue by the command of charity; and in this sense charity is said to be the form of all the other virtues.³⁵⁹

We can summarize our findings here as follows. The formation of the charitable act in the proper sense is due to faith and infused virtue, and charity itself works as *causa efficiens*. “Charity is called the form of the other virtues not in an exemplar or essential way, but rather by way of efficient cause.”³⁶⁰

ii) Charity as Form of Virtues as Habits

In a second step we investigate whether charity can also be understood as form of other virtues as habits.³⁶¹ We have seen already how the *bonum rationis* – known by *synderesis* and proposed to the appetites by prudence – might be interpreted as the form of moral virtues. In a more qualified sense even moral virtues can be considered as form of others virtues, insofar as they determine the end of other virtues by the mediation of prudence (e.g. justice in respect to the other political virtues). Hence, it should be possible to draw an analogy to infused virtues.

Charity directs the graced agent to a new supernatural end (in cooperation with faith; see section 2.1) which develops and elevates man’s already natural orientation to the reasonable good (see section 1.1 about the natural seeds of virtue). Now, as the acquired moral virtues are virtues simply because of their inclination to the ends known immediately by *synderesis*, infused virtues consist in the inclination of the appetitive powers towards the ends determined by the theological virtues. Of course, since charity is a virtue of the will, it fails to provide the order of other virtues on its own account, but it does constitute the general orientation towards a new supernatural end. And only on this basis does the practical intellect of the graced agent achieve the informing of the moral virtues regarding the new supernatural end. Hence, in this

³⁵⁹ *De veritate* 27.5 ad 5: “Uno modo in quantum circa substantiam actus apponuntur debitae conditiones, per quarum limitationem in medio virtutis constituitur. Et hoc habet actus virtutis a prudentia; nam medium virtutis accipitur secundum rationem rectam, ut dicitur in libro II ethic. Et sic prudentia dicitur forma omnium virtutum moralium. Actus autem virtutis sic constitutus in medio, est quasi materialis respectu ordinis in finem ultimum, qui quidem ordo apponitur actui virtutis ex imperio caritatis; et sic caritas dicitur esse forma omnium aliarum virtutum.”

³⁶⁰ *ST* II-II 23.8 ad 1: “Caritas dicitur esse forma aliarum virtutum non quidem exemplariter aut essentialiter, sed magis effective.” See thereto: Sherwin, *By Knowledge and by Love*, 197-202.

³⁶¹ Scholars who refer to the axiom of charity as *forma virtutum* often lack this distinction (cf. e.g. Schuster, *Moralisches Können*, 201-202) or even negate such a possibility (e.g. Reginaldus M. Schultes, “De caritate ut forma virtutum.” *Summa theologica*, II.^a II.^{ae}, q. 23, a. 6-8,” *Divus Thomas (Piac.)* 31 (1928): 5-28; Roey, *De*

indirect way charity is the *forma virtutum* since the moral virtues “substantiate” the order of charity in the various human powers, in respect to diverse created things.

A inferior power has not the perfection of a virtue, except if it participate in the perfection of a higher power . . . Therefore, it is impossible that a habit of any power of the soul possess the notion of virtue in the sense of meritorious virtues – which are relevant here – except if this power participate in something of the perfection of the will which is perfected by charity; and therefore charity is the form of all other virtues, as prudence in respect to all moral [virtues].³⁶²

We may therefore describe the connection of charity and the infused virtues as follows. Charity constitutes a new super-rational order, and thus infused moral virtues orient the various human appetites according to this new order in regard to their proper matter, sc. infused justice, infused fortitude, and infused temperance. Thereby, charity can be called the form of those virtues, though charity itself is not the immediate informing principle.

Aquinas himself is very cautious to avoid the misconception that charity would inform the infused moral virtues immediately by itself. As the form of the virtues, charity provides for infused virtues only their common character as supernatural virtue; it supplies – as he says – the *species communis virtutis*.³⁶³ The various infused virtues, however, differ by reason of their underlying powers and their proper objects.³⁶⁴ He asserts therefore simultaneously that “charity is not an intrinsic form.”³⁶⁵ Elsewhere does he call charity even somewhat ponderously a “*forma quasi-informans*,”³⁶⁶ i.e. providing the supernatural perfection for the infused virtues but leaving untouched their proper specification by their objects.³⁶⁷

virtute charitatis, 34-36; 44-60). For a positive affirmation, see M.-Michel Labourdette, *Cours de théologie morale: La charité (IIa-IIae, 23-46)* (Toulouse, 1960), 59-63, esp. 62.

³⁶² *In sent.* III 27.2.4C: “Inferior enim potentia non habet perfectionem virtutis nisi secundum quod participat perfectionem potentiae superioris . . . Unde non potest esse quod aliquis habitus existens in aliqua potentia animae habeat rationem virtutis loquendo de virtutibus meritoriis, de quibus hic loquimur, nisi secundum hoc quod in illa potentia participatur aliquid de perfectione voluntatis quam caritas perficit; et ideo caritas est forma virtutum aliarum omnium, sicut prudentia moralium.” In this article of the *Commentary on the Sentences*, in which Aquinas explicitly expounds the axiom *caritas forma virtutum*, he himself mentions our two possible interpretations of the principle: Charity as form of virtue can understood as *motor omnium aliarum virtutum*, i.e. charity is able to command the *acts* of all other virtues (see above). But he continues that the axiom can also mean that charity “est forma perficiens unamquamque virtutem in ratione virtutis.” (Ibid.) Hence, in this sense charity is actually the form of the other virtues *as virtue*.

³⁶³ “Caritas non det unicuique virtuti propriam speciem, dat tamen unicuique virtuti communem speciem virtutis.” (*De caritate* 3 ad 1; see also ad 5).

³⁶⁴ “A proprio fine et a proprio obiecto quaelibet virtus habet formam specialem, per quam est haec virtus; sed a caritate habet quamdam formam communem, secundum quam est meritoria vitae aeternae.” (*De caritate* 3 ad 9); see thereto: Cessario, *The Virtues, or the Examined Life*, 73-75.

³⁶⁵ *De caritate* 3 ad 18: “Caritas autem non est forma intrinseca.” See also *ST* II-II 23.4 ad 1 and 8 ad 1.

³⁶⁶ “Caritas non est forma virtutum quae sit pars essentiae virtutum, . . . sed est forma quasi informans.” (*De caritate* 3 ad 16; also ad 18).

³⁶⁷ Scholars as Lottin or Sherwin noted a certain development on this question in Aquinas work. In *ST* II-II 23.8, presumable the latest text of Aquinas about charity as the form of virtues (*caritas forma virtutum*), he avoids to

refer to charity as formal cause of the other virtues, but he explains the axiom at issue as indicating the *causa efficiens* of supernatural acts. In *ST II-II 23.8 ad 1* he says explicitly: “Caritas dicitur esse forma aliarum virtutum non quidem exemplariter aut essentialiter, sed magis effective.” (Cf. Lottin, *Morale fondamentale*, 390-396, esp. 395-396; Sherwin, *By Knowledge and by Love*, 192-202, esp. 197-202).

However, both scholars draw quite different conclusions from this observation:

According to Lottin, the final assertion gives reason to argue that charity’s intention of the supernatural end can move as efficient cause all other human acts which become thereby supernaturalized. “L’intention charitable pénètre donc, à la manière d’une ‘intention virtuelle’, les actes de toutes les autres verus. Cette pénétration qui, par définition, est intrinsèque à ces actes, n’affecte cependant pas la substance de ces actes à la façon d’une forme substantielle.” (Lottin, *Morale fondamentale*, 401). From this view it is the consequent conclusion that infused moral virtues are a redundant construct. The charitable intention is able to elicit even from acquired virtues supernatural acts (see also Lottin, *Morale fondamentale*, 408-414; likewise in Lottin, “A propos des vertus morales infuses,” 220-225).

By contrast, the majority of the classic commentators do not interpret *ST II-II 23.8* as negation of a *quasi-intrinsic formation* of the infused virtues through charity. For example, Cajetan comments in the same sense on *ST II-II 23.8*: “Quia habent [sc. virtutes infusae] quod sint virtutes in ordine ad actus formatos, ut in littera dicitur; et formatio est ex caritate ordinante omnium virtutum actus in finem ultimum simpliciter: ideo caritas est forma virtutum tanquam constituens eas in esse virtutis simpliciter. Non solum igitur caritas informat effective quia imperat et ordinat (hoc enim commune est omni imperanti et ordinanti); sed quia participatio passiva imperii et ordinationis suae est velut forma constituens actus alios in esse virtuoso simpliciter; ab hac enim participatione actus aliarum virtutum dicitur et sunt formati. Et hoc est proprium caritatis.” (Cajetanus, “Commentarium,” about *ST II-II 23.8*). Likewise Banez: “Caritas non solum informat effective quatenus imperat et ordinat actus virtutum: hoc enim commune est omni virtuti imperanti, sed etiam quia ipsa participatio passiva imperii fuit recepta in actibus virtutum constituit illos in esse virtutis simpliciter.” (Dominico Banes, *Scholastica commentaria in secundam secundae angelici doctoris S. Thomae: Quibus, quae ad fidem, spem, et caritatem spectant; clarissime explicantur*, vol. 3 (Typographia Petri Borremans, 1615), about *ST II-II 23.8*). Equally the Salmanticenses: “Dicendum est secundo, virtutes et earum actus formari per aliquod reale intrinsecum derivatum ex caritate. . . . Quoniam formatio actus virtutis inferioris per caritatem importat aliquid reale intrinsecum derivatum ex caritate: ergo idem proportionabiliter importat formatio habitus virtutis inferioris per caritatem. . . . Cum aliquis actus attingit aliquem finem, nequit non dicere verum ordinem sive habitudinem realem ad talem finem; ergo quando actus virtutis inferioris ordinatur ad finem caritatis illumque attingit, nequit non importare verum ordinem et realem habitudinem ad talem finem; cumque huiusmodi ordo non conveniat actui virtutis inferioris ex propria ratione, sive ex parte virtutis proximae a qua elicitur, opus est quod illum participet ex influxu caritatis, cui per se convenit illum finem attingere.” (Salmanticenses, *Cursus theologicus summam theologicam angelici doctoris D. Thomae complectens*, vol. 12 (Paris: Societas generalis librariae catholicae, 1878), tractatus XIX (*De caritate*), disp. 7, dub. 3 § 2, no. 48-49). Urmanowicz explains in his extensive study, “ut caritas ponatur etiam in definitione aliarum virtutum secundum speciem communem virtutis, quatenus scilicet unaquaeque virtus participet a caritate ordinem ad finem ultimum atque modum actionis ipsi correspondentem.” (Valentino Urmanowicz, *De formatione virtutum a caritate seu de caritate, qua forma virtutum secundum doctrinam sancti Thomae Aquinatis* (Vilna: Libraria S. Adalberti, 1931), 56). And further on: “Caritas autem non est forma aliarum virtutum nisi in sensu extensivo seu analogo. Hinc tamen non datur intelligi, ipsam esse aliis virtutibus ita extrinsecam, sicut exemplar, seu forma exemplaris in sensu proprio est extrinseca formati ab ipsa. Quapropter theologi cum sancto Thoma dicendo, caritatem non esse aliarum virtutum formam ‘exemplariter aut essentialiter’, caute procedunt; quasi mediam viam eligentes dicunt, caritatem esse formam aliarum virtutum ‘magis effective’, quo datur subintelligi: si caritas non sic intrinsece perficiat ceteras virtutes, sicut forma essentialis materiam, id est unum simpliciter in esse entis cum ipsa constituens; non amplius tamen est ipsis sic extrinseca sicut formam exemplaris formati ab ipsa. Caritas est forma omnium virtutum non solum in esse morali, seu meritorio, quatenus scilicet omnes actus omnium virtutum in finem ultimum referat, sed etiam in esse entis, seu psychologico, id est quatenus ipsos habitus virtutum vere intrinsece, physice et realiter perficit.” (Ibid., 59-60). Cf. also Gérard Gilman, *The Primacy of Charity in Moral Theology* (Westminster, MD: The Newman Press, 1959), 45-54.

No matter whether charity provides an intrinsic character to the commanded virtues, Sherwin suggests another explanation for the cautious formulation in *ST II-II 23.8* (Sherwin, *By Knowledge and by Love*, 197-202): The negation of a formal causality of charity respectively infused virtues must not be understood as denial of an intrinsic transformation of the moral virtues, but relates to Aquinas’s insight that the formation of acts is not due to charity (as virtue of the will) but due to faith and infused prudence (as virtues of the intellect; cf. the distinction of *libertas determinationis* and *exercitii* in *ST I-II 9.1*). In this way the later text does not contradict the assertions in *In sent. III 27.2.4C*.

Consequences for the Distinction of Acquired and Infused Moral Virtues

What is the benefit of this description of charity as a form of infused virtues? It is not just a matter of “scholastic hairsplitting” when interpreting various texts of Aquinas, but ultimately this designation of charity is highly relevant for understanding the difference between acquired and infused virtues. If the informing function of charity were limited to its efficient causality with regard to the act of other virtues, then it would be hard to define the proper difference between infused and acquired virtues (*qua habitus*). Aquinas, however, explains explicitly: “Infused temperance and fortitude do not differ specifically from acquired temperance and fortitude because of the fact that their acts are commanded by charity, but because their acts consist in a mean which orders them to the ultimate end, which is the object of charity.”³⁶⁸ Acquired and infused moral virtues are different, therefore, because they imply an inclination to two different orders of goods. The commanding virtue does not only direct the particular acts of an inferior virtue to its own end leaving the commanded virtue untouched. Rather, also it provides a certain general specification of the virtue itself, though it remains likewise specified by its proper objects.³⁶⁹ Hence, the difference between acquired and infused virtues is not merely on the level of action. It does not consist only in an “actual relation” (*relatio actualis*) between the concrete act of temperance and the command of charity (mediated by infused prudence). Below the level of action, the moral virtue is specified by a “*relatio originalis*,” i.e. by its relation to the final end: “A different end implies a different proportion in the act as well as in the habit.”³⁷⁰

³⁶⁸ *De virt. in com.* 10 ad 10: “Non igitur temperantia et fortitudo infusae differunt specie ab acquisitis ex hoc quod imperantur a caritate earum actus; sed ex hoc quod earum actus secundum eam rationem sunt in medio constituti, prout ordinabiles ad ultimum finem qui est caritatis obiectum.” Similar in *In sent.* IV 14.1.1C: “Nulla virtus recipit speciem ex hoc quod imperatur ab alia virtute. Quod autem dicitur: ex spe veniae, nihil aliud dicit quam imperium spei. Unde ex hoc non haberet quod esset specialis virtus; sicut nec actus castitatis, propter hoc quod a caritate imperatur, speciem recipit virtutis specialis.”

³⁶⁹ “Ultimus finis non dat speciem in moralibus nisi quatenus in fine proximo est debita proportio ad ultimum finem; oportet enim ea quae sunt ad finem, esse proportionata fini.” (*De virt. in com.* 10 ad 9).

³⁷⁰ *In sent.* III 33.1.2D ad 4. In this forth objection Aquinas makes the following argument: “Si dicatur, quod infusae propter deum operantur, non autem acquisitae; contra. Deus non est obiectum cardinalium virtutum, sed theologiarum. Cum igitur virtutes non recipiant speciem a fine ultimo, sed ab obiecto et actu, videtur quod adhuc per hoc non differant specie virtutes acquisitae et infusae.” In the answer (ad 4) he clarifies that – although a common final end does not provide an identity of the subordinate virtues – a different final end suffices to distinguish all inferior virtues. And this not only because of a different commanding act, but since it is due to every virtue to incline its underlying power to the right means in respect to the final end – short, virtues themselves bear somehow the form of the superior virtue. “Quamvis finis ultimus non faciat identitatem in specie, facit tamen diversitatem, sicut generis diversitas facit diversitatem in specie. Tamen sciendum, quod relatio actualis ad remotum finem non facit praedictam differentiam, sed originalis relatio ad ipsum, secundum scilicet quod ex diversitate finis fit diversa proportio in actu et habitu.”

2.4.4 The Problem of the Cooperation between Acquired and Infused Virtues

Having clarified how one virtue can be understood as the matter of another commanding virtue, we want to draw some conclusions regarding the cooperation of acquired and infused virtue. This will be the topic of the following chapter.

There is no problem in applying the matter-form analogy to the cooperation of acquired and infused virtues in regard to their acts. An act of infused fortitude can, of course, make use of the human disposition to endure dangers for the human common good and command this act for the sake of charity (and mediated through the judgment and the command of infused prudence). This conclusion derives simply from the general understanding of command and commanded acts. It is, however, a different issue whether acquired virtue can be considered as matter of infused virtue as habit in the above described sense. In the introduction to section 2.4, we quoted Falanga's description of charity as the form of infused prudence, and the latter as form of acquired prudence and thereby of all other acquired moral virtues.³⁷¹ Our investigation has shown in what specific sense charity can be considered as the form of the infused virtues, and how (acquired) prudence can be seen as the form of moral virtues. But is it likewise possible to interpret *infused* prudence as form of *acquired* prudence, or more generally, *infused* virtues as the form of *acquired* virtues?

We do not think so. As shown above, for Aquinas the informed habit becomes directed to the same good as the informing virtue. Political fortitude consists in an inclination to the end of justice which is the commanding virtue, namely the common good (of course, by mediation of prudence). Both virtues belong to the same order, and both follow the same rule, though as different virtues they inhere in different appetites. From this perspective it should be clear why it is inappropriate to portray the relation of acquired and infused virtues – which differ regarding their end as well as regarding their specific rule – by the matter-form analogy. If an infused virtue served as as form of an acquired virtue in the described sense, acquired virtue itself would be directed to the supernatural end, and it would possess the finality of an infused virtue. This implies that the matter-form analogy is useless with regard to the relationship of acquired and infused virtues *as habits*.

³⁷¹ See Falanga, *Charity the Form*, 125, quoted in footnote 295.

But how else can we describe the cooperation of acquired and infused virtues? How can a natural disposition support an infused virtue? And conversely, how do the latter make use of the former? These questions will be the topic of the next chapter.

3. Different Theories Concerning the Cooperation of Acquired and Infused Virtues Developed by the Commentators

J. Porter noted at the end of her seminal article “The Subversion of Virtues” that a contemporary appropriation of Aquinas’s theory of virtue must offer “some account of the relation of acquired to infused virtues in the case of the individual who possesses both.”¹ Shanley calls it a “perennially thorny question,”² controversially discussed among Aquinas’s commentators and interpreters. In which way do both sets of virtues interact in the justified person? It is clear that according to St. Thomas an individual may have both kinds of virtue at the same time.³ Moreover, he explicitly claims a certain cooperation to obtain between the acquired and infused virtues. In *De virt. in com.* 10 ad 4 he argues: “Together with charity simultaneously all other virtues are infused. Thus, the act of acquired virtues cannot be meritorious without mediation of infused virtue.”⁴ But how does such cooperation work? Unfortunately, Aquinas has treated the issue *ex professo* in none of his texts. Consequently, there is ample space for different interpretations, and commentators have made extensive use of this freedom.

One of the purposes of this third chapter is to give a systematic overview of the actual solutions proposed by scholars. Further on we want to draw attention to an analogy used by Aquinas himself in the context of infused virtue, which, according to our view, allows a better understanding of the cooperation of acquired and infused virtues. To the best of our knowledge this analogy has not yet been used by scholars to clarify the issue at hand.

We shall proceed in the following Steps. It is important to establish first a reasonable criterion for classifying the diverse theories on the matter (section 3.1). Then we will summarize the different theories according to their conception of the relation of acquired virtue to infused virtue (section 3.2), and conversely of infused virtue to acquired virtue

¹ Porter, “The Subversion of Virtue,” 38.

² Shanley, “Aquinas on Pagan Virtue,” 555.

³ This is just a consequence of the two different formal objects (cf. 2.2). Aquinas explains: “Duae formae eiusdem speciei non possunt esse in uno subiecto. Sed virtus infusa est simul cum virtute acquisita, ut patet in adulto qui habens virtutem acquisitam ad baptismum accedit, qui non minus recipit de infusis quam puer. Ergo virtus acquisita et infusa differunt specie.” (*In sent.* III 33.2D *sed contra* 2). Similar in *In sent.* III 23.3.4A *sed contra* 1: “Dona infusa sunt permanentiora quam acquisita. Sed gratia adveniens non tollit habitus acquisitos.” Further: *ST* II-II 47.14 ad 1; 53.1 ad 3. See also the argument of Hause, “Aquinas on the Function of Moral Virtue,” 14.

⁴ *De virt. in com.* 10 ad 4: “Cum caritate autem simul infunduntur aliae virtutes; unde actus virtutis acquisitae non potest esse meritorius nisi mediante virtute infusa.” P. Kreeft clarifies the issue by using a catchy image: supernatural virtues relate to natural ones “not like gluing a rabbit onto a carrot but like a rabbit’s eating and digesting a carrot.” (Peter Kreeft, *Back to Virtue. Traditional Moral Wisdom for Modern Moral Confusion* (San Francisco, CA: Ignatius Press, 1992), 54).

(section 3.3). After evaluating these different theories we will present our own solution in section 3.4. The concluding section 3.5 will include a short evaluation of the various theories proposed by theologians.

3.1 Some Preliminary Remarks

3.1.1 The Predominance of the Issue of Facility in the Secondary Literature

Surveying the secondary literature regarding the cooperation of acquired and infused virtues, one notices that the question is treated in many cases within the framework of facility, i.e. to explain the empirical fact of ease and delight which is developed by repeated practice of the infused virtues (or also the absence of that experience).⁵ Though this issue is certainly connected to the question of the cooperation between both kinds of virtue, it is nevertheless a different perspective, and one that is not necessarily the most helpful way to clarify common questions concerning cooperation, since it focuses only on one partial aspect of that interplay. As we will see in section 3.2, theologians in general agree that acquired virtues provide a certain kind of facility with respect to the practice of infused virtues. However, this account leaves many other questions untouched. Some examples include: whether the act of infused virtue makes positive use of acquired virtue, whether an acquired habit is enforced by supernatural acts, whether every supernatural act provokes some consequences for its natural counterpart, and whether there can be a mere supernatural act or (in the justified agent) a pure natural act.⁶

⁵ For a good survey of the different theories concerning the facility of infused virtues see Coerver, *The Quality of Facility in the Moral Virtues*, 35-72; A. Michel, "Vertus," in *Dictionnaire de Théologie Catholique*ed., Vol. 15/2, ed by A. Vacant, E. Mangenot, and É. Amann, Paris: Librairie Letouzey et Ané, 1950, 2766-2768; Harvey, "The Nature of the Infused Moral Virtues," 193-211; Gabriel Bullet, *Vertus morales infuses et vertus morales acquises selon saint Thomas d'Aquin* (Fribourg: Éditions universitaires, 1958), 125-135.

⁶ Authors who work on the question of facility regularly switch over from arguments concerning facility to more general aspects of the cooperation of acquired and infused virtue. Of course, there is nothing to criticize such expanding, as long as the differences of those further aspects are not confused as differences of the issue of facility. And conversely, as long as external agreements concerning the question of facility does not mislead to the superficial conclusion of a common agreement of two fundamentally contrary thinkers relating the whole question.

Harvey for example describes the theory of Suarez and Mazzella concerning facility as opposed to that of Molina and Billot (Harvey, "The Nature of the Infused Moral Virtues," 205-211). Admittedly, it is true that both groups don't agree in many questions – e.g. whether (or *how*) a supernatural act can generate an acquired virtue. But

To sort out the problem of interaction between acquired and infused virtue it is insufficient to simply repeat the distinctions which were proposed for solving the question of facility.

3.1.2 The Interference of Acts and Habits: A Proposal for a Classification

There is a second, maybe even more important difficulty. In the majority of cases scholars limit their discussion of the relation between natural and supernatural virtues to a relation between two habits.⁷ But is this enough to fully describe the precise cooperation between the *acts* of two different kinds of habit? For example, it is generally conceded that the infusion and practice of supernatural virtue do not presuppose the presence of acquired (i.e. a natural) virtue in the subject.⁸ Although a supernatural operation without acquired virtue may suffer a certain external imperfection (since opposite vices decline man to contrary actions, see section 3.4), it would be a true supernatural act which earns supernatural merit. So far, so good. But it would be too hasty to conclude from this independence of infused and acquired virtues as habit that there is no possible connection at all. Couldn't it be that – although the supernatural act does not presuppose a natural virtue as habit – it nevertheless contains the perfection of a natural act? Wouldn't this imply the existence of an important connection between infused

that's not directly on issue in the context of facility. To conclude from those differences a contrary account of facility is in danger to confuse the point of question.

Further, as we will see later on, Billot holds the position that supernatural acts of infused virtues create *per se* their acquired counterparts which facilitate on their part reciprocally future acts of infused virtues. From the viewpoint of facility the same position is held by authors as Mirkes and Baumann (see section 3.3.3b-ii): Both defend the idea that the practice of infused virtue leads necessarily to the acquisition of its natural counterpart which facilitates the future supernatural action. On the contrary, authors as Bullet and Klubertanz deny such a necessary connection. The practice of infused virtues creates only a natural disposition in the human potency, which provides facility in supernatural acts promoted by infused virtues. Hence, from the standpoint of facility the difference between Bullet/Klubertanz and Mirkes/Baumann is greater as to Billot. But as we will see, Billot's theory is based on a fundamentally different understanding of the relationship between natural and supernatural acts. Such decisive differences easily escape if the classification of the proposed theories is follows exclusively to the question of facility.

⁷ A good example of such an attempt is the recent article of Angela McKay Knobel, "Two Theories of Christian Virtue," *American Catholic Philosophical Quarterly* 84 (2010): 599-618. Knobel distinguishes two large groups of theories regarding the relationship of acquired and infused virtues, namely *coexistence theories* and *unifications theories*. The proponents of the former claim the continuity of acquired and infused virtues as specifically different sets in a graced agent (Knobel names A. Falanga, Th.M. Osborne, R. Garrigou-Lagrange, D. Bradley, A. Dell'Olio, D. Westberg, R. Coerver and J. Harvey). According to the *unification theory*, infused virtues are to be understood as perfections of the acquired ones (E. Gilson, T. Irwin, R. Mirkes, J. Inglis, S. Pinckaers and R. Cessario). The results of this division, however, remain somehow unsatisfactory. Though some statements of these authors may be classifiable in this way, it does not clarify the possible mutual interaction of acquired and infused virtues, since it considers only their relation in the perspective of two different habits.

⁸ Even Yearley who is often accused to demand for acquired virtues as *presuppositions* of infused virtues presents actually a more sophisticated position (Lee H. Yearley, "The Nature-Grace Question in the Context of Fortitude," *The Thomist* 35 (1971): 557-580). See footnote 75.

and acquired virtue (or better, between the supernatural and natural orders) which necessarily escapes a description limited to a mere comparison of the two virtues as habits?

Thus, we want to argue that it is not enough to see the relationship of acquired and infused virtue as that of two different habits. Habits are understood from their direction towards specific acts. Consequently, an understanding of the precise function of the cooperation between two different sets of virtue requires us to determine the relation of the proper acts of the first virtue to the other virtue as habit. Concretely, it makes a difference whether we ask about the effects of acquired *virtue* for supernatural *actions*, or whether we focus on the effects of the *acts* of acquired virtue for infused *virtue*. And from the opposite angle, determining the structure of the *act* of acquired virtue in a human agent who possesses infused *virtue* is a quite different thing than describing the consequences of a supernatural *act* with respect to acquired *virtue*.

Hence, we have to determine the following four relationships:

1. What does acquired virtue (as habit) imply for the act of infused virtue?
2. What does the act of acquired virtue imply for infused virtue (as habit)?
3. What does infused virtue (as habit) imply for the act of acquired virtue?
4. What does the act of infused virtue imply for acquired virtue (as habit)?⁹

Although the questions in dispute have been multiplied, there is a dual advantage to such an enlarged project. First, only by considering all possible relationships we will reach a clear criterion for a serious classification of the different theories. Secondly, we will observe that there already exists a general consensus regarding the first two questions. In truth, only the third and fourth questions are answered controversially.¹⁰

⁹ One may wonder why we don't ask in addition for the implications of the *act* of an infused virtue for the *act* of an acquired virtue, or the implications of an infused virtue as *habit* for an acquired virtue as *habit* (and vice versa). The explanation is simple: the acts of acquired and infused virtues are formally different. Thus, one and the same action cannot be an act of both virtues at the same time and in the same respect. If an act of an acquired virtue has an effect on the act of an infused virtue, it does so by modifying the underlying infused virtue. Something similar is true for the implication of acquired and infused virtues *as habits*: If there is a mutual interference between these two habits, then only by means of the acts of these virtues (insofar as the act of one virtue may effect a modification of the other one). Therefore, the mentioned four relationships are enough.

¹⁰ The suggested distinctions are useful not only regarding the cooperation between the natural and supernatural order, but clarify also the causation of acquired and infused virtues *themselves*. Even in this context it makes a huge difference to ask for (a) what acquired virtue as habit implies for the act acquired virtue, and (b) what the act of acquired virtue implies for the acquired virtue as habit. And likewise in the case of infused virtues: To ask

Therefore, we will treat the four relationships in two sections. The first two questions concern the influence of acquired virtue (either as habit or as act) in respect to infused virtue; we discuss them together in section 3.2. The last two questions examine the impact of infused virtue (either as habit or as act) on acquired virtue. Concerning these two issues, scholars developed many different (and contrary) solutions. We will review them in section 3.3.

3.2 Implications of Acquired Virtues for Infused Virtues: Extrinsic Facility

The first two relations determine the implication of acquired virtue for infused virtue, looking up from the former toward the latter. On the one hand, the implications of acquired virtues concerning the act of infused virtue, on the other hand, the implications of the acts of acquired virtues regarding infused virtues.

The first question. We begin with the first issue: *What does acquired virtue imply for the act of infused virtue?*

Let us compare two examples. A pagan possesses the natural virtue of temperance, acquired by purely natural motives. One day, he is converted and baptized, at which point he receives all infused moral virtues. Another pagan lives a vicious, intemperate life for a long time. Suddenly he repents, receives baptism and its habitual grace, including infused temperance. From the point of infused virtues, both are equally able to realize supernatural acts since both received infused virtue. Nevertheless, according to human experience, the first person will (probably) fulfill the acts of supernatural temperance with ease and delight, whereas the second one may remain strongly attracted to vicious deeds, at least for some time after his conversion.

For a detailed explanation of this experience we can refer to section 1.2.1, where we already discussed the issue in the context of general objections against the doctrine of infused moral virtue. Although previously acquired virtues do not directly support the act of infused virtues because of their different formal objects, they provide indirectly a certain facility insofar they guarantee freedom from contrary vicious inclinations. Hence, the experienced facility of a

for (c) what infused virtue as habit implies for the act of infused virtue is a different account than to ask for (d) what the act infused virtue implies for the infused virtue as habit. This questions, however, are beyond the scope

graced agent is not due to acquired virtues as such but rather to the absence of lingering opposing inclinations, so that the new infused virtue comes fully into one's own. In this indirect way the acquired virtues play an important role for the practice of infused virtue. On this score St. Thomas is unambiguous.¹¹

The commentators refer to this indirect support of acquired virtue for the act of infused virtue as extrinsic facility. Although it is beyond the limits of the current project to address the issue of facility in more detail, it is worth it to dedicate a paragraph to the distinction between intrinsic and extrinsic facility, which is a commonly excepted distinction – as far as we can see.¹²

According to the research of R.F. Coerver, Suarez was the first theologian who distinguished intrinsic and extrinsic facility explicitly in the context of the virtues.¹³ To do so, Suarez was able to invoke Aquinas himself, who had distinguished in his *De Veritate* an indirect facility through the removal of impediments and a direct apposition of help. “Something is said to be easy in two senses: in one way because of the removal of an impediment, and in another way because of the reception of help. The ease which belongs to a habit is had by the reception of help, for a habit inclines a power to act.”¹⁴ Thus, for the virtues it follows that the second kind of facility consists in the proper inclination of a human power itself to its good act. In other words, it consists in an intrinsic facility. The first kind implies the elimination of contrary

of the present chapter (which is about the cooperation of acquired and infused virtues).

¹¹ See for example *In sent.* IV 14.2.2 ad 4 and ad 5; *ST* I-II 65.3 ad 2; *ST* III 89.1 ad 3; *De virt. in com.* 10 ad 15 etc.

¹² Even scholars, who are in other respects strongly opposed to each other, agree in this point: the simultaneous presence of acquired virtues in the justified provides an external facility for achieving the supernatural act. On the contrary, whether infused virtue itself facilitates the supernatural operation is a controversial issue; for the various positions see Coerver, *The Quality of Facility in the Moral Virtues*, 22-26; a convincing apology for facility by the infused virtues presets McKay, “Infused and Acquired Virtues,”; even more recently Hause, “Aquinas on the Function of Moral Virtue,” 17-18).

¹³ See Coerver, *The Quality of Facility in the Moral Virtues*, 26. The statement of Suarez: “Duplex enim est facilitas vel difficultas (ut supra tetigi) distingui potest: una est intrinseca, quae per se inest cuicumque facultati respectu actus ad quem inclinatur; alia est per ablationem impedimentorum quae per accidens occurrunt. Hae igitur virtutes priorem dant facilitatem, eo ipso quod intrinsecam conferunt operandi facultatem ad actus ad quos connaturaliter inclinantur tanquam ad finem suum, et ultimum actum. Unde cum hae virtutes intrinsece insint suis potentiis, sunt veluti pondera quaedam ad suos actus inclinantia potentias. Hoc ergo modo dant intrinsecam facilitatem, sicut supra etiam de theologicis virtutibus tetigimus. Ad vero extrinsecam facilitatem non praebent, quia contraria difficultas provenit aut ex naturali ignorantia vel inconsideratione, aut ex fomite concupiscentiae, vel corporis corruptibilitate; haec autem impedimenta per has virtutes non auferuntur.” (Francisco Suárez, *Opera omnia*, vol. 9 (Paris, 1858), liber VI, cap. 9, no. 9).

¹⁴ *De veritate* 24.4 ad 1: “Aliquid dicitur esse facile dupliciter: uno modo propter remotionem impedimenti; alio modo propter appositionem adiutorii. Facilitas igitur pertinens ad habitum est per adiutorii appositionem: nam habitus inclinat potentiam ad actum.” Suarez thereto: “Facilitas quae in exercendis actibus infusis invenitur, per se quidem provenire potest ex gratia dei, vel physice augente virtutem effectivam habitus, vel moraliter dante maiorem suavitatem, aut illustrationem, vel affectionem maiorem in operando.” (Suárez, *Opera omnia*, liber VI, cap. 14, no. 7). “Ergo concludo non posse habitum acquisitum dare facilitatem agendi in actibus infusis, tanquam principium per se influens aliquid in ipsum actum.” (Ibid.).

habits, i.e. vices, and renders an extrinsic facility to virtue. It does not belong *per se* to the habit itself, but it allows indirectly the good functioning of the habit.

If we make use of this distinction in the context of infused virtue, the intrinsic facility is supplied by the virtue itself; it consists in the strong inclination to its proper action.¹⁵ However, this supernatural intrinsic inclination (Suarez calls it a “*pondera quaedam*”¹⁶) does not necessarily prevent the interference of other contrary inclinations. Since it is infused at once, previous habits are not immediately abolished (at least as inclinations). In contrast, since acquired virtues are developed only by long training, it is due to them to remove contrary tendencies step by step.¹⁷

The teaching of Aquinas regarding this point is univocal and clear. Commentators therefore universally acknowledge the positive but indirect consequences of the acquired virtues in respect to the acts of infused virtue. For example, Gregory of Valencia fully agrees with this view.¹⁸ The Salmanticenses used the distinction of intrinsic and extrinsic facility verbatim and agreed at least in this point with the Jesuitian theologian.¹⁹ The use of the same terminology can be found in Billuart,²⁰ Mazzella,²¹ Gonet,²² and Schiffini.²³

¹⁵ “Virtus enim infusa facit quod nullo modo obediatur concupiscentiis peccati; et facit hoc infallibiliter ipsa manente.” (*De virt. in com.* 10 ad 14).

¹⁶ Suárez, *Opera omnia*, liber VI, cap. 9, no. 9.

¹⁷ St. Thomas: “Per frequentes actus quibus homo est assuefactus ad virtutem, homo iam dissuevit talibus passionibus obedire, cum consuevit eis resistere; ex quo sequitur quod minus earum molestias sentiat.” (*De virt. in com.* 10 ad 15). Quite different for infused virtue: “Virtus enim infusa facit quod nullo modo obediatur concupiscentiis peccati; et facit hoc infallibiliter ipsa manente.” (*Ibid.*). And Suarez comments: “Illa facilitas magna ex parte provenit ex memoria et phantasmatis, vel ex aliqua dispositione appetitus, qui per actus naturalis cooperatur dum voluntas supernaturaliter amat; potest etiam corporis disposition ad id conferre, saltem impedimenta auferendo; fortasse etiam nonnihil conducit intensio habitus infusae charitatis, quae saltem meritorie per actus obinetur.” (*Ibid.*, liber VI, cap. 9, no. 13). And in no. 7 he describes the *per accidens causa* of facility of the supernatural acts as follows: “Per accidens autem potest ex consuetudine provenire, quatenus per illam vel tolluntur aliqua impedimenta, vel naturales potentiae, aut organa ministrantia his actibus, uso ipso melius disponuntur.”

¹⁸ It should be noted that Gregory of Valencia often is interpreted as unique proponent of a different position (see e.g. Coerver, *The Quality of Facility in the Moral Virtues*, 25-26; 33; Harvey, “The Nature of the Infused Moral Virtues,” 197). But a close reading of the original text does not justify this judgment. It is true that Gregory of Valencia attributes to infused virtues itself a certain facility. “Virtutes infusas praestare homini per se promptitudinem ad bonos actus in materia morali.” (Gregorius de Valentia, *Commentariorum theologicorum*, vol. 2 (Lugduni, 1603), disputatio V, quaestio 6, punctum 1, responsio ad 3). But on that he is in good company with Aquinas himself (cf. *De virt. in com.* 10 ad 14) as well as with other scholars. But there is no doubt that Gregory of Valencia ascribes to acquired virtues also the important role to domesticate and suppress man’s inordinate passions. “Cum virtutes infusae sint per se distinctae virtutes a virtutibus acquisitis, tametsi, ut dixi, promptitudo, quam illae praebent, non adeo facile sine acquisitis virtutibus sentiatur.” (*Ibid.*, responsio ad 1). He even concedes to acquired virtues and vices even a special extensive influence for the act of supernatural virtues. “Certe experientia videtur docere, eos, qui in gratiam dei recipiuntur, etiam quod ad studium virtutum attinet, esse plerumque quasi alios homines. Quod si interdum iustus videtur habere aequalem vel maiorem difficultatem, quam alius, non erunt caetera paria, sed id accidet vel ob naturam vehementiorem, vel ob alias dispares personarum aut rerum circumstantias.” (*Ibid.*).

¹⁹ “Respondetur duplicem esse facilitatem respectu alicuius actus: Aliam per se et intrinsecum, quae consistit in eo quod principium elicivum talis actus sit sufficienter proportionatum ac completum respectu illius: aliam extrinsecam, quae provenit ex remotione impedimentorum, aut indispositionum, quae, etiam existente perfecto et

Of course, not all theologians discuss the facility of infused virtues with an explicit reference to the concept of “extrinsic” and “intrinsic” facility. Nevertheless, all seem to concede some communication of facility from the acquired to the infused virtues. John of St. Thomas takes this fact for granted.²⁴ Similarly does Medina.²⁵ Ripalda concedes that acquired virtues remove hindrances of the practice of infused virtue, but he attributes only the provision of the supernatural *posse* to the latter and negates a supernatural facility.²⁶

completo praedicto principio, impediunt vel reddunt difficile exercitium operationis. Virtus ergo sive acquisita, sive infusa tribuit primam facilitatem, quia essentialiter habet complere potentiam elicitivam actus: secundum vero tribuit virtus acquisita, non formaliter quasi ipsa sit ablatio talium impedimentorum, sed concomitanter, quia requirit ad sui generationem exercitium multorum actuum per quos praedicta impedimenta tolluntur.” (Salmanticenses, *Cursus theologicus*, vol. 6, tr. 12, q. 63, disp. 3, dub. 1, n. 23). See also *ibid.*, tr. 12, disp. 3, dub. 3, no. 54: “Habitum infusum dici confirmari per actus, non intrinsicè quasi ab ipsis actibus aliquem gradum intensionis recipiat: sed extrinsece, quia per actus tolluntur impedimenta ad bonum et inclinationes ad malum: vel saltem actualia peccata: quibus sublatis virtus manet firma: quia non est per quod excludatur.”

²⁰ “Duplex est facilitas potentiae respectu alicuius actus: una intrinseca, quae consistit in hoc quod potentia sit completa, perfect et connaturaliter proportionata actui; hanc praebent virtutes infusae in ordine supernaturali, sicut acquisitae in ordine naturali. Altera est facilitas extrinseca, quae consistit in remotione impedimentorum quibus actus, non obstante perfectione et proportionem potentiae, reddidit difficilis: hanc confert virtus acquisita non per se et formaliter, quasi ipsa esset horum impedimentorum [sic] ablatio, sed concomitanter, quia nempe acquiritur per repetitos actus quibus ista impedimenta appetitus sensitivi tolluntur.” (Carolus R. Billuart, *Cursus theologiae iuxta mentem divini Thomae*, vol. 4 (Paris: Jacobus Lecoffre, 1878), Dissert. II, art. 3, resp. ad obi. 1).

²¹ Camillus Mazzella, *De virtutibus infusis praelectiones scholastico-dogmaticae*, 6 ed. (Naples: Typogr. Pontificia M. D'Auria, 1908), 35. It might be mentioned that Mazzella criticizes the distinction of extrinsic and intrinsic facility as useless (see *ibid.*, 36); however his critique refers to the issue of an intrinsic facility of infused virtues. The fact that acquired virtues remove obstacles which hinder the delightful operation of infused virtues is even for him undisputed.

²² “Duplex dari potest facilitas respectu alicuius actus; alia per se et intrinseca, quae consistit in eo quod principium elicitivum talis actus sit sufficienter proportionatum et completum respectu illius: alia extrinseca, quae provenit ex remotione impedimentorum, aut indispositionum, quae etiam existent perfecto et completo praedicto principio, impediunt vel reddunt difficile exercitium operationis. Virtus ergo sive acquisita, sive infusa, tribuit primam facilitatem, quia essentialiter habet complere potentiam elicitivam actus: secundum vero tribuit virtus acquisita, non formaliter, quasi ipsa sit ablatio talium impedimentorum, sed concomitanter, quia requirit ad sui generationem exercitium multorum actuum, per quos illa impedimenta tolluntur.” (Joannis B. Gonet, *Chlypeus theologiae thomisticae: Contra novos ejus impugnatores*, vol. 4 (Paris: Ludovicus Vivès, 1876), Tractatus IV, Disputatio IV, art. 1, § III, no. 16).

²³ Sancto Schiffini, *Tractatus de virtutibus infusis* (Freiburg: Herder, 1904), 45-46.

²⁴ John of St. Thomas does not use the term of a *facilitas extrinseca* but he argues that – because of the common matter of acquired and infused virtues – the presence of the one virtue facilitates the act of the other, since it is easy to switch over to a related motive. “Licet enim dubitare non possit quod circa materiam virtutum infusarum etiam theologiarum potest generari habitus aliquis acquisitus, qui diverso motivo et sub diversa ratione formali versetur circa illam materiam, et ad illum habitum generandum facilitari possit animus ex frequentatione actuum infusorum, quatenus si illa materia est magis frequentata, et sic facilius poterit etiam tractari ex alio simili motivo, sicut circa materiam, quam saepius demonstrando tractamus, possumus etiam probabilibus rationibus adjuvare, et facilius acquirere poterit talis habitus probabilis.” (Johannes a Sancto Thoma, *Cursus theologicus: In I^{am}-II^{ae}; De virtutibus* (Québec: Les Presses Universitaires Laval, 1952), disp. 16, art. VII, no. 1305).

²⁵ “Certum et nulla ratione negari potest, quod per actus praecedentes virtutum infusarum manent passiones moderate et in ordinem reductae, etiam deperditis virtutibus infusis, ut experientia docet: ergo manet habitus aliquis, qui istas passiones moderatur.” (Bartholomeus a Medina, *Expositio in primam secundae angelici doctoris D. Thomae Aquinatis* (Venice: Bernardum Basam, 1590), about ST I-II 51.4).

²⁶ See Joan. M. de Ripalda, *De ente supernaturali disputationes theologicae*, vol. 2 (Rome: Libreria S. Congregationis de Propaganda Fide, 1870), liber VI, disputatio 118, sectio III.

We can list even Billot as favoring this opinion,²⁷ which is noteworthy since his overall theory of acquired and infused virtues differs in important points from other scholars (as will be seen later on). He makes the interesting observation that facility can be directed either toward the object of the act or toward the act itself. A sick man has a strong desire to be healthy, but is not inclined to make use of the necessary medicine because of an aversion that he has for it. Another man has no special desire for health, but he feels no difficulty in taking the medicine because of an acquired disposition toward its use. Comparing both men, in one respect the first individual is better disposed than the second, because his intense desire for health will prompt him to take the medicine despite the repugnance against it. In another respect the condition of the second patient is better, because of his proclivity toward using the means of acquiring health.²⁸ Applying this analogy to the matter of infused and acquired virtue, we get Billot's notion of facility. Simply stated, acquired virtue confers the destruction of evil inclinations. They restrain the passions and allow the right use of all necessary means for a desired action. However, the inclination toward the supernatural action itself is due to infused virtue, so the acquired virtues allow only the necessary "*proclivitas in exercitium actus illiusmet.*"²⁹

More recently, Garrigou Lagrange defended the facilitation of supernatural acts by acquired virtues,³⁰ and likewise did Huarte,³¹ Noble,³² Parent,³³ Parente,³⁴ Vignon,³⁵ Merkelbach,³⁶ Labourdette,³⁷ and others.

²⁷ "Sciendum est inclinationem istam esse duplicem. Unam quam possumus dicere *inhaesionis ad bonum quod est obiectum virtutis*. Alteram quam possumus appellare *proclivitatis in exercitium actus illiusmet*. Certe duo ibi sunt non solum formalitate et conceptu distincta, sed etiam inter se diversa, ut primum possit adesse absque secundo, et secundum non sit semper in proportionem cum primo." (Ludovicus Billot, *De virtutibus infusis: Commentarius in secundam partem S. Thomae* (Rome: Universitas Gregoriana, 1921), 34).

²⁸ See Ibid.

²⁹ Ibid.

³⁰ Reginald Garrigou-Lagrange, "Les vertus morales dans la vie intérieure," *La Vie Spirituelle* 41 (1934): 225-236.

³¹ See Gabriel Huarte, *Synopsis de virtutibus infusis* (Rome: Universitas Gregoriana, 1921), 39-54.

³² See H.-D. Noble, *La conscience morale* (Paris: P. Lethielleux, 1923), 253-258.

³³ See Parent, "Les vertus morales infuses dans la vie chrétienne," 211.

³⁴ Parente concedes indirectly the fact of extrinsic facility: "By means of such infused principles [sc. infused virtues], supernatural acts are made possible, but it does not always follow that they are made easy, although the inclination to the good that they involve removes some of the difficulty." (Pascal P. Parente, *The Ascetical Life* (London: Herder, 1944), 125).

³⁵ Vignon emphasizes that acquired virtues not only do not hinder the practice of the infused virtues but render a positive disposition in respect to supernatural action. "Virtutes autem naturales nullatenus existimandae sunt homini iusto inutiles. Easdem enim potentias regulant ac ipsae virtutes supernaturales et circa eadem obiecta materialia. Sicut igitur concupiscentiae naturales virtutibus superanturalibus contrariantur, sic pariter virtutes naturales huiusmodi indispositionem utilissime minuunt vel tollunt. Immo positive virtuti supernaturali deserviunt, cum potentias proclives faciant ad fines morales prosequendos; ideoque non parum conferunt ad stabilitatem firmandam ipsius virtutis supernaturalis." (Henricus Vignon, *Adnotationes in tractatum de virtutibus infusis* (Rome: Aedes Universitatis Gregorianae, 1943), 299). The foundation of his position is the following principle: "Neque mensura rationalis virtutis naturalis virtute supernaturali praetermittitur, et multo minus

This summary of our overview shows that theologians universally agree that acquired virtues facilitate the action of infused virtue in a certain way by removing dispositions contrary to supernatural acts. Hence, there is some form of cooperation, but only an indirect one. *Per se*, however, the acquired virtues do not support the operation of infused virtues.

The second question. In the following step we clarify *the implications of acts of acquired virtues regarding infused virtues (as virtues)*. The question sounds similar to the previous one, but it differs in an important point. The former question focused on the supernatural act as conditioned by acquired virtue. Now we inquire into the effect of a natural act regarding infused virtue as habit.

First, a specification. At the present stage we want to abstract from the question how the graced agent (i.e. a person who is directed to God as supernatural beatitude) can perform pure natural good acts in regard to his final end, or whether he can do so at all. The question imposes itself, since we ask for the effect of the natural acts regarding infused virtues. Hence by definition our agent is in the state of grace, i.e. he is directed to a supernatural end. However, for the moment we have to put aside this issue, otherwise we would mix two different relations. The question of the possibility of pure natural acts in the state of grace will be treated in the next chapter (since it belongs to the question: what does infused virtue imply for the act of acquired virtue?).

A second clarification. For the sake of speaking more generally we will not presuppose an agent who has acquired virtue, but instead we will focus simply on the practice of a natural good act, independent of the agent's possession (or lack) of a corresponding virtue.³⁸

Following these preliminary remarks, we now inquire into the interconnection between naturally good acts and infused virtue. The answer of Aquinas is short and clear. Good natural

contradicitur: gratia naturam non tollit, at contra, ipsas leges ethicae naturalis maiore auctoritate sancit et imperat, atque ad altiore finem ordinat. Virtutes igitur supernaturales assumunt atque consecrant totum ordinem officiorum naturalium, tanquam ad finem supernaturalem ordinabilem." (Ibid.).

³⁶ See Benedikt H. Merkelbach, *Summa theologiae moralis ad mentem D. Thomae et ad normam iuris novi*, vol. 1 (: Desclée de Brouwer et Soc., 1954), 485-486.

³⁷ "Les caractères traditionnels de l'habitus: promptitude, facilité, délectation, ne se manifesteront que quand seront possédées les vertus acquises, parce que ce sont elles qui assouplissent naturellement les facultés et en écartent effectivement par l'exercice les obstacles psychologiques." (Labourdette, *Les principes des actes humains*, 165).

³⁸ Aquinas himself notes that in respect to the development of virtue even good acts which don't arise from virtue have effects on virtue itself. See *De virt. in com.* 9 ad 13: "Virtus generatur ex actibus quodammodo virtuosus et quodammodo non virtuosus. Actus enim praecedentes virtutem, sunt quidem virtuosus quantum ad id quod agitur, in quantum scilicet homo agit fortia et iusta; non autem quantum ad modum agendi: quia ante habitum virtutis acquisitum non agit homo opera virtutis eo modo quo virtuosus agit, scilicet prompte absque dubitatione et delectabiliter absque difficultate." He makes the same claim in *In sent.* II 44.2.1 ad 6.

acts are able to generate and augment natural acquired virtue. They are unable to work the same effect, however, in respect to infused virtue. The augmentation of infused virtue requires in any case a divine intervention.

The virtue of man, which is directed to the good which is defined according to the rule of human reason, can be caused by human acts: insofar as such acts proceed from reason, by whose power and rule this good is caused. But virtue which directs man to good as defined by the divine law, and not by human reason, cannot be caused by human acts, whose principle is reason, but is caused only by divine operation within us. Hence, Augustine – defining that virtue – inserts the words, *which God works in us without us*.³⁹

However, this negative assertion is not completely negative. Since repeated natural acts work for the augmentation of acquired virtue, they also prepare and promote indirectly infused virtue (we disregard the issue whether the graced agent should practice acts of acquired virtue), for acquired virtues draw the human powers away from vicious habits. Therefore, they can provide an agent the necessary disposition for the growth of the infused virtues granted him by God. “Virtue is twofold . . . namely acquired and infused. An action contributes something by customization to both, although in different ways; it causes the acquired virtue; while it disposes to infused virtue, and preserves and fosters it [i.e. infused virtue] when it already exists.”⁴⁰

To answer this question further we can refer back to the previous paragraph. If acquired virtues (as habits) provide an extrinsic facility for the practice of infused virtues, but good natural acts confirm such virtues, then there must be at least some faint connection (in a certain way it is a double indirect relation) between the two.

Although the cooperation is indirect, it remains important. For example, in *ST* II-II 24.9 Thomas describes the development of charity and distinguishes therein the stages of *incipiens*, *proficiens*, and *perfectus*. All three grades already pertain to the supernatural level, but the

³⁹ *ST* I-II 63.2: “Virtus igitur hominis ordinata ad bonum quod modificatur secundum regulam rationis humanae, potest ex actibus humanis causari, inquantum huiusmodi actus procedunt a ratione, sub cuius potestate et regula tale bonum consistit. Virtus vero ordinans hominem ad bonum secundum quod modificatur per legem divinam, et non per rationem humanam, non potest causari per actus humanos, quorum principium est ratio, sed causatur solum in nobis per operationem divinam. Et ideo, huiusmodi virtutem definiens, Augustinus posuit in definitione virtutis, quam deus in nobis sine nobis operatur.” Cf. 51.2 and 4; *In sent.* III 33.1.2B ad 1; also 2D ad 1.

⁴⁰ *ST* I-II 92.1 ad 1: “Duplex est virtus, ut ex supradictis patet, scilicet acquisita, et infusa. Ad utramque autem aliquid operatur operum assuetudo, sed diversimode, nam virtutem quidem acquisitam causat; ad virtutem autem infusam disponit, et eam iam habitam conservat et promovet.” See also *De virt. in com.* 11: “Sicut virtutes acquisitae augentur ex actibus per quos causantur, ita virtutes infusae augentur per actionem dei, a quo causantur. Actus autem nostri comparantur ad augmentum caritatis et virtutum infusarum, ut disponentes, sicut ad caritatem a principio obtinendam; homo enim faciens quod in se est, praeparat se, ut a deo recipiat caritatem.” Similar in ad 17: “Virtus infusa non causetur ex actibus, tamen actus possunt ad eam disponere.”

essential character of the beginner is the fight against sin and vice, i.e. against remaining evil dispositions.⁴¹ But supernatural acts as well as natural ones operate against those hindrances. From this viewpoint the important role that naturally good deeds play with respect to the growth of infused virtues becomes apparent.

Since the commentators agree on this question, we may pass over providing a list of various authors and examining the specific content of their doctrines.

3.3 Implications of Infused Virtues for Acquired Virtues: Various Positions

In the following section we want to investigate the consequences of infused virtue (as habit as well as their repeated acts) for acquired virtue. We proceed in three Steps. First, we will give a short overview of the relevant texts in Aquinas. Secondly, we will discuss the position of some scholars who argue for a strict detachment between both kinds of virtue. Such are the so-called “exclusive-order-theories.” Thirdly, we will survey authors who allow for certain ways in which the infused virtues (and their acts) can influence their natural counterparts (the “connected-order-theories”).

After having untangled these different opinions we shall present in the next chapter our own solution.

3.3.1 The Textual Basis in Aquinas’s Works

As already mentioned Aquinas never treats the mode of cooperation between acquired and infused virtues explicitly, but there are at least some hints which suggest how he would have answered the question about the effects of the acts of the infused virtues on the development of the acquired virtues (relation no. 3). To the best of our knowledge there are three important texts where he touches the question whether the repetition of supernatural acts cause a habit to develop in the agent.

⁴¹ “Diversi gradus caritatis distinguuntur secundum diversa studia ad quae homo perducitur per caritatis augmentum. Nam primo quidem incumbit homini studium principale ad recedendum a peccato et resistendum

The first one is found in *De veritate* 17.1, response to *sed contra* 4. Here, Aquinas admits that the repeated act of charity causes an acquired habit of charity, or at least the repetition augments a previous acquired habit.

From acts there does not arise a habit of a different mode as the habit by which the acts are elicited, but either a habit of the same notion [is formed], as the acquired habit of love⁴² is formed from acts of infused charity, or an already present habit is strengthened, as in one who has acquired the habit of temperance from repeated acts of temperance, the habit itself is strengthened.⁴³

In two other passages Aquinas is more cautious. Acts of infused virtue do not create new or different habit, but confirm a preexistent one.

Acts which are produced by an infused habit do not cause another habit, but strengthen the already existing habit; just as the remedies of medicine given to a man who is healthy by nature do not cause another kind of health, but give new strength to the health he had before.⁴⁴

Acts of infused virtue do not cause another habit, but by them a preexisting habit is strengthened. Since by the acts of an acquired virtue is not another habit generated; otherwise, the habits would be infinitely multiplied.⁴⁵

The three quotations show that Aquinas allows for an augmentation of certain habits by repeated supernatural acts. But many issues remain unclear. Does the term of *habitus acquisitus* in *De veritate* 17.1 refer to a natural or to a supernatural virtue? Both interpretations are possible.⁴⁶ Further, do the supernatural acts work by themselves for a

concupiscentiis eius, quae in contrarium caritatis movent. Et hoc pertinet ad incipientes, in quibus caritas est nutrienda vel fovenda ne corrumpatur.” (*ST* II-II 24.9).

⁴² This is the critical text of the Leonina. In other editions the word *acquisitus* is omitted (“aliquis habitus dilectionis”).

⁴³ *De veritate* 17.1 ad *sed contra* 4: “Ex actibus non generatur habitus alterius modi ab illo habitu a quo actus eliciuntur; sed vel aliquis habitus eiusdem rationis, sicut ex actibus infusae caritatis generatur aliquis habitus acquisitus dilectionis, vel etiam habitus praeexistens augmentatur: sicut in eo qui habet habitum temperantiae acquisitum ex actibus temperantiae, ipse habitus augmentatur.”

⁴⁴ *ST* I-II 51.4 ad 3: “Actus qui producuntur ex habitu infuso, non causant aliquem habitum, sed confirmant habitum praeexistentem, sicut medicinalia remedia adhibita homini sano per naturam, non causant aliquam sanitatem, sed sanitatem prius habitam corroborant.”

⁴⁵ *De virt. in com.* 10 ad 19: “Actus virtutis infusae non causant aliquem habitum, sed per eos augetur habitus praeexistens: quia nec ex actibus virtutis acquisitae aliquis habitus generatur; alias multiplicarentur habitus in infinitum.”

⁴⁶ Indeed, strictly speaking the second and third quotation does not exclude absolutely the acquisition of a natural virtue by the acts of infused virtue. The replies intend to deny the acquisition of an infinite number of new habits; several acts of an infused virtue work for the acquisition of *one* virtue. However, whether this affirmed virtue is the supernatural virtue itself or a natural *virtus acquisita* – as to that the intention of Aquinas is hard to determine from these texts alone.

growth of these virtues or do they require an augmentation by God? Does every supernatural act acquire such a virtue or only if achieved by an explicit attention to the rule of natural reason? Do they cause acquired *virtues* or only acquired *dispositions*? (Aquinas speaks only of a “*habitus acquisitus*”). Thus, these three texts of Aquinas leave sufficient space for different interpretations. And indeed, in contrast to the positive impact of acquired virtues in respect to infused virtues (the extrinsic facility), the commentators have proposed many different solutions to this question. We will try to give a brief overview of their varying answers.

3.3.2 Various “Exclusive-Order-Theories”

The first group of theories which we shall consider can be called exclusive-order-theories. Their proponents argue that there is no positive cooperation or connection between acquired and infused virtue. Based on the fact that both sets of virtue are different in species by their formal measure (divine rule vs. human reason) and end (community of saints vs. civil society),⁴⁷ these theologians deny any kind of positive influence. The justified person may certainly possess both infused virtue and acquired virtue. Nevertheless, both sets exist side by side in an unconnected fashion, and the agent acts *either* by his natural *or* by his supernatural virtues.

Hence, the question whether an act of infused virtue implies any positive ramifications with respect to acquired virtue has to be answered negatively. The act of infused virtue neither generates nor confirms acquired virtue.

Consequently, even the question about acts of an acquired virtue under the condition of a present infused virtue is answered: infused virtues imply no change for acquired virtue. According to the exclusive-order-theory, it is just up to the agent to act either by his natural habit or by his supernatural habit, depending on his voluntary choice. Pure natural acts are possible as well as purely supernatural ones.⁴⁸

⁴⁷ Cf. for example the comparison of acquired and infused virtues in *In sent.* III 33.2C ad 2; 2D (esp. ad 2); *ST I-II* 63.4; *De virt. in com.* 9 and 10.

⁴⁸ In fact, Aquinas states the principle that is due to the human will to use a habit or not (see *ST I-II* 52.3, quoted in footnote 253).

The exclusive-order-theory claims a sharp division between acquired and infused virtue. Each acts independently of the other one. The effects of an action are limited to its own habit. On the one hand, supernatural acts earn the augmentation of the infused virtues given by God. On the other hand, natural acts generate and confirm natural virtues.⁴⁹ Both sets of virtue establish a separate, exclusive order. Each is closed in on itself and necessarily against the other.

Some Proponents of a Disconnected-Order-Theory

We will now illustrate this theory by offering a few examples of its use. F. Suarez is probably its most prominent representative. He devotes a particular chapter to the question by discussing how natural virtues can be acquired in addition to infused virtues.⁵⁰ For Suarez, there are two potential explanations. Either the repetition of supernatural acts generates those acquired natural virtues, or they are caused by a different species of action.⁵¹ He argues clearly for the second option, since supernatural actions – flowing from infused virtues – cannot cause formally different habits. “I claim generally that from the power of supernatural acts no acquired habit can accompany the infused habits about the same matter . . . since an act does not produce a habit, except about the same material and formal object in which it tends.”⁵²

Nevertheless, he admits a simultaneous existence of both sets of virtue. A man might possess well-ordered passions according to divine rule as well as to human reason. On the one hand with respect to the full submission of the body to the spirit, and on the other hand with respect to corporeal health. However, Suarez assigns this concomitance as wholly accidental and contingent; *per se* it is not required by the essence of those virtues itself.

The concomitance of an acquired habit [with an infused one] is wholly [*omnino*] accidental and contingent, since such a habit is in no way acquired by the efficiency of the infused habit, be it by itself or by its acts. But [it might be acquired] by the exercise of other acts which

⁴⁹ Nevertheless its proponents can defend an extrinsic facility which is provided to supernatural acts by acquired virtues. However they would negate the acquisition and confirmation of acquired virtues by supernatural acts.

⁵⁰ See Suárez, *Opera omnia*, liber VI, cap. 14. The following quotations relate to this chapter, unless it is assigned different.

⁵¹ See *Ibid.*, no. 2.

⁵² *Ibid.*, no. 10: “Generaliter assero, ex vi actuum supernaturalium nullum habitum acquisitum comitari infusos circa eorum materias . . . quia actus non producit habitum, nisi circa idem obiectum materiale et formale in quod ipse tendit.”

might mingle or interpose to the infused acts accidentally, and successively, and to different times.⁵³

Thus, the exercise of supernatural virtues *per se* has no effect on the state of acquired virtues. Since they belong to a different order, they remain unaffected by the practice of graced actions. The strictly limited effects of supernatural actions are, however, not regrettable for the agent, since the acquisition of natural virtues “is not necessary for the perfection or the use of infused habits, but only contingently and concomitantly joint with them.”⁵⁴

Thereby the question of pure natural acts is also answered, at least implicitly. Since Suarez grants the possible existence of two parallel and independent virtues regarding the same matter, but negates the acquisition of natural virtue by supernatural acts, he has to concede the possible existence of pure natural acts. Only by these pure natural acts can acquired virtues be generated and developed. “By other natural acts which are performed about the same matter as the infused habits . . . habits are produces which are proportioned to such acts.”⁵⁵ The expression “proportioned to such habits” clearly indicates the production of natural virtues, generated by proportioned – i.e. natural – acts.⁵⁶

Consequently, the justified person chooses between two modes of action. He acts either supernaturally or naturally, depending on the habit he intends to use.⁵⁷ Natural virtues therefore do not play any positive role in the exercise of infused virtue.⁵⁸

⁵³ Ibid., no. 2: “Concomitantia habitus acquisiti [sc. ad habitum infusum] omnino accidentaria est et contingens, quia talis habitus nullo modo acquiritur per efficientiam habitus infusi, aut per se, aut per actus suos, sed per exercitium aliorum actuum quos per accidens, et successive, ac diversi temporibus contingit misceri seu interponi cum actibus infusis.” Suarez explains the impossibility of an essential relation of both virtues by the following argument in more detail: “Quia habitus qui acquiritur circa actus naturales, inclinatur ad actus eiusdem rationis cum his a quibus genitus est, et ad idem obiectum sub eadem ratione formali; in praesenti autem habitus acquisitus non potest inclinare ad idem obiectum sub eadem ratione formali, quia illud obiectum supernaturale est . . . neque etiam potest talis habitus ad actus infusos inclinare, tum quia naturalis qualitas non habet naturalem appetitum ad supernaturalia; tum etiam quia naturalis inclinatio habitus ad actum fundatur in virtute activa naturali talis actus; hanc autem virtutem non habet habitus acquisitus circa actus infusos.” (Ibid., no. 7).

⁵⁴ Ibid., no. 23: “Acquisitionem horum habituum [scilicet naturalium] nunquam esse per se necessariam ad perfectionem vel usum habituum infusorum, sed contingenter tantum et concomitanter cum illis coniungi.”

⁵⁵ Ibid., no. 2: “Per alios actus naturales qui circa easdem materias habituum infusorum fieri possunt . . . producuntur habitus talibus actibus proportionati.”

⁵⁶ “Per actus naturales, qui circa materiam virtutum infusarum fieri possunt, habitus etiam naturales et acquisiti generari possunt.” (Ibid., no. 22).

⁵⁷ In fact Suarez supposes that in spite of the possession of infused virtues man might act only naturally for the most times. “Licet habeant virtutes infusas morales, saepe et fortasse frequentius per acquisitas operantur.” (Ibid., 21).

⁵⁸ “Actus aquisiti non sunt necessarii ad infusos; ergo neque habitus acquisiti ad infusos. . . . Quod . . . actus naturales non sint necessarii ad supernaturales, probatur, quia nec sunt causae, nec principia illorum, nec conditiones omnino requisitae; quia nescit tarda molimina Spiritus Sancti gratia, et ideo non indiget actu naturali ad efficiendum in nobis supernaturalem actum.” (Ibid. no. 23).

One may raise the following objection to this outline of the doctrine of Suarez. According to our findings in the previous chapter, Suarez concedes to acquired virtue a certain impact on infused virtue through the removal of contrary vices. Though the acquired virtues by themselves incline to specifically different acts, nevertheless they provide a good basis to follow even supernatural motives, since both motives are at least similar.⁵⁹ One might therefore be tempted to conclude that the disconnection between both orders is not as strict as just suggested. Might there exist at least a certain interaction?⁶⁰

This objection, however, results from a blurred distinction between acts and virtues (cf. the remarks in section 4.1.2). Of course, Suarez argues that acquired virtues can provide helpful dispositions for supernatural acts, but that's not at issue here. We are concerned whether supernatural acts generate acquired virtues, and Suarez explicitly negates this claim.⁶¹ For him, acquired virtues are produced by natural acts and only by natural acts, which he delimits from supernatural acts practiced at different times ("*diversi temporibus*"⁶²). Subsequently, acquired virtues might support the acts of infused virtues in an indirect way, but that's a different issue.

Besides Suarez, also B. Medina⁶³ and F. Sylvius⁶⁴ defended this same position.⁶⁵ In the 19th century, the position was again proposed by Mazzella.⁶⁶

⁵⁹ "Dico hos habitus [scilicet naturales acquisitos] frequenter requiri et coniungi infusis, et suo modo iuvare illos. . . . Licet actus naturales, productivi talium habituum, per accidens sint, et contingenter fiant respectu virtutum infusarum, nihilominus quia motiva eorum magis familiaria sunt, et ex rebus sensibilibus saepe sumuntur, ideo facilius fiunt, et ideo verisimile est vel frequentius, vel satis frequenter exerceri, ac proinde habitum inducere." (Suárez, *Opera omnia*, liber VI, cap. 14, no. 24). See also the quotations in footnote 13 and 17.

⁶⁰ This interpretation of Suarez is suggested by Bullet who groups the theory of Suarez for that reason together with John of St. Thomas and the Salmanticenses (cf. Bullet, *Vertus morales infuses*, 131-134).

⁶¹ Suarez expresses himself explicitly in *ibid.*, no. 2 (see footnote 55).

⁶² See again footnote 53.

⁶³ Medina holds that the act of infused virtue nor generates acquired virtue nor works immediately for the augmentation of infused virtue. "Si isti actus virtutum infusarum generant denuo aliquem habitum; vel est eiusdem speciei, vel diversae: non primum; tum, quoniam duae qualitates eiusdem esse non possunt; tum vero, quoniam virtus infusa iam esset omnino otiosa et supervacanea: tum ultimo, quoniam si haec virtus acquisita esse eiusdem speciei cum infusa, consequens est, quod virtus acquisita per vires naturae, posset consequi finem supernaturalem, quod asserere, Pelagianum est. . . . Nam actus similes producant habitum eiusdem speciei, ut asserit Aristoteles. Actus enim temperantiae non producant habitum iustitiae: ergo actus virtutum infusarum, non producant habitum acquisitum alterius speciei." (Medina, *Expositio*, about *ST* I-II 51.4). In his commentary to *ST* I-II 63.4 Medina asserts that supernatural acts augment infused virtues only *per modum meriti* but not *effective*.

⁶⁴ According to Sylvius the practice of infused virtues cannot acquire natural virtues. For the frequent experience that after the loss of infused virtues often remains a certain facility for natural good acts he suggests the following explanation: "Si dicas, eum qui plures actus alicuius virtutis infusae exercuit, postquam peccando virtutem illam amisit, esse promptiorem ad similes actus exercendos, quam si nullus exercuisset. Resp. id accidere, vel quia praeter actus virtutis infusae, exercuit alios moraliter bonos, ex quibus quidam habitus sit acquisitus: vel quia ex virtutis infusae exercitio passiones manent moderatae, et difficultates separatae: vel denique, quia licet ex actibus virtutis infusae non fuerit generatus proprie dictus habitus, eo ipso tamen quo per eos corroboratus et confirmatus fuit habitus praexistens: potentia in qua est talis corroboratio et confirmatio, facta est propensior et promptior ad similiter operandum: quae quidem maior propensio erat illi per habitum infusum, non videtur tamen tota deperdi, ipso habitu perduto. . . . Confirmatur: Si generaretur aliquis, vel ille inclinaret ad actus supernaturales; vel ad naturales: Non ad supernaturales, cum habitus acquisitus non inclinet

In more recent times, A. McKay has suggested in her dissertation, *The Infused and Acquired Virtues in Aquinas' Moral Philosophy*, a quite similar account of the relation between acquired and infused virtue. After discussing Aquinas's teaching on acquired and infused virtue in general, and in the treatise on prudence and fortitude in the *ST II-II* in particular, the concluding chapter treats the connection between both sets of virtue. First, McKay argues against the so called strong-connection-theory, i.e. against the position which states an essential cooperation between acquired and infused virtues (we will refer to it in section 3.3.3).⁶⁷ Secondly, she tries to determine the positive effects between both sets of virtue. She concedes to acquired virtues the function of removing contrary vices, and she even admits that infused virtues "make use" of their acquired counterparts, although without determining how this could work.⁶⁸ However, she stresses that the acquisition of those virtues should never be a goal of the moral life.⁶⁹

Although these final remarks are quite short, the overall tenor of her study shows clearly the basic agreement between the exclusive-order-theory and to the argument of Suarez on this particular point.⁷⁰ Referring to the example of a holy priest who is at times strongly inclined to drunkenness through the acquired vice of immoderateness,⁷¹ she wants to illustrate the essential independence of acquired and infused virtues. On the one hand, the priest acts according to a high level of charity and infused virtues, but simultaneously he suffers acquired vices. McKay emphasizes here that the perseverance and even augmentation of infused virtue is strictly independent from the continuity of acquired vice – and not only independent of the vicious inclination as habit, but even independent of vicious acts. McKay: "Even when the

ad eliciendos actus superantes suam facultatem: non etiam ad naturales, quia habitus solum inclinat ad actus similes illis a quibus fuit causatus: non est autem causatus ex actibus naturalibus." (Franciscus Sylvius, *Commentarii in totam primam secundae S. Thomae Aquinatis doctoris angelici et communis*, vol. 2 (Antwerp, 1714), about *ST I-II* 51.4, conclusio 3).

⁶⁵ Coerver enumerates further Gregory of Valentia and J. de Lugo among the proponents of the *exclusive-order-theory* (see Coerver, *The Quality of Facility in the Moral Virtues*, 44-49). However those commentators ascribe to the supernatural act at least the acquisition of a natural disposition which can facilitate externally further supernatural acts (see section 4.3.3.1B).

⁶⁶ See e.g. Mazzella, *De virtutibus infusis*, 44: "Vi actuum supernaturalium, qui ex habitibus infusis eliciuntur, nullus producitur habitus, sive naturalis sive supernaturalis acquisitus."

⁶⁷ McKay, "Infused and Acquired Virtues," 190-195.

⁶⁸ *Ibid.*, 198-199.

⁶⁹ Cf. *Ibid.*, 196-198. The latter assertion permits in fact a more precise determination in which way McKay thinks a possible use of the acquired virtues by the infused ones – and in which way *not*. On page 198-199 she refers to *De virt. in com.* 10 ad 4, where Aquinas underscores that the acts of acquired virtues are meritorious only by mediation of infused virtues. However, according to McKay this does not imply the conception that infused virtues interact with acquired virtues as something of value. "Aquinas nowhere indicates that the justified individual ought to consciously strive for the acquired virtues. . . . It would be odd at best to conclude that one in the state of grace ought to put the quest for eternal life 'on hold,' so to speak, while he first pursues the acquired virtues." (McKay, "Infused and Acquired Virtues," 197-198).

⁷⁰ Not by chance she attacks the so called *strong-connection-theories* (McKay, "Infused and Acquired Virtues," 190-195).

priest acts contrary to right reason, as he so often does, he does so without ‘damaging what is indispensable for salvation.’”⁷² She justifies her claim by noting that infused virtues are destroyed only by an act contrary to the supernatural final end but not by acting against particular (although genuine) goods.⁷³ Hence, the development of infused virtues can take place without necessarily implying any change on the side of the natural (vicious) inclinations. *Per se* both orders are disconnected in a way that “an individual could diminish in acquired virtue and at the same time be granted an increase in infused virtue.”⁷⁴

The parallel here to Suarez is obvious. The practice of infused virtues does not imply any immediate consequence with respect to acquired habits. It neither contains the perfection of a corresponding natural good act nor does it cause an augmentation of acquired virtue. The natural habit can even progress in the opposite (i.e. vicious) direction. The acquisition of natural virtues would presuppose the constant practice of natural acts, but those habits are not to be assigned as the end of the moral life.

We summarize the principle idea of the exclusive-order-theory as follows. In the state of grace, two different modes of acting are available to the human agent: by infused virtues he acts supernaturally, and by acquired habits he acts naturally. Both levels of activity exist in a parallel fashion without any *per se* cooperation. Furthermore, a habit of infused virtue influence does not influence a natural act, nor does a supernatural act enforce acquired virtue.

3.3.3 The “Connected-Order-Theories”

Some Common Features of the Connected-Order-Theory

Unlike proponents of the first theory, many interpreters of St. Thomas argue for a certain impact of infused virtues to obtain in regard to acquired virtues, and videlicet in both respects.

⁷¹ She refers to the saintly “whiskey priest” in Graham Green’s *The Power and the Glory*.

⁷² McKay, “Infused and Acquired Virtues,” 119; cf. McKay, “Prudence and Acquired Moral Virtue,” 552-555.

⁷³ “One can lack command with respect to some genuinely good end, but not lack command with respect to the end of all life. When such a man views a choice under the aspect choosing a genuinely good end which is not the end of all life, he fails. Yet so long as he does not fail to exercise command when presented with choices that concern the end of all life, he does not lose infused prudence.” (McKay, “Infused and Acquired Virtues,” 116).

⁷⁴ Ibid., 85. Arguing from a different viewpoint, also Porter suggests a similar conclusion: Essential for a saint is his exemplarity in love disregarding of his further moral perfection. “To be a saint is not to be morally perfect, but to be exemplary in love.” (Porter, “Virtue and Sin,” 521-539, here 539). Hence, infused virtues are compatible even with serious sins (ibid., 538).

Supernatural acts can have some effect on the development of acquired virtues, and conversely, infused virtues influence the framework of the acts of acquired virtues.

Of course, some positions are mutually conceded by the proponents of the connected-order-theory and the exclusive-order-theory. Both agree that the two sets of virtue can coexist in a single agent, and that each of them possesses its own finality – for example, acquired temperance works for the preservation of health, infused temperance for man's conformity with Christ. But the connected-order-theories go a step further. Though the acquired virtues fail to perfect man in regard to his ultimate end, they are not completely alien to this end. Rather, the infused moral virtues are able to redirect the natural virtues toward their own higher end; they can "use" a natural habit for their own purpose. The proper structure of acquired virtues is not destroyed thereby, but elevated. By themselves they work for their natural end, but in virtue of the infused habit they work implicitly even for the supernatural end. Hence, in the best case scenario both are oriented in cooperation toward one final end, though the acquired virtues by themselves remain directed to their proper end.

Further, since acquired virtues act for true human goods (i.e. the good of the human city), according to a connected-order-theory a human being remains essentially imperfect, as long as he is not perfect in both respects, that is according to the human good and the divine good (although only one of the two is the ultimate end). Therefore, the connected-order-theories argue for a redirection of the teleology of acquired virtues according to the finality of infused virtues.⁷⁵

⁷⁵ It should be noted that the *connection-theory* does not describe acquired virtue as *presupposition* for infused virtue. Certainly it claims that a supernatural act has to contain the perfection of a natural good act. But this does not imply a necessary presupposition of an acquired habit. Lacking this distinction one is in danger to become entangled in a many ambiguities.

As an example of a lack of this distinction – and of the resulting confusions – we can take the final chapters in McKay, "Infused and Acquired Virtues," 190-195 about (or *against*) the "strong connection theory." McKay criticizes those theories which argue for a connection between acquired and infused virtues and which interpret acquired virtues as preconditions for infused virtues. McKay attributes this position to authors as L. Yearley, R.F. Coever, R. Mirkes and G.P. Klubertanz, and resumes whose idea as following: "The successful act of infused virtue 'presupposes' the presence of acquired virtues." (Ibid., 190). And: "One must rid oneself of bad dispositions before one can even participate in the supernatural life." (Ibid., 195). However, it is doubtful, if anyone of the mentioned scholars really holds a "strong-connection-theory" in *this* sense. At least to the best of our knowledge none of those authors defend this position in his writings; not even Yearley who is most criticized. There is no absolute presupposition for grace. Even if we do not agree with Yearley in his overall theory, he clearly does not hold a presupposition-theory in this sense. On the contrary, he explicitly explains: "One must always be aware of the dangers involved in overstressing the 'presupposed' aspect. It can be misleading both in breaking down too neatly the sequential steps and, more important, in making the assent to God too continuous and gentle a process thereby underplaying or demeaning the revolutionary change that is justification. God is not absolutely bound to work in any particular way." (Yearley, "The Nature-Grace Question," 575). It is Yearley's intention to show that infused virtues have to account for the natural order. Supernatural temperance not must ignore the value of health – although health it not its proper end. In this sense he explains: "If there is to be a real act of supernatural fortitude, it must presuppose the recognition of the value of goods of the world that is essential to natural fortitude." (Ibid., 574). This assertion, however, does not imply an essential necessity for the presence

Recent Proponents of the Connected-Order-Theory

In the 20th century the majority of scholars advocated a version of the connected-order-theory. However, they mostly didn't bother to provide a plausible explanation of *how* the relation in question does work. Only occasionally did a scholar take the special trouble to determine what a supernatural act effects with regard to natural habits, or what the presence of infused virtue implies for the natural act. Normally, authors are content to notice a subordination of acquired virtues regarding infused ones. But is such a reordering necessary or contingent? Though we don't want to devalue the mentioned outlines generally, we should mention their explanatory limits regarding the precise structure of the cooperation of infused and acquired virtues.

Nevertheless, it seems reasonable to give a short overview of some of the terms those scholars used to present their position concerning the relation between both sets of virtue.

Some scholars delineate the relation of acquired and infused virtues under the respect of *order*. Supernatural motives can order natural motives toward inferior ends to their own proper (superior) end. The acts of acquired virtues are to be ordered to the end of infused virtues. For example, Bernard describes the use of acquired virtues by supernatural acts as a "harmonious subordination",⁷⁶ the former can be "superposed"⁷⁷ by the latter. Parent specifies the relation as a "concourse"⁷⁸, or a "very close collaboration",⁷⁹ wherefrom originates an "action which is conjunct in a harmonious subordination."⁸⁰ Utz uses a similar phrasing.⁸¹ According to Bradley, the infused virtues "necessarily *supersede* [emphasis added] the humanly acquired moral and intellectual virtues."⁸² Not, however, by the way of destruction, but the human virtue is "subsumed"⁸³ and "incorporated"⁸⁴ into the supernatural moral order.⁸⁵ Likewise, Hughes stresses that acquired virtues are somehow "contained" in the infused ones.⁸⁶

of acquired virtue. Yearley only emphasizes that natural virtue is "usually necessary" (ibid., 572). If Yearley speaks of "presupposition," he does so in this qualified sense.

⁷⁶ R. Bernard, "Appendice," in *Somme théologique: La vertu*, vol. 2 (Paris: Société Saint Jean L'Évangéliste Desclée & Cie, 1934): 459: "harmonieuse subordination."

⁷⁷ Ibid., 460: "superposée."

⁷⁸ Parent, "Les vertus morales infuses dans la vie chrétienne," 210: "concoeurs." Likewise on page 220.

⁷⁹ Ibid., 212: "collaboration très étroite."

⁸⁰ Ibid., 220: "action conjuguée dans une harmonieuse subordination."

⁸¹ A.F. Utz, "Anmerkungen," in *Die deutsche Thomas-Ausgabe: Summa Theologica; Recht und Gerechtigkeit*, vol. 18 (Graz: Anton Pustet, 1953), 603: "Die erworbenen und eingegossenen sittlichen Tugenden stehen nicht beziehungslos oder gar gegensätzlich einander gegenüber. Die erworbene Tugend ist vielmehr der eingegossenen Tugend untergeordnet. . . Jede hat ihre Eigenaufgabe, die erworbene jedoch nicht ohne Selbstberichtigung an der eingegossenen. So bilden beide zusammen ein abgestuftes einheitliches Ganzes übernatürlich-menschlicher Vollendung."

⁸² Denis J.M. Bradley, *Aquinas on the Twofold Human Good: Reason and Human Happiness in Aquinas's Moral Science* (Washington, DC: The Catholic University of America Press, 1997), 17.

⁸³ Ibid., 20.

Sometimes acquired virtue is seen as an *instrument* moved by the supernatural virtue. Bernard describes it as a “good instrument in service of the infused virtue.”⁸⁷ Similarly, Parent refers to the fact that an instrument, being moved by a higher cause, becomes able to produce an effect which essentially surpasses its natural capacities, though the instrument does not lose its proper natural perfection. Analogously, the infused virtue is able to make use of and to elevate an acquired disposition as its instrument.⁸⁸

Many authors use the matter-form-analogy for the relation of acquired and infused virtues. Acquired dispositions, they say, relate to the command of infused virtues as matter relates to form. In this context “matter” should not be taken to imply the total absence of any formal determination (as first matter). Both orders are determined by their special formal object, but the lower order remains open for further formation, as in material things the *materia signata* is open to receive a certain determination. In this way, acquired virtue is considered as the material principle in relation to infused virtue as its formal element. The analogy is used in this context in the dissertation of Lanfranco.⁸⁹ He clarifies this by applying the analogy of the unity of a single act stemming from two different operative habits which contains simultaneously both motivations; the infused virtue does not extinguish natural motives but absorbs them.⁹⁰ Subsequently, the matter-form-analogy became a fertile instrument to delve

⁸⁴ Ibid., 21.

⁸⁵ According to Bradley, only by such a transformation a human virtue “is made a *perfect* token of its type,” although in itself it remains “because of its this-worldly end a ‘conditional’ virtue.” (Ibid.)

⁸⁶ W.D. Hughes, “Appendix 3: The Infusion of Virtues,” in *Summa Theologiae: Virtue (Ia2ae. 55-67)*, vol. 23 (London: Blackfriars, 1969), 247-248: “The moral virtues infused by God lead the powers of the soul from their pursuits within the earthly city to a fellow-citizenship with the saints in heaven. *The end is said to draw*, and a new and supernatural end for each virtue draws the power which it endows from its commonly addressed object to a higher and more absorbing one. Yet the lower is not cast aside, but rather is contained in the higher, and is a condition of it, for a purely supernatural man or a purely supernatural human act is strictly speaking a contradiction in term. For example, the aphorisms of *Proverbs* lose nothing of their native salt when they are taken into *sacra lectio*. For St Thomas grace permeates nature, neither destroying nor leaving it alone.”

⁸⁷ Bernard, “Appendice,” 459: “bon instrument au service de vertu infuse.”

⁸⁸ See Parent, “Les vertus morales infuses dans la vie chrétienne,” 212: “Grâce à la vertu infuse qu’elle sert, la vertu acquise - tout comme l’instrument sous la motion de la cause principale - produit un effet supérieur à son degré d’être. Ordonnée de soi à une fin naturelle elle ne saurait produire un acte méritoire de la vie éternelle sans l’intervention de la vertu infuse. Mais cette intervention d’une vertu supérieure ne rend pas inutile la vertu inférieure, puisque, comme nous l’avons vu, l’action de la première est facilitée par la seconde. On peut même discerner en celle-ci, comme en tout instrument, une activité instrumentale et une activité propre: la première est exercée sous la motion de la vertu infuse, la seconde relève immédiatement de la vertu acquise. Mais, l’une et l’autre sont liées de sorte que la vertu acquise par son action propre consistant à éliminer les dispositions contraires et à soumettre l’appétit à la raison concourt instrumentalement à l’action plus élevée de la vertu infuse.”

⁸⁹ Annibale Lanfranco, *La necessità delle virtù morali infuse secondo S. Tommaso* (Casale Monf. Unione Tipografica Botto, Alessio, 1942), 20: “Tale onestà o giusto mezzo naturale delle virtù morali acquisite è **come un elemento materiale** [emphasis in the original] rispetto a quello della virtù morale infusa che è formalmente specificata dall’onestà o giusto mezzo soprannaturale.”

⁹⁰ “Nell’ordine concreto della vita spirituale . . . la debole luce della prudenza e motivo virtuoso naturale viene **come assorbito** [emphasis in the original] nella pienezza di luce soprannaturale emanante dalla fede e dalla prudenza infusa.” (Ibid., 20-21).

deeper into the interaction of both kinds of virtue, even if it can be (and *was*) interpreted in quite different ways.⁹¹

Moreover, the cooperation of acquired and infused virtues is described as a complementarity, for example, by Coerver. This terminology accentuates the mutual supplementation of both principles, namely the removal of contrary vices by the acquired virtues and the redirection toward the supernatural end by infused virtues. The concept of complementarity avoids also the danger of a contradictory opposition between both habits. Although both are formally different, they do not ever contradict each other. Hence, as Coerver explains, both virtues are “not opposed, but as complementary to one another.”⁹² Even more, Coerver concludes that one virtue needs the other for its own perfection.⁹³ For Harvey, both kinds are even “essential to one another.”⁹⁴ Nevertheless, the supernatural habit retains its primacy, which leads Schockenhoff to speak of a “reciprocal priority” of infused virtue.⁹⁵

Likewise, Cessario often mentions the importance of infused virtues for Christian morality, always emphasizing the true value of natural virtue but at the same time their need of elevation through supernatural virtue for becoming meritorious in terms of eternal life.⁹⁶

In the past fifteen years, several articles have been published relevant to the question of the cooperation between natural and supernatural virtue. Almost unanimously, the authors of these articles argue that acquired virtues are suited to be transformed and elevated to the supernatural order by means of infused virtues.

⁹¹ For example the following four authors make use of the *matter-form-analogy*: Bullet, *Vertus morales infuses*, 130; 143; 146-149; George P. Klubertanz, “Une théorie sur les vertus morales ‘naturelles’ et ‘surnaturelles,’” *Revue Thomiste* 59 (1959): 569-575; Schockenhoff, ‘*Bonum hominis*’, 334-340; Mirkes, “Aquinas on the Unity of Perfect Moral Virtue,” 61-231. But since each of these scholars uses the analogy in a different way, they will be discussed later in more detail.

⁹² Coerver, *The Quality of Facility in the Moral Virtues*, 100.

⁹³ “Just as nature and grace are mutually complementary, so also are the acquired and the infused moral virtues. Neither the one nor the other is complete of itself, each needs its complement in order to attain true perfection.” *Ibid.*, 119.

⁹⁴ “The natural and the supernatural orders are complementary and essential to one another. While it is true that no natural act has any positive efficacy to lead us to salvation, unless it be vitalized by the supernatural, it is also true that no supernatural act can be done by us except through the operation of faculties which are in themselves natural. Neither the acquired nor the infused virtues are complete in themselves; each needs the other to attain perfection.” (Harvey, “The Nature of the Infused Moral Virtues,” 215).

⁹⁵ Schockenhoff, ‘*Bonum hominis*’, 335: “reziproken Priorität.” Interesting to note that in a recent publication Schockenhoff became rather unpretending concerning the need for infused moral virtues. Infused virtues are just “der in die nüchterne Form eines theologischen Konvenienzargumentes gebrachte Reflex eines Staunens, das in gläubigem Nachdenken der Angemessenheit der Wege Gottes gewahr wird und einsehen kann, wie diese jener Güte und Weisheit entsprechen, die der glaube und die Vernunft mit Gottes Handeln verbindet.” (Schockenhoff, *Grundlegung der Ethik*, 164).

⁹⁶ See Romanus Cessario, “The Meaning of Virtue in the Christian Moral Life: Its Significance for Human Life Issues,” *The Thomist* 53 (1989): 193-195; Cessario, *Moral Virtues and Theological Ethics*, 123-125.

O'Meara (1997) asserts that natural habits retain their natural dynamic even under the dominion of grace, but simultaneously they become equipped by a higher capability and new orientation.⁹⁷ Thereby, both virtues act to form an intertwined unit.⁹⁸

Likewise for Cole (1999) the infused virtues perfect their natural counterparts through a reorientation toward a higher end.⁹⁹

The key term used by Inglis (1999) is redirection. Acquired virtues have to be redirected by the infused ones to the higher end of the latter.¹⁰⁰ In this way natural virtues provide just a disposition for supernatural virtues, which do not replace the natural virtues but rather build upon them.¹⁰¹ Vice versa, the acquired virtues become strengthened by the infused virtues.¹⁰² Hence, a single action can spring synchronically from the cooperation of acquired and infused virtue.¹⁰³

Miner (2000) underlines the fact that neither order enjoys complete autonomy, but rather there exists between them a well ordered cooperation under the guidance of charity.¹⁰⁴ Acquired

⁹⁷ "Each virtue retains its natural dynamic of exercise and habit in the created human personality, but this is expanded by grace whose animations of the virtues are found . . . in a vital form which brings higher capability and orientation." (Thomas F. O'Meara, "Virtues in the Theology of Thomas Aquinas," *Theological Studies* 58 (1997): 265).

⁹⁸ "Some traits of the acquired virtues remain in their infused counterparts, for the two are intertwined in living." (Ibid., 266).

⁹⁹ "A Christian can possess both the natural moral virtues and the infused virtues, which actually bring the natural virtues to completion insofar as they are reoriented toward the supernatural end. So, for example, both the Christian and non-Christian soldier can be courageous in battle, but while the non-Christian soldier's courage is oriented solely toward an earthly end, the courage exemplified by the Christian soldier is oriented toward a supernatural end." (Darrell Cole, "Thomas Aquinas on Virtuous Warfare," *Journal of Religious Ethics* 27 (1999): 76).

¹⁰⁰ "In order to attain the highest good, acts of the civil virtue of fortitude would need to be redirected to a suprapolitical end through infused fortitude." (Inglis, "Aquinas's Replication," 17).

¹⁰¹ "The acquired virtues dispose a person to receive infused moral virtue. . . . With the example of martyrdom in mind, we could put it this way: a person who is strong in regard to the civil life is more like one strengthened in regard to martyrdom than a person who lacks the acquired virtue of fortitude. The strength of the former stands in need of redirection, whereas the latter needs to receive both strength and the proper teleology. This view could be interpreted to suggest that, according to Aquinas, infused virtue replaces acquired virtue for the Christian. After all, if acquired fortitude prepares one to receive infused fortitude, there is no reason why the acquired must persist after the reception of the infused. Why not say that when the infused virtue governs and directs a person's actions, the corresponding acquired virtue disappears—like the proverbial ladder that can be kicked away when the climber is secure on the higher level? My claim is that the infused virtue does not replace the acquired virtue for Aquinas, but rather builds upon it." (Ibid., 19). "Infused virtue builds upon, but does not destroy, virtuous characteristics acquired through human effort." (Ibid., 21).

¹⁰² "One prepares for the infusion of moral virtue through the acquisition of moral habits that are themselves strengthened by infusion." (Ibid., 20).

¹⁰³ "A single action can be simultaneously one of acquired and infused moral virtue. Infusion strengthens those characteristics of acquired virtue that remain, and it supplies an overriding final cause that transforms the virtue. . . . Within this context, acquired virtue retains a role while a priority is reserved for infused virtue." (Ibid., 22).

¹⁰⁴ "Any strong idea of the autonomy of acquired prudence cannot be ascribed to Thomas. Not only do nature and grace cooperate, but all the virtues in a well-ordered soul are unified in charity." (Robert C. Miner, "Non-Aristotelian Prudence in the 'Prima Secundae'," *The Thomist* 64 (2000): 419).

habits become virtues in the full sense not before being informed by their infused counterparts.¹⁰⁵ Strictly speaking acquired virtues are not necessary. The infusion of grace does not pose any preconditions on the side of nature, but the cooperation of both principles is the ordinary end and goal. Infused virtues integrate natural habits, but the concept of acquired virtue survives their integration into infused virtue.¹⁰⁶

Hardon (2001), who gives a good overview about the need for infused virtues according to Aquinas, completely omits a description of the reciprocal relation between acquired and infused virtues.¹⁰⁷

Kent (2002) mentions that man might operate in one and the same act according to both virtues, namely if he achieves at the same time good deeds “for their intrinsic worth and for the sake of God.”¹⁰⁸ In this way, the exercise of acquired virtues becomes an “expression” of the love of strictly human goods and the supernatural love for God.¹⁰⁹

Dell’Olio (2004) defends the coexistence of acquired and infused virtues. The former must be “subordinated” to the supernatural ones without being destroyed thereby.¹¹⁰

Jones (2006) refers again to an “information” and “transformation” of acquired virtues through the infused ones.¹¹¹

Irwin (2007) holds that for Aquinas “the infused virtues are the perfections of the acquired virtues.”¹¹² The former do not introduce a wholly new set of virtues. Rather they “extend the outlook of the acquired virtues, and do not supplant it with a completely different outlook.”¹¹³

¹⁰⁵ “Unless it is informed by charity and, concomitantly, infused prudence, acquired prudence is not a virtue in the full sense.” (Ibid.).

¹⁰⁶ “If the infused virtues are virtues in the proper sense, then where is the need for acquired virtues? Does the prudence infused by grace obviate the need for acquired prudence? It is true that infused prudence *can* operate without acquired prudence; the operation of grace can never be said to *require* nature. . . . It is possible for a person to act, and act repeatedly, in accord with prudence despite a settled disposition to the contrary. Nonetheless, grace ordinarily involves the cooperation of nature. The creature on the way toward his ultimate end will hope to possess both types of virtue, and integrate them into a unified habit of prudence. The concept of acquired prudence, then, survives the introduction of infused prudence.” (Ibid., 421).

¹⁰⁷ See John A. Hardon, “The Meaning of Virtue in St. Thomas Aquinas,” *Faith & Reason* 26 (2001): 14-17.

¹⁰⁸ Kent, “Habits and Virtues,” 125.

¹⁰⁹ Cf. Ibid., 126.

¹¹⁰ See Dell’Olio, *Foundations of Moral Selfhood*, 134: “We may then say that, in addition to the infused virtues, Christians may, and should, possess all the natural acquired virtues they need to perfect their natures. . . . In the life of grace, for Aquinas, the natural end of the human being is subordinated to the supernatural end, but it is not destroyed by this subordination.” Dell’Olio uses the following analogy to clarify the kind of cooperation of acquired and infused virtues: “The situation is analogous to the case of a lower ranking officer who performs his own proper acts with their own proper ends, for example, winning a particular battle. Yet these ends, while possessing their own forms, nonetheless fall under the more general intention of winning the war, the end directly intended by the supreme commanding officer.” (Ibid. 131).

¹¹¹ Cf. David A. Jones, “Sin, Suffering, and the Need for the Theological Virtues,” *Christian Bioethics* 12 (2006): 192-193.

An exception to this common agreement seems to be made by Hause (2007). He explicitly claims that “the acquired virtues are not transformed” by the infused ones, “but remain side by side with the infused virtues.”¹¹⁴ However, the disagreement here is more a question of words than of contrary ideas. Hause stresses the fact that infused virtues don’t supercede natural habits. Rather, he argues, they retain their proper finality, specified by their different formal objects. This kind of difference, however, doesn’t hinder Hause to agree to virtues’ mutual cooperation, as for example the strengthening of an acquired virtue through the practice of an infused one.¹¹⁵

In summary, it is common to all these scholars to concede a certain cooperation of acquired and infused virtues, admittedly by using different concepts. However, in the end, none of them explains why and how this cooperation works. They argue for a determination of the lower virtue through the higher, but they skip an explanation of whether every supernatural act will perform such a ordering by itself or whether something special is required. In other words, the justified person (having infused virtue) sometimes achieves pure natural acts, i.e. acts solely by his natural virtue, and if so does the agent of these natural acts – performed apart of an actual intention of the supernatural end – commit sin? Hence, we see that the mere affirmation of a redirection of acquired virtue by infused virtue remains imprecise and incomplete.

Actually, this is the problem we mentioned at the beginning of chapter 3. The mere description of the relation between acquired and infused virtues as habits does not cover the whole question. It is always the relation between an act and a virtue (and vice versa) which is in question.

Therefore, we introduce a further distinction that helps to establish a better starting-position from which to settle the questions raised by the different kinds of connection-theories. The assertion of a connection between acquired and infused virtues can imply, first of all, that infused virtues can redirect the act of acquired virtues, or secondly that infused virtues always

¹¹² Terence H. Irwin, *The Development of Ethics: A Historical and Critical Study*, vol. 1 (From Socrates to the Reformation) (Oxford: Oxford University Press, 2007), 647.

¹¹³ Ibid. Consequently, Irwin speaks of a “continuity of the infused with the acquired virtues” (Ibid.).

¹¹⁴ “A morally virtuous person who receives grace and the theological virtues will receive, side by side with them, infused moral virtues, so that there will be two temperances, two courages, and two justices. And this will not, Aquinas assures us, be a redundant doubling, for the virtues belong to different species and have different effects. The acquired virtues are not replaced. . . . The acquired virtues are not transformed, he contends, but remain side by side with the infused virtues.” (Hause, “Aquinas on the Function of Moral Virtue,” 14).

¹¹⁵ See Ibid., 17.

include in their very essence an act of the latter. Both positions require a connection, but the first argues for an accidental relation between the two kinds of virtue, while the second implies a necessary connection. In the subsequent section we will refer to the first as the accidental-relation-theories, and to the second as the inclusive-order-theories.

a) Accidental-Relation-Theory

The proponents of a so called accidental-relation-theory concede all positions which we have summarized in the previous chapter concerning the connected-order-theories. However, they are emphatic to stress the mere possibility of a reorientation of acquired virtues by the infused ones. It is not strictly necessary that every supernatural act involves its acquired counterpart. Consequently, the interplay between acquired and infused virtue is not necessary but only accidental, depending on certain circumstances.

For further clarification we shall distinguish two subspecies of the accidental-relation –theory. Some theologians hold the position that acts of infused virtue can include the perfection of a natural act, if the agent considers not only supernatural but also natural reasons. In such cases, acts of infused virtue generate simultaneously an acquired natural virtue. Otherwise, they do not.

A second group of scholars goes even further. For them, the practice of infused virtues causes *per se* a certain disposition in the human faculty, which provides a facility for further good natural deeds. Such a disposition, however, is not simply identical with acquired virtue.

i) The Acquisition of Natural Virtues by Supernatural Acts While Attending Natural Motives

Some scholars claim that supernatural acts *can* contain an involvement of acquired virtue and *can* generate acquired virtue, although they do not necessarily do so. The argument starts from the principle that supernatural actions are measured by the divine rule; apart from this formal determination there is no supernatural act. But a supernatural act is not necessarily limited to mere supernatural motives. It can include also natural reasons, namely if the agent

considers even natural ends and includes them intentionally. Under the assumption that the agent is attentive to both rules – the supernatural as well as the natural – an action would be *per se* supernatural (because achieved by the infused virtue), but likewise there would be an involvement of acquired virtue (or at least of a natural perfection – if the acquired virtue is not yet developed). For example, someone in the state of grace fasts in light of supernatural motives. Such fasting constitutes a supernatural act. But if the same person simultaneously attends to the rule of reason and includes the preservation of health in his intention, then the act would also pertain to acquired temperance. It wouldn't be correct to call his fasting a natural act, since it is obviously *supernatural*, but likewise it wouldn't be right to deny this fasting its natural perfection, since it is undertaken in relation to health and indeed was intended also for this reason. It seems fitting therefore to attribute to such a supernatural act a double perfection: the perfection of the infused virtue as well as a natural perfection.

Under such conditions it is easy to agree that the practice of an infused virtue simultaneously contains the acquisition of acquired virtue. Certainly the formal object of the supernatural act does not simply correspond to the object of the acquiring virtue. The perfection of the latter is expressively intended and included, namely by the agent's attention to the rule of reason.¹¹⁶

The decisive concept of this theory is the little word "can." It does not belong to the essence of the supernatural act to involve the perfection of acquired virtue and to work for its confirmation. Rather, it is due to an additional intention of the agent that accounts for that special effect. Supernatural acts therefore *can* cause natural virtue, but they do not necessarily do so.

Proponents of this thesis emphasize this specification since just this accidental potentiality, depending on the agent's actual attention, allows for a good explanation of a common experience. In many cases even often repeated supernatural acts don't seem to acquire natural habits. Scholars refer to the example of the "lax seminarian" who receives regularly the sacraments and practices acts of infused virtue over years of his formation, but whose acquired virtues don't grow significantly. Rather, he remains tepid or lax in his daily actions and relapses constantly into the same (at least venial) sins. If he falls in mortal sin, seemingly nothing remains of his religious practice. In other seminarians, however, the repetition of the same supernatural acts provokes an acquired habit. The proponents of the accidental-relation-theory argue that the lax seminarian missed the opportunity to acquire natural virtue by failing

¹¹⁶ As Gardeil points out: "Sans dout, un acte moral peut être à la fois commandé par la vertu naturelle et par la vertu 'infuse', par exemple ne pas médire de son prochain; mais, sans rejeter le motif de justice naturelle, la

to attend sufficiently to the rule of reason. During his repeated supernatural activity, he focused exclusively on supernatural motives and missed the chance to develop natural virtue. This leaves the seminarian in a precarious state, for if he loses infused virtue, his sole motivation for good deeds is taken away, leaving him with no habit to act virtuously.

Therefore, we can summarize the main theses of this theory in the following manner:

- a) The acts of infused virtue *per se* neither include an involvement of acquired virtue nor cause *per se* acquired natural virtue; but *per accidens* they can do so if the agent attends simultaneously to the rule of reason. Otherwise, the agent performs mere supernatural acts.
- b) Acts of acquired virtues can earn supernatural merit if they proceed from a supernatural motivation, i.e. inspired by charity, ruled by the divine law of infused virtue. Otherwise they remain mere natural acts.

Some Proponents of the Accidental-Relation-Theory

Among the great commentators John of St. Thomas (1589-1644) defends the idea of an accidental cooperation and acquisition of natural virtue by supernatural acts. For him, acquired virtues are not annexed *per se* to infused ones, but the latter are able to command the former. He explains as follows:

Hence, since it is clear from faith that we are rectified by infused theological virtues, which are about the final end, it is fitting to assign some other virtues which are *per se* annexed to that supernatural intention and which are derived from it [i.e. the infused moral virtues]; but there are not *per se* some acquired virtues annexed to it, although it can command them, since this command is vague and *per accidens*, and it uses them [i.e. the acquired virtues] neither connatural and proportioned, nor according to the exigency of such a supernatural rectitude.¹¹⁷

conscience le commande au nom de la charité; et c'est là son motif formel; devant la volonté, c'est le motif premier et essentiel de le poser." (Gardeil, "Appendice," 372-373).

¹¹⁷ Johannes a Sancto Thoma, *Cursus theologicus*, disputatio XVI, art. VII, no, 1262: "Unde cum constet de fide nos rectificari per virtutes theologicas infusas, quae versantur erga finem, oportet assignare aliquas virtutes per se annexas isti intentioni supernaturali et ex ea reduntante [sc. virtutes morales infusae], non sunt autem per se illi annexae virtutes acquisitae, etiamsi possit illis imperare, quia hoc imperium est vagum et per accidens, nec connaturaliter et proportionate utitur illis, nec secundum exigentiam talis rectificationis supernaturalis."

John of St. Thomas puts emphasis on the fact that such commanded natural acts are in themselves neither connatural to the infused habit, nor proportioned to it, nor related according to the standards of its order. Nevertheless, the superior virtue can command them (*possit illis imperare*). Consequently, those commanded acts develop to acquire natural habits that are annexed to the supernatural ones incidentally. Hence, there is a real but only accidental interaction of both orders of virtue.

The Salmanticenses assume the same doctrine. They argue that charity can command actions which belong substantially to the natural order, and those acts in turn are capable of generating other acquired virtues.

By an act of infused charity can be understood not only supernatural acts which are elicited by charity, but also commanded acts which belong by its substance to the natural order; it is probable that by those acts some habit of natural love or friendship is acquired – as by other natural acts the other acquired virtues are generated.¹¹⁸

In the twentieth century it was Klubertanz, who in his influential article “Une théorie sur les vertus morales ‘naturelles’ et ‘surnaturelles’” proposed the same idea.¹¹⁹ For Klubertanz, the matter-form-relation is the analogy most adept at clarifying the relation between acquired and infused virtue. As matter is determined by form, likewise can acquired virtues be redirected by infused virtues.¹²⁰ Both habits, residing in one and the same human faculty but differing in their formal object, relate to each other in the manner of determining and being determinable. Nonetheless, the supernatural rule commands actions in conformity with the light bestowed upon us by nature. Hence, the judgments of infused prudence can be supported even by natural motives derived from the first principles of practical reason, i.e. from the seeds of acquired virtue. The infused and acquired virtues are therefore generally not opposed. Since the former are derived from a higher rule, they relate to the latter as a formal principle to a

¹¹⁸ Salmanticenses, *Cursus theologicus*, vol. 6, tractatus XII (*de virtutibus*), disp. III, dubium III, no. 55: “Per actus infusae caritatis possunt intelligi, non actus supernaturales a caritate elicti, sed actus imperati, qui secundum substantiam sunt ordinis naturalis; per quos actus probabile est generari aliquem habitum dilectionis, sive amicitiae naturalis: sicut per alios actus naturales generantur aliae virtutes acquisitae.” However, the theologians of Salamanca emphasize the impossibility of a positive acquisition of a supernatural habit by supernatural acts. “Tum denique nam esto sit sermo de actibus supernaturalibus, et de generatione habitus, potest intelligi non de concursu illorum effectivo, sed tantum dispositivo: quatenus actus caritatis et contritionis sunt dispositiones ad ipsam caritatem et ad gratiam, concurrentque in praedicto genere causae dispositivae ad earum infusionem.” (Ibid.).

¹¹⁹ Klubertanz, “Une théorie,” 565-575.

¹²⁰ For the basic outline of this thesis, see Ibid., 569-571; however, as we have already seen, Klubertanz is not original to use the matter-form-analogy for the relation of acquired and infused virtue. Lanfranco and Bullet made use of this analogy already before him. (See Lanfranco, *La necessità delle virtù morali infuse secondo S. Tommaso*, 20); Bullet, *Vertus morales infuses*, 130;143;146-149).

material one. “Far from being opposed or to exclude each other as incompatible, these principles are mutually complements.”¹²¹

Though both sets of virtue are complementary, it is important to remember that they don’t necessarily imply each other. Of course, natural acts by themselves don’t imply supernatural virtue, but is this also true vice versa? Does an act of infused virtue, from the viewpoint of the matter-form –analogy, include necessarily the development of a natural habit? Klubertanz denies this consequence explicitly. Let us suppose a graced agent resolves to perform an action only on account of the divine rule, accepted exclusively on the authority of God. For Klubertanz, such an act would contain only a supernatural perfection and therefore would fail to generate or confirm a natural habit. Something supernatural is unable to cause something natural.¹²² Only if the supernatural motives are conjoint with natural reasons of human intelligence, only if there is special attention given to the formal objects of acquired virtues, only then can an action contain a supernatural perfection as well as a natural one, and only then might it cause a natural virtue.¹²³ Hence, the act of infused virtue can generate an acquired one, but intrinsically there exists no essential relation.

On the other side, if we ask for the possible achievement of pure natural acts by a justified person (i.e. under the condition of infused virtue), we find, vice versa, a similar independence. If an agent attends only to natural motives but fails to consider supernatural reasons, he does not use his infused disposition but acts only on a natural level.¹²⁴

A very similar account is suggested by G. Bullet in his remarkable study *Vertus morales infuses et vertus morales acquises selon saint Thomas d’Aquin*. Bullet states the following principle: the exercise of a virtue requires actual attention to its respective rule.¹²⁵ To act merely from convention or by spontaneous intuition would be insufficient to account for a

¹²¹ Klubertanz, “Une théorie,” 571: “Bien loin de s’opposer, ou de s’exclure comme incompatible, ces principes sont mutuellement complémentaires.”

¹²² “Supposons une personne en état de grâce qui porte un jugement prudentiel uniquement d’après la foi, c’est-à-dire en raisonnant à partir d’une règle d’action révélée acceptée *uniquement* sur autorité. Un tel acte, par conséquent, ne manifesterait que la perfection de la vertu surnaturelle. Et, en conséquence, aucune vertu acquise ne serait produit. En d’autres termes, l’acte de la vertu surnaturelle comme telle ne cause pas une vertu naturel.” (Ibid., 572; see already 569).

¹²³ Such an act would be “formellement surnaturel, contenant la perfection de la vertu surnaturelle, et en même temps matériellement naturel, contenant la perfection de la raison droite en acte. En tant qu’il contient cette dernière perfection, les actes répétés de jugement et d’*imperium* produiront dans l’intellect la vertu acquise de prudence.” (Ibid.).

¹²⁴ See Ibid. note 3.

¹²⁵ Bullet distinguishes several kinds of attention: It could be actual or past (with or without further acting effects); the actual one can be explicit or implicit etc. Bullet sees an actual attention as the necessary condition for a true human act; see Bullet, *Vertus morales infuses*, 150-154. “On ne conçoit pas l’exercice des vertus morales sans une certaine *attention actuelle à la règle*. La vertu morale n’est pas un automatisme instinctif.” (Bullet, *Vertus morales infuses*, 152).

true virtuous act. Consequently, the use of an infused virtue presupposes an actual consideration of the divine rule, for otherwise it would lack the aspect of a supernatural act.¹²⁶ But then the question arises of how to describe the acts of acquired virtue of a graced agent who also possesses the infused virtues. Do they count as supernatural acts? Without a supernatural formal object? Are they mere natural acts, or even sinful? The failure to consider the divine rule seems to imply an acting *praeter finem* – the thomistic definition of venial sin¹²⁷ – and consequently some scholars describe such actions as sinful.¹²⁸

Bullet, however, argues for a different solution to the question. If the agent does not give attention to the divine rule but only to natural motives, then the act remains intrinsically and formally natural. However, if the defect occurs inculpably – e.g. because of the multiplicity of daily affairs of a saintly Christian housewife – while the person remains principally orientated by charity towards God as her supernatural end, then such formally natural acts are implicitly orientated toward the supernatural end and thereby become supernaturalized and meritorious. In this way, Bullet distinguishes two different modes of supernatural operations: on the one hand, the proper acts of infused virtues (attending the divine rule), and on the other hand acts of acquired virtue presupposing a non-culpable defect of attention to the divine rule. The first type of action is supernatural intrinsically (*quoad substantiam*) since its mean is determined by the divine rule, for they are immediately commanded by charity (“actes impérés”). Acts of the second kind are supernatural only extrinsically (*quoad modum*) since they are oriented to their supernatural end while their formal object remains natural. They are caused by natural motives, but oriented to the supernatural end by charity (“actes orientés”).¹²⁹

Bullet clearly defends an accidental relationship between acquired and infused virtues. As a result of this relationship, the justified person is able to practice acts of acquired virtue without the invention of infused virtue. Those acts are culpable if the agent is guilty of an inattention to the divine rule. Otherwise, they remain meritorious, even – and this is the decisive point –

¹²⁶ “Si l’on ne peut concevoir l’exercice de la vertu morale sans une attention actuelle à la règle de raison, on ne peut également concevoir l’exercice des vertus infuses morales sans une certaine *attention actuelle à la règle de foi*.” (Bullet, *Vertus morales infuses*, 153).

¹²⁷ Cf. *De malo* 12.3 ad 8.

¹²⁸ See for examples the discussion which is summarized in the appendix of Harvey, “The Nature of the Infused Moral Virtues,” 218-219.

¹²⁹ “Les actes de la vertu acquise, orientés par l’intention virtuelle de la fin surnaturelle, sont-ils surnaturels en vertu de la causalité motrice et finale, et non en vertu de la causalité formelle; en vertu de la causalité extrinsèque, et non en vertu de la causalité intrinsèque.” (Bullet, *Vertus morales infuses*, 159). And comparing both kinds of action Bullet emphasizes that in the second way the supernatural act remains formally natural. “Il y a, nous semblerait-il, dans le premier mode d’information, une réelle dépendance causale qui n’existe pas dans le second cas, en ce sens que l’acte comme tel de la vertu acquise aurait pu être posé essentiellement le même, quant à la spécification reçue de l’objet formel, sans l’influence virtuelle de la charité.” (Ibid., 160). See to the whole question: Ibid., 154-163).

apart of infused virtues.¹³⁰ Only by a twofold attention to both the rule of divine law as well as the rule of reason are both kinds of virtue involved in a supernatural act.¹³¹

The same understanding of the relation between acquired and infused virtue is prevalent in the texts of some authors, even if they do not address this position explicitly.

A good example here is Maritain. In *Science and Wisdom*, he dedicates a special chapter to the relationship of natural and supernatural virtue.¹³² To determine the involvement of acquired virtues in a supernatural act, he introduces the distinction of a “strictly instrumental” and a “non-instrumental” elevation of acquired virtues through infused ones. Human activity might be referred directly towards the supernatural end that is above the natural order, e.g. to resist temptation only for seeking conformity to the sufferings of Christ. In such cases, acquired virtues are used only *instrumentally*, since the natural virtue is effective “not in the order of specification but in the order of the conditions of exercise.”¹³³ The supernatural action uses the acquired habit for its own end,¹³⁴ but on the other hand, a graced agent might exercise an acquired moral virtue also in relation to its proper (natural) end, i.e. the civic life. Those actions are, according to Maritain, surely elevated by charity and infused virtues, but in a *non-instrumental* way since the formal determination stems from acquired virtues referring to their own ends, even though the acquired virtues need the help of infused ones for being carried beyond their purely natural point of specification (sc. the temporal life).

Maritain does not discuss the consequences of supernatural acts for acquired virtues, but he obviously would agree with Klubertanz and his argument for the possibility of supernatural action apart from reasonable motives. In the case of Maritain’s *instrumental use* of acquired virtue, a supernatural act disregards natural motives. The acquired virtues just facilitate the action by the way of removing obstacles. The motivation as well as the specification of the acts stems exclusively from the intended end of infused virtue.¹³⁵

¹³⁰ “Il ne nous semble pas nécessaire, métaphysiquement, que l’influence virtuelle de la charité, surnaturalisant extrinsèquement la vertu acquise, se fasse par l’intermédiaire de la vertu morale infuse correspondante.” (See the detailed footnote 1 in *Ibid.*, 161).

¹³¹ Cf. *Ibid.*, 162.

¹³² See for the following: Maritain, *Science and Wisdom*, 210-220.

¹³³ *Ibid.*, 214.

¹³⁴ Hence, the “instrumental” elevation of the acquired virtue by the infused one does not mean that the proper teleology of the acquired virtue is used in the supernatural act, but on the contrary: For example infused fortitude makes “use for its own end of the acquired fortitude, and of all the facilities prepared in the subject by the latter.” (*Ibid.*).

¹³⁵ Worth to note that such an understanding of an *instrumental* elevation of acquired virtue is not necessarily combined with the concept of an “instrumental use.” In itself the idea of an instrumental use could also cover actions which attend the internal teleology of their instruments (i.e. the proper ends of acquired virtue). But in the present case Maritain’s explicit differentiation of the instrumental use from non-instrumental elevation in

Maritain's distinction also implies consequences for the possibility of pure natural acts. His position on that score is similar to Bullet's, though it is not identical to it. In the case of a non-instrumental use of an acquired virtue, the agent uses his natural habit as the primary and principal cause of his action. "In this case the acquired virtue has the initiative in the operation, and acts as principal cause."¹³⁶ It works "with its own energy . . . [and] tends to its own end."¹³⁷ Consequentially, the acts involving the non-instrumental elevation of acquired virtue turn out to be intrinsically natural acts, as "actes orientés" in Bullet's language.¹³⁸ As a result, the acts of a person in the state of grace can be divided into two parts: some disregard the teleology of acquired virtues, and others include their perfection. Thus, the theory of Maritain suggests an accidental relation to obtain between infused and acquired virtues. The two authors, however, differ in other points: For Maritain the instrumental and the non-instrumental use of acquired virtues imply an involvement of infused virtues, whereas Bullet considers a meritorious act of acquired virtue apart from infused virtue possible in special cases.¹³⁹

In more recent times this same idea was suggested by E. Schockenhoff, one of the few German speaking theologians who treat the question of acquired and infused virtues at all. He notes that an acquired virtue can be subordinated to an infused one, "insofar as the agent himself inserts the end of his moral agency into the orientation [*Richtungssinn*] of the '*virtus infusa*' and constitutes a subjective subordination of ends."¹⁴⁰ The statement implies indirectly that graced actions include the natural perfection not necessarily but accidentally. Otherwise a possible subordination would be mentioned in vain.¹⁴¹

which the proper teleology of acquired virtue is / is not considered, shows that he intends by "instrumental use" obviously an exclusion of the proper finality of acquired virtue.

¹³⁶ Maritain, *Science and Wisdom*, 216.

¹³⁷ Ibid.

¹³⁸ In a footnote (ibid.) Maritain calls non-instrumentally-elevated acts "intrinsically natural" which become supernatural only in an external manner, *quoad modum finalitatis suae superioris*.

¹³⁹ Ramirez suggests a quite similar account. He devotes a special chapter to the question whether supernatural acts can acquire natural virtues (Ramirez, *De habitibus*, 219-299). First, he is clear that elicited acts of infused virtues cannot acquire a natural habit because of the different formal object (ibid., 292-295). The same is true for commanded acts of infused virtues (ibid., 295-296). However, if an infused virtue commands an act of an acquired virtue (or simply the mere natural power), then the natural virtue is confirmed or a certain natural disposition becomes developed (ibid., 296-9). The two principles behind: (a) A habit becomes acquired only by the same acts, but (b) the infused virtue *can* command a natural virtue. "Actus eliciti virtutis infusae augent et roborant propriam virtutem a qua eliciuntur; similiter actus imperati supernaturales virtutem infusam imperatam; itemque actus imperati naturales virtutem acquisitam imperatam." (Ibid., 297).

¹⁴⁰ Schockenhoff, '*Bonum hominis*', 337: "Die '*virtus acquisita*' kann der eingegossenen Tugend unterstehen, insofern der Handelnde selbst das Ziel seines sittlichen Tuns dem Richtungssinn der '*virtus infusa*' einfügt und eine subjektive Subordination der Ziele konstituiert."

¹⁴¹ Also for B. Kent there is "no essential connection between the infused virtues and the naturally acquired virtues." (Kent, "Habits and Virtues," 123). But she concedes that people with the virtue of charity "might nonetheless develop the natural virtues and exercise them both for their intrinsic worth and for the sake of God." (Ibid., 125). Hence, it is a facultative possibility. If the agent does so, the acts of these naturally acquired virtues

ii) Acts of Infused Virtue as Generating *per se* a Positive Disposition for Acquired Virtue

In the following paragraphs we will discuss a position which goes one step further. It supposes not only the potential effects of supernatural acts regarding acquired virtues – depending on the agent’s concrete attention, of course – but even some necessary consequences following therefrom.

The argument proceeds as follows. Actions of both kinds of habit are about the same matter, namely actions and passions. Being courageous for the sake of the civil common good or for the profession of faith are two different acts, but they involve the same human power, namely the irascible appetite. Thus, these two operations share a common grounding. Based on this “link,” the theory which we describe in this paragraph argues that supernatural acts have *essentially* some positive though indirect effects on future natural actions. The previous theory claimed such effects only in the case of an actual attention to natural motives. According to the present theory, those effects of supernatural actions are given *per se* in any case.

But what do these actions produce exactly? Certainly, the effected imprint is not the infused virtue itself (*quae deus operatur in nobis sine nobis*), nor is it simply an acquired virtue due to its having a different formal object. The proponents of this theory argue for the acquisition of a certain disposition in respect to actions with *similar* motives, an imprint of a human faculty which might be used by any virtue (infused or acquired) without being identical with one of both.

We can summarize the main theses of the theory as follows.

a) *What does infused virtue (as habit) imply for an act of acquired virtue?*

Because of their different formal objects, an act of infused virtue cannot directly cause an acquired virtue. But repeated actions leave a certain imprint in the underlying faculty which allows an easy use of that power also for the sake of natural motives.

b) *What does an act of infused virtue imply for acquired virtue (as habit)?*

In this regard, the present theory doesn’t differ from the former. Pure natural acts

remain possible even for an agent in the state of grace. Repeated supernatural actions can facilitate them accidentally by contributing to a natural power's more convenient disposition to natural virtuous action.

Some Proponents of the Theory

The present position is clearly expressed by John of St. Thomas. The author emphasizes that the act of infused virtue *per se* confirms only the virtue itself.¹⁴² To ascribe to a supernatural act the production of a formally different habit would contradict the common principle that a habit can be produced only by acts similar to itself, as for example the repeated reasoning about an apodictic argument is unable to generate a habit of opinion. Analogously, acquired virtues cannot be generated apart of natural acts.¹⁴³

On the other hand, John of St. Thomas mentions the possibility that someone with infused virtue can acquire natural dispositions by natural acts, and that such an acquisition can be facilitated even by the frequent practice of corresponding supernatural acts. The reason for this is the fact that the human mind becomes accustomed to deal with the same matter, and consequently it returns easily to similar acts even under a different formal aspect. "If a matter is more frequented . . . then it is easier to deal with even when under other but similar motives."¹⁴⁴ At this point, John of St. Thomas turns around the previously used analogy of the scientific habit. The repeated demonstration of an apodictic argument does not generate a habit of opinion, but nevertheless it allows an easier acquisition of this habit. In other words, it conveniently disposes the power to developing the habit. Hence, there must be something that is produced by repeated supernatural actions, though what is produced is not identified with acquired virtue itself.

or/and his love for God (see *ibid.*, 126).

¹⁴² "Absolute tamen nullum habitum produci per actus virtutum infusarum docet . . . sed tales actus confirmare praecedentem habitum, quod utique fieri potest, vel moraliter, id est, meritorie, vel physice disponendo ut deus infundat augmentum iuxta dispositionem actus." (Johannes a Sancto Thoma, *Cursus theologicus*, Disputatio XVI, art. VII, no. 1303).

¹⁴³ "Caeterum dicere quod ex frequentatis actibus demonstrativis generetur habitus probabilis, est omnino impossibile: sic ex frequentatis actibus supernaturalibus et infusis impossibile est generari habitum non supernaturalem nec infusum, sed acquisitum, quia diversae speciei sunt, habitus autem generatur ex similibus actibus, non ex dissimilibus." (*Ibid.*, disputatio XVI, art. VII, no. 1306).

¹⁴⁴ *Ibid.*, no. 1305: "Licet enim dubitare non possit quod circa materiam virtutum infusarum etiam theologicarum potest generari habitus aliquis acquisitus, qui diverso motivo et sub diversa ratione formali versetur circa illam materiam, et ad illum habitum generandum facilitari possit animus ex frequentatione actuum infusorum, quatenus si illa materia est magis frequentata, et sic facilius poterit etiam tractari ex alio simili motivo, sicut circa materiam, quam saepius demonstrando tractamus, possumus etiam probabilibus rationibus adiuvare, et facilius acquirere poterit talis habitus probabilis." However John of St. Thomas makes clear that the acquired disposition in question is not in itself supernatural (see *ibid.*, no. 1307).

Thus, John of St. Thomas makes a clear distinction between acquired virtues on the one hand and acquired dispositions of the other hand. Acquired virtues, specified by their natural motives of human reason, are acquired by natural acts. They might be commanded by infused virtues (as we saw in the previous chapter¹⁴⁵), but supernatural actions cannot generate them immediately.¹⁴⁶ They leave in the subjective power, however, a certain imprint that facilitates the use of the same power even when inspired by different motives.

By the fact that somebody performs and frequents many acts by a supernatural motive and by an infused virtue, he remains disposed and facilitated that he can act about the same matter out of a natural motive and by acquired virtue, so that he switches easily from one motive to the other, and generates an acquired virtue about the same matter.¹⁴⁷

With this distinction between acquired virtue and mere disposition, John of St. Thomas accounts both for the principle that the different formal object of supernatural acts forbids the immediate generation of acquired virtues, and also for the empirical fact that supernatural acts appear to make the acquisition of natural virtue easier.

Authors such as Banez,¹⁴⁸ De Lugo,¹⁴⁹ Billuart¹⁵⁰ and Schiffini¹⁵¹ share this position. Even Bullet suggests this idea at great length. He bases his argument on the observation that infused

¹⁴⁵ See footnote 117; (also *ibid.*).

¹⁴⁶ “Si habitus aliquis acquisitus ex illis actibus generetur [scilicet ex actibus virtutum infusarum], debet esse alterius ordinis ab infuso et alterius speciei; ergo alterius motivi et rationis formalis. Unde non ex actibus illis infusi gignitur, sed ex aliis circa eandem materiam procedentibus, sed sub diverso motivo.” (*Ibid.*, disputatio XVI, art. VII, no. 1308).

¹⁴⁷ *Ibid.*, disputatio XVI, art. VII, no. 1309: “Hoc ipso quod aliquis exercet et frequentat plures actus ex motivo supernaturali et per virtutem infusam, manet dispositus et facilitatus ut circa eandem materiam operari possit ex motivo naturali et per virtutem acquisitam, ideoque facile ex uno motivo transit ad aliud, et virtutem acquisitam circa eandem materiam generat.” And further in no. 1312: “In virtutibus autem moralibus infusis, si aliquis exercetur, facilitatur, ut ex motivo naturali etiam aliquando operetur circa illam materiam, et sic generat virtutem acquisitam.”

¹⁴⁸ Banez poses the following objection: “Sed contra agitur: Voluntas cum caritate efficiente producit actus dilectionis, ergo ex frequentatione illorum actuum generabitur aliquis habitus.” And he replies himself: “Respondetur, concedo consequentiam; sed ille habitus acquisitus non erit virtus, quia non attinget obiectum, propterea quod generatur ex exercitio voluntatis, prout naturalis potentia est, quae concurrat simul cum habitu caritatis ad actum dilectionis divinae, attingentis deum, ut est ab habitu et Spiritu Sancto. Vide D. Thomam de Verit. Q. 17, a. 1, ad 4, ubi docet quod ex actibus caritatis generatur habitus dilectionis acquisitus. Et iste solet manere in peccatoribus amissa caritate per peccatum mortale.” (Banes, *Scholastica commentaria*, about *ST* II-II 24.6, dubium 1, conclusio 5 ad 4).

¹⁴⁹ “Ex . . . actibus supernaturalibus, relinqui in nobis species, quibus eorum actuum recordemur, quae species non sint simpliciter et rigore supernaturales, sed solum praesuppositive et secundum quid . . . Tales ergo sunt species relictæ ab actibus supernaturalibus, et memoria, qua illorum recordamur: nempe supernaturales solum praesuppositive quatenus ad sui existentiam praesupponuntur necessario aliquid supernaturale, sed tamen debitæ naturæ intellectuali ex suppositione, quod sint in nobis actus supernaturales.” (Ioannis de Lugo, *Disputationes scholasticae et morales*, vol. 1 (Paris: Ludovicum Vivès, 1868), disputatio IX, sectio 4 no. 79). And further in disputatio XVI, sectio 4, no. 77: “Certe supposito, quod habitus acquisiti, et eorum facilitas sint species bene ordinatae, et memoria actuum praecedentium; idem sine inconvenienti concedi potest de actibus supernaturalibus, cum experientia constet non minus ab eorum exercitio reddi potentiam faciliorem ad alios actus posteriores,

virtues reside in human powers, and consequently their actions imply a simultaneous motion of the natural faculty and its respective virtue.¹⁵² Thus, there is one action which flows from the infused habit as well as from the natural faculty.¹⁵³ The infused virtue elevates the faculty and inclines it to a higher end, but it does not contradict the power's natural teleology. In terms of the matter-form-analogy, the supernatural virtue determines as form the underlying faculty. Therefore, Bullet concludes: "All acts of an infused moral virtue suppose a simultaneous act of, if not of a corresponding acquired virtue, at least of the natural power."¹⁵⁴ This final statement is important. In faithful adherence to John of St. Thomas (to whom he refers explicitly several times), Bullet argues that the acts of infused virtues don't themselves generate acquired virtue, but only a convenient disposition to natural virtue in the underlying power.¹⁵⁵

Common to all proponents of the accidental-relation theory is the conviction that supernatural acts do not necessarily generate acquired virtues. In the next chapter, we will examine the scholars who in fact defend this very opinion.

quam ab exercitio actuum naturalium, et negari non possit, quod relinquant etiam post se species sui, quae deserviant et ad memoriam, et ad facilius, et cum minori defatigatione percipienda obiecta, et motiva, quae antea nonnisi cum attentione, et labore percipi et examinari debebant."

¹⁵⁰ Billuart explains in respect to the acts of the theological virtues: "Potest tamen dici quod [actus supernaturales] generent habitum alterum inferioris ordinis non quidem formaliter sed dispositive; quia hoc ipso quo quis iterat actus virtutum infusarum, disponitur et facilitatur ut circa eandem materiam operetur ex motivo naturali, sicque transeundo de uno motivo in aliud, generatur virtus acquisita circa eandem materiam." (Billuart, *Cursus theologiae*, dissert. II, art. 3, resp. ad obi. 3).

¹⁵¹ "Ipsum exercitium actuum supernaturalium censeatur esse causa, eaque physice efficiens, eiusmodi facilitates, quae in potentia relinquitur. Nam imprimis tale exercitium relinquit in potentia complura sui quasi vestigia, exempli gratia, memoriam sui, species bene ordinates; quae quidem vestigia multum faciunt hoc ipsum exercitium. . . . Id igitur etiam tribui potest exercitio actuum supernaturalium. . . . Nam haec facilitas, quam in modum habitus acquisiti obtineri dicimus frequentatione actuum supernaturalium, non est in substantia supernaturalis, sed naturalis; cuius rei manifestum signum illud est, quod ea maneat, etiam quando virtutes infusae amittuntur. Neque etiam illud obstat, quod principium supernaturale gignat aliquid naturale. Id enim bene fieri potest, quoties principium illud non operatur quatenus supernaturale, nec per se requiritur ad effectum supernaturalem." (Schiffini, *Tractatus de virtutibus infusis*, 53-54).

¹⁵² Cf. Bullet, *Vertus morales infuses*, 141-143.

¹⁵³ "La puissance naturelle ne concourt pas partiellement à la production de l'acte surnaturel pour ce qui serait de sa vitalité, et l'habitus infus partiellement pour ce qui serait de sa surnaturalité; mais l'acte procède à la fois, tout entier, de l'un et de l'autre." (Ibid., 142).

¹⁵⁴ Ibid., 143: "Tout acte de la vertu morale infuse suppose un acte simultanée, sinon de la vertu acquise correspondante, du moins de la puissance naturelle."

¹⁵⁵ "Il nous semble donc nécessaire de maintenir que, *formellement parlant*, l'acte surnaturel de la vertu infuse ne peut engendrer un habitus naturel. Cependant, en tant que cet acte implique l'exercice de la puissance naturelle, une disposition à l'acquisition d'un habitus naturel sera engendrée dans cette puissance par la répétition de ces actes, l'habitus proprement dit étant formellement engendré par un acte de la puissance naturelle relative à un objet formellement naturel." (Ibid., 144).

b) Inclusive-Order-Theory

The following version of the connection theory is the extreme opposite of the exclusive-order theory. According, the supernatural act is taken to contain *per se* the natural perfection of its corresponding natural act. For example, Christian fasting motivated by divine charity contains *per se* the perfection of a natural temperate act.

Several consequences flow inevitably from this position. First, the effects of supernatural acts are not seen as being limited to the divine merit gained from the augmentation of a natural power by infused virtue, as the exclusive-order theory asserts. Further, supernatural actions generate natural virtues even without special attention being given to natural reasons, as the accidental-relation theory suggests. Rather, it belongs essentially to the supernatural act to confer the corresponding natural perfection to the underlying power and to acquire or confirm the corresponding natural virtue.

We shall refer to the present position as the inclusive-order theory. This name does not, however, imply that infused virtue *per se* includes the presence of an acquired virtue as habit. It simply denotes that every act of an infused virtue contains the perfection of a corresponding natural act, i.e. the supernatural act has to align in a certain way to the measure of reason, even if a natural acquired habit is still lacking.

The authors who ascribe to the inclusive-order theory can be divided into two groups which, though they agree on many points, differ fundamentally in principle. The first group holds that supernatural acts include the corresponding natural perfections since both kinds of virtue are substantially the same. On the basis of this hypothesis, it is easy to claim a an agent's necessary acquisition of natural virtues by means of supernatural acts. The second group, however, defends the formal difference of natural and supernatural acts, but it argues nonetheless that the latter include necessarily the natural perfections of the former.

i) Supernatural and Natural Acts Are of the Same Substance

Aquinas repeats again and again that infused and acquired virtues are about the same matter, but he insists at the same time that they differ regarding their formal object. St. Thomas's strong focus on this principle led Suarez to the negation of any possible interaction between

both sets of virtue (see section 3.3.2). Hence, if someone wants to defend a necessary mutual relationship between the two sets, then he has to provide a satisfactory explanation for that cooperation in spite of the formal difference.

The easiest solution to this problem is simply to negate the formal difference. If both kinds of actions are basically the same, although their mode of acting might differ, it wouldn't be difficult to argue for the effects of the acts of one virtue necessarily imposing themselves on the acts of other.

Some Proponents of the Inclusive-Order Theory

We shall examine the basic outline of the inclusive-order theory as manifested in the texts of the French Jesuit and Cardinal L. Billot (1846–1931), who was perhaps the most prominent proponent of this theory.¹⁵⁶ In his expanded book *De virtutibus infusis* he claims initially that supernatural acts by themselves lead to certain effects in the underlying power: “It is said that by frequent acts of infused virtues an acquired habit is generated, by which the natural power of that infused virtue becomes better subjected and more and more disciplined for prompt action according itself.”¹⁵⁷ According to Billot neither the removal of contrary impediments nor the intensification of a positive inclination to its acts is reserved to a divine intervention which can only be merited by those acts. Rather supernatural acts possess by themselves the potency to induce a positive tendency for the same supernatural acts.¹⁵⁸ He argues as follows. To erase an inclination necessarily implies the generation of another one. Hence, if supernatural acts can account for the diminution of contrary vices, then they will also be able to produce an inclination to the opposing virtue. To illustrate his point, Billot uses the following example. A wax imprint can be only destroyed by superimposing a new seal on the old one. Likewise, the elimination of a contrary vice implies automatically the acquisition of a natural disposition which consequently inclines the power to the same virtuous acts.

At this point one might make an objection. Supernatural and acquired virtues are specifically different. Hence, how should acts of one virtue be able to generate the habit of another? Of course, Billot knows that traditional caveat. He himself addresses the objection and quotes

¹⁵⁶ See e.g. the judgment of Coerver, *The Quality of Facility in the Moral Virtues*, 55-61; Mirkes, “Aquinas on the Unity of Perfect Moral Virtue,” 248-255.

¹⁵⁷ Billot, *De virtutibus infusis*, 50: “Dicatur generari per frequentationem actuum virtutes infusae habitus acquisitus, quo naturalis potentia eidem infusae virtuti melius subiicitur, et semper magis magisque disciplinatur ad prompte operandum secundum ipsam.”

¹⁵⁸ See Ibid.: “non per meritum operum tantum, sed per efficientiam eorundem.”

even its principle.¹⁵⁹ Nevertheless, he simply denies its applicability for the present case. It is an obvious fact that repeated supernatural actions acquire a certain facility for performing the same actions again in the future. Therefore, one has to provide a theory which accounts for this experience.¹⁶⁰

To resolve this theoretical difficulty, Billot presents a remodeled vision of the supernatural act.¹⁶¹ Obviously, actions which are directly concerned with man's supernatural final end, most of all the vision of God, essentially exceed man's natural powers. So far, nothing is disputed. Then, however, Billot raises the question whether man could strive for the specific supernatural object by means of his pure natural capacities, if given a divine revelation. In these cases, so Billot speculates, man would recognize a supernatural end (and the means to it) as something good even by his natural intellect. Hence, he would seek the supernatural end under the formal notion of a reasonable good. But for those actions he doesn't need an additional principle. "Man can perceive and strive by a mere natural act even for eternal life itself, without any intrinsic gift which elevates [his] faculties."¹⁶² To be sure, Billot does not assert that by such acts the supernatural end could be effectively attained, but he does argue that such natural acts possess at least a tendency which is similar to that of supernatural acts themselves. He hypothesizes, therefore, natural "analogues" for theological virtues,¹⁶³ as well as for the infused moral virtues. "Supernatural acts during life have completely the same objective resolution as natural acts have or would have about the same practical objects, and consequently, the notion of supernaturality depends only very little from this part."¹⁶⁴

Simultaneously, Billot effects a decisive change in the understanding of the internal structure of the function of infused virtue itself. According to Billot, the special character of a supernatural act is derived neither from the material object (i.e. what is believed, hoped, loved, or worked), nor from its formal object (i.e. because of which reasons certain things are believed, hoped, loved, or worked), but exclusively from the principle of grace which elevates

¹⁵⁹ See *Ibid.*, 52-53.

¹⁶⁰ This is not an unfair undervaluation of Billot, but he himself claims that the relation of acquired and infused virtues works like this; consequently theories which argue for a specific difference of the formal object of natural and supernatural acts complicate things without need and has to be denied. (See *Ibid.*, 53).

¹⁶¹ See for the following his extensive discussion in *Ibid.*, 64-94.

¹⁶² *Ibid.*, 69: "Homo ipsam vitam aeternam apprehendere et appetere valet actu mere naturali, absque ullo intrinseco dono elevante facultates."

¹⁶³ "Si ergo bonum vitae aeternae attingi potest naturali actu tam cognoscitivo quam appetitivo, etsi inefficaci et entitative improporcionado, eodem quoque modo attingi poterunt obiecta in ordine huius boni existentia, puta obiecta fidei et spei et caritatis, supposita caeterquin cognitione divinae revelationis et promissionum quae in ea continentur." (*Ibid.*, 69-70).

¹⁶⁴ *Ibid.*, 71: "Actus supernaturales viae habent eandem omnino resolutionem obiectivam quam habent vel haberent actus naturales circa eadem obiecta exerciti, et quod ex consequenti, supernaturalitatis ratio minime est ex hac parte quaerenda."

the operating faculty and supplies the capability to reach the supernatural order – but without any change of the formal object.¹⁶⁵ His argument appears straightforward. For example, supernatural faith as well as natural faith trusts in God as first truth and as witness who is most trustable.¹⁶⁶ In short, natural and supernatural acts don't differ formally but only according to their efficient cause.

Billot clarifies his thesis by referring to the famous distinction between the *substance* and the *mode* of an act (see section 2.4). In the context of supernatural acts, theologians normally make use of these terms to cover the twofold help of grace: grace which heals and elevates nature and allows for supernatural acts *quoad substantiam*, and grace which leaves the conditions of nature untouched but provides a special help for a concrete action that lies above the capacities of natural powers (e.g. the miraculous healing of a sick person) and allows for supernatural acts *quoad modum*. Thus, substantial supernatural acts require an intrinsic quality that lies above the capacity of nature, whereas supernatural acts according to their mode remain intrinsically natural.¹⁶⁷ Billot, however, explicitly distances himself from this classic understanding of the distinction. Accordingly, he defines the substance of an act as follows:

The substance of an act is nothing else than the act considered from a precision by which it is yet indifferent to a natural or supernatural determination: for example *faith* taken precisely insofar it is the assent to revealed things because of God's authority; in this way – as it was said in the precedent point – [the act of faith] can be achieved by grace as well as by nature, at least physically.¹⁶⁸

For Billot, the substance of an act is only, so to speak, the basic orientation of an action toward a special object, but without regard for its proper natural or supernatural determination (i.e. its formal notion), and also without regard to whether the efficient cause is God or the human natural power. Thus, the substance of supernatural acts is identical with the substance

¹⁶⁵ See Ibid., 72-79.

¹⁶⁶ “Vere ergo dicendum quod fides divina eodem modo resolvitur ac fides humana in dicentis auctoritatem. Et hinc statim consequitur, nihil absolute impedire quominus detur circa veritates de facto a deo revelatas actus fidei mere naturalis, conveniens in omnibus quoad tendendi modum cum fide supernaturali. Suppone aliquem qui ex signis credibilitatis convinceretur de existentia christianae religionis; hoc enim naturaliter contingere posse, nemo sane est qui vel minimum dubitabit.” (Ibid., 76).

¹⁶⁷ Thereto: Reginald Garrigou-Lagrange, “Le surnaturel essentiel et le surnaturel modal,” *Revue Thomiste* 21 (1913): 316-327.

¹⁶⁸ Billot, *De virtutibus infusis*, 80: “Substantia actus nihil est aliud quam actus consideratus sub ea praecisione sub qua adhuc est indifferens ad determinationem naturalitatis vel supernaturalitatis: verbi gratia fides praecise accepta secundum quod est assensus in rem revelatam propter dei auctoritatem; sic enim, ut praemissum est in puncto praecedenti, tam a gratia quam a natura physice saltem esse potest.”

of their corresponding natural acts (at least those achieved in this life¹⁶⁹). In fact, the two types of action must be identical since Billot has defined the concept of “substance” of an act apart from the issue of its supernatural character. The supernatural quality of an otherwise “neutral” act is added to it from the outside and confers on the act its specific mode. Nevertheless, this *modus supernaturalis* provides the act an essentially higher perfection, albeit not respective of its formal object but only regarding its true efficiency to attain the supernatural final end. “The supernatural mode is the formality which draws the act to the entitative perfection by which it is ordered to eternal life.”¹⁷⁰

Billot concludes his argument as follows. Since acquired and infused virtues coincide in the same substance of acts, they are not specified by different objects (“non specificari ab obiecto”). They differ only according to their mode.¹⁷¹

Of course, based on this idea one can easily assume that an agent necessary acquires natural habits through repeated supernatural acts. If the substance of supernatural acts is in itself not supernatural, then it follows that their repetition would cause the generation of a corresponding natural virtue. That virtue then supplies a tendency to further acts of the same neutral substance, to acts which might serve for supernatural acts as well as for natural ones. “By repeated supernatural acts the natural power is exercised in wholly the same line as it is exercised by the natural acts.”¹⁷²

Therefore, Billot rests his argument thusly: “It is just a conclusion of the premises that an entitative natural habit can be given in respect of the supernatural objects present in this life.”¹⁷³

Other scholars who defend a similar view are Molina,¹⁷⁴ Ripalda,¹⁷⁵ and Huarte.¹⁷⁶

¹⁶⁹ Billot explains carefully that supernatural acts *in patria* would differ from natural acts even substantially (cf. *Ibid.*).

¹⁷⁰ *Ibid.*: “Modus vero supernaturalitatis est formalitas contrahens actum ad eam perfectionem entitativam per quam ordinem habet ad vitam aeternam.” And further: “Modus de quo hic sermo, non signat denominationem quamdam extrinsecam, sed formalitatem plane intrinsecum actui.” (*Ibid.*).

¹⁷¹ “Actus supernaturalis habet univoce eundem tendentiae modum quem habuisset actus naturalis possibilis circa idem obiectum, quamvis sit ontologice elevatus ad altiore et superiorem ordinem, utpote elicitus per vires novae illius naturae quae est gratia sanctificans.” (*Ibid.*, 54). Certainly it is allowed to ask how Billot the act of acquired and infused virtue can be formally equal, but belong to two ontological different orders.

¹⁷² *Ibid.*, 53: “Per repetitos actus supernaturales potentia naturalis exercetur in eadem omnino linea ac exerceretur per naturales.”

¹⁷³ *Ibid.*, 82: “Dari posse habitus entitative naturalis respectu obiectorum supernaturalium viae, sequela est praemissorum.”

¹⁷⁴ Long time before Billot, his confrere Luis de Molina (1535-1600) proposed a similar account, though it remains more implicit in his work. Molina limits his discussion to the relation of repeated actions of the theological virtue and their results in respect to the acquisition of a natural habit of faith, hope and love. Molina asserts (as Billot): “Supernaturales vero habitus fidei, spei et caritatis a solo deo infunduntur neque attinguntur efficienter ab actibus fidei, spei et caritatis supernaturalibus etiam quoad ipsorum augmentum. Quia tamen actus

illi eminenter continent naturales actus fidei, spei et caritatis, eo quod ad ipsorum productionem concurrant causae omnes quae producerent actus illos naturales . . . inde evenit, quod producant naturales habitus fidei, spei et caritatis qui remanent in eo qui per lethale peccatum amittit supernaturalem atque etiam in eo qui per infidelitatis peccatum amittit etiam fidem.” (Ludovicus Molina, *Liberi arbitrii cum gratiae donis, divina praescientia, providentia, praedestinatione et reprobatione concordia* (Typis Collegii Maximi Oniensis, 1953), pars III, qu. 14, art. 14, disp. 38, no. 9).

How does Molina explain this virtual inclusion of the natural perfection in a supernatural act? His solution is quite similar to Billot. As he writes some paragraphs prior, supernatural acts as well as natural acts are concerned with the same objects. He substantiates his view by the example of faith: the object of faith is the same for man in grace (i.e. with the virtue of divine faith) and apart from grace; both accept the same contents for the same formal reasons – namely because of the certitude of divine revelation. Hence, both kinds of natural and supernatural faith don’t differ according to the object, but only because of the different efficiency. “Quare ad influxum et causalitatem dei quo actus nostri evehuntur ad esse supernaturale commensuratum fini nostro supernaturali ac proinde quo evehuntur ad esse distinctum specie ab esse naturali actuum qui circa eadem obiecta a nobis elicerentur recurrendum sane est non minus in actibus fidei quam spei et caritatis ut distinctio eorum specifica et commensuration quorundam eorum fini supernaturali et non aliorum explicetur. Inde enim provenit, quod certus in se sit supernaturalis assensus peculiari certitudine coniuncta cum inevidentia obiecti. Quae quidem certitudo actus non minus nobis inevidens est in hac vitam quam certitudo obiecti inevidentis cui per eum actum assentimur. Atque ea de causa tam firmiter ex parte subiecti potest adhaerere Lutheranus articulo Trinitatis per actum suum naturalem finique supernaturali minime commensuratum, quam firmiter adhaerent multi catholici per suos actus supernaturales fini supernaturali commensuratos.” (Molina, *Liberi arbitrii cum gratiae donis, divina praescientia, providentia, praedestinatione et reprobatione concordia*}, no. 6). Important to note that also Molina does not negate an essential difference between both kinds of acts. There is an essential difference, since only by supernatural actions man can reach his final end. But according to his view this does not hinder that both possess a common formal object.

Hence, although Molina does not use the concepts of substance and the mode of an action in the sense of Billot (in this regard he even asserts the classical understanding, see *ibid.*, no. 21), nevertheless there is an internal affinity to Billot’s theory. Not entirely coincidental Billot quotes Molina in great length in his writings as authority. (See e.g. Billot, *De virtutibus infusis*, 53-54).

¹⁷⁵ Ripalda’s position is totally clear: Acts of infused virtues generate their acquired counterparts. “Distinguendum puto. Nam vel actus naturales fiunt a potentia simul cum supernaturalibus circa idem obiectum, vel non? Si fiunt simul, existimo habitum naturalem fieri solum ab actibus naturalibus et non supernaturalibus qui praesentibus causa univoca, et aequivoca defertur actio causae univocae, vel magis univocae, ut saepius diximus in philosophia. Magis autem univoci sunt actus naturales cum habitu naturali, quam actus supernaturales. Si autem non fiunt actus naturales cum supernaturalibus, sed supernaturales duntaxat, mihi persuadeo, habitum naturalem fieri ab actibus supernaturalibus, quandoquidem nulla est alia causa, a qua fiant habitus naturalis, qui relinquuntur in potentia assuetudine operandi actus supernaturales. Potentiam enim agentem continuo actus supernaturales etiam sine naturalibus habiliorem et faciliorem reddi quam non agentem, quis non credat. At ea maior facilitas revocanda est in habitum acquisitum, nisi velimus evertere totum fundamentum adstruendi habitus acquisitos . . . Ergo cum actus supernaturales fiunt sine consortio naturalium, virtute ipsorum producitur habitus naturalis facilitans potentiam ad actus sequentes.” (Ripalda, *De ente supernaturali*, vol 1, liber III, disputatio 53). Also the theoretical fundament of his conception is consistent with Billot: Acquired and infused virtues are not specified by two different formal objects; rather the same formal object can be intended by natural as well as supernatural acts. “Potest homo per actum naturale assentiri mysteriis supernaturalibus propter testimonium dei. Ergo potest obiectum formale supernatural, quale est testimonium dei, movere assensum naturalem. . . . Actus supernaturales et naturales possunt entitate et specie distingui quamvis utrique in idem obiectum formale intrinsece intendant, nempe ex modo tendendi in illud . . . Aliunde nihil prohibet posse respectum ad idem obiectum formale esse utrique actui communem, ut prompta explicatione argumentorum aperiemus. Ergo absque incommodo statui potest obiectum formale supernaturale actibus naturalibus commune.” (Ripalda, *De ente supernaturali*, vol. 1, liber III, disputatio 45, sectio V). The two kinds are different only by the mode of their tending. “Actus naturalis et supernaturalis in genere sic differunt inter se ex modo recipiendi idem obiectum, tam naturale, quam supernaturale, ut supernaturale respiciat obiectum modo perfectionis superante connexionem naturae, habenteque aliquam connexionem cum gratia iustificante, naturalis vero modo perfectionis contentio intra connexionem naturae, act nullam habente connexionem cum gratia iustificante.” (Ripalda, *De ente supernaturali*, vol. 1, liber III, disputatio 46, sectio II).

¹⁷⁶ See Huarte, *Synopsis de virtutibus infusis*, 54-66. He defends explicitly Billot’s theory on page 54: “Virtutes supernaturales non distinguuntur a naturalibus necessario et universaliter ratione obiecti formalis, ut non possit idem esse obiectum formale virtutis naturalis et supernaturalis.”

ii) Supernatural Acts Contain Natural Acts In Some Way

The following second interpretation of the inclusive-order theory holds positions similar to the first. The repeated practice of a supernatural virtue necessarily causes its natural counterpart. Accordingly, an agent in the state of grace is described as never performing supernatural acts only.

Due to their agreements on external matters, scholars often missed the important difference of principle lying at the bottom of their theories.¹⁷⁷ But the gap is serious. In contrast to Billot and his adherents, the following theorists remain faithful to the different formality of natural and supernatural virtues, but nevertheless confirm an essential connection between the two. Their proponents have developed several concepts by which they express their ideas. Some explain that a supernatural act *virtually contains* the natural act, while others make use of the matter-form analogy, though in a qualified sense. Still others hold that every supernatural act necessarily commands an act of the corresponding acquired virtue.

Supernatural Acts Virtually Contain Their Corresponding Natural Acts

B.H. Merkelbach holds the theory that every supernatural act virtually contains the perfection of a corresponding natural act. Supernatural acts are specified by their special formal object, but simultaneously they tend by the very same act to the natural end which is determined by the measure of reason. Subsequently, it belongs to the natural perfection of a supernatural act to generate an acquired virtue.

Whilst supernatural acts tend to a supernatural end or good and object, they tend simultaneously according to another respect to a natural end and a natural good which is convenient to reason; not only since *simultaneously* the natural faculties are exercised, but also since the supernatural act and good contains and includes *eminently* the natural act and the natural goodness: But in this way [the supernatural acts] can produce natural habits of the same species and its object insofar as natural and conform to reason, and thereby they can defeat and remove obstacles of that act and contrary objects in the same way as an acquired virtue.¹⁷⁸

¹⁷⁷ For example Coerver doesn't show any misgiving in treating authors as Molina and Billot together with Merkelbach, although the latter explicitly holds another position concerning the different formal object of acquired and infused virtue. (Coerver, *The Quality of Facility in the Moral Virtues*, 51-63).

¹⁷⁸ Merkelbach, *Summa theologiae moralis*, 487: "Actus supernaturales, dum tendunt ad finem seu bonum et obiectum supernaturale, simul tendunt sub aliquo respectu ad finem naturalem et bonum naturale rationi conveniens, tum quia exercentur *simul* facultates naturales, tum quia actus et bonum supernaturalia *eminenter* continent et includunt actum naturalem et bonitatem naturalem: sic autem possunt producere habitus naturales

Although his statement might seem akin to Billot's account, it differs in important respects. Two points are worth noting. First, Merkelbach mentions explicitly that natural perfection corresponds to a different formal object (*sub aliquot respectu*). Hence, in contrast to Billot, Merkelbach describes both kinds of perfection as distinguished by their different formal objects.¹⁷⁹ Secondly, Merkelbach does not speak of two acts – natural and supernatural – but only of one “*actus supernaturales*” that, as one act, tends simultaneously to two different ends. Unfortunately, Merkelbach's handbook provides no further explanation as to why a supernatural act necessarily contains the natural perfection of the corresponding acquired virtue in addition to its own proper perfection.¹⁸⁰

In this respect, the explanations of Garrigou-Lagrange are more helpful. He notes that by mortal sin man turns away not only from his final supernatural end, but he also disturbs in some way the order of nature. Based on the fact that even man's natural perfection is not limited to the mastery of some particular areas of human life (as the purpose of pagan virtues), but consists in the order of one's whole life in respect to God as the principle of his being, Garrigou-Lagrange argues that it is impossible for an agent to violate his supernatural adherence to God, constituted by charity, and to remain simultaneously connected to him by natural love. Hence, an offence against the divine law includes implicitly always a contrary act against natural law, at least indirectly insofar as it belongs to natural reason to obey one's creator.¹⁸¹ And the reverse is also true: supernatural perfection includes the (lower) natural perfection.

Garrigou-Lagrange exemplifies this internal nexus of the natural and supernatural perfection by an analogy taken from the sphere of music.¹⁸² A deep tone contains always the character of its octave. It's not a contingent fact, but a physical necessity. Who hears the deep tone, hears

eiusdem speciei ac illud obiectum ut est naturale et conforme rationi, et per hoc vincere et remove obacula huic actui et obiecto opposita, eodem modo ac de virtute acquisita.”

¹⁷⁹ Merkelbach himself refers to the specific difference of acquired and infused virtues because of their different object on the previous page (see *Ibid.*, 486).

¹⁸⁰ In the same way Vignon presents the relation of acquired and infused virtues: “*Neque mensura rationalis virtutis naturalis virtute supernaturali praetermittitur, et multo minus contradicatur: gratia naturam non tollit, at contra, ipsas leges ethicae naturalis maiore auctoritate sancit et imperat, atque ad altiore finem ordinat. Virtutes igitur supernaturales assumunt atque consecrant totum ordinem officiorum naturalium, tanquam ad finem supernaturalem ordinabilem.*” (Vignon, *Adnotationes in tractatum de virtutibus infusis*, 299).

¹⁸¹ See Garrigou-Lagrange, “L’instabilité,” 259: “L’homme par le péché mortel est détourné non seulement de la fin dernière surnaturelle, mais aussi de la fin dernière naturelle. En d’autres termes, il ne peut, dans un tel état, aimer efficacement Dieu auteur de sa nature plus que soi et par-dessus tout, comme le demande la loi naturelle. . . . Il ne faut pas oublier ici que tout péché mortel qui nous détourne rectement de la fin dernière naturelle et est au moins indirectement contraire à la loi naturelle.”

implicitly the corresponding octave, independently of whether he explicitly pays attention to it or not, whether he is aware of that “richness” of the tone or not. Likewise, if somebody strikes a deep tone on the piano, immediately the chord of the octave will resonate, even without a special intervention on the part of the artist. However, the octave does not simply repeat the original tone, but it resonates according to its own reverberation. Analogously, supernatural acts have a quasi natural aptitude to elicit a harmonic resonance from man’s natural capacities.

Garrigou-Lagrange develops a second analogy. As the musical genius of a pianist makes use of the physical agility of his fingers, so supernatural acts make use of acquired virtues.¹⁸³ The higher motive doesn’t contradict the lower but makes use of it. The example illustrates very well the point of how every practice of a higher habit works implicitly for the formation of the lower. Even if by playing piano the artist does not intend the development of his dexterity, such playing always serves it. And once this dexterity is acquired, it will be automatically involved in every artistic action, although the pianist does not play music according to the formal respect of his dexterity. Analogously, a supernatural act essentially hinges on the presence of infused virtue and the will’s conformity to the divine rule. It might be accompanied by considerations of natural motives (e.g. the preservation of health), but even if those thoughts remain latent, the supernatural act will work implicitly for the acquisition of natural virtue.¹⁸⁴ Hence, the higher set of virtue necessarily includes the lower, but not vice versa.¹⁸⁵ Although Garrigou-Lagrange doesn’t speak explicitly of this virtual containment one within the other, his overall doctrine falls within the inclusive-order theory.¹⁸⁶

¹⁸² Garrigou-Lagrange uses the example, but he fails to develop the analogy. (See Garrigou-Lagrange, “Les vertus morale,” 230).

¹⁸³ “Chez l’artiste qui joue de la harpe ou du piano, l’agilité des doigts, acquise par la répétition des actes, favorise l’exercice de l’art musical qui est, non pas dans les doigts, mais dans l’intelligence de l’artiste. Si, par suite de paralysie, il perd toute agilité des doigts, il ne peut plus exercer son art, à cause d’un obstacle extrinsèque. Son art pourtant reste en son intelligence pratique, comme on le voit chez un musicien de génie frappé de paralysie. Normalement il doit y avoir deux fonctions subordonnées qui s’exercent ensemble. Il en est de même pour la vertu acquise et la vertu infuse de même nom.” (Ibid., 233). Successive scholars often adopted Garrigou-Lagrange’s analogy of the artist (for example Maritain, *Science and Wisdom*, 210-212, Schockenhoff, *‘Bonum hominis’*, 337).

¹⁸⁴ “Chez les chrétiens plus surnaturels, le motif explicite d’agir qui apparaît le plus est le motif surnaturel, chez d’autres c’est un motif rationnel et le surnaturel reste un peu latent . . . Les motifs de raison inférieure, qui touchent à la santé, sont plus ou moins explicites, suivant qu’on est plus ou moins dégagé de ces préoccupations, ou suivant aussi qu’étant bien portant, on n’a pas à penser à sa santé.” (Garrigou-Lagrange, “Les vertus morale,” 234).

¹⁸⁵ “Ce sont deux objets formels et deux motifs d’action fort différents. La prudence *acquise* ignore les motifs surnaturels d’action; la prudence *infuse* les connaît: procédant, non pas seulement de la raison, mais de la raison éclairée par la foi infuse.” (Ibid., 231).

¹⁸⁶ Klubertanz criticizes the thesis that the act of infused virtue contains *virtually* the perfection of the natural act. Although he concedes that an act may contain virtually a perfection, the act of the infused virtue cannot produce *in the same subject* another acquired virtue, since in this case in the soul would exist a certain perfect habit as well as its imperfect counterpart. “Comment deux forms, l’une parfait, l’autre imparfait, peuvent-elles coexister

Nobel addresses the same issue from a different but interesting point of view, and he reaches the same result. He argues: “If somebody is virtuous, he desires the good with a certain drive and for valuable reasons.”¹⁸⁷ Hence, the supernatural motives necessarily respect the natural ones. To strive for the supernatural good while excluding natural motives would destroy the integrity of supernatural motivation. The fountain of all infused virtues is charity, which directs man towards God who is not only the object of supernatural beatitude but is at the same time the author of nature. Therefore, it would be contradictory to attain God under one exclusive respect but to exclude others.¹⁸⁸

The Matter-Form Analogy according to the Interpretation of the Inclusive-Order Theory

In recent times, R. Mirkes published a considerable study on the unity of the moral virtues in Aquinas’s thought, in which she presented the relationship of acquired and infused virtue using the matter-form schema.¹⁸⁹ As we have already seen, her general idea was in no way novel.¹⁹⁰ In a previous chapter we have already mentioned the basic idea which underlies this theory. An acquired virtue can relate to an infused one as something determinable, as

dans le meme sujet?” (Klubertanz, “Une théorie,” 568; a similar objection is raised by Schockenhoff, *Bonum hominis*, 338-339.

We agree with Klubertanz’s general assertion about the impossibility of perfect and imperfect habits (of the *same species*) in one human faculty, but we would deny a description of acquired virtue as the mere imperfect state of infused virtue. Acquired virtue implies a true perfection of a power (its *ultimum posse*) according the rule of reason in regard to the human good; hence it should be possible that the natural perfection is virtually included in an infused virtue; in respect to its proper end acquired virtue is not imperfect but perfect. Furthermore, even Klubertanz concedes that the rule of faith *includes* – “est inclus” (ibid., 571) – the principle to act in conformity to reason.

¹⁸⁷ Noble, *La conscience morale*, 273: “Quand on est vertueux, on veut le bien avec entrain et pour tous les motifs valables.” Gardeil makes the same assertion in his commentary to the *Summa theologiae*: Supernatural motives “accept” likewise the natural ones (Gardeil, “Appendice,” 371-372).

¹⁸⁸ See for the whole discussion: Noble, *La conscience morale*, 270-274, esp. 273-274: “Le vertueux qui dirige sa vie morale dans l’amour de Dieu, tout en agissant, par ses vertus ‘infuses’ au nom de motifs surnaturels, n’exclut point dans l’attention de sa conscience, les motifs naturels qui se lèvent en parallèle avec les motifs surnaturels qui principalement le dirigent. Quand on est vertueux, on veut le bien avec entrain et pour tous les motifs valables. Par exemple, le tempérant s’interdit certains excès de sensualité non seulement par esprit de pénitence, mais encore pour tous les autres motifs naturels de sobriété qu’il n’a garde de rejeter et qui sont d’ailleurs très engageants pour une conscience qui vise à la vertu parfaite. Dès lors, cette conscience surnaturelle enrichit tous ses désirs vertueux, affermit en tout sens son vouloir moral, par l’exercice des vertus ‘infuses’. Si, par malheur, elle vient à perdre, dans le péché mortel, la Charité et les vertus ‘infuses’, elle conserve du moins l’entraînement aux motifs vertueux d’ordre naturel qui précédemment, dans ses visées, se subordonnaient aux motifs surnaturels alors de premier plan. Notre conscience poursuit son oeuvre dans l’unité. Nous profitons toujours et immédiatement pour notre vie surnaturelle de notre acquis antérieur de vertu.”

¹⁸⁹ See her dissertation: Mirkes, “Aquinas on the Unity of Perfect Moral Virtue,”; the most fundamental principles are summarized in Mirkes, “Aquinas’s Doctrine,” 189-218 and Mirkes, “Aquinas on the Unity of Perfect Moral Virtue,” 589-605.

¹⁹⁰ See for example Klubertanz who considers the matter-form-relation as solution of the relationship of acquired and infused virtue; however, he negates explicitly the inclusive-order-theory (see Klubertanz, “Une théorie,”

something in potency to a further actualization. Thus, the infused virtue can relate to its acquired counterpart as the determining and perfecting principle.

For Mirkes, the infused virtue as such is a perfect moral virtue only if it is complemented by its corresponding acquired virtue, that is if it resides in a human power together with its natural counterpart. The matter-form relation allows two distinct aspects of one unified habit to synchronize. Matter and form do not constitute two separate entities, of course, but but they do constitute two different aspects of one unified being. Analogously, acquired and infused virtue account for two different qualities (formalities) that when unified constitute one perfect moral virtue.

A moral virtue, in its absolutely perfect state, is formally speaking supernatural or an infused virtue and materially speaking natural or an acquired moral virtue. . . . The formal cause is the supernatural perfection that determines the composite virtue to be the kind that it is; the material cause is the natural perfection that is in potency to the perfecting formal cause and is able to be determined by it, while at the same time exercising its own reciprocal causality.¹⁹¹

Such an action, proceeding from one human faculty but specified in a dual way, is caused by two complementary principles and consequently contains both supernatural and natural perfections.¹⁹² It is “directed to one material object under two different but ordered formalities.”¹⁹³ It corresponds to the divine rule as well as to the measure of natural reason, but not unequivocally. The acquired virtue undergoes a change through being informed by infused virtue insofar as it receives (as matter) a further determination. However, this informing does not erase the proper characteristics of the acquired virtue. Its proper significance is elevated but still preserved. This shows why it is fitting to speak of an inclusive-order theory. Since the formal cause informs but does not destroy the material part,

570). Similar Schockenhoff who gives an excellent account of the analogy, but finally infused virtues (may) use acquired ones only accidentally (Schockenhoff, *Bonum hominis*, 334-340, esp. 337).

¹⁹¹ Mirkes, “Aquinas’s Doctrine,” 204-205. Hence, for Mirkes perfect moral virtue requires both infused *and* acquired virtue: “In the Christian who also possesses the acquired moral virtues, each acquired virtue and its infused counterpart are the material and formal principles, respectively, of the perfect realization of that particular moral virtue and constitute a unified virtue that is supernaturally transformed.” (Mirkes, “Aquinas’s Doctrine,” 191). Mirkes is original in arguing that both kinds constitute together *one unified perfect virtue*: “Moral virtue in the Christian, though composed of acquired and infused moral virtue, is an indivisible but composite virtue that is formally an infused moral virtue and materially an acquired moral virtue.” (Mirkes, “Aquinas on the Unity of Perfect Moral Virtue,” 601).

¹⁹² “An exercise of prudential judgment based on the first principles of *synderesis* and on the revealed rule of faith would result in a single act of supernatural prudence that is caused by two complementary principles. This single prudential judgment of the justified person would be an act of divine virtue formally speaking, consisting of the perfection of the act based on the light of faith and a human virtue materially speaking, containing the perfection of an act arising from the rule of right reason.” (Mirkes, “Aquinas on the Unity of Perfect Moral Virtue,” 217).

one may attribute to the acts of infused virtue the natural motives of the human faculty.¹⁹⁴ Thus, the unified human action contains the formal content of infused virtues as well as of acquired ones, but under the form of the former. “The motive and end of acquired moral virtue is included within or the material component of the motive and end of infused moral virtue.”¹⁹⁵

Thus, supernatural acts contain the perfection of natural virtues and work therefore for the generation of acquired virtues.¹⁹⁶

Thus, Mirkes is only consistent in excluding the possibility of pure supernatural or pure natural deeds of an agent in the state of grace. If such an agent possesses acquired virtues, they are involved in the supernatural act as material principle. Even in the case of the baptized adult still possessing acquired vices from his former life, his supernatural acts would include the goodness of natural acts (i.e. the reasonableness). For example, the supernaturally temperate man also takes care of his bodily health (although this is not the final end of his temperance). Thus, step by step, every supernatural act works for the acquisition of natural virtue.¹⁹⁷

And the reverse is also true. Mirkes denies the possibility that a person in the state of grace could perform purely natural actions. Every moral action depends finally on man’s volition of the ultimate end. Admittedly, not every act includes actual awareness of the final end; but as long as man is directed by supernatural charity to his supernatural end all of his actions will be performed at least virtually for the sake of that end. Maybe natural reasons are more

¹⁹³ Mirkes, “Aquinas’s Doctrine,” 212.

¹⁹⁴ “Each acquired moral virtue is related to its infused counterpart as a determinable or perfectible principle, that is, that which is in potency to the actualization by its infused analogate. Correlatively, each infused moral virtue is related to its acquired counterpart as the determining or perfecting principle, that is, that which actualizes the potency of its corresponding acquired moral virtue.” (Mirkes, “Aquinas on the Unity of Perfect Moral Virtue,” 591).

¹⁹⁵ Ibid., 599; cf. also Mirkes, “Aquinas’s Doctrine,” 197-198.

¹⁹⁶ “If the act of prudential judgment of the mature baptized person includes a natural act of acquired prudence, the repetition of this at will eventually account for the acquisition of the human virtue of prudence.” (Mirkes, “Aquinas on the Unity of Perfect Moral Virtue,” 217).

¹⁹⁷ “The justified person who possesses the acquired virtues and who performs a supernatural act of prudence, for example, also performs an act of acquired prudence. This act of supernatural prudence, informed as it is by charity, is an act of virtue in the absolute sense, i.e., it is an act directed to the supernatural Good. . . . Even in the case of the person who possesses only the infused virtues, the supernatural act is not solely supernatural since the act is exercised through one of the human powers or faculties.” (Ibid., 218; see also Mirkes, “Aquinas’s Doctrine,” 197-198; Mirkes, “Aquinas on the Unity of Perfect Moral Virtue,” 599-600). It should be noted that this position remains somewhat ambiguous in her dissertation: at this point she is wondering how a formally different act can generate a specifically different virtue (see Mirkes, “Aquinas on the Unity of Perfect Moral Virtue,” 191); later on she adopts the solution of Klubertanz that the act of infused virtues may be performed for supernatural and natural reasons at once (ibid., 216-217); Mirkes relates to Klubertanz, “Une théorie,” 571-572. However, as we have seen, Klubertanz approves the possibility of pure supernatural acts, if the agent does not attend natural motives. But on other places Mirkes criticizes the theory of solely supernatural acts (see above).

conscious on the psychological surface of some Christians, but formally speaking even those acts are supernatural since performed in virtue of charity.¹⁹⁸

Every Supernatural Act Necessarily Commands an Act of Acquired Virtue

Recently, Baumann published his dissertation on the supernaturalization of the human act by grace according to the doctrine of Aquinas.¹⁹⁹ Of course, such a work scrutinizes the cooperation of infused and acquired virtues. Baumann describes the interplay of both kinds of virtue on the level of their specific acts, namely by the complementary terms of command and commanded act. We mentioned this relationship above in section 2.4. Bauman describes this relationship as follows (emphasis in the original).

Actual grace moves the virtue of charity to pose an act of charity, which itself commands an act of another infused moral virtue, which commands for its part a natural act of the corresponding acquired virtue, which form altogether one single simultaneous human act.

Analytically we have a cascade of causes which intertwine into one another, the one commanded by the previous, itself commanding the following. In that suite of mutually dependent causes, the commanding act is the principle cause in rapport with the commanded act which itself is the instrumental cause of former, and together they become the principle cause regarding the following act and so forth.²⁰⁰

This causal chain is not a matter of optional choice. Rather, it belongs to the essence of infused virtue to involve a command of the corresponding natural virtue. Baumanns himself summarizes the principle of his position as following: “We think that it is the thought of St. Thomas that each act of an infused moral virtue commands an act of an acquired virtue.”²⁰¹

Baumann is not the first to describe the relation between infused and acquired virtue by referring to Aquinas’s doctrine of command and commanded acts. St. Thomas himself makes use of this analogy to describe the cooperation of charity, prudence and the moral virtues (as infused virtues), though he does not extend the account to the involvement of acquired

¹⁹⁸ “There is no evidence in Aquinas, then, to support the claim that, in the life of the Christian who also possesses the acquired virtues, there is the possibility of performing purely natural acts of acquired virtue. One could argue that there might be Christian acts of moral virtue that are performed predominantly from natural motives, but . . . even these acts would be formally supernatural.” (Mirkes, “Aquinas’s Doctrine,” 205; see also 212; Mirkes, “Aquinas on the Unity of Perfect Moral Virtue,” 599-600; for a more detailed discussion of the present issue, see Mirkes, “Aquinas on the Unity of Perfect Moral Virtue,” 217-218; 225-229).

¹⁹⁹ Baumann, “La surnaturalisation,”.

²⁰⁰ Ibid., 237.

²⁰¹ Ibid., 255.

virtue.²⁰² Scholars such as Falanga, however, applied the schema also to the relation of infused and acquired virtues.²⁰³ Likewise, Schockenhoff addressed the same idea by using the *motio-mobilis*-analogy.²⁰⁴ The application of the command-commanded-relation has the advantage of showing the internal cooperation of infused and acquired virtue within a one single act human. Their cooperation is such, however, that one should not attribute 50% of the action to the one virtue and 50% to the other. On the contrary, the moving principle is wholly the supernatural virtue. Hence, the action will be wholly supernatural. Nevertheless, the act is also wholly human, and the proper structure of the natural virtue remains internally intact.²⁰⁵

In contrast to the previously mentioned authors, however, Baumann argues not only for a possible interaction of both virtues but for a necessary involvement of the corresponding acquired virtue in each supernatural act. As often as an infused virtue acts, so often does it command simultaneously an act of the corresponding acquired virtue. “*All acts of charity are accompanied necessarily, and not only in an accidental way, by a commanded act of an acquired virtue through the corresponding infused moral virtue*, whether the acquired virtue preexists or not [emphasis in the original].”²⁰⁶ Baumann also says: “Every human act of a man in the state of grace is on the one side necessarily supernatural and on the other side it includes a specifically natural act. That natural act is the final link in the chain of acts which intertwine into one another.”²⁰⁷

Baumann substantiates his thesis by referring to the effects of grace. The infusion of grace is not limited to a mere entitative elevation of the manner of the action – first it unfolds naturally, then supernaturally – but it includes the healing of nature itself. The proper tendency of nature

²⁰² Cf. *In sent.* III 27.2.4C; see section 2.4.

²⁰³ See Falanga, *Charity the Form*, 121-125. He summarizes his view as following: “Grace is the immediate form of charity; charity is the immediate form of the acts of the infused habit of prudence; prudence informed by charity is the immediate form of the acquired habit of prudence in so far as it is capable of eliciting meritorious acts; and hence of all the other moral virtues which demand prudence that they may exist as perfect moral virtues. . . . The acquired virtues share *per modum transeuntis*, during the time they are being used under the immediate direction of some infused virtue, the more remote direction of charity, and the ultimate direction of grace.” (Ibid., 125).

²⁰⁴ See Schockenhoff, ‘*Bonum hominis*’, 340-346.

²⁰⁵ By the example of supernatural prudence Gardeil explains well the internal informing of the acquired virtue through the infused one which “flows” into the one supernatural act. “Le prudent surnaturel ne récuse pas, certes, ces motifs naturels; mais il procède surtout de sa raison éclairée par la foi. . . . Il y a donc, chez celui qui vit de la charité, et vis-à-vis de ses actions vertueuses, une transfiguration des motifs: l’acte moral est transformé de fond en comble, aussi bien dans sa formule intime que dans son motif spécifique. Ce serait une erreur de croire que la conscience surnaturelle, inspirée par la charité, vient seulement ajouter le motif de l’amour de Dieu à un acte vertueux qui ne le serait que par des motifs naturels, comme un surcroît viendrait se superposer à une réalité déjà constituée. Non, l’acte moral, dicté par la conscience surnaturelle, est constitué tout entier par des motifs surnaturels; il est tel que, seule, peut le motiver son ordonnance à Dieu par la charité; et cela, tant et si bien qu’il peut se passer de motifs d’ordre naturel.” (Gardeil, “Appendice,” 373).

²⁰⁶ Baumann, “La surnaturalisation,” 264.

²⁰⁷ Ibid., 305.

is not wiped out but elevated and perfected. Grace works the redirection of man by charity towards a higher end, but it is a redirection of this very man.²⁰⁸ Hence, supernatural action cannot abstract from the natural human perfection. It can surpass it and it does surpass it, but likewise it must include it.²⁰⁹

In a certain way, a middle-position is held by Labourdette, who affirms, as does Baumann, that every act of infused virtue implies a coactivity of the parallel acquired virtue,²¹⁰ but at the same time he negates the converse claim defending the possibility of acts of acquired virtue being performed apart from the involvement of infused virtue, even for the graced agent. He defends this negation in a twofold way. First, a Christian who acts for mere natural reasons does not make use of his infused virtues. Those acts are not evil, but also they are not perfect.²¹¹ Secondly, the faithful can also perform those natural acts for the sake of charity. Then, according to Labourdette, the acts remain essentially natural but become directed *extrinsically* toward the supernatural end.²¹²

In sum, the authors mentioned above share the conviction that the supernatural act includes in a certain way its corresponding natural act or its perfection. Although they use different terms in taking the position, there is basic consensus among them about the general doctrine.

However, one difficulty remains. The inclusive-order theories give a good explanation of how the cooperation of natural and supernatural virtue could work in theory. But do they really explain the concrete cases of our everyday-experience? How can a supernatural act contain or command the corresponding natural act, if the concrete realization of the latter clearly differs from the former? Obviously, temperance commands either a certain mean of fasting because of divine charity, or another mean for bodily health. How can we think that the supernatural mean commands or contains the natural one if the concrete realization of both is different?

²⁰⁸ Cf. Ibid., 355-264.

²⁰⁹ Already Garrigou-Lagrange adverted to that confirmative function of infused virtue in respect to the acquired one, although without developing it in great detail: “Dans le juste, la charité commande ou inspire l’acte de la tempérance acquise par l’intermédiaire de l’acte simultané de la tempérance infuse. Et même en dehors de la production de leurs actes, ces deux vertus s’unissant dans la même faculté, l’infuse confirme l’acquise.” (Garrigou-Lagrange, “Les vertus morale,” 233-234).

²¹⁰ “Tout exercice d’une vertu infuse fait poser en même temps un acte de la vertu acquise correspondante, ou du moins un acte qui tend à l’acquérir.” (Labourdette, *Les principes des actes humains*, 165). The reason: the object of infused virtue is not *disparate* in relation to that of acquired virtue, but the former contains the latter (“il le contient” – *ibid.*, 165).

²¹¹ “Si la vertu infuse ne s’exerce pas sans que soit posé un acte de la vertu acquise corresponante ou du moins un acte tendant à l’acquérir, la réciproque n’est pas vraie. Même un chrétien en état de grâce peut agir pour des motifs d’honnêteté purement naturelle qui n’engagent pas ou n’engagent que faiblement, de façon très virtuelle, l’influence de la vertu infuse. L’acte n’est pas mauvais, mais il est loin d’être ce qu’il devrait être.” (*Ibid.*).

²¹² See Labourdette, *La charité*, 63.

In the next section we try to give a reasonable answer to this question by referring to an analogy which Aquinas himself uses in this context.

3.4 Our Own Proposal: Using a Forgotten Analogy of Aquinas

We do not intend here to propose a new theory concerning the cooperation of acquired and infused virtues. The relevant texts of Aquinas are well known to the proponents of the different positions. However, we would like to suggest that a certain analogy could be used to clarify their interaction. This method is not new. For example, Mirkes employed several analogies to bolster her claims regarding of the cooperation of acquired and infused virtue.²¹³

However, we want to draw attention to an analogy which Aquinas uses himself in the context of the present topic, namely in *De virt. in com.* 10 ad 1. Although the text is located in the very center of the discussion of acquired and infused virtues,²¹⁴ to the best of our knowledge the secondary literature never refers to this text to clarify the issue. Admittedly, the text does not speak explicitly about the interaction of both sets of virtue, but it argues for the strict necessity of infused moral virtues. Nevertheless, the analogy provides a helpful key to understand Aquinas's general idea of the interface between acquired and infused virtues.

The first objection of *De virt. in com.* 10 argues as follows. Everything has the necessary means to attain its natural perfection. Hence, a natural virtue (*virtus connaturalis*) should be sufficient for man to attain his proper perfection. Consequently, there is no need for divinely infused virtues.

²¹³ See Mirkes, "Aquinas's Doctrine," 198-199; Mirkes, "Aquinas on the Unity of Perfect Moral Virtue," 600-601; more extensive in her dissertation: Mirkes, "Aquinas on the Unity of Perfect Moral Virtue," 206-214. Mirkes tries to justify the application of the matter-form-analogy to the relation of acquired and infused virtues by the comparison (a) with the interference of the command and the commanded act (cf. *ST* I-II 17.4); (b) body and soul (cf. *ST* I 76.7); (c) the Old and the New Law; (d) Christ's human and divine activity (cf. *ST* III 19.1). Certainly these examples elucidate how the matter-form-analogy can be applied to different areas. However, all these analogies suffer a certain limitation in respect to the present issue. (a) In command and commanded act *two acts* relate as matter and form; (b) the composite of body and soul is a *material substance*; (c) the Old and New Law (at least in its written form) are understood as *external principles of action*; (d) maybe the best example is the interaction of human and divine activity in Christ. However, even here the mutual interference of both orders is not a fact of evident experience.

More adapt seems the analogy to memory and science: Memory can be used by sciences for its own, higher motives; it can be considered as matter in respect to form (cf. Mirkes, "Aquinas on the Unity of Perfect Moral Virtue," 595). Quite similar Klubertanz has used the analogy between imagination and science (see Klubertanz, "Une théorie," 570-571). As we will see, Aquinas himself makes a quite similar suggestion.

²¹⁴ Article 10 of the disputed question *De virt. in com.* (and especially its numerous replies) is certainly one of the most important and most quoted key-references for the context of acquired and infused virtues.

In his answer, Aquinas refers to the distinction between first and second perfection. The *perfectio prima* signifies a certain potency of a nature, and the *perfectio secunda* its actualization.²¹⁵ Further, in the case of man we can distinguish even a twofold first perfection, both of which exist on the natural level. The first primary perfection remains within the limits of corporeal beings, sc. the nutritive and sensitive powers, and the second involves those powers that exceed the capacity of matter, sc. the intellectual faculties.

Regarding the *perfectio secunda* (i.e. the activity), there is an unexpected shift in the argument. Certainly one would expect a contraposition of sensitive operations and spiritual activity, sc. as two different *second perfections*. But at this point Aquinas leaves behind the difference between corporeal and spiritual powers and switches his focus over to the distinction between man's natural and supernatural perfection.

By his first perfection man is perfected in two ways: first, in regard to his nutritive and sensitive part, whose perfection, of course, does not exceed the capacity of corporeal matter; and secondly, in regard to his intellectual part, which does exceed the natural and corporeal part: and in this part man is absolutely perfect, whereas in the first case he is only perfect *secundum quid*. Hence, also in regard to his final perfection, man can be perfected in two ways: first, according to the capacity of his nature, and secondly, according to a certain supernatural perfection. And in this way a man is said to be absolutely perfect, but in the first way only *secundum quid*. Hence a twofold virtue is due to man: one which corresponds to the first perfection, and this is not complete virtue; and another, which corresponds to his ultimate perfection, and this is the true and perfect virtue of man.²¹⁶

What seems at first glance to be a sudden shift in the argument is in fact the application of a logically consistent analogy. As the intellect transcends the perfection of the sensitive animal, likewise man's supernatural perfection transcends his natural perfection. As rational acts cannot arise from the senses but require the intellect, i.e. a power of a superior order, likewise supernatural acts cannot arise from mere natural dispositions but presuppose some higher principle, namely infused virtues.

²¹⁵ Cf. e.g. *ST* III 29.3: "Duplex est autem rei perfectio, prima et secunda. Prima quidem perfectio in ipsa forma rei consistit, ex qua speciem sortitur, secunda vero perfectio consistit in operatione rei, per quam res aliquam suum finem attingit."

²¹⁶ *De virt. in com.* 10 ad 1: "Sicut secundum primam perfectionem homo est perfectus dupliciter; uno modo secundum nutritivam et sensitivam, quae quidem perfectio non excedit capacitatem materiae corporalis; alio modo secundum partem intellectivam, quae naturalem et corporalem excedit: et secundum hanc simpliciter est homo perfectus, primo autem modo secundum quid; ita et quantum ad perfectionem finis, dupliciter homo potest esse perfectus: uno modo secundum capacitatem suae naturae, alio modo secundum quamdam supernaturalem perfectionem: et sic dicitur homo perfectus esse simpliciter; primo autem modo secundum quid. Unde duplex competit virtus homini; una quae respondet primae perfectioni, quae non est completa virtus; alia quae respondet suae perfectioni ultimae: et haec est vera et perfecta hominis virtus."

So far, Aquinas's statement is explicit.²¹⁷ However, we want to argue that this analogy does not only explain the necessity of additional infused virtues for the graced agent, but it can be also taken for clarifying the interaction of natural and supernatural virtues: As the natural orientation of the sensitive appetite relates to the affective acquired virtues, likewise acquired virtue itself relates to infused virtue.

The analogy could be displayed as following:

$\frac{\textit{natural orientation of the sensitive appetite}}{\textit{acquired temperance or fortitude}} = \frac{\textit{acquired virtue}}{\textit{infused virtue}}$

Figure 4

Explanation of the Analogy

In the following we investigate first the relationship between the natural orientation of man's sensitive appetite and temperance as an acquired virtue: how do these two habits cooperate together? What does the act of acquired temperance imply for the natural orientation of the sensitive appetite? In a second step we transfer the results to the cooperation of acquired and infused virtues.

The sensitive appetite is concerned with sensible goods as its matter. However, even animals are not simply inclined to all sensible goods, for their actions follow a certain rule. They seek food insofar as it is convenient to their bodily life, and they stop eating if they are sated, even if there is further food available.²¹⁸ Thus, the measure of the sensible appetite *qua animal* is the sustaining of its corporeal health, strength, and procreation. Analogously, the human agent

²¹⁷ Scheeben proposed a similar analogy: As the animal relates to men, likewise acquired virtue to infused virtue (see Matthias Joseph Scheeben, *Die Herrlichkeiten der göttlichen Gnade* (Freiburg: Verlag Herder, 1949), 162-163). However, he didn't develop further the analogy. Likewise Gilby who explains: "The relation of supernatural moral virtue, *virtus infusa*, to natural moral virtue, *virtus acquisita*, . . . is as close as that of psychology to physiology, or, better, of human psychology to animal psychology, so much so that the higher cannot be studied without looking into the conditions of the lower." (Thomas Gilby, "Introduction," in *Summa Theologiae: Justice* (2a2ae. 57-62), vol. 37 (London: Eyre & Spottiswoode, 1975), xiv).

²¹⁸ *ST I* 80.1 ad 3: "Unaquaeque potentia animae est quaedam forma seu natura, et habet naturalem inclinationem in aliquid. Unde unaquaeque appetit obiectum sibi conveniens naturali appetitu. Supra quem est appetitus animalis consequens apprehensionem, quo appetitur aliquid non ea ratione qua est conveniens ad actum huius vel illius potentiae, utpote visio ad videndum et auditio ad audiendum; sed *quia est conveniens simpliciter animali*."

as sensitive animal “desires naturally the pleasures of food and sex according to his corporeal nature”²¹⁹ – *secundum naturam corporalem*, as the perfection of his corporeal being.²²⁰

These sensible goods are the matter of the moral virtue of temperance. The sensible appetite, once informed by acquired temperance, follows the measure of reason in regard to the *human good*. And as Aquinas notes at many occasions, the human good is not limited to the life of the corporeal nature, but consists in a “spiritual life according to his reason,”²²¹ an expression which refers at this place not to a supernatural communion with God but to the human society which transcends the common life of animals.²²² Thus, temperance informs the human sensible appetite so that it is not only inclined to the perfection of the corporeal nature, but “it belongs to temperance to moderate the movement of the [sensible] appetite, so that it does *not* tend in that which it desires naturally” (namely pleasures of food and sex *secundum naturam corporalem*).²²³

What does this mean concretely? *ST* II-II 141.6 asks the question whether temperance is ruled by the necessities of the present life. As usual, the article makes a distinction. The necessity of the human life can be understood in two ways: things may be necessary either for corporeal life or for a convenient human life.²²⁴ The rule of temperance, however, is taken from the second understanding: It is measured “not only according to the convenience of the body, but also according to the convenience of external things, such as wealth and charges, and especially according to the convenience of honesty.”²²⁵ And elsewhere he explains that temperance inclines “to health and good habits of the body, and decent social intercourse with others.”²²⁶ Thus, the temperate man (still on the level of an acquired virtue) has to consider two goods at once: physical health and decent social intercourse. Of course, sometimes he may renounce food for the sake of physical health, but that’s not enough. Health is not yet the final end of his actions. Rather, the care for health has to be ordered towards the good

²¹⁹ *ST* II-II 166.2: “Naturaliter homo concupiscit delectationes ciborum et venereorum secundum naturam corporalem.”

²²⁰ So the terminology of *De virt. in com.* 10 ad 1.

²²¹ *ST* II-II 23.1 ad 1: “Duplex est hominis vita. Una quidem exterior secundum naturam sensibilem et corporalem . . . Alia autem est vita hominis spiritualis secundum mentem.”

²²² *ST* I-II 94.2.

²²³ *ST* II-II 166.2: “Ad temperantiam pertinet moderari motum appetitus, ne superflue tendat in id quod naturaliter concupiscitur.”

²²⁴ *ST* II-II 141.6 ad 2.

²²⁵ *ST* II-II 141.6 ad 3: The whole reply: “Temperantia respicit necessitatem quantum ad convenientiam vitae. Quae quidem attenditur non solum secundum convenientiam corporis, sed etiam secundum convenientiam exteriorum rerum, puta divitiarum et officiorum; et multo magis secundum convenientiam honestatis. Et ideo philosophus ibidem subdit quod in delectabilibus quibus temperatus utitur, non solum considerat ut non sint impeditiva sanitatis et bonae habitudinis corporalis, sed etiam ut non sint praeter bonum, idest contra honestatem.” In the reply to the second objection he explains that the measure of temperance is not the necessity of physical wellbeing alone but “pro loco et tempore et congruentia eorum quibus convivit.” (*ST* II-II 141.6 ad 2).

common life. Therefore, he may sometimes take less food than the attentive care for health would require, e.g. if there is not enough food for all, and at other times he may eat more than strictly necessary for his physical life, namely for reasons of social convenience, as for example on the occasion of a celebration with friends.²²⁷

Of course, we should note that in these situations the natural measure of the sensitive appetite does not become obsolete. It would be vicious to eat immoderately out of deference to one's host and thereby to harm one's bodily health.²²⁸ Temperance which works for the good human life takes into account also, and has to do so, the sustenance of the body. "It belongs to the rule of reason that man takes food insofar it is convenient to the sustenance of [his] nature, and to the good condition of man, and the conversation of his fellow-citizen."²²⁹ Though the proper end of temperance is the good life in the human community, it has to consider bodily health as integral part of the reasonable human good, for this inferior good is integrated into the higher order.²³⁰ In short, temperance disposes the agent (a) for his life in the human society, but (b) by co-considering the needs of his bodily life.

The issue can be described also by the terminology of final and intermediate end. The good human life is the proper end of temperance, while health is its intermediate end. But the proper end cannot be attained while disregarding the finality of the intermediate end. "It is impossible that there be the due relation of a thing to its final end outside of the mediated end which is due according to its own genus."²³¹ Likewise the temperate man has to take into account the needs of his body.

So far, this is the teaching of St. Thomas regarding the relationship between the natural orientation of man's sensitive appetite and temperance. In the following, however, we want to

²²⁶ *In ethic.* III 21.5: "Ad sanitatem et bonam habitudinem corporis et ad decentem conversationem cum aliis."

²²⁷ Thus, yet on natural level we can distinguish two different rules of the sensible appetite: It follows either the rule of corporeal natures, i.e. regarding the mere perfection of the body, or the rule of reason which takes into account also non-bodily goods. Though the first aims for a special perfection, it is not yet a moral virtue. (In *De malo* he explains regarding this non-moral perfection: "Mensura autem ipsius sumptionis cibi sumitur secundum regulam naturae corporalis; unde magis potest esse cognita secundum artem medicinae quam secundum rationem prudentiae." (*De malo* 14.1 ad 2:).

²²⁸ Cf. *ST* II-II 141.6 ad 2.

In the case of fasting Aquinas argues in a similar way: If we were to fast so stringently that it actually harmed our natural bodily health, we are fasting inappropriately. (Cf. *ST* II-II 147.1-2. J. Porter discusses this text in Jean Porter, *Nature as Reason: A Thomistic Theory of the Natural Law* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 2005), 390).

²²⁹ *De malo* 14.1 ad 1: "Regula rationis haec est, ut homo sumat cibum secundum quod convenit sustentationi naturae, et bonae habitudini hominis, et conversationi eorum cum quibus vivit."

²³⁰ In German one could use the word "aufheben" in its threefold sense to describe the change on the side of the mere affect: (a) the affect is *uplifted* into a higher order; (b) its own order is *superceded* ("aufgehoben") and (c) at the same time *retained* ("aufgehoben").

²³¹ *In sent.* II 38.1.2: "Nec potest esse debita relatio alicuius rei ad finem ultimum, nisi mediante fine qui suo generi debetur."

draw some conclusions regarding the cooperation of two habits of action that are measured by different rules.

First, the analogy opens a way to understanding how inferior habits may be acquired by more perfect acts. As we have seen, the inferior rule (the *regula naturae corporalis*) does not aim by itself for the good of the higher order (the convenience of human life). On the contrary, temperance takes into account simply the lower, that is it considers the maintenance of health. Therefore, even if a temperate man, for the sake of human conversation, takes food in a particular case beyond the strict needs of his body, i.e. materially besides the *regula naturae corporalis* but never formally against it, the act nonetheless somehow contains the perfection of the lower order, since the inferior rule was “co-considered” in the process of decreeing the particular act. Hence, although such an act realizes a different mean according to the higher measure, it involves in a certain way the perfection of the lower order. And thereby even concrete temperate acts which choose actually an option besides the optimum of corporeal health develop a positive disposition regarding health.²³²

Secondly, repeated acts of the higher order may acquire only a limited perfection regarding the end of the inferior order. Let us imagine an agent who has no special inclination to take care of his health, who lacks a corresponding habit, and who is used to neglecting the rule of his corporeal nature. If he tries to live temperately for a good life in human society, he would respect *ipso facto* also the lower order of health, at least in its basic functions, namely insofar as necessary for a good life in community. This example illustrates that the virtuous temperate man does not become step by step a “health nut,” but he shall be able to respect the general precautions against catching the flu, even if he may fail to choose the most efficient medicine against it. Repeated acts of a higher order develop an agent’s ability to respect the inferior order in things which would make impossible the achievement of the higher end, for example the peaceful common life as end of political temperance. Acts of political temperance do not make its possessors perfect specialists in healthcare. Thus, the good disposition for health which is acquired implicitly by repeated temperate acts may be less perfect than the

²³² We can make a similar argument for the sense power itself: Normally the act of the organ improves its ability to act. But even the abnegation of an act – motivated by higher reasons – can develop and refine the sense power, as the moderate wine tasting (which includes a temporal renouncement of drinking) does not only provide the growth of temperance, but refines also the natural capacity of the taste-power.

competence of somebody who seeks health as his primary end. Temperance simply provides bodily health, the goal of the lower order, in its basic parameters.

Applying the Analogy to the Cooperation of Acquired and Infused Virtues

The relation of man's perfection as corporeal being and as reasonable agent, of his bodily health and his life in community, can – so our thesis affirms – be applied in a strict parallel to the interface of infused and acquired virtues. The formal object of both virtues (the divine rule and natural reason) is as different as the *regula naturae corporalis* and the *regula rationis*. And as the reasonable good accounts for the corporeal good (it “contains” the perfection of the inferior rule), likewise the divine good “contains” the perfection of the reasonable good.

rule of corporeal nature	sensitive appetite measured by <i>rule of corporeal nature</i> for the sake of <i>bodily health</i> ↓	
rule of reason	temperate sensitive appetite measured by <i>rule of reason</i> for the sake of convenient <i>human life</i>	temperate sensitive appetite measured by <i>rule of reason</i> for the sake of convenient <i>human life</i> ↓
divine rule		perfected by the infused temperance ruled by <i>divine rule</i> for the sake of <i>divine friendship</i>

Figure 5

The relation, however, is more complex than it appears at first glance. Does this imply that the act of infused virtues, formally supernatural, is simultaneously natural? In this context the concepts *natural* and *supernatural* are misleading. Activity beyond the power of nature cannot be *natural* at the same time, as for example the reasonable act of temperance cannot simultaneously be only affective (i.e. excluding the order of reason). We have to pose the question in a different way. Does the act of infused virtue contain the perfection of the natural act? Now the issue can be answered affirmatively. Although the supernatural act is ruled by the divine law in regard to the supernatural end, it has to take into account the order of reason.

Thus, the order of natural reason is not simply undetermined first matter in respect to the supernatural level. The supernatural judgment has to consider natural good, since they are true

human goods, as e.g. bodily health. Therefore, the order of acquired virtues remains in a certain way present in the supernatural act, though elevated, redirected, and transformed,²³³ whilst the formal object of infused and acquired virtue is different, the formal perfection of the latter remaining present in the former. Both acts are not as different as e.g. vision and listening (distinct because of two independent formal objects), but they relate to each other rather as vision and reasonable cognition (distinct but related formal objects). Aquinas often emphasizes that acquired and infused virtues are concerned with the same material objects. We should remember, too, that the formal object of acquired virtue is inclusively present in infused virtue, granted that the object of the natural virtue is elevated to conform to the divine rule.

The Advantage of this Analogy

The analogy of *De virt. in com.* 10 ad 1 serves as a helpful starting-point for illustrating the effects of supernatural acts on the acquired virtues. We can now apply our observations from above to the issue at hand.

First, the analogy shows how the act of infused virtue can *inclusively* enhance its corresponding acquired virtue. Imagine a suddenly converted sinner. By infused virtues he becomes able to achieve all things necessary for the preservation of divine friendship. For example, he renounces food for the chastening of his body and subjecting it to the spirit, which is just one aspect in the work of disciplining his fallen nature in terms of his new friendship with Christ. Sometimes, however, the external concrete acts of infused temperance will differ from the right mean of acquired temperance. Nevertheless, these acts always have to take into account the end of the acquired virtue, i.e. right living within a human community (including one's care for bodily health). Seeking to increase charity by mortifying his body while at the same time disregarding the common life or disregarding his own health would not be an act of infused temperance. The graced agent cannot neglect completely the consideration of the natural human good which remains a true good, although not the highest one. Even the Roman martyr who disregards the imperial law to offer sacrifices to the

²³³ The preservation of the internal structure of the acquired virtue under the influence of an infused virtue is well expressed by Schockenhoff. "Die 'virtus acquisita' bleibt natürliche, in ihrem Eigenbereich wahre Tugend. Ihre 'innere Proportion' geht auf das 'bonum rationis' als ihr natürliches Ziel, das seine authentische Geltung auch dort bewahrt, wo der gemeinsam hervorgebrachte Akt in der Kraft der 'virtus infusa' auf das letzte Ziel der liebenden Gemeinschaft mit Gott ausgerichtet ist." (Schockenhoff, 'Bonum hominis', 337).

emperor, thereby acting “against” the order of the human city, does not simply despise the good of human community. He gives preference to the divine friendship as the higher good, but recognizing the human city as true but not the highest good. Thus, a believer may fast beyond what social convention requires or a physician recommends, but he should always co-consider these natural goods, even if the concrete act deviates from the natural mean.

From this perspective, we are able to understand the effects of supernatural actions and thereby the cooperation of acquired and infused virtues. Though these acts do not by themselves realize the mean of acquired virtue, they may develop in the agent a positive disposition regarding the natural good because of their repeated “taking-into-account” of the natural measure. And such a disposition would still function as an acquired virtue if the infused habit was ever lost by grave sin. Admittedly, in the state of grace, the agent acknowledges that this earthly life is not the ultimate end of his supernatural actions. Still, each supernatural act contain somehow the perfection of its natural counterpart because of the agent’s co-consideration of the natural order.

Secondly, the analogy clarifies also the specific limitation of acquired natural habits. The supernatural act, though measured by the divine rule aiming for divine friendship, has to take into account man’s membership in the human city and thereby avoid acts that would do harm to the city. However, the supernatural act will not always realize the absolute best mean regarding the progress of the human city. As, for example, in the case of Roman martyrs, the graced act may even risk offending the human community if there is no other way to preserve divine friendship. Therefore, repeated acts of infused virtue do not necessarily make universal expertise in human issues. After all, the human city is not the proper end of supernatural acts, but such acts do keep in mind their natural values. And thereby supernatural acts generate a certain virtuousness regarding the human good which can be described as acquired virtues, but which can know – as was seen in section 2.3 – different degrees of perfection.

Thus, the analogy helps to interpret the textual hints of Aquinas (already cited in section 3.3.1) regarding the cooperation of acquired and infused virtues in the following way.

- a) *Which consequences does an act of infused virtue imply for acquired virtue (as habit)?*

The short remarks of *ST I-II 51.4 ad 3* and *De virt. in com. 10 ad 19* assert a possible

confirmation of a previous habit by repeated supernatural acts. *De veritate* 17.1 ad *sed contra* 4 even allows for the acquisition of a habit. The increase of the infused virtue itself by repeated supernatural acts is beyond dispute (by the way of merit). According to our analogy, however, we can say even more: every act of an infused virtue contains *per se* the perfection of its natural counterpart, and therefore the supernatural act itself works for the development of a positive disposition for good deeds according to the rule of reason. This can be the case although the act in itself is of a higher order (sc. supernatural).²³⁴

b) *Which consequences does infused virtue (as habit) imply for the act of acquired virtue?*

Aquinas argues in *De virt. in com.* 10 ad 4 that acts of acquired virtue become meritorious only by mediation of the infused virtues. This text does not touch the issue of pure natural acts. According to our analogy, already at the level of nature an agent who has acquired temperance would never act only for bodily health and disregard the requirements of *convenientia vitae*. Of course, there might be some acts whose content is determined by reference to healthcare (i.e. by the *ars medicinae*), but the temperate agent realizes these means only if prudence judges these goods as convenient to the human good. Likewise, in the case of supernatural virtues. Even if an agent who possesses infused virtue acts consciously by the motives of the acquired virtues (i.e. motivated by natural arguments), his infused moral virtues always will be intrinsically involved.²³⁵ The graced agent is directed to supernatural union with God by charity and the infused virtues, and this new orientation becomes the first principle of all of his acts. Consequently, if such a person fulfills any virtuous deed that is determined superficially by natural standards, it will finally be directed to that supernatural end, i.e. it will be always a supernatural act since every moral act is measured in respect to the final end. “In those who have charity there cannot be any virtuous act except formed by charity. Since either such an act is directed to the due end – and in those who have charity, this cannot be except by charity – or it is not directed to the due end,

²³⁴ One could pose further on the interesting question whether every act *against infused virtue* would be implicitly against a (hypothetical) natural final. John of St. Thomas shows why the issue is to be affirmed. In the present status man turns away from God as his supernatural final end only by mortal sin which is also essentially opposed to reason, i.e. to the order of nature. “Difficultas ergo est in hoc statu presenti, in quo non potest quis carere gratia et caritate nisi propter peccatum, et consequenter cum aversione ab ultimo fine, quae aversio non potest esse ab ultimo fine supernaturali quin sit etiam a fine ultimo naturali, siquidem omne peccatum est contra naturam rationalem, quod non esset, si maneret peccator conversus et coniunctus deo fini naturali, qui est finis rationalis naturae, ex cuius recto amore maneret rectificatus in ordine naturali.” (Johannes a Sancto Thoma, *Cursus theologicus* disputatio 17, art. 2, 465-466).

and then it is not an act of virtue.”²³⁶ Hence, for one who has charity, a purely natural virtuous act without any reference to the supernatural end would not be longer a virtuous act at all, but would become in fact an evil one since it would negate the final end. Aquinas argues: “In those who have charity, each act is either meritorious or blameful.”²³⁷

In summary, in some respect our analogy corresponds to the inclusive-order-theory. Each act of an infused virtue contains a consideration – a certain appreciation – of the natural good, at least implicitly. When a Christian renounces food by infused temperance for reasons of spiritual discipline, he nevertheless has to appreciate food and health as true goods. In this way repeated acts cause necessarily a habit regarding these natural goods. They develop an acquired virtue which will survive even a loss of the infused virtues.

Nonetheless, in other ways our analogy does not support unrestrictedly the inclusive-order-theory but rather the accidental-relation-theory. The acts of an infused virtue aim for divine friendship as their final end. Thus, they neither work directly for the earthly common good nor do they imply an ultimate perfection in human things. They just allow living the human life without losing one’s supernatural end. Regarding earthly things this requires a less perfect

²³⁵ *De virt. in com.* 10 ad 4.

²³⁶ *De veritate* 14.5 ad 13: “In habente caritatem non potest esse aliquis actus virtutis nisi a caritate formatus. Aut enim actus ille erit in finem debitum ordinatus, et hoc non potest esse nisi per caritatem in habente caritatem; aut non est ordinatus in debitum finem, et sic non erit actus virtutis.”

E. Gilson explains thereto: even if the infusion of grace does not change human nature and acquired virtues, nonetheless every human act will use these natural “dispositions” on a higher (sc. supernatural) level. “The natural virtues remain what they were; it is the one who possesses them who has changed.” (Gilson, *The Christian Philosophy*, 347-450, here 347).

²³⁷ *De malo* 2.5 ad 7. Aquinas’s argumentation on this issue is univocal: “Non omnis actus procedens a voluntate informata caritate est meritorius, si voluntas pro potentia accipitur; alioquin venialia peccata essent meritoria, quae committunt interdum etiam caritatem habentes. Sed verum est quod omnis actus qui est ex caritate, est meritorius. Hoc autem est simpliciter falsum, quod omnis actus qui non est ex voluntate informata caritate sit demeritorius; alioquin illi qui sunt in peccato mortali, in quolibet suo actu peccarent, nec eis esset consulendum quod interim quidquid boni possent facerent, nec opera ab eis facta quae sunt de genere bonorum, disponderent eos ad gratiam; quae omnia sunt falsa. Tenetur autem quilibet ad conformandum voluntatem suam voluntati divinae, quantum ad hoc quod velit quidquid vult deus eum velle, secundum quod dei voluntas innotescit per prohibitiones et praecepta; non autem quantum ad hoc quod ex caritate velit, nisi secundum illos qui dicunt quod modus caritatis est in praecepto. Quae quidem opinio aliquid vera est; alioquin sine caritate posset aliquis legem implere, quod est pelagianae impietatis; nec tamen est vera omnino, quia sic aliquis caritatem non habens, honorans parentes, peccaret mortaliter ex omissione modi, quod est falsum. Unde modus sub necessitate praecepti includitur, secundum quod praeceptum ordinatur ad consecutionem beatitudinis, non autem secundum quod ordinatur ad vitandum reatum poenae; unde qui honorat parentes non habens caritatem, non meretur vitam aeternam, sed tamen neque demeretur. Ex quo patet quod non omnis humanus actus, etiam in singulari consideratus, est meritorius vel demeritorius, licet omnino sit bonus vel malus. Et hoc dico propter eos qui caritatem non habent, qui mereri non possunt. Sed habentibus caritatem omnis actus est meritorius vel demeritorius, ut obiciendo probatum est.” (Ibid.).

A good explanation of the impossibility of *only-natural-good* acts for the graced agent is found in Baumann, “La supernaturalisation,” 247-252.

habit than the virtue of a good citizen who works for the human common good as his final end.²³⁸ Therefore, regarding the refined ability to promote the earthly common good, the habit which may be acquired by act of infused virtues can fall short to realize the full ratio of “ordinary” acquired virtues.

3.5 Evaluation of the Different Theories Examined

3.5.1 Critique of the *Exclusive-Order-Theory*

Proponents of the exclusive-order-theory, such as Suarez, negate any positive influence of supernatural acts for the acquisition of natural virtues. They deny such a connection because of the different formal object of both kinds of virtue. Of course, it is important to maintain the two different measures of acquired and infused virtues, even if in certain cases the external act of both virtues is the same, e.g. the renunciation of food for religious motives or for health-reasons. For the exclusive-order theorist, these constitute two wholly different acts. In this regard the exclusive-order-theory emphasizes something true and important.

However, the described analogy clarifies in which way acts of a specific formal determination can include the perfection of another formality. The perfection of an inferior order can be included by the formal perfection of a higher order. Likewise, an supernatural act infinitely transcends an act of acquired virtue, but simultaneously it takes natural reasons into account. Consequently, it works for the generation of an acquired virtue.²³⁹

At this point we should add a short note about McKay’s example of the saintly “whiskey priest,” taken from G. Green’s novel *The Power and the Glory*.²⁴⁰ According to McKay this priest possesses a high degree of infused virtue and at the same time the vicious inclination to drunkenness. So far there is no problem, if we imagine an occasional fall into grave sin followed by a prompt contrition. But McKay continues with the argument that “an individual

²³⁸ Admittedly, the stability of such natural habits caused by acts of infused virtues may exceed the stability of “ordinary” acquired virtues since they dwell under the “protection” of the infused virtues and aren’t, therefore, weakened by single vicious acts (as it can happen to ordinary acquired virtues – see *ST* I-II 63.2 ad 2). As to that, scholars as Garrigou-Lagrange, Osborne, and others are right if they claim a higher perfection of acquired virtues under the reign of infused virtues. Nonetheless, in some other respect the ordinary acquired virtues may surpass the acquired habits which are developed by the acts of infused virtues.

²³⁹ For a detailed critique of Suarez’s theory, see Mirkes, “Aquinas on the Unity of Perfect Moral Virtue,” 240-248.

could diminish in acquired virtue and at the same time be granted an increase in infused virtue.”²⁴¹ In other words: the whiskey priest can become even more inclined to excessive consume of alcohol and simultaneously grow in charity and infused virtues.

Is this position compatible with the doctrine of Aquinas? Can we think of supernatural acts coexisting alongside vicious ones that oppose to the order of reason? Aquinas’s favorite example of infused temperance seems to suggest this possibility. The ideal of infused temperance, namely to chastise his body and to bring it into subjection,²⁴² appears opposed to the reasonable care for his own health, which is the end of acquired temperance. However, Aquinas’s general principles are unambiguous. Meritorious acts can never move against the order of nature; “to sin is nothing else than to decline from the good which is convenient to somebody according to his nature.”²⁴³ Though the divine law directs man to an end beyond nature, it contains and reaffirms (and elevates) the order of nature.²⁴⁴ To act against the natural order necessarily implies a violation of the supernatural order.²⁴⁵ Consequently, it is impossible to think of a person who grows at the same time in infused virtues as well as in acquired vices. Every supernatural act containing a natural perfection weakens immediately a contrary vice, and likewise every evil act arising from a vicious disposition will either diminish the fervor of meritorious acts (by venial sins) or even destroy infused virtues altogether (by mortal sins).

McKay appears to have been misled in this point by an observation which is in itself correct: acquired virtue denotes a limited perfection regarding special matters of earthly affairs, first of all the conservation of the city; and Aquinas explicitly allows such true virtues to act independently of charity.²⁴⁶ But it is a different issue whether the *actual offense* against such limited but genuine goods is compatible with infused virtues.²⁴⁷ If a supernatural act contains its corresponding natural perfection, then each human act against the natural order of reason

²⁴⁰ McKay, “Infused and Acquired Virtues,” 117-124.

²⁴¹ Ibid., 85. This means in the case of the whisky priest: “Even when the priest acts contrary to right reason, as he so often does, he does so without ‘damaging what is indispensable for salvation.’” (McKay, “Infused and Acquired Virtues,” 119).

²⁴² Cf. *ST* I-II 63.4 – quoting 1 Cor 9.27.

²⁴³ *ST* I-II 109.2 ad 2: “Peccare nihil aliud est quam deficere a bono quod convenit alicui secundum suam naturam.” Further on: *ST* I-II 71.6 ad 4 and ad 5; *ST* I-II 78.3; *Super Rom.* I 8. Aquinas quotes several times affirmatively John Damascene: “Omne enim peccatum est contra naturam.” (Cited for example in *ST* I-II 82.3 arg. 1; *ST* II-II 10.1 arg. 1; both times affirmative).

²⁴⁴ Therefore: “Lege autem divina haec solum prohibita sunt quae rationi adversantur.” (*ScG* III 126).

²⁴⁵ And vice versa (see footnote 234).

²⁴⁶ See *ST* II-II 23.7; *ST* II-II 47.13 ad 3 and 47.14.

²⁴⁷ McKay seems to hold the position that only sins from malice are contrary to infused virtues (McKay, “Infused and Acquired Virtues,” 123-124).

destroys implicitly the supernatural one. To return to our recurring example, the voluntary act of natural intemperance immediately ruins infused temperance.²⁴⁸

The example shows again how the natural and supernatural orders are different but not exclusive. Since the more perfect includes the less perfect, every violation of the latter harms even the former.

3.5.2 Some General Remarks about the Connection-Theory

The basic insight of the connection-theory is certainly correct: acquired virtues are open to become redirected, transformed, elevated, etc., according to the order of the infused virtues. But scholars often skip a sufficient explanation as to why and how such a transformation is possible. However, the undetermined assertion of a *complementary* or *essential* cooperation is misleading.²⁴⁹ Natural virtue provides only an external “completion” for infused virtues, sc. a *facilitas extrinsica*. In themselves infused virtues are perfect even without acquired virtues.²⁵⁰

3.5.3 Evaluation of the Different Kinds of Accidental-Relation-Theories

a) Attention to Natural Reasons as a Condition of Cooperation

According to the first version of an accidental-relation theory, which we considered above, the two kinds of virtue are involved in human action if the agent is attentive to both the rule of reason and the divine rule. Only in these cases does the act of the infused virtue work for the confirmation of acquired virtue

The analogy of section 3.4, however, shows that this effect must be valid for all acts of infused virtue since every supernatural act has to be ruled not only by divine law but likewise by reason. It is impossible to think of an act of infused virtue which disregards rational

²⁴⁸ A slight tendency of similar undervaluation of acquired virtue can be observed in Porter’s excellent article *The Subversion of Virtue* concluding: “The infused cardinal virtues exist in persons regardless of their natural capacities for attaining and exercising the acquired virtues.” (Porter, “The Subversion of Virtue,” 33). It is correct that the infusion of supernatural virtues is possible disregarding of natural presuppositions; but nevertheless both sets of virtue existing in one person would necessarily interfere in their development.

²⁴⁹ Cf. e.g. Coerver, *The Quality of Facility in the Moral Virtues*, 119; Harvey, “The Nature of the Infused Moral Virtues,” 215; see footnote 93 and 94.

motives altogether and consequently would not enhance the corresponding acquired virtue. For example, although Christian fasting does not aim at bodily health as its first goal, nevertheless it must take into account the value of the body's health. Finally, a Christian might conclude by infused prudence that in a particular case it would be better to choose a way of nourishment which is not the best one in respect to his health for some higher, supernatural reason. But this act would necessarily contain respect for the natural good, even if the agent ultimately gives priority to the higher good.²⁵¹ Consequently, every supernatural act works for the confirmation of its corresponding acquired virtue.

The Example of the “Lax Seminarian”

At this stage we have to mention again the example of the “lax seminarian,” which is used by some to suggest that the development of virtue is dependent on the agent's actual attention to certain motives (see section 3.3.3a-i). Many scholars resolve the issue by asserting that infused virtues provide solely the supernatural *posse*, whereas facility is due to acquired virtues. The latter do not grow immediately by the practice of infused virtues, but require a special attention to their proper rule. Hence, without a special natural endeavor the lax seminarian might progress in infused virtue but remain tepid in natural virtue and actually rest inclined to his imperfections.²⁵²

How can our analogy illumine the case of the lax seminarian? The example as just explained seems to contradict the assertion that every supernatural act includes the perfection of the corresponding natural act. However, Aquinas does not claim that every virtuous act works equally for the augmentation of virtue. He is well aware that the growth of virtue depends in a certain way on the agent's attention, but in a way very different from what these scholars suggest. According to Thomas, a voluntary agent may use a habit or not,²⁵³ and virtue is only increased if the intensity of an act does not fall short of the possible intensity of the used habit. “It can happen that somebody uses a habit by performing an act which is not in proportion to

²⁵⁰ Cf. *De virt. in com.* 10 ad 14 and ad 15.

²⁵¹ This is the point which was made rightly by Yearley, although his mode of expression was certainly misleading – describing acquired virtues as *presupposition* of infused ones. But it is clear that he didn't argue for a necessary first acquisition of natural virtues before the divine infusion. Rather he adverted to the fact that in the act of infused virtues a recognition of the natural good is contained. “If there is to be a real act of supernatural fortitude it must presuppose the recognition of the value of goods of the world that is essential to natural fortitude.” (Yearley, “The Nature-Grace Question,” 574). Thus, the critique of McKay (see footnote 75) does not seem to be fully appropriate.

²⁵² The example is suggested by Harvey, “The Nature of the Infused Moral Virtues,” 195-197. Similar examples can be found in Mazzella, *De virtutibus infusis*, 33-34; Coerver, *The Quality of Facility in the Moral Virtues*, 26; Klubertanz, “Une théorie,” 572 and others.

²⁵³ “Usus habituum in voluntate hominis consistit.” (*ST* I-II 52.3).

the intensity of the habit. . . . If, however, the act falls short of the intensity of the habit, such an act does not dispose to an increase of that habit, but rather to a diminution of it.”²⁵⁴ In the case of infused virtues, the situation is especially tricky. Since God is the immediate cause of their generation and growth, likewise their diminution would seem to hinge also only on God. But it would be strange to ascribe the reduction of virtue to God himself. Therefore, infused virtue cannot shrink gradually like acquired virtue, but it can be vanquished by mortal sin.²⁵⁵ Hence, the final statement of the quotation above is not applicable in the case of infused virtue. Nevertheless, Aquinas describes unrepented venial sins, the failure to practicing virtue, and the tepid exercise of virtue as contributing to a “disposition to corruption” in the agent.²⁵⁶ This teaching provides the necessary key for the right understanding of the “lax seminarian.” The repeated but tepid performance of supernatural acts might be meritorious up to a certain level. As a believer in the state of grace, either he acts meritoriously or he sins.²⁵⁷ However, such a person wouldn’t earn by his imperfect supernatural acts an actual increase of charity and infused virtue. As Aquinas explains in *De virt. in com.*:

Charity and the other infused virtues are not actively increased by acts, but only dispositively and meritoriously It is, however, not necessary that every perfect act correspond to the amount [of one’s] virtue: for one who has charity need not always act with the whole power of charity, since the use of habits is subject to will.²⁵⁸

Hence, only the graced agent who strives constantly for spiritual progress, who tries to use the divine gift of charity to its full amount, will progress in the development of virtue.²⁵⁹ On the contrary, although the permissiveness and venial sins of the “lax seminarian” may not harm

²⁵⁴ ST I-II 52.3: “Potest contingere quod utitur habitu secundum actum non respondentem proportionaliter intensioni habitus. Si igitur intensio actus proportionaliter aequetur intensioni habitus, vel etiam superexcedat; quilibet actus vel auget habitum, vel disponit ad augmentum ipsius Ita etiam, multiplicatis actibus, crescit habitus. Si vero intensio actus proportionaliter deficiat ab intensione habitus, talis actus non disponit ad augmentum habitus, sed magis ad diminutionem ipsius.”

²⁵⁵ See ST II-II 24.10.

²⁵⁶ “Potest tamen indirecte dici diminutio caritatis dispositio ad corruptionem ipsius, quae fit vel per peccata venialia; vel etiam per cessationem ab exercitio operum caritatis.” (ST II-II 24.10; see also *De malo* 7.2). Ramirez describes the development of such a disposition as an *extrinsic impediment* to the exercise of infused virtues (cf. Ramirez, *De habitibus*, 190-192).

²⁵⁷ See *De malo* 2.5 ad 7 (footnote 237).

²⁵⁸ *De virt. in com.* 11 ad 14: “Caritas et aliae virtutes infusae non augentur active ex actibus, sed tantum dispositively et meritorie Nec tamen oportet quod quilibet actus perfectus correspondeat quantitati virtutis: non enim oportet quod habens caritatem, semper operetur secundum totum posse caritatis; usus enim habituum subiacet voluntati.”

²⁵⁹ Cf. McKay, “Infused and Acquired Virtues,” 80-82. Helpful is also Garrigou-Lagrangé’s description of the *actus remissi* (Garrigou-Lagrangé, *Christian Perfection*, 168-169; 189-190; 429-430).

his supernatural virtues directly, they certainly hinder their increase. This seminarian's moral laxity deprives him of the fervor for good acting and disposes him to future sinning.²⁶⁰

Thus, the extermination of vice and the acquisition of virtue do not depend on special attention being given to the rule of reason. More important is the perfection of the act itself. The exercise of infused virtue to its fullest by attending to God as one's supernatural end, but without at the same time giving explicit attention to the natural reasons for virtue, contributes not only to the increase of that infused virtue but also to the confirmation of the acquired virtue. Hence, if the "lax seminarian" does not progress in his spiritual life through his supernatural acts, then this is due to the imperfection of these acts.

But what about acts of acquired virtue performed by a justified agent who disregards the supernatural motives of infused virtue? The proponents of the accidental-relation theory speak of an extrinsic supernaturalization of an essentially natural act. For some scholars this occurs with, and for others it occurs without the involvement of infused virtue.²⁶¹ Do these theories correspond to St. Thomas?

The justified person is joined to God as his supernatural end by the theological virtues. But the final end is simultaneously the first principle of all of his actions.²⁶² Hence, if a man's life is ordered to the end of charity, then all acts, even those for his natural good, are virtually directed toward his supernatural end.

Man should refer all things to God as to the end, as said the apostle in 1 Cor. 10.31: whether your eat, or drink, or whatsoever you do, do all to the glory of God; what is fulfilled if

²⁶⁰ "Spiritualiter autem quotidie in nobis aliquid deperditur ex calore concupiscentiae per peccata venialia, quae diminuunt fervorem caritatis." (ST III 79.4). And further: "Peccata venialia, etsi non contrariantur caritati quantum ad habitum, contrariantur tamen ei quantum ad fervorem actus." (Ibid. ad 1; see also ad 3). For the effects of repeated venial sins on a person in the state of grace, see Thomas C. Donlan, "The Theology of Venial Sin," *Proceedings of the Catholic Theological Society of America* 10 (1955): 74-85; 91-94.

²⁶¹ For a defense of a possible extrinsic supernaturalization of a natural act *without* interaction of an infused virtue, see for example Bullet, *Vertus morales infuses*, 158-163.

On the other hand, also Garrigou-Lagrange speaks of an extrinsic redirection of natural acts toward the supernatural end. However, he is cautious to note that this is an *oppositio rationis, sed non rei*. "C'est ce qui, tout en étant naturel par son principe formel et spécifique, est *extrinsèquement ordonné à la fin surnaturelle*; par exemple, un acte de vertu naturelle acquise, comme la tempérance, ordonné par la charité à la vie éternelle. Cet acte, de soi naturel, reçoit de la charité un mode accidentel qui en fait un acte méritoire. . . . Il faut remarquer que cette division n'est pas *per oppositas res, sed per oppositas rationes*. C'est ainsi qu'une même chose comme la grâce sera en même temps surnaturelle *quoad substantiam* et surnaturelle *quoad modum*." (Garrigou-Lagrange, "Le surnaturel," 323-324. For a general description of the difference between a supernatural substance and a supernatural mode of action, see Roberto Tucci, *La specificazione delle virtù infuse secondo San Tommaso d'Aquino* (Rome, 1961), 154-167.

²⁶² Cf. ST I-II 1.4 and 5.

somebody orders his life to the service of God; and consequently *all things which he does because of himself, is virtually ordered towards God.*²⁶³

Aquinas teaches explicitly that it is not necessary to direct in each single act to the final end with an actual intention. The decision to make a pilgrimage to Rome determines virtually a whole batch of particular actions toward this end, even without a continuous consideration of the end. Likewise, if the reference to God as final end has been made by an actual intention, it provides a fundamental orientation of his whole life toward the supernatural end, including the ordering of all acts, except for sins which deny of this ordering.²⁶⁴ Therefore, the good deeds of a person in the state of grace, performed for natural reasons (e.g. health), don't remain essentially natural, but they have to become intrinsically supernatural since in the end they are not done for purely natural reasons. To be sure, supernatural motives may not play a conscious role in his decision making.²⁶⁵ The proper determination of the act may stem from arguments of reason alone. But if the person's whole life is ordered virtually toward the supernatural end by means of a previous explicit intention, then this intention will work for the actual specification of all his acts.²⁶⁶ Hence, a seemingly natural act is in fact supernatural, even if the agent acts according to purely natural motives.

Of course, this does not imply that all virtuous acts are of the same value. The example of the lax seminarian shows the important role played by the actual intention. Nevertheless, an act of a justified person is intrinsically supernatural even without actually attending to the final end when acting.

²⁶³ *De perf. spirit. vitae* 5: "Homo omnia in deum referat sicut in finem, sicut apostolus dicit I Cor. X, 31: sive manducatis sive bibitis vel aliquid aliud facitis, omnia in gloriam dei facite: quod quidem impletur cum aliquis vitam suam ad dei servitium ordinat, et per consequens omnia quae propter se ipsum agit, virtualiter ordinantur in deum."

²⁶⁴ "Non sufficit omnino habitualis ordinatio actus in deum: quia ex hoc quod est in habitu, nullus meretur, sed ex hoc quod actu operatur. Nec tamen oportet quod intentio actualis ordinans in finem ultimum sit semper coniuncta cuilibet actioni quae dirigitur in aliquem finem proximum; sed sufficit quod aliquando actualiter omnes illi fines in finem ultimum referantur; sicut fit quando aliquis cogitat se totum ad dei dilectionem dirigere: tunc enim *quidquid ad seipsum ordinat, in deum ordinatum erit*. Et si quaeratur quando oporteat actum referre in finem ultimum, hoc nihil aliud est quam quaerere quando oportet habitum caritatis exire in actum: quia quandocumque habitus caritatis in actum exit, fit ordinatio totius hominis in finem ultimum, et per consequens omnium eorum quae in ipsum ordinantur ut bona sibi." (*In sent.* II 40.1.5 ad 6).

To act with a permanent actual attention to the final end belongs to the perfect state of man in heaven. But at least virtually every Christian in the state of grace acts not only for temporal ends, but implicitly for the final end. "Ad interiorem bonam mentis dispositionem pertinet ut nullum bonum opus homo faciat propter quemcumque temporalem finem." (*ST I-II* 108.3 arg. 4 – affirmative). Roey noted correctly that the preservation of a virtual intention towards the supernatural end demands as minimum a casual renewal, even required by the *praecepta caritatis* (cf. Roey, *De virtute charitatis*, 226-238).

²⁶⁵ Infused virtues are not necessarily a question of psychological experience. See E. Neveut, "Les vertus morales surnaturelles," *Revue Apologétique* 59 (1934): 405-406.

²⁶⁶ Explicitly different is the interpretation of Bullet: "Peut-être objectera-t-on que l'attention actuelle à la règle de raison implique nécessairement l'attention implicite à la règle de foi. Nous ne le pensons pas. Il n'y a pas entre ces deux règles de connexion nécessaire d'existence." (Bullet, *Vertus morales infuses*, 153).

b) The *Per-se*-generation of a Positive Disposition for Acquired Virtues

John of St. Thomas, Bullet and others argue for the necessary acquisition of good natural dispositions through repeated supernatural acts. For them, such an imprinting of infused virtue on the human faculties facilitate further acts of both infused and acquired virtue. The disposition created by infused virtue is understood to be the general basis of all virtue, and it might be further developed in one direction or another. The mentioned scholars consider this “third habit” necessary, since the different formal objects of acquired and infused virtue hinder a direct mutual interface between the two sets of virtue.

However, if the formal perfection of the acquired virtue is contained in the act of infused virtue, although at a higher level, then it becomes possible to ascribe to the repeated acts of infused virtue more than just the causation of a mere disposition in the underlying power. Consequently, hypothesizing an intermediary habit becomes superfluous. Then there is no reason why the acts of infused virtue should not immediately generate a corresponding acquired virtue as perfection in regard to the human life, at least in its basic concerns (as described above).

3.5.4 Annotations to the Various Inclusive-Order-Theories

We have distinguished two different kinds of inclusive-order-theories which the subsequent section shall reconsider based on our reasoning above.

a) Natural and Supernatural Acts As Possessing the Same Substance

Billot claims that the equality of substance between natural and supernatural acts helps to explain why the exercise of an infused virtue causes the development of its acquired counterpart.

Our critique of this position is twofold.

First, Billot concedes that natural and supernatural acts are intrinsically different according to their ontological status. But at the same time he argues that both kinds of action share a common formal object. For example, the act of loving God in both cases consists in the adherence of the agent to God because of his infinite goodness. But right there a problem emerges. Can the difference between both acts of love be reduced to different efficient causes: the human will on the one hand, and God as author of infused charity on the other? Or are not the acts in themselves substantially different? Billot negates this conclusion since according to both types of action man clings to God because of his divine goodness. However, though the latter assertion is true, for St. Thomas man clings to God by acquired and infused charity under two different aspects. Through natural love the agent draws near to God as to the principle of his being, and through infused charity he draws near to God as to the principle of supernatural beatitude.²⁶⁷ There might be an external similarity between these two loves, but nonetheless both acts are formally different. Analogously, acts of infused moral virtue might be externally imitated for mere natural reasons. For example, fasting in Lent is also possible for people without infused temperance. Even if in such case, however, this fasting performed for “religious reasons” but not for charity’s sake would be a substantially different act.²⁶⁸

Hence, the difference between natural and supernatural acts cannot be traced back just to their different efficient causes (see section 2.3). Their difference is constituted formally and not just efficiently.

Secondly, even if the claim concerning the similarity in substance between natural and supernatural acts were correct, the thesis would fail to explain the issue of how supernatural acts generate acquired virtues. According to Billot, the substance of an act abstracts from its natural or supernatural character. If this were true, then the substance of an action becomes unable to cause any natural or supernatural habit. The disposition (i.e. the virtue), developed

²⁶⁷ “Diligere deum super omnia, potest intelligi dupliciter. Uno modo secundum quod bonum divinum est principium et finis totius esse naturalis. . . . Alio modo potest aliquis diligere deum super omnia, secundum quod deus est obiectum beatitudinis, et secundum quod fit quaedam societas rationalis mentis ad deum quadam spiritali unitate; et talis dilectio est actus caritatis, in quem nulla creatura potest sine gratia.” (*De spe* 1.1 ad 9; See also *In sent.* II 28.3 ad 2; *In sent.* III 23.1.4C ad 1; *ST I* 61.5 ad 4; I-II 109.3 ad 1; II-II 2.3; *De caritate* 1.2 ad 16; *In 2Cor* 13.4).

²⁶⁸ Bernard has shown clearly the importance of the different formal object, even if the acts are externally similar. “Entre la vertu infuse et la vertu acquise c’est le régime de l’objet qui est tout changé; et l’on sait que l’objet est ce qui constitue la vertu dans son essence même. . . . Une vertu infuse est ‘informée’ tout autrement qu’une vertu acquise.” (Bernard, “Appendice,” 456). And by the example of the two species of temperance: “Bien qu’elles cherchent toutes les deux un juste milieu, cependant la tempérance infuse le cherche par une tout autre raison que la tempérance acquise.” (Bernard, “Appendice,” 457).

by Billot's neutral substance would be neither natural nor supernatural.²⁶⁹ Hence, the whole of Billot's argument turns out to be in vain in this respect.²⁷⁰

b) Supernatural Acts Contain Virtually Their Natural Perfections

According to Merkelbach and Garrigou-Lagrange, each act of infused virtue contains virtually the perfection of its corresponding natural act, even though its formal object transcends that of the mere natural act. Garrigou-Lagrange's examples of the octave and the pianist correspond to Aquinas's analogy in *De virt. in com.* 10 ad 1. Playing the piano is always and simultaneously (i.e. by the very same act) an exercise in dexterity, even though the development of dexterity is not the formal object of piano playing. Likewise, the act of infused virtue implies always and simultaneously a reasonable use of the underlying power, although the reasonable good is not the proper formal notion of the infused virtue.

The theses of Mirkes and Baumann move in the same direction. Though we think that this view is correct in many respects, we want to note two things for the sake of clarity.

First, these two authors do not always restrict the informing task of infused virtue to the acts of acquired virtue. Consequently, they allow for the immediate formation of the moral virtues themselves by charity. For example, Mirkes claims that in its perfect state moral virtue is just acquired virtue which is "supernaturally transformed"²⁷¹ by its being informed by infused virtue. Consequently, she defines "absolutely perfect moral virtue as a virtue that is formally an infused virtue and materially an acquired virtue."²⁷² But this term of "perfect moral virtue" as a combination of acquired and infused virtue risks introducing a new third virtue constituted of acquired and infused parts.²⁷³ Of course, one could argue (even faithfully to Aquinas) that infused virtue lacking the support of its acquired counterpart remains imperfect

²⁶⁹ This interesting objection against Billot was made by Mazzella. "Ratio illa abstracte considerata, nec naturalis nec supernaturalis est, et ab utraque ratione abstrahit; ergo si actus secundum illam praecisam rationem ageret, induceret habitum nec naturalem, nec supernaturalem, sed indifferentem, seu abstrahentem, quod in re ipsa inveniri, manifeste repugnat." (Mazzella, *De virtutibus infusis*, 46-47). Hence, negating the formal distinctiveness of infused virtue would lead to a general denial of infused virtues (a conclusion consequentially drawn for example by Vooght, "Y a-t-il des vertus morales infuses?," 237-238).

²⁷⁰ For a more detailed critique of Billot's account, see Mirkes, "Aquinas on the Unity of Perfect Moral Virtue," 255-264; shorter in Mirkes, "Aquinas's Doctrine," 211-216.

²⁷¹ Mirkes, "Aquinas's Doctrine," 191; likewise Mirkes, "Aquinas on the Unity of Perfect Moral Virtue," 590.

²⁷² Mirkes, "Aquinas on the Unity of Perfect Moral Virtue," 597.

²⁷³ See thereto also the critique of Baumann, "La surnaturalisation," 233-234, footnote 874.

Significantly the titles of her publications speak of *perfect virtue* but avoid the concept of *infused virtue*.

insofar as it lacks an extrinsic facility.²⁷⁴ However, the formation of an acquired virtue by an infused one does not generate a new kind of virtue beyond the species of the infused virtue. It is rather just this infused virtue which is the perfect moral virtue. Here, the matter-form analogy is both helpful and dangerous at the same time. For example, soul and body are constitutive parts of the complete man. Both parts, however, do not combine in man as two independent elements. Rather, together they constitute the one substantial reality of man under two different aspects (sc. soul as man's actuality, body as his potentiality²⁷⁵). Likewise, acquired and infused virtues are not two parts of a third perfect moral virtue, but the latter *is* the perfect virtue which (and here the present case differs from the example of body and soul) may contain materially the former.

Secondly, Mirkes describes by the matter-form analogy not only the relationship between acquired and infused virtues, but likewise that between acquired prudence and the other acquired moral virtues, and further between charity and the other infused virtues (and infused prudence and the other infused virtues).

Important for our thesis is the hierarchy of infused virtues in which the superior virtue is related as form to the inferior virtue which is its matter. Charity, the greatest of the theological virtues, is formal in relation to all other virtues, infused and acquired. Charity perfects . . . the infused moral virtues, and charity . . . the infused virtue of prudence, and the respective infused moral virtues perfect their acquired counterparts.²⁷⁶

Hence, Mirkes asserts the following analogous relationships to obtain among the virtues.

²⁷⁴ See section 3.4 and section 4.2; cf. also Mirkes, "Aquinas on the Unity of Perfect Moral Virtue," 202.

²⁷⁵ Indeed, the soul itself cannot be understood apart from its reference to the body. "Nenne ich die Seele, so nenne ich in eins damit auch den Körper; d.h. aber: ich nenne beides, jedoch nicht als Seele und Körper (ich nenne ja nur Seele), sondern ich nenne beides (1) als dasselbe und (2) nenne ich das 'Eine und Selbe', das beide sind, nicht auf irgendeine Weise, sondern auf die höchste Weise, in der ich beides nenne kann." (Fernando Inciarte, *'Forma Formarum: Strukturmomente der thomistischen Seinslehre im Rückgriff auf Aristoteles'* (Freiburg: Verlag Karl Alber, 1970), 48). Hence, the compound is not one as something third. "Die Frage nach dem Dritten, nach dem zusammengesetzten Ganzen ist überflüssig geworden; denn das Ganze ist (1) schon in einem Glied, in der *ἐντελέχεια* enthalten, und (2) ist das Ganze in diesem einen Glied auf die höchstmögliche Weise enthalten, nämlich nicht als *δύναμις*, aber auch nicht als zusammengesetztes Ganzes, sondern als '*einiges Ganzes*' und (da ens et unum convertuntur) als *seiendes Ganzes* in der denkbar höchsten Bedeutung." (Ibid.). See also the surprising assertion of Aristotle in *DA* II, c.1 412b6 that one might not ask whether soul and body are one.

²⁷⁶ Mirkes, "Aquinas on the Unity of Perfect Moral Virtue," 126. For an outline of the role of prudence as form of the acquired moral virtues see the second chapter of her dissertation (ibid., 61-124); for the function of charity respective infused virtues (respectively infused prudence to infused moral virtues) see chapter three (ibid., 125-186).

<i>forma</i>	<i>caritas</i>	<i>virtutes infusae</i>	<i>prudentia acquisita</i>
—	=	—	=
<i>materia</i>	<i>virtutes infusae</i>	<i>virtutes acquisitae</i>	<i>virtutes morales acquisitae</i>

Figure 6

If we refer back to the results of section 2.4, it becomes clear that Mirkes's description is at least imprecise. Is it possible to argue in an unequivocal sense that charity is the form of infused virtue, and that the infused virtue is likewise the form of acquired virtue? The answer is clearly negative. In the first relation, matter and form are specified by the same perfection. Charity introduces the agent to the supernatural order, and the other infused virtues introduce their corresponding faculties to the same divine order in regard to their proper objects. Likewise is acquired prudence related to the other acquired virtues. In the second relation, however, infused and acquired virtues provide for two essentially different kinds of perfection, sc. the divine order regarding a supernatural end and the reasonable order regarding an earthly end.²⁷⁷ Although one may refer to both relations by the analogy of matter and form, one must not ignore the different uses of the analogy. Infused virtues as form provide a truly new perfection to acquired virtues as matter, whereas charity and infused virtues (or acquired prudence and acquired moral virtues) belong still to the same order as they share the same finale end. Mirkes, however, takes just the relation of prudence and the moral virtues as the paradigm for the cooperation of infused and acquired virtues and thereby ignores their formal difference.²⁷⁸

²⁷⁷ Recently Knobel has rightly mentioned that according to Aquinas it makes no sense to speak of a formatting of an acquired virtue (as habit) by an infused one. Such a 'redirection' of a natural virtue would make it *ipso facto* a supernatural virtue, i.e. a virtue which inclines to different means for the sake of a higher end. "Aquinas does not appear to leave any room for a virtue that seeks the same mean as acquired virtue yet is also 'directed' to supernatural beatitude." (Angela McKay Knobel, "Can Aquinas's Infused and Acquired Virtues Coexist in the Christian Life?," *Studies in Christian Ethics* 23 (2010): 391). Such a 'redirection' can take place only on the level of action.

²⁷⁸ "Aquinas demonstrates that perfect moral virtue is materially an acquired moral virtue and formally a virtue of prudence. . . . Perfect moral virtue in the human order, or relatively perfect moral virtue, is a composite virtue that is formally a virtue of prudence and materially a virtue of justice, temperance, fortitude, or their allied virtues. Furthermore, with the composite nature of relatively perfect moral virtue, a single human virtue consisting of ordered components that are in a matter-form relationship, Aquinas sets the precedent for the composition of an absolutely perfect moral virtue. That is, through the unifying presence of prudence, Aquinas defines the prototype of each species of human virtue . . . Similarly, through the unity of charity, he defines absolutely perfect moral virtue as a virtue that is formally an infused virtue and materially an acquired virtue." (Mirkes, "Aquinas's Doctrine," 195-196). Similar in Mirkes, "Aquinas on the Unity of Perfect Moral Virtue," 597.

We find a similar difficulty in the account of Baumann, who argues that charity “commands an act of another infused moral virtue, which commands for its part a natural act of the corresponding acquired virtue.”²⁷⁹ He further claims: “*All acts of charity are accompanied necessarily, and not only in an accidental way, by a commanded act of an acquired virtue through the corresponding infused moral virtue* [emphasis in the original].”²⁸⁰

Of course, each supernatural act has to regard in a certain way the end of acquired virtue. But it is at least ambiguous to describe this relationship apodictically as commanding the corresponding natural act. Often the mean of acquired virtue will turn out as too little for attaining the end of infused virtue. The two ends may even exist in some opposition to each other. For example, in Lent infused temperance would hopefully not command simply natural acts of fasting according to the measure of acquired continence (namely for the sake of health). We would hope, in fact, for infused temperance to command much more. Ultimately, it would be sinful if the Catholic diet on Good Friday were determined simply by the rule of health. Certainly, supernatural acts contain implicitly the perfection of their corresponding natural acts. To be sure, they have to take into account their corresponding natural goods, as is clear from our analogy. But they certainly do not command simply and generally the natural act of acquired virtues. Hence, the claim that all acts of charity are necessarily accompanied by a commanded act of an acquired virtue is at least imprecise.

3.6 Conclusion: Similarities between the Different Theories

This overview of the various connection theories demonstrates that the exclusive-order theory and the inclusive-order theory differ essentially from each other, whereas the accidental-relation theory can offer a certain middle course between the two. This is certainly true for its theoretical principles, but not for its practical conclusions. In regard to practical consequences, the exclusive- and inclusive-order theory are closer to each other.

Significant for the accidental-relation theory is the need to give special attention to the reasonable good in order to generate an acquired virtue by means of supernatural acts. On the contrary, the exclusive-order theory negates the possibility of a simultaneous attention being given to two essentially different rules in one single action. For its part, the inclusive-order

²⁷⁹ Baumann, “La surnaturalisation,” 237; in the original the quotation in bold.

²⁸⁰ Ibid., 264.

theory negates the need for giving such special attention since it is already included virtually in the attention given to the higher rule. In short, although there are clear differences between the exclusive-order and inclusive-order theories, both positions hold in common that the natural good in itself does not constitute an end which the agent actually aims for when performing supernatural acts.²⁸¹

²⁸¹ This was the very point of criticism of McKay against the “strong-connection-theories” (cf. McKay, “Infused and Acquired Virtues,” 190-195). Whilst this assertion is certainly right it does not follow that the perfection of acquired virtue could not be inclusively and virtually present in the supernatural act.

SECOND PART: A Reconstruction of Infused Justice

Introduction: What Is the Nature of Infused Justice? The Lack of a Definition

After offering our general outline of the acquired and infused virtues and their mutual cooperation, we are now prepared to approach the more particular topic of our dissertation, namely justice as an infused virtue.

In *ST* I-II 63.4, the starting point of our discussion in chapter 2, St. Thomas illustrates the difference between acquired and infused virtue by using the example of temperance only.¹ He ends the article with the lapidary statement: “And the same applies to the other virtues.”² Hence, our question is this: how can the general description of acquired and infused virtue be applied in the cases of prudence, justice and fortitude?

The issue of infused prudence is relatively simple. In *ST* II-II 47.13, Aquinas describes a perfect kind of prudence which is possessed only by graced agents. “This prudence is true and perfect, which takes counsel, judges and commands aright in respect of the good end of man’s whole life. And this alone is prudence *simpliciter*, which cannot be in sinners.”³ And the following article identifies this *prudencia vera et perfecta* with infused prudence.⁴

Likewise, clear is the difference between acquired and infused fortitude. The former disposes man to face external danger for the good of the temporal city, while the latter enables man to endure sufferings in the defense of divine faith. “Just as civic fortitude strengthens man’s mind in human justice, for whose conserving he sustains the danger of death, so gratuitous fortitude strengthens man’s soul in the good of divine justice.”⁵

Applying Aquinas’s statement – “and the same applies to the other virtues” – to the case of justice, however, proves to be very difficult. Aquinas clearly posits an infused justice as characteristic of the graced agent: “There cannot be a strictly true justice, if the due ordering

¹ Likewise in *In sent.* III 33.1.2D ad 2 and *De virt. in com.* 10 ad 8.

² *ST* I-II 63.4: “Et eadem ratio est de aliis virtutibus.”

³ *ST* II-II 47.13: “Prudentia est et vera et perfecta, quae ad bonum finem totius vitae recte consiliatur, iudicat et praecipit. Et haec sola dicitur prudentia simpliciter. Quae in peccatoribus esse non potest.”

⁴ See *ST* II-II 47.14. For an extensive discussion of infused prudence in *Secunda secundae*, see McKay, “Infused and Acquired Virtues,” 85-124; esp. 101-110.

⁵ *ST* II-II 124.2 ad 1: “Sicut autem fortitudo civilis firmat animum hominis in iustitia humana, propter cuius conservationem mortis pericula sustinet; ita etiam fortitudo gratuita firmat animum hominis in bono iustitiae dei.” A similar example for infused fortitude is given in *In sent.* III 33.1.2D ad 2: “Aliquid superfluum secundum virtutem civilem est moderatum secundum virtutem infusam, sicut quod homo . . . se voluntarie morti offerat propter defensionem fidei.” For detailed discussion of fortitude as infused virtue we can point again to McKay, “Infused and Acquired Virtues,” 125-186.

to the end is lacking, which stems from charity.”⁶ This points to Aquinas’s distinction between acquired and infused justice. In *ST I-II* 100.12, he states: “Justice, as the other virtues, can be taken either as the acquired or as the infused virtue, as is clear from above [*ST I-II* 63.4]. The acquired virtue is caused by operations, but the infused virtue is caused by God himself through his grace. And this is true justice.”⁷ But these descriptions remain vague. St. Thomas is just saying that there is an infused justice, and in contrast to acquired justice it must be infused. But what is the substantial difference between the two species of justice? Which concrete actions implied by justice are subject to the rule of reason, and which are subject to the divine law? In *In sent.* III 40.3 and *De veritate* 28.3, Aquinas refers directly to the distinction of acquired and infused justice,⁸ but even there he asserts only their differing genesis, thus failing to provide a substantial description of what infused justice is like.

Of course, there are some texts that elicit hope for further clarification on this point, for example Aquinas’s discussion of Macrobius’s division of virtue into (a) political virtues, (b) purifying virtues (*virtutes purgativae*), (c) virtues of the purified mind (*virtutes purgati animi*), and (d) exemplar virtues.⁹ Though St. Thomas does not use his own technical terms in this text, it is clear that the first species corresponds to what Aquinas calls acquired virtue, and the second and third ones correspond to his infused virtues, either of the graced agent on earth or of the saints in heaven. Thus, given the nature of its discussion, one might reasonably expect to find in this text some hints regarding Aquinas’s understanding of infused justice.

In fact, *ST I-II* 61.5 contains an explicit reference to all four cardinal virtues as purifying virtues (i.e. as infused virtues in the present life):

⁶ *ST I-II* 23.7 ad 2: “Non potest esse simpliciter vera iustitia . . . si desit ordinatio debita ad finem; quae est per caritatem.”

⁷ *ST I-II* 100.12: “Iustitia autem, sicut et aliae virtutes potest accipi et acquisita et infusa, ut ex supradictis patet. Acquisita quidem causatur ex operibus, sed infusa causatur ab ipso deo per eius gratiam. Et haec est vera iustitia.”

⁸ The first of these texts is *In sent.* III 40.1.3 (which is the same content as *ST I-II* 100.12): “Iustitia autem est duplex: quaedam acquisita; quaedam infusa. Iustitia acquisita ex operibus causatur; et per hunc modum lex civilis homines iustos facit, inquantum per exercitium operum, habitum iustitiae in observatoribus causat . . . Sed de hac iustitia nihil ad praesens. Iustitia autem infusa a solo deo effective est; unde lex per opera eam inducere non potest.” And *De veritate* 28.3: “Ex naturalibus autem homo iustitiam habere potest dupliciter: uno modo ut naturalem vel innatam, secundum quod quidam ex ipsa natura sunt proni ad opera iustitiae; alio modo ut acquisitam. Iustitiae igitur acquisitae ex operibus similis est iustitia infusa, per quam iustificantur adulti: unde, sicut in iustitia politica acquisita requiritur actus voluntatis, quo quis amat iustitiam: ita etiam in adultis iustificatio non completur sine usu liberi arbitrii. Iustitia vero infusa, per quam iustificantur parvuli, similis est naturali aptitudini ad iustitiam, quae etiam in pueris invenitur; et ad neutram usus liberi arbitrii requiritur.” Cf. also ad 18. Interesting is also *In sent.* II 28.1.1 ad 4, where Aquinas makes the distinction between *iustitia civilis* and *iustitia infusa*: “Aliquis potest dici iustus dupliciter: vel iustitia civili, vel iustitia infusa. Iustitia autem civili potest aliquis iustus effici sine aliqua gratia naturalibus superaddita; non autem iustitia infusa.”

⁹ We invoked already in section 2.3.2 this division. We can ignore the forth option which pertains only to God.

Prudence, by contemplating divine things, despises all earthly things, and directs all the thoughts of the soul to the divine alone; temperance neglects the needs of the body, so far as nature allows; fortitude prevents the soul from being afraid because of the withdrawal of the body and rising to heavenly things; and *justice consists in the consent by the whole soul to the way thus proposed*.¹⁰

This description of justice is primarily negative, though we will see that there are important reasons for this. Justice is presented as supporting the other virtues, as far as possible, in their work of assisting the agent to contemplate God and despise earthly things. Similarly, the definition provided in *De virt. card.* 4, given the context of the purifying virtues, is nebulous: justice consists simply “in helping the poor.”¹¹ Similarly vague are St. Thomas’s definitions of justice as a virtue of the purified soul. By justice, he explains, man becomes “associated to the divine mind by a perpetual covenant, by imitating it.”¹² And in *De virt. card.* 4 he writes: “[It belongs] to justice to have a perpetual covenant with God.”¹³

In short, these assertions do little to clarify Aquinas’s understanding of infused justice. To the contrary, they arouse suspicions that infused justice is something quite different from ordinary justice. But what is it exactly?

It shouldn’t be surprising that scholars who discuss the differences between the acquired and infused virtues usually substantiate their doctrine with the example of temperance, and perhaps with prudence and fortitude. They almost never illustrate their teaching with examples of justice.¹⁴ Scholars who refer to the two kinds of justice typically apply the general principles of infused moral virtues to the particular case of justice without going into detail. The outline of infused justice developed by the Salmanticenes offers us a representative example of this exercise in evasion:

If we want proceed to an example, it won’t be difficult to assign in every matter – beyond the mean and honor of the natural order – another [mean] of the supernatural order according to the principles already treated. Regarding the matter of justice, the mean consists in equality in

¹⁰ *ST I-II* 61.5: “Prudentia omnia mundana divinorum contemplatione despiciat, omnemque animae cogitationem in divina sola dirigat; temperantia vero relinquat, in quantum natura patitur, quae corporis usus requirit; fortitudinis autem est ut anima non terreatur propter excessum a corpore, et accessum ad superna; *iustitia vero est ut tota anima consentiat ad huius propositi viam.*”

¹¹ *De virt. card.* 4: “in subveniendo miseris.”

¹² *ST I-II* 61.5: “cum divina mente perpetuo foedere societur, eam scilicet imitando.” Discussing the question whether moral virtues remain in heaven, Aquinas answers: “De iustitia vero manifestius est quem actum ibi [sc. in caelo] habebit, scilicet esse subditum deo, quia etiam in hac vita ad iustitiam pertinet esse subditum superiori.” (*ST I-II* 67.1; cf. also ad 1).

¹³ *De virt. card.* 4 ad 7: “Iustitiae [est] perpetuum foedus cum deo habere.” Similar in the body of the article: “Iustitiae erit regenti deo subditum esse.”

¹⁴ E.g. Pieper, “Über das christliche Menschenbild,” 112-114. Pieper exemplifies the doctrine by reference to prudence and fortitude.

operations to the other; hence, it can be considered either as posing equality between men, insofar men are citizen of the human city of this universe, gifted by natural life and reason, and obligated to conserve the human society and peace. And in this agreement consists the natural mean, the object of acquired justice. However, [the matter of justice] can be also considered as posing equality between men insofar they are co-citizen of the saints and cohabitants of God, gifted by a supernatural light, capable of the eternal beatitude; between those it is necessary to conserve peace and community by a higher title in order that there is a quasi deified and heavenly peace and community. In this way, however, the mean is supernatural and the object of infused justice.¹⁵

Similar descriptions have been given in recent times. W. C. Mattison, who defends strongly the doctrine of infused moral virtue, describes the special character of infused justice as follows.

As for the cardinal virtue justice, surely a virtuous non-Christian can be willing to lay down his life for social justice (i.e., racial or economic equality). But a Christian might do this differently. Anyone who has read Martin Luther King Jr.'s work knows that he was committed to racial equality no only for the sake of humanity's natural happiness (social justice), but also for the sake of his and humanity's ultimate union with God. He pursued justice in a manner shaped by Christ's injunction to love the enemy, and turn the other cheek. Archbishop Oscar Romero spoke out for economic justice on behalf of the poor not simply because the conditions of his society impeded natural human happiness – which they did – but also because they violated the dignity of people created in God's image, and particularly the poor, for whom God has a special love.¹⁶

Both of these descriptions affirm the existence of two kinds of justice. Mattison even stresses that infused justice achieves the just act by means of a different motivation. Nevertheless, these descriptions, and many others like them, leave a number of issues unanswered. Does infused justice provide only a different motivation for the acts of natural justice? Or does it imply also some new kind of just action in addition to the obligations of acquired justice? Do

¹⁵ Salmanticenses, *Cursus theologicus*, vol. 6, tractatus XII (*de virtutibus*), disp. III, dubium I, § 1, no. 23: “Si ad exempla descendere velimus, non difficile erit assignare in qualibet materia ultra medium et honestatem naturalis ordinis, alia ordinis supernaturalis per respectum ad principia tacta. Etenim in materia iustitiae medium est aequalitas in operationibus ad alterum: potest ergo considerari vel ut ponit aequalitatem inter homines, quia ratione homines sunt cives humanae civitatis huius universi, vita et ratione naturali praeditos, inter quos servari debet humana societas et pax. Et hoc pacto est medium naturale, obiectumque iustitiae acquisitae. Potest etiam attendi ut ponit aequalitatem inter homines, quatenus sunt cives sanctorum et domestici dei, praeditos supernaturali lumine, et capaces beatitudinis aeternae: inter quos altiori titulo debet pax et societas conservari ut sit pax et societas quasi deifica et coelestis. Hoc autem modo est medium supernaturale et obiectum iustitiae infusae.”

¹⁶ Mattison, *Introducing Moral Theology: True Happiness and the Virtues* 326.

Another example is Irwin who also clearly affirms the difference between acquired and infused justice without giving a substantial description of it: “Even from outside the theological perspective, we can see, in Aquinas’ view, why the infused virtues are perfections of the acquired virtues. If we have the acquired virtues, we can see what their perfection would be, but we recognize that we lack it. We ought to be able to see that the degree of justice that we are capable of is the most that can be reasonably expected within human limits, but that a more complete justice would be preferable; and then we ought to see that the infused virtue of justice is preferable in the relevant ways. This is how the person who ‘hungers and thirsts after justice’ (*Matt.* 5:6) differs from the person who is just within the limits that can ordinarily be expected in a human being.” (Irwin, *The Development of Ethics*, vol. 1, 647).

some acts become just only because the agent lives in the state of grace? And if so, of which kind of just action are such supplementary duties? Or is infused justice concerned with the same acts as acquired justice, requiring only a different and elevated motivation, sc. from charity?

Further, infused virtues make the graced agent a good member of the Church. But justice is generally concerned with interhuman actions. Hence, does infused justice dispose the graced agent for the right relationship to other church-members, or does it transform his contact to the earthly community, namely on condition of a simultaneous membership in the Church?

Moreover, Aquinas portrays justice as a virtue concerned with external actions. But the members of the Church are united first of all spiritually. Hence, does *infused* justice extend to internal acts –for example, to benevolence? And vice versa: are hatred and envy, as internal acts, already sins against infused justice?

Further still, in human society the just act is determined by the human law. Analogously, what is just for infused justice is defined by the divine law. But the divine law includes the acts of all virtues. Hence, is infused justice simply identical with all other virtues?

And above all, justice perfects the will in regard to right conduct toward one's neighbor. But the will of the graced agent is already perfected by charity, not only in regard to God but likewise in regard to other people. Hence, why the need for an infused justice at all?

The Purpose and the Structure of the Second Part

As seen above, the issue of infused justice is anything but clear. Thus, the purpose of this second part is to determine what infused justice must be in light of the general principles of Aquinas's doctrine of infused virtues. Because of the lack of an *ex professo*-text, we must reconstruct the concept on the one hand from St. Thomas' general descriptions of justice, and on the other hand from his treatment of the infused virtues. Therefore, our argumentation will proceed in the following three steps.

A first chapter portrays the general structure of justice according to the understanding of Aquinas, while for the moment disregarding the issue of infused virtue (chapter 4). Next, we devote a special chapter to the relation of justice and charity, both of which are defined as perfections of the will (chapter 5). Since the graced agent certainly has charity, it is important that we clarify the more fundamental issue of justice's connection with charity, before treating the question of infused justice. Only subsequently shall we be able to reconstruct the exact

meaning of infused justice according to Aquinas's general principles of the infused virtues (chapter 6).

Based on these investigations, we shall then suggest in the third part (chapter 7) that the whole of the treatise on justice in the *Secunda-secundae* treats in fact the infused virtue of justice.

Nota bene: We freely admit that the stringency of your argument in chapter 4 to 7 depends on the validity of our claims in chapter 3. The following line of argument is necessary only insofar as one admits the results of the first part of this work.

4. The General Structure of Justice According to St. Thomas

Aquinas's theory of justice is an impressive synthesis of differing inherited doctrines. It combines elements of Greek philosophy, the Roman canonical tradition, and last but not least the Christian faith. He succeeded in forming from three quite different sources a coherent, unified, and rigorous thesis.¹⁷

The general use of Aristotle by Aquinas is well known. In the case of justice, however, his dependence on the Philosopher is especially obvious. Aquinas commented at great length on the fifth book of the *Nicomachean Ethics*, which treats justice. The imprints of that intensive engagement has left obvious effects on his own portrayal of justice in the *Secunda secundae*, though he is – as we will argue in chapter 7 – much more independent from Aristotle than scholars usually concede. Nevertheless, the influence of the Stagirite on St. Thomas cannot be denied.¹⁸

Aquinas's dependence on the Roman legal tradition becomes apparent not only by his preferred definition of justice inherited from Ulpian, a Roman jurist of Tyrian ancestry (+228 A.D.), but also by his frequent citations of the *Digests*, a compilation of various canonical

¹⁷ A good overview about the various traditions which Aquinas works up is given in Stefan Lippert, *Recht und Gerechtigkeit bei Thomas von Aquin: Eine rationale Rekonstruktion im Kontext der Summa Theologiae* (Marburg: N.G. Elwert Verlag, 2000), 27-73 and Wunibald Brachthäuser, *Gemeingut- oder Gesetzesgerechtigkeit: Eine geschichtlich-systematische Untersuchung zur Gerechtigkeitslehre des heiligen Thomas von Aquin* (Köln: Albertus-Magnus-Verlag, 1941), 21-36.

¹⁸ For studies about justice in Aristotle, see Bien, "Gerechtigkeit bei Aristoteles (V)," 135-164 and MacIntyre, *Whose Justice? Which Rationality?*, 88-123. For an account of justice in the Middle Ages before the introduction of Aristotle, see Lottin, *Psychologie et morale*, 283-299 (the chapter "Notes sur la vertu de justice et deux devoirs connexes").

collections promulgated by the Byzantine emperor Justinian I in the year 533 A.D. Justinian had attempted to systematize over 1,000 years of Roman law and to give order to its various traditions of legislation. His *Digests* forms part of the greater *Corpus juris civilis*.¹⁹ Aquinas's theory of law is noticeably influenced by this Roman tradition. He borrowed concepts such as *ius civile* and *ius gentium* from this source.²⁰

But we should not underestimate the impact of the Christian tradition on Aquinas's general theory of justice. The biblical understanding of justice differs in important points from the philosophical concept of Aristotle. Justice in Scripture does not first of all refer to a political virtue of the earthly citizen, but rather to man's righteousness towards God, which produces the good citizen of the heavenly city. Not by chance did St. Paul often refer to the individual reception of salvation by the term "divine *justification*."²¹ Moreover, Christian tradition describes God's providence for all creatures as a kind divine distributive justice.²² Admittedly, when St. Thomas discusses justice in a systematic way (especially in *In sent.*, *In ethics.* and *ST*), the combination of Aristotle and the canonical tradition is much more obvious. One might, therefore, easily pass over the theological significance of these texts. Perhaps this is why St. Thomas's account of justice is constantly read as treating a natural moral virtue. We will see in chapter 7, however, that this theological aspect provides the ultimate criterion for understanding Aquinas's outline of justice.

Some Technical Remarks about Our Argument

The present chapter provides only a general overview of Aquinas's understanding of justice by placing it in contrast to certain modern theories. As a result, we do not propose to offer any novel insights into this matter. Scholars such as Lottin, Pieper, Pinckaers, Porter, etc., have

¹⁹ The four parts of the *Corpus juris civilis* are (1) the *Institutes* (a general introduction to the work); (2) the *Digest* or *Pandects* (intended for practitioners and judges and containing the law in concrete form plus selections from various classical jurists such as Gaius, Paulus, Ulpian, Modestinus, and Papinian); (3) the *Codex* or *Code* (a collection of imperial legislation since the time of Hadrian); and (4) the *Novels* or *Novellae* (compilations of later imperial legislation). See thereto Herbert F. Jolowicz, *Historical Introduction to the Study of Roman Law*, 2 ed. (Cambridge: Cambridge University Press, 1954).

²⁰ For a detailed study of the roman canonical tradition and its impact on St. Thomas's synthesis see Jean-Marie Aubert, *Le droit romain dans l'oeuvre de saint Thomas* (Paris: Librairie Philosophique J. Vrin, 1955).

²¹ Cf. for example Rom 2.13, 3.20/24/26/28/30, 4.5, 5.1/9, 8.4/33, 1 Cor 6.11, Gal 2.16/17, 3.8, 5.4, Ti 3.7, Heb 9.1 etc. The references are legion.

²² The principle ideas which Aquinas owes to the Christian doctrine for his theory of justice are well portrayed in Brachthäuser, *Gemeingut- oder Gesetzesgerechtigkeit*, 27-28; Gilby, *Principality and Polity*, 5-22 and (though in a more general way) Pinckaers, *La justice évangélique*, 67-105. However, it is worth noting that the topic of *infused justice* is at best mentioned in those publications.

outlined these differences with great clarity.²³ Nonetheless, the arguments of this chapter will become fundamental to our arguments in the subsequent chapters.

Further, in this second part of our thesis (i.e. chapters 4 to 6) we avoid, as far as possible, quotations from the discussion about justice in the *Secunda secundae*. Why this self-constraint? According to our principal thesis, *ST* II-II 57-122 is about justice as an infused virtue. In this second part of our work, however, we don't want to examine the relevant texts in II-II, but instead try to reconstruct the concept of infused justice from the general understanding of infused moral virtues as well as the general understanding of justice. Only afterwards will we attempt to apply these results to Aquinas's discussion in *ST* II-II. Hence, we would undermine our question if we referred too soon to the *Secunda secundae* as source for our thesis.

4.1 The Objective Determination of Justice: *opus adaequatum alteri*

4.1.1 External Operations as Specific Matter of Justice: The *medium rei*

In the *Prima secundae* Aquinas presents a general outline of the four cardinal virtues that offers his readers a first approach to the structure of justice, namely as a virtue about external actions that involve one's neighbor.

ST I-II 60.2 describes the character of justice within the context of whether there is a special moral virtue, apart from the affective virtues, for ruling man's external operations. Aquinas introduces here the important distinction between operations and passions according to the effects of their virtues (*sicut effectus*) and their virtue's proper matter (*sicut materia circa quam*). According to the first mode, all moral virtue can (and has to) entail external operations as well as passions. By definition, virtue is for producing good works. Consequently, each moral virtue should result in good operations as its effect or end.²⁴ For example, the control of anxious or angry passions, *per se* an internal process due to fortitude, produces outwardly some corresponding action *ut effectus*, e.g. the anxious soldier continues to stand firm at his post. Vice versa, it belongs to virtue that its activity is pleasant to the agent himself, and thus

²³ We shall defer many times to these scholars.

²⁴ Cf. *ST* I-II 55.2.

an act of the virtue should be followed by some enjoyable passion.²⁵ Accordingly, the virtuous employer feels some internal pleasure in recompensing his employees by paying the just reward, although *per se* the payment is just an external act.

However, if we consider the proper object of a specific virtue – its *materia circa quam* – then some virtues treat internal passions and others external operations. This distinction becomes necessary because not all human operations are judged from the same point of reference. In some cases, the goodness of an action depends on the agent's proper attitude and affection in respect to his action, whereas in other cases the moral qualification is evaluated by more objective measures. For example, consuming two liters of beer might be temperate for one person, yet immoderate for another. The patient toleration of heavy labor might be for one person an extraordinary act of self conquest, but for another just a trivial thing. To endure courageously some dangers might be an everyday affair for the trained soldier, but a heroic act for the common man. In these cases, the point of reference for the evaluation of the performed operation is the proper condition of the agent himself. The moral qualification is made "regarding the commensuration to the agent."²⁶ The action is judged as good if the agent conducts himself rightly when confronted with external objects, such as with beer, labor, or danger. Consequently, the good action in these cases consists in the right ordering of the internal passions. That is to say, the good action requires virtues of temperance and fortitude to shape the sensitive appetite.²⁷

Other operations, however, are considered in abstraction from the subjective condition of the agent. They are measured instead with respect to another person – *ad alterum*. For example, the external action of paying an employee the stipulated wages for his completed work is a good act. Its moral qualification does not hinge on a special disposition of the agent. Rather, the moral quality of the act can be evaluated according to objective aspects, namely in view of the other person or group of persons receiving the action.²⁸ Hence, the moral quality of external operations directed towards other people is determined only in relationship to the

²⁵ Cf. *ST* I-II 59.4 ad 1; 59.5; *De virt. in com.* 1.

²⁶ *ST* I-II 60.2: "secundum commensurationem ad operantem."

²⁷ *ST* I-II 60.2 "In quibusdam vero operationibus bonum et malum attenditur solum secundum commensurationem ad operantem. Et ideo oportet in his bonum et malum considerari, secundum quod homo bene vel male afficitur circa huiusmodi. Et propter hoc, oportet quod virtutes in talibus sint principaliter circa interiores affectiones, quae dicuntur animae passiones, sicut patet de temperantia, fortitudine et aliis huiusmodi."

²⁸ The fittingness or unfittingness of paying wages does not depend on the instantaneous temperament of the employer, but on the objective service of the employee. Conversely, whether the fear which the employer might feel by paying an adequate wage is good or evil depends primarily on subjective conditions, i.e. on his psychological character – though even here external facts might be relevant. For example it makes a difference whether he is greedily afraid of losing a high private yield by paying the just wage, or whether he fears reasonably the bankruptcy of the company – by a sense of responsibility for his employees.

other, depending whether such an act is due or undue to the other.²⁹ And therefore, the perfection of this sort of external activity demands a specific virtue, which we call justice.

In some operations good and evil are taken from the very nature of those operations, no matter how man may be affected towards them, namely in so far as good and evil in them depend on their commensuration with the other. For those operations there should be a virtue which directs the operations in themselves, as buying and selling, and all such operations in which there is the notion of due or undue to the other. And therefore justice and its parts are properly about operations as their proper matter.³⁰

Though justice is distinct from fortitude and temperance, however, both types of virtue can influence one and the same concrete action. Take the case of someone who, while in a fit of rage, damages the property of his neighbor. Let's say that his favorite soccer team lost an important match. The act is against justice because of its inappropriateness regarding the other, i.e. it is undue "*secundum commensurationis ad alterum*." Our enraged fan, however, also acts against the virtue of mansuetude, which is a subspecies of temperance.³¹) In other words, the act of destroying his neighbor's property is incommensurate with the agent himself, "*secundum commensurationem ad operantem*."³² We can imagine another agent who commits the same unjust act but without being affected by anger, or even someone who destroys the property while overcome by a just and reasonable anger. In either case, the action would still be unjust albeit not intemperate.³³

²⁹ Thus, it should be clear that not the *externality* makes the just act. The raising the own hand is not matter of justice. Justice enters the field of action if another person is involved – at least indirectly. In that way, for example, environmental pollution would be unjust even if committed privately. "The primary object of justice is precisely other persons; all other objects enter into the field of justice insofar as they are owned or used by persons. Thus we could describe justice as the virtue by which the relations among persons are rectified." (David M. Gallagher, "Person and Ethics in Thomas Aquinas," *Acta Philosophica* 4 (1995): 65).

³⁰ *ST* I-II 60.2: "Bonum et malum in quibusdam operationibus attenditur secundum seipsas, qualitercumque homo afficiatur ad eas, in quantum scilicet bonum in eis et malum accipitur secundum rationem commensurationis ad alterum. Et in talibus oportet quod sit aliqua virtus directiva operationum secundum seipsas, sicut sunt emptio et venditio, et omnes huiusmodi operationes in quibus attenditur ratio debiti vel indebiti ad alterum. Et propter hoc, iustitia et partes eius proprie sunt circa operationes sicut circa propriam materiam."

³¹ Cf. *ST* II-II 143.

³² *ST* I-II 60.2: "Contingit autem quod in operationibus quae sunt ad alterum, praetermittatur bonum virtutis propter inordinatam animi passionem. Et tunc, in quantum corrumpitur commensuratio exterioris operationis, est corruptio iustitiae, in quantum autem corrumpitur commensuratio interiorum passionum, est corruptio alicuius alterius virtutis. Sicut cum propter iram aliquis alium percutit, in ipsa percussione indebita corrumpitur iustitia, in immoderantia vero irae corrumpitur mansuetudo. Et idem patet in aliis."

³³ Hence, intersections are possible. For example the case of adultery: regarding the relationship towards the partner, adultery is against justice, since it injures the marital rights of the other; insofar it is caused by immoderate passions, it is against temperance. But since uncontrolled passions are the usual cause of committing adultery the whole action is formally against temperance, but materially against justice. "Homicida intendit directe nocumentum proximi, fornicator autem qui provocat mulierem, non intendit nocumentum, sed delectationem." (*ST* I-II 73.8 ad 3).

This examples illustrates the special character of justice. The act of damaging another's property can be objectively described as violation of the harmonious relation one should have with the other, independent of the internal condition of the agent. This objective determinability of justice is a unique feature that distinguishes it from the other virtues.³⁴ Therefore, the operations of all agents can be evaluated according to the object of justice, whereas it remains impossible to determine the object of temperance and fortitude in the same universal way.³⁵

Justice and the *medium rei*

The distinct quality of justice also becomes apparent in Aquinas's description of the virtuous act as a realization of the mean. It belongs to the common property of western ethics to determine the virtuous act as a mean between two extremes, between excess and defect.³⁶ This doctrine is not an *apologia* for moral mediocrity. On the contrary, it implies the *ultimum posse* of the appetitive faculties insofar as their proper acts are realized according to the *regula rationis*.³⁷ Reason determines the good to be done, and the appetitive powers attain their highest perfection by not deviating from this measure, i.e. their own act is the right mean insofar as they could fail to realize the command of reason either by excess or defect. Thus, the mean of virtues implies a *medium rationis*, the good as determined by practical reason, realized by the commanded powers.³⁸ In this way temperance lies between insensibility and intemperance, fortitude between daring and timidity, and generosity between avarice and prodigality, etc.

³⁴ ST II-II 59.2 ad 3 describes the object of justice aptly as "aliquid exterius constitutum." About the *objective determinability* of the just action see Utz, "Kommentar," 578-579.

³⁵ Cf. ST II-II 59.2 ad 3: "Obiectum temperantiae non est aliquid exterius constitutum, sicut obiectum iustitiae, sed obiectum temperantiae, idest temperatum, accipitur solum in comparatione ad ipsum hominem. Et ideo quod est per accidens et praeter intentionem non potest dici temperatum nec materialiter nec formaliter, et similiter neque intemperatum. Et quantum ad hoc est dissimile in iustitia et in aliis virtutibus moralibus."

³⁶ See the detailed study of Rupert Klingseis, "Das aristotelische Tugendprinzip der richtigen Mitte in der Scholastik," *Divus Thomas* 7 (1920): 33-49; 142-172; 269-288; and in vol. 8 (1921): 1-14; 83-112. A short treatment is found in A. D. Sertillanges, *La philosophie morale de Saint Thomas D'Aquin* (Paris: Librairie Félix Alcan, 1922), 201-207; for an account of the Aristotelian sources, see W.F.R. Hardie, "Aristotle's Doctrine that Virtue is a 'Mean'," in *Articles on Aristotle: Ethics and Politics*, vol. 2, ed. Jonathan Barnes, Malcolm Schofield, and Richard Sorabji (London: Gerald Duckworth & Company, 1977), 33-46.

³⁷ See W.D. Hughes, "Appendix 4: The Mean of Virtue," in *Summa Theologiae: Virtue (Ia2ae. 55-67)*, vol. 23 (London: Blackfriars, 1969), 249-250.

³⁸ See ST I-II 64.1: "Moralis autem virtus proprie est perfectiva appetitivae partis animae circa aliquam determinatam materiam. Mensura autem et regula appetitivi motus circa appetibilia, est ipsa ratio. Bonum autem cuiuslibet mensurati et regulati consistit in hoc quod conformetur suae regulae, sicut bonum in artificiatu est ut consequantur regulam artis. Malum autem per consequens in huiusmodi est per hoc quod aliquid discordat a sua regula vel mensura. Quod quidem contingit vel per hoc quod superexcedit mensuram, vel per hoc quod deficit ab ea, sicut manifeste apparet in omnibus regulatis et mensuratis. Et ideo patet quod bonum virtutis moralis consistit

This principle is true for all moral virtues, though the determination of the just act poses a special case. Of course, even the external act of justice is measured first of all by reason. It consists in the realization of a certain mean, between for example paying too little or too much. Because the adequacy of an external act depends on objective standards, however, the *medium rationis* of justice (the judgment of practical reason) is not to be determined in respect to the appetite of the agent himself but according to a mean existing between external things or works measured in relation to the other. Aquinas explains: “Justice is about operations, which are concerned with external things, where the right has to be established simply and in itself, as stated above; and therefore the rational mean [*medium rationis*] in justice is the same as the real mean [*medium rei*], in so far as justice gives to each one his due, neither more nor less.”³⁹ Thus, the result is the same as above: the special character of the mean of justice is its objective determinability. Accordingly, the mean of temperance or fortitude differs from person to person, and from situation to situation. What constitutes the mean for one individual might constitute an excess for another.⁴⁰ The *medium rei*, however, does not depend on subjective conditions but is valid for everybody.

After this initial outline of the special character of justice, we are prepared to examine Aquinas’s description of “right” as the object of justice.

4.1.2 “Right” as *opus adaequatum alteri*

Aquinas does not begin his long treatise on justice in the *ST* II-II immediately with an exposition of justice as a virtue in itself, but rather with a question *de iure*,⁴¹ about the “right.”⁴² This indirect approach marks a clear exception in the discussion of the cardinal

in adaequatione ad mensuram rationis. Manifestum est autem quod inter excessum et defectum medium est aequalitas sive conformitas. Unde manifeste apparet quod virtus moralis in medio consistit.”

³⁹ *ST* I-II 64.2: “Iustitia est circa operationes, quae consistunt in rebus exterioribus, in quibus rectum institui debet simpliciter et secundum se, ut supra dictum est, et ideo medium rationis in iustitia est idem cum medio rei, in quantum scilicet iustitia dat unicuique quod debet, et non plus nec minus.”

⁴⁰ We should add an important note: The affective virtues ignore an objective mean in regard of their proper object, namely internal passions. The resulting external acts, however, can be measured objectively as *medium rei*. In this way it is right to speak of the endurance of dangers as *courageous deeds*. However, the external perspective does not allow a decision whether the act was the realization of the proper mean of fortitude as affective virtue.

⁴¹ *ST* II-II 57. The discussion of justice as virtue starts with qu. 58.

⁴² A remark concerning the translation: We translate the Latin term “*ius*” (sometimes also “*iustum*”) as “right.” We are distinctly aware that the English term does not correspond exactly to the Latin “*ius*”. Nevertheless, in the absence of a better alternative we think “right” is the best option. In the following sections the difference between the original meaning of “*ius*” and the contemporary meaning of “right” will become clear.

virtues in the *Secunda secundae*.⁴³ However, our foregoing description of the special character of justice explains this extraordinary structure. Unlike the case of affective virtues, the act of justice can be determined by disregarding subjective conditions of the agent and by referring only to the other (*ad alterum*). Therefore, the just act – i.e. the “product” of justice – can be described even independently from the virtue itself. And thus the discussion of justice begins with a question about the “right,” since once the object is determined the proper meaning of justice arises by itself.⁴⁴

St. Thomas defines the “right” simply as the object of justice. “The right [*ius*] is the object of justice.”⁴⁵ At first glance, it is a surprising assertion. For Aquinas the “right” in its most fundamental and proper sense is not something prior to the just act, something to which the just act must correspond or answer. Rather, he identifies the *ius* (sometimes also *iustum*) with the act of justice itself. “The right [*ius*] or the just [*iustum*] is a certain work which is adequate [*adaequatum*] to another person according to some mode of equality.”⁴⁶

According to a common understanding of today, rights are material or immaterial goods for which one has to claim or can claim.⁴⁷ For Aquinas, however, referring to my car as “my right” or another’s car as “your right” is only an analogous way of speaking. The house itself is not my *ius* or the object of justice. Neither is another’s car “his right.” Rather, “my right” consists in the act of the car’s acquisition from a lawful proprietor, and “his right” consists in the acknowledgment that my car belongs to me. In both cases, “right” means a certain *action*, either the act of buying or the act of respecting the present property situation. The same can be shown for immaterial goods, such as life, a good reputation, honor, etc. It is especially in this context that contemporary usage speaks of “having rights” as justified claims to something. For Aquinas, however, it is not life itself, reputation itself, or honor itself that are

“*Ius*” may also be translated as “law,” but since “law” normally is used as equivalent of “*lex*,” it seems more appropriate to translate “*ius*” as “right.”

⁴³ The treatises of prudence, fortitude, and temperance begin immediately with the description of the particular virtue itself (*ST* I-II 47, 123 and 141). Likewise the theological virtues of hope (*ST* II-II 17) and charity (*ST* II-II 23) are treated immediately.

⁴⁴ It is one of St. Thomas’s fundamental principles that every power is determined by its specific act and the acts by its proper object. Sight is determined by the sensible, hearing by the audible. Likewise in the case of virtue: prudence is defined by the right judgment and command of human acts, temperance by the act of the *passiones concupiscibiles* according to the right mean. (Cf. Markus Christoph, “Das thomistische Axiom ‘actus specificantur ab objecto’,” *Doctor Angelicus* 4 (2004): 173-191). However, although every virtue can be understood only from its proper act, nevertheless the act can be measured only in reference to the agent. Herein lies the particular character of the act of justice.

⁴⁵ *ST* II-II 57.1 *sed contra*: “*Ius est obiectum iustitiae*.” For a detailed description of the *ius* as object of justice, see Brachthäuser, *Gemeingut- oder Gesetzesgerechtigkeit*, 40-45.

⁴⁶ *ST* II-II 57.2: “*Ius, sive iustum, est aliquod opus adaequatum alteri secundum aliquem aequalitatis modum*.”

⁴⁷ Even though Aquinas affords an occasion to this misunderstanding by the identification of *iustum* and *ius* (e.g. in *ST* II-II 57.2), it is clear from other texts that the *thing* should not be understood as *right*. Cf. *ST* II-II 58.9 ad 2:

rights, but instead “rights” refers to the actions by which these immaterial goods are acknowledged, granted, and preserved with respect to other people.⁴⁸ The “right” is a work which is qualified by a certain character, namely its appropriateness towards the other. It becomes “right” (in the proper sense of “right”) with respect to the other. “In our work something is said to be just, what responds to the other by a kind of equality.”⁴⁹ Therefore, Utz describes the *ius* as “order of peace between many separate persons.”⁵⁰ It is the act by which two different parts attain concordance. The material objects of those acts are called “rights” only in a derivative sense, insofar as a thing is the matter of a just *opus*, for example to pay a seller \$20 for a book. However, even here the *iustum* in the proper sense is the *work of paying* the demanded price.⁵¹

Nevertheless, it might be confusing that Aquinas sometimes determines *ius* as the “just thing” (*res iusta*).⁵² Here, we must call attention to the scholastic terminology which counts *res* among the transcendental concepts, coextensive and convertible with *ens*.⁵³ Hence, even in those texts the *res iusta* means the *opus adaequatum alteri*.⁵⁴ Whether Aquinas uses *ius* or *iustum*, in both cases he intends a *work* by which two agents attain equality.

In this way the definition of the “right” in *ST* II-II 57 corresponds perfectly to the basic features of *ST* I-II 60.2. There Aquinas specified the just act as *commensuratus ad alterum*, whereas in the *Secunda secundae* he uses the equivalent term of *adaequatum alteri*. In both instances, he emphasizes the objective determinability of *ius*. “The right in a work of justice,

“Operationes exteriores mediae sunt quodammodo inter res exteriores, quae sunt materia, et inter passiones interiores, quae sunt earum principia.”

⁴⁸ Kluxen shows that the material thing can become the content of a right only in its relationship to reason: “Diese ‘res’, die den Inhalt des Rechts ausmacht, ist nun sicher kein Naturding, das schon vorliegt, und die hier gemeinte ‘Sache’ hat gar nichts mit Ontologie zu tun. So ist etwa bei einem Grundstückskauf nicht das Stück Erde als solches, sondern seine Bewertung im wirtschaftliche Austauschverhältnis und zuvor noch die Frage des Eigentums die Sache, um die es geht. Das sind Merkmale, die der physischen Natur nicht als solcher, sondern erst in einem ‘ordo rationis’ zukommen, der intersubjektiv besteht.” (Wolfgang Kluxen, *Moral - Vernunft - Natur: Beiträge zur Ethik* (Paderborn: Ferdinand Schöningh, 1997), 75).

⁴⁹ *ST* II-II 57.1: “Illud enim in opere nostro dicitur esse iustum quod respondet secundum aliquam aequalitatem alteri.” In *ST* II-II 61.3 Aquinas introduces further subdivisions of the *iustum* as *opus adaequatum alteri*, namely operations with regard (a) to persons directly, (b) to their possessed things and (c) to their actions.

⁵⁰ Utz, “Anmerkungen,” 453: “Friedensordnung zwischen vielen getrennten Personen.”

⁵¹ Only in this sense Aquinas concedes to call things themselves the matter of justice. “Materia iustitiae est exterior operatio secundum quod ipsa, vel res cuius est usus, debitam proportionem habet ad aliam personam.” (*ST* II-II 58.10).

⁵² For example *ST* II-II 57.1 ad 1: “Hoc nomen ius primo impositum est ad significandum ipsam rem iustam.”

⁵³ Cf. *De veritate* 1.1. See also Josef Pieper, “Wahrheit der Dinge. Eine Untersuchung zur Anthropologie des Hochmittelalters,” in *Werke in acht Bänden. Schriften zur Philosophischen Anthropologie und Ethik: Grundstrukturen menschlicher Existenz*, vol. 5, ed. Berthold Wald (Hamburg: Felix Meiner Verlag, 1997), 119-120.

⁵⁴ See also *ST* II-II 58.8, 10 and 11.

besides its relation to the agent, is constituted in comparison to the other.”⁵⁵ Aquinas even refers to an etymological derivation of the “just act”. It is an operation which is *adjusted* [*iustari*] to the other.⁵⁶

4.1.3 The Double Face of Justice: Restitution and Non-Damnification⁵⁷

The *just* operation establishes equality regarding the other. On the basis of this observation, J. Pieper, among others, has emphasized that justice is principally something second.⁵⁸ Justice reacts to something prior to it; it is the “answer” to a previous inequality between two agents that should be recompensed by the just act. To illustrate his point, Pieper offers the following example. A man performs a certain work for another, e.g. he mows the lawn in his garden (supposing that he is not obliged to this service by other reasons). Through his work he acquires something that is due to him, a reward. Hence, the mowing in itself is not yet an act of justice, but it establishes the foundation of a potential act of justice. By paying the reward to the worker, the proprietor responds to the lawful claim of the other; he performs an act of justice.⁵⁹ Justice in this sense is essentially retributive; it re-tributes something prior received. Consequently, the measure for its equality depends on the previous service. Thus Aquinas

⁵⁵ *ST* II-II 57.1: “Rectum vero quod est in opere iustitiae, etiam praeter comparationem ad agentem, constituitur per comparationem ad alium.” A parallel assertions is made in *ST* I-II 60.2 and 3.

⁵⁶ Cf. *ST* II-II 57.1. See also *In ethic.* V 10.1: “Actus autem iustitiae est facere aequale.”

⁵⁷ By the technical expression “non-damnification” we refer to the avoidance of inflicting injury or loss on another.

⁵⁸ See Josef Pieper, “Über die Gerechtigkeit,” in *Werke in acht Bänden: Schriften zur Philosophischen Anthropologie und Ethik: Das Menschenbild der Tugendlehre*, vol. 4, ed. Berthold Wald (Hamburg: Felix Meiner Verlag, 1996), 48; and Josef Pieper, “Das Recht des Anderen,” in *Werke in acht Bänden. Miscellen*, vol. 8/1, ed. Berthold Wald (Hamburg: Felix Meiner Verlag, 2005), 268. Certainly there is some truth in this assertion; but as we will see later on it does not cover the whole content of justice. For a similar account see Steven A. Edwards, *Interior Acts: Teleology, Justice, and Friendship in the Religious Ethics of Thomas Aquinas* (London: University Press of America, 1986), 46: “Justice is backward-looking, invoking past actions to decide future deserts.”

⁵⁹ From this viewpoint it becomes clear why Aquinas gives a negative answer to the question whether the creation of the universe was an act of divine justice: “Cum iustitiae actus sit reddere unicuique quod suum est, actum iustitiae praecedit actus quo aliquid alicuius suum efficitur.” (*ScG* II 28). Justice as *opus adaequatum alteri* is only possible on the basis of a prior fact which has caused a certain inequality between both agents; this imbalance is the very reason for defining the act of recompense as *iustum*. However, the act which creates this imbalance is not an act of justice, but precedes it; it constitutes the basis for subsequent just acts. “Ille igitur actus quo primo aliquid suum alicuius efficitur, non potest esse actus iustitiae.” (*ScG* II 28; cf. also *De veritate* 23.6 ad 2).

determines act of justice as an act of retribution. “The act of justice consists in *giving back* what is owed.”⁶⁰

However, this description leaves several questions unanswered: Do all just acts bear the character of restitution of a prior received gift? Is justice always a re-action? It does not seem so. Respecting the life of an innocent is certainly a just act. Vice versa, killing an innocent person is an unjust act, even without having received a prior benefit from the other. It would be principally an inadequate operation and therefore unjust. But to what does the concept of “convenience” or “inconvenience” refer to in these cases?

Justice in Its Proper Sense

First, we should note that Pieper’s example of the gratuitous mowing of the lawn as the basis of a just restitution can be misleading. If the work was conducted freely, as a “gratis gift,” then the second act wouldn’t be an act of justice strictly speaking. Justice does not require compensation in cases of gifts between friends. The same can be said for mutual assistance within a family whose members are naturally related.⁶¹ Justice in its proper sense disregards such relations of dependence between two agents. Justice considers instead the other strictly as other; it forgets – at least at the time of the just act – all special relations between the parties involved.⁶²

The principal idea we are trying to illustrate is the following. Let us imagine two agents who are not related by special obligations, like those of friendship or kinship. The two agents are linked only by their living together in the same human society; both are free from any mutual commitment regarding the other. Such two persons are the model case for just actions in the proper sense. Under such conditions, the specific character of just acts becomes apparent, namely to re-attain or to preserve the mutual independence of two fellow-citizens in their daily interactions. As the two agents were debtless to each other before a potential interaction, so they should be again afterwards. Hence, the proper function of justice is not to recompense benefits. Justice is not about gifts at all, for it does not receive gifts. Rather, justice is about paying. The just man takes nothing without paying and he gives nothing without demanding

⁶⁰ *Quodl.* V 9.1: “Iustitiae actus est unicuique *reddere* quod sibi debetur.” Likewise in *ST* II-II 57.4 ad 1: “Ad iustitiam pertinet reddere ius suum unicuique.” Cf. *ST* I-II 109.3 ad 3; II-II 67.4. See especially *ST* II-II 62, *de restitutione*.

⁶¹ As we will see later on, Aquinas interprets those relations as potential parts of justice.

⁶² “Justice is found precisely among those who take one another *as other*; to the extent that this otherness is overcome, to that extent the full *ratio iustitiae*, the essential structure of justice, is missing.” (David M. Gallagher, “Desire for Beatitude and Love of Friendship in Thomas Aquinas,” *Mediaeval Studies* 58 (1996): 25).

the corresponding prize. According, to justice properly speaking, a man is inclined to become or to remain nobody's debtor, to avoid every relationship of lasting obligation, where something remains due to another. Of course, this does not mean that a just person does not know also other forms of interpersonal relationships. Such relations, however, like those to one's benefactors, parents, friends or – to use an example of Aquinas – between lord and servant, are not the basis for just actions in its proper sense.

Justice . . . can be taken in the proper sense and generally speaking. In the most proper sense, as the philosopher says in *Ethics* V, special justice is only between those who have a certain equality insofar they stand in the presence of the regent, in whose presence the one may demand from the other what is his own, [and] according to this mode there is no justice between lord and servant, nor between father and son, since things of the servant belong to the Lord, and things of the sons belong to the father. Generally speaking, however, special justice is also attended when the lord gives to the servant what is due to him, and vice versa, and likewise in other things.⁶³

This example demonstrates the consequence of the foregoing described objectivity of justice. Only two citizens "in the presence of the regent" must not take into account prior "subjective" obligations towards each other. It is only the thing itself that determines the good or evil of the act.⁶⁴ Aquinas usually refers to the examples of buying and selling as acts of proper justice, since these transactions take place under the sign of preserving mutual "debtlessness" and therefore both parties simply exchange the same value. Buying does not mean to receive *first* a gift, which one has afterwards to reward as a sign of goodwill. Admittedly, *in concreto* there might be a temporal between buying and paying. But the fundamental principle excludes from the very beginning the idea of gratuitous benefits. Proper justice takes nothing without equal payment.⁶⁵

Granted, this is a quite rigorous image of justice. Aquinas himself notes that a life ruled only by justice would be cruel.⁶⁶ Human life needs more than mere justice. It needs acts of gratuity

⁶³ *In sent.* II 44.2.1: "Iustitia . . . sumitur enim proprie et communiter. Propriissime sumpta specialis iustitia, ut dicit philosophus in 5 ethic., est tantum inter eos qui habent aequalitatem quamdam ad hoc quod stent coram principe, coram quo unus ab altero possit repetere quod suum est, secundum quem modum nec domini ad servum nec patris ad filium iustitia dicitur esse: quia ea quae sunt servi, sunt domini: et ea quae sunt filii, sunt patris. Communiter autem iustitia specialis attenditur etiam in hoc quod dominus reddit servo quod suum est, vel e converso, et sic de aliis."

⁶⁴ This also makes clear why justice is the most characteristic virtue of the citizen, i.e. as an agent who is not a priori indebted to the other. It is the political virtue par excellence.

⁶⁵ Regarding this Kiesling notes rightly: "Justice is anticipatory and not merely reparatory: it gives others their rights and does not merely restore them after they have been lost or usurped or abused." (Christopher Kiesling, "Social Justice in Christian Life According to Thomas Aquinas," *Spirituality Today* 31 (1979): 240).

⁶⁶ *Super Mt.* V 2: "Iustitia sine misericordia crudelitas est." L. Ryan explains: "Justice, from its very nature, has as its task to equalize a debt. But the mere equalization of a debt owed to another is not sufficient to restore

and friendship (we will discuss the connection between justice and friendship in chapter 5). Nevertheless, justice in its proper meaning refers to the pursuit of equality between equals.

That's why it is necessary to distinguish clearly between justice in its strict sense, as just described, and justice as a more general virtue that rules external acts of every kind, including those interactions between two dependent agents that are not only determined by the thing exchanged but also by the different states of the persons.

Against this background we can resolve the foregoing objection. Why do we qualify murder as an unjust action even if the criminal hasn't received a previous service from the victim?

The description of justice as attaining equality has a double face, so to speak. On the one hand, it works by positive acts of preserving equality and avoiding the state of debt. In this regard justice's proper act is indeed *restitution*.⁶⁷ On the other hand, justice also prevents the creation of new unequal relations by abstaining from certain acts. The just agent renounces acts by which he would injure the equilibrium he has towards the other. Both aspects, the positive as well as the negative, belong to one and the same virtue since, as St. Thomas explains, "it belongs to the same virtue to pursue one extreme and flee the other."⁶⁸ Thus, in the case of justice: "The parts of justice are to do good and to dismiss evil."⁶⁹ The negative part is the more universal one, since it is required in regard to every member of the community; it extends "in regard to all, so that nobody suffers harm"⁷⁰ It provides the preservation of an existing equality, insofar as it prohibits injuring the present equilibrium. In contrast, justice in the positive sense is owed only to particular fellow-citizens, namely those persons who interact with us in concrete situations, as for example in business affairs which demand some positive recompense *Do ut des*; I give to you in order that you give to me.⁷¹

social order in the present state of things. Therefore justice alone is inadequate to perfect the reform needed in society. Simple justice requires that men do no injury to one another, that they pay their debts. But it is not enough for social order that men do not injure one another; they must help one another. Over and above paying a debt, they must as social animals bestow the gift of mutual aid." Louis A. Ryan, "Charity and the Social Order: Part 1," *The Thomist* 3 (1941): 542. Already Aristotle has argued that only by friendship community become livable; cf. Jean-Marie Vernier, "Sociabilité humaine, justice et droit chez Aristote et saint Thomas d'Aquin," *Divus Thomas Piacenza* 93 (1990): 66-72. See also Josef Pieper, "Gerechtigkeit - heute," in *Werke in acht Bänden. Miszellen*, vol. 8/1, ed. Berthold Wald (Hamburg: Felix Meiner Verlag, 2005), 263-265.

⁶⁷ See *ST* II-II 62.

⁶⁸ *ST* I-II 113.5 ad 1: "Ad eandem virtutem pertinet prosequi unum oppositorum, et refugere aliud."

⁶⁹ *De duo. praec.* 4: "Iustitiae vero partes sunt facere bonum, et dimittere malum." See also *ST* II-II 79.1. "Justice is not a purely negative virtue, not merely a matter of refraining from evil toward one's neighbor or from violating the neighbor's rights. It requires, on the one hand, a rejection of such evil and, on the other hand, the faithful fulfillment of those obligations to which we are bound by various kinds of laws." (Aumann, *Spiritual Theology*, 281).

⁷⁰ *ST* I-II 100.5: "quantum ad omnes, ut nulli nocumentum inferatur."

⁷¹ In describing the act of justice St. Thomas for the most part only invokes the positive act of justice: restitution for a received service. This does not mean that he forgets the negative task of justice. But, as he notes in *ST* II-II

In sum, justice constitutes the just equilibrium regarding particular persons by positive actions (i.e. exchanges). Justice as prohibiting maleficent actions preserves the already existing balance.⁷² Strictly speaking, the negative function of justice is its more fundamental function and is presupposed in its positive acts. “Natural reason immediately dictates to man that he should not do harm to anyone, and therefore the precepts which forbid the doing of harm extend to all men.”⁷³ Nevertheless, the positive part, i.e. the re-constitution of equality, is the more proper act of justice, since it implies an *opus adaequatum* and not the prohibition of an *opus inadaequatum*.⁷⁴ Consequently, Aquinas refers in most places only to this positive part when describing justice, and he explains why thusly: “It is adjusting [*adaequatio*] if one gives back to the other what and when it is owed to him.”⁷⁵

The issue appears very clearly in St. Thomas’s discussions of the second table of the Decalogue.⁷⁶ The fourth commandment is interpreted as “an affirmative precept which is about honoring the parents, which also includes that we render to all what is due to them.”⁷⁷

Thus, this one precept contains all positive acts by which the agent works to reestablish equality where it is absent. The commandments five to ten, however, are “negative precepts by which somebody is hindered to commit evil toward his neighbor.”⁷⁸ They contain the negative side of justice as a virtue that avoids injuring the other.

22.1 ad 3, the affirmative obligation to certain acts include *implicitly* the prohibition of the negative ones. Likewise see *ST* II-II 62.8 ad 1.

⁷² Cf. *ST* II-II 79.1 where Aquinas describes this double function as the subjective parts of justice: “Ad iustitiam enim pertinet aequalitatem constituere in his quae sunt ad alterum . . . Eiusdem autem est aliquid constituere, et constitutum conservare. Constituit autem aliquis aequalitatem iustitiae faciendo bonum, idest reddendo alteri quod ei debetur. Conservat autem aequalitatem iustitiae iam constitutae declinando a malo, idest nullum nocumentum proximo inferendo.”

⁷³ *ST* I-II 100.5 ad 4: “Statim ratio naturalis homini dictat quod nulli iniuriam faciat, et ideo praecepta prohibentia nocumentum, extendunt se ad omnes.” However, it would be incorrect to reduce justice to the mere negative function of prevention of harm; see thereto Allen Buchanan, “Justice and Charity,” *Ethics* 97 (1987): 559-562.

⁷⁴ Cf. *ST* II-II 79.1 ad 3: “Facere bonum est actus completivus iustitiae, et quasi pars principalis eius. Declinare autem a malo est actus imperfectior, et secundaria pars eius.” But nonetheless, Aquinas stresses that even this secondary part is essential for the completeness of justice. “Et ideo est quasi pars materialis, sine qua non potest esse pars formalis complete.”

⁷⁵ *In sent.* III 33.3.4A: “Adaequatio est quando ei redditur quod et quantum ei debetur.”

⁷⁶ See for example *In sent.* III 37.2B, *Super Rom.* XIII 2, *ST* I-II 100.5.

⁷⁷ *Super Rom.* XIII 2: “Praeceptum affirmativum . . . quod est de honore parentum, in quo etiam intelligitur, ut omnibus reddamus quae debemus.”

⁷⁸ *Super Rom.* XIII 2: “Praecepta negativa, per quae aliquis prohibetur malum proximis inferre.”

4.2 The Double Measure of the *opus adaequatum alteri*

Hitherto we considered the principle structure of justice as that virtue which rules man's external operations characterized as *adaequatum alteri*, both in the positive sense as rendering something adequate and in the negative sense as avoiding inadequate (i.e. maleficent) actions. However, we have not yet determined by which standards those actions are measured in regard to equality. In the present section we will investigate what grounds the adequacy of certain operations. By referring to Aristotle, Aquinas introduces in *ST* II-II 57.2 the distinction of two different kinds of just actions: the *ius naturale* and the *ius positivum*.⁷⁹

Now a thing can be adequate to a man in two ways: first by the very nature of the thing [*ex ipsa natura rei*], as when a man gives so much that he may receive the equal value, and this is called *natural right*. In another way a thing is adequate or commensurated to the other by agreement or by common consent, when, to wit, a man deems himself satisfied, if he receive so much. . . . And this is called *positive right*.⁸⁰

Based on that distinction we shall investigate the natural right and the positive right in the next two sections.

⁷⁹ Aquinas derives the present difference by interpreting two texts of the *Nicomachean Ethics*. The first key-text is *NE* V 10 1134b18; Aquinas refers to it several times (e.g. *ST* I-II 99.5; II-II 57.1 and 2). Aristotle distinguishes two subspecies of political justice (political justice is understood as a virtue regulating the life of men who live together): "Of political justice part is natural, part legal – natural, that which everywhere has the same force and does not exist by people's thinking this or that; legal, that which is originally indifferent, but when it has been laid down, is not indifferent." Hence, the subdivisions of political justice are the (*δίκαιον*) *φυσικόν* and (*δίκαιον*) *νομικόν*. Aquinas comments: "Politicum iustum dividitur in duo: quorum unum est iustum naturale, aliud est iustum legale. Est autem haec eadem divisione cum divisione quam iuristae ponunt, scilicet quod iuris aliud est naturale, aliud est positivum. Idem enim nominant ius, quod Aristoteles iustum nominat." (*In ethic.* V 12.1).

To the second text of Aristotle with similar thematic Aquinas quotes in *ST* II-II 80.1, namely *NE* VIII 15 1162b21. It discusses the cause for quarrels in business transactions (to which Aristotle refers as "friendship based on utility"): "Now it seems that as justice is of two kinds, one unwritten and the other legal, one kind of friendship of utility is moral and the other legal." Hence, the division is into (*δίκαιον*) *ἄγραφον* and (*δίκαιον*) *κατὰ νόμον* corresponds to the previous one. Aquinas comments: "Duplex est iustum. Unum quidem, quod non est scriptum sed rationi inditum, quod supra nominavit iustum naturale. Aliud autem est iustum secundum legem scriptam, quod supra in quinto nominavit iustum legale." (*In ethic.* VIII 13.8).

⁸⁰ *ST* II-II 57.2: "Dupliciter autem potest alicui homini aliquid esse adaequatum. Uno quidem modo, ex ipsa natura rei, puta cum aliquis tantum dat ut tantundem recipiat. Et hoc vocatur *ius naturale*. Alio modo aliquid est adaequatum vel commensuratum alteri ex conducto, sive ex communi placito, quando scilicet aliquis reputat se contentum si tantum accipiat. . . . Et hoc dicitur *ius positivum*."

4.2.1 Human Nature as the Ultimate Measure of the Adequate Act

The *ius naturale* signifies a work which is adequate to the other “*ex ipsa natura rei*.” My neighbor, who is a car mechanic, repaired my defective car in two hours. Thus, it is just to work in his garden likewise for two hours. The act of recompense is measured by the thing received. It is a *natural right*⁸¹ since giving and receiving correspond in nature.

Thus, the issue seems clear. But it is only clear indeed for the positive acts of justice that are performed to avoid creating an unequal relation. In those cases the nature of the thing received can be understood as the measure of the thing to be given. However, what about justice in the sense of non-maleficent, as abstaining from certain acts which would cause an inequality to arise? For which theoretical reasons can we determine the act of killing as unjust? Or stealing? There are many inter-personal actions which are not describable as transactions, or as restitution, and therefore which are not preceded by actions which could serve as a measure for a just response. Why is telling the truth just and lying unjust? Aquinas would answer that in order for an external act to be just it must be “*ex ipsa natura rei*” adequate to the other. But how is the nature of lying adequate or inadequate to the other? What is the measure of adequacy for those interhuman actions which do not consist in offering recompense?

For a solution we have to look for the general meaning of the concepts “*adaequatum*” and “*conveniens*” in Aquinas’s writings.⁸² Both concepts play an important role in his general theory of goodness and are internally connected with other key-terms, such as *bonum*, *finis*, *appetitus*, *perfectio*, etc. It is impossible and also unnecessary to treat the whole framework of these terms at length.⁸³ We will thus give only a brief outline of Aquinas’s general theory of goodness, and this only insofar as it is necessary for understanding the definition of *ius* as *opus adaequatum alteri*.

⁸¹ Nota bene: as in the case of the translation of “*ius*” by “right,” the “*ius naturale*” of Aquinas does not simply correspond to the contemporary meaning of “natural right” (see also footnote 42).

⁸² Usually Aquinas uses the concept of “*conveniens*”; the term “*adaequatum*” is more seldom.

⁸³ See for example Porter, *The Recovery of Virtue*, 34-68 or Lawrence Dewan, “Wisdom as Foundational Ethical Theory in St. Thomas Aquinas,” in *Wisdom, Law, and Virtue. Essays in Thomistic Ethics* (New York: Fordham University Press, 2008), 37-50.

Aquinas's Theory of Goodness

The central thesis of Aquinas's theory of goodness is that the terms *being* (*ens*) and *good* are the same in things (*in re*) but differ in thought (*secundum rationem*).⁸⁴ What is meant by this claim, and what are the reasons for it?

Let us begin with being. What is actual is what is in being, but everything is what it is by its substantial form,⁸⁵ or the organization which gives a thing that set of characteristics which places it in its own species. Some of these essential characteristics determine the genus to which the thing's species belongs, while others differentiate the thing's species from other species of that nature.⁸⁶ For Aquinas, a thing's set of essential characteristics includes certain capacities and potentialities, and thereby the substantial form works as the source of some specific activity or operation.⁸⁷ Further, a thing becomes perfect to the extent to which that potentiality is actualized.⁸⁸ Or to be more exact, a thing is a perfect individual of its kind to the extent to which it actualizes the specifying potentiality of its substantial form regarding operation.⁸⁹ In this way, being includes not only the bare existence of a thing as a member of a kind but also the actualization of the different potentialities specific to the thing's species.

Having treated being, potentiality and perfection, we now turn to *goodness*. Goodness is what all desire, says Aquinas, quoting Aristotle.⁹⁰ And what is desired is good, or at least is perceived as good. On Aquinas's view, a thing is desirable to the extent to which it is a perfect individual of its kind, i.e. a whole, complete exemplar, free from relevant defect,⁹¹ to

⁸⁴ ST I 5.1. Aquinas's treatment of the relation between being and goodness is a particularly important stage of a long and complicated tradition. See Eleonore Stump and Norman Kretzmann, "Being and Goodness," in *Thomas Aquinas. Contemporary Philosophical Perspectives*, ed. Brian Davis (Oxford: Oxford University Press, 2002), 295-323; also Michael Hönes, '*Ens et bonum convertuntur*.' Eine Deutung des scholastischen Axioms unter besonderer Berücksichtigung der Metaphysik und Ethik des hl. Thomas von Aquin (Fribourg, 1968).

⁸⁵ Cf. Lawrence Dewan, *Form and Being. Studies in Thomistic Metaphysics* (Washington, D.C.: The Catholic University of America Press, 2006), 96-130.

⁸⁶ ST I 5.5; *De veritate* 21.6.

⁸⁷ ScG III 7.7-8; ST I-II 55.2. For an interesting contemporary counterpart of this view of forms as principle of action, cf. Sidney Shoemaker, "Causality and Properties," in *Time and Cause. Essays Presented to Richard Taylor*, ed. Peter van Inwagen (Dordrecht: D. Reidel Publishing Company, 1980), 109-135. "The identity of a property is completely determined by its potential for contributing to the causal powers of the things that have it. If I assert that one event caused another, I imply that the constituent objects of the cause event had properties which always contribute in certain ways to the causal powers of the things that have them, and that the particular episode of causation at hand was an actualization of some of these potentialities." (Shoemaker, "Causality and Properties," 133).

⁸⁸ ST I-II 49.4, esp. ad 1.

⁸⁹ ST I-II 3.2: "Unumquodque autem in quantum perfectum est, in quantum est actu, nam potentia sine actu imperfecta est. . . . Manifestum est autem quod operatio est ultimus actus operantis; unde et actus secundus a philosopho nominatur, in II de anima, nam habens formam potest esse in potentia operans, sicut sciens est in potentia considerans. Et inde est quod in aliis quoque rebus res unaquaeque dicitur esse propter suam operationem."

⁹⁰ E.g. ScG I, 37; III 3. The Aristotelian source: NE I 1 1094a1-3.

⁹¹ The evil is a lack of the *bonum debitum*: Aquinas is careful to note that not every kind of privation implies an evil, but only the lack of a good which should be. "Malum enim . . . nihil est aliud quam privatio eius quod quis

the extent to which it is in being.⁹² As a result, everything resists its own corruption in accordance with its nature. Thus, since goodness is what all things aim at or desire, each thing's goodness is its full actuality.⁹³

To summarize, on Aquinas's view being and goodness both refer to the actualization of a thing's nature. Thereby the evaluative meaning of perfect is derived from its metaphysical sense, and it is explained by the connection that exists between actuality and goodness. For anything to be actual is for it to be in being, and thus being and goodness are the same in things. Therefore, a thing is a good individual of its kind to the extent to which it is actual.⁹⁴ Or, putting it in another way, a thing is good or perfect to the extent to which its specifying potentiality is actualized, and bad or imperfect to the extent to which its specifying potentiality remains unactualized.⁹⁵

Consequences for the Present Issue

If we want to make use of this general understanding of goodness for our present question – namely what serves as the measure for gauging the adequacy or inadequacy of certain external actions with respect to the other – we have to refer to the natural inclinations of man toward his specific human perfection. “Each thing acts according to the exigency of its form, which is the principle of acting and the rule of operation.”⁹⁶ If we consider the natural perfection of the other as a human being, then external acts which preserve and foster his perfection would be characterized as adequate (*adaequatum*) to him, and consequently as just. “The natural right is to what nature inclines man.”⁹⁷ Thus, human natural inclination provides the foundation for determining certain actions as *iustum* by their very nature.⁹⁸ And

natus est et debet habere.” (*ScG* III 7.2; cf. also 13.3; *In sent.* II 35.1 ad 1). More explicit in *ST* I 48.3: “Malum importat remotionem boni. Non autem quaelibet remotio boni malum dicitur. Potest enim accipi remotio boni et privative, et negative. Remotio igitur boni negative accepta, mali rationem non habet, alioquin sequeretur quod ea quae nullo modo sunt, mala essent; et iterum quod quaelibet res esset mala, ex hoc quod non habet bonum alterius rei, utpote quod homo esset malus, quia non habet velocitatem capreae, vel fortitudinem leonis. Sed remotio boni privative accepta, malum dicitur, sicut privatio visus caecitas dicitur.” On this question also Enid Smith, *The Goodness of Being in Thomistic Philosophy and Its Contemporary Significance* (Washington, D.C.: The Catholic University of America Press, 1947), 124-127.

⁹² *ST* I 5.1

⁹³ *ScG* I 37.4; *ST* I-II 94.2.

⁹⁴ *ScG* III 16.1 and 2.

⁹⁵ *ST* I-II 18.1

⁹⁶ *In sent.* III 27.1.1: “Unumquodque autem agit secundum exigentiam suae formae, quae est principium agendi et regula operis.” And in *ST* I-II 94.2: “Quia vero bonum habet rationem finis, malum autem rationem contrarii, inde est quod omnia illa ad quae homo habet naturalem inclinationem, ratio naturaliter apprehendit ut bona, et per consequens ut opere prosequenda, et contraria eorum ut mala et vitanda.”

⁹⁷ *In ethic.* V 12.4: “Iustum naturale est ad quod hominem natura inclinat.”

⁹⁸ Aquinas discusses the issue in the *Summa theologiae* in the context of the *lex naturalis* (*ST* I-II 92.5 and 94, esp. art. 2). We want to quote a text from the *Commentary on the Sentences* which explicitly uses the term *iustus*

consequently, all operations which correspond to those goods possessing the required adequacy to man are *iustum ex natura*.⁹⁹

In section 2.2, we mentioned Aquinas's list of particular goods to which every man is inclined by nature.¹⁰⁰ We thus recall that they are the conservation of his own being according to his specific nature, the generation and education of offspring, life in community, and knowledge of truth about God. Hence, external acts which foster these human perfections are *adaequatum alteri*.

By means of this list we can see why Aquinas describes respect for the other's life, his material property and his good reputation as just acts, as *opus adaequatum alteri*, even without presupposing a previous exchange. It belongs naturally to man's perfection to preserve his substantial being, and consequently respect for the integrity of the other's life is generally "adequate" to the other; it is an *ius naturale*. On the contrary, harming the life of the other is *inadaequatum alteri* since it is against his natural good, and consequently such constitutes an unjust action. In the same way, the act of guarantying the other's property is a just act, for the recognition of the other's ownership of certain goods (as private property) allows him to provide the necessary things for his life.¹⁰¹ Also, here the natural inclination to one's own life grounds the just act. Finally, since man's life in community belongs to the natural good of man, but the lack of a good name would hinder amicable community life, the preservation of the other's reputation has to be judged as a suitable act in relation to the other.

The *ius gentium*

Concerning the *ius naturale* Aquinas introduces a further distinction, the *ius gentium*.¹⁰² He does not use the term "the law of nations" in the modern sense as referring to legal conventions between various nations, but rather he uses it as a philosophical concept. The determination of the *ius naturale* in reference to the *adaequatum alteri* can be found in all

naturale. First St. Thomas claims for all creatures: "Omnibus rebus naturaliter insunt quaedam principia quibus non solum operationes proprias efficere possunt, sed quibus etiam eas convenientes fini suo reddant; sive sint actiones quae consequantur rem aliqua ex natura sui generis, sive consequantur ex natura speciei." (*In sent.* IV 33.1). Applying the same structure on mankind, one reaches the *ius naturale* "Naturalis conceptio ei indita, qua dirigitur ad operandum convenienter lex naturalis vel ius naturale dicitur . . . Omne autem illud quod actionem inconvenientem reddit fini quem natura ex opere aliquo intendit, contra legem naturae esse dicitur."

⁹⁹ Since the *ius naturale* is known by the intellect as something good, therefore the *iustum ex natura* is identical with the *lex naturalis*. Cf. also *In sent.* IV 33.1: "Lex ergo naturalis nihil est aliud quam conceptio homini naturaliter indita, qua dirigitur ad convenienter agendum in actionibus propriis, sive competant ei ex natura generis, ut generare, comedere, et huiusmodi; sive ex natura speciei, ut ratiocinari, et similia."

¹⁰⁰ See *ST* I-II 94.2.

¹⁰¹ See *ST* II-II 66.1 and 2.

¹⁰² *ST* I-II 95.4, esp. ad 1; II-II 57.3. See also Aubert, *Le droit romain dans l'oeuvre de saint Thomas*, 97-105.

creatures.¹⁰³ Hence, even sexual intercourse between animals is somehow an *ius naturale*.¹⁰⁴ However, there are some actions which are not immediately “*ex ipsa natura rei*” appropriate to the other, but rather the consequences of these actions are appropriate. Aquinas adduces as an example the possession of private property.¹⁰⁵ The exclusive possession of a thing by one individual does not have an immediate adequateness to a certain person. It is not an immediate *ius naturale*. However, since one treats one’s own things with greater attention than that given to the things of others, private property turns out to be very helpful in regard to providing all things necessary for one’s life, and this belongs again to the *ius naturale*. Now, as a rational agent, man can consider the probable consequences of his actions, and therefore he can acknowledge some acts as just because of their results. It is the expected consequence of the better use of things which grounds private property as an *opus adaequatum*, as something just.¹⁰⁶ Those relations are called *ius gentium*, since they are accessible to all people by means of rational consideration.

We thus have established human nature as the basis for the evaluation of an act as an *opus iustum*. As seen in the introduction to section 4.2, however, Aquinas mentions beyond nature a second way of grounding justice, namely by convention.

4.2.2 The *ius positivum* as Further Determination of the *ius naturale*

In the introduction of this chapter we quoted *ST* II-II 57.2, which mentions the *ius positivum*. Some external acts are adequate regarding the other not by their very nature but because of a previous positive determination, either by the way of a special contract or by common agreement. For example, the payment of an established price that a worker earns for ten hours of hard work may be *adaequatum* because of a prior contract established between employer and employee.¹⁰⁷ Because of this previous agreement every other kind of compensation would be inadequate from the side of the employer.

St. Thomas distinguishes two ways of determining a positive right:

¹⁰³ See footnote 98.

¹⁰⁴ *ST* II-II 57.3; *In ethic.* V 12.4.

¹⁰⁵ *ST* II-II 57.3.

¹⁰⁶ Consequently, for Aquinas the possession of private property can never become an unconditional right (see *ST* II-II 66.2).

¹⁰⁷ We disregard for the moment the fact that some extreme wage agreements might be unjust despite a previous arrangement.

First by private agreement, as that which is confirmed by an agreement between private persons. Secondly, by public agreement, namely if the whole community agrees that something should be considered as adequate [*adaequatum*] and commensurate [*commensuratum*] to the other; or if this is decreed by the prince who cares for the people and acts in its stead. And this is called positive right.¹⁰⁸

The *ius naturale* as Necessary Basis for Every Kind of *ius positivum*

What is the relation between the *ius naturale* and the *ius positivum*? These are not two independent modes of determining the adequacy of an action with respect to the other. Between the two there is common ground. Every just act must principally contain the character of the *ius naturale*, for it must be an operation which is *by nature* adequate to the other. Although the *ius positivum* is *iustum* only because of a prior special agreement with the other, it likewise must correspond to the nature of the other as an *ius naturale*. “The legal or positive right arises always from the natural one.”¹⁰⁹ This means that to reward an employee for his work is just, as *iustum naturale*, even without any contract. The determination of the *ius positivum* relates only to the agreement regarding the concrete wage. To pay a fitting compensation in itself, however, is *iustum* by nature. Therefore Aquinas also calls the *ius naturale* the “first *iustum*”¹¹⁰ or “principal *iustum*.”¹¹¹

In *ST* I-II 95.2, Aquinas demonstrates a twofold way in which a positive right can relate to a natural right.¹¹² First, it is possible to draw conclusions from the natural right, “sicut conclusio ex principio.”¹¹³ In science every principle contains some consequences that follow by necessity from the axiom. Likewise, the *ius naturale* can be understood as a principle from which implied conclusions can be deduced. From the principle “you shall not harm another person” it follows necessarily that “you shall not kill.” When such a conclusion of the *ius naturale* is formulated explicitly, it takes on the character of an *ius positivum*. However, it

¹⁰⁸ *ST* II-II 57.2: “Uno modo, per aliquod privatum conductum, sicut quod firmatur aliquo pacto inter privatas personas. Alio modo, ex conducto publico, puta cum totus populus consentit quod aliquid habeatur quasi adaequatum et commensuratum alteri; vel cum hoc ordinat princeps, qui curam populi habet et eius personam gerit. Et hoc dicitur ius positivum.”

¹⁰⁹ *In ethic.* V 12.8: “Iustum legale sive positivum oritur semper a naturali.” Cf. *Quodl.* II 4.3: “Nihil enim est aliud ius positivum quam determinatio iuris naturalis.”

¹¹⁰ *In ethic.* V 15.8: “iustum primum,” see also Léon J. Elders, *Autour de Saint Thomas d'Aquin: Recueil d'études sur sa pensée philosophique et théologique; l'agir moral; approches théologiques*, vol. 2 (Paris: FAC-éditions, 1987), 33-34.

¹¹¹ *In sent.* III 33.3.4E: “principale iustum.”

¹¹² For the parallel discussion, see *In Ethic.* V 12.8. Cf. Thomas S. Hibbs, “Principles and Prudence: The Aristotelianism of Thomas's Account of Moral Knowledge,” *The New Scholasticism* 61 (1987): 277-278; Kluxen, *Moral - Vernunft - Natur*, 67-68. We mentioned the distinction already shortly in section 2.2.2a.

¹¹³ *In ethic.* V 12.

does not receive its primary adequacy from human convention but remains grounded in its natural fittingness regarding the other. Hence, the deduced principle is first an *ius naturale* and then, beyond that, an *ius positivum*. If a legitimate authority formulates such a right, it does not thus create a new right. Rather, it formulates and explicates what is just by nature, what is a *ius naturale*¹¹⁴ and what, at least theoretically, every agent could acknowledge through his own reasonable deliberation. Thus, those rules “are contained in human law not only as positive law, but they have force also from the natural law.”¹¹⁵

The second way to derive a positive right from a natural one is by the way of determination, “per modum determinationis.” We have already given the example that by a positive arrangement an established figure becomes the just reward for a certain type of work. Conversely, a similar arrangement can be set up with a negative consequence: it is just by nature to penalize a delinquent. In this case, however, the *ius naturale* does not provide the exact measure of the fine or the duration of imprisonment. Here the legitimate authority determines the just punishment, and consequently that penalization will be the adequate consequence as the *iustum positivum*.¹¹⁶ In the case of the human law Aquinas speaks of the *ius civile*.¹¹⁷ Nevertheless, it should be clear that the determination of the *ius positivum* has to concur with the limits of the natural right, since even in this case the ultimate justification of the *ius positivum* must stem from some natural right. Determining a *ius positivum* against a natural right does not establish any right at all but in fact creates the contrary.¹¹⁸

¹¹⁴ Therefore in *In ethic.* V 12.8 Aquinas explains: The *ius* which is derived from the natural right “sicut conclusiones ex principiis” does not belong to the *ius positivum*, but to the *ius naturale*. “Cum iustum naturale sit semper et ubique, ut dictum est, hoc non competit iusto legali vel positivo. Et ideo necesse est quod quicquid ex iusto naturali sequitur, quasi conclusio, sit iustum naturale.” (ibid.). However, simultaneously he affirms in *ST I-II* 95.2 – seemingly in contradiction: Human laws which are derived from the natural right as conclusions belong to the species of positive laws.

However, both statements cut across each other only if we neglect the grounding of *ius*. In itself the conclusions belong to the *ius naturale*, since the acts are already by nature adapted to the other one; this is the issue of *In ethic.* V 12. However, as determined by human conventions, they are adequate even by a second (additional) reason; they are equally an *ius positivum* – although the ultimate ground as right remains even now the *ius naturale*.

¹¹⁵ *ST I-II* 95.2: “Continentur lege humana non tanquam sint solum lege posita, sed habent etiam aliquid vigoris ex lege naturali.”

¹¹⁶ See also *Quodl.* II 4.3 “Nihil enim est aliud ius positivum quam determinatio iuris naturalis: sicut ius naturale habet quod malefactor puniatur; sed quod tali poena puniatur, hoc determinatur per ius positivum.”

¹¹⁷ Cf. *ST I-II* 95.4; for the relation of *ius naturale* and *ius civile* see also Aubert, *Le droit romain dans l'oeuvre de saint Thomas*, 105-109.

¹¹⁸ “Si aliquid de se repugnantiam habeat ad ius naturale, non potest voluntate humana fieri iustum, puta si statuatur quod liceat furari vel adulterium committere.” (*ST II-II* 57.2 ad 2; see also 60.5 ad 1; *ST I-II* 95.2).

The Divine Law as Positive Law

In this context, Aquinas also poses the following question: how does the divine right (*ius divinum*) relate to the *ius naturale* and *ius positivum*? It seems that it belongs neither to the first since it exceeds nature, nor to the latter since it is not determined by any human authority.¹¹⁹ St. Thomas resolves the issue by applying the distinction of *ST* I-II 95.2 between positive rights *ut conclusiones* and *ut determinationes*. Some actions which are specified as *iustum* by divine precepts are simply just by their very nature. However, for reasons of greater clarity, divine providence foresaw the need for their promulgation. Other parts of the *ius divinum* provide a proper new determination, though always as a determination of a *ius naturale*.¹²⁰ To this Aquinas adds the almost nitpicky observation: “The divine law commands certain things because they are good, and forbids others, because they are evil; others, however, are good because they are prescribed, and evil because they are forbidden.”¹²¹

Hence, even in the case of the *ius divinum* the general principles of natural and positive rights remain valid.

Conclusion

The term *ius positivum* can be used in two ways. First, in a stricter sense it stands only for positive determinations of concrete issues which wouldn’t be *iustum* apart of such specification. According to this view, there is a clear distinction between natural and positive rights. Secondly, the *ius positivum* can simply signify all written formulation of any law, and thus it contains natural rights as well as properly determined ones.

¹¹⁹ *ST* II-II 57.2 arg. 3.

¹²⁰ *ST* II-II 57.2 ad 3: “Ius divinum dicitur quod divinitus promulgatur. Et hoc quidem partim est de his quae sunt naturaliter iusta, sed tamen eorum iustitia homines latet, partim autem est de his quae fiunt iusta institutione divina. Unde etiam ius divinum per haec duo distingui potest, sicut et ius humanum.” Gilby notes thereto: “Natural right is not confined to a hypothetical state of pure nature, but is present throughout the activities of human nature under the reign of grace.” (Gilby, “Introduction,” 8, footnote b).

¹²¹ *ST* II-II 57.2 ad 3: “Sunt enim in lege divina quaedam praecepta quia bona, et prohibita quia mala, quaedam vero bona quia praecepta, et mala quia prohibita.”

4.2.3 Excursus: The Law as *ratio iusti*

At this point, a short digression to cover the relation of *ius* and *lex* seems advisable. “The notion of right [*ratio iusti*] is law.”¹²² When Aquinas speaks about the *ius*, usually the concept of law (*lex*) is not far off. According to his view, both concepts are linked by an internal relationship. If *ius* is understood as an *opus adaequatum alteri*, it has to be ruled, as does each good act, by human reason. Aquinas compares the *opus iustum* with a successful piece of art that obtains its perfection through conformity with the idea in the mind of the artist. The ratio of the statue is present in the mind of the sculptor, and it is the measure of the external work.

In a parallel fashion, the *opus iustum* as an external operation follows a rule which is contained in human reason, namely the *ratio iusti* found in the practical intellect of man. “There pre-exists in the mind an expression of the particular just work which reason determines as a kind of rule of prudence.”¹²³ Every just act has to be guided and formed by the practical intellect, and thus just acts must correspond to the *ratio iusti*.

What does this imply for the concept of law? According to Aquinas, the *ratio iuris* is identical with *lex*. The law is not immediately the right itself, but it is its *ratio cognoscendi*: “The law is not the same as right, but it is somehow the notion of right [*ratio iuris*].”¹²⁴ If the *ratio iusti*, which is known and determined by the practical reason, is then set down in writing, a law is formulated: “And if this rule be expressed in writing, it is called a law.”¹²⁵

Hence, the relationship between *ius* and *lex* is clear. As the crafted object stands to art, likewise the *ius* as the right *opus* relates to law: “As artificial works are related to art, so are works of justice related to the law with which they concord.”¹²⁶

¹²² ST II-II 57.4 arg. 2 (affirmative): “Ratio iusti est lex.”

¹²³ ST II-II 57.1 ad 2: “Illius operis iusti quod ratio determinat quaedam ratio praeexistit in mente, quasi quaedam prudentiae regula.” See also ST I 21.2: “Sicut autem se habent artificata ad artem, ita se habent opera iusta ad legem cui concordant.”

¹²⁴ ST II-II 57.1 ad 2: “Lex non est ipsum ius, proprie loquendo, sed aliqualis ratio iuris.”

¹²⁵ ST II-II 57.1 ad 2: “Et hoc si in scriptum redigatur, vocatur lex.” Bourke trenchantly notes: “What they [men] know about this sort of moral relation [between several men] is a *ius*; what men say about such a relation is a *lex*.” (Bourke, “Is Thomas Aquinas a Natural Law Ethicist?,” 65).

¹²⁶ ST I 21.2: “Sicut autem se habent artificata ad artem, ita se habent opera iusta ad legem cui concordant.” This seems to require some modification of J. Finnis’s claim according to which Aquinas did not make any distinction between *ius* and *lex*; see John Finnis, *Aquinas: Moral, Political, and Legal Theory* (New York: Oxford University Press, 1998), 134. The position might be held in reference to *In sent.* IV 33.1, whereas in ST II-II 57 Aquinas clearly distinguishes between *ius* and *lex*.

4.3 The Grounding of the Obligation to Render the Other's Due

So far we have considered only the “objective measure” of the just act, or how a certain act becomes *adaequatum alteri*. St. Thomas answers the question by distinguishing between the *ius naturale* and the *ius positivum*. However, we have not yet addressed the issue of why there is an obligation on the side of an agent to achieve the *opus adaequatum alteri*. Indeed, the question is somewhat puzzling. To respect the other's life, to compensate the other's labor, to teach him truth, and to bestow a gift upon him are all four acts suited to the good of another person, but only in the first two cases does a proper obligation exist. Though teaching truth is surely an adequate act (man is naturally inclined to know truth), it wouldn't be unjust to refrain from giving a lecture to everyone we meet. Obviously not every adequate work is likewise obligatory. But what makes the the two different? How does an *adequate* work become a *necessary* work, or a *debitum* in respect to the other?

Let us not forget that in section 4.1.3 we highlighted the distinction between justice in its proper sense and a more general sense of justice. The first kind of justice governs actions between two equals, i.e. between two agents who are not linked by special bonds (as are benefactors, family members, etc.) This distinction is important since some relationships imply *ipso facto* a special kind of obligation. For example, the long-term care of parents for their children demands reciprocal assistance. A similar reciprocity exists in one's relationship with benefactors. In these cases, the obligation for certain acts is grounded in the specific dependency of the agent himself on the other.¹²⁷ Thus, there is no need to explain such an obligation. However, what is the foundation of the obligation to render something to a person who is not tied to us by special bonds, i.e. who relates to us properly speaking simply as other?

4.3.1 The Common Good as Foundation of Interpersonal Obligations

First, we must determine, apart of the issue of justice, the principal meaning of *debitum*. A duty implies a good which is not yet realized, which remains potential, but which ought to be realized. Hence, it implies the concept of an end as something that should be possessed. “The

¹²⁷ ST I-II 60.3: “Debitum non est unius rationis in omnibus, aliter enim debetur aliquid aequali, aliter superiori, aliter minori; et aliter ex pacto, vel ex promisso, vel ex beneficio suscepto. Et secundum has diversas rationes

due in every affair is that which is the end, because it has per se the character of a good.”¹²⁸ But the end and the good of everything is its perfection. Therefore, “what is required for the perfection of a thing is due to it.”¹²⁹ But each thing’s perfection is determined by its nature. “It is the due of every natural thing that it has what is required by its nature.”¹³⁰ Hence, the connection between *ius* as described above and *debitum* is obvious. If the *natural ius* of a thing consists in goods which are adequate according to its perfection, then *debitum* is principally identical with *ius* though focused on one different aspect of *ius*. Whereas *ius* refers to the adequacy of a work, *debitum* addresses a certain action in its ought-to-be-ness, or its necessity, in respect to the attainment of an end. “In the name ‘debt,’ therefore, is implied a certain exigency or necessity of the thing to which it is directed.”¹³¹ And again: “The due implies that every natural thing has that which its nature requires.”¹³²

But it seems that nothing is gained thereby for the grounding of an obligation to perform just acts toward the other. Consider any relationship between two persons. Human nature implies a *debitum* on the side of each agent to pursue his own perfection. But how does the operation which is due to himself become a due for the other? That’s exactly the question that justice answers. The just action, the *ius*, is adequate to the other; it is what is due to the other. Therefore, the other will naturally pursue the *ius* for his own perfection. But why should the perfection of the other touch me as an agent? How does the *debitum* on the side of the other becomes *my own debt*?

In order to understand the reciprocal interference of the two debts in the act of justice, we have to determine the general relationship between human agents. The connection between two men always hinges on the kind of community to which they belong. What is due to another member of a community depends on the community in question. For the present state of our study, it is enough to investigate the most basic community, the nexus between two persons by the mere living together in human society. Even without special relationships, the mere fact of sharing life together makes inevitable a certain communion, namely the human city. And as part of that community one’s own good depends on the realization of the good of

debiti, sumuntur diversae virtutes. Puta religio est per quam redditur debitum deo; pietas est per quam redditur debitum parentibus vel patriae; gratia est per quam redditur debitum benefactoribus; et sic de aliis.”

¹²⁸ ST II-II 44.1: “Debitum est in unoquoque negotio id quod est finis, quia habet rationem per se boni.”

¹²⁹ ScG I 93.6: “Quod autem ad perfectionem alicuius requiritur, est debitum unicuique.” Similarly in ST I 21.1 ad 3: “Unicuique debetur quod suum est. Dicitur autem esse suum alicuius, quod ad ipsum ordinatur.”

¹³⁰ De veritate 23.6 ad 3: “Debitum enim est unicuique rei naturali ut habeat ea quae exigit sua natura.”

¹³¹ ST I 21.1 ad 3: “In nomine ergo debiti, importatur quidam ordo exigentiae vel necessitatis alicuius ad quod ordinatur.”

¹³² De veritate 23.6 ad 3: “Debitum enim est unicuique rei naturali ut habeat ea quae exigit sua natura.”

the whole, i.e. the common good.¹³³ The individual member cannot realize his full perfection apart from the perfection of the whole. For example, as the good of a single organ depends on the perfection of the whole body.¹³⁴ Thus, the common good of the human community becomes the end of every individual member. It quasi becomes, almost paradoxically, each man's own good. "The common good is the end of [each] single person who lives in a community, as the good of the whole is the end of every part."¹³⁵ St. Thomas explains further: "As part and whole are the same in a certain respect, so too that which belongs to the whole belongs in a certain respect to the part."¹³⁶ D. Gallagher states succinctly: "If we consider the citizen precisely as citizen, then the common good is not distinct from his good, but rather is his good. As a part of the whole, his good is to be found in the good which perfects the whole."¹³⁷ Therefore, the human agent finds his own good outside of yet not prerescinding from his own perfection, namely in the realization of the common good.

Because of this internal connection between the perfection of the part and the good of the whole, all single members stand implicitly in a general mutual relation. The proper perfection of Paul is a part of the common good, but likewise Peter cannot attain his own perfection apart from the realization of the common good since even he strives for the common good as

¹³³ The literature about the *bonum commune* is ample; see for example Richard A. Crofts, "The Common Good in the Political Theory of Thomas Aquinas," *The Thomist* 37 (1973): 155-173; Alfred Verdross, "Begriff und Bedeutung des 'bonum commune'," in *San Tommaso e la filosofia del diritto oggi*, ed. Giovanni Ambrosetti (Rome: Città nuova editrice, 1975), 239-257.

¹³⁴ Even more: As Aquinas shows in *In ethic.* VI 7.12, the proper good of the individual hinges on the common good of all communities in which he participates. "Proprium bonum uniuscuiusque singularis personae non potest esse sine oeconomia, id est recta dispensatione domus, neque sine urbanitate, id est recta dispensatione civitatis, sicut nec bonum partis potest esse sine bono totius. Unde patet quod politici et oeconomici non intendunt circa aliquid superfluum, sed circa id quod ad seipsos pertinet."

¹³⁵ *ST* II-II 58.9 ad 3: "Bonum commune est finis singularum personarum in communitate existentium, sicut bonum totius finis est cuiuslibet partium."

¹³⁶ *ST* II-II 61.2 ad 2: "Sicut pars et totum quodammodo sunt idem, ita id quod est totius quodammodo est partis."

¹³⁷ Gallagher, "Desire for Beatitude ..." 34-38, here 34. See for his point also *ST* II-II 47.10 ad 2.

Hence, N. Dias errs by describing the thomistic understanding of the common good as a "set of conditions which enables the members of a community to attain for themselves the value(s), for the sake of which they have reason to collaborate with each other (positively and/or negatively) in a community." (Noel Dias, "The Concept of Justice in St. Thomas Aquinas," *Aquinas Journal* 10 (1997): 6-10, here 9). On the contrary, for St. Thomas, the *bonum commune* is to be understood neither as the sum of the particular goods nor as the result of particular good nor as really *sui generis*, independent of the good of the particulars. Cf. Suzanne Michel, *La notion thomiste du bien commun* (Paris: Librairie Philosophique J. Vrin, 1932), 30-40. Rather there is an internal harmony between the common good and the particular good (ibid., 50-63). "Le Bien commun c'est le Bien de tous, qui appartient à tous, en bloc, mais qui appartient aussi à chacun en particulier, en tant que membres de la communauté." (Michel, *La notion thomiste du bien commun*, 18). Devettere explains the same from the perspective of the individual agent: "'My' good is also an interpersonal and political good – the good of the others and the good of the community. Although the good I desire is always my good, it will be often good for me to seek the good of others and the good of the community." (Devettere, *Introduction to Virtue Ethics*, 25). See also Jean Tonneau, "Devoir et morale," *Revue des Sciences Philosophiques et Théologiques* 38 (1954): 236-242; or more recently Michael S. Sherwin, "St. Thomas and the Common Good: The Theological Perspective; An Invitation to Dialogue," *Angelicum* 70 (1993): 307-328.

his own end.¹³⁸ Thus, the perfection of Paul, which is initially only due to himself, becomes to a certain extent due to Peter since it is natural for Peter to aim also for the common good as for his own perfection. J. Porter expresses the issue very clearly: “Correctly understood, the well-being of individual and community are interrelated in such a way that what promotes one promotes the other, and what harms one harms the other as well.”¹³⁹ Consequently Aquinas asserts the universal principle: “To render the other his due has the notion of good.”¹⁴⁰ Thus, the common good is the term which connects the perfection of one individual to the other; and only on that basis can we understand the concept of *debitum* in the case of justice¹⁴¹ and ultimately justice itself.¹⁴²

Thus, the obligation to fulfill a debt to another person presupposes two points. First, both persons must relate to each other as parts of a common society. “Justice consists in communication.”¹⁴³ If two individuals simply lack any kind of commonality, the good of the one would never become the other’s concern.¹⁴⁴ Secondly, the agent has to be equipped with reason, for the acknowledgment of the other’s good as my own good requires intellectual

¹³⁸ Concretely, the flourishing of an individual who lives in a community requires not only a certain perfection on his part, but also a certain perfection of those with whom he lives. If Paul lacks a certain good, by means of the common good his defect touches also Peter’s good since the common good belongs also to Peter’s good.

¹³⁹ Porter, *The Recovery of Virtue*, 125-128, here 127. The issue is more elaborated in the chapter *Self-Love, Neighbor-Love, and the Norms of Justice* in Porter, *Nature as Reason*, 203-220, where she shows the relation of self-love to love of neighbor through the connection of the common good. A similar chapter is found in (Finnis, *Aquinas*, 111-117 where the author clarifies the connection between egoism, self-fulfillment, and the common good. Also interesting is Jean Porter, *Moral Action and Christian Ethics* (New York: Cambridge University Press, 1995), 180-188. In these pages Porter describes a somewhat ambivalent character of justice: On the one hand it takes its measure by the relationship to the other (*ad alterum*), on the other hand the just act itself is ultimately grounded in one’s own inclination towards the good.

¹⁴⁰ *ST II-II* 81.2: “Reddere debitum alicui habet rationem boni.”

¹⁴¹ This description shows that the concept of *debitum* is not limited to the range of justice; rather it is present in all moral virtues insofar as every good act corresponds to a debt of a natural inclination towards a certain perfection. “Virtutes perficiunt nos ad prosequendum debito modo inclinationes naturales.” (*ST II-II* 108.2.) However – as Aquinas notes – “ratio debiti in aliis virtutibus est magis latens quam in iustitia.” (*ST I-II* 100.3 ad 3). And the explanation: “Ratio debiti . . . apparet in iustitia, quae est ad alterum, quia in his quae spectant ad seipsum, videtur primo aspectui quod homo sit sui dominus, et quod liceat ei facere quodlibet; sed in his quae sunt ad alterum, manifeste apparet quod homo est alteri obligatus ad reddendum ei quod debet.” (*ST II-II* 122.1).

¹⁴² See for this the description of *iustitia* in *De virt. card.* 1: “Rectitudo actus per comparisonem ad aliquid extrinsecum, habet quidem rationem boni et laudabilis etiam in his quae pertinent ad unum secundum seipsum, sed maxime laudatur in his quae sunt ad alterum; quando scilicet homo actum suum rectificat non solum in his quae ad ipsum pertinent, sed etiam in his in quibus cum aliis communicat. . . . Iustitia, per quam ordinamur ad alterum . . . est . . . circa operationes quibus communicamus cum aliis.”

¹⁴³ *In ethic.* VIII 9.2: “Iustitia consistit in communicatione.” See also *De veritate* 28.1: “Iustitia qua homo dirigitur in his quae veniunt in communicationem vitae.” And *De virt. in com.* 6: “Iustitia facit inclinationem in bonum quod est aequalitas pertinentium ad communicationem vitae.” Likewise in *In sent.* III 9.1D.

¹⁴⁴ Aquinas gives a good example: “Si inter imperantem et imperatum nihil sit commune, puta cum imperans suum proprium bonum intendit; neque amicitia inter eos esse poterit, sicut neque iustitia est inter eos, in quantum scilicet imperans usurpat sibi totum bonum, quod debetur imperato.” (*In ethic.* VIII 11.11). This is true at least for a natural kind of relationship. The order of grace which combines all men by charity has to be considered as a special case (see *In sent.* III 29.6). We will return to the issue in section 5.2.

knowledge. Hence, reciprocal obligations between members of a community constitute the matter of human society.¹⁴⁵

We should make the following two annotations.

First, we should note that Aquinas's understanding of the *debitum* has nothing in common with a kind of "Hobbesian justice," i.e. the reduction of every human act to self-interest as its ultimate motivation.¹⁴⁶ For St. Thomas, the perfection of the other is never a mere means for attaining one's own perfection, a mean that could be, since only a mean, even sacrificed for the sake of one's own good.¹⁴⁷ On the contrary, the perfection of the other is intended not as an instrument for attaining one's own good but precisely as one's own good. Or as D. Gallagher notes: "Paradoxically, it is the good of the other *as other* that I take to be mine."¹⁴⁸ The good of the other person has become part of proper good of the agent. "The part loves the good of the whole, insofar as appropriate to it, not however so as to refer the good of the whole to itself, but rather it refers itself to the good of the whole."¹⁴⁹

This long investigation was important in order to clarify the proper motivation necessary to achieve the *opus adaequatum alterum*. However, there is still need for a further specification. The perfection of the other is in a certain respect part of one's own good, and consequently the natural inclination and obligation to seek one's own perfection in some way includes striving after the other's good. Nevertheless, there are different degrees of obligation, even

¹⁴⁵ In the realm of animals we can speak of "justice" only analogously. Certainly the conduct of animals sometimes bears an external similarity to the acts of justice; however, it never follows a rational recognition of the others perfection, but is regulated by instinct.

¹⁴⁶ For a portrayal of Hobbesian justice, see Andrew Levine, *Engaging Political Philosophy: From Hobbes to Rawls* (Oxford: Blackwell Publishing, 2002), 36-43.

¹⁴⁷ Something analogous is true for the relationship between the common good and the good of the other: "Nullus autem debet alicui nocere iniuste ut bonum commune promoveat." (ST II-II 68.3).

¹⁴⁸ Gallagher, "Desire for Beatitude ..." 27.

¹⁴⁹ ST II-II 26.3 ad 2: "Bonum totius diligit quidem pars secundum quod est sibi conveniens, non autem ita quod bonum totius ad se referat, sed potius ita quod seipsam refert in bonum totius."

Aquinas describes the relation between love for the other and the striving for *the others* perfection as a good for the lover himself by the distinction of *amor amicitiae* and *amor concupiscibilis*: "The person is loving the other's good as his own with a love of concupiscence but is loving that good as good for the other person. In other words, the person is taking as his own good a good that inheres or belongs to another person precisely *as belonging to that other person*. What occurs here is that the lover takes the loved as somehow one with himself – as another self (*alter se / alter ipse*).” (David M. Gallagher, "Thomas Aquinas on Self-Love as the Basis for Love of Others," *Acta Philosophica* 8 (1999): 29-35, here 31). In this way the constitutive foundation for achieving the common good of a society is the mutual love between its members as "subsisting good things", i.e. as persons who have to be loved *propter seipsas* (helpful for this relationship is Lawrence Dewan, "St. Thomas, the Common Good, and the Love of Persons," in *Wisdom, Law, and Virtue. Essays in Thomistic Ethics* (New York: Fordham University Press, 2008), 271-278; likewise the chapter *Egoism, Self-Fulfillment, and Common Good* in Finnis, *Aquinas*, 111-117).

between two fellow-citizens. To keep back the reward that the other has earned by his labor is a different kind of injustice than to withhold truth or to behave in a miserly manner.

Moreover, we are left to ask: is there only an obligation which arises from the interior of man? From one's own inclination? Or is there also an "imposed" obligation from the outside? Aquinas distinguishes between *debitum morale* and *debitum legale*. Hence, in the next section we shall determine the different kinds and different degrees of obligation to render the other his due.

4.3.2 Legal and Moral Due in the *Summa theologiae*. An Inconsistency?

In the foregoing section we investigated the subjective motives for rendering everyone his due. Aquinas refers to this kind of obligation, which arises from the inclination of the agent himself, as a *debitum morale*. St. Thomas recognizes a further obligation which is imposed on the agent from the outside by precepts, principally independent of the agent's own inclination. This is the *debitum legale*.

The *Summa theologiae* distinguishes in several places these two kinds of debts. The first reference is found in *ST* I-II 99.5, and several additional references, unsurprisingly, may be found in the treatise on justice in the *Secunda secundae*.¹⁵⁰ Scholars have noted, however, that the two concepts possess a different meaning in the latter texts.¹⁵¹ First, we will outline the distinction as found in both *ST* I-II 99.5 and the subsequent texts, and then we will suggest a reason for the seeming inconsistency.

The Moral Due and Its Two Grades

The specific character of the moral due is its foundation in the agent himself. It is an obligation which arises from reason, "since reason dictates that something must be done."¹⁵² If an agent acknowledges some actions as owed to the other – as *iustum*, the resulting

¹⁵⁰ Other places are e.g. *ST* II-II 80.1; 102.2 ad 2; 106.1 ad 2; 114.2; 117.5 ad 1; 118.3 ad 2.

¹⁵¹ T.C. O'Brien, "Appendix 1: Legal Debt, Moral Debt," in *Summa Theologiae: Virtues of Justice in the Human Community*, vol. 41 (Cambridge: Cambridge University Press, 2006), 316-320; for an article which refers only to the legal and moral due in the *Secunda secundae* and disregards Aquinas's description in *ST* I-II 99.5, see Stephen Theron, "Justice: Legal and Moral Debt in Aquinas," *American Catholic Philosophical Quarterly* 78 (2004): 559-571. Vice versa Kossel focuses only on the relation portrayed in *ST* I-II 99.5: Kossel, "Natural Law and Human Law," 181.

obligation to perform the act constitutes the *debitum morale* – it is a “self-obligation” from within. The agent is obliged, by his own reason, to act according to moral duty. Moral honesty demands that he abide by to his practical judgment. Therefore, sometimes the moral due also called “*debitum ex honestate*.”¹⁵³

Aquinas introduces a further distinction regarding the moral due. Some obligations *secundum regulam rationis* are either strictly necessary or prohibited for the sake of preserving the moral order, for example the prohibition of murder and thievery. In committing these acts, the agent would be the direct cause of injury to the other. These acts are incompatible with a peaceful life together, and therefore they are evil. However, there are also moral obligations in the wider sense which do not immediately imply avoiding injury or loss for the other, but instead promote the other’s perfection beyond what is strictly required by the common life.¹⁵⁴ Those acts are fitting and useful (*utile*) with respect to the flourishing of the common life and one’s own virtue. They possess, one could say, an “inviting character” but without a strict binding force: “Not precisely owed, but because of the better mode [*proper melius*].”¹⁵⁵ It is *more* virtuous to fulfill this analogous debt, but it is not evil to fail to do so. This kind of debt is characteristic of the relationship between friends,¹⁵⁶ since signs and demonstrations of friendship are never strictly speaking owed to the other but indicate instead special moral excellence.¹⁵⁷

Thus, the moral due knows two degrees. Some actions, those without which moral honesty would be lost, are strictly required. In the following pages we will refer to such actions as the *strict moral due*. Other actions are recommendable though not strictly necessary; we will name these the *moral due of friends*.

¹⁵² ST I-II 99.5: “dicat enim ratio aliquid faciendum.”

¹⁵³ E.g. *In sent.* III 33.3.4A.

¹⁵⁴ “Quia debitum necessitatem importat, ideo tale debitum habet duplicem gradum. Quoddam enim est sic necessarium ut sine eo honestas morum conservari non possit, et hoc habet plus de ratione debiti. . . . Aliud vero debitum est necessarium sicut conferens ad maiorem honestatem, sine quo tamen honestas conservari potest.” (ST I-II 99.5).

Observing that there are some moral duties which are not demanded of us as legally due, Theron resolves the issue by relying on God to constitute the moral order as a legal obligation: “God (legally) obliges us to be moral.” (Theron, “Justice: Legal and Moral Debt in Aquinas,” 561). However, although it is true that God imposed a legal obligation upon us, the *debitum legale* (as principle from the outside) never becomes *directly* the fountain of the *debitum morale* which is a principle within.

¹⁵⁵ ST I-II 99.5: “non quasi praecise debita, sed propter melius.” About these debts Aquinas explains: “Inductionem habent et persuasionem.” (Ibid.).

¹⁵⁶ See for example ST II-II 23.3 ad 1; 78.2 ad 2.

¹⁵⁷ Acts of this kind are called also “supererogatory.” For a further discussion see Michael Konrad, “Atti supererogatori: un problema di prospettiva,” in *La Sequela Christi. Dimensione morale e spirituale dell’esperienza cristiana*, ed. Livio Melina - Olivier Bonnewijn (Rome: Lateran University Press, 2003), 323-334.

In some places Aquinas distinguishes both subspecies of the moral due from their complementary point of reference. The strict moral due is measured from the perspective of the receiver, *ex parte recipientis*. It takes into account what is due to him. For example, the paying back of a promissory note returns what belongs to the receiver, and therefore is a strict moral due. In the case of a due of friends the obligation hinges on the side of the agent, *ex parte dantis*. The given thing does not really belong to the other; it is not a matter of restitution but a free gift from the agent's side. "Something is fitting for the giver to give, which is not a debt from the side of receiver."¹⁵⁸

However, as moral due, both kinds depend on the agent's subjective virtuousness. Even the strict moral due hinges entirely on his goodwill. It cannot be demanded of him from the outside, at least under normal circumstances. This brings us immediately to the subject of the next section.

The Legal Due

The *debitum legale* is an obligation to perform certain acts that are prescribed by some positive legal determination. In other words, it is a duty "according to the rule of a determining law"¹⁵⁹ and "from the determination of the law."¹⁶⁰ In the case of the *debitum legale*, therefore, the foundation of the obligation to act does not lie in the agent's own inclination towards the good. Rather, it is externally enforced, independent of the subjective state of the agent (his knowledge, his willingness to work for the other's good, his virtuousness etc.). The legal due is grounded in a written determination of the legitimate authority, who possesses the power to enforce the laws it promulgates, even by physical force if necessary. Aquinas mentions the judicial and ceremonial precepts of the Old Testament as an example of the *debitum legale*, i.e. positive determinations of the *ius naturale* that are obligatory only in virtue of their promulgation by the legitimate legal authority.

¹⁵⁸ *In sent.* IV 15.13D. The whole context: "Iustitia dupliciter dicitur. Uno modo proprie, quae scilicet respicit debitum ex parte recipientis; alio modo quasi similitudinarie, quae respicit debitum ex parte dantis. Aliquid enim decet dantem dare, quod tamen non habet recipiens debitum recipiendi." See also *ST* II-II 31.3 ad 3: "Duplex est debitum. Unum quidem quod non est numerandum in bonis eius qui debet, sed potius in bonis eius cui debetur. Puta si aliquis habet pecuniam aut rem aliam alterius vel furto sublatam vel mutuo acceptam sive depositam, vel aliquo alio simili modo, quantum ad hoc plus debet homo reddere debitum quam ex eo benefacere coniunctis. . . . Aliud autem est debitum quod computatur in bonis eius qui debet, et non eius cui debetur, puta si debeatur non ex necessitate iustitiae, sed ex quadam morali aequitate, ut contingit in beneficiis gratis susceptis."

¹⁵⁹ *ST* I-II 99.5: "secundum regulam legis determinantis."

¹⁶⁰ *Ibid.*, "ex determinatione legis."

The Conjunction of Moral and Legal Due

The *debitum morale* and the *debitum legale* denote two clearly distinguished grounds of obligation, but according to their content they remain partly related. The moral obligation of an agent is not confined to acts which are indebted by nature, i.e. which belong to the *ius naturale*. It includes likewise all positive determinations (formulations as well as determinations, see above), since human reason acknowledges the *ius naturale* as well as the *ius positivum* as due to the other.¹⁶¹ Consequently, there are some actions which are obligatory in a double sense. If a positive law merely re-formulates something already right by nature, then the corresponding act *is* naturally due, for the agent is able to acknowledge by reason that this action should be done. It becomes due legally in a second moment in light of its legal determination by the legitimate authority. The act acquires what Aquinas calls it elsewhere a *civil obligation*.¹⁶² In this way even the moral due becomes commandable by public authority.¹⁶³ On the other hand, if the lawgiver abolished the corresponding law thereby removing all legal obligation, the act would lose its character as a civil obligation, but nevertheless there remains a moral due.¹⁶⁴

Moreover, not every moral due is determinable as a legal due. The public authority can determine as positive law what belongs to the strict moral due (e.g. the prohibition of murder), but it cannot by law command all respective actions. Most notable in this regard, what we owe to our friends (the moral due of friends) is generally not a matter of legal obligation.

¹⁶¹ Aquinas implicitly makes this assertion by saying that the *lex humana* obliges man *in foro conscientiae* (see *ST* I-II 96.4). But the domain of conscience belongs clearly to the moral debt; hence the *debitum morale* includes the fulfillment of the *debitum legale*. Kossel described this interconnection of both kinds of debt: “Thomas makes no distinction between legal and moral obligation; law is part of the moral order. If a law does not bind morally, it does not bind legally. Law, or a legal system, is not some entity separate from the moral order with completely independent rules.” (Kossel, “Natural Law and Human Law,” 181); see also Horst Seidl, “Recht ohne Moral?,” *Die Tagespost*, 10.3.2007, 19.

¹⁶² Cf. *ST* II-II 88.3 ad 1. Mennessier comments rightly: “La morale thomiste est une morale des vertus plus qu’une morale de la loi. Mais cela n’empêche que la loi elle-même soit principe d’une obligation spéciale qui lui revient en propre: c’est obligatoire non seulement parce que cela est raisonnable, mais parce que c’est commandé. Cela fait un motif spécial d’agir et donc suppose un habitus spécial disposant à bien accomplir ce qu’exige la loi.” (I Mennessier, “Appendice I: Notes explicatives,” in *Somme théologique: La religion; Tome premier 2^a-2^{ae}, questions 80-87* (Paris: Desclée & Cie, 1932), 230).

¹⁶³ Certainly, moral debts which are necessary for virtuousness oblige the agent in his conscience even apart from a legal determination, but without a positive (legal) formulation these moral debts cannot be *demand*ed by the other. As Gemmel has noted rightly, the essential function of the *debitum legale* is to allow an objective claim of certain actions disregarding the attitude of the other; see Jakob Gemmel, “Die ‘iustitia’ in der Lehre des hl. Thomas,” *Scholastik* 12 (1937): 218.

¹⁶⁴ Aquinas mentions the case of the abolished ceremonial laws of the Old Testament which expressed something right by nature: “Caeremonialia proprie erant in signum futuri, et ideo ad praesentiam veritatis significatae cessaverunt. Oblatio autem primitiarum fuit in signum praeteriti beneficii, ex quo etiam debitum recognitionis causatur secundum dictamen rationis naturalis. Et ideo in generali huiusmodi obligatio manet.” (*ST* II-II 86.4 ad 1).

We can summarize the distinction made in *ST* I-II 99.5 as follows

1. due according to the rule of reason = moral due
 - a) as necessary for the order of virtue = strict moral due
 - b) as useful for the better preserving
of the order of virtue = moral due of friends
2. due from legal determination = legal due

The *debitum legale / morale* in the Treatise on Justice in the *Secunda secundae*

Despite our general intention to avoid quotations from the treatise on justice in this second part of our work,¹⁶⁵ in the present case some references are indispensable. O'Brien, who wrote on the moral and legal due in Aquinas, noted a significant change in the later questions of the *Summa theologiae*:¹⁶⁶ Whereas Aquinas's discussion of the *debitum morale* in *ST* I-II 99.5 includes both a strong sense¹⁶⁷ (1a) as well as the weaker sense of a due between friends (1b), in *ST* II-II 80.1 *debitum morale* seems to be used exclusively in the restricted sense of moral due of friends (1b). In the subsequent section of the *Secunda secundae* (qq. 101-118) we find again another difference. Here the moral due stands for the moral due of friends as well as for actions which are indispensable for the moral order, but which are not determinable by an exact measure, as for example acts of piety towards one's parents.¹⁶⁸

O'Brien also notes an important change in the case of the legal due. Whereas in *ST* I-II 99.5 the legal due is strictly limited to legal determination, in *ST* II-II 80.1 and its subsequent questions it is used generally as a constitutive principle for acts of justice. "The legal due is that which one is bound to render by reason of a legal obligation; and this due is properly the concern of justice, which is the principal virtue."¹⁶⁹ Thus, whereas in *ST* I-II 99.5 the distinction between the moral due and the legal due reveals two different foundations of obligation, *ST* II-II 80.1 uses this distinction only "as a principle of classification or systematization . . . purely formal or organizational,"¹⁷⁰ which is to say for distinguishing acts

¹⁶⁵ Cf. the explanation for that at the beginning of chapter 4.

¹⁶⁶ O'Brien, "Appendix 1: Legal Debt, Moral Debt," 316-320.

¹⁶⁷ Ibid., 317.

¹⁶⁸ See Ibid., 318-320.

¹⁶⁹ *ST* II-II 80.1: "Debitum quidem legale est ad quod reddendum aliquis lege adstringitur, et tale debitum proprie attendit iustitia quae est principalis virtus." Note that in this article Aquinas is not describing justice as "the principal virtue" with respect to the other cardinal virtues, but rather with respect to those other virtues which are the potential parts of justice; cf. e.g. *ST* I-II 61.2 ad 1. We discuss the potential parts of justice below in section 4.5

¹⁷⁰ O'Brien, "Appendix 1: Legal Debt, Moral Debt," 318.

of proper justice from less obligatory acts. Subsequently, in an even stricter sense, the distinction becomes a “principle of judgment about the moral order in its realities.”¹⁷¹

Admittedly, these three meanings are somehow interrelated, but the repeated change in meaning within one work is surprising.

However, we want to argue that Aquinas does not use the comparison with different meanings, which would indeed be strange since he wrote both parts in quite a brief period of time.¹⁷²

Rather, it is the different perspective of *ST* I-II 99.5 and the *Secunda secundae* that lead to the seemingly different accounts. Thus, we will take a moment to investigate the proper context of q. 99.5, and thereby clarify the coherent meaning of the later texts..

ST I-II 99.5 asks whether the Old Testament contains only moral, judicial, and ceremonial precepts. By introducing the distinction between the moral and the legal due, Aquinas clarifies why certain precepts belong to the divine law.¹⁷³ Thus, the general focus of the article is a written law, namely the divine law, a *debitum legale*. But not all divine precepts are commanded for the same reasons, and it is the proper purpose of the article to discuss this issue.

Against this background the description of the legal due in q. 99.5 takes on a fairly qualified meaning that fits in exactly with what the text is actually saying. We will summarize the argument in our own words.

- (a) Some precepts belong to the written precepts of the Old Testament because they demand a strict moral due;
- (b) by contrast, the moral dues of friends do not fall under the command of written precepts;
- (c) but there are also some acts that are in themselves irrelevant for the order of virtue, but because of a positive determination they also belong to the divine law, or the divine legal due.

Thus, the reference to *debitum legale* is used here in the very qualified sense as a determination of an *ius positivum*.¹⁷⁴ As a result, Aquinas only gives the judicial and ceremonial precepts of the Old Testament as examples. However, these legal dues are only a small part of the legal due of the whole divine law, which is the proper topic of the article.

¹⁷¹ Ibid. .

¹⁷² Aquinas wrote *ST* I-II in 1271 and *ST* II-II in 1271-1272; see Jean P. Torrell, *Magister Thomas. Leben und Werk des Thomas von Aquin* (Freiburg: Herder, 1995), 348.

¹⁷³ That the context is of the *divine* law is irrelevant.

¹⁷⁴ Cf. the Aristotelian description of the *iustum legale*, quoted in *ST* II-II 57.2 ad 2 “Legale iustum est quod ex principio quidem nihil differt sic vel aliter, quando autem ponitur, differt.”

Aquinas carefully chooses for this example of the strict moral due the precept against murder and thievery, i.e. a legal due, noting that both are “precisely commanded or prohibited by law.”¹⁷⁵

Hence, the nature of the legal due in *ST* I-II 99.5 is somewhat ambivalent. According to its proper definition it is contrasted with the moral due, both the strict due and the due of friends. Simultaneously, however, the legal due is opposed exclusively to the moral due of friends since the strict moral due as well as the legal due belong to the divine law, but not so the moral due in its weaker sense (*proper melius*). This is the conclusion Aquinas draws at the end of the article: “From this it is clear that all the precepts of the law are either moral [i.e. a strict moral due], ceremonial, or judicial [i.e. a legal due].”¹⁷⁶ Thus, we can visualize Aquinas’s distinctions as follows.

acts...	<i>moral due</i>	parts of the divine precepts as <i>legal due</i>
...necessary for maintaining the order of virtue	strict moral due	moral precepts (insofar determinable)
...useful for maintaining the order of virtue to a higher degree	moral due of friends	(–) ¹⁷⁷
...by themselves irrelevant for the order of virtue	no moral due <i>unless determined by law</i> but then: strict moral due	judicial and ceremonial precepts

Figure 7

If we read the moral-legal distinction of *ST* I-II 99.5 in this way, it fits perfectly with Aquinas’s doctrine throughout the *Secunda secundae*. Only the perspective changes. In 99.5 he focuses on the written divine law of the Old Testament and identifies the reasons why certain actions belong to it, either because of a strict moral due or because of some legal determination. In the *Secunda secundae* the legal due is always taken in this more general sense, either as a strict moral due or as a legal due (either 1a or 2), since for the determination of the just act it makes no difference whether a law is a moral precept or a positive

¹⁷⁵ *ST* I-II 99.5.

¹⁷⁶ *ST* I-II 99.5: “Ex quibus omnibus apparet quod omnia legis praecepta continentur sub moralibus, caeremonialibus et iudicialibus.”

¹⁷⁷ In the Old Testament the *moral due of friends* is not commanded by precepts but “recommended” by “mandata, quia quandam introductionem habent et persuasionem.” (*ST* I-II 99.5).

determination. Thus, law as a whole (the legal due) is compared with those moral obligations that are not determinable by law, which might be either, as Aquinas notes in *ST* II-II 80.1, recommended *propter melius* (the moral due of friends), or which are necessary for maintaining virtue but indeterminable by law.¹⁷⁸ Thus, the comparison is effectively the very same as *ST* I-II 99.5. Likewise in qq. 101 to 118 the distinction focuses on legal determinations as the matter of justice, and on moral dues as either strict but undeterminable obligations or as the due of friends.

To conclude, there is no need to claim any insurmountable inconsistency between the moral and the legal due in the *Summa theologiae*.

4.3.3 Aquinas's "Legalistic" Account of the Matter of Justice Proper

Having distinguished the two different kinds of obligation – the moral due as a duty rising up from within the agent, and the legal due imposed upon him by an external authority – we have yet to clarify their relation to justice as a virtue. Which is the proper object of justice? Is it the strict moral due or the legal due?

St. Thomas's position is surprising but unequivocal. Throughout his oeuvre he describes the legal due as the specific matter of justice. Proper acts of justice are derived "from the necessity of law" or "from the obligation of law."¹⁷⁹ "Justice is about operations done in

¹⁷⁸ Focusing on the restricted sense of the moral due in *ST* II-II 80.1, O'Brien obviously ignores that Aquinas mentions even here a moral due which "est sic necessarium ut sine eo honestas morum conservari non possit." Thus, it is incorrect to read the moral due of *ST* II-II 80.1 principally as "diminished form of indebtedness." (O'Brien, "Appendix 1: Legal Debt, Moral Debt," 318). Rather Aquinas asserts: "Debitum autem morale est quod aliquis debet ex honestate virtutis." (*ST* II-II 80.1).

Also Labourdette's interpretation of the *debitum morale* as "devoirs mineurs" and the *debitum legale* as "devoirs forts" (M.-Michel Labourdette, *Cours de théologie morale: La justice (IIa-IIae, 80-120)*, vol. 2 (Toulouse, 1960), 431) is only possible if one takes an isolated view of the *Secunda secundae*. Actually the legal debt surpasses the moral debt not necessarily in terms of obligation (since there are also some strict moral debts), but rather with respect to its objective measurability – and consequently regarding the possibility to claim for it (see section 4.3.3).

¹⁷⁹ Indirect *In sent.* III 33.3.4A. Thomas describes here the potential parts of justice but refers to proper justice in an indirect way by describing it "ex necessitate legis" or "ex obligatione legis." Similarly in *In sent.* III 33.3.4C. In the treatise on justice Aquinas asserts several times the essential rule of the law for the act of justice. For example, the judgment (as *actus iustitiae*) has to be passed "ex regulis iuris" (*ST* II-II 60.1 ad 1). In *ST* II-II 60.5 he explicitly poses the question whether one has to judge always according to the written law (affirmative). See also *ST* II-II 79.1 where Aquinas asserts that justice is concerned about "debitum in ordine ad legem divinam vel humanam."

respect to another person under the notion of a legal due.”¹⁸⁰ “The legal due is that which one is constrained by law to render; and this due is chiefly the concern of justice, which is the principal virtue.”¹⁸¹ “[An action] belongs to justice when the repayment has the character of a legal due.”¹⁸² Aquinas makes similar statements in many others places.¹⁸³

These assertions raise an important question. In section 4.2 we mentioned the distinction between *ius naturale* and *ius legale*. Both comprise the proper matter of just acts. Now, however, Aquinas seems to claim that only the legal right belongs to justice. “Justice is about operations done in respect of another person under the notion of a legal due.” Does Aquinas really hold such a legalistic account of justice? Is murder only qualified as unjust if prohibited by law?

For a solution to this question we have to deepen once again the understanding of the objective character of justice. In section 4.1 we examined the independent determination of the just act from the subjective state of the agent. We recall from that discussion that the right mean of temperance and fortitude hinges on the affective conditions of the particular subject, whereas the right mean of justice disregards individual variables.

This objectivity of justice implies a consequence which we have not yet mentioned. The justice of an operation can be determined not only without reference to the affective state of the agent, but also apart from the agent’s own insight into the just quality of a particular action, which in turn leaves aside also the agent’s felt obligation to render the other his due. Nevertheless, even without the agent’s recognition of the act as just, the act itself will remain objectively appropriate, just, and required, and may even be acknowledged by observers as just.

For these reasons, the object of justice is to be determined not by referring to the moral due, which hinges by definition on the agent’s personal insight into his obligation to perform the just act, but by invoking the legal due. As long as a certain external relationship (the *adaequatum alteri*) is not defined objectively by a positive law – positive in the wider sense as written law – it is left solely to the subjective honesty or attention of the individual to

¹⁸⁰ ST II-II, 23.3 ad 1: “Iustitia est circa operationes quae sunt ad alium sub ratione debiti legalis.”

¹⁸¹ ST II-II 80.1: “Debitum quidem legale est ad quod reddendum aliquis lege adstringitur, et tale debitum proprie attendit iustitia quae est principalis virtus.”

¹⁸² ST II-II 106.5: “Ad iustitiam quidem pertinet quando recompensatio habet rationem debiti legalis.”

¹⁸³ ScG II 28.11: “Iustitia autem proprie dicta debitum necessitatis requirit: quod enim ex iustitia alicui redditur, ex necessitate iuris ei debetur.” Or ST I-II 100.9 ad 1: “Modus faciendi actum iustitiae qui cadit sub praecepto, est ut fiat aliquid secundum ordinem iuris.” Further ST II-II 118.3 ad 2: “Iustitia proprie statuit mensuram in acceptionibus et conservationibus divitiarum secundum rationem debiti legalis, ut scilicet homo nec accipiat nec retineat alienum.” Furthermore ST II-II 78.2 ad 2; 88.3 ad 1; 106.1 ad 2; 106.4 ad 1109.3; 117.5 ad 1.

acknowledge the *ius* as a debt or not.¹⁸⁴ Only the legal determination – either of an *ius naturale* or an *ius positivum* in the proper sense – provides the necessary basis for an objective claim of certain duties.¹⁸⁵ Admittedly, the obligation to fulfill the strict moral due as well as the invitation to render the moral due of friends remain completely valid, even apart from any legal determination. But without a legal formulation even the most fundamental moral debts couldn't be demanded by the other. Aquinas clarifies the issue with the example of promise keeping: "A man should keep any promise he makes to another man according to his honesty, and this obligation is based on the natural law. But for a man to be under a civil obligation through a promise he has made, other conditions are required."¹⁸⁶

And in the case of paying a just reward for work he explains:

A reward may be due to a worker in a double way. In one way from a debt of legal justice. Such a debt is the one resulting from the compact made between a workman and his employer, whereby the workman can compel the other for his wages. In another way from a debt of friendly justice [*ex debito iustitiae amicabile*]. For, when one man does a service to another in a friendly way, it is due that the other repays him in his way, although he cannot compel him by a lawsuit.¹⁸⁷

In both cases the reward is morally due to the other, but only the first case, determined as a legal due (or at least: determinable), is an act of proper justice. Thus, if St. Thomas refers to the *debitum legale* as a constitutive principle of the proper act of justice, this in no way depreciates the strict obligation imposed on an agent by the *debitum morale*.¹⁸⁸ But the latter

¹⁸⁴ *In sent.* III 33.3.4A: "Debitum ex honestate." Even clearer is *ST* II-II 106.4 ad 1: "Debitum morale dependet ex honestate debentis."

¹⁸⁵ Sertillanges correctly explains: "In Thomism, morals strictly speaking have no obligation or sanction. Let us not be misunderstood. We mean that the good is not imposed on the human act from without, like a decree which deprives a man of his own spontaneity of action or of choosing from the objects which surround him." (A. D. Sertillanges, *Foundations of Thomistic Philosophy* (London: Sands, 1931), 248).

¹⁸⁶ *ST* II-II 88.3 ad 1: "Secundum honestatem ex qualibet promissione homo homini obligatur, et haec est obligatio iuris naturalis. Sed ad hoc quod aliquis obligetur ex aliqua promissione obligatione civili, quaedam alia requiruntur."

¹⁸⁷ *Contra imp.* 2.6 ad 27: "Merces autem alicui operanti debetur dupliciter. Uno modo ex debito legalis iustitiae: sicut quando pactum intervenit inter operantem et eum cui operatur, ita quod operarius potest compellere alium ad solvendum. Alio modo ex debito iustitiae amicabile: sicut quando aliquis amicabilem alteri de suo labore servit, debitum est ut alter ei suo modo vicem rependat, quamvis non posset eum per iudicium compellere."

¹⁸⁸ This is the necessary conclusion of O'Brien's account of the moral-legal dichotomy in the *Secunda secundae*: On the one side is the moral due as due between friends, on the other side is the legal due as the proper matter of justice. According to our view, however, the legal determination contains likewise a strict moral due. MacGuigan correctly explains: "Legal obligation, then, depends upon both intrinsic and extrinsic causes, but in different ways. The intrinsic cause, the natural law, is the primary and general cause of legal obligation, whereas the extrinsic cause, legislative authority, is the particular cause which determines the general cause to a specific effect. There is no conflict between the two causes because each is restricted in its efficacy to the area in which it coalesces with the other." (Mark R. MacGuigan, "St. Thomas and Legal Obligation," *The New Scholasticism* 35 (1961): 307-308).

fails to provide a civil obligation, an objective “demandability” of a certain action as something which is due. Therefore Aquinas determines the object of justice in reference to the legal due which “coincides with a civil obligation, involving a kind of necessity.”¹⁸⁹ Only on the basis of a legal due is “the laborer able to sue the other for his wages.”¹⁹⁰ Only in the case of *debitum legale* is man “compelled by law to make restitution.”¹⁹¹

In summary, since the act of justice has to be determinable in an objective way, only the *debitum legale* constitutes the just act in the proper sense.

So far, so good. From the foregoing it seems that Aquinas takes a quite legalistic view of justice. Our investigation into the issue, however, is far from over. Up to now we have discussed at length the object of justice, but mentioned only briefly justice as a virtue. We shall turn to this topic in the following section.

4.4 The Subjective Character of Justice as a Virtue

Hitherto we focused on the exterior act of justice. The just act is determined by its adequacy to the other, either as retribution or as non-violation (section 4.1). Some acts are adequate to the other by nature (*ius naturale*), others by legal determination (*ius positivum*) (section 4.2). The agent is obliged to perform a just act on account of a moral or legal due (section 4.3). However, we have not yet examined justice as a virtue. Arriving so late at our proper topic should not be too surprising. Having had first to establish the objective determinability of the just act we could neglect justice as a virtue until now.

¹⁸⁹ ST II-II 78.2 ad 2: “Recompensatio alicuius beneficii dupliciter fieri potest. Uno quidem modo, ex debito iustitiae, ad quod aliquis ex certo pacto obligari potest. Et hoc debitum attenditur secundum quantitatem beneficii quod quis accepit. Et ideo ille qui accipit mutuum pecuniae, vel cuiuscumque similis rei cuius usus est eius consumptio, non tenetur ad plus recompensandum quam mutuo acceperit. Unde contra iustitiam est si ad plus reddendum obligetur. Alio modo tenetur aliquis ad recompensandum beneficium ex debito amicitiae, in quo magis consideratur affectus ex quo aliquis beneficium contulit quam etiam quantitas eius quod fecit. Et *tali debito non competit civilis obligatio*, per quam inducitur quaedam necessitas, ut non spontanea recompensatio fiat.”

Regarding the interpretation of the function of the *legal due* for the act of proper justice I follow Gemmel, “Die ‘iustitia’ in der Lehre des hl. Thomas,” 218.

¹⁹⁰ *Contra imp.* 2.6 ad 27: “Quando pactum intervenit inter operantem et eum cui operatur, . . . operarius potest compellere alium ad solvendum.”

¹⁹¹ ST II-II 102.2 ad 2: “debitum . . . legale, ad quod reddendum homo lege compellitur.”

Virtue is defined as a *habitus operativus*. Thomas repeats again and again the definition of Aristotle: “Virtue is that which makes its possessor good and his work good.”¹⁹² Virtue makes the man good as an agent of action. Accordingly, virtue resides in one of his operative powers and disposes it for performing good work. Thus, justice disposes man to perform the just act, i.e. to render to everyone what is due to him, the *ius* understood as *opus adaequatum alteri*.

Thomas uses two definitions for describing justice as a virtue. Sometimes he uses the Aristotelian definition of justice as a “habit by which someone who is just is said to be doing the just thing.”¹⁹³ This account, however, leaves unclear which human power is perfected by justice. Therefore, St. Thomas more often quotes a definition from the tradition of Roman jurisprudence, ascribed to Ulpian (+228) and passed down by Justinian’s *Digest*: “Justice is the constant and permanent will to render everyone his right.”¹⁹⁴ External actions are, if they are human acts, effects of the working of some internal principles. For example, the virtue which rules external actions is not situated in human limbs. The extremities, to be sure, have to be moved by an internal principle, which itself has to be perfected by a special virtue,¹⁹⁵ namely justice which resides in the will and rules external actions as its proper matter. Hence, though acts of justice excel by their objective determination (since they are specified by external categories), nevertheless the virtue of justice works internally to perfect of an internal faculty.

These few lines are already enough to understand the essential features of justice as a virtue. It is not necessary for our research to present a more detailed discussion of these two definitions. Regarding this we can point the reader toward the secondary literature.¹⁹⁶

It is important to consider one point which shows the immense difference between Aquinas’s account of justice as a moral virtue and the modern understanding of justice. It will also help to clarify later the issue of infused justice.

¹⁹² *ST* I-II 55.3 *sed contra*: “Virtus est quae bonum facit habentem, et opus eius bonum reddit.” Cf. *NE* II 6 1106a15.

¹⁹³ *In ethic.* V 10.3: “Habitus, secundum quem ille qui est iustus, dicitur esse operativus iusti.” Cf. *ST* II-II 58.1.

¹⁹⁴ See Justinian *Digest* I 1.1, leg. 10, (published in 522; for a new English edition, see Justinian, *The Digest of Justinian*, ed. Alan Watson (Philadelphia, PA: University of Pennsylvania Press, 1998)). St. Thomas quotes the definition for example in *De veritate* 1.5 ad 13 and *ST* II-II 58.1: “Iustitia est constans et perpetua voluntas unicuique ius suum tribuens.”

¹⁹⁵ Cf. *ST* I-II 17.9; see also Aquinas’s discussion of the various subjects of virtues (e.g. *ST* I-II 50 and 56, *De virt. in com.* 2-7).

¹⁹⁶ Cf. for justice as a virtuous *habitus*: Dias, “The Concept of Justice,” 1-2; Aubert, *Le droit romain dans l’oeuvre de saint Thomas*, 88-91; Porter, “The Virtue of Justice,” 273-277. For justice in the Middle Ages see: Matthias Lutz-Bachmann, “The Discovery of a Normative Theory of Justice in Medieval Philosophy,” *Medieval Philosophy and Theology* 9 (2000): 1-14; Kent, *Virtues of the Will*.

For St. Thomas justice is a *virtue*, i.e. the internal disposition of an agent to render everyone his due *constantly, readily, and with pleasure*. Continuity, readiness and joyfulness in human actions are general features of every moral virtue.¹⁹⁷ Hence, once equipped with justice, it is of interest to an agent himself to render everyone his due and to avoid any act which might harm another. Justice disposes the agent for just actions. Hence, it becomes a desire of the agent himself, an active and efficient desire, to give everybody what he deserves, namely his *iustum*, not because of any external coercion (e.g. by the public authority), not because of the obtrusive claim of the other, but simply because of his own inclination towards interpersonal equality.¹⁹⁸

In contrast, the contemporary view does not understand the *iustum* (i.e. the “right”) as virtuous operations of the agent himself by which he equates himself to the other, but vice versa as legitimate interests of a subject who is entitled to demand certain acts and things from the other. “Rights” are what the other has to do for me. It no longer describes my operation by which I desire to achieve equality between the other and myself, but instead refers to my right to something that the other has to satisfy. Let us quote one example of a scholar who describes the issue of rights as following: “To have a right is to have a rationally justifiable claim to something (e.g., an object, a mode of treatment) on the part of other.”¹⁹⁹ In this way, justice is reduced to governing mere external exchanges of duties and claims. For Aquinas, however, justice as a moral virtue implies a subjective disposition for a certain mode of acting.

Finnis describes this original understanding of justice very well:

To be concerned about justice is to be concerned about treating other people in the way they are entitled to. Requirements of justice are identified not by reflecting on one’s own character but by considering what will establish or preserve a reasonable relationship of proportionate

¹⁹⁷ Cf. *De virt. in com.* 1.

¹⁹⁸ Pinckaers explains about this personal inclination to render everybody his due: “A constant will means a personal attitude, open and firm, leading us to recognize what we owe to the other and to give it to him. . . . To suffer injustice is indeed painful in the extreme, but if we truly love justice, we shall see it as a greater misfortune to lose our love of this virtue than to suffer some material or physical loss.” (Pinckaers, *The Pursuit of Happiness*, 95-101, here 100-101).

¹⁹⁹ Steven M. Duncan, *A Primer of Modern Virtue Ethics* (Lanham, MD: University Press of America, 1995), 95. Cf. Almond who clearly reduces the issue of *rights* to a mere question of *claims* (Brenda Almond, “Rights,” in *A Companion to Ethics*, ed. Peter Singer (Cambridge, MA: Basil Blackwell, 1991), 259-269, esp. 262). Quite different is the view of St. Thomas: “Aquinas does not use the word *ius* to refer to any subjective claim or demand.” (Robert Goodwin, “Aquinas’ Justice: An Interpretation,” *New Scholasticism* 63 (1989): 285).

equality between us, in relation to some *act*, forbearance, arrangement, or other subject-matter which is external, other-regarding (other-affecting).²⁰⁰

Hence, comparing Aquinas's vision and the modern accounts of justice we observe a "reversal" which turned around the original virtuous disposition of the agent to render everyone his due to the order of legitimate claims regarding the other. Pinckaers outlined the historical development as follows:

At the end of the Middle Ages a subjective concept of rights was elaborated and widely imposed. Rights, together with justice, were now chiefly understood as those things to which I had a right, and which I could demand from others and from society for myself or for the group with which I identified. Henceforth a right signified that which was strictly due me in justice, as we say. The essential orientation of justice was thus reversed. Formerly it had been directed from me to others and consisted in giving. Now it was directed principally from others to me in the form of a demand I could make of them, and consisted rather in taking. Deprived of its personal content, justice became harsh. It was now a part of the human struggle for the satisfaction of human needs, in any area where contrary freedoms stood in confrontation. It became rigid. Popular usage bears witness to this in the common expression, "unyielding as justice."²⁰¹

Because of this reversal, the modern position views justice as cold and impersonal. Today, justice is understood usually as a matter of legal affairs. However, it originally was a question of internal righteousness.²⁰²

²⁰⁰ Finnis, *Aquinas*, 187-188. See also Utz, "Kommentar," 579-580. Utz emphasizes that – though justice is determined objectively – nevertheless the virtuous act cannot be reduced to an external operation, but includes also interior elements.

²⁰¹ Pinckaers, *The Pursuit of Happiness*, 101. The same argument is made by Pieper, "Gerechtigkeit - heute," 262. For the biblical sources of this medieval understanding of justice, see Pinckaers, *La justice évangélique*, 69-79.

A good description of the historical evolution of the term "ius" is also found in John R.T. Lamont, "Conscience, Freedom, Rights: Idols of the Enlightenment Religion," *The Thomist* 73 (2009): 198-235. J. Lamont refers to the medieval understanding of *ius* as "objective right," and confronts it with the "subjective right" of modern times.

²⁰² As a consequence, contemporary social ethics are more concerned about concrete rights than about justice as personal virtue; if they mention justice as a virtue at all, it is often as a quality of human society (cf. Porter, "The Virtue of Justice," 277). For example, at the beginning of *A theory of Justice*, J. Rawls asserts that justice is "the first virtue of social institutions." (John Rawls, *A Theory of Justice* (Cambridge, MA: The Belknap Press of Harvard University Press, 1971), 3). Again Pinckaers: "In our liberal societies justice results from a rational organization that aims at establishing equality between the rights of individuals, that is, the right of each person to satisfy his needs. We are dealing here with a basically self-centered concept of man. We could call it 'rational egoism' and 'solipsism.' Justice becomes the art of organizing society, viewed as 'a collection of egoisms,' by dint of laws that will avoid violent confrontation, favor collaboration, and contribute to the well-being of the majority. To assure their rational and scientific character, these theories will, moreover, abstract from what pertains to affectivity and personal factors which do not lend themselves to generalization." (Pinckaers, "The Role of Virtue in Moral Theology," 295).

How did such a fundamental turn become possible? We want to argue that it was not by chance that such a principal change occurred precisely to the virtue of justice. Rather, justice possesses, quasi by essence, an interior tendency to be reduced to external claims and legal determinations, and thereby it stands in constant risk of losing its consideration as a moral virtue.

As seen only in the case of justice, it is possible and even necessary to determine the virtuous act by external criteria, as an *opus adaequatum alteri*, independent of the interior principles located within the agent. “The right in a work of justice is constituted in comparison to the other, even besides its relation to the agent.”²⁰³ Moreover, just acts are not only objectively judged, disregarding the agent’s subjective conditions, but the agent can even perform just acts without intending them and without attending to their adequacy to the other. Certainly, acts which lack a corresponding intention or attention are not counted as moral acts of the agent, even though the exterior action remains *adaequatum alteri*. Though it wouldn’t be a just act *formaliter*, nevertheless it would be just *materialiter*. This is possible since the end of the just act is not the good of the agent, but the good of the other.²⁰⁴ To use Finnis’s expression, the aim of justice is not the clean hands and clean heart of the agent himself, but the accomplishment of the “right” towards the other.²⁰⁵ If the due of the other is achieved, a just act is realized, regardless of the moral conditions or intentions of the agent. Or as Aquinas puts it, a man who performs a just act out of ignorance wouldn’t be himself *iustus*, but his deed is certainly an *iustum*.²⁰⁶

Quite different is the case of the affective virtues. Every act of fortitude and temperance is measured in relation to the agent himself, since it implies the realization of a certain work in reference to a concrete affective status. Hence, forming an objective determination of courageous or temperate deeds that disregards the individual agent and his actual attention to the concrete case is impossible. A soldier who behaves as usual while not noticing a dangerous situation and thus feeling no fear does not act courageously. Similarly, somebody

²⁰³ ST II-II 57.1: “Rectum vero quod est in opere iustitiae, etiam praeter comparisonem ad agentem, constituitur per comparisonem ad alium.” And further: “Sic igitur iustum dicitur aliquid, quasi habens rectitudinem iustitiae, ad quod terminatur actio iustitiae, etiam non considerato qualiter ab agente fiat.”

²⁰⁴ In more detail: ST II-II 59.3.

²⁰⁵ Cf. Finnis, *Aquinas*, 138: “The good of justice {bonum iustitiae} is not the ‘clean hands’ (better: clean heart) of those who are to do justice but rather – what Aquinas puts at the head of his treatise on justice – justice’s very object: the *right(s)* of the human person entitled to the *equal treatment* we call justice.”

²⁰⁶ “Quidam operantur iusta, et tamen non dicimus esse iustos: sicut cum aliqui operantur ea quae sunt statuta legibus vel inviti, vel propter ignorantiam, aut propter aliquam aliam causam, puta propter lucrum, et non propter amorem ipsorum operum iustitiae: et tales inquam non dicuntur iusti, quamvis operentur ea quae oportet eos facere, et etiam ea quae oportet facere bonum virum.” (In ethics. VI 10.15). See also *De veritate* 24.12 ad 20: “Carens iustitia potest facere actum iustitiae imperfectum, qui est iusta agere: et hoc propter principia naturalis iuris rationi indita; non autem potest facere actum iustitiae perfectum, qui est facere iusta iuste.”

who is economical with food because of meanness is not temperate. Such acts might possess an external similarity with courageous and temperate deeds, and those agents might even perform external acts that are usually signs of fortitude and temperance, but these acts cannot be formally courageous or temperate since they are not ruled by right reason.²⁰⁷

Therefore, Aquinas concludes: “In a special way justice has its own proper object over and above the other virtues, and this object is called the *iustum*.”²⁰⁸ The just act is always a just act, at least materially, since its character does not depend on the relation to the agent but to the other.

This examination of the objective determination of the just act may provide a reasonable explanation for the modern reversal of justice. The emphasis on the objective determinability of the just act risks underestimating the character of justice as a moral perfection of the agent himself. For Aquinas both aspects of justice – its objective determinability and its ability to perfect the subject – belong essentially to its nature as a virtue.²⁰⁹

The foregoing investigation brings to light an important issue for our project. Though the topic of our thesis is justice as an infused virtue, we have to compensate for the fact that focus is quite rarely given to justice as a virtue. The majority of the thesis, therefore, is concerned with how one determines the just quality of various actions, especially the specific acts of infused justice. To this end, we have been obliged to distinguish the objective and subjective approaches to evaluating just acts. Admittedly, in describing virtue Aquinas always follows the maxim that habits are specified by their proper acts, and acts by their proper objects.²¹⁰ However, because of the special character of the just act, this common principle bears particular importance in the case of justice. Though one cannot grasp the full significance of justice without taking into account the subjective grounding of the just act in a virtuous habit of the agent, it remains true that the description of the content of the just act is independent of that virtue

²⁰⁷ See once again *ST* II-II 59.2 ad 3: “Obiectum temperantiae non est aliquid exterius constitutum, sicut obiectum iustitiae, sed obiectum temperantiae, idest temperatum, accipitur solum in comparatione ad ipsum hominem. Et ideo quod est per accidens et praeter intentionem non potest dici temperatum nec materialiter nec formaliter, et similiter neque intemperatum. Et quantum ad hoc est dissimile in iustitia et in aliis virtutibus moralibus.”

²⁰⁸ *ST* II-II 57.1: “Specialiter iustitiae prae aliis virtutibus determinatur secundum se obiectum, quod vocatur iustum.”

²⁰⁹ This twofold quality of justice – its objective determination and subjective inclination – is well described in Lippert, *Recht und Gerechtigkeit*, 77-82.

²¹⁰ Cf. footnote 44.

This issue may become clearer by looking briefly at the structure of Aquinas's discussion of justice in *ST* II-II. In Question 58 St. Thomas begins to follow the common method of examining justice as a virtue, but after Question 59 the whole discussion focuses on just and unjust actions.²¹¹ This shift in emphasis away from habits and toward actions does not undermine the general importance justice as a virtue, however. The shift is simply a consequence of the special structure of the just act. Simultaneously, this shift in emphasis justifies the method of our thesis, which focuses similarly on the determination of the specific act of infused justice.

4.5 Different Meanings of Justice and Its Various Parts

In section 4.1.3, we distinguished justice in a general sense as a virtue which rules all interpersonal actions from justice in its proper sense as a special virtue. This twofold distinction, however, is not exhaustive. In his discussion of the various cardinal virtues, Aquinas divides each of them into various parts. His treatment of justice emerges as a complex, for St. Thomas adopts several additional understandings of justice from Aristotle. Thus, P. Geach is not totally wrong in noting that "justice is an immensely problematic concept: there are, in old jargon, many parts of justice – there are many strands plaited together, and each strand carries many knotty problems."²¹² In the following section we want to give a summary overview of the various meanings and parts of justice.

When Aquinas introduces the cardinal virtues for the first time (*ST* I-II 61),²¹³ he distinguishes two meanings which these virtues can adopt:

First, the cardinal virtues may be understood simply as the common and formal characters which are found in every moral virtue.²¹⁴ In this sense, every moral virtue can be called prudence insofar it accords to right reason; each can be called justice, since it achieves what is right and due; each can adopt the name of temperance, since it governs passions; and finally

²¹¹ This approach is unique in Aquinas's portrayal of the cardinal virtues in the *Secunda secundae*; the treatise on prudence, fortitude and temperance begin with a special question on that virtue in particular (see *ST* II-II 47, 123 and 141).

²¹² Geach, *The Virtues*, 110.

²¹³ The same distinction is made in *De virt. card.* 1 ad 5; for a general outline of this "system" of the cardinal virtues, cf. Mieth, *Die neuen Tugenden*, 25-28.

²¹⁴ "Secundum communes rationes formales . . . quasi generales ad omnes virtutes." (*ST* I-II 61.3). As Aquinas explains in *ST* I-II 61.4, the cardinal virtues describe in this sense just "generales condiciones humani animi." See also *De virt. card.* 1 ad 1 and *In ethic.* II 8.

each is fortitude insofar it provides firmness against the uncontrolled fervor of the affect.²¹⁵ Hence, in this first and general sense justice signifies simply “a certain rectitude of the mind by which man acts as he should do in every matter.”²¹⁶ For our present project, this most general understanding of justice is of no interest.

Besides this first meaning, the cardinal virtues can stand for more specific virtues, distinct from each other. This happens again in a twofold way. First, a cardinal virtue can signify the perfection of a certain area of man’s practical life: prudence perfects right practical reasoning, justice governs voluntary external operations, fortitude regulates the passions of the irascible appetite, and temperance those of the concupiscible appetite.²¹⁷ Accordingly, St. Thomas says of justice: “All moral virtues, which concern themselves with operations, come together in a certain general notion of justice, which is concerned with the due of the other.”²¹⁸ This is the sense of justice with which we introduced our discussion of the just act in section 4.1.

Secondly, a cardinal virtue can be taken in an even more special way. Accordingly, its definition does not cover the whole of its potential practical matter (i.e. all external actions, all passions, etc.), but only “what is most principal in each matter.”²¹⁹ Thus, the virtue perfects the agent with respect to “special matters.”²²⁰ In the case of justice, the *special matter* of the whole range of voluntary external operations are actions “according to the *ratio* of right and debt, which is found first of all in exchanges or distributions which relate to the other with equality.”²²¹ This describes the proper sense of justice.

Thus, we have summarized the various senses of justice as a cardinal virtue. However, Aquinas makes a further threefold distinction in terms of each cardinal virtue’s various parts: its integral parts, its subjective parts, and its potential parts. The importance of these various parts is explained and exemplified most clearly at the beginning of the treatise on prudence in the *Secunda secundae*:

²¹⁵ Cf. *ST* I-II 61.3: “Omnis virtus quae facit bonum in consideratione rationis, dicatur prudentia; et quod omnis virtus quae facit bonum debiti et recti in operationibus, dicatur iustitia; et omnis virtus quae cohibet passiones et deprimit, dicatur temperantia; et omnis virtus quae facit firmitatem animi contra quascumque passiones, dicatur fortitudo.”

²¹⁶ *ST* I-II 61.4: “Quaedam rectitudo animi, per quam homo operatur quod debet in quacumque materia.” In *ST* I-II 65.1 Aquinas describes virtues as *modus generalis virtutum* even yet briefer merely as *rectitude*.

²¹⁷ Cf. *ST* I-II 61.2.

²¹⁸ *ST* I-II 60.3: “Omnes virtutes morales quae sunt circa operationes, conveniunt in quadam generali ratione iustitiae, quae attenditur secundum debitum ad alterum.” See also *ST* I-II 59.5.

²¹⁹ *ST* I-II 61.3: “quod est praecipuum in unaquaque materia.”

²²⁰ *ST* I-II 61.4: “ad materias speciales.”

Parts are of three kinds, namely *integral*, as walls, roof, and the foundation are parts of a house; *subjective*, as ox and lion are parts of animal; and *potential*, as the nutritive and sensitive powers are parts of the soul. Hence, in three ways parts can be assigned to a virtue. First, in likeness to integral parts, so that the things which need to concur for the perfect act of a virtue, are called the parts of that virtue. . . . The subjective parts of a virtue are its various species. . . . The potential parts of a virtue are the virtues connected with it, which are directed to certain secondary acts or matters, not having the whole power of the principal virtue.²²²

We will see in section 7 that the treatise on justice in *ST* II-II also follows this division. Therefore, a short overview of the various parts of justice could be helpful. For a description of the integral parts of justice we can refer again to section 4.1.3, where we noticed the virtue's "double face." On the one hand, justice puts forward a positive face, which describes the act of restitution in exchange for a received service. On the other hand, justice can also put forward a negative fact, which describes the non-activity of abstaining from any injurious act regarding the other.²²³ Both characteristics are essential for justice as a particular virtue. Justice wouldn't be justice if it lacked either of these parts. Therefore, St. Thomas portrays both of them as integral parts of justice.

In the next sections we will press on and describe the subjective and potential parts of justice (sections 4.5.1 and 4.5.2). Afterwards, we will treat briefly special understanding of legal justice (section 4.5.3) and metaphorical justice (section 4.5.4) that St. Thomas adopts from Aristotle.

4.5.1 Commutative and Distributive Justice as Subjective Parts

Aquinas treats justice as a particular virtue in various writings.²²⁴ In this sense justice, is about operations "according to the ratio of right and debt . . . which relate to the other with

²²¹ *ST* I-II 61.3: "secundum rationem recti et debiti, principaliter invenitur in commutationibus vel distributionibus quae sunt ad alterum cum aequalitate." The same article continues to characterize justice as special virtue which is concerned "circa actiones debitas inter aequales."

²²² *ST* II-II 48.1: "Triplex est pars, scilicet integralis, ut paries, tectum et fundamentum sunt partes domus; subiectiva, sicut bos et leo sunt partes animalis; et potentialis, sicut nutritivum et sensitivum sunt partes animae. Tribus ergo modis possunt assignari partes alicui virtuti. Uno modo, ad similitudinem partium integralium, ut scilicet illa dicantur esse partes virtutis alicuius quae necesse est concurrere ad perfectum actum virtutis illius. . . . Partes autem subiectivae virtutis dicuntur species eius diversae. . . . Partes autem potentiales alicuius virtutis dicuntur virtutes adiunctae quae ordinantur ad aliquos secundarios actus vel materias, quasi non habentes totam potentiam principalis virtutis."

²²³ Cf. most clearly in *ST* I-II 100.5.

²²⁴ At great length in *In sent.* III 33.3.4; and *ST* II-II 58.8-11; 62-78. Some short remarks are spread over the whole work.

equality.”²²⁵ In the *Commentary on the Sentences*, he mentions three conditions which are required for justice in its specific sense. The just act attains an “adequation which contains three things, . . . namely that it is ordered with respect to the other, that it is due to the other . . . and that the other is given as much as is due.”²²⁶

(a) Equality of the Two Involved Parties

Justice rules interpersonal relations. Not all persons stand on equal footing, however. Some relationships are shaped, for example, by inferiority and superiority, such as the relations between children and parents, and between teachers and students. Proper justice, however, presupposes an equality between both persons involved. Otherwise, the exchanges between persons can only be described as similar to justice. “Justice is simply between those who are simply equal; but if there is no absolute equality between them, neither is there absolute justice, but there may be a certain mode of justice, as we speak of a father’s or a master’s right.”²²⁷ This first condition is of special importance, since only between two equals is the owed action determined by the thing itself. As soon as there is a certain kind of dependency of one person on the other, the adequacy of an action would not depend exclusively on the *res ipsa*, but would be co-determined by that dependence. Since this kind of equality implies the relation of two free citizens, its act is also called *iustum politicum*.²²⁸

(b) The Strict Obligation to Perform an Operation

As previously seen in section 4.3, Aquinas distinguishes between the strict obligation to perform certain acts (either because of a strict moral due or a legal due) and the moral due of friends. Justice as a particular virtue is concerned only with a debt in the first strict sense. “Justice in its proper sense is a special virtue which attends the perfect ratio of debt.”²²⁹

²²⁵ ST I-II 61.3: “Secundum rationem recti et debiti . . . quae sunt ad alterum cum aequalitate.”

²²⁶ *In sent.* III 33.3.4A: “Ista autem adaequatio tria complectitur, . . . scilicet ut sit ordinatum ad alterum; ut sit ei debitum . . . ; et ut tantum reddatur quantum debetur.”

²²⁷ ST I-II 114.1: “Simpliciter est iustitia inter eos quorum est simpliciter aequalitas, eorum vero quorum non est simpliciter aequalitas, non est simpliciter iustitia, sed quidam iustitiae modus potest esse, sicut dicitur quoddam ius paternum vel dominativum.”

²²⁸ Therefore, Aquinas (who here repeats Aristotle) also talks about *civil* or *political* justice. See ST III 85.3: “Dupliciter dicitur iustum, scilicet simpliciter, et secundum quid. Simpliciter quidem iustum est inter aequales, eo quod iustitia est aequalitas quaedam. Quod ipse vocat iustum politicum vel civile, eo quod omnes cives aequales sunt, quantum ad hoc quod immediate sunt sub principe, sicut liberi existentes. Iustum autem secundum quid dicitur quod est inter illos quorum unus est sub potestate alterius, sicut servus sub domino, filius sub patre, uxor sub viro.” Cf. likewise *In ethic.* V 11.5: “Consistit autem iustum politicum in personis aequalibus, scilicet quarum una non subditur alteri naturali ordine vel civili.”

²²⁹ ST I-II 60.3 ad 1: “Iustitia proprie dicta est una specialis virtus, quae attendit perfectam rationem debiti.”

(c) The Possibility of Complete Restitution

The foregoing point requires further precision. There exist some strict obligations that exceed man's capacity for offering restitution. For example, the debt of honor and gratitude to one's own parents always surpasses the possibility of full restitution, though the obligation is a strict one.²³⁰ Justice as a particular virtue, however, demands a complete restitution. "It is an adequation if the other is given what and as much as he is owed, and this adequation is the proper mode of justice. Hence, wherever such an adequation is found completely, there is justice as a special virtue, and all virtues in which [this ratio] is realized are subjective parts of justice."²³¹

On the basis of these three conditions, Aquinas identifies two subspecies of justice, which are commutative justice and distributive justice: "distributive and commutative [justice] . . . are subjective parts of special justice."²³² Each subspecies realizes the full notion of justice as a particular virtue. We will briefly describe these two kinds of justice in the following paragraphs.²³³

Commutative Justice

Commutative justice regulates interpersonal actions, for example the signing of contracts and buying and selling.²³⁴ For Aquinas, the expression "*in emptione et venditione*" is almost a synonym for commutative justice.²³⁵ The principle idea is this, that in buying and selling two agents who are otherwise debtless with respect to each other interact in a special way so that afterwards no obligation remains. One gives under the condition of receiving something of the same value, while the other takes under the condition that he will pay the full amount for it. There is equality before, after, and even in the transaction.

²³⁰ We already referred to this in the discussion of the first condition of the child-parents relation as inappropriate matter of justice (see section 4.1.3 above). There, however, this inequality is temporal; the child stands in his youth in inferiority to his parents and, therefore, there are not just relations in the strict sense. When, however, the child became adult, this kind of inequality is gone. Nevertheless, the impossibility of complete restitution for all received benefits will remain throughout the whole life.

²³¹ *In sent.* III 33.3.4A: "Adequatio est quando ei redditur quod et quantum ei debetur; et haec adaequatio proprius modus iustitiae est. Unde ubicumque invenitur ista adaequatio complete, est iustitia quae est virtus specialis; et omnes virtutes in quibus salvatur, sunt partes subiectivae iustitiae."

²³² *In sent.* III 33.3.4E: "Distributiva, et commutativa, quae sunt partes subiectivae iustitiae specialis."

²³³ At many places Aquinas refers to commutative and distributive justice as two species of particular justice. Cf. *In sent.* II 27.; 3; III 18.2; 33.1.3B; 33.3.4B; *In ethic.* V 6.

²³⁴ A detailed portrayal of commutative justice in Aquinas and its proper acts is found in Lippert, *Recht und Gerechtigkeit*, 87-97.

The equality of justice between different people is constituted in so far as one has to receive from the other because the other has already received from him; thus, there is commutative justice. And since he has to receive from the other according to that quantity which he has previously given to him, then in this species of justice the mean is preserved according to an arithmetical proportion, in which the same quantity is preserved, as three is the mean between four and two.²³⁶

Thus we have explained the positive meaning of commutative justice. According to our findings in section 4.1.3, however, beyond justice's restitutive function it works also to keep inequality from arising during exchanges, and thus it guards against either person committing injury to the other. This does not imply the commission of positive acts but rather the omission of negative acts. This negative aspect of also belongs to the task of commutative justice in its proper sense. "To decline from evil is an operation of justice."²³⁷ This will especially become important for our interpretation of the treatise on justice found in the *Secunda secundae*.

Distributive Justice

The second species of particular justice is distributive justice, i.e. the virtue which provides the just distribution of the common goods to individuals, "either honors, or money, or something else which pertains to external goods, or even to hardships, as labor, expenses and similar things."²³⁸ Given distributive justice's nature and goal, the question naturally arises: how is the equality it seeks to establish between the two involved parties realized? Are not the individual citizen and the custodian of the common goods (the prince, the government, etc.) quite unequal antagonists? Aquinas gives the following explanation:

²³⁵ "Philosophus loquitur de his virtutibus secundum quod sunt circa res humanas, puta iustitia circa emptiones et venditiones." (*ST* I-II 61.5 ad 1). Likewise see *ST* I-II 60.2 or *In sent.* II 27.3.

²³⁶ *In sent.* III 33.1.3B: "Constituitur aequalitas iustitiae inter aliquos, inquantum unus debet recipere ab alio propter hoc quod ille prius recipit ab isto: et ad hoc est iustitia commutativa. Et quia tantum debet secundum quantitatem aliquis ab altero recipere quantum ei tribuit, ideo in hac specie iustitiae salvatur medium secundum proportionem arithmetica, in qua salvatur eadem quantitas; sicut tria est medium inter quatuor et duo." Quite detailed also in *In ethic.* V 4.2-5.

An interesting confrontation of justice as a particular virtue in Aquinas and Aristotle is given in Bien, "Gerechtigkeit bei Aristoteles (V)," 145-154. Bien argues that according to Aristotle justice primarily works for the reparation of an inequality that has arisen; therefore he usually mentions reparative justice (*NE* V 8 1132b32); for Aquinas, however, justice rules principally interpersonal transactions; hence, he speaks of commutative justice (see esp. *ibid.*, 150-152).

²³⁷ *De veritate* 24.12 arg. 20 (affirmative): "Declinare a malo est operatio iustitiae."

Between other [parties] . . . equality can be constituted . . . insofar both receive something; and thereby distributive justice constitutes equality, which does not give both the equal in quantity, but in proportion, since it gives both as much as is due to them; and therefore the mean of distributive justice is according to a geometrical proportionability, in which the same proportion is safeguarded, but not the same quantity, as six is the mean between four and nine, since the same proportion in which six relates to four . . . nine has to six, although nine excels six in three, and six excels four in two.²³⁹

Hence, even in the case of distributive justice the involved parties stand on the same level. Since the one responsible for the common good distributes equally to every citizen, among the receivers of the due there is a necessary equality. It is important to remember, however, that the equality achieved by distributive justice is geometrical and proportional, and not quantitative. Thus, each receives according to his need and dignity.²⁴⁰ Despite this shift in the nature of the equality sought, even conditions (b) and (c) of justice (see above) are realized: the distribution of the due portion of the common goods is a strict debt which is owed to every member of the community, and it is achievable to its full amount.²⁴¹

Thus, if Aquinas speaks about “*iustitia proprie dicta*” or “*iustitia specialis*” he intends either commutative justice with its chief act being restitution,²⁴² or distributive justice which is measured according to a proportional mean.

²³⁸ *In ethic.* V 4.1: “Sive sit honor, sive sit pecunia, vel quicquid aliud ad bona exteriora pertinens, vel etiam ad mala; sicut labor, expensae et similia.”

²³⁹ *In sent.* III 33.1.3B: “Inter aliquos . . . potest constitui aequalitas . . . secundum quod utrisque aliquid reddendum est; et in hoc constituit ei aequalitatem iustitia distributiva, quae non dat aequale utrique secundum quantitatem, sed secundum proportionem, quia utrique dat quantum sibi debetur; et ideo medium in iustitia distributiva dicitur esse secundum proportionabilitatem geometricam, in qua salvatur eadem proportio, sed non eadem quantitas; sicut sex est medium inter quatuor et novem: quia in qua proportione se habet ad quatuor, scilicet in sesquialtera, in ipsa se habet novem ad ipsum; quamvis novem excedant sex in tribus, et sex quatuor in duobus.” For the distinction between the arithmetical and geometrical mean see also *In ethic.* V 5. Aquinas refers to distributive justice also in the context of divine justice; see for example *In sent.* IV 46.1.1A; *De div. nom.* 8.4; *ST I* 21.1.

²⁴⁰ *In ethic.* V 4.10: “Iustum consistit in quadam proportionalitate. Sic enim aliquid dicitur esse iustum in distributionibus in quantum unicuique datur secundum dignitatem, id est prout cuique dignum est dari, in quo designatur proportionalitas quaedam, ut scilicet ita hoc sit dignum uni sicut aliud est dignum alteri.”

²⁴¹ For a more detailed account, see Lippert, *Recht und Gerechtigkeit*, 85-87. A comprehensive justification of the attribution of distributive justice as a species of proper justice is given in Paul-Dominique Dognin, “La notion thomiste de justice face aux exigences modernes,” *Revue des Sciences Philosophiques et Théologiques* 45 (1961): 601-640; Paul-Dominique Dognin, “La justice particulière comporte-t-elle deux espèces? Commentaire de ‘Somme Théologique,’ II^a-II^{ae}, q. 61, a. 1,” *Revue Thomiste* 65 (1965): 398-425.

²⁴² The special connection of commutative justice and the act of restitution is explained well by Gilby in a footnote: “Restitution [involves] giving back something to its owner and/or making reparation for a loss or injury inflicted, so restoring the balance, *aequalitas*, of commutative justice. The putting right of other relationships, e.g., of charity, friendship, religion, or even of general justice and distributive justice is not directly a matter of restitution in the strict sense of the term, but of paying what is owed or of offering satisfaction or making a

4.5.2 The Potential Parts of Justice

In the foregoing section we mentioned three conditions for justice as a particular virtue in its proper sense. If a virtue is about external actions but fails to fulfill one of these conditions, Aquinas describes it as a potential part of justice. “Where . . . the adequation is not safeguarded to its full amount, but only somewhat, [the virtue] belongs to justice as a potential part insofar as it participates in it in some way.”²⁴³ The nearness of such a virtue to justice in its proper sense depends on the level of obligation to realize certain acts. Different kinds of obligation can arise either because of an inequality between the parties, or because of a special kind of previous interaction (e.g. debts arising from promises, or from gifts, etc.).²⁴⁴ Consequently, there are several possible potential parts of justice.

In his *Commentary on the Sentences* Aquinas classifies the potential parts of justice in three groups.

Potential Parts of the First Degree: Justice in Regard to Debts Which Cannot Be Repaid

Some virtues fall short of the notion of proper justice on account of the debt towards the other being too big for complete restitution ever to be given. Even supposing the best will of the debtor, there will always remain a certain inequality between the parties.²⁴⁵ Thus, these virtues employed in these types of exchanges fail to achieve the full notion of justice. Examples of such potential parts of justice include religion with respect to man’s relationship to God, and piety as ruling man’s attitude regarding his parents.

There are some virtues by which one renders to the other what is due by the necessity of law, but not completely, since it is impossible – as in honors which are due to God, what is the task of religion; and [in honors] which are to the parents and the homeland, what is due to piety.

proper apology. The obligation is no less, but is not rendered in terms of commutative justice as narrowly defined.” (Gilby, “Introduction,” 104-105, footnote a).

²⁴³ *In sent.* III 33.3.4A: “Ubi . . . adaequatio non secundum totum salvatur, sed secundum aliquid, reducitur ad iustitiam ut pars potentialis, aliquid de modo eius participans.” In *ST* I-II 60.3 ad 1 he explains: “Dicitur tamen et ampliatio nomine iustitiae, secundum quamcumque debiti redditionem.”

²⁴⁴ In *ST* I-II 60.3 Aquinas exemplifies the potential variety of debts. “Debitum non est unius rationis in omnibus, aliter enim debetur aliquid aequali, aliter superiori, aliter minori; et aliter ex pacto, vel ex promisso, vel ex beneficio suscepto. Et secundum has diversas rationes debiti, sumuntur diversae virtutes, puta religio est per quam redditur debitum deo; pietas est per quam redditur debitum parentibus vel patriae; gratia est per quam redditur debitum benefactoribus; et sic de aliis.”

²⁴⁵ Aquinas makes an interesting note regarding these cases: Though the potential parts of justice do not attain equality, they do not lose their character of virtue, presupposing one condition: “Laus virtutis in voluntate consistit, non autem in potestate. Et ideo deficere ab aequalitate, quae est medium iustitiae, propter defectum potestatis, non diminuit laudem virtutis, si non fuerit defectus ex parte voluntatis.” (*ST* II-II 81.6 ad 1).

Thus, these virtues fall short of justice and are potential parts of it, and are very close to justice.²⁴⁶

The kinship of these virtues to proper justice is determined by the following principle: the greater the difference between both parties or the greater the received benefit, the less the character of true justice is realized.²⁴⁷

Potential Parts of the Second Degree: Justice about Acts Which Better Preserve the Order of Virtue

Another way to fall short of the full notion of justice is the less strict obligation to achieve a certain deed. As seen in section 4.3.2 above Aquinas distinguishes between acts that are absolutely required for the agent's virtuousness (the strict moral due and the legal due) and acts which are recommended *propter melius* (the moral due of friends). Thus, gratitude for received gifts is the fitting response towards one's benefactor; it supports conviviality and develops one's own honesty. Such a response of gratitude, however, is not determined or required by written laws. The fulfillment of those acts depends on the agent himself, and is thus matter of the *debitum morale* in its less strict sense.

In the *Commentary on the Sentences* (and only there) Aquinas distinguishes two kinds of this less strict obligation:

There are some [virtues] by which what is rendered to the other is not due from legal necessity but from a certain honesty, e.g. as the philosopher says in *Ethics* 8, gratitude which is a retribution for benefits, and according to Tullius, mercy and things like this: and these virtues are somewhat more distant from true justice.²⁴⁸

²⁴⁶ *In sent.* III 33.3.4A: "Sunt autem quaedam virtutes quibus redditur alteri quod debetur ex necessitate legis, non tamen tantum, quia impossibile est; sicut in honore qui est ad deum, quod facit religio; et qui ad parentes et ad patriam, quod facit pietas. Unde istae virtutes deficiunt quidem a iustitia, et sunt partes eius potenciales, et propinquissime se habent ad ipsam." And later on, in the same article: "Religio autem quae est ad deum, et pietas quae est ad parentes et coniunctos sanguine vel patria, sunt partes potenciales, sed propinquae: quia reddunt quod debent, et ex obligatione legis, sed non quantum; quia impossibile est."

²⁴⁷ "Je höher jener steht, dem man etwas schuldet, und je unerschwinglicher das Gut ist, das man ihm verdankt, desto mehr nimmt die Möglichkeit vollendeten Gerechtheits im Schuldner ab, d.h. desto weniger wird der Schuldner befähigt sein, einen vollständigen Ausgleich zu schaffen." (Utz, "Kommentar," 580).

²⁴⁸ *In sent.* III 33.3.4A: "Quaedam vero sunt quibus redditur alteri quod debetur non ex necessitate legis, sed quadam honestate, sicut philosophus dicit in 8 ethic.: sicut gratia quae est retributio beneficiorum, secundum tullium, misericordia, et huiusmodi: et hae virtutes aliquantulum magis distant a vera iustitia."

As examples of these potential parts of justice Aquinas mentions memory and reciprocity for received benefits, i.e. gratitude, truthfulness, and honesty in speech and deeds.²⁴⁹ Although it is possible to render full retribution in the cases of these virtues, their corresponding acts are more distant from proper justice because of the lack of strict obligation. They comprise the second degree of the potential parts of justice. And since these virtues are not strictly necessary for the preservation of the human city, but rather embellish civil life, scholars fittingly have called them “virtues of civility.”²⁵⁰

Even more distant from proper justice are those external acts which are performed freely and spontaneously without any previously received gift. “There are some virtues whose principal object is ordered to the other, but not by the notion of due, e.g. liberality, and these [virtues] are even more distant from true justice.”²⁵¹ With proper justice they have in common only their direction *ad alterum*. Consequently their mean is determined by external standards, and in this way they bear a remote resemblance to justice though they lack any kind of obligation.

4.5.3 Legal Justice as a General Virtue

Up till now we have considered justice as a virtue which rules man’s external actions with respect to another. The goal of the virtue is to give everyone his due. Because of various degrees of due there are several justice-like virtues, but all share in common the ordering of man with respect to another individual. However, human acts might also be immediately directed to the common good.²⁵² And this includes not only the readiness of the citizen to pay justly his commanded taxes,²⁵³ but all actions that may serve the preservation of the common good. Consequently all deeds insofar as they are prescribed by law fall generally into the category of justice, of general justice which perfects man in regard to the common good.

²⁴⁹ “Gratia autem et veritas reddunt quod debent ex quadam honestate, qua fit ut homo gratiam beneficio impendat (quamvis non possit ad id in iudicio cogi), et quod talem se in dictis et factis exhibeat qualis est, quod ad veritatem pertinet: de qua philosophus etiam determinat in 4 ethic. Est enim gratia in qua amicitiarum et obsequiorum alterius memoria, et remunerandi voluntas continentur.” (*In sent.* III 33.3.4A).

²⁵⁰ Cessario, *The Virtues, or the Examined Life*, 147-148; Labourdette speaks of “vertus de civilité” (Labourdette, *La justice (IIa-IIae, 80-120)*, 430).

²⁵¹ *In sent.* III 33.3.4A: “Quaedam autem virtutes sunt quibus hoc circa quod principaliter est virtus, ordinatur ad alterum, non tamen secundum rationem debiti, sicut liberalitas; et hae adhuc magis distant a vera iustitia.”

²⁵² Since the good of the whole is more than the sum of all particular goods, consequently a special virtue is required; see *ST* II-II 58.7 ad 2; for a discussion see Guy de Broglie, “‘Justice social’ et ‘Bien commun’,” *Doctor Communis* 25 (1972): 279-288.

²⁵³ Ultimately Aquinas attributes the readiness to pay taxes to piety towards the leader of the community (see especially *De duo. prae.* 6).

Aquinas sometimes calls this justice *legal justice*, sometimes even *general justice*. Laws are given for the sake of the common good,²⁵⁴ and in fact they are only true laws if they promote the common good.²⁵⁵ Consequently, the corresponding virtue, by which the citizen is enabled to act according to the law, is called *iustitia legalis*. “What we do according to the law, we do justly.”²⁵⁶ Sometimes he refers to the same virtue as general justice insofar it commands – by itself working for the common good – the acts of all other virtues for its own end.

Justice which intends the common good is different from justice which is ordered to the private good of another. . . . Justice which orders man to the common good is general by command, since it orders all acts of [all] virtues to its end, namely to the common good. A virtue, however, when commanded by such justice, adopts also the name of justice. And in this way the virtue does not differ from legal justice except by reason, as the virtue, which acts by itself, and the virtue, which acts by the command of another, differ only by reason.²⁵⁷

Hence, strictly speaking Aquinas does not assert that legal justice directs the other virtues as virtues to the common good. Each particular virtue remains determined by its proper object and its specific end, but legal justice can command the acts of all virtues for its own proper end, i.e. the common good. Or to be even more precise, legal justice directs the external operations of the various acts to its own end. But in spite of this universal character of general justice, it is by itself a true and particular species of justice, specified by its proper object, the common good.²⁵⁸

At the beginning of chapter 4 we mentioned the distinction between the proper matter of each moral virtue and its possible resulting external acts. Even the affective virtues can cause

²⁵⁴ Cf. *ST* I-II 90.2.

²⁵⁵ Cf. *ST* I-II 96.4.

²⁵⁶ *ST* I 21.1 ad 2: “Quod secundum legem facimus, iuste facimus.” Legal justice might be also understood as “obedientia legis” (cf. Hyacinthus M. Hering, *De iustitia legali* (Fribourg: Typis Consociationis Sancti Pauli, 1944), 56-61).

²⁵⁷ *ST* I-II 60.3 ad 2: “Iustitia quae intendit bonum commune, est alia virtus a iustitia quae ordinatur ad bonum privatum alicuius. . . . Iustitia ordinans hominem ad bonum commune, est generalis per imperium, quia omnes actus virtutum ordinat ad finem suum, scilicet ad bonum commune. Virtus autem secundum quod a tali iustitia imperatur, etiam iustitiae nomen accipit. Et sic virtus a iustitia legali non differt nisi ratione, sicut sola ratione differt virtus operans secundum seipsam, et virtus operans ad imperium alterius.” Gemmel distinguishes between an *immediate legal justice* (*iustitia legalis essentialis*) and a *mediate legal justice* (*iustitia legalis generalis*); the former stands for elicited acts of legal justice for the common good, the other for commanded acts of other virtues (Gemmel, “Die ‘iustitia’ in der Lehre des hl. Thomas,” 217-220).

²⁵⁸ “La justice légale est une vraie justice, sans aucun recours à la métaphore . . . elle fait face à un droit objectif, celui de la communauté, dont l’exigence n’est pas moins rigoureuse que celle des droits personnels les plus évidents. C’est dire aussi qu’elle peut et doit s’ajuster à ce droit ‘ad aequalitatem’.” (Labourdette, *La justice (IIa-IIae, 57-79)*, 47). Labourdette notes a certain development in Aquinas’s thought on that score (to speak of an inconsistency would be too strong). Whereas *In sent.* and *De veritate* simply identifies legal justice with all virtues (cf. *In sent.* III 9.1.1B; 33.1.1C ad 3; 33.3.3A; *De veritate* 28.1), the later works as *In ethic.* and *ST* describe legal justice as a special virtue (cf. *In ethic.* V 2; *ST* I-II 60.3 ad 2; II-II 58.5-6).

exterior acts,²⁵⁹ and these external acts – of themselves pertaining to other virtues – can be directed by general justice towards the preservation of the common good.

Some [virtues] order to the other that about which a virtue is, not principally but secondarily; for example when fortitude orders the external act which is only its secondary concern, towards the other as the good of gratitude, and in this way it in some way adopts the form of justice; and in this way each virtue can be traced back to justice; and therefore legal justice is identical with every virtue.²⁶⁰

Let us not forget that this account of legal justice fits exactly with our description in section 2.3 of justice as a proper virtue of man as a citizen, who always acts for the sake of the common good, not only with respect to the proper matter of particular justice but also with respect to his affective virtues, at least regarding their external effects.

4.5.4 Justice in a Metaphorical Sense

Hitherto, the various meanings of justice were determined either by different kinds of debts (proper justice and its potential parts) or by its relationship to another individual or to the common good (legal justice). Despite all differences, these forms of justice have in common that they dispose man in regard to operations *ad alterum*, which foster a frictionless and harmonious living together in community.

However, in the final paragraph of Book V of the *Nicomachean Ethics*, Aristotle raises the question whether there is also justice in regard to the agent himself. The problem comes up in the context of his evaluation of suicide. Though Aristotle gives a negative answer to the question – since no one can simultaneously cause and suffer injustice; thus, suicide is not against justice in its proper sense – he introduces in this context the idea of metaphorical justice, understood as the right order of various human powers within the same individual. If

²⁵⁹ See *ST* I-II 60.2.

²⁶⁰ *In sent.* III 33.3.4A: “Quaedam [virtutes] vero hoc, circa quod est virtus, non principaliter, sed secundario, ordinant ad alterum; sicut quando fortitudo actum exteriorem, circa quem secundario est, ordinat ad alterum ut ad bonum gratiae, et sic induit quodammodo formam iustitiae; et sic omnis virtus potest reduci ad iustitiam; unde iustitia legalis est idem quod omnis virtus.” And some paragraphs later: “Divisio philosophi complectitur omnia ad quae vera iustitia habet se extendere; et ideo ponit iustitiam . . . legalem, quae ordinat ad alterum etiam circa id quod non principaliter est virtus [iustitiae], si illud sit ordinatum a lege.” (*In sent.* III 33.3.4E). See also *In sent.* IV 15.1.1B ad 2: “Quamvis iustitia sit principaliter circa operationes, tamen etiam ex consequenti est circa passiones, inquantum sunt operationum causae.”

the sensitive appetite is formed and ruled by reason, if both principles are to cooperate in harmony, then it is possible to describe this relationship in an analogous sense as right and just.

In regard to the passions, however, . . . there is nothing of the mode of justice, since by passions man is not immediately ordered to something else except to himself; nonetheless by a certain similarity there is a certain form of justice, insofar as various powers are considered as various persons; thus, in this way there is a metaphorical justice.²⁶¹

4.6 Summary: Justice as Chief-Virtue *ad alterum*. But What About Charity?

In this chapter we have investigated the general meaning of justice in Aquinas's work. We started with a description of its general structure as an objective determinable virtue about external operations (section 4.1), and then we distinguished the different ways the just act, as a *opus adaequatum alteri*, might be determined (section 4.2), wherefrom the obligation arises to render each one his due (section 4.3). Next, we devoted a special section to examining justice as a moral virtue, that is as a disposition of the human will to be inclined from within towards just actions (section 4.4). And last but not least, we listed the multiple meanings of the term justice found in Aquinas's writings (section 4.5).

Hence, it became clear that St. Thomas portrays justice as the chief moral virtue to perfect the agent in his relations *ad alterum*, both with respect to the other as individual and to the common good. These findings, however, have important consequences for our project of reconstructing justice as an infused virtue. By definition, infused virtues can be possessed only in the state of grace, i.e. by an agent who also has charity and whose relationship to God and neighbor is formed by supernatural love. But what place does charity hold within a moral doctrine that ascribes to justice the general function of ruling all interpersonal actions? Or conversely, what is the proper place of justice within the reign of charity?

Hence, before we examine the specific meaning of justice as an infused virtue, we must first determine the general relationship between justice and love. Though the two virtues are very

²⁶¹ *In sent.* III 33.3.4A: "Quantum ad passiones autem, circa quas principaliter sunt illae virtutes, nihil possunt habere de modo iustitiae, eo quod per passiones immediate homo non ordinatur nisi ad seipsum; tamen per quamdam similitudinem est ibi quaedam forma iustitiae, secundum quod diversae vires computantur ut diversae personae; unde sic est iustitia metaphorica." Cf. also *ST* I-II 100.2 ad 2; II-II 58.2; *In ethic.* V 17.16.

different in important respects, each is concerned with governing and perfecting interpersonal actions.

5. Charity and Justice

In the previous chapter we examined the general features of justice in Aquinas's writings. Before we try to reconstruct the concept of infused justice in chapter 6 and verify this account by reading through the *Secunda secundae* in chapter 7, we must first compare charity and justice as two virtues concerned with operations *ad alterum*. This investigation is of special importance since infused justice works by definition under the reign of charity. Hence, if someone has infused justice he has necessarily charity prior to it ("prior" not necessarily in a temporal but in the logical sense). The issue is somewhat tricky. In the case of prudence, fortitude, and temperance the need for additional infused virtues is much more evident. Each human power (practical intellect, will, irascible and concupiscent appetites) has to be perfected in regard to the new final end constituted by charity. But charity resides in the human will, as does justice. Hence, if the will of the graced person is yet perfected by charity, by which the agent loves God as well as all of his neighbors, whereto a reduplicative second virtue called justice? Wouldn't it be more reasonable to argue for a replacement of justice by charity?

Thus, determining the exact relation of charity and justice turns out to be highly important for our research.

In fact, the relationship between justice and charity is a much disputed issue among scholars. Different theologians have suggested all possible kinds of relationship, from simple identification downwards to contradictory opposition.¹

As an example of a total equation we can refer to Fletcher, who claims: "*Love and justice are the same, for justice is love distributed, nothing else.*"² And again more succinctly: "Love is justice, justice is love."³ Fletcher identifies justice and love since he interprets the former as distributive justice. Every agent is confronted by more than one neighbor and has to consider their various needs. Hence "each of the claimants must be heard in relation to the others,"⁴ without "selective blindness."⁵ In this way justice turns out to be nothing else than "the

¹ For an elaborate overview about different theories regarding relationships of charity and justice, see Gene Outka, *Agape. An Ethical Analysis* (New Haven - London: Yale University Press, 1972), 75-92.

² Joseph Fletcher, *Situation Ethics: The New Morality*, 4 ed. (London: SCM Press LTD, 1976), 87. Fletcher substantiates his position in the chapter *Love and Justice are the same* (87-102).

³ *Ibid.*, 89.

⁴ *Ibid.*, 90.

⁵ *Ibid.*

many-sidedness of love.”⁶ Fletcher concludes that “justice is love coping with situations where distribution is called for.”⁷

A. Nygren defends exactly the opposite position: justice and Christian love are mutually exclusive. “Where spontaneous love and generosity are found, the order of justice is obsolete and invalidated.”⁸ According to Nygren, charity’s principal character consists in being “unmotivated” love. This means it establishes fellowship between two persons for no other reason except out of love itself. On the contrary, justice is essentially connected with the idea of worthiness, merit, and obligation, and therefore it is inapplicable to an interpersonal relationship formed by true love.⁹ Therefore, charity as free and unselfish love for God and neighbor is only possible if justice and its obligation are overcome.¹⁰ Quite similar is the teaching of Rawls, who claims: “Among an association of saints . . . the disputes about justice could hardly occur; for they would all work selflessly together for one end, the glory of God as defined by their common religion, and reference to this end would settle every question of right.”¹¹

More often charity and justice are not directly opposed but rather distinguished. R. Niebhur, for example, argues for the continued existence of justice under the reign of charity. His reasoning is simple: even virtuous agents retain a certain amount of self-interest. Thus, it is the purpose of justice to tackle the legitimate claims of self and reach an equilibrium relating to the other.

The effort to substitute the law of love for the spirit of justice . . . is derived from the failure to measure the power and persistence of self-interest. It is because self-interest is not easily overcome in even the life of the ‘redeemed’ that most of the harmonies of life are not the

⁶ Ibid., 89.

⁷ Ibid., 95. Likewise A. Buchanan holds the distinction between charity and justice for redundant; see Buchanan, “Justice and Charity,” 558-575.

⁸ Anders Nygren, *Agape and Eros* (London: Westminster Press, 1953), 90. And further: “To those who still wish to maintain the legal order, goodness itself becomes a cause for offence.” (Ibid.).

⁹ “The point is directed against the thought of worthiness and merit, against every attempt to regulate fellowship with God by the principle of justice.” (Ibid., 86). And further: “The principle of justice itself is [to be] eliminated as inapplicable to the religious relationship.” (Ibid., 89).

¹⁰ “Man can live for God in the deepest sense only when he is absolutely free from the rule of the law.” (Ibid., 728); and elsewhere: “To those who still wish to maintain the legal order, goodness itself becomes a cause for offence.” (Ibid., 90).

¹¹ John Rawls, “Justice as Fairness,” in *Collected Papers*, ed. John Rawls (Cambridge, MA: Harvard University Press, 1999), 56-57. And Rawls continues: “The justice of practices does not come up until there are several different parties (whether we think of these as individuals, associations, or nations and so on, is irrelevant) who do press their claims on one another, and who do regard themselves as representatives of interests which deserve to be considered.”

perfect harmonies of fully co-ordinated wills but the tolerable harmonies of balanced interests and mutually recognized claims.¹²

According to Niebhuur it is due to justice to provide the right balance between various claims, inclusive of one's own.¹³ On the other hand, there is need for a certain counterweight against justice, namely love understood as inclination for the good of the other, for otherwise self-interest would get out of control. Hence, Niebhuur asserts: "In so far as justice admits the claims of the self, it is something less than love. Yet it cannot exist without love and remain justice. For without the 'grace' of love, justice always degenerates into something less than justice."¹⁴ In short, justice is understood as the legitimate provision of one's own good, whereas love – the better part – is other-centered. The necessary coexistence of both virtues is rather a result of the imperfection of the present life than the proper ideal.

A different relationship is suggested by Kiesling. In reference to St. Thomas, he argues that charity does not imply a particular virtue but rather a special mode of acting. "In line with Thomas, we can say that charity does not designate an act so much as an aspect of an act, the act precisely as it promotes the welfare of the loved one in God."¹⁵ Thus, charity may be combined with justice in the following manner: "Justice designates an aspect of an act toward neighbor; another aspect of that act precisely as Christian is its quality of love."¹⁶ The content of an action is determined by justice, its form stems from charity. "Justice gives structure, or shape, to love."¹⁷ Thus, in the graced agent justice and charity work for the same acts.¹⁸

This short overview shows that the relationship between charity and justice is all but clear. We shall proceed in the present chapter as follows. Aquinas understands charity as friendship. Thus, we will investigate in a first step the relationship between justice and friendship in general (section 5.1). Subsequently, we will apply these results to supernatural friendship, i.e. to charity. It will become clear that Aquinas distinguishes between many kinds of friendship that are co-considered by charity and its relative justice (section 5.2). Thus, compared with the infused affective virtues, justice is indeed a special case. The reasons for this particularity are

¹² Reinhold Niebuhr, *Love and Justice. Selections from the Shorter Writings of Reinhold Niebuhr*, ed. D.B. Robertson (Philadelphia: Westminster John Knox Press, 1992), 25-26.

¹³ "Justice requires that the interests of the self be entertained. It also requires that they be resisted." (Ibid., 28).

¹⁴ Ibid.

¹⁵ Kiesling, "Social Justice," 237.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ "As directed toward neighbor, Christian love is fundamentally willing and doing what is just to him or here. Even as directed to God, that love is realized in rendering the worship due to God. Although we can describe Christian life as consisting in love of God and neighbor, we can also describe it as doing justice to God and neighbor in love for them." (Ibid.).

outlined in section 5.3. A further section will clarify the cooperation of charity and justice in the concrete act (section 5.4). Finally, in a concluding section (5.5) we will sketch out the basic lines for a reconstruction of infused justice, which will be the topic of chapter 6.

5.1 Justice and Friendship: *ad aequalitatem* – *ex aequalitate*

We begin by examining the different structures of justice and charity, or to be more precise, of justice and friendship. Given this early stage of our argument, we may put aside for a moment the question of whether love works for a supernatural end or not, and whether love is charity or any other kind of friendship. Likewise, we will not take justice in its specific sense of a virtue between two men as equal citizens, but more generally as rendering everyone their due, to the fellow-citizen as well as to one's parents, or benefactors, etc. We will focus on the reverse orientation of justice and friendship in general insofar as both are concerned with external acts regarding another person, but in each case from a different point of view.¹⁹

Let us consider three exemplary interpersonal actions: paying the monthly rent to one's landlord, caring for one's parents, and giving a birthday present to a friend. The first is an act of commutative justice, the second an act of piety as a potential part of justice, and the last act of friendship. All three deeds share a common character. In some way or other they work for the good of the other; the rent, the generous care, and the gift all promote the another's wellbeing. Still, there are things that distinguish the three acts. For instance, the starting position of the first two cases differs from that of the third. The just act aims for the attainment of equality between two agents, for it either overcomes a certain debt or it avoids creating a debt. The tenant pays the due rent for a prior received service (the apartment), and the adult son cares for his parents as compensation (as far as possible)²⁰ for the countless benefits he has received from them. In both cases a certain indebtedness to the other is the act's point of departure, and further this same indebtedness provides the very reason for the act pursued as an act of justice. The same would be true if the acts possessed a negative character, as in non-malevolent acts that seek to avoid indebtedness.

¹⁹ For a general outline of Aquinas's understanding of friendship, see for example Gallagher, "Person and Ethics," 55-62.

²⁰ As seen in section 4.5, in regard to one's parents there remains always certain indebtedness.

Things are different, however, in the case of friendship. Here, the starting situation is not an unequal relationship, nor an imminent inequality, that would result in some obligation. Rather, friendship presupposes already freedom from any debt. Gifts are exchanged between friends neither for paying debts nor for avoiding inequality. If a present were given under such circumstances, it wouldn't be an act of friendship but rather an act of justice. The exchanging of gifts presupposes a relationship of "not-mutual-obligation," of "not-debt" which allows the bestowal of a good beyond the requirements of justice. It is according to this line of thinking that Aquinas differentiates the structures of just acts and amicable acts. They differ, he teaches, in their relations to equality as understood as freedom from any debt: "It pertains to friendship to use an equality already established in any way, but it pertains to justice to reduce unequal things to equality. When equality exists the work of justice is done. For that reason equality is the goal of justice and the starting point of friendship."²¹ Or put in another way, by justice the agent pays back to the other what actually belongs to the other, what is of the other in the strict sense – the rent, gratitude for received benefits, etc. By friendship the agent gives to the other what belongs actually to himself, what is his, what he can give freely and gratuitously as a gift.

The Common Motivation for Just and Amicable Actions

In the previous chapter we investigated the motivational structure of the just act (section 4.3), which is based on the recognition that something is due to the other, to whom I am connected by the common life in the human society. Thus, though justice considers the other as other, it does not imply disconnectedness. The "other" is not an object of disinterest.²² The reference to the otherness serves only as criterion for determining what is due to him since it is his own, whereas the negation of bestowing to the other what is mine is no matter of justice.

According to Aquinas, friendship follows principally the same motivational direction as justice; it seeks the good of the other because of certain union that binds the agent of recipient.

²¹ *In ethic.* VIII 7.8: "Ad amicitiam pertinet aequalitate iam constituta ea aliquantulum uti; sed ad iustitiam pertinet inaequalia ad aequalitatem reducere. Aequalitate autem existente cessat iustitiae opus. Et ideo aequalitas est ultimum in iustitia, sed primum in amicitia." About this reverse direction of justice and friendship, see Alexander Horváth, *Eigentumsrecht nach dem hl. Thomas von Aquin* (Graz: Ullr. Moser's Verlag, 1929), 46.

We should annotate that for the negative part of justice – its character of being non-maleficent – equality is the starting point (as in the case of friendship). However, the intentional structure is further on the preservation of equality.

²² On that score the interpretation of justice as virtue "ad alterum" is often incorrect. For example Brachthäuser argues that "die Gerechtigkeit den anderen als solchen, d.h. als einen vollkommenen fremden Menschen betrachtet, sein Gut als ein fremdes Gut." (Brachthäuser, *Gemeingut- oder Gesetzesgerechtigkeit*, 53). Brachthäuser continues that only love seeks the good of the other whereas justice intends to avoid any personal involvement (ibid., 53-54). This, however, certainly does not correspond to Aquinas's understanding of justice.

In the article where Aquinas asks whether the act of love is identical with benevolence, he argues that friendship includes an affective unity between lover and beloved: “Love . . . implies a certain union of affections between the lover and the beloved, in as much as the lover judges the beloved as somewhat united to him, or belonging to him, and so tends towards him.”²³ This unity in which one considers the other as “second self” provides the motivation for acts of friendship, not in a sense of an extended egoism but as seeking the good of the other as one’s own good.²⁴

Hence, justice as well as friendship seeks the good of the other. As such, they are not opposed habits; they work into the same direction. “Justice and friendship are about the same things.”²⁵ Nonetheless they differ not only in their different relation to equality (*ad aequalitatem* – *ex aequalitate*), but they also look upon the other from different perspectives. Justice regards the other as other and gives him what he deserves on his own account. Friendship, however, regards the other as oneself and gives to him what is mine beyond that which is due to him. “Justice orders a person to someone else, insofar he is made equal to the other in regard to things with which justice is concerned. But charity orders a person to someone else by uniting him to the other in affection.”²⁶

Justice as “Foundation” and Integral Part of Friendship

The different perspectives of justice and friendship may suggest two rival options. The relationship between two agents may be marked either by friendship or by justice. The stronger one is, the weaker the other; the greater the friendship, the less important is justice. Actually, Aristotle asserts in the *Nicomachean Ethics* something similar: “Where there is

²³ *ST* II-II 27.2: “Amor . . . importat enim quandam unionem secundum affectus amantis ad amatum, in quantum scilicet amans aestimat amatum quodammodo ut unum sibi, vel ad se pertinens, et sic movetur in ipsum.”

²⁴ See Christopher Toner, “Was Aquinas an Egoist?,” *The Thomist* 71 (2007): 577-608; Gallagher, “Desire for Beatitude . . .” 1-47; Gallagher, “Thomas Aquinas on Self-Love . . .” 23-44

²⁵ *In ethic.* VIII 9.2: “Circa eadem est iustitia et amicitia.” And later: “Quod autem simul augetur amicitia et iustum, procedit ex hoc, quod in eisdem existunt, et utrumque pertinet ad quamdam aequalitatem communicationis.” (*In ethic.* VIII 9.8; likewise in VIII 11.1).

²⁶ *In sent.* III 29.1 ad 4: “Iustitia vero ordinat ad alium, secundum quod aequatur ei quantum ad res circa quas est iustitia; sed caritas ordinat ad alium secundum quod unit per affectum quantum ad ipsum.” Pinckaers annotates rightly: “Justice, even when simply human, works towards the same goal as charity, but the latter carries us farther.” (Pinckaers, *The Pursuit of Happiness*, 103). Similar in Reginald Garrigou-Lagrange, *Reality: A Synthesis of Thomistic Thought* (St. Louis, MO: B. Herder Book, 1950), 332-333: “Justice, further, though it is the instrument of charity, differs from it notably. Justice gives to each fellow man his right and due. Charity gives each not only his rights, but the privileges of a child of God and a brother of Jesus Christ. Justice, says St. Thomas, looks on our neighbor as another person with his own personal rights, whereas charity looks on him as another self.”

friendship, justice is no longer necessary.”²⁷ But what does he mean by this statement? As usual, St. Thomas accepts Aristotle’s statement,²⁸ but adds, that justice “conserves and repairs friendship.”²⁹ Thus, to Aquinas’s mind, friendship does not simply substitute for justice. He drives this point home in his *Commentary on the Sentences* when he says: “Mercy [as act of friendship] which abandons justice has to be named rather foolishness than virtue.”³⁰ Hence, there is for St. Thomas a mutual connection of between friendship and justice. But of what kind?

We can reconstruct his position from his discussion of liberality as an expression of friendship, which is likewise described as potential part of justice. St. Thomas explains:

The act of liberality needs to be founded on an act of justice [*fundetur super actum iustitiae*], for a man is not liberal in giving unless he gives of his own . . . Hence there could be no liberality apart from justice which discerns between *suum* and *non-suum*. Justice, however, can be without liberality. Hence, justice is simply greater than liberality as being more universal and as being its foundation [*fundamentum ipsius*], while liberality is greater relatively since it is an ornament and an addition to justice.³¹

This quotation makes clear that friendship never abandons justice. Both work in the same direction whereby the act of friendship (here: liberality) somehow presupposes the act of justice as its integral part, as foundation. And the converse is also true: justice remains contained within friendship. To bestow a gift on someone presupposes the rendering to the other his due. In this way, friendship has to contain justice as essential element. Pinckaers notes: “If the virtue of justice is understood as the generous and spontaneous will to render to each his due, and is thus oriented to the other, it finds a place within the concept of love. It is . . . the very foundation of this virtue.”³² Before one bestows gifts to a friend, one has to pay

²⁷ NE VIII 1 1155a26. To the following see: Daniel Schwartz-Porzecanski, “Friendship and the Circumstances of Justice according to Aquinas,” *The Review of Politics* 66 (2004): 41-47.

²⁸ See *In ethic.* VIII 1.6: “Si aliqui sint amici, in nullo indigerent iustitia proprie dicta, quia haberent omnia quasi communia, cum amicus sit alter ipse; non est autem iustitia ad seipsum. Sed si sint iusti, nihilominus indigent amicitia adinvicem.”

²⁹ *In ethic.* VIII 1.6: “Illud quod est maxime iustum videtur esse conservativum et reparativum amicitiae.” And to the ninth book he comments: “In amicitia aequalium manifestum est, quod amicitia conservatur per hoc quod aequivalens redditur.” (*In ethic.* IX 1.2).

³⁰ *In sent.* III 1.1.2 ad 4: “Misericordia enim quae iustitiam tollit, magis stultitia quam virtus dici debet.”

³¹ *ST I-II* 66.4 ad 1: “Actus liberalitatis oportet quod fundetur super actum iustitiae, non enim esset liberalis datio, si non de proprio daret. . . . Unde liberalitas sine iustitia esse non posset, quae secernit suum a non suo. Iustitia autem potest esse sine liberalitate. Unde iustitia simpliciter est maior liberalitate, tanquam communior, et fundamentum ipsius, liberalitas autem est secundum quid maior, cum sit quidam ornatus iustitiae, et complementum eius.” See also *ST II-II* 58.12 ad 1.

³² Pinckaers, *The Pursuit of Happiness*, 102. Interesting on that score is also the article Stephen J. Pope, “The Convergence of Forgiveness and Justice: Lessons from El Salvador,” *Theological Studies* 64 (2003): 812-835; Pope portrays various possible ways to relate justice and forgiveness (as a sign of friendship), namely (a)

to him his due; not by the title of friendship, not as a gift, but as something that belongs to the other in terms of justice, quasi disregarding the mutual union of friendship. Aquinas argues the point thusly: “One has to pay what is due before conferring gratuitous gifts.”³³ And again: “A man should first give back the borrowed before making a present to a friend.”³⁴ Furthermore, he states: “Prior is to realize what justice requires than what arises from piety.”³⁵ Following St. Thomas’s argument, it becomes clear that to render something as gift what is due to the other as his right would be *unjust*. From this perspective justice appears more basic than friendship. It is the “hard nucleus” of every sound interpersonal relation. Even if an act of friendship is by itself more perfect and delightful, it may never ignore the more basic level of justice. Friendship may be called the “ideal level” of human relations, but it is based on the “minimum level” of justice.³⁶ In the words of P. Kreeft, justice “is only a minimum, not a maximum; it is only a beginning, not the end, the foundation not the house.”³⁷ Justice is therefore an integral part of friendship.³⁸

Thus, the relationship between justice and friendship is an asymmetric one. Justice might be without special acts of friendship, but never vice versa.³⁹

At this point we want to refer once again to the doctrine of the right mean of justice as *medium rei* in order to clarify the present issue. As seen in section 4.1, the right mean of justice is determined in view of the object itself which is due to the other. It is between two extremes, it is missed by giving too much or too little. So far, this is the definition we reached in the prior chapter. However, justice is not only a special case because its mean is a *medium rei*. What’s more, in contrast to the other virtues, the excess of the just mean does not imply

forgiveness renounces justice, (b) justice must trump forgiveness, and (c) forgiveness retains justice (ibid., 817-826).

³³ ST II-II 31.3 arg. 3 (affirmative): “Prius sunt debita restituenda quam gratuita beneficia impendenda.” See *In ethic.* IX 2.5: “Quod debitum sit reddendum magis quam gratis dandum, est universaliter observandum.”

³⁴ *In ethic.* IX 2.3: “Magis debet reddi mutuum quam gratis dari amico.”

³⁵ *Super Mt.* X 1: “Primo fieri debet quod iustitia exigit, quam quod ex misericordia provenit.”

³⁶ See the chapter *Amicizia e giustizia* in Michael Konrad, *Dalla felicità all'amicizia. Percorso di etica filosofica* (Rome: Lateran University Press, 2007), 228-231, here 230: “livello minimale . . . livello ideale.” Similar Gilleman who states: Justice “assures the minimum of charitable relations necessary to safeguard further progress in love,” (Gilleman, *The Primacy of Charity*, 334).

³⁷ Peter Kreeft, “Christ’s Concept of Happiness vs The World’s,” http://www.peterkreeft.com/audio/06_happiness.htm (accessed March 15, 2010).

³⁸ The account of Aquinas concords with the position which Outka who argues: “Charity exceeds but never abrogates what justice requires.” (Outka, *Agape* ... 80). And further: “Love has justice as its ‘pre-condition,’ love can never neglect justice and loving actions are never performed at the expense of justice but only ‘beyond and through’ it.” (Ibid., 81). In the same way the Synod of Bishops has expressed the relationship between justice and love: “Christian love of neighbour and justice cannot be separated. For love implies an absolute demand for justice, namely a recognition of the dignity and rights of one’s neighbor. Justice attains its inner fullness only in love.” Synod of Bishops, “Justice in the World,” in *The Gospel of Peace and Justice: Catholic Social Teaching Since Pope John*, ed. Joseph Gremillion (New York: Orbis Books, 1976), 520.

³⁹ This is not to say that justice is possible without any kind of friendship.

principally an evil character. Justice is not the mean between two vices. As notes MacIntyre, injustice is a “single-minded vice.”⁴⁰ Only its defect – paying less – is considered a vice, whereas its excess – giving more or retaining less than is due to the other depending on the circumstances – is not an evil act though it exceeds the proper mean of justice.

Justice is a mean between too much and too little, but it is not a mean between two vices as the other virtues, as is said in *Ethics* V. But that someone is excessive in taking or keeping beyond the obligation of justice is a kind of malice and pertains to avarice; however that someone have less than is his due i.e. has too little, is not to do what is unjust.⁴¹

From this perspective the interface of justice and friendship becomes yet clearer. The act of friendship does not realize the proper object of justice, nor does it attain the right mean of what is due to the other since it gives beyond the right mean of justice. Still, the perfection of justice is not destroyed thereby, but rather perfected. Thus it becomes clear how the obligation to render the other's due is prior to the act of friendship but simultaneously “contained” in friendship. The latter is not something wholly alien to the act of justice. The “excess” of the friendly act passes through the *medium*, i.e. the object of justice, which is the “*fundamentum ipsius*.”⁴² We can apply here Aquinas's axiom “the lesser is included in the greater.”⁴³ The bestowal of proper signs of friendship – the greater – implies principally the willing achievement of justice – the lesser. “The lesser is understood to be contained in that what is greater, but not conversely; whoever obliges himself to give something little is not considered guilty if he gives more.”⁴⁴

⁴⁰ MacIntyre, *Whose Justice? Which Rationality?*, 204.

⁴¹ *De malo* 13.1 ad 4: “Iustitia enim medium quid est inter superfluum et diminutum; sed non est medium inter duas malitias, sicut aliae virtutes, ut dicitur in V ethic. Sed quod aliquid superabundet in accipiendo vel retinendo ultra debitum iustitiae, malitia quaedam est, et ad avaritiam pertinet. Quod autem aliquis minus habeat quam sibi debeatur, hoc non est iniustum facere.” For the same argument see also *In sent.* III 33.1.3A ad 5 and *In ethic.* V 10.2.

⁴² *ST I-II* 66.4 ad 1; see footnote 31.

⁴³ *ST II-II* 189.9 ad 3: “In maiori includitur minus.” See likewise *ST II-II* 101.1 ad 1; 106.1 and 109.4.

⁴⁴ *De perf. spirit. vitae* 25: “In maiori enim intelligitur esse etiam id quod est minus, sed non e converso: et qui obligat se ad aliquid minus dandum, non reputatur reus si dederit maius.”

The relation of justice and love is well described by Pinckaers: “La justice s'associe ainsi étroitement à l'amour. Elle ne se confond toutefois pas avec lui, car la justice met l'accent sur l'idée de rectitude et de droiture et constitue une règle de la conduite et du cœur qui s'exprime dans les commandements, tandis que l'amour désigne plutôt la spontanéité . . . En fait, justice et amour sont les deux faces d'une même réalité. Elles sont nécessaires l'une à l'autre car l'amour s'égare et se corrompt s'il n'est droit et juste, tandis que la justice sans l'amour deviendrait dure.” (Pinckaers, *La justice évangélique*, 76). And further: “Ainsi la justice et l'amour allaient-ils dans le même sens, vers autrui. La justice était, en somme, la forme première et fondamentale de la générosité, de l'amour, car, si on les aime, ils conviennent de commencer par rendre aux autres ce qui leur revient, avec une bonne mesure et de bonne grâce. La justice ainsi entendue pouvait se fixer comme fin de créer l'amitié entre les hommes.” (Ibid., 77). “Justice et amour sont bien les deux faces nécessaires d'une unique réalité intérieure, l'une indiquant la rectitude et l'autre la générosité du cœur.” (Ibid., 78).

From this point of view, we can look back to the discussion of the *debitum morale*, which should now appear in a new light.⁴⁵ Aquinas distinguishes a strict moral due and a moral due of friends. The first is indispensable for the maintaining of virtue. For that reason it is commanded sometimes by precepts and thereby becomes a legal due. The moral due of friends is recognized as a sign of higher virtuousness. The distinction between these two degrees of moral obligation attaches itself perfectly to the distinction of justice and friendship: the strict due corresponds to justice, and the moral due of friends, of course, to friendship.⁴⁶ Accordingly, Aquinas argues: “Justice is about works done in respect of another person under the aspect of the legal due, whereas friendship considers the aspect of a friendly and moral duty, or rather that of a gratuitous favor.”⁴⁷

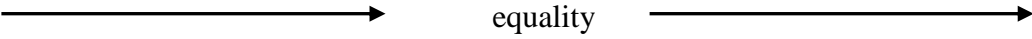
justice	friendship
	
attains / preserves equality	presupposes equality
renders everybody his due / inflicts no harm	seeks the other's good as the own good
strict moral due (or even legal due)	moral due of friends

Figure 8

Some Examples

It is worth sifting through the treatise on charity in the *Secunda secundae* in search of this distinction. If our analysis of the general relation of justice and friendship is correct up to now, it should be possible to find in these questions at least some hints that confirm our thesis. *ST* II-II 31 to 33 treats beneficence, almsgiving, and fraternal correction as external acts of charity performed by friends. Though Aquinas does not dedicate a special article to the distinction of friendship and justice, he often compares the acts of both virtues in exactly the way which we have carved out.

⁴⁵ See section 4.2; in Aquinas: first of all *ST* I-II 99.5.

⁴⁶ *ST* I-II 99.5 distinguishes between *precepts* as strict moral obligations, the matter of justice, and *commands* in regard of acts of friendship. “In praeceptis est iustitia, in mandatis vero caritas.”

⁴⁷ *ST* II-II 23.3 ad 1: “Iustitia est circa operationes quae sunt ad alium sub ratione debiti legalis, amicitia autem sub ratione cuiusdam debiti amicalis et moralis, vel magis sub ratione beneficii gratuiti.” Our attribution of *legal due* to the *strict moral due* and *moral due* to the *moral due of friends* is justified in section 4.3.2. See thereto also *Contra imp.* 2.6 ad 27 (quoted in section 4.3.3, footnote 187) where Aquinas distinguishes very clearly between *debitum legalis iustitiae* and *debitum iustitiae amicalis*.

ST II-II 33.1 considers fraternal correction from two sides. On one side, every sin injures the wrongdoer himself. Thus, the sinner can be corrected for the sake of his own improvement, i.e. for his own good. The correction is therefore an act of friendship, for it emerges from an affective union with the other person. However, sin infects also the social coexistence of people. Hence, if the legitimate authority corrects the wrongdoer in order to protect and promote the common good, it is an act of justice since the superiors have charge of the common good. In the first case, the correction is a gratis gift, while in the second it renders what is due to the other, i.e. the community. “The correction . . . which applies a remedy to the sin of the wrongdoer insofar as it is evil to others, and especially as hurtful to the common good . . . is an act of justice, whose concern it is the conservation of the rectitude of justice between one man and another.”⁴⁸

We find a similar argument in question 32, which treats almsgiving. Properly speaking, the bestowal of alms is a free act of friendship; it arises “*ex compassione*” for the other.⁴⁹ However, if the other is in extreme need – if, for example, he is starving to death and someone has the ability to nourish him – then this act of mercy becomes an act of justice. Why? “In the case of extreme necessity all things are common.”⁵⁰ This means that to help the poor under such circumstances is not a giving of mine, but only the concession of that what belongs to the other already, what is due to him, which is the definition of the just act. The support is necessary to preserve a relationship of equality and not of friendship.⁵¹

Last but not least, the look to of beneficence (q. 31). To desire a good for someone is generally an act of friendship; it originates from an affective union. However, Aquinas notes: “If the good which one agent does to another is considered under some special aspect of good, then beneficence assumes a special character and will belong to some special virtue.”⁵² And the third reply specifies this assertion for the case of justice: if the intended good is owed to the other, then the act of beneficence belongs to justice. “Just as friendship or charity relates

⁴⁸ ST II-II 33.1: “Correctio . . . quae adhibet remedium peccati delinquentis secundum quod est in malum aliorum, et etiam praecipue in nocumentum communis boni . . . est actus iustitiae, cuius est conservare rectitudinem iustitiae unius ad alium.” Likewise in art. 3. The same distinction is made in *De correct. frat.* 1. Admittedly, it is an act of *distributive* justice (see Eleonore Stump, “Aquinas on Justice,” *Proceedings of the American Catholic Philosophical Association* 71 (1997): 64-67).

⁴⁹ ST II-II 32.1.

⁵⁰ ST II-II 32.7 ad 3: “In casu extremae necessitatis omnia sunt communia.”

⁵¹ Therefore, as Aquinas asserts, the support of an indigent in the case of necessity falls under the command of precept. Likewise the bestowal of alms from the own abundance. “Dare eleemosynam de superfluo est in praeecepto; et dare eleemosynam ei qui est in extrema necessitate.” (ST II-II 32.5; see likewise art. 6 and 2 ad 3).

⁵² ST II-II 31.1: “Si autem bonum quod quis facit alteri accipiat sub aliqua speciali ratione boni, sic beneficentia accipiet specialem rationem, et pertinebit ad aliquam specialem virtutem.”

in the benefit bestowed to the general aspect of good, so does justice relate therein to the aspect of debt.”⁵³

5.2 Various Friendships, Various Justices: The Ambiguous Distinction of “Charity and Justice”

In this section we will focus on the relationship between justice and charity as theological virtues. Aquinas portrays charity as a kind of friendship with God, “insofar he communicates his beatitude to us.”⁵⁴ Thus, charity is seen in terms analogous to human friendship, but nevertheless it is friendship in its literal sense.⁵⁵

This friendship with God extends – as to secondary objects⁵⁶ – to all rational beings insofar they are of participating in the same divine beatitude. Thereby the graced person is united with all men on basis of that divine communication.⁵⁷ Loving one’s neighbor by charity means to wish “that he may be in God,”⁵⁸ “as a companion in the participation of beatitude.”⁵⁹

5.2.1 Charity and Justice

We can now apply the findings of the previous section to the relationship of charity and justice. Friendship contains justice as an integral part by which one renders to the other what is strictly due to him. Justice is therefore the precondition and basis which makes gratis gifts as signs of friendship possible. Aquinas speaks of justice as “*praevia ad dilectionem*.”⁶⁰ And in fact, when he discusses the perfection of charity as a theological virtue he mentions as *sine-*

⁵³ ST II-II 31.1 ad 3: “Sicut amicitia seu caritas respicit in beneficio collato communem rationem boni, ita iustitia respicit ibi rationem debiti.”

⁵⁴ ST II-II 23.1: “Secundum quod nobis suam beatitudinem communicat.”

⁵⁵ See thereto Leo M. Bond, “A Comparison Between Human and Divine Friendship,” *The Thomist* 3 (1941): 54-94. In the first chapter the author describes a double similarity between man and God as prerequisite of friendship, namely man’s intellectual nature as *natural* similarity and his elevation by grace as *supernatural* similarity (57-69). Further, there is a true communication between God and man, as e.g. by prayer (69-77). And the relationship realizes the three essential notes of friendship: (a) mutual benevolence; (b) mutual knowledge; and (c) a common honest good (77-93).

⁵⁶ See *De caritate* 4 ad 5

⁵⁷ ST II-II 25.6.

⁵⁸ ST II-II 25.1: “Hoc enim debemus in proximo diligere, ut in deo sit.”

⁵⁹ *De caritate* 7:– “ut socium in participatione beatitudinis.”

qua-non for divine friendship the “minimum” of justice.⁶¹ This minimum perfection is “the removal from man’s affections from all things which are contrary to charity, such as mortal sin.”⁶² Charity requires, “that nothing is thought or willed what is contrary to divine love.”⁶³ It is the proper task of the divine precepts to provide this lower limit. “The commandments are directed to the removal of things contrary to charity, things which are incompatible with charity.”⁶⁴ Again and again, St. Thomas quotes St. Paul, who describes charity as the end of all precepts (1 Tim 1.5).⁶⁵ Thus, the parallel fits exactly. Precepts oblige the agent to certain actions and determine thereby the matter of justice. The observance of the divine precepts corresponds to infused justice, which is presupposed for any act of charity.⁶⁶ And vice versa, every transgression of a divine precept, i.e. every sin, is to be judged as act of injustice. “Every sin, inasmuch as it implies the disorder of a mind which is not subject to God, can be called injustice [and] contrary to the aforesaid justice, according to 1 Jn 3, who commits sin, commits also iniquity, and sin is iniquity.”⁶⁷

One might object that even acts of charity are commanded by divine precepts. Aquinas devotes a whole question on the discussion of *praecepta caritatis*.⁶⁸ Man owes God abstinence from any act contrary to the order of grace, but he is also obliged to love him. Hence, does friendship become in this special theological case simply a matter of justice?

The very essence of justice consists in paying back what belongs to the other. Thus, a servant performs just acts in rendering service to his lord. A citizen becomes just in rendering equal compensation as a strict moral due or even a legal due. But Christ invited his disciples to be his friends who, being one with him, participate in his life.⁶⁹ In this way, charity does not pay

⁶⁰ *Super Mt.* XIX 1.

⁶¹ E.g. *In sent.* IV 15.2.1D sed contra 2; *ST* I-II 99.5; II-II 44.6; 184.2 and 3; *De perf. spirit. vitae* 5.

⁶² *ST* II-II 184.2: “Perfectio . . . in quantum ab affectu hominis excluditur omne illud quod caritati contrariatur, sicut est peccatum mortale. Et sine tali perfectione caritas esse non potest.” Similar in art. 3, esp. ad 2.

⁶³ *ST* II-II 24.8: “Quod nihil cogitet vel velit quod sit divinae dilectioni contrarium.”

⁶⁴ *ST* II-II 184.3: “Praecepta . . . ordinantur ad removendum ea quae sunt caritati contraria, cum quibus scilicet caritas esse non potest.” Likewise in *In sent.* IV 15.2.1D sed contra 2: “Illud sine quo caritas esse non potest, cadit sub praecepto.” Prohibited are acts against charity, portrayed as sins *ex genere suo* (see *In sent.* II 42.1.4; *De malo* 7.1).

⁶⁵ “Finis praecepti caritas est.” As far as we see Aquinas quotes throughout his work this sentence 34 (!) times with explicit reference to the Apostle and further three times without naming the epistle as source of the quotation.

⁶⁶ In this sense J. Porter notes: “Infused justice serves as the guardian and check on the special relations generation by charity.” (Porter, “De ordine caritatis,” 212).

⁶⁷ *ST* I-II 113.1 ad 1: “Omne peccatum, secundum quod importat quandam inordinationem mentis non subditae deo, iniustitia potest dici praedictae iustitiae contraria; secundum illud I Ioan. III, omnis qui facit peccatum, et iniquitatem facit, et peccatum est iniquitas.” See also: *ST* II-II 33.1 ad 1. Likewise *Super Rom.* I 8 “Sicut enim omnis virtus, in quantum exequitur praeceptum legis, habet rationem iustitiae, ita etiam omne peccatum, in quantum a regula legis divinae discordat, habet rationem iniquitatis.” In the treatise on justice: *ST* II-II 58.5 ad 3; 59.3 ad 2; 79.2 (esp. ad 1); 102.1 ad 3 (indirecte).

⁶⁸ *ST* II-II 44.

⁶⁹ Jn 15.4 and 15.

back what is due to God as other, as an act of justice in its proper sense. Rather, the act of charity is a free gift given to God. Admittedly, we are able to offer this gift only because of his infinite generosity, i.e. divine grace. Nevertheless, there obtains a certain obligation. It is not an obligation of justice, however, that arises as from a relationship with another as other. Rather, it is – quoting a fitting expression of Ricoeur – “a poetic usage of the imperative,”⁷⁰ or a moral obligation specific to friendship that hinges on the *honestas agentis*. This obligation cannot be externally imposed, for its corresponding act is an as expression of our union with the beloved. As relating to the moral due of friends,⁷¹ the command of charity is an affirmative precept that “obliges always but not for all times, but at certain determined times.”⁷² And consequently, though charity falls under a precept, its acts are achieved “according to place . . . and time . . . according to the due circumstances.”⁷³ In an allusion to the Old Law, Aquinas distinguishes between strict precepts as the matter of justice and commandments as belonging to charity: “In precepts [*in praeceptis*] is justice, but in commandments [*in mandatis*] charity.”⁷⁴ Thus, the fact that there exists a certain obligation toward charity does not subvert the principal distinction between charity and justice.

Some Problems of the Solution

At the first glance, the relationship between charity and justice may appear clarified. Charity functions in a supernatural friendship in which one gives gratuitously from his own as in the moral due of friends, at the same time it contains justice as its foundation which seeks to render the other his due as a strict moral or legal due. Thus, there is a clear distinction between charity and justice.

However, in the writings of St. Thomas there are some “little details” which are hard to integrate into that this distinction.

⁷⁰ Paul Ricoeur, *Liebe und Gerechtigkeit: Amour et Justice* (Tübingen: J.C.B. Mohr, 1990), 14-21, here 20: “un usage poétique de l’impératif.”

⁷¹ Aquinas speaks even of a *debitum amicabile*. Cf. *ST* II-II 23.3 ad 1. In *ST* II-II 107.1 ad 3 he mentions a duty “ex debito amoris.” An example would be the moral obligation (*debitum*) of a friend to correct another friend (in Aquinas’s terms: the *correction fraternal*). See thereto also McKay, “Ethique et vertus morales infuses,” 136.

⁷² *In sent.* II 35.3 ad 3: “Praeceptum autem affirmativum obligat semper, sed non ad semper, sed ad aliquod tempus determinatum.” And the text continues: “Et ideo in illo tempore tantum ad quod praeceptum affirmativum obligat aliquis reus omissionis tenetur.”

⁷³ *ST* II-II 31.3: “pro loco . . . et tempore . . . secundum debitas circumstantias.”

⁷⁴ *ST* I-II 99.5: “In praeceptis est iustitia, in mandatis vero caritas.”

From another point of view the difference between the obligation of precepts and the commandment of charity is expressed in *In sent.* III 40.3 ad 1: “Observatio mandatorum legis necessaria est ad vitam aeternam consequendam, quia sine ea ad vitam aeternam intrare non potest . . . non tamen observatio mandatorum legis ad vitam consequendam sufficiebat, nisi modus caritatis adiungeretur; quam lex nullo modo causare poterat.”

First, let us assume that the moral due of friends is the proper task of charity as friendship. Why then does Aquinas treat some virtues which correspond to a moral due as potential parts of justice, instead of seeing them, as we should expect, as proper acts of charity? For example, in the systematic outline of justice in the *Commentary on the Sentences* (III 33.3.4) St. Thomas discusses liberality, gratitude, beneficence, friendship, concord, benignity, etc., as potential parts of justice.⁷⁵ According to our argument above, however, those virtues that correspond to a moral due of friends should be discussed rather within the context of charity, namely as proper acts of charity.⁷⁶ In the *Secunda secundae*, the problem is even more striking. Some virtues which correspond to a *moral due of friends* are presented as proper acts of charity,⁷⁷ whereas some other virtues are annexed to justice as its potential parts.⁷⁸ Beyond that, question 114 takes up the topic of *amicitia* and discusses it explicitly as a potential part of justice. What is the reason for this double discussion of friendship – once as involving charity, and again as a part of justice?

Secondly, the understanding of justice as a prerequisite for charity also seems problematic. The justice that is required as the foundation of supernatural friendship with God differs in an important way from justice as usually described by Aquinas. Justice for charity is not limited to exterior actions but extends to all practical matters insofar as they are relevant to divine friendship, which is first of all a spiritual union.⁷⁹ Thus, sins such as hatred, sloth, envy, etc., are discussed in the treatise on charity as contrary vices,⁸⁰ and therefore strictly prohibited by the divine law. It is not only a matter of a moral due of friends to renounce each act of hatred for the sake of divine friendship, but it is also strictly commanded by law as a matter of “justice,” but obviously of a profoundly transformed justice – a *divine justice*⁸¹ that is much

⁷⁵ See esp. *In sent.* III 33.3.4 A, B, C, D and F.

⁷⁶ *In sent.* III 33.27-31.

⁷⁷ *ST* II-II 27-33.

⁷⁸ *ST* II-II 102-119.

⁷⁹ “Regnum dei in interioribus actibus principaliter consistit: sed ex consequenti etiam ad regnum dei pertinent omnia illa sine quibus interiores actus esse non possunt. . . . Regnum dei est interior iustitia et pax et gaudium spirituale.” (*ST* I-II 108.1 ad 1). See also *ST* I-II 100.2.

⁸⁰ *ST* II-II 34-43. In *ST* I-II 100.9 Aquinas notes that the divine law measures (in contrast to the human law) also internal acts.

⁸¹ In fact, Aquinas uses sometimes the term of “iustitia divina” for denoting this kind of justice (e.g. *ST* II-II 59.1 ad 1; 81.8 ad 1; 124.2 ad 1). We will investigate those texts in chapter 7 in more detail. S.A. Edwards notes thereto: “In Aquinas’s theory, the modification of ‘iustitia’ by ‘divina’ turned justice outside-in: instead of being related to an external other through the media of external acts and objects, the individual was related to an internal other through the media of actus interiores and spiritual goods. With the introversion of the relationship came an introversion of justice.” (Edwards, *Interior Acts: Teleology, Justice, and Friendship in the Religious Ethics of Thomas Aquinas*, 46-53, here 49; emphasis in the original). Edwards, however, focuses in his study on the question of divine justice only from the side of God (as analog distributive justice) who “dat unicuique secundum suam dignitatem.” (*ST* I 21.1).

more challenging than natural justice. Nonetheless, since the matter of divine justice is defined by the divine law as a strict obligation, we can rightly call it justice, though it is clearly a different kind of justice.

Hence, are there different kinds of friendship? And different kinds of justice?⁸²

5.2.2 Various Kinds of Friendships – Various Kinds of Justice

Aquinas distinguishes several kinds of friendship, and consequently he recognizes as corresponding to each type of friendship something like a special species of justice. What is more, all these different species of *amicitia* are not superseded by charity but “survive” under the reign of grace according to their own measure. Ultimately, we will see that they contribute various additional features to the order of charity. Thus, justice is not simply a univocal complement to charity. Rather, it relates to each special type of friendship in a particular way.

Admittedly, St. Thomas does not thematize these distinctions in a particular question, but based on various assertions he makes a reliable reconstruction of his view is possible.

Every friendship is based on a communication of a certain common possessed good. For example, charity-friendship is grounded in the communication of divine life and beatitude, while friendship between two citizens is based on their common civil life. Familial friendship rests on relatives’ common natural origin. Aquinas identifies further types of friendship on the basis of the common household, shared voyages, the art of sailing, military exercises, common studies, etc. St. Thomas adopted this view from Aristotle, as is clear from his commentaries.⁸³ However, it also appears in *Summa theologiae*: “The reason why we love our neighbor is God . . . Yet there are other friendships [*aliae amicitiae*], distinct from charity, in respect of to other reasons for which men are loved.”⁸⁴ Elsewhere, he adds: “In human things there are many other mutual communications besides those of consanguinity and citizenship,

⁸² Cf. Jeremiah Newman, *Foundations of Justice: A Historico-Critical Study in Thomism* (Dublin: Cork University Press, 1954), 67-69. Newman is one of few scholars who compare charity and justice; he distinguishes likewise natural and supernatural love. However, in the end he fails to draw any conclusions from this right observation (see esp. 69).

⁸³ See for example *In ethic.* VIII 9.3: “Homines enim consueverunt appellare amicos eos, qui secundum aliquam communicationem sibi communicant; puta connavigatores qui communicant in navigando, et commilitones qui communicant in militia.” Even more examples are given in *In ethic.* VIII 12.

⁸⁴ *ST* II-II 103.3 ad 2: “Ratio diligendi proximum deus est, non enim diligimus per caritatem in proximo nisi deum, et ideo eadem caritas est qua diligitur deus, et proximus. Sunt tamen aliae amicitiae, differentes a caritate, secundum alias rationes quibus homines amantur.”

as the Philosopher says in *Ethic. VIII*, and on each of them is founded a certain kind of friendship.”⁸⁵ St. Thomas teaches likewise in various other articles.⁸⁶

Furthermore, each of these friendships requires certain indispensable actions that are strictly owed to the other in accord with the specific nature of the fellowship. These acts render to the other what is due to him on the basis of their communication. Thus, they belong to justice in a general sense. For example, to respect nighttime peace after 11:00 pm in a shared apartment is not a free sign of friendship – a moral due of friendship – but is owed to the other housemates as a strict moral duty, even if it is not laid down in written form. It is the indispensable foundation for any friendship in a household, and only on this basis does it become possible for the housemates to achieve proper acts of friendship within their community.

Something analogous is true for any other kind of friendship. Within a family, some actions between parents and children are strictly owed as matter of justice (again, understood in its wider sense), and only on this basis does familial friendship with gratuitous signs of affection become possible. Similarly the military community necessarily requires as a minimum of justice the submission of lower ranking soldiers to the discipline of their leaders.⁸⁷ Even friendship between two citizens, which is grounded on the common social life (Aquinas speaks of *amicitia politica*,⁸⁸ *dilectio socialis*,⁸⁹ or *amicitia civilis*⁹⁰), requires a certain minimum of justice in its proper sense. And only on this after this justice is established can proper acts of political friendship such as liberality, affability, etc. (i.e. the potential parts of justice in its second degree), become possible.⁹¹

⁸⁵ *ST II-II* 101.1 arg. 3 (affirmative): “Multae sunt aliae in humanis rebus communicationes praeter consanguinitatem et concivium communicationem, ut patet per philosophum, in *VIII ethic.*, et super quamlibet earum aliqua amicitia fundatur.”

⁸⁶ A very clear reference to different kinds of friendship is found in *ST II-II* 26.8: “Diversorum dilectio est mensuranda secundum diversam rationem coniunctionis, ut scilicet unusquisque diligatur magis in eo quod pertinet ad illam coniunctionem secundum quam diligitur. Et ulterius comparanda est dilectio dilectioni secundum comparisonem coniunctionis ad coniunctionem. Sic igitur dicendum est quod *amicitia consanguineorum* fundatur in coniunctione naturalis originis; *amicitia autem concivium* in communicatione civili; et *amicitia commilitantium* in communicatione bellica. . . . Si autem comparemus coniunctionem ad coniunctionem, constat quod coniunctio naturalis originis est prior et immobilior, quia est secundum id quod pertinet ad substantiam; aliae autem coniunctiones sunt supervenientes, et removeri possunt. Et ideo amicitia consanguineorum est stabilior. Sed *aliae amicitiae* possunt esse potiores secundum illud quod est proprium unicuique amicitiae.” Similar in *ST II-II* 26.2; 82.2 ad 2; 106.5 etc.

⁸⁷ Cf. *ST II-II* 44.6: “Non . . . contra disciplinam militarem agit.”

⁸⁸ E.g. *ST II-II* 26.2. *Contra imp.* 2.6. Similar *In sent.* III 29.6 ad 3: “Amicitia politica fundamentum habet communicationem in honestis operibus in quibus simul aliqui conversantur.”

⁸⁹ *De caritate* 9. For Aquinas it is a common way of expression to describe the civile community as *amicitia politica*. For further examples see *In sent.* III 28.1.5; *De caritate* 7; *In ethic.* IX 6.7.

⁹⁰ *In sent.* II 40.1.5; *De perf. spirit. vitae* 14.

⁹¹ Subsequent to Aristotle, Aquinas describes political friendship as concord which consists in an agreement of things to be done. “Ad amicos pertinet, quod eadem eligant, in quo consistit ratio concordiae.” (*In ethic.* IX 6.1; see also IX 6.7 and IX 12.12). And elsewhere: “Amicitia quantum ad unionem affectuum, et concordia quantum

In his *Commentary on the Nicomachean Ethics* Aquinas explains:

Justice is differentiated according to different types of communication. The same kind of *iustum* is not found in every communication, but a different one. Thus it is obvious that not the same right exists between fathers and sons, as between brother and brother. Likewise, there is a different justice between *etairios*, i.e., people of the same age and rearing than between citizens, because they bestow different things on one another as mutually due. And in the same way in other kinds of friendship. So it is clear that different types of justice exist between the individuals just mentioned.⁹²

The quotation makes clear that different kinds of friendship imply different kinds of justice in its wider sense. In each kind of friendship, one can distinguish between acts of justice and the acts of friendship proper to it. In other words, one can identify what is indispensable for the maintenance the specific kind of friendship, or what belongs to the other as his own because of that particular fellowship, which falls under a strict due, as strictly required for the continuation of that specific friendship.⁹³ In some cases these obligations are even legally determined (e.g. civil laws govern political friendships, house rules guide friendship between members of the same household, etc.).⁹⁴ On the other side, the proper acts of any of these friendships correspond to a due of friends.

This perspective explains perfectly the double treatment of the virtues of friendship and justice in the *Secunda secundae*. When in the treatise on charity (qq. 23-46) Aquinas makes the distinction between proper acts of friendship (charity) and acts of justice (which are strictly required for divine friendship), both receive their measures from the goal of maintaining divine friendship. On the other hand, the virtues of friendship that are annexed to proper justice as potential parts (liberality, affability etc., discussed within the treatise on justice) are signs of friendship but not of charity but of political friendship based on justice in

ad consensum in agendis" (*In sent.* IV 49.4.5A ad 5; see also *ST* II-II 29.1). The object of political friendship is the good of the human city. "In amicitia autem politica obiectum est bonum civitatis." (*De caritate* 7).

⁹² *In ethic.* VIII 9.6: "Iustitia diversificatur secundum diversas communicationes. Non enim idem est iustum in qualibet communicatione, sed differens: sicut patet quod non idem est iustum inter patres et filios et inter fratres adinvicem. Et similiter aliud est iustum inter etairios, idest coaetaneos et connutritos, et inter cives, quia alia sibi mutuo tamquam debita exhibent. Et eadem ratio est in aliis amicitiiis. Et sic patet, quod altera iusta sunt inter singulos praedictorum."

⁹³ The "strict due" is taken here in relation to a particular communication. It is not always a strict *moral* obligation. If, for example, there is no *moral* obligation to make a journey, then the particular member of a traveler-group is not *morally* obliged to respect the basic rules of this group; he can simply quite the community. But if he wants to partake in this special friendship, he has to respect the general rules.

⁹⁴ See *In sent.* IV 27.1.1C: "Omnis communicatio aliqua lege ordinatur; ideo ponitur ordinativum istius communionis [sc. domesticae], scilicet ius divinum et humanum: aliae enim communicationes, ut negotiatorum et commilitantium, solo iure humano institutae sunt."

its proper sense.⁹⁵ Thus, the structures of the treatises on charity and justice in the *Secunda secundae* appears as follows:

charity (ST II-II 23-46)		justice (ST II-II 57-122)	
<i>strict due</i> divine justice	<i>moral due of friends</i> proper charity	<i>strict due</i> proper justice	<i>moral due of friends</i> potential parts of jus.

Figure 9

5.2.3 The Interface of Various Types of Friendship and Justice

We have to clarify how these different types of friendship and justice relate to each other. A good point of departure in answering this question is *In sent.* III 29.6. Here, Aquinas lists the most basic communities in which every human being participates. In this text, contrary to what Aquinas says elsewhere, friendships based on military service and academice study fall out of consideration, for the simple reason that no one is obliged to become a soldier or a student.

The Philosopher distinguishes different friendships according to different forms of communication. For there is a natural communication, according to which some people share a natural origin; and upon this communication the friendship between father and son and other blood relatives is based. Another communication is economic, according to which men share domestic duties with each other. Still another communication is political, according to which men share their things in common with their fellow citizen. A fourth communication is divine, according to which all men share in the one body of the Church, either actually or potentially; and this is the friendship of charity.⁹⁶

⁹⁵ It is important to note this specific meaning of *amicitia* in the context of the potential parts of justice: Aquinas notes sometimes in those question that virtues as affability and liberality do not imply a mutual affective union between people, and therefore they don't realize the perfect ratio of friendship in the sense of charity (see *ST II-II* 114.1 ad 1; similar in *In ethic.* IV 14.6 and *ST II-II* 17.5 ad 3). Thereof, however, does not follow that these virtues are not expressions of *political friendship* which consists merely – as Aquinas notes explicitly – in the pleasant social life (*ST II-II* 114.1 corp., ad 2, art. 2 corp., ad 1), without requiring a special personal affection: “Est enim amicitia politica circa utilia et circa ea quae convenient ad vitam humanam.” (*In ethic.* IX 6.7).

⁹⁶ *In sent.* III 29.6: “Secundum diversas communicationes, diversas amicitias philosophus distinguit. Est enim communicatio alia quidem naturalis, secundum quod in naturali origine aliqui communicant; et in ista communicatione fundatur amicitia patris et filii, et aliorum consanguineorum. Alia vero communicatio est oeconomica, secundum quam homines sibi in domesticis officiis communicant. Alia vero communicatio est politica, secundum quam homines ad concives suos communicant. Quarta communicatio est divina, secundum quam omnes homines communicant in uno corpore ecclesiae vel actu vel potentia; et haec est amicitia caritatis.”

The comparison shows that different friendships are determined by different shared goods that the friends owe to each other because of their friendship, and that are not due to persons who do not partake in that friendship. Admittedly, Aquinas mentions in this text only the various kinds of friendship and does not refer to the issue of justice. But as was shown above, “the lesser is included in the greater.” Thus, each friendship requires intrinsically a corresponding kind of justice as its integral part. This is especially clear in the case of *communicatio politica*, which apparently requires not only the potential parts of justice, but first of all justice in its proper sense.

It is important to point out several features of the friendships that develop between blood relatives, residents, and citizens.

First, if we claim different kinds of justice in regard to different types of friendship, then justice is taken in analogous ways, relating to the various species of *amicitia*. What we owe to our parents in the strict sense may be irrelevant in comparison to other cohabitants. Likewise, what is strictly due to a roommate might be a free sign of affection in civil friendship. Aquinas discusses these analogous kinds of justice as its potential parts of the first degree, e.g. piety as justice regarding one’s parents (see section 4.5.2).

Secondly, on the natural level political friendship is the most general type of friendship. It denotes the living together of all citizens insofar they are not related by any other special bond (for example, by a common household, a mutual engagement, etc.). Consequently, the justice that is contained in *amicitia politica* is the most basic type of justice since it must be restored to everybody without exception. “Every friendship consists in a certain communication, but every communication is reduced to the political one.”⁹⁷ And therefore “all communications can be traced back [*reducuntur*] to the political communication,”⁹⁸ for they are “contained in *politica*.”⁹⁹ This argument accords fully with the division of different parts of justice that we discussed in section 4.5. There, we determined justice in its most proper sense as a virtue between any citizen, whereas its potential parts of the first degree (i.e. strict obligation but impossible recompensation) were limited to special relations, as in regard to parents, relatives, benefactors, etc. Thus, our present interpretation of several species of justice fits perfectly to the common outline in chapter 4.

⁹⁷ *In ethic.* VIII 9.1: “Omnis amicitia in communicatione quadam consistit; omnis autem communicatio reducitur ad politicam. Ergo omnes amicitiae species secundum politicas communicationes sunt accipiendae.”

⁹⁸ *In ethic.* VIII 9.9: “Omnes communicationes ad politicam communicationem reducuntur.”

⁹⁹ *In ethic.* VIII 9.13: “sub politica continentur.”

Thirdly, although political friendship is the most basic form of friendship – familial bonds, fore example, create narrower and more challenging ties – the requirements of political justice are not superseded by higher forms of friendship. Rather, every special friendship is only possible on the basis of citizens living together politically. Hence, to pay the arranged price for a performed task and to avoid any kind of injury (the basics of commutative justice) is required for the full flourishing of familial friendships, though the corresponding justice of piety (reverent gratitude for benefits received from parents) demands much more.

What does this imply for friendship as charity and its corresponding divine justice? Charity is based on a divine communication that desires for the other the highest good and perfection. However, and this is decisive, to want the perfect good for the other includes also the intention not to do harm in inferior things. In other words, in charity one must always render what is due according to any kind of relationship. In this way divine friendship demands respect for every inferior kind of friendship. Aquinas explains the matter as follows.

Since charity implies benevolence, which desires good things for friends and does good things to them, therefore in the aforesaid friendships, friends are to be loved on the basis of the good which pertains to the communication upon which the friendship is based. Hence, to our father and blood relatives we have to conduct ourselves amicably in things which pertain to the preservation of nature; to members of the household in things which pertain to things in a household; to fellow citizens in things which belong to the civil life, such as conversing and assisting in civic works; and to all men [we have to conduct ourselves rightly] in things which regard God, so that we desire eternal life for all and work for their salvation as we can.¹⁰⁰

Hence, though the proper object of charity is simply the divine communication, which is shared (at least potentially) with all rational beings, charity does not disregard other existing relations among men but rather include them. Thereby, charity demands of someone different things in relation to their different friends. St. Thomas explains succinctly: “Love of charity comprehends in itself all human loves.”¹⁰¹ In regard to one’s parents, for example, the

¹⁰⁰ *In sent.* III 29.6: “Quia ergo caritas benevolentiam importat, quae amicis bona optat, et operatur bonum ad ipsos; ideo secundum unamquamque praedictarum amicitiarum amandi sunt amici quantum ad bona pertinentia ad communicationem illam super quam amicitia fundatur; unde ad patrem et consanguineos amicabiliter nos habere debemus in eis quae ad conservationem naturae pertinent; et ad domesticos in his quae ad dispensationem domus pertinent; ad concives in his quae ad civilem vitam spectant, sicut est simul conversari, et morari in operibus civilibus; ad omnes autem homines in his quae ad deum spectant, ut omnibus optemus vitam aeternam, et operemur ad salutem ipsorum secundum modum nostrum.”

¹⁰¹ *De caritate* 7. The whole text: “Cum omnia bona humana ordinentur in beatitudinem aeternam sicut in ultimum finem, dilectio caritatis sub se comprehendit omnes dilectiones humanas . . . Unde quod aliqui consanguinei diligant se invicem, vel aliqui concives, vel simul peregrinantes, vel quicumque tales, potest esse meritorium et ex caritate.” And short in *De caritate* 8: “Omnes aliae licitae dilectiones sub caritate comprehenduntur.” In accordance with this view, Kreeft asserts conversely that “all kinds of natural human loves

requirements of charity cannot be reduced to wish them to live in God. If children limit the benevolence for their parents to the divine good and disregard familial friendship with its corresponding obligations, they would act against *benevolentia*, and thus they would sin against charity.¹⁰²

At this point we reach the key to the right understanding of the relationship between charity and justice, or between different kinds of friendship and different kinds of justice. Charity as friendship is determined by a specific communication – namely the divine union – and therefore *ex parte obiecti* charity can be characterized as an equal regard given to everyone, i.e. it wants the same good, divine beatitude, for everyone.¹⁰³ However, insofar as the graced agent is united otherwise with his neighbor under other aspects, and as each of these bonds includes some strict debts, charity as the most fundamental friendship takes charge of these obligations.¹⁰⁴ Or we may say, conversely, that to neglect an obligation that arises from another kind of friendship is *ipso facto* non-benevolent, injuring, contrary and destructive to charity. Therefore, all obligations which arise from the various kinds of friendship fall under divine justice, which itself provides the basis of charity.

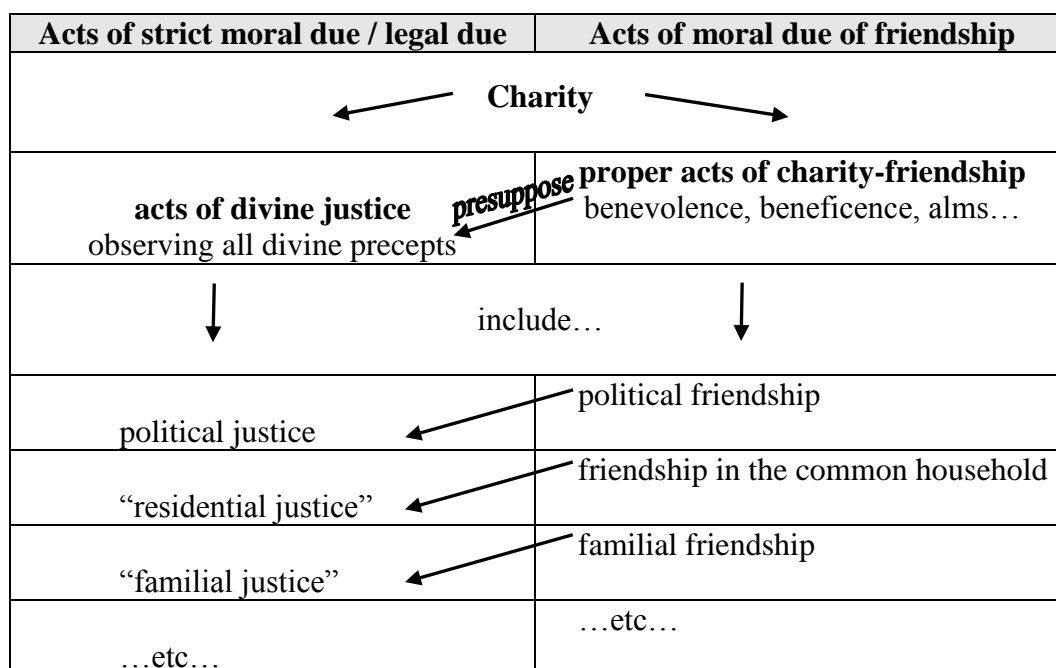
In short, divine friendship is not to be understood as a mere supplement to natural relationships. Rather, various friendships combine to build a hierarchical structure of human relations, atop which sits charity-friendship.

are training for divine love.” (Peter Kreeft, *Prayer: The Great Conversation. Straight Answers to Tough Questions about Prayer* (San Francisco, CA: Ignatius Press, 1991), 73).

¹⁰² “Sins against justice – in both deeds and words – are sins against love precisely *because* they violate justice.” (Martin Rhonheimer, “Sins Against Justice (IIa IIae, qq. 59-78),” in *The Ethics of Aquinas*, ed. Stephen J. Pope (Washington, DC: Georgetown University Press, 2002), 298).

¹⁰³ ST II-II 26.6 ad 1: “Omnes homines aeque diligimus ex caritate, quia omnibus optamus bonum idem in genere, scilicet beatitudinem aeternam.” This understanding differs fundamentally from Outka’s position of charity as *equal regard* (see Outka, *Agape* ... 9-24). For Outka equal regard means *disregard* of all natural relations and obligations. “One ought to be committed to the other’s wellbeing independently and unalterably; and to view the other as irreducibly valuable prior to his doing anything in particular.” (Ibid., 10). “Agape enjoins an equal consideration that is independent of changes in the particular states of the other.” (Ibid., 10-11). “Agape . . . is altogether separate from the question of reciprocity.” (Ibid., 18).

¹⁰⁴ Delos notes correctly: “La charité qui nous fait aimer le bien d’autrui, nous fait-elle vouloir le respect de son droit: car le respect de son droit est son premier bien. Il ne peut donc y avoir de charité là où il n’y a pas volonté de justice.” (J.Th. Delos, “Appendice I: Notes explicatives,” in *Somme théologique: La justice; Tome premier; 2^a-2^{ae}, questions 57-62* (Paris: Desclée & Cie, 1932), 200).

Figure 10¹⁰⁵

As is evident, visualizing the relationship of justice and charity is quite tricky. But why? Looking back to the fairly simple examples of infused temperance or fortitude, one may be surprised that justice raises such complications. Understanding such complexity in the case of infused justice is the topic of the next section.

5.3 The Special Features of Justice as an Infused Moral Virtue

Aquinas defines the virtuous act as right mean between two extremes. In the case of temperance and fortitude, virtue is determined in respect to the emotional status of the agent himself and is therefore something subjective. In the case of justice in its general sense as regarding acts *ad alterum*, it is described objectively as the *medium rei*. These are the precisions we reached in section 4.1.

We shall argue that the difference between temperance and fortitude on the one hand and justice on the other is highly relevant for the defining infused justice. One indication of its

¹⁰⁵ Noteworthy: If we refer to justice as presupposition of charity, we speak on the level of actions. Before bestowing acts of friendship, we have to pay the due. On the level of virtues, however, charity precedes justice.

importance may be the fact that Aquinas usually distinguishes the acquired and infused virtues with examples of temperance and fortitude but never justice.¹⁰⁶ We want to suggest that the neglect of the peculiarity of justice is one of the reasons why scholars regard so often the difference of infused and acquired virtues as superfluous or obscure.

In the following, we shall first give a short account of the different means of the acquired and infused affective virtues, and then compare the results with the special case of justice.

The Different Means of Acquired and Infused Affective Virtues

The affective virtues perfect the sensible appetite in order that the agent might be able to achieve his proper good not only by means of the will but with all of his powers. Thus, different species of temperance and fortitude are required depending on the various goods proper to man. In the agent considered simply as an individual (*ut homo*), temperance measures concupiscence in regard to health, and fortitude measures the same in regard to fears and dangers that threaten his good. In the agent considered in his social context, as a citizen (*ut civis*), a higher form of temperance is necessary since the sensible appetite has to seek what is due to the agent as member of a community, and fortitude now endures dangers for the sake of the city.¹⁰⁷ And finally, in the agent subject to the reign of grace (*ut membrum ecclesiae*), the sensible appetites must be measured by a yet higher rule, namely infused temperance for the full submission of the body to the spirit¹⁰⁸ and infused fortitude for readiness to suffer martyrdom: “Just as civic fortitude strengthens a man’s soul in human justice, for whose conservation he endures the danger of death, so gratuitous fortitude strengthens man’s soul in the good of the justice of God.”¹⁰⁹

All of these various species of affective virtues share the same matter: pleasures and fears. But each kind – the affective virtue of the individual, of the citizen, and of the graced agent – works for a different good, namely the good of the individual, the common good of the city,

¹⁰⁶ *In sent.* III 33.1.2D; *ST* I-II 63.4; *De virt. in com.* 10 ad 4, ad 5; ad 8; ad 10; ad 11; ad 14.

¹⁰⁷ The clearest account of that relation is found in *De virt. in com.* 10 ad 4: “Virtus ordinata in finem inferiorem non facit actus ordinatum ad finem superiorem, nisi mediante virtute superiori; sicut fortitudo, quae est virtus hominis qua homo, non ordinat actum suum ad bonum politicum, nisi mediante fortitudine quae est virtus hominis in quantum est civis.”

¹⁰⁸ See *ST* I-II 63.4: “In sumptione ciborum, ratione humana modus statuitur ut non noceat valetudini corporis, nec impedit rationis actum, secundum autem regulam legis divinae, requiritur quod homo castiget corpus suum, et in servitutem redigat, per abstinentionem cibi et potus, et aliorum huiusmodi.”

¹⁰⁹ *ST* II-II 124.2 ad 1: “Sicut autem fortitudo civilis firmat animum hominis in iustitia humana, propter cuius conservationem mortis pericula sustinet; ita etiam fortitudo gratuita firmat animum hominis in bono iustitiae dei.” (From the context it is clear that *iustitia dei* does not mean here God’s justice, but a kind of divine justice of man; see Inglis, “Aquinas’s Replication,” 17).

the community of saints (i.e. the Church).¹¹⁰ And consequently, each species determines a different right mean among the very same pleasures and fears. Temperate and courageous acts of the virtuous citizen are more ambitious than those of the virtuous individual, and the virtues of the saint demand again more than those of the good citizen. The higher the good for which the virtue acts, the more challenging is the attainment of its mean. Thus, the right mean of one type of virtue might be judged as defective or excessive by a higher virtue. For example, keeping calm in private affairs might be sufficient for simple fortitude, but it fails to make a courageous citizen.¹¹¹ Also, the right mean of infused temperance might consist in abstinence and fasting which would be unreasonable from the mere viewpoint of bodily health.

Applying now the results of our investigations in section 5.2, we can describe this hierarchy on the basis of the various types of friendship available to human agents. The concupiscent passions of a solitary individual are ordered only toward conserving his own health, while the temperance of a citizen will also guarantee the achievement of his political (i.e. social) duties and thus allow for political friendship. Infused temperance will work for the preservation of divine friendship.

Thus, in a certain way infused virtues require something superfluous in comparison to acquired virtues.

By an acquired virtue the circumstances are measured in proportion to the civil good, but by an infused virtue in proportion to the good of eternal glory; therefore, what is *superfluous* according to a civil virtue, may be moderated according to infused virtue, as when a man starves and exposes himself voluntarily to the danger of death because of the defense of faith.¹¹²

The following chart compares the right means of both types of virtue.¹¹³

¹¹⁰ By the example of fortitude Aquinas makes the distinction between the good which is to be achieved by the virtue, and its proper act: "In actu fortitudinis duo sunt consideranda. Quorum unum est bonum in quo fortis firmatur, et hoc est fortitudinis finis. Aliud est ipsa firmitas, qua quis non cedit contrariis prohibentibus ab illo bono, et in hoc consistit essentia fortitudinis."

¹¹¹ "Patet quod aliud est bonum hominis in quantum et homo, et aliud in quantum civis. Et manifestum est quod aliquae operationes possent esse convenientes homini in quantum est homo, quae non essent convenientes ei secundum quod est civis." (*De virt. in com.* 10).

¹¹² *In sent.* III 33.1.2D ad 2: "Per virtutem acquisitam collimitantur circumstantiae secundum proportionem ad bonum civile, sed per virtutem infusam secundum proportionem ad bonum aeternae gloriae: unde etiam aliquid superfluum secundum virtutem civilem est moderatum secundum virtutem infusam, sicut quod homo ieiunet, et se voluntarie morti offerat propter defensionem fidei."

¹¹³ The example is, of course, misleading: in the case of the affective virtues a universally valid measure is impossible (section 4.1). What is the right mean for Peter might be an excess for Paul.

The sensible appetite of the agent inclines to...	acquired temperance	infused temperance
...nothing; it ignores sens. pleasure	excess	excess
...to renounce regularly to drink	excess	<i>right mean</i>
...to drink usually to hilarity	<i>right mean</i>	defect
...always more sensible pleasures	defect	defect

Figure 11

Hence, considering the right mean of infused temperance from the perspective of its acquired counterpart, it misses the *medium virtutis*, for it aims for the “excess” of abstinence. B. Kent notices rightly: “What would be prudent for a Christian might thus appear, and even be, imprudent for a non-Christian.”¹¹⁴ Here the findings of chapter 3 again become important. The present characterization of the right mean of infused temperance as imprudent does not argue for its irrationality. Grace does not oppose nature; enlightened reason contains actually the formal perfection of natural reason. Nevertheless, the particular reasonable passion regarding the supernatural end (in its concrete realization) might be judged as excessive or defective in comparison to the good earthly life. The formal principles of reason and of enlightened reason are different but not opposed. Therefore, the perfection of the lower virtues is formally contained in the perfection of the higher, though the higher might demand contrary concrete material acts.

We should be very clear about this point since it will be the very basis for the right understanding of the particularity of acquired and infused justice. Infused temperance perfects man’s sensible appetite not only for some additional occasions or in regard to special persons – for example, to easily keep abstinence on prescribed days, or to calm bodily passions during prayer, or to keep one’s reserve in conversations with certain persons – whereas during other daily affairs the sensible appetite remains unchanged. To the contrary, the infused habit transforms the whole underlying power and each passion, even if some affections arise during the daily activities of political life, and even if a subsequent external action (moved by such an affection) might be identical with external results of acquired temperance. Nevertheless, the formal content of both affections will be principally different. Again, the comparison with different friendships is helpful. If the graced agent has infused temperance, which perfects man’s affections for the preservation of divine friendship, then there won’t be a single passion – not one! – which might be ruled *only* by reference to the good of the human city. Even on

occasions in which a graced agent could drink more without threatening political friendship, he would attend to the measure of infused temperance in every situation. Thus, the only valid measure for affective life of the graced agent is his friendship with God.¹¹⁵ Every excess and defect in relation to this measure are to be characterized as vicious.¹¹⁶

The Different Situation of Justice: The Special Character of the *iustum* as Right Mean

When we attempt to apply the ordinary way of determining the right mean of acquired and infused virtues to the case of justice, we observe a fundamental change.

In the case of the affective virtues, the new and more restricted mean of infused temperance requalifies the mean of acquired temperance as defective. Quite different is the case of virtues regarding external acts *ad alterum*, not only under the reign of charity but even at the mere natural level. Interactions between two citizens demand political justice. If, however, the two citizens are members of the same family, *aliquid superfluum* – something additional – beyond the mean of political justice becomes due. In the case of the affective virtues, the higher measure determines the right mean, so that all other alternatives are either defective or excessive. In the case of justice, however, additional friendships do not change the original *iustum*. The right mean of every kind of justice remains obligatory in all circumstances. The *iustum* survives materially, and the new due is just added on. For example, if two citizens are connected by familial bonds, the *aliquid superfluum* of familial justice does not transform the duty of the good citizen – as it does in the case of temperance – but the something more is simply subjoined to the prior obligations.¹¹⁷

Thus, the right means of the various types of friendship relate to each other as follows.

¹¹⁴ Kent, “Habits and Virtues,” 125.

¹¹⁵ “Le rapport à la fin ultime surnaturelle ne demeure point extrinsèque à la vertu morale; il affecte la détermination du juste milieu vertueux en le surélevant pour le proportionner aux exigences de cette fin objet de la charité.” (Parent, “Les vertus morales infuses dans la vie chrétienne,” 209).

¹¹⁶ This does not mean that for example the consideration of health is not relevant for infused temperance; but the ultimate criterion for the particular act is in any case divine friendship (see section 3.4).

¹¹⁷ Aquinas does not pick up the issue explicitly. However, in *ST* II-II 79.1 ad 1 he notes incidentally: “Aliae virtutes morales [sc. temperantia et fortitudo] consistunt circa passiones, in quibus bonum facere est venire ad medium, quod est declinare ab extremis quasi a malis, et sic in idem redit quantum ad alias virtutes, facere bonum et declinare a malo. Sed iustitia consistit circa operationes et res exteriores, in quibus aliud est facere aequalitatem, et aliud est factam non corrumpere.”

The virtuous agent inclined to...	towards his fellow citizens	towards his co-habitants	towards family members
...give gratis all things	excess (but not vicious)	excess	excess
...support the other in sustenance		(but not vicious)	right mean
...respect nighttime peace		right mean	
...pay the just price	right mean		
...cause any kind of unjust harm	defect	defect	defect
	↓	↓	↓
	justice between fellow citizen	“justice” in a household	“justice” in a family

Figure 12

Thus, regarding the determination of the right mean we can note a double difference between the affective virtues and justice.

First, there is a difference in respect to calculating excess. In the previous chart, the right mean was situated between to vicious extremes. For virtues regarding external acts, however, the excess, i.e. to give more than required, does not imply malice (section 4.1). Consequently, the more demanding mean of a higher form of justice – familial justice, for example – is principally compatible with political justice. It implies something superfluous from the perspective of mere political justice, but it is not against the measure of political justice. Thus, membership in an additional community entails for the agent simply a material addition of some further requirements.

Secondly, determining the mean of justice differs from determining that of the affective virtues in respect to calculating its defect. The right mean of political justice comes to be regarded as defect when measured against the mean of familial justice, but this defect works nevertheless as material part of the mean of familial justice. He who cares for his parents is thereby not dispensed to pay the just price if he buys something from them. The right mean of familial justice includes the mean of political justice, which would be a defect if considered merely by itself. Quite different is the case of temperance, where the right mean of the lower species turns out to be a negative defect in comparison to the higher.

Implications for Justice under the Reign of Charity

Based on this reflection we are able to understand the special situation of justice within the order of grace. The supernatural friendship of God and man – and consequently between man and man – implies a special kind of justice that renders everyone what is due to them according to their divine bond. This special mean of divine justice demands *aliquid superfluum* in comparison to any natural relationship. However, in contrast to the affective virtues, it adopts and contains the right mean of all natural communities. The mean of divine justice is, at least in regard to external acts, a composition of the all means of all virtues that are concerned with interpersonal actions. It is the sum of (a) the mean of political justice in regard to all fellow-citizen, of (b) the mean of “residential” justice in regard to all cohabitants, and of (c) the mean of familial justice in regard to the relatives, etc., plus something special – that which is due to the other only because of the divine bond. This final plus is characteristic of divine friendship, but it does not invalidate any of the prior means of justice. Conversely, from the perspective of natural relationships, the plus required by divine justice is not judged as vicious excess but rather as a sign of extraordinary liberality, though it is in fact, according to the divine rule, the right mean of divine justice.¹¹⁸

Therefore, the special character of the *medium rei* permits the “survival” of ordinary human justice within the order of grace. In contrast to the affective virtues, the right mean of divine justice does not invalidate the right mean of natural relationships between fellow-citizens, cohabitants, etc., but contains their right mean integrally. Consequently, political justice, familial justice, etc., play further roles in the moral life and remain specific virtues in the reign of grace.

One might ask whether these fine differences bear any real importance. Why it should matter whether certain acts are required because of the order of charity, or because of a natural friendship (of the family, household, or city) and also by charity? Is there a difference between acts required by divine justice alone and those required by political justice together with divine justice? At least for Aquinas, the difference is huge. We shall investigate the issue in the next section.

¹¹⁸ Thus, in the special case of infused justice Kent’s assertion “what would be prudent for a Christian might thus appear, and even be, imprudent for a non-Christian” (Kent, “Habits and Virtues,” 125) is only partly correct: The mean of infused temperance might seem foolish for a non-Christian; but the *more* of infused justice (at least in its external part) would be interpreted by a non-Christian as *liberality*.

5.4 Charitable Acts of Justice, or Just Acts of Charity? Which Commands the Other?

The previous chapter has shown in which way the various types of natural friendship and their relative species of justice (political justice, familial justice etc.) are presupposed for the right exercise of charity. Hitherto, however, it remained unclear how concrete actions of those kinds of justice depend on charity. Has the graced person to achieve these acts of justice because of charity? And if so, would this not actually destroy the proper meaning of justice not as giving something of mine (as a moral due of friendship) but paying back what belongs the other and therefore is strictly due him? This is questioned in the first subsection below.

But we have to inquire also into the converse question. Are the various kinds of justice only preconditions of charity and leave untouched the order of charity? As has already been seen, the proper act of charity responds to an amicable due; it is not restitution but a free gift. Nevertheless, for Aquinas even these acts have to follow somehow the order of justice. This will be the issue of the second subsection below.

5.4.1 Charitable Acts of Justice: *ex affectu – ad aequalitatem*

How does charity relate to the various kinds of justice? Without question charity can command the act of any kind of justice. Since charity relates to the ultimate end, there is by definition no good and no act of any virtue that does not fall under the command of charity. *Caritas est motor virtutum*.¹¹⁹ Justice, however, is a special case since charity not only *can* command its acts but rather must command all of its acts. The omission of a temperate act would not infect charity immediately as long as nothing intemperate is achieved. But to deny something that is due to the other would *ipso facto* destroy charity. “Render fully all debts to

¹¹⁹ See *In sent.* III 27.2.4C: “Ipsum bonum, quod est obiectum caritatis sub ratione finis, est finis virtutum. In omnibus autem potentiis vel artibus ordinatis ita accidit, quod ars vel potentia quae est circa finem, ordinat aliarum actus ad finem proprium; sicut militaris, quae est propter victoriam, ad quam omne officium bellicum ordinatur, ordinat equestrem et navalem et omnia huiusmodi in suum finem; et ideo dicitur caritas mater aliarum virtutum, inquantum earum actus producit ex conceptione finis, inquantum ipse finis habet se per modum seminis, cum sit principium in operabilibus, ut dicit philosophus: et secundum hoc dicitur imperare actus inferiorum virtutum, secundum quod facit eas operari propter finem suum; et secundum hoc movet alias artes inferiores ad finem suum; unde caritas etiam omnes alias virtutes ad suum finem movet, et secundum hoc dicitur actus earum imperare. Hoc enim interest inter elicere actum et imperare, quod habitus vel potentia elicit illum actum quem producit circa obiectum nullo mediante: sed imperat actum qui producitur mediante potentia vel habitu inferiori circa obiectum illius potentiae. Sic ergo caritas est motor aliarum virtutum.”

all, so that nothing remains what you have to solve . . . because in delaying restitution sin is committed, since man unjustly retains the other's thing."¹²⁰

But how must we understand a concrete act of justice commanded by charity? Does it give something that belongs to the other (justice) or something of mine (charity)? In section 2.4 we discussed the cooperation of virtues. Two habits can work together in one common act if one relates to the other as mover to the moved, so that the act belongs *materially* to one habit, but *formally* to the other.¹²¹ Courageous deeds performed out of love are formally acts of charity but materially acts of fortitude.¹²² The moved *virtue* retains its own specific form. Fortitude does not become charity, even if it works for the end of charity.¹²³ However, what about act that combine charity and justice? The case is more complicated since both arise from the same power, namely the will. When discussing the cooperation of the virtues, Aquinas usually clarifies the question by referring to the cooperation of two different powers, where the double formation of an act (of charity and fortitude, for example) is easily observed. But what happens to the just act if commanded by charity, where both acts originate in the will?

The key for solving this question is distinguishing precisely acts elicited by charity from acts commanded by charity. Though Aquinas claims that both types of act are formally charity, the charitable act of justice does not lose its proper character as just act. As commanded by charity it remains an elicited act of justice, and in this way it is in a certain manner also formally justice. St. Thomas explains: "Charity does not produce acts of the other virtues by eliciting them, but only by commanding them. For, a virtue elicits only those acts which are according to the notion of the proper form, as justice acts rightly or temperance acts temperately."¹²⁴ Hence, the commanded act of charity contains quasi a double formal determination. "Each virtue has a special form from its proper end and its proper object, by which it becomes this virtue. But it has from charity a certain common form, by which it can

¹²⁰ *Super Rom.* XIII 2: "Plene omnibus omnia debita persolvatis, ut nihil remaneat, quod solvere debeatis . . . quia in ipsa mora reddendi peccatum committitur, dum homo iniuste detinet rem alienam." Interesting on that regard is the whole commentary to chapter 12 and 13: *Super Rom.* XII 2 and 3 contains a discussion of the elicited acts of charity. The commentary to chapter 13 describes justice as requisite of charity: the first lecture treats justice in regard to superiors, the second lection in regard to all people. In both cases justice is portrayed as necessary condition for the preservation of charity. D. Mongillo thus labels *Super Rom.* XII and XIII as a short *institutio moralis* (Dalmazio Mongillo, *La dimensione etico-teologica nella Summa Theologiae di Tommaso d'Aquino* (Rome: Angelicum University Press, 2006), 55-72).

¹²¹ Cf. *ST I-II* 17.4 where St. Thomas discusses the issue of two cooperating powers.

¹²² Cf. *ST I-II* 13.1; *ST II-II* 124.2 ad 2; likewise *De virt. in com.* 10 ad 10: "Actus temperantiae vel fortitudinis imperantur a caritate ordinante eos in ultimum finem; ipsi quidem actus formaliter speciem sortiuntur: nam formaliter loquendo fiunt actus caritatis."

¹²³ *De virt. in com.* 10 ad 10.

¹²⁴ *De caritate* 5 ad 3: "Caritas non producit actus aliarum virtutum elicitive, sed imperative tantum. Elicit enim virtus illos actus tantum qui sunt secundum rationem propriae formae, sicut iustitia recte facere, et temperantia temperanter."

merit eternal life.”¹²⁵ The command of charity provides the principle qualification as virtuous act (“charity . . . gives each virtue the common species of virtue”¹²⁶), but since the act is elicited by its own virtue it retains likewise its own character as a “very special species” (*species specialissima*).¹²⁷

Applying this principle to the case of a just act moved by charity, it follows that the graced person pays the monthly rent to his landlord for two reasons. He pays the rent because it is due to the other by a prior arrangement, *and* because he is united to the other by charity in a divine bond. He performs an act for attaining equality (justice – *ad aequalitatem*) simultaneously out of an affective inclination towards the divine friendship (charity – *ex affectu*). When paying his rent, the agent performs an act that is specified in a twofold manner. Both aspects are essential and constitutive, and neither of them may be lacking. It would be against the proper notion of justice if the act of paying the rent were accomplished as sign of friendship, as an elicited act of charity, or as free gift given out of what is mine. And vice versa, it would be against charity if the agent paid the rent to his lessor only because it is required for their living together well, i.e. considering him as mere business-partner independent of their supernatural mutual union in God by charity.¹²⁸ Both aspects are connected and unified in the one charitable just act. “Charity works *through* justice – it is not an alternative to it.”¹²⁹

Hence, whereas the elicited act of charity contains only the aspect of friendship, the commanded just act of charity retains a twofold character. Thus, the description of the latter as a just act performed because of *God* is equivocal, since the “because of” can bear a double meaning:

¹²⁵ *De caritate* 3 ad 9: “A proprio fine et a proprio obiecto quaelibet virtus habet formam specialem, per quam est haec virtus; sed a caritate habet quamdam formam communem, secundum quam est meritoria vitae aeternae.”

¹²⁶ *De caritate* 3 ad 1.

¹²⁷ *De caritate* 3 ad 5: “Caritas, cum sit communis forma virtutum, trahit quidem virtutes in unam speciem communem, non autem in unam speciem propriam, quae dicitur species specialissima.” See also *ST* II-II 104.2 ad 1: “Nihil prohibet duas speciales rationes, ad quas duae speciales virtutes respiciunt, in uno et eodem materiali obiecto concurrere.”

¹²⁸ Of course, it is neither necessary nor possible (in this life) to achieve all act by an actual attention to the object of charity. Necessary is the virtual direction of all human acts to divine friendship by the habit of charity. In this sense Aquinas distinguishes between the factual observance of divine precepts and their fulfillment by the *mode of charity* which is not required all times (see *ST* I-II 100.10, corp. art. and ad 2; similar *In sent.* III 36.6). Based on these premises we can understand the quite rigorous assertion of Aquinas: “Iustitia consistit in redditione debiti . . . Sed quod aliquid debeat sibi et proximo, hoc est propter deum. . . . Nam si reddas tibi vel proximo quod debes, et hoc non facis propter deum, magis es perversus quam iustus, cum ponas finem in homine.” (*Super Gal.* III 3).

¹²⁹ Stephen J. Pope, “Aquinas on Almsgiving, Justice and Charity: An Interpretation and Reassessment,” *Heythrop Journal* 32 (1991): 186.

Charity in loving the neighbor has God as the formal notion of the object, and not only as the final end . . . but the other virtues have God not as the formal notion of the object but also as their final end. Thus, when it is said that charity loves the neighbor because of God, the *because of* denotes not only the material cause, but quasi the formal cause. But if it is said of the other virtues that they operate because of God, the *because of* denotes only the final cause.¹³⁰

Hence, in achieving an act of justice “because of God,” the specific determination of the act does not stem from charity. It is performed because of a certain due that depends on this-worldly obligations, on interhuman relations, and on the specific kind of natural friendship that obtains in a certain interaction. Charity, however, provides that the graced person renders these debts as sign of friendship with God and with others who are united to God.¹³¹ Hence, justice under the reign of charity retains its proper structure, but it works as “the instrument of charity”¹³² and “an outward expression of charity.”¹³³

In the introduction to this chapter, we mentioned the thesis of A. Nygren, which claims that justice is substituted by charity. Aquinas would probably reply this assertion by distinguishing the elicited and the commanded acts of charity. In elicited acts, charity and justice are indeed exclusive alternatives. What is due to the other, since it belongs to him, might not be given to him as an act of charity (as *actus elicited*). Simultaneously, all acts of the graced person have to be inspired by charity. But it does not follow therefrom that justice is replaced by charity. The solution to this dilemma is the distinction between elicited acts of charity and proper acts of justice commanded by charity. These latter retain their proper notion as acts of justice, but which are moved by charity towards God as final end

¹³⁰ *De caritate* 5 ad 2: “Caritas in diligendo proximum habet deum ut rationem formalem obiecti, et non solum ut finem ultimum, . . . sed aliae virtutes habent deum non ut rationem formalem obiecti, sed ut ultimum finem. Et ideo, cum dicitur quod caritas diligit proximum propter deum, illud propter denotat non solum causam materiale, sed quodammodo formalem. Cum autem dicitur de aliis virtutibus quod operantur propter deum, illud propter denotat causam finalem tantum.” See also many replies in *De caritate* 3.

¹³¹ Gilson distinguishes fittingly the elicited acts of the theological virtues as acting *with God* and *in God*, the acts of the various virtues commanded by charity as acting *for God* (cf. Gilson, *The Christian Philosophy*, 338).

¹³² Garrigou-Lagrange, *Reality: A Synthesis of Thomistic Thought*, 332.

¹³³ Pope, “Aquinas on Almsgiving,” 170. The whole quotation: “Justice . . . is an outward expression of charity. . . . Rather than undermining justice, charity is its Christian inspiration and inner form. . . . The command to love God and our neighbour . . . , the general prohibition on harming others . . . , and the Golden Rule . . . are *both* precepts of justice . . . and proper channels of charity.” In *De caritate* Aquinas brings a quite rigorous example for the cooperation of justice and charity: “Licet potest ille ad quem ex officio pertinet, malefactores punire, vel etiam occidere, eos ex caritate diligendo. . . Possumus enim illis quod ex caritate diligimus, velle aut inferre aliquod malum temporale.” (*De caritate* 8 ad 10).

5.4.2 Just Acts of Charity: Justice as Co-Measure of the *ordo caritatis*

At first glance, the question whether justice can command elicited acts of charity seems absurd. Someone might accomplish a courageous deed out of charity, but it would be silly to perform charitable acts for the sake of fortitude. Analogously, friendship requires the fulfillment of all debts regarding the other, i.e. the fulfillment of justice. Hence, charity commands justice. But it seems contradictory to demand proper acts of friendship because of justice. The order of justice is to be respected for the sake of friendship, of course, but we do not make friends in order to act justly.¹³⁴

As seen in section 5.2 even the divine command to love God and neighbor is not an exception. Affirmative commandments oblige *semper* but not *ad semper*. In other words, they require acting under certain circumstances and at determined times. Therefore, charity is commanded as a moral due of friends and not as an obligation that has to be achieved immediately and on any occasion¹³⁵

Thus, the issue appears perfectly clarified. However, there are some texts of St. Thomas that do not fit into this general schema. Texts which argue for the possibility of committing injustice in regard to elicited acts of charity. In *ST* II-II 44.8, we read: “Whoever transgresses a precept commits injustice. But if somebody loves some other as much as he ought, and loves another one more, he commits to nobody injustice.”¹³⁶ To love someone more than one owes to him seems rather a sign of virtue than of vice. But the quotation is taken from an objection; it is explicitly not Aquinas’s position. On the contrary, he responds: “If somebody loved less one whom he ought to love more, he wants to satisfy more one whom he ought to satisfy less. And thereby he would commit injustice to the one he ought to love more.”¹³⁷ Aquinas makes similar claim in *De caritate*: “Whenever we love one whom we ought to love, it does not seem to be a sin to love another even more.”¹³⁸ This is the objection, to which St.

¹³⁴ On that score Massaro is unclear. He argues: “Rather than being in any way opposed to charity, the virtue of justice moves us to engage in efforts to make love practical and effective.” (Thomas Massaro, “Don’t Forget Justice,” *America*, 13.3.2006, 19). Though it is right that justice and charity are not opposed, the former does not make the latter practical or effective; on the contrary, it is due to charity to move justice.

¹³⁵ See *ST* II-II 106.4 ad 1.

¹³⁶ *ST* II-II 44.8 arg. 1: “Quicumque enim transgreditur praeceptum iniuriam facit. Sed si aliquis diligat aliquem quantum debet, et alterum quemcumque plus diligat, nulli facit iniuriam.”

¹³⁷ *ST* II-II 44.8 ad 1: “Si minus diligeret aliquis eum quem plus debet diligere, plus vellet satisfacere illi cui minus satisfacere debet. Et sic fieret iniuria illi quem plus debet diligere.”

¹³⁸ *De caritate* 9 arg. 11: “Dummodo aliquem diligamus quem debemus, non videmur peccare, si alium quemcumque diligamus plus.”

Thomas replies: “We are not giving to a person that love which we ought to give if we love more another one whom we ought to love less.”¹³⁹

The two quotations show that for Aquinas even the elicited acts of charity follow a certain order, so that it would be an injury (*iniuria*) to deprive a person of certain proper acts of charity and affection.¹⁴⁰ At different places St. Thomas mentions three different criteria for the determination of the *ordo caritatis*.¹⁴¹ First, the immediate criterion of charity is that we are more united by charity (i.e. in divine communication) with persons who live themselves closer to God, men of extraordinary virtue and the saints. Thus, “we should wish a greater good to one who is nearer to God.”¹⁴² Secondly, the criterion of natural relationships states that by natural bonds we are united more closely to some people than to others, namely our relatives, cohabitants, and benefactors, etc. “Man loves those who are more closely united to him, with more intense affection.”¹⁴³ Thus, certain persons deserve more benefits than others according to their more intimate connectedness. Generally, the kind of natural friendship determines the kind of benefits that are due to the other by charity. For example, friends of the same household are to be preferred in relation to things belonging to the common life.¹⁴⁴ And thirdly, there is the criterion of greater neediness, which states that the person in more urgent need deserves our support. “Where is the greater necessity, there one has rather to help according to the order of charity’s duty.”¹⁴⁵

¹³⁹ *De caritate* 9 ad 11: “Non potest esse quod alicui impendamus de dilectione quod debemus, si alium quem minus diligere debemus, amplius diligamus.” And Aquinas continues: “Potest enim contingere quod in necessitatis articulo amplius subveniatur alteri, in derogationem eius quem plus amare debemus.”

¹⁴⁰ Already Aristotle has noted that injustice against people who are closer related is worse (*NE* VIII 11 1160a2-4). Aquinas comments: “Magis amico bene facere quidem est iustius, nocere autem iniustius; sicut quod aliquis privet pecuniis per furtum aut rapinam hominem sibi familiarem et connutritum est durius et iniustius quam si privaret civem, et similiter si subtrahat auxilium fratri quam si subtraheret extraneo; et si percutiat patrem, quam si percutiat quemcumque alium.” (*In ethic.* VIII 9.7). Hence, the account of St. Thomas differs in an important respect of Outka’s understanding of charity as “equal regard” (see the quotations in footnote 103); for a critique of Outka’s position, see Porter, “De ordine caritatis,” 197-214.

¹⁴¹ Scholars usually mention only the first two conditions. But St. Thomas clearly knows all three. See Stephen J. Pope, *The Evolution of Altruism and the Ordering of Love* (Washington, DC: Georgetown University Press, 1994), 58-65.

For an overview of the medieval background of Thomas’s position, it may be helpful to consult the chapter *La nature du devoir de l’aumône chez les prédécesseurs de saint Thomas d’Aquin* in Lottin, *Psychologie et morale*, 299-313.

¹⁴² *ST* II-II 26.7: “Ei qui est deo propinquior maius bonum ex caritate velimus.”

¹⁴³ *ST* II-II 26.7: “Illos qui sunt sibi propinquiores intensiori affectu diligere.” Hence, the both criteria are either the other’s good of grace or their natural gifts and relation to us. “Amor autem debetur proximo secundum id quod a deo habet, idest secundum naturam et gratiam.” (*ST* II-II 34.3).

¹⁴⁴ See *ST* II-II 31.3. For rules how to decide in the case of overlapping duties, see ad 1; also *De caritate* 9 ad 12 “Non semper meliores magis amantur, sed attenditur etiam ratio propinquitatis, ut ex utroque coniunctim sumatur ratio maioris dilectionis.” Further, the obligations may differ also in relation to the agent depending on his proper state (e.g. as religious). See *ST* II-II 187.4; thereto Pope, “Aquinas on Almsgiving,” 172.

¹⁴⁵ *In sent.* IV. 12.3.2B, arg. 1 (affirmative): “Ubi est maior necessitas, ibi secundum ordinem debitum caritatis est magis subveniendum.”

For our present project, this short portrayal of the *ordo caritatis* may be sufficient for showing that justice is not only an integral part of charity. Beyond that, justice has a say even in the determination of the order of charity itself. Admittedly, if there is legal due, only an act of proper justice resolves the debt. But in addition to its general function, justice provides likewise the measure for proper acts of charity. In *ST* II-II 31.3 ad 3, Aquinas describes this double function of justice:

A thing may be due in two ways. There is one which should be counted, not among the goods of the debtor, but rather as belonging to the person to whom it is due: for instance, a man may have money or something of another, either because he has stolen them, or because he has received them on loan or in deposit or in some other way. . . . The other kind of due is one which is counted among the goods of the debtor and not of the creditor; for instance, a thing may be due, not because justice requires it, but on account of a certain moral equity, as in the case of benefits received gratis. Now no benefactor confers a benefit equal to that which a man receives from his parents: wherefore in paying back benefits received, we should give the first place to our parents before all others, unless, on the other side, there be such weightier motives, as need or some other circumstance . . . In other cases we must take into account the connection and the benefit received; and here again no general rule can be laid down.¹⁴⁶

The first kind of obligation is due to justice, while the second belongs to proper acts of charity. But though the latter responds only to a moral due of friends, it respects (and has to respect) the order of justice. In other words, charitable acts are to be performed first of all towards one's parents since one stands in greatest debt of gratitude towards them; it is an obligation that arises from prior received benefits. As Ricoeur notes in his booklet on charity and justice: "Since it was given to you, give on your part."¹⁴⁷ In this way, the natural order of various friendships renders a "co-norm" for the determination of supernatural acts of charity.¹⁴⁸

¹⁴⁶ *ST* II-II 31.3 ad 3: "Duplex est debitum. Unum quidem quod non est numerandum in bonis eius qui debet, sed potius in bonis eius cui debetur. Puta si aliquis habet pecuniam aut rem aliam alterius vel furto sublatam vel mutuo acceptam sive depositam, vel aliquo alio simili modo . . . Aliud autem est debitum quod computatur in bonis eius qui debet, et non eius cui debetur, puta si debeatur non ex necessitate iustitiae, sed ex quadam morali aequitate, ut contingit in beneficiis gratis susceptis. Nullius autem benefactoris beneficium est tantum sicut parentum, et ideo parentes in recompensandis beneficiis sunt omnibus aliis praeferendi; nisi necessitas ex alia parte praeponderaret, vel aliqua alia conditio . . . In aliis autem est aestimatio habenda et coniunctionis et beneficii suscepti."

¹⁴⁷ Ricoeur, *Liebe und Gerechtigkeit*, 48: "Puisqu'il t'a été donné, donne à ton tour."

¹⁴⁸ For a more extended outline of the ramification of natural relationships on the *ordo caritatis*, see Ryan, "Charity and the Social Order: Part 1," 554-560; Stephen J. Pope, "The Order of Love and Recent Catholic Ethics: A Constructive Proposal," *Theological Studies* 52 (1991): 262-265; Pope, "Aquinas on Almsgiving," 172-176.

5.5 Several Difficulties in Reconstructing Justice as Infused Virtue

After examining the general framework of justice under the reign of charity, we want to turn now to the special question of justice as an infused virtue. What should it be described? In the final section of this chapter we shall indicate the general direction in which a definition of infused justice could unfold. We can hint already that, a propos of many of St. Thomas's definitions, the reconstruction could be developed into two directions. Then, in chapter 6 we provide a summary of these results, and in chapter 7 we verify our thesis by reading through the treatise on justice in the *Secunda secundae*.

5.5.1 Two Rival Accounts: Divine Justice or Infused Human Justice?

As the previous paragraphs have already suggested, the term “justice” can adopt different meanings under the reign of charity. On the one side, there should be a kind of divine justice that corresponds to charity and provides the minimum for maintaining divine friendship by observing all divine precepts. We might refer to this divine justice as *divine legal justice*. On the other side, there should be a justice that retains its original sense as a human virtue concerned with perfecting external actions. Or, more specifically, justice that takes on the character of a particular virtue, such as political justice between citizens and familial justice between relatives. In what follows, we want to refer to the second meaning when we use the term *infused human justice*.

Thus, we turn to our main question: How does Aquinas describe infused justice? As infused divine justice (justice according to divine friendship), or as infused human justice (justice according to the various types of natural friendship but presupposing the state of grace)? Based on the general criteria of *ST* I-II 63.4 for determining the specific end of the infused moral virtues, both interpretations seem to be plausible and consistent. The reconstruction of infused justice, therefore, can unfold in the following two directions.

First, as a strict parallel to the concept of infused prudence/fortitude/temperance, one could argue that the acquired virtues perfect the agent regarding the political community and the infused virtues perfect him in respect to divine friendship. As acquired fortitude enables a man to endure fears and dangers for the good of the city, and infused fortitude enables him to

to preserve divine friendship,¹⁴⁹ likewise acquired justice perfects man in affairs of the human city and allows for political friendship, whereas infused justice enables him to render to everyone his due according to the requirements of divine friendship. Accordingly, teaches St. Thomas, “men behave well in order to be ‘fellow-citizens with the saints, and of the household of God,’”¹⁵⁰ the result being that every believer becomes a “virtuous member of the Church.”¹⁵¹ In this way, infused justice assumes the sense of what above we called *divine justice*.

However, although infused justice is envisioned thereby in an exact parallel fashion to the other moral virtues, the resulting image differs in one important point. In the case of prudence, fortitude, and temperance the new formal principle (the *regula divina*) and the different final end (divine friendship) do not change the proper matter that is ruled. Just like their acquired counterparts, infused prudence/fortitude/temperance continue to shape practical decisions prompted by movements of the irascible and concupiscible passions. Infused justice as divine justice, however, has to deal with a widely enlarged range of action. Whereas acquired justice strictly understood rules only external actions between two fellow-citizens, infused justice as divine justice involves every possible practical matter insofar as it is required for the maintenance of divine friendship.¹⁵² Hence, it seems that infused justice as divine justice remains incomparable with the other species of infused virtue.

Secondly, the term of infused justice can also be developed in a quite a different direction. Based on the fact that acquired and infused virtue treat the same respective matter, the task of infused justice may be limited from the very beginning to regulating of external acts only, namely actions between two equal citizens (as proper justice), or between family members (as “familial” justice), or between cohabitants (as “residential” justice), etc., but now according to the divine rule. Following this line of thought, infused justice is understood to parallel the function of infused fortitude and infused temperance, that is to say it measures principally the same practical matter as acquired political justice, which includes all external acts performed within the human society. Consequently, infused justice ends up being something like *infused human justice*.

At first glance, the second way of understanding infused justice may appear more plausible. However, the appeal of the argument hides in an important point. Infused fortitude and

¹⁴⁹ See *ST* II-II 124.2 ad 1.

¹⁵⁰ *ST* I-II 63.4: “per quas homines bene se habent in ordine ad hoc quod sint cives sanctorum et domestici dei.”

¹⁵¹ *In sent.* III 33.1.2D: “virtuosus est membrum ecclesiae.”

¹⁵² See thereto *ST* II-II 44.1 where Aquinas mentions ordered passions, just external acts and even true faith as prerequisite of charity and therefore commanded by divine precepts.

infused temperance rule human passions not in regard to the good of the city but for the sake of divine friendship. As Aquinas notes in *ST* II-II 124.2 ad 1, acquired fortitude works for the good of the human city, but its infused species aims for the divine good, which can include martyrdom.¹⁵³ And generally for all infused virtues Aquinas summarizes this point when stating about infused virtue in general: “Acquired virtues perfect man in regard to the civic life, the infused ones in regard to the spiritual life which is from grace, according to which the virtuous man is a member of the Church.”¹⁵⁴ Thus, according to this description of infused virtue it seems rather unfitting to describe infused justice as if its immediate concern is not divine friendship but the good of the political sphere in general, or more particularly of the family or the household.

Are we now faced with an insoluble dilemma? In a certain way, both arguments seem to develop consistently the general principles of Aquinas’s doctrine on the infused moral virtues, but at the end they seem to result in a contradiction. Is there a way to save our project?

In fact, both options have their defenders. Scholars such as Labourdette and Cessario describe infused justice according to the first way, as divine justice. Both Dominican Thomists underline that justice as an infused virtue, in contrast to the other cardinal virtues, deals with a different matter than acquired justice.¹⁵⁵ On the other side, Gilleman who distinguishes explicitly between natural and Christian justice, understands the latter clearly as a perfection aimed specifically at the exigencies of human society, as Christian but still human justice.¹⁵⁶ We are left to ask, therefore, which of the two arguments is the right one?

¹⁵³ See footnote 109.

¹⁵⁴ *In sent.* III 33.1.2D: “In alia vita hominem perficiunt, acquisitae quidem in vita civili, infusae in vita spirituali, quae est ex gratia, secundum quam homo virtuosus est membrum ecclesiae.”

¹⁵⁵ Labourdette speaks of “une matière beaucoup plus vaste” in the case of infused justice (Labourdette, *La justice (IIa-IIae, 57-79)*, 46). Likewise Cessario who contrasts the special case of infused justice with infused temperance and fortitude as following: “Aquinas contends that even the ‘physical’ stuff with which infused justice deals undergoes a kind of transformation which renders it different from the created stuff of political justice. In other terms, the infused virtues of justice differ also ‘materialiter’ from the acquired, ‘political’ virtues of justice.” (Cessario, *Moral Virtues and Theological Ethics*, 114-115). He repeats his position in Cessario, *Introduction to Moral Theology*, 202: “For justice and its allied virtues, a new formal object even changes the very stuff which justice transforms.” Elsewhere he describes the evangelical law as infused justice in a metaphorical way (Cessario, *The Virtues, or the Examined Life*, 132-3). Recently Key argued similarly for a special status of justice as infused virtue (see Keys, *Aquinas, Aristotle, and the Promise of the Common Good*, 234-35).

¹⁵⁶ Cf. Gilleman, *The Primacy of Charity*, 330-341.

5.5.2 Different Suggestions of Scholars

a) Infused Justice as Remedy of Naturally Self-Centered Justice

In *The Primacy of Charity in Moral Theology*, G. Gilleman takes up a clearly affirmative position for infused human justice. He discusses the relationship between charity and justice in a special chapter¹⁵⁷ and argues in favor of the “vital role of the infused virtue of justice.”¹⁵⁸ It is worth summarizing in few lines his principal argument. Charity and justice are specifically different virtues. The former seeks union, while the latter may be called the virtue of “otherness.”¹⁵⁹ According to Gilleman, justice is necessary because of man’s general egocentric orientation towards his own good and his inclination to neglect the other. Thus, justice “bears on the claims and defense of self by putting others on the same level as self and by seeking revenge.”¹⁶⁰ In this way, “justice tends toward the division of ‘mine’ and ‘thine,’ toward strict equality between what is owed and what is paid, toward objectification, distinctness of situations, the determination of a minimum threshold below which one cannot fall without provoking the react of self-defense, that is, the claims of the other.”¹⁶¹ For Gilleman, therefore, justice is principally vindictive and egocentric.¹⁶²

Or to speak more precisely, justice is self-centered as natural justice. Consequently, Gilleman opposes this inferior kind of justice to a properly “Christian justice.”¹⁶³ The specific characteristic of the latter is its inspiration by charity. Thus infused, justice no longer treats the other as other, but moved by charity it seeks the other’s good as one’s own good. “No longer content with respecting the rights of others, Christian justice positively tends to promote them.”¹⁶⁴ He differentiates the two types of justice by the following impressive example:

An industrialist, remarking the insufficiency of his workers’ wages and the social risks they run in his factory, spontaneously raises their wages and insures them against these risks, because his conscience tells him that in justice he must respect the rights of these men who are

¹⁵⁷ See footnote 156. For a commenting summary of the thesis of Gilleman, see Outka, *Agape* ... 82-85.

¹⁵⁸ Gilleman, *The Primacy of Charity*, 340. More often Gilleman uses the term *Christian justice* (esp. *ibid.*, 337-341).

¹⁵⁹ *Ibid.*, 330.

¹⁶⁰ *Ibid.*, 332.

¹⁶¹ *Ibid.*, 333-334.

¹⁶² E.g. *Ibid.*, 322.

¹⁶³ *Ibid.*, 337; the author speaks also from “pagan” justice (*ibid.*) or from a “lower level” of justice (*ibid.*, 333).

¹⁶⁴ *Ibid.*, 338.

bound to him by personal ties and, therefore, have a special title to his love in charity. Such a Christian attitude – in the ideal hypothesis that it were to become general – would permit and even compel the workers to adopt a similar disposition. A second attitude is that of workers and employers alike vindicating their rights by every means in their power, especially by the economic constraint of lockouts and strikes. Such is the attitude of instinctive justice . . . it opposes two groups who are thinking primarily of themselves. . . . In the first, ‘other-centered’ attitude, each party says, ‘I render you your right because it is yours.’ In the second, ‘self-centered’ attitude, each party says, ‘I claim my right because it is mine.’¹⁶⁵

Drawing upon what we have learned in previous chapters, we observe in the thesis of Gilleman a twofold deviation from the doctrine of St. Thomas.¹⁶⁶

First, for Aquinas it belongs to the very essence of justice not to be self-centered but to seek the good of the other by giving him his due. Even the purpose of “pagan” justice is not the attainment of an equilibrium between rival claims of several persons, but the habitual will to render everyone his due. Thus, an infused virtue is not necessary to overcome self-centeredness. Rather, this is the proper task of any kind of natural justice.

Secondly, Gilleman’s account of Christian justice does not correspond to Aquinas’s. According to the Jesuit scholar, the employer in the state of grace recognizes that his workers “have a special title to his love in charity.” Apparently, he understands expressing charity as a matter of justice. We might wonder, however, does justice command charity? Of course, the order of justice has some impact on the order of charity (section 5.4.2), but thereby charity does not become a proper matter of justice, nor does justice become a proper act of charity. Furthermore, it would be unjust in regard to the worker if an industrialist paid him a just wage according “a special title to his love in charity,” for the worker merit his reward reward not as sign of friendship but as something strictly owed.

Therefore, even if Gilleman argues for the existence of infused justice, it is clear that he does so for reasons apart from Aquinas’s. To achieve the ends of his infused justice, one would need to possess only acquired justice and charity.¹⁶⁷

¹⁶⁵ Ibid., 339.

¹⁶⁶ Worth to note Gilleman sees his work as grounded on thomistic doctrine (see its first part, Ibid., 3-56).

¹⁶⁷ Namely acquired justice as counterpart to his self-centered natural justice, charity for seeking in union the other’s good.

b) Acquired Justice as Sufficient Co-Principle of Charity

This position is taken up by several scholars. As an example, we can refer to the works of Guy de Broglie, who has argued explicitly for the preservation of justice according to its own structure under the reign of charity, *videlicet* understood as acquired virtue.¹⁶⁸ Broglie emphasizes generally that charity does not substitute for the moral virtues but requires them for perfecting the agent in regard to all moral matters.

If Christian morality can be rightly understood as a ‘morality of charity’ . . . then it would be inexact, and even wholly ruinous, to conclude that our comportment in regard to human persons could be ruled by considering *only* benevolence which emerges from our heart, disregarding the proper exigencies of *the multiple moral virtues* which prescribe the respect of this or that characteristic genre of value or finality.¹⁶⁹

Consequently, interpersonal relations cannot be determined solely by charity, for these relations still involve other’s duties and rights. To be sure, justice measured by mundane considerations remains necessary even in the reign of charity. So far, we are in agreement with Broglie’s thesis. However, because he supports an autonomous determination of justice in reference to the other as citizen (apart from the order of charity), Broglie continues arguing that all men, even those outside of the order of grace, can acquire justice in the same exact manner. According to Broglie, whether the agent is united with God and neighbor by charity is irrelevant to his acquisition of justice. Even apart from charity anyone can acquire justice and act through it. “Those of our human brethren who remain deprived of the light and force which charity would award have not less the power and the duty to conform their actions to the requests of the different virtues.”¹⁷⁰ In an analogous way, several scholars describe infused justice as the cooperation of charity and acquired justice.¹⁷¹

¹⁶⁸ See Broglie, “‘Justice social’ et ‘Bien commun’,” 257-292.

¹⁶⁹ “Si en effet la morale chrétienne peut légitimement se résumer en une ‘morale de la charité’ . . . il serait inexact, et même tout à fait ruineux, d’en conclure que notre comportement envers les personnes humaines puisse être légitimement réglé en considération de la *seule* bienveillance dont notre cœur déborde pour chacune d’elles, sans égard aux exigences propres des *multiples vertus morales* qui nous prescrivent le respect de tel ou tel genre caractéristique de valeur et de finalité.” (Ibid., 259). And later on: “L’amour que nous devons à Dieu comporte essentiellement et de plein droit (comme l’Evangile lui-même en témoigne) une intention résolue d’observer tous les commandements’, c’est-à-dire de respecter fidèlement les exigences propres des toutes les vertus morales qui doivent régler ici-bas notre conduite.” (Ibid., 260).

¹⁷⁰ Ibid., 260: “Ceux de nos frères humains qui restent dépourvus des lumières et des forces que la charité leur apporterait n’en ont pas moins le pouvoir et le devoir de conformer leur actions aux requêtes de ces différentes vertus.”

¹⁷¹ So, for example, Gillet who refers to charity as *infused* virtue which cooperates with acquired justice (M.S. Gillet, “Justice et charité,” *Revue des Sciences Philosophiques et Théologiques* 18 (1929): 5-22, esp. 8, and

This thesis, however, contradicts Aquinas's general teaching regarding the necessity of the infused moral virtues. Thus, we are left still searching for a properly Thomistic understanding of infused justice.

5.5.3 Infused Justice as Human Virtue Regarding the Church

In the following we want to argue that the proper reconstruction of infused justice according to the principles of St. Thomas implies something like an infused human justice. At the same time, we do not want to negate the presence within the infused virtue of divine justice, as described above (i.e. as foundation of charity). Therefore, it is our thesis that the ordinary reconstruction of infused justice as cardinal virtue according to the standards of *ST* I-II 63.4 and *In sent.* III 33.1.2C and D has to result in an infused habit of justice whose proper purpose is man's perfection in regard to human society, but that simultaneously presupposes an ordering towards God.

The authentic reconstruction of justice as infused cardinal virtue depends on the precise understanding of Aquinas's repeated axiom, that infused virtues perfect man as member of the Church and the *civitas sanctorum*. The Church is characterized by spiritual life (*vita spiritualis*), which finds its proper contrast in the civic life (*vita civilis*) of the human city.¹⁷² As we have seen, it is easier to describe and define the infused affective virtues, for their proper matter is more clearly delimited. In their cases, the sensible appetite is ruled in

further on 15-22). Similar Th. Deman, "La charité fraternelle comme forme des vertus," *La Vie Spirituelle* 74 (1946): 391-404, esp. 393-394. According to Deman it is due to charity to facilitate and confirm the acts of justice. "Ne serons-nous pas plus facilement justes et ne le serons-nous pas mieux si nous aimons ce prochain de qui la justice a charge de sauvegarder les droits?" (Ibid., 394). Wadell describes justice as immanent part of charity but apparently understood as natural virtue; cf. the chapter *Friendship with God and a Commitment to Justice* in Paul J. Wadell, *Becoming Friends: Worship, Justice, and the Practice of Christian Friendship* (Grand Rapids, MI: Brazos Press, 2002), 139-158; see also Wadell, *The Primacy of Love*, 126-136. Interesting on that score is also the article Charles M. Murphy, "Action for Justice as Constitutive of the Preaching of the Gospel: What Did the 1971 Synod Mean?," *Theological Studies* 44 (1983): 298-311 who discusses the meaning of justice for preaching the gospel. Murphy distinguishes on the one side justice as human virtue which is nonetheless part of the gospel (he uses concepts as "constitutive," "essential," "indispensable," "integral" parts of the Christian teaching), and on the other side justice in the biblical sense which is much closer to charity. "The heart of the ambiguity about the meaning of constitutive . . . seems to reside in differing conceptions of what kind of justice is being referred to. If justice is conceived exclusively on the plane of the natural, human virtue of justice as explained in classical philosophical treatises, then such justice can only be conceived as an integral but nonessential part of the preaching of the gospel. But if justice is conceived in the biblical sense of God's liberating action which demands a necessary human response – a concept of justice which is far closer to agape than to justice in the classical philosophical sense – then justice must be defined as of the essence of the gospel itself." (Ibid., 308). However, Murphy does not put the question whether in the case of a Christian even justice in the first sense is something supernatural; rather he seems to intend simply "pagan" justice.

reference to the goods of the spiritual life. In the case of justice, however, because of its reference to the life of the Church, scholars regularly grant to it an extended activity when infused by charity.¹⁷³

We grant that is necessary to postulate an infused divine justice, which enables the graced agent to observe the divine law in all practical matters. It is justice as a general virtue (*virtus generalis*) which commands all other virtues. At the same time, we must not forget that the reconstruction of infused justice, as one of the four cardinal virtues, must follow the general principle that acquired and infused virtues focus on perfecting the same matter. In the case of justice as particular virtue, therefore, considered as both acquired and infused, the matter is human interpersonal relations and the external actions of everyday life.

We can point to several remarks in Aquinas to justify our thesis. In *De virt. card.*, St. Thomas asserts: “The cardinal virtues, insofar they are gratuitous and infused, . . . perfect man *in the present life in order to the heavenly glory*.”¹⁷⁴ Thus, the infused virtues – and St. Thomas speaks here generally about all four cardinal virtues – do not touch directly the life of the heavenly community. Rather, they perfect man in his earthly life in view of attaining his final end. We find a similar expression in the *Summa theologiae*: “The theological virtues direct us sufficiently to the supernatural end . . . But it is necessary that the soul be perfected by other infused virtues *in regard to other things*, but while ordered to God.”¹⁷⁵ Those *aliae res* are nothing else than all of the movements of man’s interior and exterior life, which circumscribe the whole of his political life and supply the matter for all four cardinal virtues. Gardeil summarized this teaching quite well: “The ‘infused’ moral virtues . . . enable us to adapt the activities of *our human and earthly life* to the supernatural end of the life with God. . . . The ‘infused’ moral virtues permit us to achieve all obligations *of our human life* in regard to and in function of that lived friendship with God [emphasis added].”¹⁷⁶

Thus, according to this reading infused justice is that virtue which disposes the graced agent to direct all external human interaction within society to the preservation of divine friendship.

¹⁷² Cf. *In sent.* III 33.1.2D.

¹⁷³ If they advert to the issue of infused justice at all. See the citations in footnote 155.

¹⁷⁴ *De virt. card.* 4: “Virtutes cardinales, secundum quod sunt gratuita et infusae, . . . perficiunt hominem *in vita praesenti in ordine ad caelestem gloriam*.”

¹⁷⁵ *ST* I-II 63.3 ad 2: “Virtutes theologicae sufficienter nos ordinant in finem supernaturalem, secundum quandam inchoationem, quantum scilicet ad ipsum deum immediate. Sed oportet quod per alias virtutes infusas perficiatur anima *circa alias res*, in ordine tamen ad deum.”

¹⁷⁶ Gardeil, “Appendice,” 370: “Les vertus morales ‘infuses’ . . . nous donnent capacité d’adapter nos activités de vie humaine et terrestre à la fin surnaturelle de la vie avec Dieu. . . . Les vertus morales ‘infuses’ nous permettent de réussir toutes les obligations de notre vie humaine en regard et en fonction de cette amitié vécue avec Dieu.”

At this point, the reader may raise an objection. Doesn't our account of infused justice contradict Aquinas's definition of infused virtue as being related to the communion of saints, or at least to the communion of the Church? As this objection suggests, the crux of the whole issue appears in the exact understanding we should have of the concept "Church" (*ecclesia*) in this context.

Church and State According to Aquinas

Modern thinkers are now used to consider the Church and the political state as two distinct entities. For them, the Church subsists no longer in the public square but in its own niche. It is possible, of course, for citizens to belong to both communities, the political and the ecclesial, and in some matters there public cooperation between the two is possible, like in the areas of education and health care. To modern thinking, however, this interface of Church and State remains accidental. In themselves, Church and State are two separate bodies possessing their own independent duties and rights. As a result, public neutrality in religious matters is taken to be the ideal stance of the good state.

The contrary was true for Aquinas.¹⁷⁷ He acknowledged, of course, that the Church exceeds the human city by also including among its members the saints in heaven.¹⁷⁸ In this life, however, the Church is not to be understood as an accidental community lying outside of the political community. To the contrary, the ecclesial community on earth is realized through and within human society, within various nations that populate the world. We could say with St. Thomas that the Church is the earthly human community as christianized. It is "the community or *res publica* of men under God."¹⁷⁹ "The Church on earth [*secundum statum viae*] is the congregation of faithful."¹⁸⁰ "The Church resembles the political congregation, since the Church itself is called *populus*."¹⁸¹ This does not imply that the Church is to identified simply with the State. Both remain distinct in light of their different ends. On the one hand, the State works to support and organize man's civic life on earth, while on the other

¹⁷⁷ See for the following: George Sabra, *Thomas Aquinas' Vision of the Church: Fundamentals of an Ecumenical Ecclesiology* (Mainz: Matthias-Grünwald-Verlag, 1987), esp. 107-121 about the constitution of the Church on earth.

¹⁷⁸ The distinction of the *ecclesia militans* and *ecclesia triumphans* is made example in *In sent.* IV 49.1.2E.

¹⁷⁹ *ST* I-II 100.5. Divine laws are given "ad quendam communitatem seu rempublicam hominum sub deo."

¹⁸⁰ *ST* III 8.4 ad 2: "Ecclesia secundum statum viae est congregatio fidelium."

¹⁸¹ *In sent.* IV 20.1.4A. The analogy is even drawn further: "Cum ecclesia sit congregatio fidelium; congregatio autem hominum sit duplex; scilicet oeconomica, ut illi qui sunt de una familia; et politica, sicut illi qui sunt de uno populo; ecclesia similatur congregationi politicae, quia ipse populus ecclesia dicitur; sed conventus diversi vel parochiae in una diocesi simulantur congregationi in diversis familiis vel in diversis officiis."

hand the Church guides and leads believers toward the perfection of the spiritual life.¹⁸² Given their distinct ends, the proper competence of the civil and ecclesiastical power also remains distinct. Aquinas allows for their cooperation, however, and he describes their working together by the analogy of body and soul. “The secular power is subject to the spiritual, even as the body is subject to the soul.”¹⁸³ Nonetheless, both entities constitute neither two different human societies, nor two separate parts of the human life, but both focus on the singular human community on earth, albeit under different aspects. One dedicates itself to the earthly flourishing of political friendship, while the other provides for growth in spiritual wealth according to divine friendship. Though the Church has its distinct spiritual end, by itself it is not a mere spiritual community. Rather, it is the human community as having a spiritual finality. In the words of Aquinas, it is the *res publica hominum sub deo*.¹⁸⁴

Thus, ecclesiastical and secular authority rule the same community but for different ends. The secular state retains thereby a certain autonomy. Even for St. Thomas there exists not a general priority of the ecclesiastical authority over the secular ruler. Each retains its own competence within its proper sphere of action. “In things which pertain to the salvation of soul . . . one has to obey more the spiritual power than the secular. In things, however, which pertain to the civil good, one has to obey rather the secular power than the spiritual.”¹⁸⁵

The double “more” indicates already that there may be some relation between the two powers. Though the soul is composed differently than the body, it is also the body’s form. And as the body is for the soul, so the soul is in charge of the needs of the body. Extending the analogy of body and soul to human society, we can say that the proper and proximate end of the civil government is the human common good, granted that public life should also promote citizens’ striving towards eternal beatitude. Hence, the remote end of the human laws, and

¹⁸² See quotation footnote 154.

¹⁸³ *ST* II-II 60.6 ad 3: “Potestas saecularis subditur spirituali sicut corpus animae. Et ideo non est usurpatum iudicium si spiritualis praelatus se intromittat de temporalibus quantum ad ea in quibus subditur ei saecularis potestas, vel quae ei a saeculari potestate relinquuntur.”

¹⁸⁴ Cf. *ST* I-II 100.5, quoted in footnote 179. Figgis describes the medieval relationship of Church and state as following. “In the Middle Ages, Church and State in the sense of two competing societies did not exist; you have instead the two official hierarchies, the two departments if you will: the Court and the *Curia*, the King’s officials and the Popes’.” (John N. Figgis, *Churches in the Modern State* (Bristol: Thoemmes Press, 1997), 190). And later on: “Nobody in the Middle Ages denied that the king was God’s minister, or that the Bishops were great lords in the commonwealth. Pope and emperor, when they quarrelled, quarrelled like brothers, as members of the same society – the *civitas Dei*.” (Ibid., 199).

¹⁸⁵ *In sent.* II 44.2.3, exposition textus ad 4: “Potestas spiritualis et saecularis, utraque deducitur a potestate divina; et ideo in tantum saecularis potestas est sub spirituali, in quantum est ei a deo supposita, scilicet in his quae ad salutem animae pertinent; et ideo in his magis est obediendum potestati spirituali quam saeculari. In his autem quae ad bonum civile pertinent, est magis obediendum potestati saeculari quam spirituali, secundum illud Matth. 22, 21: reddite quae sunt caesaris caesari. Nisi forte potestati spirituali etiam saecularis potestas coniungatur, sicut in Papa, qui utriusque potestatis apicem tenet, scilicet spiritualis et saecularis.”

consequently the indirect measure of the lawgiver, is divine friendship.¹⁸⁶ Therefore, the spiritual welfare of the citizen is also relevant a relevant concern of the human city.¹⁸⁷ The reverse is also true. Though the proper end of ecclesiastical law is the spiritual life of the faithful, they may touch in particular cases on various earthly affairs, though only when necessary for the salvation of souls.¹⁸⁸

Human Infused Justice within the Church

It would exceed our purposes here to deepen our inquiry into the relationship between Church and State according to Aquinas, or to enter into concrete problems surrounding this question.¹⁸⁹ We have said only enough to show in which direction a reconstruction of infused justice as a cardinal virtue will run. Though the Church is constituted by a spiritual principle, that of divine friendship, this grace is realized within the human community already constituted on earth. In grace, human society becomes the *res publica sub deo*, and infused human justice is given to its members for the perfecting of all human interactions that occur in this heavenly community on earth, which is the Church.¹⁹⁰

Hence, infused human justice is not a virtue that perfects man in every respect regarding his membership in the Church. Neither is it concerned with ruling his passions, governing his internal acts of charity, or prompting his avoidance of feelings of hatred. These tasks belong either to other particular virtues or to divine justice. Furthermore, infused justice is not limited to right actions within the Church, understood as either right behavior in church (on occasions of divine worship) or as the respectful social intercourse of people working in church institutions (infused justice understood as virtue for promoting a good “working atmosphere” within the parish). For Aquinas, infused justice includes less than the former but much more than latter. Since the Church on earth is the human society ruled in regard to divine friendship, infused cardinal justice must be portrayed as infused human justice for the good life in a

¹⁸⁶ *ST I-II* 92.1 asserts that every law (for being a *good* law) has to be ruled “secundum iustitiam divinam.”

¹⁸⁷ *De reg. princ.* I 16: “Quia igitur vitae, qua in praesenti bene vivimus, finis est beatitudo caelestis, ad regis officium pertinet ea ratione vitam multitudinis bonam procurare secundum quod congruit ad caelestem beatitudinem consequendam, ut scilicet ea praecipiat quae ad caelestem beatitudinem ducunt, et eorum contraria, secundum quod fuerit possibile, interdicat.”

¹⁸⁸ An example for Aquinas is the authority of Church to intervene in matters of studies. See *Contra imp.* 2.2 ad 10: “Ad eum enim qui regit rempublicam, pertinet ordinare de nutritionibus et adinventionibus iuvenum in quibus exerceri debeant: ut dicitur 10 ethic. Unde, et politica, ut in I ethic. Dicitur, ordinat quas disciplinarum debitum est esse in civitatibus, et quales unumquemque oportet addiscere, et usquequo. Et sic patet quod ordinare de studio pertinet ad eum qui praeest reipublicae, et praecipue ad auctoritatem apostolicae sedis, qua universalis ecclesia gubernatur, cui per generale studium providetur.”

¹⁸⁹ See thereto Sabra, *Thomas Aquinas’ Vision of the Church: Fundamentals of an Ecumenical Ecclesiology*.

Christian society, first of all for living together as faithful fellow citizens, but in a context wider than one's own family or household. Thus, the matter of infused justice and its subspecies is indeed the very same stuff as of acquired justice, though it aims for something higher than the earthly good. Its proper end is divine friendship, but as realized in the human community on earth.¹⁹¹

Helpful for a correctly reconstructing justice as an infused human virtue is St. Thomas's reply to the fifth objection in *De virt. card.* 4, where he explains the twofold understanding of the object of an infused virtue. The object is either its final end, to which all actions have to be ordered, namely God himself, or the objects is the virtue's immediate subject-matter, such as judgments (for prudence), dangers (for fortitude), and pleasures (for temperance), and external actions (for justice). However – and this is decisive – infused virtues are not given for the perfect possession of or perfect attachment of the agent to these objects, as if he were to rest permanently in considering of doubtful decisions or enjoying sense pleasures. To the contrary, the infused habits perfect man to treat their proper matter without losing the right ordering by grace toward his supernatural end.

In a double way something may be the object of a virtue. In one way, as the end of a virtue, as the highest good is the object of charity, and the eternal beatitude the object of hope. In another way as matter which is handled, for tending from there to something else; and in this way the pleasures of sexual intercourse are the object of temperance, since temperance does not intend to inhere in these pleasures but in controlling [*compescendo*] these pleasures to tend towards the good of reason. Likewise, by overcoming dangers fortitude does not intend to dwell in dangers but to follow the good of reason. The same is true for prudence respectively toward doubts, and *about justice in regard to the necessities of this life*.¹⁹²

Although St. Thomas treats infused justice very generally, his meaning is clear enough. Infused justice deals with the same everyday actions as its acquired counterpart, no more, no less. But the human common good is not simply the intended end of infused justice. Its proper matter is human society *sub deo*, under the condition of divine friendship. Thus, Aquinas

¹⁹⁰ Thus, Cessario explains rightly: "Infused justice possesses as its distinctive concern the well-being of the Christian community, that is, the Church." (Cessario, *Moral Virtues and Theological Ethics*, 114).

¹⁹¹ This account is almost contrary to the theory of Murphy who describes mission and charity as proper tasks of the Church, whereas justice in its proper sense is the proper reign of politics (Charles M. Murphy, "Charity, not Justice, as Constitutive of the Church's Mission," *Theological Studies* 68 (2007): 274-286).

¹⁹² *De virt. card.* 4 ad 5: "Aliquid dicitur esse obiectum virtutum dupliciter. Uno modo sicut illud ad quod virtus ordinatur sicut ad finem; sicut summum bonum est obiectum caritatis, et beatitudo aeterna obiectum spei. Alio modo sicut materia circa quam operatur, ut ab ea in aliud tendens; et hoc modo delectationes coitus sunt obiectum temperantiae, non enim temperantia intendit huiusmodi delectationibus inhaerere, sed istas delectationes compescendo, tendere in bonum rationis. Similiter fortitudo non intendit inhaerere periculis

concludes: “And therefore, the farther [these virtues] move away from those things according to the progress of the spiritual life, the more perfect are the acts of those virtues, since the meaning of these virtues is taken more from their *terminus a quo* than their *terminus ad quem*, which gives the species.”¹⁹³

If we apply this general assertion to justice, the special function of its infused species becomes clear. Acquired justice works for the good of the human community as its *terminus ad quem*, its proper end. Infused human justice is also concerned with the human common good but as its *terminus a quo*, a starting-point from which it pursues something higher, namely divine friendship. Therefore, its proper object is the *communitas humana sub deo*.¹⁹⁴ Both virtues are concerned with the same external acts, but their acts are performed under different formal respects.¹⁹⁵

At the beginning of section 5.5, we noted the problem that while the infused affective virtues perfect man directly in regard to divine friendship, infused justice and its concern for external activity seems to work primarily for the human city. Now, however, we can more easily relate infused justice and the infused affective virtues. As infused temperance rules human passions in respect to divine friendship, likewise infused justice rules an agent’s interpersonal activity within the human city but in light of his divine friendship. Infused justice is concerned with activity within the human city without considering the flourishing of the city as its final end. That the activities of acquired justice and infused justice resemble each other externally is due to the special character of the *medium rei* of justice (cf. section 5.3).

superando pericula, sed consequi bonum rationis; et idem est de prudentia respectu dubitationum, et de iustitia respectu necessitatum huius vitae.”

¹⁹³ *De virt. card.* 4 ad 5: “Et ideo quanto longius ab his fuerit recessum, secundum profectum spiritualis vitae, tanto erunt perfectiores actus harum virtutum, quia praedicta verba magis se habent ad has virtutes per modum *termini a quo* quam per modum *termini ad quem*, qui dat speciem.”

¹⁹⁴ Again *ST I-II* 100.5; see footnote 179.

¹⁹⁵ From this point Gilson’s argument for infused moral virtues is a bit ambiguous. “When Christianity substitutes God for the human city as the end of the moral life, it is obliged to add to the natural moral virtues an entirely new order of virtues as supernatural as the end whose attainment they make possible.” (Gilson, *The Christian Philosophy*, 338). The concept of “substitute” may not lead us to the faulty conclusion that the human city is irrelevant for the supernatural life. The Christian remains a member of the human city (with all consequents) even as member of the Church. Thus, more exact is the statement of Phelan: “The conditions under which this earthly life must function are not nullified but the *status* in which the natural functions, duties, rights, and all the natural activities of human beings are exercised is no longer the *status* of a purely natural order but the *status* of supernature. The specific character and the essential conditions of those moral relations remain unchanged.” (Gerald B. Phelan, “Justice and Friendship,” *The Thomist* 5 (1943): 162-165, here 163).

	intended end	proper matter as <i>terminus a quo</i> “ut ab ea in aliud tendens”
infused fortitude infused temperance	aim for attaining divine friendship	ruling passions according to the divine rule
infused justice	aims for attaining divine friendship	ruling external acts, life in human community according to the divine rule (=life in the Church)

Figure 13

Our investigation shows that the reconstruction of infused justice does not lead necessarily to an account of divine justice, for there remains a need of infused justice as particular cardinal virtue. Offering a detailed account of the content and significance of infused human justice shall be our concern in chapter 6: In what ways do infused commutative justice and infused distributive justice differ from their acquired counterparts? And is there an infused legal justice in regard to the human community on earth?

6. The Reconstruction of Justice as an Infused Virtue

After having investigated the relation (and cooperation) of charity and justice in general, we shall reconstruct now in chapter 6 the various meanings of justice which we found in chapter 4 as infused species: justice in its proper sense as commutative and distributive justice, its potential parts, legal justice as general virtue, and last but not least metaphorical justice. What does each type of justice – infused commutative justice, infused distributive justice, etc. – imply?

Considering the manifold meanings of justice in Aquinas's writings, Garrigou-Lagrange asserts:

All these divisions reappear in higher form in infused justice, which increases tenfold the energies of the will, imprinting upon it a full Christian character that dominates even man's physical temperament. If acquired virtue pours natural rectitude down into our will and sense appetites, infused virtue, from an immeasurably higher source, pours into those same faculties the supernatural rectitude of faith and grace.¹

Therefore, we investigate in a first section metaphorical justice as an infused "status" of the graced agent (section 6.1). Subsequently, we reconstruct the exact meaning of infused divine justice (cf. section 5.5), i.e., the general virtue that provides the full observance of the divine law for the sake of divine friendship (section 6.2). This kind of infused justice, however, is not yet justice in its proper sense – justice that rules the relationship between two equals. As seen at the end of chapter 5, there must be a special kind of infused human justice. Thus, in a third section, we try to reconstruct the general structure of this supernatural human justice (section 6.3.1-2) and of its various species: human legal justice, commutative and distributive justice, and its potential parts – each one as infused virtue (section 6.3.3a-d).

Based on these results we will be able to turn in the final chapter to Aquinas's treatise on justice in the *Secunda secundae* in order to verify our reconstruction.

¹ Garrigou-Lagrange, *Reality: A Synthesis of Thomistic Thought*, 332.

6.1 Infused Metaphorical Justice as *status rectitudinis*

As seen at the end of chapter 4, Aristotle uses the term “justice” not only as moral virtue, but also in a figurative sense for the internal balance of the virtuous agent; as the right order of the various powers within the agent, e.g. the submission of the sensitive appetite to the guidance of reason (by the affective moral virtues). Aquinas adopts the expression of metaphorical justice and uses it several times in the same way as Aristotle. We are brought thus far by the results of section 4.5.4.² Beyond this, however, St. Thomas transferred the figurative sense to a theological context for describing the effect of divine justification, though with important accommodations.

Aquinas introduces the issue of the divine justification of the sinner repeatedly with the distinction of a threefold meaning of *iustitia*:³ First, justice in its most proper sense is the particular virtue (*iustitia particularis*); secondly, as legal justice it is a general virtue; thirdly, in a metaphorical sense it denotes a *status rectitudinis in homine*. This third meaning is now of interest:

In another way we speak of justice insofar as it implies a certain rectitude of order in the interior disposition of a man, insofar as the highest in man is subject to God, and the inferior powers of the soul are subject to the superior, i.e., to the reason; and this disposition the Philosopher calls *justice metaphorically speaking*.⁴

Though Aquinas quotes the *Nicomachean Ethics* V (as is typical when he refers to the concept of metaphorical justice), at this place he does not simply repeat Aristotle but reads him in his own way. Aristotle introduces metaphorical justice on occasion of the question whether somebody can commit injustice against himself. He specifies the issue and describes metaphorical justice as the ordered relationship of various powers within the agent:

Metaphorically and in virtue of a certain similarity there is something just [*δίκαιον*], not indeed between man and himself, but between certain parts of him; however, not in the sense of a just thing [*δίκαιον*] but that of master and servant or that of husband and wife. For in this way the reasonable parts of the soul relate to the unreasonable ones. And because of the

² *In sent.* III 28.1.6 ad 4; III 33.3.1A; *ST* I-II 46.7 ad 2.

³ See *In sent.* IV 17.1.1A; *De veritate* 28.1; *ST* I 113.1

⁴ *ST* I-II 113.1: “Alio modo dicitur iustitia prout importat rectitudinem quandam ordinis in ipsa interiori dispositione hominis, prout scilicet supremum hominis subditur deo, et inferiores vires animae subduntur supremæ, scilicet rationi. Et hanc etiam dispositionem vocat philosophus, in V ethic., iustitiam metaphoricè dictam.”

consideration of these parts people also think that a man can be unjust to himself, because these parts are liable to suffer something contrary to their desires; thus, as there is something just [*δίκαιον*] between ruler and ruled, likewise between these parts.⁵

Aristotle notes carefully that this understanding of justice is figurative not only because there is no independent second subject (proper justice is *ad alterum*), but also because the two involved powers are not equal (as e.g. two citizen) but resemble the relation of master and servant. Aquinas comments on the citation faithfully: “By a kind of metaphor and likeness it is possible to have, not justice or injustice of the whole man towards himself, but a certain species of justice among the parts of man. However, between these [parts] there is not justice in the full sense but only the justice of a master or an administrator.”⁶

No disparity thus far. In the case of divine justification, however, Aquinas has to enlarge this meaning of metaphorical justice; he uses an Aristotelian concept but goes beyond its original meaning. Now it not only signifies the order of man’s internal powers, but likewise man’s subordination to God, “insofar, namely, as any part of the soul is subordinate to the higher, either to other parts or to God himself.”⁷ It is the restoration of this final relation – man to God –, which is the primary effect of divine justification. By the Fall man lost his *status rectitudinis* regarding his Creator. Consequently, only the Creator himself can rectify this “imbalance;” and it is the divine act of justification which reestablishes the sinner’s *state of rectitude* in regard to God.

One might question whether thereby the original sense of metaphorical justice is not abandoned, as justice again denotes the relation between different agents (God and man), and therefore seems to be a matter of justice in its proper sense (and not something metaphorical). However, though divine justification draws in a certain way nearer to proper justice because of the two involved agents, it is certainly not justice in its strict sense; between both parts, there is an essential inequality. It resembles rather the relation of servant and master, which likewise falls short of proper justice. For this reason, man’s rectitude towards God can be described only as metaphorical justice, though its Aristotelian sense is profoundly transformed.

⁵ NE V 10.15 1138b6-10.

⁶ In *ethic.* V 17.16: “Secundum quamdam metaphoram et similitudinem contingit, non quidem quod sit iustum vel iniustum totius hominis ad seipsum, sed quod sit quaedam species iusti inter aliquas partes hominis adinvicem. Non tamen inter eas est omne iustum, sed solum iustum dominativum vel dispensativum.”

⁷ In *sent.* IV 17.1.1A: “Prout scilicet aliqua pars animae suo superiori subditur, sive alii parti, sive ipsi deo.” Similar in *ST I-II* 113.1: “Prout scilicet supremum hominis subditur deo.” Likewise *De veritate* 28.1; indirect in *De malo* 5.1; *Super Rom.* V 3.

Moreover, when Aquinas describes the reestablishment of man's right relation to God as metaphorical justice, it includes simultaneously the right order towards his fellow men, since the right order to the Creator implies the right order towards all creatures, including man's own internal order. "In the third way justice designates that proper state [of man] in which he stands in due order towards God, to [his] neighbor, and to himself, insofar his inferior powers are subordinate to the superior."⁸ Hence, the Aristotelian concept is not so much *changed* as *expanded*; it concludes man's right order in every respect (though the foundation of the whole order is man's orientation toward God as final end⁹). Consequently, Aquinas concludes elsewhere that the rectitude of metaphorical justice is incompatible with any kind of sin: sins against the neighbor and the agent himself as well as sins against God. In each case also the right order towards God is implicitly destroyed.¹⁰

If we confront the Aristotelian metaphorical justice and its meaning in the case of divine justification, it becomes clear why the first kind can be acquired by man's own resources, whereas the latter has to be infused. In the first sense, metaphorical justice is understood as the internal equilibrium of human powers, which is a result of one's own acting. In the second sense the rectitude exceeds man himself; it demands divine interaction; it is an infused habit.

Moreover, both kinds of justice denote a certain *status* of the agent rather than a virtue as the principle of action. Admittedly, sometimes Aquinas refers to metaphorical justice even as "general justice,"¹¹ a term which is usually reserved for legal justice; but the context of those quotations shows that it is about a certain *status* not about ordinary virtue.¹²

In the introduction to chapter 4, we mentioned three texts of Aquinas that refer explicitly to the difference between acquired and infused justice without indicating their exact function

⁸ *De veritate* 28.1: "Tertio modo iustitia nominat quemdam statum proprium, secundum quem homo se habet in debito ordine ad deum, ad proximum et ad seipsum, ut scilicet in eo inferiores vires superiori subdantur." Hence, justification is understood as partial restoration of man's *original iustice* in the Paradise, but limited to his interior rectitude. "Quae quidem iustitia [sc. originalis] erat quaedam rectitudo, ut mens hominis esset sub deo, et inferiores vires essent sub mente, et corpus sub anima, et omnia exteriora sub homine: ita scilicet, quod quamdiu mens hominis deo subderetur, vires inferiores subderentur rationi, et corpus animae, indeficienter ab ea vitam recipiens, et exteriora homini, ut scilicet omnia servirent, et nullum ex eis nocumentum sentiret." (*Super Rom.* V 3).

⁹ See *De potentia* 6.1 ad 3: "Iustitia autem hominis consistit principaliter in debito ordine hominis ad deum."

¹⁰ *In sent.* IV 17.1.1A: "Haec autem rectitudo [sc. iustitiae metaphoricae] per quodlibet peccatum tollitur." For the same statement about metaphorical justice, see *ST I-II* 113.1 ad 1.

¹¹ See for example *De veritate* 28.1 and 4 ad 11.

¹² Cessario describes this metaphorical justice fittingly as *evangelical justice* (Cessario, *The Virtues, or the Examined Life*, 132-133).

with respect to particular acts.¹³ Now the cause of this “imprecision” is clear: The texts are not about justice as virtue but as a *status rectitudinis*.

In the next step, we will reconstruct legal justice as a supernatural virtue. How are we to describe infused justice as legal justice?

6.2 Infused Justice as Divine Legal Justice as Complement of Charity

Every friendship is founded on a special kind of communication between two persons, and each type of communication demands a special kind of justice which renders the other his due according to that specific communication. “Justice is differentiated according to different types of communication. The same kind of *iustum* is not found in every communication, but a different one.”¹⁴ Therefore, as concluded in the fifth chapter, there must be something like divine justice, a kind of justice which works as integral part of divine friendship, and which achieves all actions commanded by the divine law as the “minimum” for maintaining divine friendship, in short: legal justice in regard to all divine laws. However, is it possible to reconstruct this divine justice, which is the basis of divine friendship, as infused legal justice?

Indeed, Aquinas speaks sometimes about general justice regarding the divine law. “Justice is a general virtue, when it obeys the *divine law*.”¹⁵ In addition, as seen in section 4.5, Aquinas uses the term of *iustitia generalis* in the sense of *iustitia legalis*. However, simultaneously there are quotations suggesting the opposite: “God’s justice is more perfect than legal justice.”¹⁶ From the context it is clear that Thomas doesn’t speak about the justice of God (as quasi distributive justice regarding all creatures) but about the justice of the graced faithful in regard to the divine laws, i.e. about divine justice. Thus, in which direction must a reconstruction of infused justice as legal justice regarding the divine law proceed?

We shall develop our interpretation in two steps. First, we will show how the concept of a divine legal justice transforms the original meaning of a legal justice in the Aristotelian sense.

¹³ The texts are *In sent.* III 40.3; *De veritate* 28.3; *ST* I-II 100.12. All texts compare a kind of acquired and infused justice, but always in the context of justification, understood as *status rectitudinis*.

¹⁴ *In ethic.* VIII 9.6: “Iustitia diversificatur secundum diversas communicationes. Non enim idem est iustum in qualibet communicatione, sed differens.”

¹⁵ *Super Hebr.* XI 7: “Iustitia est virtus generalis, quando scilicet obedit legi divinae.”

¹⁶ *Super Rom.* X 1: “Iustitia dei sit perfectior quam iustitia legalis.”

In a second step, we will discuss the fact that Aquinas often confronts legal justice with divine justice. So it would seem that legal justice could not be identical to divine justice.

6.2.1 The Expansion of Legal Justice as Divine Justice

Justice in its original sense is based on the living together of men in one city; thus, the proper matter of proper justice consists in external actions (which are ruled primarily by the human law). The foundation of justice differs in the case of divine friendship, which consists in a spiritual communication. Consequently, the corresponding divine law first of all governs internal acts, and only subsequently extends to external operations, namely, insofar as the latter result from the former.

The divine law poses precepts about all those matters whereby men are well ordered in their relations to God. But man is united to God by his reason or mind, in which is the image of God. Therefore the divine law proposes precepts about all those matters whereby human reason is well ordered. But this happens by acts of all the virtues, since the intellectual virtues set in good order the acts of the reason in themselves; the moral virtues set in good order the acts of the reason in reference to the interior passions and exterior actions.¹⁷

Aquinas mentions different areas whose order is relevant for maintaining divine friendship: acts of the intellectual virtues (sc. faith, prudence), and acts of the moral virtues regarding internal passions and external acts. In short, divine friendship implies the whole scope of human actions. However, not all virtuous actions are required in a strict way for the preservation of divine justice, and consequently not all acts are commanded by precept. St. Thomas continues:

The divine law fittingly proposes precepts about the acts of all the virtues: yet so that some [acts], without which the order of virtue, which is the order of reason, cannot exist, fall under

¹⁷ *ST* I-II 100.2: “Lex divina praecepta proponit de omnibus illis per quae homines bene ordinantur ad communicationem cum deo. Homo autem deo coniungitur ratione, sive mente, in qua est dei imago. Et ideo lex divina praecepta proponit de omnibus illis per quae ratio hominis est bene ordinata. Hoc autem contingit per actus omnium virtutum, nam virtutes intellectuales ordinant bene actus rationis in seipsis; virtutes autem morales ordinant bene actus rationis circa interiores passiones et exteriores operationes.”

the obligation of precept; while others, which pertain to the well-being of perfect virtue, fall under an admonition of counsel.¹⁸

It is precisely here that we find the basis for the reconstruction of divine justice as infused legal justice: Acts that are a condition *sine qua non* of divine friendship, fall under divine precept, are legally commanded, and are a legal due; those acts what arise “*ex necessitate legis*” or “*ex obligatione legis*” belong to the realm of justice (see section 4.3.3¹⁹). Therefore, divine precepts given for the maintenance of divine friendship demand for a kind of divine legal justice.

Admittedly, the notion of that justice differs from ordinary legal justice in an important respect: St. Thomas himself argues in the second objection of *ST* I-II 100.2 that something can be a matter of precept only if it bears the character of a duty. However, debts exist only between two agents, not in the case of affective virtues. Thus, it would seem that the divine law could only concern external acts of justice. However, the reply to the objection shows that in some way every virtue responds to a due, without, however, thereby becoming justice in its strict sense: “Justice in its proper sense regards the debt of one man to the other: but all the other virtues regard the debt of the lower powers to reason. And according to the notion of this debt, the Philosopher designates in *Ethic. V* a kind of metaphorical justice.”²⁰

The first objection is also noteworthy: the observance of the Old Law was called *justification*, which means the execution of justice. Consequently, the divine precepts should be about justice, i.e. about external actions. Aquinas replies: “The fulfillment of the commandments of the law, even of those which are about the acts of the other virtues, has the character of justification, inasmuch as it is *iustum* that man obeys God. Or also inasmuch as it is *iustum* that all that belongs to man should be subject to reason.”²¹

Someone might object that the passages are taken from the context of the Old Law. However, disregarding the fact that the New Law as well as the Old Law is directed towards divine friendship as one common end,²² Aquinas makes the same assertion in *ST* II-II 44, the

¹⁸ *ST* I-II 100.2: “Lex divina convenienter proponit praecepta de actibus omnium virtutum, ita tamen quod quaedam, sine quibus ordo virtutis, qui est ordo rationis, observari non potest, cadunt sub obligatione praecepti; quaedam vero, quae pertinent ad bene esse virtutis perfectae, cadunt sub admonitione consilii.”

¹⁹ *ST* I 21.1 ad 2: “Quod secundum legem facimus, iuste facimus.”

²⁰ *ST* I-II 100.2 ad 2: “Iustitia proprie dicta attendit debitum unius hominis ad alium, sed in omnibus aliis virtutibus attenditur debitum inferiorum virium ad rationem. Et secundum rationem huius debiti, philosophus assignat, in *V ethic.*, quandam iustitiam metaphoricam.”

²¹ *ST* I-II 100.2 ad 1: “Adimpletio mandatorum legis etiam quae sunt de actibus aliarum virtutum, habet rationem iustificationis, inquantum iustum est ut homo obediat deo. Vel etiam inquantum iustum est quod omnia quae sunt hominis, rationi subdantur.”

²² See *ST* I-II 91.5; 98.1; 107.1.

question about the precepts of charity. Though the greater part of the question deals with the commandment of charity, the first article argues, after having defined spiritual union with God as the purpose of all precepts, in the same line as *ST* I-II 100.2:

All virtues, whose acts are commanded by given precepts, are directed either to the freeing of the heart from the whirl of the passions, such as the virtues that regulate the passions, or at least to the possession of a good conscience, such as the virtues that regulate operations, or to the having of a right faith, such as those which pertain to the worship of God: and these three things are required of man that he may love God.²³

Thus, the divine precepts not only governs external acts, but contain the necessary requirements for allowing divine friendship. Aquinas continues: “For an impure heart becomes drawn away from love for God because of the passion which inclines it to earthly things; an evil conscience gives man a horror for God’s justice because of fear of his punishments; and a fictive faith draws man’s affections to something what is fictive about God, and separates him from the truth of God.”²⁴

Furthermore: All discussions of the various virtues in the *Secunda secundae* – the theological as well as the cardinal – end with a special question on the corresponding divine precepts.²⁵ This structure only makes sense if Aquinas has in mind something like a divine legal justice according to our description; otherwise a discussion of divine precepts would be reasonable only in the particular case of justice.

Do the texts of Aquinas contain the notion an infused legal justice?

Thus, it is clear what infused legal justice would have to be. But does Aquinas ever speak about such a virtue? Aquinas never uses the term of “*iustitia legalis infusa*,” and we will list some reasons for this omission in the second part of this chapter. However, there are some places in which he speaks implicitly of legal justice in the way described. We already quoted

²³ *ST* II-II 44.1: “Omnes enim virtutes, de quarum actibus dantur praecepta, ordinantur vel ad purificandum cor a turbationibus passionum, sicut virtutes quae sunt circa passiones; vel saltem ad habendam bonam conscientiam, sicut virtutes quae sunt circa operationes; vel ad habendam rectam fidem, sicut illa quae pertinent ad divinum cultum. Et haec tria requiruntur ad diligendum deum.” For an outline of the *bona spiritualia necessaria* for the order of grace, see Roey, *De virtute charitatis*, 341-348.

²⁴ *ST* II-II 44.1: “Nam cor impurum a dei dilectione abstrahitur propter passionem inclinantem ad terrena; conscientia vero mala facit horrere divinam iustitiam propter timorem poenae; fides autem ficta trahit affectum in id quod de deo fingitur, separans a dei veritate.”

²⁵ *ST* II-II 16 about the precepts regarding divine faith, q. 22 about precepts of hope, q. 44 of charity, q. 56 of prudence, q. 122 of justice, q. 140 of fortitude, and 170 of temperance.

Super Hebr. XI 7: “Justice is a general virtue, when it obeys the divine law.”²⁶ We find a similar a short note in *Super Phil.* III 2: “Justice is called a general virtue insofar as man observes a law because of the common good. And in this way in Sacred Scriptures [justice] is often taken for the observance of divine law.”²⁷ And in *Super Mt.*: “There is a legal justice which includes all other virtues, piety, clemency, and others. When it was said that Joseph was ‘just,’ it was understood according to general justice.”²⁸

Even in the *Summa theologiae*, where the terminology is more precise than in the *Commentaries on Sacred Scripture*, the concept of *iustitia legalis* is used in contexts that clearly demand the understanding of divine justice. A good example is the discussion of humility. St. Thomas attributes humility to the virtue of temperance. McKay argued²⁹ that humility has to be understood here as infused virtue, namely as recognition of God’s superiority and man’s inferiority (and only subsequently – because of the submission to God – as readiness to subject himself to a fellow man). From this point it can be seen that political virtues do not require this kind of humility (since political virtues *per se* disregard man’s relation to God). St. Thomas even mentions explicitly that legal justice in the Aristotelian sense does not contain humility.³⁰ But the situation is quite different in the case of Christian legal justice: Article 5, whether humility is the most prominent virtue (*potissima virtus*), presents an overview of the hierarchy of virtues: In first place there are the theological virtues which perfect man in regard to his final end. In second place, virtues pertaining to the right choice of the necessary means for attaining the final end, which is the primary task of legal justice. Though Aquinas does not speak of infused legal justice, the previous reference to the theological virtues and the description of legal justice as directing actions as the right means for the sake of the end of faith, hope and charity, obviously requires more than mere political

²⁶ See footnote 15.

²⁷ *Super Phil.* III 2: “Iustitia dicitur virtus generalis, secundum quod homo servat legem propter bonum commune, et hoc modo frequenter in Scriptura sacra ponitur pro observantia divinae legis. Ps. Cxviii, V. 121: *feci iudicium et iustitiam*, scilicet, legem.”

²⁸ *Super Mt.* I 4: “Est iustitia legalis, quae includit omnem virtutem, et pietatem, et clementiam, et huiusmodi. Quando ergo dicitur quod Ioseph iustus erat, intelligendum est de iustitia generali.” Also interesting is a note in Aquinas’s exposition of the letter to the Romans where he relates legal justice to divine justification: “Per obedientiam et inobedientiam probat nos per unum peccatores effici, et per unum iustificari: quia iustitia legalis, quae est omnis virtus, attenditur in observatione praeceptorum legis, quod pertinet ad rationem obedientiae. Iniustitia autem legalis, quae est omnis malitia ut dicitur V ethicorum, attenditur in transgressione mandatorum legis, quae pertinet ad rationem inobedientiae. Sic ergo convenienter dicitur quod per obedientiam constituuntur homines iusti, et per inobedientiam peccatores.” (*Super Rom.* V 5).

²⁹ See McKay, “Infused and Acquired Virtues,” 149-156.

³⁰ “Philosophus intendebat agere de virtutibus secundum quod ordinantur ad vitam civilem, in qua subiectio unius hominis ad alterum secundum legis ordinem determinatur, et ideo continetur sub iustitia legali. Humilitas autem, secundum quod est specialis virtus, praecipue respicit subiectionem hominis ad deum, propter quem etiam aliis humiliando se subiicit.” (*ST II-II* 161.1 ad 5). Another clear indication of infused virtue is contained in a. 5 a 2: “Virtutes autem verae infunduntur a deo.”

justice. An infallible cue, however, is the reference to humility in that context: “Justice makes a universal order, especially legal justice. But humility makes a man well subjected to the ordinance in general and in all things.”³¹ And therefore, Aquinas concludes, humility is less important than legal justice.³² Now, if we reconsider the definition of humility in the first article as subjection to God, then the comparison of humility and legal justice in art. 5 specifies the latter clearly as governing all human actions according to the divine law; legal justice in combination with humility as ready submission to God makes sense only as infused legal justice.

a) First Objection: How Does Human Legal Justice Command All Virtues?

The reader may raise the following objection: Aquinas often refers to the Aristotelian doctrine that legal justice commands all virtues; it is one in substance with all virtues, even with the affective ones. Hence, is our divine legal justice not simply identical with its Aristotelian counterpart?

To answer the objection we have to determine the qualified meaning of Aristotle’s assertion. As the Philosopher notes, legal justice commands only the external effects of affective virtues. It orders the achievement of courageous deeds, but not – since this is impossible for a human law – the calmness of internal passions. He writes in the *Nicomachean Ethics*:

The law prescribes the acts of a brave man [*τὰ τοῦ ἀνδρείου ἔργα ποιεῖν*], as not to desert our post or take to flight or throw away our arms, and those of a temperate man [*τὰ τοῦ σώφρονος*], as not to commit adultery or outrage, and those of a good-tempered man [*τὰ τοῦ πρᾶου*] as not to strike another or speak evil, and similarly with regard to the other virtues and vices, commanding some acts and forbidding others.³³

³¹ ST II-II 161.5: “Ordinationem universaliter facit iustitia, praesertim legalis. Ordinationi autem facit hominem bene subiectum humilitas in universali quantum ad omnia.”

³² The whole context: “Bonum humanae virtutis in ordine rationis consistit. Qui quidem principaliter attenditur respectu finis. Unde virtutes theologicae, quae habent ultimum finem pro obiecto, sunt potissimae. Secundario autem attenditur prout secundum rationem finis ordinantur ea quae sunt ad finem. Et haec quidem ordinatio essentialiter consistit in ipsa ratione ordinante, participative autem in appetitu per rationem ordinato. Quam quidem ordinationem universaliter facit iustitia, praesertim legalis. Ordinationi autem facit hominem bene subiectum humilitas in universali quantum ad omnia, quaelibet autem alia virtus quantum ad aliquam materiam

Aristotle describes legal justice as “complete virtue,” and it is complete regarding a man’s fellow-citizen; but it is not complete in the sense of a universal human perfection. “This form of justice then is complete excellence, not absolutely, but in relation to others [ἀλλ’ οὐχ ἀπλῶς ἀλλὰ πρὸς ἕτερον].”³⁴

Thus, if St. Thomas sometimes identifies legal justice in the Aristotelian sense with all virtues this is to be understood in a qualified sense, namely regarding the external effects of all virtues.³⁵ And if Aquinas follows Aristotle saying that legal justice is one in substance with all virtues (even with the affective ones), then “substance” means here the external act which is in the case of temperance and fortitude normally an effect of an affective virtue, but in this special case of legal justice is commanded by another virtue (sc. legal justice). Therefore, only regarding the external acts does justice command all virtues, namely *iusta* (just deeds), *fortia* (courageous deeds), and *temperata* (temperate acts). And in this respect the “substance of all virtues” belongs to legal justice.³⁶ Insofar as all external acts can be measured by their relation

specialem. Et ideo post virtutes theologicas; et virtutes intellectuales, quae respiciunt ipsam rationem; et post iustitiam, praesertim legalem; potior ceteris est humilitas.” (*ST II-II* 161.5)

³³ *NE V* 3 1129b10-12.

³⁴ *NE V* 3 1129b18. Its completeness consists in the power to command the acts of the other virtues. “It is complete virtue in its fullest sense, because it is the actual exercise of complete virtue [ἀρετῆς χρῆσις]. It is complete because he who possesses it can exercise his virtue towards others too and not merely by himself; for many men can exercise virtue in their own affairs, but not in their relations to others.” (*Ibid.*). However, it is *not* complete in regard to every moral perfection. Konicic shows clearly why legal justice is limited to the observance of human laws for the sake of the social order (Giordano Konicic, “Natura della giustizia sociale,” *Sapienza* 16 (1963): 57-61).

³⁵ In this point, Aquinas is faithful to the philosopher: “Lex praecipit ea quae pertinent ad singulas virtutes. Praecipit enim facere opera fortitudinis, puta cum praecipit, quod miles non derelinquat aciem, et quod non fugiat, neque proiciat arma. Similiter etiam praecipit ea quae pertinent ad temperantiam, puta cum praecipit quod nullus moechetur, et quod nullus faciat mulieri aliquod convicium in propria persona; et similiter etiam praecipit ea quae pertinent ad mansuetudinem: sicut cum praecipit quod unus non percutiat alium ex ira, et quod non contendat cum eo opprobria inferendo. Et similiter est de aliis virtutibus quarum actus lex iubet, et de aliis malitiis quarum actus lex prohibet.” (*In ethic.* V 2.5).

³⁶ Admittedly, Aquinas first repeats the very imprecise expression of Aristotle: “Manifestum est in quo differant virtus et iustitia legalis. Quia secundum substantiam est eadem, sed secundum rationem non est idem; sed per comparisonem ad alterum dicitur iustitia; inquantum autem est habitus operativus talis boni, est simpliciter virtus.” (*In ethic.* V 2.13). But in the following statement he is very clear that his affirmation has to be read in respect of the *act* of virtues: “Hoc autem intelligendum est quantum ad ipsum actum iustitiae et virtutis. Actus enim idem subiecto producit a iustitia legali et a virtute simpliciter dicta, puta non moechari; tamen secundum aliam et aliam rationem.” (*Ibid.*).

Maybe even clearer is *In sent.* III 33.3.4A, where Aquinas emphasizes *expressis verbis* that legal justice extends only to the external acts of affective virtues, to the *actus exterioris* of fortitude, whereas passions themselves are not the right matter for legal determination. “Quaedam [virtutes] vero hoc circa quod est virtus, non principaliter, sed secundario, ordinant ad alterum; sicut quando *fortitudo actum exteriorem*, circa quem secundario est, ordinat ad alterum ut ad bonum gratiae, et sic induit quodammodo formam iustitiae; et sic omnis virtus potest reduci ad iustitiam; unde iustitia legalis est idem quod omnis virtus in 5 ethic. Quantum ad passiones autem, circa quas principaliter sunt illae virtutes, nihil possunt habere de modo iustitiae, eo quod per passiones immediate homo non ordinatur nisi ad seipsum.”

ad alterum (at least *ad bonum commune*), the acts of all virtues can somehow become justice, which is *ad alterum*; they “assume the ratio of justice.”³⁷

This brief return to political legal justice shows that there is really something new about legal justice regarding the divine laws which command external as well as internal acts.

b) Second Objection: Is Divine Legal Justice Simply Metaphorical Justice?

One may get the impression that infused legal justice is simply identical with infused metaphorical justice: If supernatural friendship with God presupposes man’s total rectitude, if the divine laws are given for the sake of this divine friendship, and if legal justice observes those laws, then, in fact, infused legal justice seems to be identical with metaphorical justice.

The immediate effect of divine justification is the reestablishment of man’s rectitude; it is a certain *state* (*status rectitudinis*), not a principle of action; it certainly includes some virtues (as necessary concomitants) but – as Aquinas notes – in itself it is not a virtue.³⁸ Therefore, a simple identification would be imprecise. Rather infused divine legal justice is that virtue which commands all acts of the divine law that are necessary for the preservation of the *status rectitudinis* of infused metaphorical justice. As political legal justice is in itself a specific virtue (determined by the common good as its proper object) but general by command,³⁹ likewise infused legal justice commands every virtuous act which is required by the divine law but in it self it is specified as a particular virtue by its proper good, i.e. by God as the common good of the heavenly community. As a particular virtue it resides in the human will and rules therefrom man’s internal and external actions.⁴⁰ Thus, whereas metaphorical justice signifies man’s total order as an integral whole, including all virtues as integral parts,⁴¹ legal justice is general by command, as universal cause of the total order, while in itself it remains a specific virtue. Describing the various senses of justice, Aquinas explains exactly this

³⁷ *ST I-II* 100.2: “assumunt rationem iustitiae.”

³⁸ E.g. *ST I-II* 114.1.

³⁹ Again *ST I-II* 60.3 ad 2.

⁴⁰ The will extends by command to all actions (see *ST I-II* 17).

⁴¹ So for example in *De veritate* 28.4 ad 11 where Aquinas explains: “In iustitia generali, de qua nunc loquimur, includitur ordinatio debita hominis ad deum, ut supra, art. I huius quaestionis dictum est; et sic tam fides quam spes quam caritas sub huiusmodi iustitia continentur.” In this sense then, divine faith – as the principle virtue for justification – can be called the “first part” of justice. See *Super Rom.* III 3: “Ipsa fides quasi prima pars iustitiae est nobis a deo.”

difference between metaphorical and legal justice: “Thus, this justice [i.e. metaphorical justice] is called *general* insofar as it includes all virtues; however not in the way of a *universal whole* as the foregoing justice [legal justice], but it is called *general* in the way of an *integral whole*.”⁴²

c) Third Objection: Is Infused Legal Justice Identical with Charity?

The foregoing distinction of infused legal justice and metaphorical justice suggests a similarity with charity. On many occasions Aquinas outlines charity as a specific virtue but general by command insofar it moves all virtues to their proper acts towards its own specific end.⁴³ Further, God himself is the object of divine charity; and is he not also the object of infused legal justice, as the common good of the heavenly community?⁴⁴

Despite an external similarity, there is an important difference: charity (like the other theological virtues) is directed to God as its immediate end; in contrast, though infused legal justice relates in a certain way to God, it does so under the aspect of man’s righteousness towards him. Its proper object is God as common good of the community of saints, which is ordered according to the rules of the divine law. A comparison with the human city may be helpful: Personal friendship with the king certainly includes respect for all his laws; but nevertheless, the faithful observation of all precepts is due to a different virtue which works

⁴² *In sent.* IV 17.1.1A: “Unde haec iustitia [sc. iustitia metaphorica] generalis etiam dicitur, inquantum omnes virtutes includit, non quidem *per modum totius universalis*, sicut praecedens iustitia [sc. iustitia legalis]; sed generalis dicitur *per modum totius integralis*.” In *In sent.* III 9.1B Aquinas distinguishes four senses of “general;” the first and forth meanings are relevant for the present issue: “Aliqua virtus dicitur generalis quatuor modis. Uno modo quia praedicatur de qualibet virtute, sicut iustitia legalis, quae convertitur cum virtute, et est idem subiecto, ratione differens, ut dicit philosophus: et sic dicitur generalis quantum ad suam essentiam. Secundo modo dicitur generalis, inquantum ab ea dependent aliae virtutes participantibus eius actum; et hoc modo prudentia generalis dicitur, quia ex ea omnes aliae virtutes morales rectitudinem electionis participant, et sic actus eius immiscetur actibus omnium aliarum virtutum: nihilominus ipsa in se est specialis secundum quod habet specialem rationem obiecti, scilicet eligibile ad opus. Tertio modo dicitur generalis, inquantum operatur circa actus omnium virtutum, ita quod omnes cedunt ei pro materia; sicut magnanimitas, quae operatur magna in omnibus virtutibus, ut dicitur 4 eth.; et tamen in se specialis virtus est, quia rationem specialem obiecti in omnibus attendit, scilicet dignum magno honore. Quarto dicitur aliqua virtus generalis, inquantum ad eam concurrunt diversae virtutes, quia scilicet actus eius praeexigit actus multarum virtutum; sicut etiam ad magnanimitatem praeexiguntur aliae virtutes, quia nullus potest dignificari magnis nisi virtuosus sit. Prima ergo generalitas, est quasi universalis; secunda quasi causae dantis esse; tertia quasi moventis per imperium; quarta quasi totius integralis comprehendentis multa.” (*In sent.* III 9.1B).

⁴³ For example *ST* II-II 23.8.

⁴⁴ St. Thomas mentions several times, God himself can be called the common good which is intended by divine law. “Finis autem humanae vitae et societatis est deus.” *ST* I-II 100.6; see also *ST* I-II 100.8; *ST* II-II 25.1 ad 2; 26.3; 26.4 ad 3. Very clear also *Super Rom.*: I 6: “Divinum enim bonum dicitur bonum commune quod ab omnibus participatur.”

for the common good of all men who lives under the king's reign. Likewise there is a difference between charity and infused divine legal justice: "Faith and charity imply a special directing of the human mind to God by intellect and will. But justice implies a general rectitude of order."⁴⁵ Of course, as we have seen in section 5.4.1 the acts of justice may be performed because of charity; nevertheless, legal justice remains a specific virtue and the act it commands retain their proper significance as just acts.⁴⁶

At this point, we can see that infused legal justice conforms rather to Aquinas's account of sanctity. In the *Commentary on the Sentences* he defines sanctity as general virtue which commands all human acts for the sake of God as final end. Sanctity "regulates all other acts of the life regarding to God; therefore . . . sanctity is that science which makes the faithful and servants achieve just things regarding God."⁴⁷ In one of the replies he writes even more explicitly: "Sanctity relates to all virtues in the same way as legal justice, since, just as legal justice achieves the acts of all virtues because of the common good, so also sanctity because of God."⁴⁸

Certainly, charity is also a general virtue insofar as it informs and commands the acts of all virtues *propter deum*; but as we saw above, this "because of" can adopt several meanings (see section 5.4.1) and God is the formal object only for the theological virtues. The proper objects of sanctity, however, are created things and human actions. By sanctity, the graced agent uses these things (as *ea quae sunt ad finem*) for the sake of the final end, i.e. God. Hence, although the definition of sanctity does not refer to the divine law, its resemblance to infused legal justice is obvious. The divine law is given as the guardian of charity, for the preservation of man's ordered relationship to God; it demands that no human act undermines this order.

⁴⁵ *ST* I-II 113.1 ad 2: "Fides et caritas dicunt ordinem specialem mentis humanae ad deum secundum intellectum vel affectum. Sed iustitia importat generaliter totam rectitudinem ordinis."

⁴⁶ Likewise vice versa: Not every transgression of the divine law is against infused legal justice *in the same manner*. Though every (mortal) sin is a transgression of the divine law, not every evil act is achieved *for the sake of such a transgression*. We find this distinction in the discussion of pride; pride can lead an agent to every kind of offense against the divine law; but not every legal transgression is out of pride, i.e. because of contempt for a divine precept (*ex contemptu praecepti*); sins are often a question of ignorance or weakness. (*ST* II-II 162.2: "Non . . . semper ex contemptu aliquis praecepta divina transgreditur, sed quandoque ex ignorantia, quandoque ex infirmitate." See also ad 1). The assertion is based on the distinction between acts which are formally or materially against the divine law and consequently against the infused virtue of legal justice. Since legal justice is a specific virtue but general by command, only acts of a particular malice are specifically against it (sc. because of scorn for the divine precept), but every sin is opposed to it in a general sense.

⁴⁷ *In sent.* III 33.3.4F: "[Sanctitas] ordinat ad deum in omnibus aliis operibus vitae; unde . . . sanctitas est scientia faciens fideles et servantes quae ad deum iusta sunt." The second part of the quotation is taken from Andronicus Peripateticus: "Dicit enim Andronicus Peripateticus, quod sanctitas est quae facit fideles et servantes ea quae ad deum iusta." (*In ethic.* I 6.5). He refers to the citation again in *ST* I-II 58.2 arg. 2 (affirmative). A similar statement is made in *ST* I 36.1: "Sanctitas vero illis rebus attribuitur, quae in deum ordinantur."

⁴⁸ *In sent.* III 33.3.4F ad 3: "Sanctitas eodem modo comparatur ad omnes virtutes, sicut et iustitia legalis: quia sicut iustitia legalis operatur actus omnium virtutum propter bonum commune, ita sanctitas propter deum."

Consequently infused legal justice is concerned with all human acts and redirects them to God as the common good of divine friendship. But this is exactly the description of sanctity.

6.2.2 The Pejorative Sense of “Legal Justice” in the Theological Context

The preceding paragraph has shown in which way Aquinas indicates a kind of infused legal justice, although he never uses this exact term. Yet an important difficulty remains: In several places Aquinas opposes explicitly legal justice (and even legal justice regarding the divine law) to divinely infused justice. In those texts the term of *iustitia legalis* bears a clear pejorative sense, whereas *iustitia dei*, *iustitia fidei*, and *iustitia caritatis* are praised as the only true and godly justice.⁴⁹ Thus, is it possible to maintain the foregoing reconstruction of infused legal justice?

We will quote several texts of the Commentary on the epistle to the Romans since they present most obviously the present problem: “It is a fact that [St. Paul] has said that [the Jews] ignored the justice of God and that they did not want to be subject to him, though they tried to establish legal justice.”⁵⁰ Further: “Justice which comes from faith, is not the same as justice from works. Peoples are not converted for observing a legal justice, but for being justified by faith in Christ, . . . but the justice of God comes by faith in Jesus Christ.”⁵¹ Finally, and most clearly:

[St. Paul] proves the truth which the Jews failed to recognize, namely that justice of God is more perfect than legal justice, and this by authority of the old legislator Moses. By his words he shows first the conditions of legal justice, secondly the conditions of the justice of faith. . . . He explains first: rightly I have distinguished human justice from the justice of God . . . We can say that by legal observation man is ordered in regard to the present life: the law promises temporal goods, and it commands some things which pertain to the order of the carnal life. . . . Afterwards, when he says *justice which is from faith* etc. he introduces the authority of Moses concerning the justice of faith. . . . Moses not only speaks about the justice of the law, but he himself speaks also about the justice which is from faith.⁵²

⁴⁹ See similar expressions see *ST* II-II 59.1 ad 2: “*iustitia divina*,” *Super Phil.* III 2: “*iustitia moralis*,” *ST* I-II 107.1 ad 2: “*iustitia legis amoris*,” *Super Rom.* X 1: “*iustitia dei*” and “*iustitia fidei*.”

⁵⁰ *Super Rom.* X 1: “*Manifestat quod [paulus] dixerat, scilicet eos [i.e. Iudaeos] dei iustitiam ignorare et quod ei subiici nolunt, cum tamen iustitiam legalem statuere velint.*”

⁵¹ *Super Rom.* IX 7: “*Iustitiam autem quae ex fide est, non eam quae in operibus consistit. Non enim ad hoc gentes conversae sunt, ut iustitiam legalem observent, sed ut iustificentur per christi fidem, . . . iustitia autem dei per fidem iesu christi.*”

⁵² *Super Rom.* X 1: “[Paulus] probat veritatem eorum quae iudaei ignorabant, scilicet quod iustitia dei sit perfectior quam iustitia legalis et hoc auctoritate ipsius moysi veteris legislatoris. Primo ergo per eius verba

According to these quotations, legal justice stands for a virtue that is acquired by the observance of precepts, but that is insufficient for attaining divine friendship, whereas only divine justice (as *iustitia fidei* or *iustitia dei*) signifies an infused habit. Obviously, it would be contradictory to introduce here a kind of infused legal justice. Hence, is it possible to maintain the reconstruction of infused legal justice, or does it become a self-contradictory term?

In the present case, it is important not to be misled by the terminology, but to distinguish carefully what Aquinas intends in different contexts by using the same concepts. In the foregoing chapter, the term “legal justice” stood for the perfection of the will to observe a certain law, given for the sake of the common good, namely divine friendship. However, the term “legal justice” can also focus on the fact that by acting according to a certain law, which is imposed externally, an agent acquires some virtues. As is clear from section 2.3, this is one of the principal reasons for the introduction of human laws: by observing the laws – whether out of virtue or without virtue – the agent in time becomes virtuous. By doing *fortia* and *temperata*, external acts commanded by law, the corresponding internal virtues grow by degree. From this perspective, legal justice consists not only in observing precepts for the common good, but rather in “making virtues.” Legal justice is – as Aquinas glosses Aristotle – *factiva totius virtutis*. “It is evident that positive laws are productive of the whole virtue according to the discipline by which man is instructed in reference to the common good.”⁵³ For this reason Aristotle describes legal justice as the key-virtue of the good citizen; the observance of public precepts will – if the laws are just – sooner or later “produce” a good citizen.⁵⁴

What is right for the human law is to a certain extent even true for divine law. Or more precisely: it *was* true for the Old Testament and the corresponding Old Law. The precepts of the Old Testament (divine precepts) were externally imposed on the chosen people, virtuous as well as wicked ones, in order to lead them to virtues. Thus, the precepts of the Old Law functioned in the manner of the “pagan model.” However, they failed to achieve man’s friendship with God; they prepared the Jews for the state of grace by removing the graver

ostendit conditionem iustitiae legalis; secundo, conditionem iustitiae fidei. . . . Dicit ergo primo: recte distinxi iustitiam humanam a iustitia dei . . . Possumus ulterius dicere quod per legis observationem homo ordinatur in vita praesenti: promittebat enim lex temporalia bona, et quaedam mandabat, quae ad ordinationem carnalis vitae pertinebant. . . . Deinde cum dicit quae autem ex fide est iustitia, etc., inducit auctoritatem moysi de iustitia fidei. . . . Non solum loquitur moyses de iustitia legis, sed etiam ipse sic dicit de iustitia quae est ex fide.”

⁵³ *In ethic.* V 3.13: “Manifestum est enim quod illa quae sunt lege posita sunt factiva totius virtutis secundum disciplinam qua instruitur homo in ordine ad bonum commune.”

⁵⁴ Cf. *ST I-II* 92.1. Gilby notes rightly that legal justice (as political virtue) does not contain all perfections which are necessary for the good man (Gilby, *Principality and Polity*, 227).

vices, but they could not introduce the supernatural order.⁵⁵ This did not become possible until the New Testament, which brought the grace of divine justification. But – and this is the important point – Aquinas directly opposes this new justice to legal justice.

Justice is called a general virtue insofar as man serves the law because of the common good; and in this way it is often taken in Holy Scripture for the observance of the divine law. Ps. Cxxviii, 121: *I did judgment and justice*, i.e. the law, which he observed by love, as if a movement from within; and in this way it is a virtue; not, however, in another way, namely if it is done from an external cause, either because of profit or because of punishment, or if the observation is unpleasant. Thus, there is a double mode of justice: one moral justice, another legal justice, by which a law is not observed by love but by fear.⁵⁶

Obviously it is impossible to transfer this account of legal justice to a divinely infused virtue; they are contradictorily opposed. Infused virtues are generally not acquirable by repeated actions. If legal justice signifies the ordinary mode of education for a virtuous life, the concept of an infused legal justice is inconsistent.

Aquinas contrasts this understanding of legal justice as an acquired habit *ex operibus legis* with *iustitia dei* or *iustitia moralis* understood as infused virtue caused by divine faith. However, this does not exclude the possibility of reading the latter as infused legal justice in the sense which we have discussed above. On the contrary, *iustitia dei* or *iustitia moralis* – once infused by justification and not by legal observance – will effect subsequently man's faithful observation of all divine laws, and is therefore legal justice in an eminent way. What is opposed in the forgoing citations is two distinct modes of the generation of justice as general virtue; in one case acquired by legal observance, in another by divine infusion. The

⁵⁵ *Super Rom.* X 1: "Considerandum est, quod sicut etiam philosophi dicunt, intentio cuiuslibet legislatoris est facere homines iustos: unde multo magis lex vetus hominibus divinitus data ordinabatur ad faciendum homines iustos. Hanc tamen iustitiam lex per semetipsam facere non poterat, quia neminem ad perfectum adduxit lex. . . . Quod impossibile erat legi, mittens deus filium suum, damnavit peccatum in carne, ut iustificatio legis impleretur in nobis. Et hoc dico omni credenti, quia per fidem suos iustificat."

⁵⁶ *Super Phil.* III 3: "Iustitia dicitur virtus generalis, secundum quod homo servat legem propter bonum commune, et hoc modo frequenter in Scriptura sacra ponitur pro observantia divinae legis. Ps. Cxxviii, 121: *feci iudicium et iustitiam*, scilicet, legem, quam servabat ex amore, quasi motus ex se: et sic est virtus. Non autem si alio modo, id est ex aliqua exteriori causa, scilicet vel propter lucra, vel propter poenas, et si observatio ei displiceat. Et secundum hoc est duplex modus iustitiae: unus est iustitiae moralis, alius est iustitiae legalis, per quam, legem non ex amore, sed timore servat." See also *Super Rom.* IV 1: "Ex consuetudine operum exteriorum generatur interior habitus, secundum quem etiam cor hominis bene disponitur, ut sit promptum ad bene operandum et in bonis operibus delectetur, sicut philosophus docet in II ethicorum. Sed dicendum est quod hoc habet locum in iustitia humana, per quam scilicet homo ordinatur ad bonum humanum. Huius enim iustitiae habitus per opera humana potest acquiri, sed iustitia quae habet gloriam apud deum, ordinatur ad bonum divinum, scilicet futurae gloriae, quae facultatem humanam excedit, secundum illud I Cor. II, 9: in cor hominis non ascendit quae praeeparavit deus diligentibus se. Et ideo opera hominis non sunt proportionata ad huius iustitiae habitum causandum, sed oportet prius iustificari interius cor hominis a deo, ut opera faciat proportionata divinae gloriae."

distinction focuses on the strict gratuity of the latter and the strict insufficiency of human actions according to their own resources. However, the comparison disregards the fact that infused *iustitia fidei* subsequently observes the divine law to its full extent. Aquinas explains that God gives “justice without previous works, but not without following works, since, as it is said in Jac II, *faith without works, sc. subsequent works, is dead.*”⁵⁷ Aquinas elsewhere describes the relation of laws and actions: “From such works the habit of justice is not acquired, but rather we do such work by the infused habit of justice.”⁵⁸ In this way, it is fully consistent to describe divine justice, given by faith, as legal justice insofar as it disposes man to observe – subsequently – all divine laws. It thereby realizes the essence of legal justice in an even higher degree since it conduces to a life in full accordance to its corresponding law.

At this place, we cannot refrain from briefly mentioning St. Thomas’s interpretation of evangelical freedom from the law. For Aquinas this freedom is to be understood either in regard to the abolishment of all Old Testament precepts insofar as they are dispensable for the preservation of charity (i.e. the ceremonial and judicial precepts), or to the special mode by which the graced agent can fulfill the divine precepts, namely led by the internal instigation of the Holy Spirit.

The New Law is called the law of liberty in two respects. First, because it does not bind us to do or avoid certain things, except such which are by themselves necessary or opposed to salvation, which come under the prescription or prohibition of the law. Secondly, because it also allows us to achieve these precepts and prohibitions freely, inasmuch as we do so by the instigation of grace.⁵⁹

Thus, it is clear that even the graced agent has to observe the divine law; that there is something like legal justice in regard to the divine precepts. However, the proper reason for

⁵⁷ *Super Rom.* III 4: “Sine operibus praecedentibus iustitiam, non autem sine operibus consequentibus, quia, ut dicitur Iac. II, 26: *fides sine operibus, scilicet subsequentibus, mortua est.*” Similar in *Super Eph.* II 5: “Lex vetus dicitur lex factorum, quia praecipiebat tantum quid facere deberent, sed non conferebat gratiam, per quam ad legem implendam iuvarentur. Lex vero nova dirigit in agendis, praecipiendo, et iuvat ad implendum, gratiam conferendo.”

⁵⁸ *Super Rom.* II 3: “Ex quibus [sc. operibus] habitus iustitiae non acquiritur, sed potius per habitum iustitiae infusum huiusmodi opera facimus.” Similarly in *Super Gal.* III 4: “Iustificare potest accipi dupliciter: vel quantum ad executionem iustitiae et manifestationem, et hoc modo iustificatur homo, id est, iustus ostenditur, ex operibus operatis. Vel quantum ad habitum iustitiae infusum, et hoc modo non iustificatur quis ex operibus, cum habitus iustitiae qua homo iustificatur apud deum, non sit acquisitus, sed per gratiam fidei infusus. Et ideo signanter apostolus dicit apud deum, quia iustitia quae est apud deum, in interiori corde est: iustitia autem quae est ex operibus, id est, quae manifestat iustum, est apud homines.”

⁵⁹ *ST I-II* 108.1 ad 2: “Lex nova dicitur lex libertatis dupliciter. Uno modo, quia non arctat nos ad facienda vel vitanda aliqua, nisi quae de se sunt vel necessaria vel repugnantia saluti, quae cadunt sub praecepto vel prohibitionem legis. Secundo, quia huiusmodi etiam praecepta vel prohibitiones facit nos libere implere, inquantum ex interiori instinctu gratiae ea implemus.”

legal observance is not compulsion, but a habitual inclination towards the guidelines of the law. It is the work of the Holy Spirit “who perfects the internal mind by a good habit” so that the graced agents “are inclined by a good habit to achieve that which the divine law determines.”⁶⁰ That habit, infused by the Spirit, is our divine legal justice.

In summary, not acquired from the observance of laws but infused for the observance of laws

Admittedly, the original function of legal justice and the corresponding laws are turned upside down: In the human city the primary reason for laws (and for legal justice) is to make man good (*factive virtutis*); on the contrary, the graced person possessing infused legal justice is already good; he intends by himself – by a quasi-natural inclination – the end for which the precepts are constituted, namely acts of charity. “Spiritual men are not under the law, since by charity which the Holy Spirit infuses in their hearts, they comply voluntarily with what belongs to the law.”⁶¹ Thus, the function of the law is less *coercive* than *directive*.⁶²

Therefore, the juxtaposition of *iustitia legalis* and *iustitia fidei* does not contradict our reconstruction of an infused legal justice. St. Thomas confronts two kinds of legal justice, namely justice *acquired from laws* with justice *infused for laws*.

6.2.3 Conclusion: The Transformed Function of Divine Legal Justice

We can summarize the results of the two forgoing chapters as follows: If we reconstruct the meaning of infused legal justice, the original sense of political legal justice is transformed in a double way: regarding the concept of *justice* as well as regarding the term *legal*. On the one hand, its range is extended beyond the standard matter of justice, i.e. external operations;

⁶⁰ *Super II Cor.* III 3; see the whole text: “Ubi spiritus domini, ibi libertas, intelligitur, quia liber est, qui est causa sui: servus autem est causa domini; quicumque ergo agit ex seipso, libere agit; qui vero ex alio motus, non agit libere. Ille ergo, qui vitat mala, non quia mala, sed propter mandatum domini, non est liber; sed qui vitat mala, quia mala, est liber. Hoc autem facit spiritus sanctus, qui mentem interius perficit per bonum habitum, ut sic ex amore caveat, ac si praeciperet lex divina; et ideo dicitur liber, non quin subdatur legi divinae, sed quia *ex bono habitu inclinatur ad hoc faciendum, quod lex divina ordinat.*”

⁶¹ *ST I-II* 93.6 ad 1: “Spirituales viri non sunt sub lege, quia per caritatem, quam spiritus sanctus cordibus eorum infundit, voluntarie id quod legis est, implent.” See also *ST I-II* 108.1 ad 2: “Gratia spiritus sancti est sicut interior habitus nobis infusus inclinans nos ad recte operandum, facit nos libere operari ea quae conveniunt gratiae, et vitare ea quae gratiae repugnant.”

⁶² In *ST I-II* 96.5 ad 3 Aquinas distinguishes between “vis coactiva legis” and “vis directiva legis.”

divine legal justice has to rule all human acts. Thus, it is justice only in an analogous way. On the other hand, the function of that legal justice is also transformed. The observance of laws does not aim at the acquisition of virtue, but is rather a consequence of a virtue already possessed; it moves a person from within towards the good; it does not achieve good deeds *because* of the law, but only *according* to the law; it is justice not *ex legibus* but *ad agendum secundum leges*.

6.3 Infused Justice as Human Justice

Besides the species of infused *divine* justice there must exist something like infused *human* justice, i.e. a cardinal virtue that perfects the agent regarding the human social life in accord with his personal supernatural status; an infused but human virtue for living in a *res publica hominum sub deo*; this is the point to which the findings in section 5.5.3 had brought us. How could we arrange such a reconstruction?

In chapter 4, we mentioned the objective character of justice: In contrast to the acts of the affective virtues, the just act is determined irrespective of the subjective conditions of the agent, his affective status and temperament. Whether an action is just or unjust is defined only in comparison to the other. We repeat *ST* II-II 57.1: “A thing is called *iustum*, as having the rectitude of justice, at which the act of justice aims, even without considering how it is done by the agent.”⁶³ Therefore justice is defined as the inclination of the will to render everyone his *iustum*.

Hence, if we want to reconstruct the proper meaning of justice as infused human virtue, then we have to determine first of all the object of this justice, namely the *opus iustum* of an agent in the state of grace. As Aquinas describes acquired justice indirectly by its object – the *ius* as *opus adaequatum alteri* – and justice grants man the permanent will to achieve this *ius*, likewise the determination of infused human justice has to begin with the *opus iustum* regarding the other according to the supernatural status of the agent involved. Thus we must ask: Which acts are required for attaining equality between two agents under the conditions of grace? Is what the Christian faithful owes to his fellow-citizen the same as what the pagans

⁶³ *ST* II-II 57.1: “Iustum dicitur aliquid, quasi habens rectitudinem iustitiae, ad quod terminatur actio iustitiae, etiam non considerato qualiter ab agente fiat. Sed in aliis virtutibus non determinatur aliquid rectum nisi secundum quod aliquantulum fit ab agente.”

owe, or are the requirements for an equal relationship to his neighbors higher than in the case of a pagan? Has he to be readier to support the other? And vice versa: Has he to be content with less than unbelievers? There are some remarks in Aquinas which suggest such an interpretation; for example: “Charity for Christ makes all things more common than political friendship.”⁶⁴ Hence, the primary concern of this chapter is to outline the content of the “*iustum supernaturale*,” i.e. the actions which are adequate to the other as fellow-citizen of the human city but according to the supernatural order.

Therefore, the reader should not be surprised if subsequently he finds only few explicit references to justice as virtue. Though our primary concern is infused justice, at the present stage we have to determine the object of that virtue. Only afterwards, according to the axiom that virtues are specified by their proper objects,⁶⁵ will it “automatically” clear what infused justice has to be – namely the habit of the will which enables to the agent to achieve constantly, easily and with delight⁶⁶ the described actions.

Our investigation must proceed in two steps, in analogy to the determination of the *opus iustum* in the case of acquired justice, where Aquinas distinguishes between *ius naturale* and *ius positivum*. To reward the employee and to punish the evildoer is just by nature; to repay him a certain amount and to impose a specific punishment belongs to the positive law. Likewise, we have to ask in the case of infused justice:

First, is there something analogous to the *ius naturale* for the graced person? This means: Does man’s membership in the Church imply “by nature” (i.e. by the very fact that somebody is in the state of grace, that he is rightly ordered to his supernatural final end) some additional obligatory actions in regard to the other, which become now *iustum*, but which weren’t required before? Or do the requirements of the natural law simply remain the same? (See section 6.3.1).

Secondly, it is necessary to ask whether there exist positive determinations of the divine law. In section 4.2.2 we saw how the human law can constitute new legal obligations – not by subverting the natural law, but by rendering further determinations of the *ius naturale*. In the same manner, we have to inquire whether the divine law contains further specifications which constitute new and additional debts *ad alterum* for the graced person (section 6.3.2). After these clarifications, we shall be ready to describe in more detail particular species of justice as

⁶⁴ *Contra Imp.* 2.6: “Caritas christi magis facit omnia communia quam amicitia politica.”

⁶⁵ For example *De caritate* 3 ad 9: “A proprio obiecto quaelibet virtus habet formam specialem.”

⁶⁶ Cf. *De virt. in com.* 1.

infused virtues: legal justice regarding the political community, infused commutative and distributive justice, and its potential parts (section 6.3.3).

6.3.1 The Unaffectedness of the *ius naturale* by Divine Friendship

In chapter 5 we reached the conclusion that charity does not dispense from natural obligations regarding the other which are based on familial, domestic and political relationships. Since each particular debt is founded on a specific fellowship, divine friendship understood as “additional” solidarity leaves others obligations untouched.

Does this non-interference of charity also allow the contrary conclusion, namely that it does not constitute additional duties in respect to other companionships? Indeed, Aquinas claims that – regarding such special companionships – the order of charity only requires to want for his neighbor what belongs to him by reason of such already existing friendships, namely “on the basis of the good which pertains to the communication upon which the friendship is based”⁶⁷ which is – besides the proper object of charity, i.e. the attainment of eternal beatitude – the specific good due to the other as a member of the relative community in which both partake. More is not required by the order of charity. Charity commands the fulfillment of all interfamilial duties, but it does not constitute new, additional obligations regarding family-members as family-members. Likewise, charity requires that each render to his co-citizens what is due to them as fellow-citizens; to “dwell in civil operations;”⁶⁸ more, however, – with respect to the human society – is not required.

The consequences for our present project of reconstructing justice as infused human virtue are important: The order of grace does not imply a principal change of the right mean of proper justice. What is just between two pagans as *ius politicum* remains just also between two Christians, and likewise between believer and unbeliever. Charity commands the acts of justice but it does not change its object. The measure of just and unjust acts remains man’s relation to the other as fellow-citizen, as cohabitant, as family-member, even disregarding his personal status with respect to grace.

We can substantiate our assertion from the side of justice as well as from the perspective of charity:

⁶⁷ *In sent.* III 29.6: “Quantum ad bona pertinentia ad communicationem illam super quam amicitia fundatur.”

Argument from the notion of justice

We can prove our claim by showing the inconsistency of the opposite position: Assuming that the state of grace changes the conditions of justice, it would be ipso facto not only a transformation of the proper structure of justice but its destruction. The object of justice (the *opus iustum*) is determined by the thing itself which is due to the other, what is *adaequatum* by its nature; it is a *medium rei*; hence, every additional obligation because of charity would be a manipulation of this *iustum*. If a graced person – for attaining equality – were obliged to repay a greater reward for a received service than an unbeliever, the act would no longer be measured by the thing itself (*iustum naturale*), but by an other standard. Or, if he had to abstain not only from damaging the other (or his goods) but from additional things, it would no longer be a matter of justice which seeks equality. Since equity is the chief-principle of justice, there cannot be an a priori obligation on the side of one agent.⁶⁹

Consequently, if there is a kind of infused human justice, then it preserves the fundamental structure of justice. This means that the just act is measured by the thing itself, regardless of further conditions of the agent (or the recipient).⁷⁰ A graced person who receives a service from another person on the basis of a contract is obliged on the basis of the very nature of this service to reward the other – whether he is one of the faithful or not, and independent of any religious motive. An inequality arises because of the service received and it is *iustum* because of the thing itself to restore equality. Moreover, if the accomplished service were done out of charity – maybe because a man recognized the other a fellow-citizen of the same heavenly community, or because he wants to express his love for Christ by the service – it would be an act of friendship, but not of justice; not even of infused justice. One may argue that even those acts should be rewarded. Let it be so. Still it would not be a question of proper justice but a case of a moral due of friends.

In short, since the positive obligation to repay a received service is determined by the thing itself, by the nature of the accepted benefit, the fact that the agent may live in the state of grace does not imply a different measure of justice.

⁶⁸ *In sent.* III 29.6: “Morari in operibus civilibus.”

⁶⁹ Of course, emphasizing equity as the indispensable character of justice does not mean that two persons who belong to the same human community, and therefore are equal in this respect, could not be ordered from another viewpoint hierarchically. Aquinas notes in the context of familial relations that – though there is no proper justice between father and son – insofar as both are *men* there is justice involved. “Filius, inquantum filius, est aliquid patris; et similiter servus, inquantum servus, est aliquid domini. Uterque tamen prout consideratur ut quidam homo, est aliquid secundum se subsistens ab aliis distinctum. Et ideo inquantum uterque est homo, aliquo modo ad eos est iustitia.” (*ST* II-II 57.4 ad 2). See on this point also Gallagher, “Desire for Beatitude ...” 25.

Argument from the nature of charity

Not only does the just act itself resist a contentual transformation by charity, but also the nature of charity itself contradicts the constitution of new obligations for justice in its proper sense. The proper object of charity is God; charity extends to other people insofar as they are capable of God and as fellow-members in divine friendship. “This we have to love within the other that he may be in God.”⁷¹ According to *In sent.* 29.6 the common principle of the heavenly community is to want eternal life for the other. This is the formal object of charity. Of course, St. Thomas does not tire of describing charity as the mother of all virtues, as commanding the acts of all other virtues. But the object of these virtues does not thereby become the object of charity.⁷² Rather, the other virtues rule their proper matter in order that charity can attain undisturbed its proper object (God). But the matter of justice as human virtue – interpersonal actions according to the measure of equality – belongs to a different order than charity. Therefore, charity by its own essence cannot transform the basic structure of human justice.

Some consequences

From the preceding discussion we have to draw the following important conclusion: Though the order of charity includes and respects the order of human justice (in its different species: as political, residential, familial justice etc.), it does not change those natural obligations. What is just or unjust by nature, i.e. by the very thing which is at issue, that is and remains just for agents with or without grace. Thus, the fact of divine friendship may provide an additional and stronger motivation for rendering to the other what is due to him; but the contentual determination of the obligation regarding the fellow-citizen, cohabitant, and family-member, is principally identical for acquired and infused justice. J. Porter describes the effect of charity for those virtues: “Charitable love of others also prompts this person to respect the legitimate claims of others, to avoid harming them . . . These are properly acts of infused justice.”⁷³

⁷⁰ Thus, for the case of commutative justice Aquinas explains: “In iustitia commutativa non attenditur *diversa conditio personarum*.” (*In ethic.* V 8.5).

⁷¹ *ST* II-II 25.1: “Hoc enim debemus in proximo diligere, ut in deo sit.”

⁷² See *De virt. in com.* 10 ad 10.

⁷³ Porter, “The Virtue of Justice,” 283.

However, it would be too hasty to conclude our investigation at this point. Though the *ius naturale* of infused justice is identical with its acquired counterpart, Aquinas indicates some divine determinations of these naturally just acts. Therefore we must ask: do the proper acts of infused justice differ by means of such additional determinations? Are there some “Christian duties” to the other which the graced agent has to achieve generally because of a divine command which are irrelevant for the nonbeliever?

6.3.2 Positive Determinations of Infused Human Justice by the Divine Law

As seen in the foregoing paragraph, the principle structure of human justice remains unchanged in the graced agent. We did not yet consider the question whether infused justice differs from its acquired counterpart because of a positive determination by the divine law. In section 2.2 we mentioned already the distinction between laws which explicate (i.e. repeat) something that is just by nature, and other laws which provide a further determination of something that is indifferent by itself; acts of the second kind are just only because of that previous determination by the entitled authority, e.g. a specific punishment for a specific crime. Aquinas also applies this distinction to the divine law:

Divine right is called that which is promulgated by God. And this is partly about things which are naturally just, but their justice is hidden to man, and partly about things which are made just by divine institution. Hence also the divine right may be divided in respect of these two things, even as the human right. For in the divine law there are some things prescribed because they are good, and some prohibited because they are evil, while others are good because they are prescribed, and evil because they are forbidden.⁷⁴

Thus, we can formulate the present issue as follows: Does the divine law contain some positive precepts derived from the natural law *per modum determinationis*, so that for the graced believer some actions, which are right by nature, are forbidden because of divine friendship, whereas they remain lawful for the unbelievers?

⁷⁴ ST II-II 57.2 ad 3: “Ius divinum dicitur quod divinitus promulgatur. Et hoc quidem partim est de his quae sunt naturaliter iusta, sed tamen eorum iustitia homines latet, partim autem est de his quae fiunt iusta institutione divina. Unde etiam ius divinum per haec duo distingui potest, sicut et ius humanum. Sunt enim in lege divina quaedam praecepta quia bona, et prohibita quia mala, quaedam vero bona quia praecepta, et mala quia

We will answer the question in two steps: (a) the issue is very clear in the Old Law, which also contains, beyond the moral precepts, ceremonial and judicial precepts. Therefore, we inquire first into the Old Testament laws. Admittedly, those precepts are not the relevant standard for infused justice today. However, it shall be a good test case for clarifying various implications of the question.⁷⁵ The judicial precepts of the Old Law show what infused justice would have been in former times. In a second step (b) we investigate the positive determinations of justice in the Evangelical Law; determinations which are relevant for infused human justice today.

a) Positive Determinations of Justice in the Old Law

In section 2.2 we were already acquainted with three different kinds of precepts in the Old Law: moral, ceremonial, and judicial precepts. The first explicates the *ius naturale*, the second contains positive determinations of man's natural obligation towards God and prescribes specific acts of the divine cult, and the judicial precepts rule interpersonal actions for promoting the human common good. This third kind of precept is of interest for our study of infused human justice. It is defined as "determination of the common precept of justice which must be observed between men."⁷⁶ For Aquinas, the common precept of justice is expressed by the Decalogue which can be known by mere reason, namely, not to inflict harm on anyone – on the other person (5th), on conjunct persons (6th), on the other's property (7th) etc. These common precepts of justice – by themselves moral precepts – are further specified by positive determinations, i.e. the juridical precepts. These positive laws are *iustum* not because of an *ius naturale*, but only because of divine institution and revelation.⁷⁷ Consequently, if we suppose

prohibita." Cf. *ST* I-II 71.6 ad 4. (By the way: the quotation shows finely that a *Virtue Ethics* would be one-sided if it denied every relevance of legal obligation for morality.)

⁷⁵ Aquinas explicitly concedes that some Jews possessed divine grace by the Holy Spirit including charity and infused virtues even before the advent of Christ – namely in anticipation of Christ's merits. "Fuerunt tamen aliqui in statu veteris testamenti habentes caritatem et gratiam spiritus sancti, qui principaliter expectabant promissiones spirituales et aeternas." (*ST* I-II 107.1 ad 2). In *Sermo* X 3 Aquinas mentions David as an example of a graced member of the faithful of the Old Testament: "Aliqui fuerunt spirituales in populo, sicut david qui deo adhaerebat propter se."

⁷⁶ *ST* I-II 99.4: "Determinatio communis praecepti de iustitia observanda inter homines."

⁷⁷ Cf. *ST* I-II 104.1: "Alia vero praecepta sunt quae non habent vim obligandi ex ipso dictamine rationis, quia scilicet in se considerata non habent absolute rationem debiti vel indebiti; sed habent vim obligandi ex aliqua institutione divina vel humana. Et huiusmodi sunt determinationes quaedam moralium praeceptorum. . . . Si autem in his quae pertinent ad ordinationem hominum ad invicem, talia dicuntur praecepta iudicialia. In duobus ergo consistit ratio iudicialium praeceptorum, scilicet ut pertineant ad ordinationem hominum ad invicem; et ut non habeant vim obligandi ex sola ratione, sed ex institutione."

an agent in the time of the Old Testament who had grace and infused virtues,⁷⁸ then these judicial precepts (together with the moral precepts) would determine exactly the content of infused human justice; justice in its proper sense which perfects the faithful in regard to the human community.

St. Thomas subdivides the judicial precepts into four parts:⁷⁹ They rule (a) the relation between the common citizen and the leader, (b) interpersonal relations, (c) the relation of members of the community to a foreigner, and (d) interfamilial relationships.

All four of these relationships belong in a certain way to justice. Nonetheless, it will be enough to inquire into the second part, which contains the determinations of commutative justice, i.e. laws regarding the “order of the subjects to each other.”⁸⁰ Aquinas dedicates a special article to this issue.⁸¹ He distinguishes two different categories of relations: (1) interpersonal actions as ruled by the public authority, and (2) actions which underlie the proper disposal of each agent (i.e. private property).

Concerning the first relationship, the judicial precepts provide a determination of the following topics: They constitute judges for all the tribes for guaranteeing the right order in all parts of the people (Deut 16.18⁸²), they determine the order of processes (Deut 1.16-17), they limit the occasion for unjust judgments and bribery (Ex 23.8 and Deut 16.19), they set the minimum of witnesses (Deut 17.6 and 19.15-21⁸³), and they determine the punishments for various crimes. They also provide some general principles for all judgments, e.g. the exemption of punishment in the case of involuntary actions (Deut 22.25-27), the sentences for acts out of ignorance (Lev 4.2 seqq.), malice (Deut 25.2), or obstinacy (Num 15.30-31); and the particular punishment for special crimes, for example for stealing (Ex 22.1-9), the capital punishment for irreverence regarding parents (Ex 21.15), murder (Ex 21.12), adultery and incest etc.⁸⁴

The second relationship focuses on the private disposal of property. Aquinas distinguishes three different respects:

⁷⁸ Aquinas assumes that there were saints in the Old Testament, because of their faith in the future Messiah; see footnote 75.

⁷⁹ Cf. *ST* I-II 104.4. A good exposition of the Old Testament precepts about justice contains Stump, *Aquinas*, 320-327.

⁸⁰ *ST* I-II 104.4: “Ordo . . . subditorum ad invicem.”

⁸¹ *ST* I-II 105.2.

⁸² See esp. ad 7.

⁸³ Cf. esp. ad 8.

⁸⁴ See ad 9 and 10.

(1) Determinations with respect to the just distribution of private property.

He invokes three examples: The judicial precepts of the Old Law determine the distribution of property depending on the number of people: more people should command more property (Num 33.54); further, for avoiding a permanent impoverishment of people, the vended property should return after 50 years to the original owner (Lev 25⁸⁵); third, for preserving the property of families, some judicial precepts rule the issues of heritage (Num 27.8-11 and Num 36.1-13).

(2) Determinations regarding the common use of the distributed property.

Though things are attributed to single persons for private use, a connection always remains between private property and the whole community: First, regarding the *common care* for the other's property: Every member is obliged to care – at least to a certain degree – for the property of the other (for example, if somebody sees the neighbor's cow running away, he should bring it back; Deut 22.1-4). Second, regarding the *common use* of the other's property. On this point, the Old Law allowed for entrance into the other's vineyard for eating from its fruits but without taking fruits outside (Deut 23.25-26⁸⁶). Third, regarding the poor. They receive the right to do the after-crop (Lev 19.9-10 and Deut 24.19-22); likewise the fruits of the seventh year were reserved for them (Ex 23.11 and Lev 25.4-7).

(3) Special duties of the proprietors themselves.

Some of the juridical precepts obliged the proprietors to few acts of gratuity, e.g. every third year to pay an additional tithe to the Levite, the foreigners, the fatherless, and the widows (Deut 14.28-29). More prescriptions were given about interpersonal transactions which aim at private benefit, i.e. determinations regarding the circumstances of contracts, buying and selling.⁸⁷

All these precepts have one thing in common: they are further determinations of things that are already just (or unjust) by their nature. They determine only the concrete procedure of judgment, the concrete measure of punishment, the concrete extent of obligations which result from private property etc. However, it is presupposed that judging, punishing, having property, etc. is just in itself. Thus, though the judicial precepts of the Old Law belong to the divine law,

⁸⁵ See esp. ad 3

⁸⁶ See esp. ad 1.

they do not introduce a new dimension of right, but provide a concretization of the natural law. Aquinas even argues that the juridical precepts of Old Testament could be used nowadays to rule a human community, i.e. as “human law” for the common good.⁸⁸ This observation shows that the divine determinations concerning justice do not introduce something essentially supernatural.

Admittedly, Aquinas himself raises the objection whether those precepts do not abandon the natural structure of justice, if they demand (for example) the fivefold restitution of a stolen cow (Ex 22.1⁸⁹). However, even such “unequal” compensations do not contradict the principle idea of justice. Punishment is not a question of material equality⁹⁰ but aims at adequate atonement for a delict; therefore, some evils are compensated for only by an especially severe penalization.⁹¹

In short, the judicial precepts are simply determinations of the natural law. They belong to the divine law not because of a “supernatural content” but because they are divinely revealed.

It is not necessary to go into further detail. The general structure of the judicial precepts is clear enough: The Old Testament contains many positive determinations, which had to be observed by an agent equipped with infused justice. Thus, in former times a description of infused justice would have been quite easy insofar as its content – i.e. the just acts – was determined by the judicial precepts.

But what about just acts in the New Covenant? The specification of the *ius positivum* may change from time to time. “The determination of things which are just according to human or divine institution must be different, according to the different states of mankind.”⁹² Hence, we must ask how the acts of infused human justice are determined in the New Testament.

⁸⁷ Cf. the many quotations in ad 3-6.

⁸⁸ See *ST* I-II 104.3. The only restriction is that the *motive* of the prince might not be the rejection of Christ’s fulfillment of the Old Law: “Praecepta autem iudicialia sunt quidem mortua, quia non habent vim obligandi, non tamen sunt mortifera. Quia si quis princeps ordinaret in regno suo illa iudicialia observari, non peccaret. . . . Sed intentio observandi tanquam ex obligatione legis, praeiudicat veritati fidei, quia per hoc haberetur quod status prioris populi adhuc duraret, et quod christus nondum venisset.” Similar in *ST* II-II 62.3 ad 1 and *De reg. princ.* I 16.

⁸⁹ Some editions number as Ex 21.37; cf. arg. 9)

⁹⁰ See *ST* II-II 61.4 about the *contrapassum*.

⁹¹ Aquinas gives several reasons why the Old Law punishes some delicts extraordinarily harshly: because of the serious sinfulness, because of the consuetude of committing the delicts, because of the pleasure felt by sinning, because of the facility in committing them (cf. *ST* I-II 105.2 ad 9).

⁹² *ST* I-II 104.3 ad 1: “Determinatio eorum quae sunt iusta secundum institutionem humanam vel divinam, oportet quod varietur secundum diversum hominum statum.”

b) Divine Legal Determinations in the New Law

In *ST* I-II 108.1 Aquinas raises the question whether the New Law commands and prohibits external actions. Though he does not mention justice, the article relates to the matter of human justice in its general sense, sc. external operations. Aquinas asserts the following: Although charity (i.e. the internal order towards God) is the primary end of the New Law, it presupposes certain external actions, either as presuppositions or as effects of this new order. Thus, some external actions, which are necessarily connected with charity, are strictly owed by the graced agent and commanded by law; and consequently, those acts belong to justice, or more precisely, to infused justice, since they depend on the order of charity

As an example of external acts which are presupposed for grace, Aquinas names the sacraments, which are external operations that induce internal grace.⁹³ Of the second kind are external actions “which proceed from the instigation of grace.”⁹⁴ St. Thomas mentions the precept of professing the divine faith and the prohibition of its disavowal – as promulgated in Mt 10.32-33.⁹⁵

However the prevailing number of external actions have no such necessary connection or opposition to the state of grace. Concerning these actions the New Law contains no determinations, but leaves the decision about acting or non-acting either to the judgment of the single person or to the prescription of the human legislator.⁹⁶

Thus the first article shows why the New Law commands some external acts; but leaves unclear the concrete content of those laws. The second article provides this clarification asking whether the New Law made sufficient ordinations about external acts. First, Aquinas summarizes the conclusion of the previous article: “The New Law had to make prescriptions or prohibitions in external [acts] only in things by which we are introduced to grace or which pertain to the right use of grace by necessity.”⁹⁷ The right “use” of grace consists – Aquinas continues – in charitable operations. It is not by chance that St. Thomas uses at this place the

⁹³ *ST* I-II.108.1: “Sicut inducentia aliquantulum ad gratiam.”

⁹⁴ *ST* I-II.108.1: “Quae ex instinctu gratiae producuntur.”

⁹⁵ “Quaedam enim habent necessariam convenientiam vel contrarietatem ad interiorem gratiam, quae in fide per dilectionem operante consistit. Et huiusmodi exteriora opera sunt praecepta vel prohibita in lege nova, sicut praeceptum est confessio fidei, et prohibita negatio; dicitur enim Matth. X, qui confitebitur me coram hominibus, confitebor et ego eum coram patre meo. Qui autem negaverit me coram hominibus, negabo et ego eum coram patre meo.” (*ST* I-II.108.1; cf. also *ST* II-II.3.2 ad 1).

⁹⁶ Aquinas notes that external operations which are only conducive to the state of grace may be recommended, but do not possess a strict legal obligation. He refers to such recommendations as the evangelical councils; cf. *ST* I-II 108.4.

⁹⁷ *ST* I-II 108.2: “Lex nova in exterioribus illa solum praecipere debuit vel prohibere, per quae in gratiam introducimur, vel quae pertinent ad rectum gratiae usum ex necessitate.”

concept of *opera caritatis* instead of *actus caritatis*. He has in mind not internal acts of charity, but external actions commanded by charity, i.e. “charitable operations.”⁹⁸ However, which external actions are commanded necessarily by charity? St. Thomas: Regarding external acts, divine friendship requires nothing other than the observation of the moral precepts, which are “dictated by the natural law.”⁹⁹ Therefore the New Law has nothing to add to the Old Law regarding external operations. “The right use of grace is by means of works of charity. Those which are necessary for virtue pertain to the moral precepts, which are also passed down in the Old Law. Thus, in this respect, the New Law had nothing to add regarding external operations.”¹⁰⁰

On the contrary, the New Law actually contains fewer precepts regarding external action than the Old. The *lex vetus* commanded many external actions beyond the natural law, namely, the ceremonial and judicial precepts. The New Law obliges only for moral precepts. From this viewpoint the New Law seems even less perfect, almost a step backwards. Aquinas explains: “We are directed to works of virtue by natural reason, which is the rule of human action . . . Thus, in such matters there was no need for further precepts beyond the moral precepts of the law which proceed from the dictate of reason.”¹⁰¹

The justification for this reduction is found in *ST* I-II 91.5 concerning the specific end of both laws: Though both laws are given finally for attaining the community of saints, the immediate and proximate end of the Old Law is the sensible and terrestrial good, admittedly as preparation and prophetic likeness of the true supernatural end. Therefore, it contains many additional judicial precepts beyond the moral precepts, which regulate interpersonal relationships. This does not undermine its preparative function regarding the New Covenant; but its direct and immediate end is not the spiritual good. On the other hand, the New Law achieves *directly* the intelligible and heavenly common good, whereas the temporal welfare of the human city is just an accidental consequence insofar the order of charity includes ordered relationships in the earthly city (see section 5.2). Consequently, the New Law commands interpersonal acts only when necessary for the heavenly city, but leaves freedom with regard to specific determinations.

⁹⁸ Of course, these acts are likewise acts of charity but as *actus imperatus*.

⁹⁹ *ST* I-II.99.4: “de dictamine legis naturae.”

¹⁰⁰ *ST* I-II.108.2: “Rectus autem gratiae usus est per opera caritatis. Quae quidem secundum quod sunt de necessitate virtutis, pertinent ad praecepta moralia, quae etiam in veteri lege tradebantur. Unde quantum ad hoc, lex nova super veterem addere non debuit circa exteriora agenda.”

¹⁰¹ *ST* I-II.108.2 ad 1: “Ad opera virtutum [sc. exteriora] dirigimur per rationem naturalem, quae est regula quaedam operationis humanae . . . Et ideo in his non oportuit aliqua praecepta dari ultra moralia legis praecepta, quae sunt de dictamine rationis.” More cautious is *ST* I-II.107.3: “Lex nova . . . praeter praecepta legis naturae

From this perspective it becomes clear in which way the New Law is more perfect than the Old Law, though it contains fewer external obligations;¹⁰² it focuses on the perfect internal regulation regarding supernatural friendship with God, and that is why moral precepts are enough. “The moral precepts have to continue under the New Law, because they belong to the ratio of virtue.”¹⁰³ Therefore, the New Law deserves the name of *law of perfect liberty*, since it obliges man only to actions that are the *conditio sine qua non* for salvation in the strict sense. “It does not bind us to do or avoid certain things, except such which are of themselves necessary or opposed to salvation and come under the prescription or prohibition of the law.”¹⁰⁴

Binding determinations by the civil authority and the ecclesiastical hierarchy

Having stressed that Christ has abolished the ceremonial and judicial precepts as divine law and has given freedom in these areas, *ST I-II 108.2* continues, saying that the free determination of these actions depends either on the decision of the individual person, or on the responsible authority of the community, which may be the authority of the earthly society or of the spiritual community.

These determinations are not in themselves necessary for inward grace wherein the law consists; therefore they do not fall under the precept of the New Law, but are left to human decision; some to [the decision of] the inferiors, as when a precept is given to an individual; others to temporal and spiritual superiors, if they pertain to the common utility.¹⁰⁵

paucissima superaddidit in doctrina christi et apostolorum; licet aliqua sint postmodum superaddita ex institutione sanctorum partum.”

¹⁰² “Difficultas est circa opera virtutum in interioribus actibus, puta quod aliquis opus virtutis exerceat prompte et delectabiliter. . . . Et quantum ad hoc, praecepta novae legis sunt graviora praeceptis veteris legis, quia in nova lege prohibentur interiores motus animi, qui expresse in veteri lege non prohibebantur in omnibus, etsi in aliquibus prohiberentur; in quibus tamen prohibendis poena non apponebatur.” (*ST I-II.107.3*)

¹⁰³ *ST I-II 108.3 ad 3*: “Praecepta moralia omnino in nova lege remanere debebant, qui secundum se pertinent ad rationem virtutis.” This does not mean that the New Law includes *only* the moral precepts. In response to the quotation of the Gratians *Decretum* (“ius naturale est quod in lege et in Evangelio continetur”) he replies: “Verbum illud non est sic intelligendum quasi omnia quae in lege et in evangelio continentur, sint de lege naturae, cum multa tradantur ibi supra naturam, sed quia ea quae sunt de lege naturae, plenarie ibi traduntur.” (*ST I-II.94.4 ad 1*). But as we shall see, the positive new content of the evangelical law contains principally precepts concerning internal acts.

¹⁰⁴ *ST I-II 108.1 ad 2*: “Non arctat nos ad facienda vel vitanda aliqua, nisi quae de se sunt vel necessaria vel repugnantia saluti, quae cadunt sub praecepto vel prohibitione legis.” As second reason for the description of the New Law as *lex libertatis* Aquinas explains: “Quia huiusmodi etiam praecepta vel prohibitiones facit nos libere implere, inquantum ex interiori instinctu gratiae ea implemus. Et propter haec duo lex nova dicitur lex perfectae libertatis.” (*Ibid.*)

¹⁰⁵ *ST I-II 108.2*: “Istae determinationes non sunt secundum se de necessitate interioris gratiae, in qua lex consistit; idcirco non cadunt sub praecepto novae legis, sed relinquuntur humano arbitrio; quaedam quidem quantum ad subditos, quae scilicet pertinent singillatim ad unumquemque; *quaedam vero ad praelatos temporales vel spirituales*, quae scilicet pertinent ad utilitatem communem.” Similar in *ad 4*: “Iudicialia etiam,

The two possibilities allow for additional laws, even in the time of the New Law, which exceed the range of moral precepts: positive laws promulgated either by the civil power or by the ecclesiastical authority.¹⁰⁶

The lawful civil government possesses this power because its proper task is the human common good, and the supernatural order does not supercede but retains the natural order. Thus, the observance of civil laws is important even for attaining the supernatural end. We have seen in section 5.2 how natural relationships (e.g. the common citizenship and the resulting obligations) remain valid within divine friendship. Holy Scripture teaches the same: “Render therefore unto Caesar the things that are Caesar’s” (Mt 22.21). And St. Paul: “Let every person be subject to the governing authorities. . . . The person who resists such authority resists the ordinance of God, and those who resist will incur judgment” (Rom 13.1-2). St. Thomas adopts these assertions.¹⁰⁷ Thus, there is no difference between the obligations of a graced person and an unbeliever; as citizen of the same *politia* both have to respect the human determination of the *ius naturale*.

Quite different is the case of the ecclesiastical laws: as is clear from a previous chapter, state and Church differ in their ends (sc. the good of the human city and divine beatitude), but overlap in many areas.¹⁰⁸ Therefore, the ecclesiastical authority can enact laws (at least to a certain extent) governing interpersonal relationships. For example, it specifies the formal requirements of a legitimate and valid marriage – a law that is not primarily about spiritual affairs, but which interferes in the civil life. Nonetheless, an unbeliever does not become a bad citizen if he disregards these determinations. The Church establishes such laws in order to help the faithful to lead their civil life in the state of grace. The ultimate end of these precepts is divine friendship, but their immediate consequences relate to the social life. Precisely this is

secundum se considerata, non sunt de necessitate virtutis quantum ad talem determinationem sed solum quantum ad communem rationem iustitiae. Et ideo iudicialia praecepta reliquit dominus disponenda his qui curam aliorum erant habituri vel spiritualem vel temporalem.” In *Quodl.* IV 8.2 Aquinas concedes to the prelates of the Church and the Christian princes (“praelatis ecclesiae et principibus christiani populi”) the right to determine further laws.

¹⁰⁶ cf. *ST* I-II.108.2.

¹⁰⁷ “Si enim potestas principum, in quantum talis est, a deo est, et nihil est a deo sine ordine, consequens est, quod etiam ordo, quo inferiores potestatibus superioribus subiiciuntur, sit a deo. Itaque qui contra hunc ordinem resistit potestati, dei ordinationi resistit. . . . Resistere autem divinae ordinationi contrariatur honestati virtutis. Unde contra virtutem agit quicumque potestati resistit, in eo quod pertinet ad ordinem suae potestatis.” (*Super Rom.* XIII 1). St. Thomas even claims that “in his autem quae ad bonum civile pertinent, est magis obediendum potestati saeculari quam spirituali.” (*In sent.* II 44.2.3 ad 4).

¹⁰⁸ Cf. section 5.5.3. In more detail: Sabra, *Thomas Aquinas’ Vision of the Church: Fundamentals of an Ecumenical Ecclesiology*, 107-121.

the proper area of infused human justice, a kind of justice that requires *more* than its acquired counterpart, but less than divine justice.¹⁰⁹

If we look back to our discussion of the Old Testament laws, it becomes clear that the human laws and the ecclesiastical precepts have adopted the function of the judicial precepts. Why this change? Why did Christ give men freedom from the judicial precepts, if afterwards they were to be bound again by new precepts – precepts that even differ from one country to the next? We want to suggest the following explanation: The Old Law was given as an external preparation for grace for *one people*; one people in particular historical circumstances. Thus, the divine lawgiver not only determined the necessary requirements for grace (the moral precepts) but also the concrete issues of the social life of this particular people at a particular time. The New Law, however, is binding for *all people*; for all people in all historical and local circumstances. Even here, the specification of the necessary conditions for grace causes (again) no problem – hence the moral precepts. However, it would have been impossible to determine the particular issues of the social life once and for all. These may differ from time to time and from place to place (provided the moral precepts remain constant). Of course, in principle positive regulations are necessary, and the graced agent must respect them. However, a universally valid specification of those issues was (and is) impossible. Therefore the power to determine “judicial precepts” was given to the human and ecclesiastical authority.

The discussion to this point suffices for the clarification of the general features of infused justice. In the next chapter, we want to apply these results to the various species of justice as infused virtue: Infused political legal justice, infused commutative and distributive justice, and the infused potential parts of justice.

6.3.3 Particular Species of Infused Human Justice

The object of infused human justice consists of the *ius naturale* including positive determinations of the civil and ecclesiastical authority. This is the result of our general

¹⁰⁹ We should note that not every ecclesiastical law belongs to the matter of infused human justice. For example, the obligation to participate every Sunday in the celebration of the holy Eucharist is a positive determination of something naturally just (namely to honor God); by itself, it would not be against natural law to neglect sometimes the content of this positive law; even charity would not be immediately in danger. Conscious and deliberate absence becomes unjust only because of the positive determination of the Church, and only *therefore* it implies the destruction of charity. Nonetheless, it would not be an act against infused *human* justice, since the

reconstruction of infused human justice. Based on these findings it should be possible to reconstruct legal justice regarding the human society, commutative and distributive justice, and the potential parts of justice as infused virtues.

a) The Reconstruction of Infused *Human* Legal Justice

Section 6.2 was concerned with divine legal justice which is required for observing the whole divine law for the sake of charity-friendship. At first glance, one might suggest that this divine “legal justice” simply adopts the task of human legal justice. However, different objects demand different virtues, and the common good of the human city is not the proper end of grace, even if divine friendship requires (“includes”) the simultaneous consideration of the *communicatio politica*. Thus, the graced agent requires a “second” kind of legal justice by which he is ready to observe the laws that are relevant for the good of the human *polis*; a legal justice whose purpose is “the welfare of mankind according to supernatural principles, on behalf of and in subordination to supernatural purposes.”¹¹⁰

Scholars who distinguish between these two legal justices usually interpret the latter as acquired human justice which cooperates in some way with the former.¹¹¹ Infused legal justice observes the divine law; acquired legal justice respects the human law for the earthly common good. The former does not supersede the latter, but both species coexist side by side in the graced person.

We do not want to deny the possibility of such a coexistence, but the assertion is insufficient. The infusion of grace does not immediately cause acquired virtues; those virtues demand a long development by repeated actions. Hence, according to this view, a baptized adult could possess infused justice regarding the divine law for the heavenly common good, but simultaneously lack legal justice regarding the human common good (which is interpreted as acquired virtue). This example, however, is impossible. Though the infusion of grace does not clear up all negative tendencies (and therefore there is need of continuous practice), it

transgression is not against the good of the human city, but against *divine* justice (i.e. justice which is an integral part of divine friendship). Thus, only a part of the ecclesiastical canons is relevant for infused human justice.

¹¹⁰ Horváth, *Eigentumsrecht*, 41: “Das Menschenwohl in übernatürlichen Prinzipien, im Interesse und in Unterordnung unter übernatürliche Zwecke.” Horváth describes at great length this infused legal justice (ibid., 38-43). However, he fails to distinguish it from infused divine legal justice as described above.

¹¹¹ Cf. Labourdette, *La justice (IIa-IIae, 57-79)* 46-47; Cessario, *The Virtues, or the Examined Life*, 139; Aumann, *Spiritual Theology*, 280-284.

provides a positive inclination towards all those things which are necessary for divine friendship. Admittedly, infused human justice does not immediately make a thoroughly perfect citizen of the human city. Furthermore, the baptized man may lack political prudence; he may be unable to lead the community and to take the initiative in resolving social problems, or he may not know how to draw up a contract etc.; in short he may lack many qualities of a good citizen in the human sense. But his infused human legal justice instantly provides an infused inclination towards the observance of all human laws which are necessary for maintaining divine friendship. It is in a certain way a basic human legal justice; “basic” since it provides only the indispensable qualities for the state of grace. But this basic disposition is not acquired but immediately infused by grace.¹¹² Hence, simply distinguishing justice into infused divine justice and acquired legal justice is insufficient; the graced agent must receive immediately something like infused human legal justice.

Aquinas did not discuss the question of infused legal justice; a fortiori he does not mention explicitly infused human legal justice. However, his texts provide some indirect “hints” which call for something like this virtue. We shall first investigate this virtue regarding the human law, and afterwards its relation to ecclesiastical canons.

i) Infused Justice Directed at Observing Human Laws

The civil law determines some actions as duties which would otherwise be optional. According to *ST I-II 96.4* a human law obliges *in foro conscientiae* if it is just; and it is just if it fulfills three criteria: it has to be useful for the common good, constituted by the lawful authority and charging in an equal manner all members (according to their power and dignity). How, then, does the graced agent relate to those positive human laws? Written laws constrain the agent from the outside; but the virtuous man is inclined from within, first of all by his virtue, but ultimately by the instigation of the Holy Spirit (cf. section 1.3). Positive human laws provide only the external determination of these actions.¹¹³ As to this point, St. Thomas explains: “Precisely this is due to the leading of the Holy Spirit, that spiritual men are subject to human laws, according to 1 Peter 2: Be subject to every human creature because of

¹¹² These virtues differ in an important respect: acquired (i.e. natural) legal justice works for the human common good as final end; infused political legal justice ultimately aims at divine friendship and perfects the agent in regard to the human city only as *terminus a quo*. See *De virt. card.* 4 ad 5, quoted and discussed in section 5.5.3.

¹¹³ See *ST I-II 96.5*.

God.”¹¹⁴ Thus, even if the human law determines the concrete content of political actions, the Holy Spirit himself moves the graced agent to actions according to that law.¹¹⁵ Yet, as seen in the first chapter, the agent must be equipped by gifts and specific infused virtues in order to be amendable for the movement of the Holy Spirit. Consequently, for observing the human laws, the graced agent must possess infused human legal justice.

ii) Infused Justice and the Observance of Ecclesiastical Laws

For a good pagan citizen legal justice regarding the human law may be enough. This observance is also indispensable for a Christian, but it is not enough. The human city is not the final end of infused human legal justice, but rather its *terminus a quo*, for tending *therefrom* to something higher (“ut ab ea in aliud tendens”¹¹⁶). Consequently infused human legal justice must observe more determinations, even within the range of the human city. However, the New Law in the gospel does not contain such determinations. It belongs to the hierarchy of the Church to establish such precepts, which carry the same obligation as divine laws. “A precept of the Church has the same firmness as a precept of God.”¹¹⁷ As seen in section 5.5, the Church’s authority to constitute additional laws is not limited to the immediate scope of divine friendship but also extends to the human city. In this way infused human legal justice entails some special acts beyond the requirement of its acquired counterpart.

This difference becomes apparent in *Quodl.* XII 16.2. The article asks whether a man who acquires something *mala fide* by adverse possession is obliged to make restitution for the

¹¹⁴ ST I-II 96.5 ad 2: “Sed tamen hoc ipsum est de ductu spiritus sancti, quod homines spirituales legibus humanis subdantur; secundum illud I Petr. II, subiecti estote omni humanae creaturae, propter deum.” See also ST II-II 10.10: “Ius autem divinum, quod est ex gratia, non tollit ius humanum, quod est ex naturali ratione.” Likewise ST II-II 12.2.

¹¹⁵ This internal divine guidance brings with it that the graced agent does *not* observe laws that contradict one of the three conditions of just laws. “Lex spiritus sancti est superior omni lege humanitus posita. Et ideo viri spirituales, secundum hoc quod lege spiritus sancti ducuntur, non subduntur legi, quantum ad ea quae repugnant ductioni spiritus sancti.” (ST I-II 96.5 ad 2). Keys explains with respect to that: “Natural legal justice, in Aquinas’s thought, serves as a common basis, a *foundation* for furthering the common good by means of acts proper to the various ethical virtues, whether legally mandated, or transcending the letter of the civil law yet in accord with its spirit, or when necessary even in opposition to positive legislation.” (Keys, *Aquinas, Aristotle, and the Promise of the Common Good*, 189).

¹¹⁶ *De virt. card.* 4 ad 5. See footnote 112.

¹¹⁷ *In sent.* IV 40.4 *sed contra* 1: “Dominus dicit discipulis Luc. 10, 16: qui vos audit, me audit. Ergo praeceptum ecclesiae habet firmitatem sicut praeceptum dei.” Admittedly, not every ecclesiastical precept implies the same degree of duty. “In lege civili non facit semper dignum poena mortis corporalis transgressio legalis statuti. Ita

acquired good. For us the casuistic question is not of interest, but rather the clear distinction between the mandatory extent of human laws and ecclesiastical canons:

There is a contrariety between civil and canonical right: since according to the civil law such [acquisitive] prescription is binding, according to the canonical law such a prescription is impossible. The reason for this contrariety is the fact that the end, which is intended by the civil legislator, is different, sc. to save and preserve peace between citizens, which would be hindered if the prescription was not valid; since everybody would be able to come and explain: this was mine at a certain time. However, the end of the canonical right aims at the tranquility of the Church and the salvation of souls. But nobody [living] in sin can be saved, repent from condemnation, or something other unless makes restitution. And therefore we must say: If a man acquires something *bona fide* by adverse possession, he is not obliged to make restitution, even if he recognizes after the prescription that it belonged to the other: since the law can punish somebody [only] in his own property for a sin and negligence, and give and concede this [property] to another. But anyone who acquires *mala fide* by adverse possession is obliged to repair and satisfy by repaying the harm which he had committed.¹¹⁸

Obviously, the demand of infused human legal justice are more challenging than those of its natural counterpart. A similar case is given in the following article: Aquinas questions whether the consummation of something that is lawfully but *mala fide* acquired (i.e. knowing that it does not belong to the seller) calls for the restitution of the acquired good to the original proprietor. Principally he affirms the issue since “justice consists in a certain equality.”¹¹⁹ In the reply to the objection he refers again to the distinction between human and divine law: “Admittedly, according to the *ius civile* he cannot pressure the consumer; but he can pressure him according to the *ius divinum* whose end is the salvation of souls.”¹²⁰ This short remark shows again the difference between acquired and infused legal justice: The former is content to observe the human law. The latter, since he is working for divine friendship (here: *salus animarum*), goes beyond the civil obligation. It achieves a “more.” But this “more” is not

nec in lege ecclesiae omnes ordinationes vel statuta obligant ad mortale.” (ST II-II 186.9 ad 2). As Gilby says, ecclesiastical laws are in a sense “between” human and divine law (Gilby, “Introduction,” 8, footnote b).

¹¹⁸ *Quodl.* XII 16.2: “Circa hoc est contrarietas iuris civilis et canonici: quia secundum ius civile talis praescriptio tenet, secundum ius canonicum talis praescribere non potest. Et ratio huius contrarietatis est, quia alius est finis quem intendit civilis legislator, scilicet pacem servare et stare inter cives, quae impediretur, si praescriptio non curreret; quicumque enim vellet, posset venire, et dicere: istud fuit meum quocumque tempore. Finis autem iuris canonici tendit in quietem ecclesiae, et salutem animarum. Nullus autem in peccato salvari potest nec poenitere de damno, vel de alieno, nisi recompenset. Et ideo dicendum est, quod si quis praescribat bona fide possidendo, non tenetur ad restitutionem, etiam si sciat alienum fuisse post praescriptionem: quia lex potest aliquem pro peccato et negligentia punire in re sua, et illam alteri dare et concedere. Sed qui mala fide praescribit, tenetur emendare et satisfacere reddendo damnum quod intulit.”

¹¹⁹ *Quodl.* XII 16.3: “Quilibet tenetur ad faciendum iustitiam alteri. Consistit autem iustitia in quadam aequalitate; unde nisi reintegretur aequalitas, non potest aliquis esse iustus. Inaequalitas autem fuit quod consumpsit rem non suam; et ideo oportet quod reddat.”

¹²⁰ *Quodl.* XII 16.3: “Licet non habeat actionem in eum qui consumpsit secundum ius civile, habet tamen secundum ius divinum, cuius finis est salus animarum.”

contrary to the human law but would be judged from the perspective of the human law as liberality.

A more modern example of the extended function of infused legal justice is the field of marriage. Aquinas refers to ecclesiastical canons that constitute special requirements for valid matrimony, aiming at maintaining the state of grace of the spouses and likewise for the good of the human city.¹²¹ Thus, it is impossible for a Christian to get married disregarding or even contradicting a determination of the Church-law; rather he is inclined by infused human legal justice to observe the canon law in that matter.¹²²

Moreover, Aquinas mentions a possible intervention of the Church regarding the legitimacy of games – namely by specifying particular circumstances as time, place etc.¹²³

Conclusion

We can sum up our reconstruction as follows: Infused human legal justice disposes the graced agent to live in the human society without losing divine friendship. It provides an inclination to observe all human laws, since contempt of the lawful human authority would destroy divine friendship. In addition, it respects all ecclesiastical canons which are given for ruling the social life. In this respect, infused human legal justice makes a “better” citizen, since at least in some issues it goes beyond the obligations of the civil law.

However, it is also true that a citizen who is equipped with this virtue may lack many good qualities which would be helpful (and even necessary) for a successful life in a society ruled by human laws – as for example comprehensive knowledge of juridical laws, a prudent approach in lawsuits, the political skills to institute a law, leadership qualities etc. These properties, essential for the successful citizen according earthly measures, are to be acquired by training and repeated actions, even though the faithful already has infused legal justice. These qualities do not belong to the features of infused human legal justice because they are dispensable for divine friendship.

¹²¹ Hence, it is clear that the Church-laws are not limited to purely spiritual things; rather it adopts here a true matter of the *communitas civilis*. “Sicut olim matrimonia gentilium dispensabantur per leges civiles; ita nunc per statuta ecclesiae.” (*In sent.* IV 40.4 *sed contra* 2).

¹²² “Sicut deus non coniungit illos qui coniunguntur contra divinum praeceptum, ita non coniungit illos qui coniunguntur contra ecclesiae praeceptum, quod habet eandem obligandi efficaciam quam et praeceptum divinum.” (*In sent.* IV 40.4 ad 1).

¹²³ “Potest esse excessus in ludo secundum defectum debitarum circumstantiarum, puta cum aliqui utuntur ludo vel temporibus vel locis indebitis, aut etiam praeter convenientiam negotii seu personae. Et hoc quidem quandoque potest esse peccatum mortale, propter vehementiam affectus ad ludum, cuius delectationem praeponit aliquis dilectioni dei, ita quod contra praeceptum dei vel ecclesiae talibus ludis uti non refugiat.” (*ST* II-II 168.3).

b) The Content of Infused Commutative Justice

Next, we want to reconstruct commutative justice as an infused virtue. Aquinas's commentaries on the New Testament offer a good starting point for such an inquiry. In these texts, he several times distinguishes different meanings of justice, including commutative justice as *virtus specialis*. How, then, do those texts – which clearly presuppose a theological context – describe the object of “Christian” commutative justice? Admittedly, the Commentaries are not systematic treatises; but at least for a first approximation their investigation should be interesting.

The result is unequivocal: describing the proper acts of commutative justice, Aquinas never demands something beyond the *ius naturale*. Justice implies the readiness to give everybody his due; actions which are required for the ordinary common life of people, such as buying, selling and business-contracts. “Special justice which means that man renders to everybody his due . . . is about buying, selling, hiring.”¹²⁴ Or: “Sometimes justice is taken as a special virtue by which man achieves rectitude in things which belong to living together in common, and what is directive in these things.”¹²⁵ Especially illuminating is his assertion in *Super hebr.* XI 7: Aquinas first determines legal justice as observance of the divine law – a clear indication that the context is not political justice. “Justice is a general virtue when it obeys the divine law.”¹²⁶ Afterwards follows the unexpected description of justice as a special virtue: “Sometimes, however, it is a special virtue, and this consists in man's actions and exchanges, namely when he renders to each his due. But the saints had both kinds of justice.”¹²⁷ The final notice about the saints is a reliable indication that St. Thomas is describing not acquired but infused commutative justice – though he characterizes this justice by the same terms.¹²⁸

¹²⁴ *Super Mt.* V 2: “Iustitia speciali, quae est, quod homo reddat unicuique quod suum est . . . est circa emptiones, venditiones, conductiones.”

¹²⁵ *Super Phil.* III 2: “Iustitia quandoque sumitur ut est specialis virtus, per quam homo ponit rectitudinem in his, quae sunt ad communem convictum et secundum quod est in his directiva.”

¹²⁶ *Super Hebr.* XI 7: “Iustitia est virtus generalis, quando scilicet obedit legi divinae.”

¹²⁷ *Super Hebr.* XI 7: “Aliquando autem est virtus specialis, et ista consistit in actionibus et communicationibus humanis, quando scilicet reddit quis unicuique quod suum est. Utramque autem iustitiam habuerunt sancti.”

¹²⁸ Even in the *Prima secundae* we find an indirect remark, which suggests exactly the same position: in *ST I-II* 67.1 (whether the moral virtues remain after this life) St. Thomas describes a material “part” of moral virtues which ceases after this life – namely sensible pleasures, fears, and “distributiones et communicationes rerum quae veniunt in usum praesentis vitae” (whereas the *ordo rationis* as formal part of moral virtues remains). But from the context it is clear that the discussion is about infused moral virtues; thus, infused justice has the same matter as its acquired counterpart: distributions and exchanges in the present life.

The indirect verification through Aquinas's discussion of love for one's enemies

Though the previous citations contain concrete descriptions, they do not provide a systematic proof of our thesis. Lacking an *ex-professo*-text of this issue, it is necessary to pursue an indirect approach, using Aquinas's discussion of the Christian's obligation to love his enemies.¹²⁹ Though this question does not employ the term "justice," it confirms our assertion regarding infused commutative justice. The case of love for one's enemy offers the advantage that the agent is (a) clearly in the possession of grace, but (b) between the two involved partners there is certainly no positive obligation which could distort the relation of proper justice (as e.g. in the case of family-members, fellow-students etc.); it is a case of pure equality, the relation between two citizens. Sometimes Thomas mentions special duties of the graced person regarding his parents, relatives, benefactors, superiors, people of special dignity etc. These qualifications disrupt the equality between the involved parts, and therefore are unsuited for clarifying the issue whether charity implies a new kind of commutative justice (which is by definition between two non-obliged equals). The relationship of a graced person towards his enemy, however, can show whether there are some special obligatory actions exclusively due because of charity.

ST II-II 25.8 treats the issue of whether we should love our enemies out of charity.¹³⁰ The *sed contra* gives – by reference to divine authority – a clear affirmative answer. Christ himself commands: "Love your enemies." (Mt 4.44). At first glance, this response seems to contradict our thesis: If there were an obligation for some charitable actions to one's enemies, then some goods would be due to him (as *debitum*) which he could not demand by nature. Does the precept to love one's enemies, then, disprove our reconstruction of infused justice?

Let us first read the answer Aquinas gives: Love of enemies can be considered in a threefold manner: First, it is impossible to love the enemy *inquantum est inimicus*; but charity demands rather hatred of what is evil in the other; hating the other's evil reveals true charity. Secondly, love of one's enemy can mean to love him in a general way because of his nature, which is capable of divine friendship; and in this general way it is necessary to have charity for one's enemies. Thirdly, love of one's enemy might be understood as special benevolence, directed to him as an individual. As to this possibility, St. Thomas explains:

¹²⁹ See *ST* II-II 25.8 and 9. Also *ST* II-II 184.2 ad 3 is helpful.

¹³⁰ Labourdette notes rightly that *ST* II-II 25.8 refers to justice as the necessary foundation (or "minimum") of charity (Labourdette, *La charité*, 97). However, he unfortunately disregards the question of infused justice.

Thirdly, love of one's enemies may be considered in its specific sense, namely that we should have a special movement of love towards our enemies. And this charity does not require absolutely, because it does not require that we should have a special movement of love to every individual man, since this would be impossible. However, charity requires this in respect of the preparation of the mind, namely that we should be ready to love our enemies individually in the case of necessity.¹³¹

The assertion shows two things. Let us begin with the second: Charity requires the readiness to support the other in the case of necessity. As to that, there is nothing surprising; St. Thomas argues even from a natural viewpoint that individuals have to assist each other in cases of necessity because of their common membership in the human society. In special circumstances, the assistance may become a matter of justice even on a natural level¹³² – mutual support as something *naturally just*.¹³³ Hence, it is not an additional obligation which is introduced by the state of grace, which makes a specific characteristic of infused justice.¹³⁴

Of greater significance is the first claim: Charity by itself implies no absolute obligation for special acts which the graced person is required to perform for all. Aquinas is not saying that charity does not introduce some new strict additional obligations with respect to special persons; obviously it does so, for example regarding the ecclesiastical superiors (which is understood as an act of restitution, since the graced person has received special benefits¹³⁵). But this is not the present question. St. Thomas emphasizes that charity does not require that one be moved “ad quoslibet homines singulariter.” This means: Charity does not add additional obligations in regard to everyone, as individual. But this was exactly our claim about infused commutative justice: It does not entail some principally new and additional duties *ad alterum*.

¹³¹ ST II-II 25.8: “Tertio modo potest considerari dilectio inimicorum in speciali, ut scilicet aliquis in speciali moveatur motu dilectionis ad inimicum. Et istud non est de necessitate caritatis absolute, quia nec etiam moveri motu dilectionis in speciali ad quoslibet homines singulariter est de necessitate caritatis, quia hoc esset impossibile. Est tamen de necessitate caritatis secundum praeparationem animi, ut scilicet homo habeat animum paratum ad hoc quod in singulari inimicum diligeret si necessitas occurreret.”

¹³² Stump identifies this kind of justice in the case of necessity as part of distributive justice; i.e. the individual who can help the needy person by means of his own property represents in a certain way the whole community. “Although almsgiving takes place between one individual and another within a society and so looks like a commutative exchange, in fact it is not. If such exchanges fit anywhere within the species of justice as a special virtue, they would seem to fall more nearly under distributive justice.” (Stump, “Aquinas on Justice,” 64-67, here 66). See also Roey, *De virtute charitatis*, 356-560.

¹³³ ScG III 131.4: “Societas autem inter homines conservari non posset nisi unus alium iuvaret. Est igitur naturale hominibus quod unus alium in necessitatibus iuvet.” And similarly in *In sent.* III 30.2 ad 2 (here with explicit reference to justice): “Necessitas autem facit omnia communia; et ideo in necessitate subveniendum est etiam inimicis. Sed hic est magis effectus iustitiae quam amicitiae.”

¹³⁴ See thereto ST II-II 118.4 ad 2: “Aliquis tenetur ex debito legali bona sua pauperibus erogare, vel propter periculum necessitatis, vel etiam propter superfluitatem habitorum.”

¹³⁵ See St. Paul's assertion in 1 Cor 9.11.

The discussion is resumed in the following article, whose focus is even closer to the topic of justice, namely charity's relation to obligatory external acts: whether it is necessary for salvation that we should show our enemies the signs and effects of love.¹³⁶ Aquinas repeats the answer of the antecedent article: Charity as internal acts must include all men at least *in communi*, but not *in speciali*, except by being prepared for the case of the other's need.¹³⁷ The case of external acts is analogous. He explains:

There are some signs and favors of love which are shown to our neighbors in general, as when we pray for all the faithful or for a whole people, or when anyone bestows a favor on the whole community; and such favors and signs of love towards our enemies fall under the necessity of precept.¹³⁸

Obviously, the obligation to those acts is not a matter of commutative but rather of general justice, i.e. in regard to the good of the whole community. The common good demands its promotion by all of its members; thus, there is an obligation of the citizen to support the community as a whole (materially and spiritually).

But does charity also entail some obligatory external action in regard to the other as individual? Aquinas applies the same solution as in the previous article: "There are other favors or signs of love, which one shows to some persons in a particular way. And it is not necessary for salvation that we show our enemies such favors and signs of love, except regarding the preparation of the mind."¹³⁹ Similarly, he argues in the *Commentary on the Sentences*: "Everybody is beholden by necessity to wish eternal goods those who hate him, but not temporal goods."¹⁴⁰

Therefore, it is clear: charity does not oblige the graced agent to some additional external acts in regard to the other as individual which would be due solely because of the state of grace.¹⁴¹

¹³⁶ ST II-II 25.8.

¹³⁷ ST II-II 25.9: "Dilectio autem interior ad inimicum in communi quidem est de necessitate praecepti absolute; in speciali autem non absolute, sed secundum praeparationem animi, ut supra dictum est."

¹³⁸ ST II-II 25.9: "Sunt enim quaedam beneficia vel signa dilectionis quae exhibentur proximis in communi, puta cum aliquis orat pro omnibus fidelibus vel pro toto populo, aut cum aliquod beneficium impendit aliquis toti communitati. Et talia beneficia vel dilectionis signa inimicis exhibere est de necessitate praecepti."

¹³⁹ ST II-II 25.9: "Alia vero sunt beneficia vel dilectionis signa quae quis exhibet particulariter aliquibus personis. Et talia beneficia vel dilectionis signa inimicis exhibere non est de necessitate salutis nisi secundum praeparationem animi."

¹⁴⁰ *In sent.* III 30.2: "Quilibet ex necessitate tenetur odienti se optare bona aeterna, non autem bona temporalia." And he continues: "Sed hoc est de perfectione caritatis ut etiam ad ista se extendat."

¹⁴¹ ST II-II 25.9 "Sed quod praeter articulum necessitatis huiusmodi beneficia aliquis inimicis exhibeat, pertinet ad perfectionem caritatis, per quam aliquis non solum cavet vinci a malo, quod necessitatis est, sed etiam vult in bono vincere malum, quod est etiam perfectionis, dum scilicet non solum cavet propter iniuriam sibi illatam detrahi ad odium; sed etiam propter sua beneficia inimicum intendit pertrahere ad suum amorem."

The truth of our thesis is thereby demonstrated: Commutative justice in the graced agent (i.e. as infused virtue) does not entail new additional obligations. Rather it belongs to the very essence of commutative justice to disregard any potential obligation between the involved parts; its acts are measured only by the “thing” which is to be exchanged.

An important observation: External similitude, but essential difference

Granting the described equality of the *iustum* of acquired and infused commutative justice, nonetheless every act of infused justice *qua actus humanus* differs essentially from acts of its acquired counterpart. In the present chapter we determined (as we mentioned already in its introduction) only the *opus iustum*, i.e. the external just act. But an external act may be achieved for different reasons, depending on the internal voluntary act.¹⁴² Paying the suitable wages to one’s employees is something *iustum* for a faithful employer as well as for an unbeliever. Regarding its external determination there is no difference. However, the very same external act done out of charity differs essentially from the same act done for merely natural motives (e.g. out of fear of a civil lawsuit, or the desire of being a decent employer). *Here* lies the proper reason for the necessity of commutative justice as infused virtue: Though the faithful citizen achieves the very same external act, he does so for a different ultimate end.¹⁴³ The immediate purpose of infused justice may be identical (*finis proximus*, namely to achieve something just); but the moral value of the concrete action hinges on the final end of the interior act; and a supernatural act can only arise from a supernatural habit, from infused commutative justice.

c) The Structure of Infused Distributive Justice

After the reconstruction of infused commutative justice, we have yet to clarify the meaning of infused distributive justice. Commutative and distributive justice count as proper species of particular justice, the one as being concerned with the *iustum* between two individuals, the other with the *iustum* of the community in regard to its members and vice versa. Thus,

¹⁴² Cf. ST I-II 18.2-4.

¹⁴³ Thus, Bujo is quite imprecise describing the precept of charity as mere explications of the natural law (Bénézet Bujo, *Moralautonomie und Normenfindung bei Thomas von Aquin* (Paderborn: Ferdinand Schöningh, 1979), 258-259).

distributive justice is not only important for the leader of a community, but likewise for its subjects insofar as by that virtue they are content with the *iustum* distributed to them.¹⁴⁴

We can formulate the topic of the present chapter as follows: What is the distributed *iustum* in the human community regarding its members who are Christians? Does this *iustum* differ from the case of pagan citizens? Can (or must) the government treat faithful in a different manner? Can the believers demand special recognition? If there were such special rights, they would constitute the matter of infused distributive justice.¹⁴⁵

But this is not yet the whole substance of that virtue. According to the view of Aquinas, the Church and the political state are not two isolated entities: The Church subsists in the human society and infused moral virtues perfect man regarding the Church understood as the “human city” under the reign of God (“*res publica hominum sub deo*”¹⁴⁶). Thus, infused distributive justice perfects man also in regard to the structure of the Church insofar as it is concerned with the distribution of administrations and material goods.

Consequently, we can suggest that in the case of distributive justice the infused species differs noticeably from its acquired counterpart.

In section 4.5.1 we described roughly the general function of distributive justice. We shall first repeat two essential points, then subjoin two further characteristics, and thereby it will become possible to give a description of infused distributive justice.

First, the proper matter of distributive justice is goods and evils, comforts and discomforts (in the widest sense) which belong to a community and should be enjoyed and supported equally by its members. Therefore, distributive justice “consists in the distribution of common things which are to be divided between people who share a civil community: honors, money, or whatsoever belongs to external goods, or even to evils, as labor, expenses and things of this kind.”¹⁴⁷

Secondly, the measure of just distribution – as opposed to commutative justice – is not the thing itself, but the dignity of each person. “Something is called *iustum* in distributions

¹⁴⁴ *ST* II-II 47.12; explicitly confirmed in *ST* II-II 61.1 ad 3: “Actus distributionis quae est communium bonorum pertinet solum ad praesidentem communibus bonis, sed tamen iustitia distributiva est et in subditis, quibus distribuitur, inquantum scilicet sunt contenti iusta distributione.”

¹⁴⁵ We should notice the clearly limited focus of the present chapter: We are not discussing the question whether there should be such a thing as a religious state; whether the state today could (or should) interfere in religious cults; whether it ought to support the Church etc. We focus only on the question of what distributive justice would be like in a political community of Christians.

¹⁴⁶ *ST* I-II 100.5.

¹⁴⁷ *In ethic.* V 4.1: “Consistit in distributionibus aliquorum communium, quae sunt dividenda inter eos qui communicant civili communicatione: sive sit honor, sive sit pecunia, vel quicquid aliud ad bona exteriora pertinens, vel etiam ad mala; sicut labor, expensae et similia.”

inasmuch as it is given to everybody according to his dignity, i.e. insofar as he is worthy of what is given to him – which designates a certain proportionality, so that this be as fitting for the one as that is fitting for the other.”¹⁴⁸ Thus, all members receive their equal due, not according to an arithmetical equality, but according an equal geometrical proportion. We are brought thus far by the description of distributive justice in section 4.5.1.

Infused distributive justice within the human city

For an understanding of infused distributive justice within the human city, we must clarify two further points: On what criteria does the dignity of a citizen depend? The dignity of a member depends on the agent’s contribution to the common good – “according to the proportion according to which they supported the community [*intullerung in commune*].”¹⁴⁹ St. Thomas first gives an example and then applies it to the case of justice: “In businesses, the more someone invests in a society, the more he receives. And in politics [*in civitatibus*], the more someone serves the community, the more he receives from the goods of the community.”¹⁵⁰ This does not mean that the question of utility is the exclusive criterion of whether the community has special obligations towards its members. Just by being a member of the community, the individual has certain rights and duties. The point is that some citizens deserve some particular goods (or have to accept some particular discomforts); and these special treatments depend on their extraordinary utility for the common good. Moreover, the criterion is not to be limited to immediate utility. The principle also implies that a community has special obligations e.g. regarding a pregnant woman (insofar as the offspring bears a special importance for the future of the community).

There is a further point that we should clarify: The standard of the citizen’s dignity varies in different forms of government.

However, all do not judge dignity in distribution in agreement with the same norm. In a democratic state where the people govern, dignity is judged according to freedom. Because the common people are equal in freedom, therefore they think it proper that equal distribution be made to them. In an oligarchy, where some few rule, dignity is measured according to a man’s

¹⁴⁸ *In ethic.* V 4.10: “Aliquid dicitur esse iustum in distributionibus in quantum unicuique datur secundum dignitatem, id est prout cuique dignum est dari, in quo designatur proportionalitas quaedam, ut scilicet ita hoc sit dignum uni sicut aliud est dignum alteri.”

¹⁴⁹ *In ethic.* V 6.3: “Si communes pecuniae civitatis, vel aliquorum hominum debeant distribui in singulos, hoc erit ita faciendum ut singulis detur aliquid de communi, secundum illam proportionem secundum quam ipsi intulerunt in commune.”

¹⁵⁰ *In ethic.* V 6.3: “In negotiationibus, quantum aliquis plus posuit in societatem, tanto maiorem partem accipit. Et in civitatibus, quanto aliquis plus servivit communitati, tanto plus accipit de bonis communibus.”

riches or according to nobility of birth, so that men who are more eminent by birth or riches should have more of the common goods. In an aristocracy, where certain men govern because of virtue, dignity is measured according to a state of virtue, so that a man should have more who is more perfect in virtue. Thus, it is clear that the mean of distributive justice is understood according to a relationship of proportion.¹⁵¹

We quoted the text in some length since it contains the key for resolving the issue of infused distributive justice: Dignity as the measure of a just distribution is not a univocal criterion, but admits of different measures depending on different communities. Supposing that a man belongs to two different kinds of communities, his dignity might be differently measured with regard to each citizenship. For example, a politician may have a special precedence because of his social function; on the other side, a hero of altruism, such as blessed Mother Theresa may deserve special attention because of her virtuousness which provides (as Aquinas says) even the “most eminent dignity.”¹⁵² Supposing that both communities are interrelated, infused distributive justice shall observe both measures. Of course, it does not follow that Christians should be privileged in the sense of paying fewer taxes; all the more, because it is impossible to judge infallibly one’s sanctity during his lifetime. But Aquinas’s argument justifies things like the public veneration of Saints, the prescription of public respect for religious feast days in commemoration of extraordinary people or histories, etc.

Infused distributive justice in regard to the hierarchy of the Church

Beyond this criterion of dignity, infused distributive justice has to perfect the Christian faithful also in his relationship towards the hierarchical structure of the Church on earth, i.e. regarding the distribution of ministries in the Church, goods of the Church etc. Aquinas discusses several concrete issues of ecclesiastical distributive justice, showing that good membership in the Church requires special perfections that are indifferent for a non-believer. For example: Which criteria are important for the election of the right candidate for an ecclesiastical office? St. Thomas explains:

¹⁵¹ *In ethic.* V 4.11: “Non tamen dignitatem distributionis omnes secundum idem attendunt; sed in democratica politia, in qua scilicet plebs dominatur, attenditur dignitas secundum libertatem, quia enim plebei sunt aequales aliis in libertate, ideo reputant dignum esse ut aequaliter eis principentur; sed in oligarchica politia, in qua aliqui pauci principantur, mensuratur dignitas secundum divitias vel secundum nobilitatem generis, ut scilicet illi qui sunt excellentiores genere vel divitiis plus habeant de bonis communibus; sed in politia aristocratica in qua aliqui principantur propter virtutem, mensuratur dignitas secundum virtutem; ut scilicet ille plus habeat qui plus abundat in virtute. Et sic patet quod medium iustitiae distributivae accipitur secundum proportionalitatem.”

¹⁵² *Super Ps.* XXXII 11: “Dignitas sanctorum maxima est; quia ipsi soli perveniunt ad quod omnes homines naturaliter desiderant.” The text continues: “Si unus vel pauci pervenirent ad unum ad quod omnes pervenire desiderarent, hoc esset magna dignitas. Omnes autem desiderant tendere ad beatitudinem, ad quam tamen soli

It is fitting to choose somebody as prelate or for an ecclesiastical office who is simply good. . . . However, it is not necessary that that one is always elected who is *simply better*, for it may be that the one who is more perfect in charity lacks many perfections which are required of a qualified prelate, but which are found in one who has less charity – as science, industry, power and things like these.¹⁵³

In other articles St. Thomas discusses whether it is allowed for a prelate to prefer his own relatives in the distribution of church-goods.¹⁵⁴ This issue is again a clear indication of a kind of distributive justice that exceeds the limits of the acquired species. Membership in the Church implies some new distributive criteria which are irrelevant for a merely earthly community, although the immediate object of infused distributive justice remains the *res publica hominum*, but *sub deo*. It must therefore be a special kind of distributive justice.

We are now able to sum up the special feature of this virtue: Infused distributive justice – given at once at the moment of divine justification – enables the agent to distribute (or receive distributions) in a manner which maintains divine friendship: no more and no less. As in the case of legal justice, it does not provide the perfection of being a master in leadership, of deciding the most efficient tax system, of being an expert in judging the most qualified candidate for certain ministries, etc. It only enables the graced agent to deal with these matters without losing divine friendship. It is not as much a positive perfection for the human common good, as a “negative perfection,” i.e. its possessor can avoid acts in this matter that would injure the supernatural order.

iusti perveniunt, quia eam consequentur in futuro perfecte, nunc vero inchoative et in spe. Ergo dignitas iustorum est magna.” Likewise n. 15; similar in *Super Rom.* II 2.

¹⁵³ *Quodl.* VIII 4.1: “Oportet eligere ad praelationem vel ecclesiasticum officium aliquem qui sit bonus simpliciter. . . . Non tamen oportet quod semper eligatur ille qui est melior simpliciter. Possibile est enim quod illi qui est in caritate perfectior, deficiant multa quae requiruntur ad hoc quod aliquis sit praelatus idoneus, quae in alio qui est minoris caritatis, inveniuntur: ut sunt scientia, industria, potentia, et alia huiusmodi.”

¹⁵⁴ *Quodl.* VIII 8.4: “Si enim sit aequae idoneus, potest praelatus suum consanguineum praeferre, nisi forte ex hoc scandalum oriatur, vel aliqui exinde malum exemplum accipiant . . . Si vero sit minus idoneus consanguineus praelati, non debet eum praeficere ad curam ecclesiae postposito meliori.” Similarly and even more explicit in *Quodl.* VI 5.3: “Aliquis potest dici melior dupliciter: uno modo simpliciter, quia est sanctior, plus habens de caritate; alio modo dicitur aliquis melior quoad aliquid. Contingit autem quandoque aliquem esse meliorem simpliciter, qui tamen non est melior quantum ad hoc quod beneficium percipiat: quia alius forte potest ecclesiam magis iuvare vel per consilium sapientiae, vel per auxilium potentiae, vel quia servivit in ecclesia. Non ergo episcopus tenetur semper dare meliori simpliciter, sed tenetur dare meliori quoad hoc: non enim potest esse quod unum praeferat alteri nisi propter aliquam causam: quae si quidem pertineat ad honorem dei et utilitatem ecclesiae, iam quantum ad hoc iste est melior; si autem illa causa ad hoc non pertineat, erit acceptio personarum, quae tanto est gravior, quanto in rebus divinis committitur.”

d) Basic Features of the Infused Potential Parts of Justice

Justice in its proper sense renders to the other what is due to him in its full amount: two individuals to each other (commutative justice), or the community regarding the individual (distributive justice). Not all virtues which are concerned with external actions, however, attain a complete equity – as for example religion (towards God), piety (towards ones parents), and observance (towards ones teachers) etc. In these cases, there always remains a certain indebtedness. Other virtues fall short of justice since they give goods to the other without a strict obligation, freely, moved by moral excellence: virtues such as affability, liberality, etc. These habits are justice only by an “amplification of the name of justice”¹⁵⁵ insofar as they achieve a “compensation of a debt in any way.”¹⁵⁶ In section 4.5 we distinguished between potential parts of justice of the first degree (if it is impossible to fully pay back what is strictly owed) and potential parts of the second degree (if there is non absolute obligation to perform the act).

What, then, do these virtues become as infused species?

It is impossible to provide a detailed reconstruction for each particular virtues, nor is it necessary for our argument. It should be enough to clarify the general structure which characterizes these virtues as infused habits.

ii) Infused Potential Parts of the First Degree

Regarding the potential parts of the first degree, the infused species follow the structure of their acquired counterparts in an important respect: On a natural level, everyone owes his parents reverence and assistance because of the manifold benefits they bestowed on him. Thus, acts of piety are nothing other than the attempt to compensate for something already received. The situation is the same in the case of religion and observance.¹⁵⁷ Aquinas: “The natural order requires that he who receives a benefit turns back to the benefactor by compensation of

¹⁵⁵ *ST* 60.3 ad 1: “ampliatio nomine iustitia.”

¹⁵⁶ *Ibid.*, “secundum quamcumque debiti redditionem.”

¹⁵⁷ “Religio est per quam redditur debitum deo; pietas est per quam redditur debitum parentibus vel patriae; gratia est per quam redditur debitum benefactoribus; et sic de aliis.” (*ST* I-II 60.3).

thanks.”¹⁵⁸ But grace does not supercede nature; hence, infused piety has to achieve exactly the same thing as acquired piety. Its measure is not the subjective status of the agent (graced or in sin) but the goods received. To reward his parents for the good of birth and education (as far as possible) is owed because of their having been given – not because of grace. Thus, in an important respect these virtues are identical.

Nonetheless, there are two important differences:

The Greater the Benefits, the Greater the Recompense

First, the graced agent has received (at least usually) many spiritual benefits by the mediation of other people: Someone has prayed for him, provided his religious education, given him spiritual advice, etc. Above all, God has bestowed upon him the gift of grace. Thus, the state of grace introduces additional benefactors, and this means: new obligations for repayment. When Aquinas discusses the forth commandment in *De duo. prae.*, he explains: “Men are called *father* not only because of carnal generation, but they may be called *father* because of other notions; and to each one we owe a specific reverence.”¹⁵⁹ In fact, in the following list of “fathers” he places in the first position the apostles and saints,¹⁶⁰ then prelates, kings and leaders, benefactors and seniors.¹⁶¹ The attempt to reward any kind of received gifts as far as possible is the proper task of these potential parts. As a result, infused piety and infused religion will account for more things and regard more persons than their acquired counterparts.

Secondly, presupposing a graced agent, even the recompense for received natural goods (e.g. honor for one’s parents because of their commitment in education) are inspired by charity (at least habitually) and consequently, they differ from the reverence of a man who is has willingly turned away from his ultimate end. The acts themselves are (elicited) acts of piety, i.e. they answer a strict debt, but their final motivation is love for God and divine love for the parents, which is expressed by the concrete (commanded) act of piety (see section 5.4.1). Thus, the final intention of these virtuous acts is not the harmony of the family (familial friendship); nor does it provide the perfect disposition for such a life (e.g. psychological

¹⁵⁸ *ST* II-II 106.3: “Naturalis ordo requirit ut ille qui suscipit beneficium, per gratiarum recompensationem convertatur ad benefactorem.”

¹⁵⁹ *De duo. prae.* 6: “Non solum dicitur aliquis pater ratione carnalis generationis; sed quibusdam aliis rationibus aliqui dicuntur patres, et cuilibet eorum debetur aliqua reverentia.”

¹⁶⁰ *De duo. prae.* 6: “Dicuntur enim patres apostoli et alii sancti per doctrinam et exemplum fidei. Apostolus, I Cor. IV, 15: nam si decem millia paedagogorum habeatis in christo, sed non multos patres: nam in christo iesu per evangelium ego vos genui.”

¹⁶¹ Concerning the prelates he explains: “Dicuntur etiam praelati patres; et isti venerandi sunt, sunt enim dei ministri. Luc. X, 16: qui vos audit, me audit; et qui vos spernit, me spernit.” (*De duo. prae.* 6).

intuition for the other's sensitive situation). It enables the agent to live in a family without losing divine friendship.

The case of religion is similar: Of course, by nature man is already obliged to honor God as the principle of being¹⁶² – an attitude which is expressed by prayers, sacrifices etc. Infused religion will also render honor to God for these natural goods, but it does so because of supernatural love for God. Its ultimate end is not being an obedient creature but union with God in friendship. Thus, even sacrifices in recognition of God's natural gifts arise from an essentially different motivation, are directed to a different end, and therefore require a different virtue: infused religion.

This should suffice to indicate the general meaning of the infused virtues that are annexed to justice as potential parts of the first degree.

ii) Infused Potential Parts of the Second Degree

Something analogous is true for the virtues that are annexed to justice as potential parts of the second degree. They do not answer a strict (legal) obligation but correspond to a *debitum morale*, a moral due between friends, namely, the bestowal of free gifts upon the other because of previously received benefits, or because of the mere fact of a certain fellowship; virtues which depend on the agents moral excellence. At first glance, it may seem that in this case the infused species must differ in important respect from the acquired ones: if they depend on the agent's subjective virtuousness (since now man gives freely from his own), and grace makes men virtuous and results in a universal friendship with all men, then – it seems – the infused species is something very different.

However, this objection misunderstands the meaning of these virtues. Although the final end of for example infused liberality is charity, its proper end is not divine friendship, but better communal life within the human city – i.e. political friendship. As seen in section 5.2, each human fellowship implies not only a specific kind of justice, but also of friendship, e.g. friendship between fellow-citizens. And this is the proper purpose of the potential parts of justice in the second degree. Thus, the immediate end of infused liberality is pleasant life in a human community – of course, ultimately for the attainment and preservation of divine

¹⁶² Cf. ST I-II 109.3 ad 1.

friendship. It is concerned about political friendship not as *terminus ad quem* but as *terminus a quo*,¹⁶³ moved by the final intention of charity.

Therefore, analogously to the forgoing paragraph, the infused potential parts of the second degree follow principally the same structure as the acquired ones: They dispose the agent to bestow friendly gifts on benefactors and fellow-citizens. But the two species also differ in two points: (a) the infused species also make a return for spiritual gifts: gratitude for prayers and invocations, regarding holy men, priests, spiritual directors, etc. (b) Even returns for natural gifts or generous acts for the sake of common life are motivated finally by charity in regard to the supernatural end. Thus, any act of these virtues differs formally from its natural counterpart.

6.4 Conclusion: The Scope and Limitation of Infused Justice

In this chapter, we investigated the concrete content of justice as infused virtue in its various meanings. The result: the task of infused justice (in its different species) is nothing else but to render to each one the *ius naturale* as determined by the human and ecclesiastical authority. This perfection is infused at once by God in conjunction with sanctifying grace to every faithful. Consequently, every graced agent possesses this kind of justice, and is thereby disposed and inclined to act justly.

However, we should carefully note the obvious limitations of this kind of justice:

Infused virtues provide the ability to manage the practical issues of everyday life *insofar as necessary for preserving divine friendship*. This purpose of infused virtues simultaneously indicates their limit. Infused justice does not imply a special virtuousness for organizing one's daily affairs in the best way: to make the right decision concerning a career; to behave pleasantly in forming friendships; to judge the advantages and risks of raising a credit; to avoid any conflict in family-life; to establish the most efficient laws for the society, etc. It does not provide the father with the necessary cleverness to procure the indispensable livelihood for his family, or the bishop with the means to maintain his diocese without debt, or the individual member of the faithful with good advice in the parish council. The only task of infused virtues is to give man the competence to deal with any practical matters "as tending

¹⁶³ *De virt. card.* 4 ad 5. See footnote 112.

therefrom to something else”¹⁶⁴ – i.e. as tending to divine friendship. It enables living and acting in a social environment while simultaneously preserving the state of grace. This, however, only requires rendering to each one what is due to him because of the specific fellowship that unites both. The graced agent may remain unskilled and awkward in human affairs, without any apparent difference in his abilities from what they were before the reception of grace. The only new, and very limited (though, of course, also most important) capacity which he receives by infusion is that he is inclined to treat his neighbors in a way that is compatible with charity towards God and his neighbors.

Beyond this limited change, all the old contrary habits that have been acquired, as for example envy, greed, and disfavor, will remain, at least for a certain time (see section 1.2). Though the convert is suddenly equipped with the new (and true) inclination to just actions, the infused affinity will remain under fire from lingering contrary habits. This may make infused justice appear weak, ineffective, and almost invisible. But this experience is neither an argument against the doctrine of infused virtues in general, nor against the reality of infused justice in particular. St. Thomas is careful enough to limit its function to an inclination for actions which are necessary for divine friendship. Hence, the confusing experience of “weak” infused justice rather confirms the cautious teaching about infused virtues.

This, then, suffices for our reconstruction of infused justice. In the next (and final) chapter, we want to verify the previous results by reading through the questions on justice in the *Secunda secundae*.

¹⁶⁴ Again: *De virt. card.* 4 ad 5: “Ut ab ea in aliud tendens.”

THIRD PART: Verification of Our Thesis

7. Justice as Infused Virtue in the Treatise on Justice in ST II-II

After six chapters of long preparation, we are ready to examine our thesis by reference to the text itself. Do the questions on justice in the *Secunda secundae* (qq. 57-122) concern an acquired or an infused moral virtue? Does the text provide unequivocal indications in favor of infused justice? For infused justice as reconstructed in chapters 5 and 6?¹

As mentioned in the introductory chapter, almost all scholars read the treatise as a discussion of acquired justice. Admittedly, such an interpretation also somehow stands to reason. In q. 58-79 (the section about justice in its proper sense), Aquinas never mentions an infused habit. The term “infusus” simply does not exist. Moreover, the discussions of the other cardinal virtues in the *Secunda secundae* include special articles asking whether those virtues may exist without grace (e.g. ST II-II 44.11 about prudence, ST II-II 136.3 about patience). These questions obviously imply an agent in the state of grace, and consequently infused virtues, even if they are not mentioned explicitly. In the treatise on justice, however, there are no articles of this kind. Further, the sections on fortitude and temperance treat some virtues whose matter is only relevant for a graced agent: for example, ST II-II 124 about martyrdom as the principal act of fortitude, and ST II-II 161 about humility as part of temperance. These facts are again strong indications of infused moral virtues. In the section on justice, however, the reader looks in vain for such “facts.” How, then, ought we to interpret this obvious lack as proof for acquired justice? We should note that even the term “acquisitus” is totally absent in the section. In this respect, both interpretations are possible.

But is not the absence of special questions about the necessity of grace a clear argument against infused justice? It is not. Based on the findings of the previous chapters, we should rather expect such a lack because of the special character of justice, whose object is – in contrast to the other moral virtues – defined irrespective of the subjective status of the agent himself. In ST II-II 59.2 ad 3, St. Thomas clarifies the peculiarity of the object of justice by comparing it with temperance:

¹ Thus, from the very beginning of this final chapter we want to emphasize that the reasoning of this concluding chapter is cogent only on condition of the validity of our previous arguments. If somebody denies our prior results, he will regard also the argument of chapter 7 as less stringent.

The object of temperance is not something *constituted externally*, as is the object of justice. But the object of temperance, i.e. the temperate thing, depends entirely on a proportion to man himself. Consequently what is accidental and unintentional cannot be said to be temperate either materially or formally. . . . And in this respect there is dissimilarity between justice and the other moral virtues.²

Thus, even if the whole treatise on justice in the *Secunda secundae* were about infused justice, it would be clear from the very beginning that its specific object is not to be determined in reference to the graced status of the agent but objectively, disregarding subjective conditions. Even the supernatural intention of any concrete act would remain invisible. In this respect, justice clearly represents an exception in comparison with the other moral virtues. As seen in chapters 5 and 6, the proper matter of infused justice are the interhuman transactions of a graced agent which are measured by the (received) thing itself (*ipsa res*). The presence of grace is accidental to the determination of the *iustum*; it does not affect the specification of the object of infused justice. The only exception would be positive obligations for the faithful to observe ecclesiastical laws. Only in this case may there be a contentual difference between the object of acquired and infused justice. Therefore, it is clear from the very character of justice that in its discussion there cannot be such apparent indications for an infused virtue as in the other treatises.

On the basis of these preliminary remarks, we want to demonstrate our thesis by the followings steps: First, we examine the sequence of the various questions in the treatise. Despite a superficial similarity to Aristotle, the structure of the discussion in the *Secunda secundae* differs in important respects, videlicet clearly for theological reasons (section 7.1). The following sections, 7.2 to 7.5, concentrate on qq. 58-79, which discuss justice in its proper sense. The second long part of the treatise (qq. 80-119), which portrays the potential parts of justice, contains some more obvious assertions about infused virtue. We will be content to list some of them briefly in section 7.6. Much more difficult is the interpretation of Aquinas's outline of proper justice in qq. 58-79 as pertaining to an infused virtue. Therefore, we concentrate primarily on these questions. If we succeed in demonstrating that our thesis holds true for this part of the treatise, it will be right a fortiori for the second part. In section 7.2 we search these questions for different indications that their subject is infused justice, as e.g. references to the divine law, to ecclesiastical determinations, to charity as foundation of

² ST II-II 59.2 ad 3: "Obiectum temperantiae non est aliquid exterius constitutum, sicut obiectum iustitiae, sed obiectum temperantiae, idest temperatum, accipitur solum in comparatione ad ipsum hominem. Et ideo quod est per accidens et praeter intentionem non potest dici temperatum nec materialiter nec formaliter . . . Et quantum ad hoc est dissimile in iustitia et in aliis virtutibus moralibus."

justice, to merit, to mortal sin as its contrary, etc. Section 7.3 raises some objections. Sections 7.4 and 7.5 discuss the different kinds of justice (e.g. commutative justice) as infused virtues.

By way of completion, in the final section we investigate q. 121 on piety as a gift of the Holy Spirit (section 7.8). We will see that this concluding question fits perfectly to a reading of the whole treatise as concerning infused justice.

7.1 The Theological Structure of the Treatise on Justice

Some years ago, Gauthier mentioned the sketchy and superficial character of Aquinas's portrayal of justice in his *Commentary on the Nicomachean Ethics*. He suggested the following explanation:

It is possible that St. Thomas, who, at the moment when he edited his literal explication of the *Ethics*, composed the *Second part* of the *Summa of theology*, reserved the discussion of problems for the latter. Indeed, the *Second part* itself constitutes a commentary on the *Ethics*, a commentary about *questiones* which would normally have to complete the *expositio littere*.³

As we have seen, it is a common conviction that the discussion of justice in ST II-II 57-122 is nothing other than a systematic outline of an Aristotelian idea, portrayed in more detail.⁴

In this first paragraph we want to show that already the structure of the treatise provides clear indications that it is more than an extensive *Commentary on the Nicomachean Ethics*. Admittedly, many concepts and issues of Aristotle are taken up again. But it shall become clear that Aquinas submits the whole matter to a fundamental reorganization and

³ René A. Gauthier and Jean Y. Jolif, *L'Éthique a Nicomaque: Introduction, traduction et commentaire*, vol. 1 (Louvain: Publications Universitaires, 1970), 131: "Il est possible aussi que S. Thomas, qui, au moment même où il rédigeait son explication littérale de l'Éthique, composait la *Seconde Partie* de la *Somme de théologie*, ai réservé pour cette dernière la discussion des problèmes; au fait, la *Seconde Partie* constitue elle aussi un commentaire de l'Éthique, le commentaire par *questiones* qui devait normalement compléter l'*expositio littere*." Of similar kind is the judgment of Wieland, who asserts regarding Aquinas's *Commentary on the Nicomachean Ethics*: "It seems to have served as a preparation for the substantive moral theory of his *Summa theologiae*." (Cf. Georg Wieland, "The Reception and Interpretation of Aristotle's 'Ethics'," in *The Cambridge History of Later Medieval Philosophy: From the Rediscovery of Aristotle to the Disintegration of Scholasticism 1100-1600*, ed. Norman Kretzmann, Anthony Kenny, and Jan Pinborg (Cambridge: Cambridge University Press, 1982), 661-662, here 662). Likewise, Bourke argues that the "approach to the questions of moral science is developed by St. Thomas from the analytic study of the four virtues of the classic Greek and Roman ethicists." (Vernon J. Bourke, *St. Thomas and the Greek Moralists* (Milwaukee, WI: Marquette University Press, 1947), 38).

⁴ E.g. Wieland, "The Reception and Interpretation of Aristotle's 'Ethics'," 661-662.

transformation, videlicet according to a theological viewpoint, which surpasses by far the Greek idea of justice.

7.1.1 Aquinas's Innovation in Structuring the Treatise on Justice

The general method of ST II-II

Whereas the *Prima secundae* contains a discussion of virtue *in general*, the *Secunda secundae* focuses on the seven principal virtues *in particular* (qq. 1-169): the three theological virtues of faith, hope, charity, and the four cardinal virtues of prudence, justice, fortitude, and temperance. Within this general architecture, Aquinas simultaneously arranges together with the different virtues the various vices, the gifts of the Holy Spirit, and the precepts of the divine law. He chooses this method for portraying the whole matter of morals – which was original in his day⁵ – since it avoids exhausting repetitions, which would become inevitable if virtues, vices, gifts, and precepts were discussed separately, one after the other.

In the prologue of ST II-II he explains:

If we determined separately the virtues, gifts, vices and precepts, it would be necessary to explain the same things many times. Whoever wants to treat sufficiently the precept *you shall not commit adultery* must investigate adultery, which is a specific sin whose understanding depends on the opposed virtue. Therefore, it will be a more balanced and expedient method of consideration if the consideration in the same treatise is simultaneously about the virtue and the corresponding gift, the contrary vices, and the affirmative and negative precepts.⁶

The double mention of the gifts is noteworthy. Aquinas attributes to each virtue some precepts (of the divine law) and a corresponding gift of the Holy Spirits which complement – as he claims – the discussion of the particular virtues. He does so not only in the case of the theological virtues of faith, hope, and charity, but likewise in the discussion of the four cardinal virtues. At the beginning of our research (section 1.3) we briefly described the

⁵ See Jordan, “Ideals of ‘Scientia moralis’ and the Invention of the ‘Summa theologiae’,” 91-95; Pope, “Overview of Ethics of Thomas Aquinas,” 37-38.

⁶ ST II-II *prologus*: “Si seorsum determinaremus de virtutibus, donis, vitiis et praeceptis, oporteret idem multoties dicere, qui enim sufficienter vult tractare de hoc praecepto, non moechaberis, necesse habet inquirere de adulterio, quod est quoddam peccatum, cuius etiam cognitio dependet ex cognitione oppositae virtutis. Erit igitur compendiosior et expeditior considerationis via si simul sub eodem tractatu consideratio procedit de virtute et dono sibi correspondente, et vitiis oppositis, et praeceptis affirmativis vel negativis.”

general connection of gifts and virtues, or more precisely: of gifts and infused virtues. Thus, the reference to the gifts is an infallible indication of the supernatural order. If Aquinas mentions the *dona spiritus* in the context of virtues, then the discussion is obviously not about acquired but about infused virtues.

But does Aquinas follow this general idea also in the case of justice?

The structure of the treatise on justice

J. Porter noticed that the discussion of justice is “the longest, the most complex, and arguably the most difficult treatment of a particular virtue in the *Summa theologiae*.”⁷ Nonetheless, it strictly follows the same structure as the discussion of the other virtues in the ST II-II, i.e., it contains the outline of some sub-virtues, vices, gifts and precepts: each treatise begins with a general exposition of the virtue itself, including its contrary vices. Secondly, there follow some questions about the “parts” of the virtue (its subjective, integral and potential parts; see section 4.5), again together with the corresponding vices. Thirdly, there is a question about a parallel gift of the Holy Spirit, and the treatise ends with an outline of the relating precepts promulgated by the divine law.⁸

In the same way, the treatise on justice begins with four questions on justice in itself: concerning its object, the *ius* (q. 57), justice in general (q. 58), injustice (q. 59) and judgment as the “definition or determination of the *iustum* or *ius*.”⁹

A second (and very long) section treats the different “parts” of justice: First its subjective parts, i.e. its particular species, commutative and distributive justice (q. 61); further restitution as its proper act (q. 62); an extensive discussion of the opposed vices: on the one hand, distinction of persons as contrary of distributive justice (q. 63), on the other hand, murder, mutilation, theft, evil deeds on court, injustice by speech, etc. as the contrary of commutative justice (qq. 64-78). Q. 79 discusses the integral parts of justice, defined as doing good and avoiding evil (the opposed vices being omission and transgression). Qq. 80-120 treat the potential parts of justice, i.e., virtues which fall short of the full account of justice, as religion (qq. 81-100), piety (qq. 101-104), and virtues of civil courtesy (qq. 105-119, inclusive the

⁷ Porter, “The Virtue of Justice,” 272.

⁸ Aquinas does not follow this structure in all cases. For example, the treatise on prudence orders some special vices after the question about the gift of counsel (ST II-II 52, *de dono consili*). Subsequently, three questions follow about related vices before treating the question of the precepts of prudence. Similarly, the discussion of temperance lacks a question about a corresponding gift. (The treatise on temperance ends in ST II-II 170 with a question on the corresponding precepts.) However, the treatise of justice, which is the longest part on a specific virtue (which can easily cause the reader to lose sight of the whole) follows the aforesaid order.

opposed vices). The section ends with a question about *epieikeia*, understood as a special part of legal justice (q. 120).¹⁰

Thirdly, there follows a single question about piety as the corresponding gift of the Holy Spirit (q. 121).

Fourthly, the treatise ends with a short discussion of the Decalogue as the proper precepts of justice (q. 122).

Thus, the whole treatise is structured as follows.

⁹ *ST* II-II 60.1.

¹⁰ See *ST* II-II 120.2, esp. ad 1.

The structure of the treatise on justice in the *Secunda secundae*

justice ST II-II 57-122	1. justice in itself	1. right.....	q. 57								
		2. justice.....	q. 58								
		3. injustice.....	q. 59								
		4. judgment.....	q. 60								
	2. its parts	1. subject- ive parts	1. of justice	1. distinction between commutative and distributive justice.....	q. 61						
				2. restitution.....	q. 62						
		2. its opposite	2. opp. of com- mutative justice	1. respect of persons (as the opposite of distributive justice)	q. 63						
				1. by deed	by injur- ing one's neighbor	1. in his person.....	q. 64				
		2. by mutilation.....	q. 65								
				1. in judicial proceedings	3. in his belongings.....	q. 66					
					1. of the judge.....	q. 67					
					2. of the prosecutor.....	q. 68					
					3. of the defendant.....	q. 69					
					4. of the witness.....	q. 70					
					5. of the advocate.....	q. 71					
				2. by word	1. of reviling.....	q. 72					
					2. of backbiting.....	q. 73					
				2. uttered extrajudicially	3. of tale-bearing.....	q. 74					
					4. of derision.....	q. 75					
					5. of cursing.....	q. 76					
					3. by cheating.....	q. 77					
					4. by usury.....	q. 78					
					2. integral parts: doing good and avoiding evil.....	q. 79					
		3. poten- tial parts	1. in general: potential parts of justice.....	1. religion	1. religion itself.....	q. 80					
					2. its acts	1. religion itself	1. interior acts	1. devotion.....	q. 81		
								2. prayer.....	q. 82		
								1. adoration.....	q. 83		
								2. sacrifice.....	q. 84		
								3. oblations.....	q. 85		
								4. tithes.....	q. 86		
								5. vows.....	q. 87		
								6. oath.....	q. 88		
						2. exterior acts	7. adjuration.....	q. 89			
							8. invocation.....	q. 90			
							3. opposite vices	1. by excess	1. superstition.....	q. 91	
									2. its parts	1. undue worship.....	q. 92
										2. idolatry.....	q. 93
										3. divination.....	q. 94
								2. by defect	4. vain observance.....	q. 95	
									1. contr. God	1. temptation of God.....	q. 96
					2. perjury.....	q. 97					
					2. contr. things	1. sacrilege.....				q. 98	
					2. simony.....	q. 99					
					2. piety.....	q. 100					
					2. in particular	3. obser- vance	1. in itself.....	q. 101			
							2. its parts	1. honor.....	q. 102		
	4. gratitude					2. obedience	1. in itself.....	q. 103			
							2. disobedience.....	q. 104			
	1. in itself.....					q. 105					
	2. ingratitude.....					q. 106					
	5. vengeance.....					q. 107					
	6. truth					1. in itself.....	1. lying.....	q. 108			
							2. dissimulation.....	q. 109			
							3. boasting.....	q. 110			
							4. irony.....	q. 111			
	7. friendly- ness					2. opposite vices	1. flattery.....	q. 112			
							2. quarreling.....	q. 113			
	8. liberality					2. opposite vices	1. covetousness.....	q. 114			
							2. prodigality.....	q. 115			
	9. epikeia.....					q. 116					
	3. the gift of piety.....				q. 117						
	4. the precepts of justice.....				q. 118						
					q. 119						
					q. 120						
					q. 121						
		q. 122									

Figure 14

In light of this structure, is it possible to read the text as a pure commentary on the fifth book of the *Nicomachean Ethics*, though with additional details? Certainly there are some overlaps, in language as well as in structure; principal concepts are adopted: legal justice, commutative justice, distributive justice, the distinction between general and particular justice, the arithmetical and geometrical mean, *contrapassum*, *epieikeia*, etc; terms which are borrowed from Aristotle. But there is also a clear development. The helpful study of Mongillo provides an elaborated juxtaposition of Aquinas's *Commentary on the Nicomachean Ethics* book V and ST II-II 57-122.¹¹

Even if it is not necessary to recite the various points of this development in detail (since our interest is neither the relation of Aquinas's doctrine to a special source, nor a potential progression from one of his works to another), it shall be helpful for our own project to examine whether there are some totally new topics which Aquinas discusses in ST II-II 57-122; issues which cannot be read as a development of *Nicomachean Ethics* V, but which contain new matters; especially, if they bear a theological relevance.

Four concrete hints for the theological context

We want to list four observations which suggest a theological background:

First. The most obvious innovation in comparison with the Aristotelian account of justice is the integration of *religion* into the discussion of justice (qq. 81-100), including an outline of its proper acts as devotion, prayer, adoration, sacrifices, etc.¹² Admittedly, religion is not classified as a proper species of justice. It is only a potential part since man falls short of reaching a status of equality in regard to his creator. Nevertheless, it is only this incapability which separates religion from true justice. But this virtue and its specific acts are – as we will see – clearly described as infused virtue.¹³ It would be a strange leap of argumentation if in the previous part Aquinas discussed only an acquired virtue, and continued afterwards – without warning – with infused religion.

¹¹ Dalmazio Mongillo, "La struttura del 'De iustitia:' Summa theologiae II-II qq. 58-122," *Angelicum* 48 (1971): 356-368.

¹² See therefore: Francesco S. Fedele, "La dottrina delle virtù morali e della giustizia da Aristotele a San Tommaso," *Rivista Internazionale di Scienze Sociali e Discipline Ausiliarie* 71 (1916): 177-184. "In sostanza, da Aristotele a S. Tommaso, l'elemento veramente nuovo entrato nella storia del pensiero è l'assoluto concreto, Dio, principio dell'uomo e del mondo in contrapposto all'uomo ed al mondo." (Ibid., 179).

¹³ See section 7.6.1. It is a different issue, whether there *can be* a natural virtue of religion.

Secondly. Aquinas integrates into the treatise a question about piety as a gift of the Holy Spirit, corresponding to justice as virtue (q. 121). But the conjunction of a specific moral virtue and a gift of the Holy Spirit makes sense only in the case of an infused virtue. Therefore, we can reach the same conclusion: If the treatise on justice is systematically structured, then its primary concern is infused justice.

Thirdly. Something analogous can be said in the case of the ultimate question about the Decalogue which is presented as the precepts of justice. Though most of them are just moral precepts, i.e. laws about acts which are due by nature, nevertheless, Aquinas introduces those precepts as divine law which is given explicitly for the attainment of man's supernatural end.¹⁴ Hence, this is again a suggestive sign of the order of grace.

Fourthly. ST II-II 63 addresses the vice contrary to distributive justice, namely, the distinction of persons. Aristotle, in the *Nicomachean Ethics*, never mentions this issue; it is clearly something new. As a consequence, Aquinas refers surprisingly often to Sacred Scripture as an authority, as he does already in the first *sed contra*: "Nothing but sin is forbidden in the divine law. Now respect of persons is forbidden, Dt. 1.17. *Neither shall you respect any man's person*. Therefore respect of persons is a sin."¹⁵ The percentage is impressive: though the question contains only four articles, there are 19 quotations taken from Scripture, not taking into account the many citations from the Church Fathers. In contrast, we find only one citation of Aristotle. Admittedly, the distinction of persons is unjust not only because of positive divine precepts, but already by nature. However, the example shows the important impact of divine revelation in Aquinas's treatise on justice.

Something similar holds true for the 10 questions of ST II-II 67-76 concerning unjust actions by speech, either injustice at court (on the part of the accused, the lawyer, the witnesses, etc), or injustice in daily speech. Not even these topics were mentioned by Aristotle, and as a result, there are only few quotations taken from the *Nicomachean Ethics*, but many from Scripture.

¹⁴ Cf. ST I-II 91.4-5.

¹⁵ ST II-II 63.1 *sed contra*.

7.1.2 The Decalogue as Model for the Structure of the Treatise on Justice

Hitherto we have mentioned some observations that suggest a theological context for the treatise on justice. In what follows, we want to show that the Ten Commandments, which are determined by the ultimate question (q. 122) as “the precepts of justice,” provide the general structure of the whole section.¹⁶

a) The Ten Commandments as Precepts of Justice

The first article of q. 122 explains why the Decalogue contains exclusively precepts of justice. Of course, the divine law combines *all* virtues (it commands external acts as well as internal). But the Ten Commandments are quasi-first principles in practical matters, to which “natural reason assents immediately as to most evident principles.”¹⁷ Most evident are the basic obligations of the agent in regard to the other. “In matters which relate to himself it would seem at first glance that man is master of himself, and that he may do as he likes; whereas in matters that refer to another it appears manifestly that man is under obligation to render to another that which is his due.”¹⁸ For these reasons, the Decalogue as most basic principles contains only precepts about justice.

Regarding the single precepts, Aquinas gives the following division: “The first three precepts are about acts of religion, which is the chief part of justice; the fourth precept is about acts of piety, which is the second part of justice; and the six remaining [precepts] are about justice commonly so called, which is observed among equals.”¹⁹ The expression *pars iustitia* is taken in its proper sense: The first three commandments, though the noblest ones, are not about justice in its proper sense, but about religion as its potential part since it is impossible to attain a status of equality regarding God. The same is true in the case of the fourth commandment,

¹⁶ Mongillo has pointed out the structure of the treatise on justice in ST II-II according to the pattern of the Decalogue. Even if we don’t agree with him in all particular points, we owe much to that seminal piece of work. See Mongillo, “La struttura del ‘De iustitia’,” 355-377.

¹⁷ ST II-II 122.1: “Praecepta decalogi sunt prima praecepta legis, et quibus statim ratio naturalis assentit sicut manifestissimis.”

¹⁸ ST II-II 122.1: “In his quae spectant ad seipsum, videtur primo aspectui quod homo sit sui dominus, et quod liceat ei facere quodlibet; sed in his quae sunt ad alterum, manifeste apparet quod homo est alteri obligatus ad reddendum ei quod debet.”

¹⁹ ST II-II 122.1: “Tria prima praecepta sunt de actibus religionis, quae est potissima pars iustitiae; quartum autem praeceptum est de actu pietatis, quae est pars iustitiae secunda; alia vero sex dantur de actibus iustitiae communiter dictae, quae inter aequales attenditur.”

about piety regarding one's parents. The other precepts concern justice in its proper sense, i.e., *iustitia communiter dicta*. Of course, the lapidary formulation of six rules does not make explicit mention of all kinds of injustice. Nevertheless, all particular cases of injustice are reducible to these "more common and principal precepts."²⁰

The distinction returns in the final article of q. 122:

Just as by the parts of justice man pays that which is due to certain definite persons, to whom he is bound for some special reason, so also by justice properly so called, he pays that which is due to all in general. Hence, after the three precepts pertaining to religion, whereby man pays what is due to God, and after the fourth precept pertaining to piety, whereby he pays what is due to his parents, which duty includes the paying of all that is due for any special reason, it was necessary to give consequently certain precepts pertaining to justice in the proper sense, which pays to all indifferently what is due to them.²¹

This quotation adds the explanation that the fourth precept, which is verbatim only about the debts towards one's parents, includes all obligations regarding individuals to whom the agent is connected by special relations, as relatives, teachers, benefactors, friends, etc.²²

It is noteworthy that the precepts make no determination regarding distributive justice, though it belongs to justice in the strict sense. The reason is simple: The Ten Commandments contain the most common principles of human actions, but distributive justice is primarily in the

²⁰ ST II-II 122.6 ad 2: "Omnia alia nocumenta quae proximis inferuntur, possunt ad ista reduci quae his praeceptis prohibentur tanquam ad quaedam communiora et principaliora." And further on, he explains: "Nam omnia nocumenta quae in personam proximi inferuntur, intelliguntur prohiberi in homicidio, sicut in principaliori. Quae vero inferuntur in personam coniunctam, et maxime per modum libidinis, intelliguntur prohiberi simul cum adulterio. Quae vero pertinent ad damna in rebus illata, intelliguntur prohiberi simul cum furto. Quae autem pertinet ad locutionem, sicut detractioes, blasphemiae, et si qua huiusmodi, intelliguntur prohiberi falso testimonio, quod directius iustitiae contrariatur." (Ibid.).

²¹ ST II-II 122.6: "Sicut per partes iustitiae debitum redditur aliquibus determinatis personis quibus homo ex aliqua speciali ratione obligatur, ita etiam per iustitiam proprie dictam aliquis debitum reddit communiter omnibus. Et ideo post tria praecepta pertinentia ad religionem, qua redditur debitum deo et post quartum praeceptum, quod est pietatis, qua redditur parentibus debitum, in quo includitur omne debitum quod ex aliqua speciali ratione debetur; necesse fuit quod ponerentur consequenter alia praecepta pertinentia ad iustitiam proprie dictam, quae indifferenter omnibus debitum reddit." Similar in ST II-II 122.5 ad 2 about the fourth precept: "In hoc praecepto, quod est de honoratione parentum, intelligitur mandari quidquid pertinet ad reddendum debitum cuicumque personae, sicut secundarium includitur in principali."

²² ST II-II 122.5 ad 2 "Per prius debetur aliquid parentibus quam patriae et consanguineis, quia per hoc quod sumus a parentibus nati, pertinent ad nos et consanguinei et patria. Et ideo, cum praecepta decalogi sint prima praecepta legis, magis per ea ordinatur homo ad parentes quam ad patriam vel ad alios consanguineos. Nihilominus tamen in hoc praecepto, quod est de honoratione parentum, intelligitur mandari quidquid pertinet ad reddendum debitum cuicumque personae, sicut secundarium includitur in principali."

leader of a community, and only derivatively in the subject.²³ Consequently, the Decalogue determines nothing on that score.²⁴

With this description of the Decalogue as a list of the most basic precepts of justice, we are prepared to return to the structure of our treatise in the *Secunda secundae*. It will be striking to see that Aquinas exactly follows the construction of the Ten Commandments in organizing the section on justice.

b) Qq. 64-76: Commandments Five through Ten

ST II-II 61 opens the long section on distributive and commutative justice as subjective parts of proper justice. There follows a question on restitution as a proper act of justice, and afterwards the discussion of the opposed vices. This part begins in q. 63 with the distinction of persons as contrary to distributive justice; the prologue of q. 64 introduces the long discussion of vices contrary to commutative justice:

Subsequently it is necessary to consider the vices opposed to commutative justice. And firstly it is necessary to consider those sins that are committed in relation to involuntary commutations, and secondly those that are committed with regard to voluntary commutations. Sins are committed in relation to involuntary commutations by doing an injury to one's neighbor against his will, and this can be done in two ways, namely by deed or by word. By deed when one's neighbor is injured either in his own person, or in a person connected with him, or in his possessions.²⁵

The preface may be misleading: its reference to the distinction between voluntary and involuntary acts arouses some connotations of the Aristotelian discussion in *Nicomachean Ethics* III, and in ST II-II 61.3 Aquinas classifies the matter of distributive and commutative justice by the Aristotelian criterion of voluntary and involuntary acts, by secrete and public actions, etc. However, although these concepts are present in the general structure of the

²³ Cf. ST II-II 61.1 ad 3.

²⁴ ST II-II 122.1 ad 3: "Ea quae pertinent ad bonum commune oportet diversimode dispensari secundum hominum diversitatem. Et ideo non fuerunt ponenda inter praecepta decalogi, sed inter praecepta iudicialia."

²⁵ ST II-II 64 prologus: "Deinde considerandum est de vitiis oppositis commutativae iustitiae. Et primo considerandum est de peccatis quae committuntur circa involuntarias commutationes; secundo, de peccatis quae committuntur circa commutationes voluntarias. Committuntur autem peccata circa involuntarias commutationes per hoc quod aliquod nocumentum proximo infertur contra eius voluntatem, quod quidem potest fieri dupliciter,

following questions, they are undeniably integrated into, orientated towards, and structured by the divine law. A comparison of q. 64 to 78 and the Decalogue reveals the following accordance:

Structure in the <i>Secunda secundae</i>	Decalogue
q. 64 about murder q. 65 about the other injuries to the person	5 th commandment
q. 65.4 ad 3 – at the end of the third reply: “About adultery, however, as it is opposed not only to justice but also to chastity, we shall speak in the treatise on temperance.” ²⁶	6 th commandment
q. 66 about theft and robbery	7 th commandment
q. 67 prologus “We must now consider those vices opposed to commutative justice that consists in words injurious to our neighbors. We shall consider first those which are connected with judicial proceedings, and second harmful words uttered extra-judicially.” ²⁷ (See qq. 67-76)	8 th commandment

Figure 15

Some annotations

At first glance, the absence of a discussion on adultery seems to contradict our thesis. But the remark in *ST II-II* 65.4 ad 3 explains why adultery is treated more aptly later on in the context of temperance. In this way, the short notice placed at the end of the discussion about injuries inflicted on other persons (the final sentence of the final reply) is rather a confirmation than a counter-argument for our claim. Aquinas anticipates the expectation of the reader that the discussion should continue with the 6th commandment about adultery, and therefore he justifies the omission at this point.

scilicet facto, et verbo. Facto quidem, cum proximus laeditur vel in persona propria; vel in persona coniuncta; vel in propriis rebus.”

²⁶ *ST II-II* 65.4 ad 3: “De adulterio tamen, quod non solum iustitiae, sed etiam castitati opponitur, erit locus infra agendi in tractatu de temperantia.”

²⁷ *ST II-II* 67 prologus: “Deinde considerandum est de vitiis oppositis commutativae iustitiae quae consistunt in verbis in quibus laeditur proximus. Et primo, de his quae pertinent ad iudicium; secundo, de nocumentis verborum quae fiunt extra iudicium.”

Further, the discussion of injustice in speech quotes the 8th commandment only at an almost hidden position (ST II-II 70.4); moreover the section contains a greater number of examples of unjust actions than of the rendering of false testimony. However, this objection hinges on our constrained interpretation of the 8th precept: For Aquinas it is neither limited to the prohibition of telling lies, nor are lies its first concern; its proper meaning consists in preventing any injury for the other committed by words.²⁸ In this way he describes the 8th commandment generally as prohibiting any “*nocumentum oris*,”²⁹ and thereby it covers all acts which “pertain to speech.”³⁰ Given such guidelines, qq. 67-76 fit perfectly to the 8th commandment.

What about the 9th and 10th commandments, regarding the prohibition of concupiscence? Apparently there are no additional questions concerning the two ultimate precepts of the Decalogue. This lack can be justified through other remarks of Aquinas. The prohibition of external acts includes the prohibition of the corresponding internal acts. Only the human law – because of its imperfection – leaves unpunished the mere internal acts.³¹ Properly speaking, however, the interdiction of an external act contains inclusively the interdiction to desire it internally.³² Therefore, the 6th and the 7th commandments already the 9th and 10th commandment.

If there are nonetheless two special precepts, it is for the following reasons:

The pleasure of adultery and the usefulness of wealth are in themselves objects of the appetite, in so far as they have the character of pleasurable or useful goods. And therefore it was necessary not only to forbid their deeds but also their desires. But murder and falsehood are in themselves horrible things, since the neighbor and truth are loved by nature and are not desired for the sake of something else. Consequently, regarding murder and false testimony it was not necessary to prohibit sins of the heart but only sins of deed.³³

²⁸ In ST II-II 70.4 Aquinas explicitly distinguishes the sinfulness of committing false testimony as committing an act of injustice (by damaging the other) and as speaking against truth. Therefore, the topic of lies is not discussed at all in that context (but as a potential part of justice in ST II-II 110).

²⁹ ST I-II 100.5.

³⁰ ST II-II 122.6 ad 2: “pertinent ad locutionem.” See also ST I-II 100.11 where Aquinas – reading the Decalogue as very principles of all moral precepts – attributes other precepts to the 8th commandment: “Octavo vero praecepto, quod est de prohibitione falsi testimonii, additur prohibitio falsi iudicii, secundum illud Exod. XXIII, nec in iudicio plurimorum acquiesces sententiae, ut a veritate devies; et prohibitio mendacii, sicut ibi subditur, mendacium fugies; et prohibitio detractionis, secundum illud Levit. XIX, non eris criminator et susurro in populo.”

³¹ See ST I-II 100.9.

³² In sent. III 37.2A ad 1 “Quamvis in praeceptis negativis privetur actus exterior potius quam ponatur; includitur tamen actus rationis eligentis repressionem cupiditatis vel concupiscentiae, quae ad actus prohibitos inclinabat.”

³³ ST I-II 100.5 ad 5: “Delectatio adulterii, et utilitas divitiarum, sunt propter seipsa appetibilia, inquantum habent rationem boni delectabilis vel utilis. Et propter hoc oportuit in eis prohiberi non solum opus, sed etiam concupiscentiam. Sed homicidium et falsitas sunt secundum seipsa horribilia, quia proximus et veritas naturaliter amantur, et non desiderantur nisi propter aliud. Et ideo non oportuit circa peccatum homicidii et falsi testimonii prohibere peccatum cordis, sed solum operis.” See likewise ST II-II 122.6 ad 4: “Homicidium secundum se non est concupiscibile, sed magis horribile, quia non habet de se rationem alicuius boni. Sed adulterium habet

This suffices for our account of the second table of the Decalogue. Something analogue can be shown for the first three precepts regarding God and the fourth commandment about piety.

c) Qq. 81-101: The First through Forth Commandments

The influence of the Decalogue-schema remains evident also in the subsequent discussion of the potential parts of justice. We find the following structure:

Structure in the <i>Secunda secundae</i>	Decalogue
qq. 81-100 about religion and its internal acts qq. 84-91 the external acts of religion	3 rd commandment
qq. 92-96 about superstition	2 nd commandment
qq. 97-100 about irreligiosity	1 st commandment
qq. 101-108 about piety (q. 101) subsequently: annexed virtues such as observance, dulia, obedience, gratitude etc (qq. 102-108)	4 th commandment

Figure 16

When Aquinas explains the first three precepts of the Decalogue, he often interprets the first two as removing the obstacles to the true religion, and the third as introducing the right

aliquam rationem boni, scilicet delectabilis. Furtum etiam habet rationem alicuius boni, scilicet utilis. Bonum autem de se habet rationem concupiscibilis. Et ideo fuit specialibus praeceptis prohibenda concupiscentia furti et adulterii, non autem concupiscentia homicidii.” Alike in *In sent.* III 37.2B ad 4.

cultus.³⁴ In ST I-II 100.6 (whether the Ten Commandments of the Decalogue are fittingly ordered), he undertakes a further specification between the first and the second precept:

It was necessary that by the precepts of the Decalogue man be directed first of all to God . . . Now among those things whereby we are ordained to God, the first is that man should be subjected to him faithfully, by having nothing in common with his enemies. The second is that he should show him reverence. The third, that he should offer him service. Thus, in an army, it is a greater sin for a soldier to be unfaithful and make a compact with the enemy, than to commit some act of irreverence toward the commander, and this is also graver than if he is found wanting in some point of service to him.³⁵

It is a parallel structure to that of commutative justice as represented in the second table, which begins with the worst offense (murder, fifth commandment) and continues through to concupiscence (ninth and tenth commandment). Likewise, the first commandment prohibits the greatest hindrance to a true cultus, i.e., the general refusal of God's primacy or irreligiosity. The second commandment prohibits irreverent actions in regard to God, i.e., superstition, which, however, includes principally the recognition of God's privileges. Once these obstacles are removed, the third commandment prescribes positively the correct cult.

Hence, the divine "pedagogy" follows the order of generation of the virtue of religion; first the removal of all obstacles, then the institution of the positive to which they are opposed. In the *Secunda secundae*, however, Aquinas orders morals by the various virtues, and from there goes on to discuss the vices as a defect of man's *ultimum posse*. It is for this reason that Aquinas has to reverse the order of the three first commandments in his discussion of religion. Accepting this change, the structure of ST II-II 81-100 again reveals a surprising congruence with Aquinas's others descriptions of the first table of the Decalogue.

The article about the third commandment in ST II-II 122 distinguishes between an internal and an external divine cultus.

Now it belongs to religion to give worship to God. And just as the divine scriptures teach interior worship under the similitude of certain corporal things, so external worship is given to God by some sensible signs. And since man is more induced to pay interior worship, consisting in prayer and devotion, by the interior prompting of the Holy Spirit, it was

³⁴ E.g. *In sent.* III 37.2C; ST I-II 100.6; ST II-II 122.2-3.

³⁵ ST I-II 100.6: "Primo oportuit per praecepta decalogi hominem ordinare ad deum. . . . Inter ipsa autem per quae ordinamur in deum, primum occurrit quod homo fideliter ei subdatur, nullam participationem cum inimicis habens. Secundum autem est quod ei reverentiam exhibeat. Tertium autem est quod etiam famulatum impendat. Maiusque peccatum est in exercitu si miles, infideliter agens, cum hoste pactum habeat, quam si aliquam irreverentiam faciat duci, et hoc est etiam gravius quam si in aliquo obsequio ducis deficiens inveniatur."

necessary to give a precept of the law regarding the exterior worship that consists in sensible signs.³⁶

In agreement with this description, the treatise on religion begins with a general outline of religion as such (q. 81). Q. 82 continues: “Subsequently, it is necessary to consider the acts of religion. First, we shall consider the interior acts, which, as said above, are more principal; secondly, we shall consider its exterior acts, which are secondary. The interior acts of religion are seemingly devotion and prayer.”³⁷ There follow questions on devotion (q. 82) and prayer (q. 83), and subsequently some questions about the external cultic acts (qq. 84-91).³⁸ Even the sequence of these external acts follows a theological pattern, taken from a previous discussion of the divine law: In ST I-II 101, the question about the precepts regarding the divine cultus in the Old Law, St. Thomas introduced a fourfold distinction:

The ceremonial precepts are ordained to the worship of God. Now in this worship we may consider the worship itself, the worshippers, and the instruments of worship. The worship consists specially in *sacrifices*, which are offered up in reverence of God. The instruments of worship refer to the *sacred things*, such as the tabernacle, the vessels and so forth. Regarding the worshippers two points may be considered: Their institution for the divine worship, which is effected by a sort of consecration either of the people or of the ministers, and to this the *sacraments* refer. Further, their particular mode of life, whereby they are distinguished from those who do not worship God. And to this pertain the *observances*, for instance, in matters of food, clothing, and so forth.³⁹

This fourfold categorization of the ceremonial precepts – sacrifices, holy things, sacraments and observations – provides the structure of the discussion of external cultic acts in the ST II-II 84-91. Aquinas discusses in this section:

³⁶ ST II-II 122.4: “Ad religionem autem pertinet cultum deo exhibere. Sicut autem in scriptura divina traduntur nobis sub aliquibus corporalium rerum similitudinibus, ita cultus exterior deo exhibetur per aliquod sensibile signum. Et quia ad interiorem cultum, qui consistit in oratione et devotione, magis inducitur homo ex interiori spiritus sancti instinctu, praeceptum legis dandum fuit de exteriori cultu secundum aliquod sensibile signum.”

³⁷ ST II-II 82 prologus: “Deinde considerandum est de actibus religionis. Et primo, de actibus interioribus, qui, secundum praedicta, sunt principaliores; secundo, de actibus exterioribus, qui sunt secundarii. Interiores autem actus religionis videntur esse devotio et oratio.”

³⁸ “Deinde considerandum est de exterioribus actibus latrae.” (ST II-II 84 prologus).

³⁹ ST I-II 101.4: “Caeremonialia praecepta ordinantur ad cultum dei. In quo quidem cultu considerari possunt et ipse cultus, et colentes, et instrumenta colendi. Ipse autem cultus specialiter consistit in *sacrificiis*, quae in dei reverentiam offeruntur. Instrumenta autem colendi pertinent ad *sacra*, sicut est tabernaculum, et vasa, et alia huiusmodi. Ex parte autem colentium duo possunt considerari. Scilicet et eorum institutio ad cultum divinum, quod fit per quandam consecrationem vel populi, vel ministrorum, et ad hoc pertinent *sacramenta*. Et iterum eorum singularis conversatio, per quam distinguuntur ab his qui deum non colunt, et ad hoc pertinent *observantiae*, puta in cibis et vestimentis et aliis huiusmodi.” Admittedly, the concrete determinations of that law are abolished in the New Covenant; however, the general ordering of the *determining matter* remains certainly valid.

q. 84	adoration (as observance)	“whereby one uses one’s body to reverence God.” ⁴⁰
qq. 85-88	sacrifices	“acts whereby some external thing is offered to God.” ⁴¹
qq. 89-91	sacraments	“acts whereby something belonging to God is assumed.” ⁴²
q. 99	sacrilege (as opposite to <i>sacra</i>)	acts “whereby sacred things are treated with irreverence.” ⁴³

Figure 17

After this follows the section on vices contrary to the divine cult (qq. 92-100). The questions are clearly two-parted: “Subsequently we must consider the vices that are opposed to religion. First we shall consider those which agree with religion in giving worship to God; secondly, we shall treat of those vices which are manifestly contrary to religion.”⁴⁴ The first part (qq. 92-96) corresponds to the second commandment regarding irreverence: irreverent agents may acknowledge God’s primacy but fail in regard to the worship that is due. This is the case with superstition (q. 92), undue cult (q. 93); idololatriy (q. 94), divinization (q. 95), and vain observance (q. 96). The remaining questions (qq. 97-100) discuss the vices that are prohibited by the first commandment. “We must now consider the vices that are opposed to religion, through lack of religion, and which are manifestly contrary thereto, so that they come under the head of irreligion.”⁴⁵ This section contains the temptation of God (q. 97), perjury (q. 98), sacrilege (q. 99), and simony (q. 100).

In this way the sequence on religion reveals an intrinsic congruence with the structure of the first three commandments.

⁴⁰ ST II-II 84 prologus: “per quam aliquis suum corpus ad deum venerandum exhibet.”

⁴¹ ST II-II 84 prologus: “de illis actibus quibus aliquid de rebus exterioribus deo offertur.” Similarly the prologue of q. 85.

⁴² ST II-II 84 prologus: “de actibus quibus ea quae dei sunt assumuntur.” Similar the prolog of q. 89.

⁴³ ST II-II 99 prologus: “quibus rebus sacris irreverentia exhibetur.” We might suggest that Aquinas is content with a negative description of the misuse of *sacra* and omits a positive determination, since thanks to the evangelical freedom the ecclesiastical authority determines these practical questions for each time and place – in contrast to the Old Law.

⁴⁴ ST II-II 92 prologus: “Deinde considerandum est de vitiis religioni oppositis. Et primo, de illis quae cum religione conveniunt in hoc quod exhibent cultum divinum; secundo, de vitiis manifestam contrarietatem ad religionem habentibus.”

⁴⁵ ST II-II 97 prologus: “Deinde considerandum est de vitiis religioni oppositis per religionis defectum, quae manifestam contrarietatem ad religionem habent, unde sub irreligiositate continentur.”

In due order, the discussion continues in q. 101 with piety as “justice” regarding one’s parents. The relation to the fourth commandment is obvious. Moreover, as seen above, for Aquinas the fourth commandment contains all kinds of restitutions which answer a special obligation.⁴⁶ Consequently, his examination of the potential parts of justice continues in qq. 102-108 with virtues such as observance, obedience, gratitude etc. We can recognize in these appendices the repercussion of Aquinas’s interpretation of the divine law.

Why the reversed order?

The treatise on justice in the *Secunda secundae* follows the reverse order of the Decalogue: St. Thomas first treats precepts 5 through 8 (and implicitly 9 and 10), and then 1 through 4, again with an interior reversion 3-2-1. The section begins with actions between two equals (qq. 64-78), and adds afterwards man’s relation to his Creator (qq. 81-100) and to his parents (q. 101). Why this transposition?

We want to suggest an explanation: Aquinas proceeds in his discussion from justice in its most proper sense, i.e. distributive and commutative justice, to other virtues which fail to realize the full ratio of justice, i.e., religion, piety, and other annexed virtues. But within this composition we clearly recognize the structure of the divine law.

d) Further Remark: The Limited Function of Justice in ST II-II

The whole treatise is characterized by the domination of negative precepts. It rather explains what man has to avoid than what he has to do. In particular, the first section, which concern the subjective parts of justice, discusses only two positive acts, namely, judgment and restitution, but a long list of vices that are prohibited. This finding fits perfectly to the modus of the Ten Commandments.

Man is obligated generally to inflict injury on no one. Therefore, the negative precepts, which forbid those injuries which can be inflicted on one’s neighbor, had to be given a place among the precepts of the Decalogue as general precepts. The duties, however, which we owe to our

⁴⁶ Cf. ST II-II 122.6; footnote 21.

neighbors are paid in different ways to different people. Thus, it was not fitting to include affirmative precepts concerning those duties among the precepts of the Decalogue.⁴⁷

Moreover, an interpretation of the treatise on justice as a “commentary” to the Decalogue explains the obvious lack of a discussion of many issues which pertain to the concrete realization of justice. For example, the treatise does not contain an argument concerning the successful making of contracts, penal law, or international alliances; there is no debate about precepts for the government and politicians; distributive justice is – though not omitted – only touched at best. Even private relations regarding exchange are not deepened, and the case of contracts is limited to purchasing agreements and loans, and this only by prohibiting unjust deeds.

It would be incorrect if one accused Aquinas of being unaware of these issues. In the introductory question about the *ius*, he distinguishes the “*iustum*” between two citizens (*ius simpliciter*) from justice in the household and the family,⁴⁸ and he is aware of the *ius gentium*, which could be used as the starting point for an international law.⁴⁹ Moreover, in the context of the Old Law he presents a very detailed discussion of various interhuman relationships – between government and inferiors, between two citizens, towards foreigners, and within the family.⁵⁰ In the *Secunda secundae*, however, such issues are absent. Why this reservation in entering into particular matters of justice?

The *Prima secundae* distinguishes between moral precepts and their juridical determination. Whereas the former are consequences of human nature, the latter depend on a human or divine specification. “The act of justice in general pertains to the moral precepts, but its determination in particular issues pertains to the judicial precepts.”⁵¹ Consequently, human and divine laws differ in regard to the permanence of their legal force. “Justice must always be observed. But the determination of things which are just because of a human or divine institution, may differ according to the different states of men.”⁵² Hence, one may suggest that

⁴⁷ ST II-II 122.6 ad 1: “Communitur ad hoc obligatur homo ut nulli inferat nocumentum. Et ideo praecepta negativa, quibus prohibentur nocumenta quae possunt proximis inferri, tanquam communia, fuerunt ponenda inter praecepta decalogi. Ea vero quae sunt proximis exhibenda, diversimode exhibentur diversis. Et ideo non fuerunt inter praecepta decalogi ponenda de his affirmativa praecepta.” See likewise ST I-II 100.5 ad 4 “Statim ratio naturalis homini dictat quod nulli iniuriam faciat, et ideo praecepta prohibentia nocumentum, extendunt se ad omnes. Sed ratio naturalis non statim dictat quod aliquid sit pro alio faciendum, nisi cui homo aliquid debet.”

⁴⁸ Cf. ST II-II 57.4.

⁴⁹ Cf. ST II-II 57.3.

⁵⁰ ST I-II 105; see section 6.3.2a.

⁵¹ ST I-II 99.4 ad 3: “Actus iustitiae in generali pertinet ad praecepta moralia, sed determinatio eius in speciali pertinet ad praecepta iudicialia.”

⁵² ST I-II 104.3 ad 1: “Iustitia quidem perpetuo est observanda. Sed determinatio eorum quae sunt iusta secundum institutionem humanam vel divinam, oportet quod varietur secundum diversum hominum statum.”

Aquinas refrained from the discussion of particular issues in order to guarantee a broader validity for the *Summa*. Its utility should not be limited to a particular state or to a specific period of history, but it should remain applicable for all times in its principal features.⁵³

However, if this argument is correct, St. Thomas should already omit the discussion of concrete particularities of justice in the *Prima secundae*. But he does not do so. Thus, we want to suggest a theological justification for Aquinas's approach in the *Secunda secundae*. Omitting a discussion of concrete issues – which have to be determined in the real life – is the only appropriate way of describing justice as an infused virtue. Let us remember ST I-II 108.1-2 on determinations of the New Law regarding external acts: The Gospel only prescribes external acts that are required for the preservation of the order of charity, and prohibits acts that would destroy charity – i.e. the moral precepts, expressed as negative precepts. Regarding particular practical matters, however, it does not limit freedom. It is for the secular and ecclesiastical authorities to determine these questions, adapting to the particular time and place. Following the assertion in *De virt. card.* 4 ad 5, infused virtues enable the graced agent to handle the ordinary matter of a specific moral virtue as tending therefrom (as *terminus a quo*) towards the supernatural end, but without providing a special capacity to do well in these matters as such.

Hence, from the perspective of the New Law, it is almost to be expected that a theological discussion of justice will avoid entering into concrete questions which the Gospel has left to the determination of the human authority. This “imprecision” is simply a consequence of the theological point of view.⁵⁴

The same is clear if we take into account the general limitation of infused moral virtues as found in section 1.2. Though they bestow a strong inclination to the right use of earthly things regarding man's attainment of his final end, they do not provide a specific perfection for handling these matters as the proper end. As a result, infused justice does not make a virtuous citizen in the Aristotelian sense who knows positively how to rule and lead the human city. It

⁵³ This is the conclusion of Mongillo: “Nella *Summa* S. Tommaso non ha voluto esporre una teoria della giustizia la quale risentisse di una particolare situazione sociologica, ispirata a un ordinamento giuridico positivo. Egli ha inteso riflettere sui valori fondamentali del vivere associato dai quali scaturisse un criterio di orientamento generale per le situazioni contingenti. Espone la dottrina della giustizia non le determinazioni che riceve in un ordinamento particolare. Per questo si è ispirato alla più autorevole proposta di valori, quella del Decalogo.” (Mongillo, “La struttura del ‘De iustitia’,” 375).

⁵⁴ Mongillo mentions rightly that the Decalogue “offre un criterio dal quale non si dovrebbe prescindere nell'impostazione di un discorso teologico sulla giustizia. La componente biblica del testo di S. Tommaso ci obbliga a impostare un discorso interpretativo rinnovato nelle prospettive e nelle ottiche.” (Ibid., 377). We want to admit the value of Mongillo's study on that score to its full amount. However, he was content with the mere observation that the structure of the treatise on justice follows the Decalogue. He did not assert any consequent implication for justice as virtue. At least he gave no indication concerning this matter.

only enables the Christian to live on earth in the human community without losing his general orientation towards God as the supernatural end. Such a virtuous agent might lack many positive qualities that would be helpful for promoting the common good of the human society. He might even remain inclined to destructive acts at first (by the lingering habits of former vices). Infused justice provides The Christian only the limited capability of living in community with his fellow-men without losing supernatural friendship with God.

Precisely this understanding of the narrow function of infused justice fits perfectly to the fact that Aquinas limits his discussion of justice almost exclusively to an outline of prohibited unjust actions. The treatise defines justice primarily as avoiding injuring the other or the human community, but it omits a description of how a virtuous citizen should positively build up the human city.

These observations make perfect sense if we suppose that in this treatise Aquinas is treating of infused justice.

e) An Objection and the Need for a More Detailed Research

We interpreted the limitation of the discussion to the basic principles of justice as an indication that its subject is an infused moral virtue. However, one could also interpret the observation in a different way. An objector may argue that the limitation of the discussion to the moral precepts is a downright proof that Aquinas is not speaking about infused justice; that he intends to conduct the discussion in a more general way as concerning justice as such. The treatise is indeed structured according to the divinely revealed Decalogue, but these precepts not already available to mere natural reason?

We concede that the discussion of justice on the basis of the Ten Commandments is compatible with a natural virtue understood as a “perfect acquired virtue” (see on this point section 2.3). Things are, however, less clear if justice is understood as a political virtue: Political justice requires rendering everyone his due according to the prescriptions of the civil law. In *ST II-II* 122, however, Aquinas clearly counts the 9th and 10th commandments as precepts of justice, not only in regard to eventual resulting acts, but already in regard to a

voluntary consent “to delight”⁵⁵ in unjust acts. Further, though it is true that the Decalogue contains precepts that are available to natural reason, Aquinas does not portray them at the end of the treatise as moral precepts but on the contrary as “first principles of the divine law.”⁵⁶ But the divine law is given explicitly for attaining the supernatural end.⁵⁷ Hence, by referring to the Decalogue, St. Thomas obviously intends more than just an outline of the natural law. He himself invokes the order of charity mentioning that “the precepts of the Decalogue pertain to charity as their end, according to 1 Tim 1.5, that the end of the commandment is charity.”⁵⁸ Thus, it is clear that in this place the moral precepts bear an intrinsic order towards charity. This, however, is the exact function of infused justice, as we found in the previous chapters.⁵⁹

Nevertheless, it will be important to investigate whether there are more concrete indications that Aquinas is speaking about infused justice in the treatise. As to that, we will turn to the text itself.

7.2 Apparent Indications of Infused Justice in ST II-II 58-79

After having shown how Aquinas built up the whole treatise following the structure of the divine law, we want to advert to some contentual elements which are obvious indications of justice intended here as an infused virtue.

⁵⁵ See ST 122.6 ad 3: “Per praecepta prohibitiva concupiscentiae non intelligitur prohiberi primus motus concupiscentiae, qui sistit infra limites sensualitatis. Sed prohibetur directe consensus voluntatis qui est in opus vel in delectationem.”

⁵⁶ ST 122.1 arg. 1 (affirmative): “prima principia totius divinae legis.”

⁵⁷ See ST I-II 91.4; 98.1; 99.1 and 2; 100.2 etc.

⁵⁸ ST 122.1 ad 4: “Praecepta decalogi pertinent ad caritatem sicut ad finem, secundum illud I ad Tim. I, finis praecepti caritas est.”

⁵⁹ Very interesting on that score is Aquinas’s commentary on Rom 13. There he clarifies how a Christian must live in interpersonal relationships without losing charity. And he does so by referring to the commandments of the second table of the Decalogue (see *Super Rom. XIII* 2). Thus, in this context, which is clearly theological, he uses exactly the same measure which is also relevant to the treatise on justice in the *Secunda secundae*.

7.2.1 The Determination of Just Actions by Human and Divine Laws

In our reconstruction of infused justice in section 6, we reached the conclusion that the acts of infused commutative justice concern the *ius naturale* plus concrete determinations of the divine law. Whereas the Old Law contained many juridical precepts, the New Law only commands external acts insofar as they are indispensable for maintaining the internal order of charity, the *ius naturale*. The determination of further positive laws is left to the legitimate authority, civil as well as ecclesiastical. In conformity to that guideline, we found in the discussion of the juridical precepts in the Old Law in the *Prima secundae* a plenitude of quotations from Scriptures,⁶⁰ whereas the articles about the New Law are quite restrained in this respect.⁶¹ Thus, for our present project we can make the following prognosis: Even if ST II-II 58-79 is about infused justice according to the measures of the New Law, we cannot expect many references to the divine law; rather we must look for a preeminence of the natural law (as moral precepts) and of the human law as its positive determinations. With this observation we have exhausted the horizon of expectation.

The result of a statistic overview, however, is even more surprising: In the entire section Aquinas invokes the *ius naturale* extremely rarely;⁶² more often he mentions the human law, and – wholly unexpected – he refers most frequently to the divine law. Qq. 57 through 79 contain 12 explicit references to the “*lex humana*,”⁶³ but 15 to the “*lex divina*.”⁶⁴ This observation is difficult to explain if one suggests a reading of the treatise as concerning acquired justice.

Nevertheless, a cross-reading of the relevant texts brings out some tricky issues.

⁶⁰ ST I-II 105.

⁶¹ ST I-II 108.1-2.

⁶² In ST II-II 64.5 he mentions that suicide is against the natural law *and against charity*. Hence, he refers likewise to the supernatural order. In ST II-II 66.2 ad 1 he invokes the natural law for clarifying the right to own property. (“Secundum ius naturale non est distinctio possessionum, sed magis secundum humanum conductum, quod pertinet ad ius positivum.”) In ST II-II 66.7 he argues that neither the human nor the divine law can abrogate the natural law. (“Ea quae sunt iuris humani non possunt derogare iuri naturali vel iuri divino.” See also ST I-II 95.2). Finally, in ST II-II 78.1 ad 3 he shows that the human law permits some acts that are unjust by nature. (“Philosophus, naturali ratione ductus, dicit, in I polit., quod usuraria acquisitio pecuniarum est maxime praeter naturam.”).

⁶³ ST II-II 57.1 arg. 3; 59.3 ad 2; 62.3 ad 1; 69.2 ad 1 (3 times); ad 2; 77.1 ad 1 (3 times); 78.1 ad 1; ad 3.

⁶⁴ ST II-II 57.1 arg. 3; ad 3; 57.2 ad 3; 59.3 ad 2; 62.3 arg. 1; 63.1 *sed contra*; 64.1 arg. 3 (2 times), 67.4 ad 1; 77.1 ad 2 (2 times); 78.1 arg. 2; 79.1; 79.2 arg. 1; 79.3.

The role of the human law in the treatise on justice

A discussion of justice, whether acquired or infused cannot refrain from referring to the human law, since Christians as well as pagan citizens must respect it. Therefore, it is impossible to determine from the presence of such citations whether the treatise is dealing with acquired or infused justice.

However, the fact that Aquinas devotes a special article to the question whether a citizen in the state of grace is obliged to observe human laws, encourages the assumption that the treatise is about more than just pagan justice.

By faith in Christ the order of justice is not suspended, but rather strengthened. Now the order of justice requires that subjects obey their superiors, otherwise the status of human affairs could not be conserved. Hence faith in Christ does not excuse the faithful from the obligation of obeying secular princes.⁶⁵

Some lines later, Aquinas even asserts that obedience to the civil authority is due to the divine law. “Man is bound by divine law to obey man.”⁶⁶

Admittedly, these quotations are not a demonstrative argument that the treatise concerns infused justice; however they demonstrate Aquinas’s awareness of the graced agent within the context of these questions.

The divine law as formulation and confirmation of the *ius naturale*

In many cases Aquinas refers to the divine law for determining certain acts as “*iustum*” which are already just by nature. In these cases, the divine law confirms and explicates the natural law (*per modum conclusionis*), but it does not create additional rights (*per modum determinationis*).⁶⁷ For example, Aquinas quotes the *lex divina* for qualifying partiality as injustice. “Nothing but sin is forbidden in the divine law. Now respect of persons is forbidden, Dt. 1.17: Neither shall you respect any man’s person. Therefore, respect of persons is a sin.”⁶⁸

⁶⁵ ST II-II 104.6: “Per fidem Christi non tollitur ordo iustitiae, sed magis firmatur. Ordo autem iustitiae requirit ut inferiores suis superioribus obediant, aliter enim non posset humanarum rerum status conservari. Et ideo per fidem Christi non excusantur fideles quin principibus saecularibus obedire teneantur.”

⁶⁶ ST II-II 104.6 ad 2. The whole text: “Lex vetus fuit figura novi testamenti, et ideo debuit cessare, veritate veniente. Non autem est simile de lege humana, per quam homo subiicitur homini. Et tamen etiam ex lege divina homo tenetur homini obedire.”

⁶⁷ Cf. ST I-II 95.2.

⁶⁸ ST 63.1 sed contra: “Nihil prohibetur in lege divina nisi peccatum. Sed personarum acceptio prohibetur Deut. I, ubi dicitur, non accipietis cuiusquam personam. Ergo personarum acceptio est peccatum.”

Thus, what is already a strict moral due (since mere reason acknowledges respect of person as unjust) becomes in addition a legal due by the divine law.

Similarly in the case of suicide: Aquinas notes that suicide is unjust by nature because it implies injury against the human community (to which the agent belongs as part of the whole) as well as against God (since he is his image). Nevertheless, he also refers to the divine law, asserting that the suicide “is to be punished according to the divine law as well as the human law.”⁶⁹

We find the same line of argument in the case of choosing the right witnesses: St. Thomas first shows, why it is just by nature to demand several witnesses, and afterwards he confirms his thesis by invoking the divine law. “Since the accused is the only one who denies, while several witnesses affirm the same as the prosecutor, it is reasonably established both by divine and by human law, that the assertion of several witnesses should be upheld.”⁷⁰

Does Aquinas refer to the divine law as positive determinations of the *ius naturale*?

Generally, the divine law as *ius positivum* is not limited to the explication and confirmation of the *ius naturale*; it can also provide an additional determination of certain actions as just or unjust. Concerning the question whether it is lawful for a judge to pass sentence that is contrary to what he knows to be the truth, Aquinas explains that a judge has to bring to account a twofold knowledge: In particular, the officially gathered documents concerning a concrete crime (e.g., the testimonies of witnesses), and in general his knowledge of “the public laws, *whether divine or human*.”⁷¹ In a similar way he replies to an objection: “There is a place for the judge’s mercy in matters that are left to the discretion of the judge, because it is due to the good man to reduce the punishment, as the philosopher says in Ethic V. But in matters that are determined according to divine or human laws, it is not left to him to show mercy.”⁷² Both cases are clear: If a judge must pronounce a sentence for a crime for which the divine law foresaw a determined punishment, then he must judge according to that divine precept; the imposed punishment is just only because of the determination of the divine law. Aquinas actually gives an example in the very same article: “It is said in Dt 13 concerning

⁶⁹ ST II-II 59.3 ad 2: “Punitur tam secundum legem divinam quam secundum legem humanam.”

⁷⁰ ST II-II 70.2: “Cum reus sit unus qui negat, sed multi testes asserunt idem cum actore, rationabiliter institutum est, *iure divino et humano*, quod dicto testium stetur.”

⁷¹ ST II-II 67.2: “per leges publicas *vel divinas vel humanas*.”

⁷² ST II-II 67.4 ad 1: “Misericordia iudicis habet locum in his quae arbitrio iudicis relinquuntur, in quibus *boni viri est ut sit diminutivus poenarum*, sicut philosophus dicit, in V ethic. In his autem quae sunt determinata secundum legem divinam vel humanam, non est suum misericordiam facere.”

anyone who persuades a man to serve strange gods: *Neither let your eye spare him to pity and conceal him, but you shall put him to death immediately.* And about murder it is said in Dt 19: *He shall die. You shall not pity him.*”⁷³

However, we should note that the example is given in the *sed contra*. Neither the body of the article, nor any of the replies discusses any concrete punishment determined by the divine law. And further, both examples belong to the judicial precepts of the Old Law which have been abolished since the advent of Christ.⁷⁴ On the contrary, the New Law leaves the determination of those issues to the human authority,⁷⁵ and many civil legislators have abandoned capital punishment today. Thus, even if it is possible to read the whole treatise as about justice according to the standard of the divine law, the references to the ceremonial law serve only as an example for a *possible* determination of the natural law which is, however, actually invalid.

At this point our examination has reached an impasse: At first, we observed the paucity of references to the natural law over against the frequent citations of the divine law. Hence, we suggested a context of infused virtue. However, this argument itself also leads to the contrary conclusion, since the laws of the New Testament contain only the precepts of the natural law plus the positive law of the political and ecclesiastical authorities. Thus, the references to the divine law seem to be superfluous. What, then, is the actual significance of the repeated advertence to the *lex divina* in the context of justice?

In order to suggest an answer, it is necessary to make a brief observation concerning the structure of the treatise: Before Aquinas opens his investigation of the different parts of justice, he handles in a special question the topic of judgment (q. 60), understood – first of all – as adjudication in court. What is the reason for the eminent position of the judgment, almost as a preface of the proper acts of justice? Does not every human act presuppose a right judgment?⁷⁶ Justice in its proper sense governs the external interaction of two equal citizens insofar as “both are under the ruler of the state.”⁷⁷ It therefore belongs to the essence of every act of justice to be judged – at least potentially – by the public authority; to be “*judgable*” by a superior, independent of the subjective standpoint of the parties involved.⁷⁸ This assertion is nothing else but a consequence of the objective determination of the *ius*: Its adequacy hinges

⁷³ ST II-II 67.4 *sed contra*: “Dicitur Deut. XIII de eo qui persuadet servire diis alienis, *non parcat ei oculus tuus ut miserearis et occultes eum, sed statim interficies eum.* Et de homicida dicitur Deut. XIX, *morietur, nec misereberis eius.*”

⁷⁴ ST I-II 104.3.

⁷⁵ ST I-II 108.1-2.

⁷⁶ Cf. ST I-II 13-16.

⁷⁷ ST II-II 57.4: “*ambo sunt sub uno principe civitatis.*”

⁷⁸ Certainly not every act of justice has to be judged *actually* by an official judge.

neither on the subjective status of the agent, nor on his insight into his moral obligation; it is determined from the outside.⁷⁹

In this context Aquinas poses the question whether every judgment has to be passed according to a written law.⁸⁰ He first repeats the distinction between natural and positive laws arguing that the written law contains both kinds but in different ways: “The written law contains natural right, but it does not establish it, for the latter derives its force, not from the law but from nature: whereas the written law both contains positive right, and establishes it by giving it the force of authority.”⁸¹ Therefore, every judgment must be passed according to a written law.

But why does Aquinas reckon the mere *ius naturale* apart from its positive formulation as insufficient for grounding a proper judgment? The problem is not the weakness of the natural right, but the special type of obligation introduced by the written form. In section 4.3 we summed up St. Thomas’s teaching on legal and moral dues; obligations that stem from written laws, or from one’s own reasonable insight into the justness of an action.⁸² Without a legal fixation, the fulfillment of an *ius naturale* depends on the agent’s understanding and good will (in its proper sense). Thus, the insight in the *ius naturale* might guide the agent himself according to the moral due (and it is likewise the measure for constituting just laws by the human authority). But for an official judgment in a dispute between two agents, the unwritten *ius naturale* is an impracticable measure. Some questions later, Thomas gives an example: “A man should keep any promise he makes to another man for the sake of honesty [*secundum honestatem*], and this obligation is based on the natural law. But for a man to be under a civil obligation through a promise he has made, other conditions are requisite.”⁸³ And consequently St. Thomas demands the written laws as the basis of a judgment – i.e., a legal due.

Unfortunately in ST II-II 60.5 Aquinas remains silent on which kind of written law he has in mind. However, we want to argue that it is both the human law as well as the divine law. In the subsequent questions, he mentions several cases in which the human law falls short in

⁷⁹ See ST II-II 59.2 ad 3, quoted in footnote 2.

⁸⁰ ST II-II 60.5.

⁸¹ ST II-II 60.5: “Nam legis scriptura ius quidem naturale continet, sed non instituit, non enim habet robur ex lege, sed ex natura. Ius autem positivum scriptura legis et continet et instituit, dans ei auctoritatis robur.”

⁸² Cf. ST I-II 99.5.

⁸³ ST II-II 88.3 ad 1: “Secundum honestatem ex qualibet promissione homo homini obligatur, et haec est obligatio iuris naturalis. Sed ad hoc quod aliquis obligetur ex aliqua promissione obligatione civili, quaedam alia requiruntur.” Similarly in ST II-II 78.2 ad 2, where Aquinas notes that only the legal due implies a “civilis obligatio.” It is worthwhile to note that already in ST I-II 92.1 St. Thomas avoids referring to the natural law as the measure of human laws. Rather, he prefers the divine law as the standard: “Si enim intentio ferentis legem tendat in verum bonum, quod est bonum commune secundum iustitiam divinam regulatum, sequitur quod per legem homines fiant boni simpliciter.” See on this point section 4.3.3.

qualifying and prohibiting certain deeds as unjust actions; the civil laws prevent the gravest offense but tolerates the minor ones. Therefore, if every judgment has to be passed on the basis of a written law, a discussion in reference to the human law would have to omit a treatment of those actions which, however, are actually discussed – not on the basis of the human law but in reference to the divine law. St. Thomas explicitly notes this difference, arguing that the divine law – as written law – provides the necessary basis for classifying these acts as unjust, even if they may be qualified as *legal* and *just* according to the measure of the human law:

Human laws leave many things unpunished, that according to the divine judgment are sins, as, for example, simple fornication; because human law does not demand perfect virtue from man, which belongs to few and cannot be found in so great a number of people as human law has to direct. . . . Therefore, if the accused, who is on trial for his life, bribes his adversary, he sins indeed by inducing him to do what is illicit, yet the civil law does not punish this sin, and in this sense it is said to be licit.⁸⁴

Something analogous is asserted in the case of unjust transactions: The human law falls short of qualifying the deceitful trader as unjust, as long as the difference between the price and the worth of the good does not threaten the existence of the human community.⁸⁵ Not so the divine law: “The divine law leaves nothing unpunished that is contrary to virtue. Hence, according to the divine law, it is reckoned unlawful if the equality of justice is not observed in buying and selling.”⁸⁶ In both cases, Aquinas refers to the divine law (or to the divine judgment) to justify the description of an act as *iniustum* that is already unjust by nature, whereas the human law fails to prohibit it. Why does Aquinas not simply make reference to the natural law? The reason is that, according to ST II-II 60.5, a lawful judgment is to be

⁸⁴ ST II-II 69.2 ad 1: “Multa secundum leges humanas impunita relinquuntur quae secundum divinum iudicium sunt peccata, sicut patet in simplici fornicatione, quia lex humana non exigit ab homine omnimodam virtutem, quae paucorum est, et non potest inveniri in tanta multitudine populi quantam lex humana sustinere habet necesse. . . . Et ideo si reus in causa sanguinis corrumpat adversarium suum, peccat quidem inducendo eum ad illicitum, non autem huic peccato lex civilis adhibet poenam. Et pro tanto licitum esse dicitur.” Likewise the reply to the second objection: “Accusator, si colludat cum reo qui noxius, est, poenam incurrit, ex quo patet quod peccat. Unde, cum inducere aliquem ad peccandum sit peccatum, vel qualitercumque peccati participem esse, cum apostolus dicat dignos morte eos qui peccantibus consentiunt, manifestum est quod etiam reus peccat cum adversario colludendo. Non tamen secundum leges humanas imponitur sibi poena, propter rationem iam dictam.”

⁸⁵ “Lex humana populo datur, in quo sunt multi a virtute deficientes, non autem datur solis virtuosus. Et ideo lex humana non potuit prohibere quicquid est contra virtutem, sed ei sufficit ut prohibeat ea quae destruunt hominum convictum; alia vero habeat quasi licita, non quia ea approbet, sed quia ea non punit. Sic igitur habet quasi licitum, poenam non inducens, si absque fraude venditor rem suam supervendat aut emptor vilius emat, nisi sit nimius excessus, quia tunc etiam lex humana cogit ad restituendum, puta si aliquis sit deceptus ultra dimidiam iusti pretii quantitatem.” (ST II-II 77.1 ad 1).

⁸⁶ ST II-II 77.1 ad 1: “Lex divina nihil impunitum relinquit quod sit virtuti contrarium. Unde secundum divinam legem illicitum reputatur si in emptione et venditione non sit aequalitas iustitiae observata.”

passed on the basis of a written law; but the natural law implies only a moral obligation and fails to establish an *enforceable* legal due.⁸⁷ Thus, the repeated reference to the divine law instead of the natural law provides the necessary foundation for the qualification of just (or unjust) actions on the basis of a written law. And in fact, Aquinas elsewhere reduces all unjust acts to offences against the divine law. “Whoever does an injustice does that which is contrary to the law of God, since it amounts either to theft, or to adultery, or to murder, or to something of the kind.”⁸⁸

What does this discussion contribute to our project?

Can we gain anything from our analysis of the usage of the divine law in the ST II-II 58-79 for the verification of infused justice as the subject of these questions? At first glance, the answer seems negative. The divine law in this context simply explicates the moral precepts and provides their written form; therefore one might suggest that we are dealing rather with acquired than infused justice. However, this conclusion would be too hasty. The frequent advertence to the divine law already proves that Thomas has more than simply acquired justice in mind;⁸⁹ for the primary reason of the institution of the divine law was man’s preparation for divine friendship.⁹⁰ Moreover, if the treatise were concerned only with acquired virtue, Aquinas would be content to refer simply to the human law as the guiding principle. As seen in section 2.3, political justice aims at the preservation of the human common good; the principal content of acquired justice is the observation of the human law, which prevents all acts that would seriously hinder the development of the human city. We may repeat the quotation of the *Prima secundae* that correlates acquired justice and human laws: “Human precepts justify according to acquired justice.”⁹¹ Aquinas, however, makes use of the divine law in the context of justice; admittedly, as a confirmation of the natural law, but precisely in this way it surpasses by far the scope of acquired justice, which does not rigorously demand the observance of all natural rights.⁹² Thus, the use of the divine law as confirmation of the natural right makes absolutely sense in a discussion of justice as a virtue

⁸⁷ See quotation in footnote 83.

⁸⁸ ST II-II 59.4 sed contra: “Quicumque facit iniustum facit contra praeceptum legis dei, quia vel reducitur ad furtum, vel ad adulterium, vel ad homicidium; vel ad aliquid huiusmodi.”

⁸⁹ There are some more references to the divine law which we have not yet discussed. For example ST II-II 79.1; 79.2 (esp. ad 1); 79.3.

⁹⁰ “Quia homo ordinatur ad finem beatitudinis aeternae, quae excedit proportionem naturalis facultatis humanae, . . . ideo necessarium fuit ut supra legem naturalem et humanam, dirigeretur etiam ad suum finem lege divinitus data.” (ST I-II 91.4).

⁹¹ ST I-II 100.12 ad 3: “Praecepta legis humanae iustificanc iustitia acquisita.”

⁹² ST I-II 63.2 ad 2.

regarding external acts according to the order of grace. Hence, the results of the present analysis perfectly correspond to our reconstruction of infused justice in chapters 5 and 6.

On the basis of this conclusion, the next step of our research immediately suggests itself: The New Testament calls for only the moral precepts, enforced by the divine law, while leaving the determination of concrete issues either to the individual agent or to the civil authority, i.e. the human law, or to the ecclesiastical authority. “These determinations . . . are left to the decision of man; some relating to inferiors, as when they pertain to the individual; others, relating to superiors, temporal or spiritual, as when they pertain to the common usefulness.”⁹³ Precepts of the spiritual authority (i.e., the Church) are binding only for graced agents. Does this statement carry some implications for the treatise on justice in the *Secunda secundae*? We will examine this issue in the following chapter.

7.2.2 Legal Determinations by the Ecclesiastical Authority

If the treatise on justice is about infused justice, there should be some references to the divine law – and indeed, there are. If the just acts are determined by the divine law of the New Testament, they should be limited to the explication of the moral precepts – and, as we have seen, they are. But the freedom from judicial precepts, which is given by the New Law, can become again restricted by determinations of the civil authority as well as of the ecclesiastical superiors. The first point is – as mentioned above – clear: Infused justice must respect the human law to its full extend (at least if it is in agreement with the natural law). But what about legal determinations of the Church? Are there in the *Secunda secundae* some acts which are qualified as *iustum* only because of a previous specification by the ecclesiastical authority? In the later question on obedience, Aquinas clearly asserts such a possibility. In an objection, he even suggests that any precepts of a prelate should be considered directly as divine commands. “The precepts of prelates must be considered as precepts of God.”⁹⁴ In the reply he limits the power of the superiors, but he concedes that they can establish an obliging law *ad aliquam determinate*. “Man is subject to God simply regarding all things, both internal and external, and therefore he is bound to obey him in all things. But inferiors are not subject to their

⁹³ ST I-II 108.2: “Istae determinationes . . . relinquuntur humano arbitrio; quaedam quidem quantum ad subditos, quae scilicet pertinent singillatim ad unumquemque; quaedam vero ad praelatos temporales vel spirituales, quae scilicet pertinent ad utilitatem communem.”

⁹⁴ ST II-II 104.5 arg. 2: “Praecepta praelati sunt reputanda tanquam praecepta dei.”

superiors in all things, but only in certain things and in a particular way. And in this respect, the superior stands between God and his subjects.”⁹⁵ Thus, the principle is clear. Are there also, however, concrete hints in the treatise on justice?

There are. Throughout the section we find both the recognition of the common principle that the Church can determine positive rights, and concrete examples of its application.

Regarding the question whether a prelate of the Church can interfere in earthly affairs, i.e., whether he can determine precepts about non-spiritual things, the answer is unequivocal: “The secular power is subject to the spiritual as the body is subject to the soul. Consequently, it is not a usurped judgment if the spiritual authority interferes in temporal matters which are subject to the secular authority or which have been committed to the spiritual by the temporal authority.”⁹⁶ For Aquinas, the spiritual prelate enjoys a certain superiority over the civil authority, even regarding earthly affairs. So, for example, when Pope Leo subjected himself to the emperor, it happened “by his own spontaneous human decision,” but not by legal obligation.⁹⁷ Hence, it is clear that Aquinas assumes in the context of justice that the Church may establish binding laws.⁹⁸

We will list some concrete cases in which a particular action is *just* only because of a determination of ecclesiastical law. For example, clerics are not permitted to execute capital punishment or an imposed sentence of mutilation; if they did so it would be unjust.⁹⁹ Aquinas mentions some reasons of convenience, but finally the prohibition depends on a law of the Church. Further, the denunciation of an observed crime counts as a *just* act even if it is made only in oral form if it is made to the church-authority (normally the written form is

⁹⁵ ST II-II 104.5 ad 2: “Deo subiicitur homo simpliciter quantum ad omnia, et interiora et exteriora, et ideo in omnibus ei obedire tenetur. Subditi autem non subiiciuntur suis superioribus quantum ad omnia, sed quantum ad aliqua determinate. Et quantum ad illa, medii sunt inter deum et subditos.”

⁹⁶ ST II-II 60.6 ad 3: “Potestas saecularis subditur spirituali sicut corpus animae. Et ideo non est usurpatum iudicium si spiritualis praelatus se intromittat de temporalibus quantum ad ea in quibus subditur ei saecularis potestas, vel quae ei a saeculari potestate relinquuntur.”

⁹⁷ See ST II-II 67.1 ad 2: “In rebus humanis aliqui propria sponte possunt se subiicere aliorum iudicio, quamvis non sint eis superiores, sicut patet in his qui compromittunt in aliquos arbitros. Et inde est quod necesse est arbitrium poena vallari, quia arbitri, qui non sunt superiores, non habent de se plenam potestatem coercendi. Sic igitur et christus propria sponte humano iudicio se subdidit, sicut etiam et leo papa iudicio imperatoris se subdidit.”

⁹⁸ It is important to note that the focus of our research does not require an evaluation of Aquinas’s position on that score. Certainly one could raise some objections to his description of the relation of the Church and the political authority. Finally, it would be anachronistic to apply his doctrine to the self-understanding of the modern state. These reservations, however, do not undermine our principal argument, which only concerns the obvious fact that in the treatise on justice Aquinas is aware of the possibility of the ecclesiastical authority interfering in earthly affairs. We are not arguing about the legitimacy of his claim. We simply mention that he himself makes that claim.

⁹⁹ ST II-II 64.4, also ad 3.

required).¹⁰⁰ Further, the *Decrets* constitute special conditions for a lawful accusation against the high officials of the Church: To condemn a bishop requires 72 witnesses, a cardinal priest of the Roman Church 64, a cardinal deacon 27; the condemnation of clergies with minor ordinations (as subdeacons, acolytes, exorcists, readers and doorkeepers) require 7 witnesses; without adherence to these determinations, a judgment is illegal.¹⁰¹ Further, for a monk or a priest it is unlawful to accept the office of advocate – except in cases of necessity.¹⁰² Moreover, they must abstain from trade, commercial activities, and business affairs (except in the case of necessity).¹⁰³ Priests are legally obliged to celebrate the holy Mass each day.¹⁰⁴

All of the cases we have mentioned have in common that a specific act is *iustum* only because of an ecclesiastical determination. Under the conditions of mere political justice, it would be impossible to classify an offence against one of these precepts as something unjust.

Of special interest is a remark regarding the question whether man is obliged to press charges against someone whose crime is known to him.¹⁰⁵ After some distinctions, Aquinas affirms the issue under two conditions: first, if the crime threatens the common good, and secondly, if the accuser is able to prove his accusation. If he cannot furnish the proof, he is dispensed from the obligation of pressing charges. So far the issue is simple. The first objection argues

¹⁰⁰ ST II-II 68.2 ad 3: “Denuntiator non obligat se ad probandum, unde nec punitur si probare nequiverit. Et propter hoc in denuntiatione non est necessaria scriptura, sed sufficit si aliquis verbo denuntiet ecclesiae, quae ex officio suo procedet ad fratris emendationem.”

¹⁰¹ ST II-II 70.2 arg. 3: “Praeterea, II, qu. IV, dicitur, praesul non damnetur nisi in septuaginta duobus testibus. Presbyter autem cardinalis nisi quadraginta quatuor testibus non deponatur. Diaconus cardinalis urbis romae nisi in viginti octo testibus non condemnabitur. Subdiaconus, acolythus, exorcista, lector, ostiarius, nisi in septem testibus non condemnabitur. Sed magis est periculosum peccatum eius qui in maiori dignitate constitutus est, et ita minus est tolerandum. Ergo nec in aliorum condemnatione sufficit duorum vel trium testimonium.” And the reply: “Ad tertium dicendum quod illud locum habet specialiter in episcopis, presbyteris, diaconibus et clericis ecclesiae romanae, propter eius dignitatem. Et hoc triplici ratione. Primo quidem, quia in ea tales institui debent quorum sanctitati plus credatur quam multis testibus. Secundo, quia homines qui habent de aliis iudicare, saepe, propter iustitiam, multos adversarios habent. Unde non est passim credendum testibus contra eos, nisi magna multitudo conveniat. Tertio, quia ex condemnatione alicuius eorum derogaretur in opinione hominum dignitati illius ecclesiae et auctoritati. Quod est periculosius quam in ea tolerare aliquem peccatorem, nisi valde publicum et manifestum, de quo grave scandalum oriretur.”

¹⁰² ST II-II 71.2: “Monachos et presbyteros non decet in quacumque causa advocatos esse, neque clericos in iudicio saeculari, quia huiusmodi personae sunt rebus divinis adstrictae. . . . Tamen huiusmodi indecentiae necessitas praefertur. Et propter hoc huiusmodi personae possunt pro seipsis, vel pro personis sibi coniunctis, uti officio advocati. Unde et clerici pro ecclesiis suis possunt esse advocati, et monachi pro causa monasterii sui, si abbas praeceperit.” Similar also in ad 2.

¹⁰³ ST II-II 77.4 ad 3: “Clerici non solum debent abstinere ab his quae sunt secundum se mala, sed etiam ab his quae habent speciem mali. Quod quidem in negotiatione contingit, tum propter hoc quod est ordinata ad lucrum terrenum, cuius clerici debent esse contemptores; tum etiam propter frequentia negotiatorum vitia, quia difficiliter exiit negotiator a peccatis labiorum, ut dicitur Eccli. XXVI. Est et alia causa, quia negotiatio nimis implicat animum saecularibus curis, et per consequens a spiritualibus retrahit, unde apostolus dicit, II ad Tim. II, nemo militans deo implicat se negotiis saecularibus. Licet tamen clericis uti prima commutationis specie, quae ordinatur ad necessitatem vitae, emendo vel vendendo.”

¹⁰⁴ ST II-II 79.3 ad 2: “Sacerdos etiam non tenetur dicere missam nisi supposita debita opportunitate, quae si desit, non omittit.” In an analogous way, the faithful are obliged by the ecclesiastical law to confess their sins in sacramental confession; see ST II-II 62.6 ad 2: “Homo . . . tenetur . . . crimen suum detegere deo in confessione.”

¹⁰⁵ ST II-II 68.1.

against such an obligation, since there are some people who are disqualified from making accusation, namely “such as those who have been excommunicated or are of evil fame, or who are accused of grievous crimes and have not yet been proved to be innocent,”¹⁰⁶ and the law commands only possible things. Hence, so argues the objector, there cannot be a general obligation for pressing charges.¹⁰⁷ In the reply Aquinas refers to a distinction made in the body of the article: the accuser is only obliged to accuse if he can furnish sufficient proof – which is impossible if he himself suffers excommunication. It follows that the punishment of excommunication renders one incapable of fulfilling a duty to which he is generally obliged. Aquinas: “Nothing prevents a man being debarred by sin from doing what men are under obligation to do.”¹⁰⁸ One is disqualified from pressing charges by excommunication, however, even more than by sin, as the first objection argues. Yet excommunication is a matter of discipline in the Church.¹⁰⁹ And consequently, we have a further case where the imposition of ecclesiastical sanctions changes what would be just under normal conditions.

In sum, there are some quite clear cases in which a determination of the ecclesiastical authority specifies an action as just or unjust, although the very same act would be judged in a different way apart from the Church’s authority.

7.2.3 Charity as the Necessary Foundation of Justice

The reconstruction of infused justice in chapter 5 touched upon its relationship to charity: charity constitutes the supernatural order as such, but it does not introduce additional obligations of justice for the graced person. Infused justice commands those acts which are due because of the common political life, although it commands them *ex caritate*. “Charity imports benevolence . . . to the fellow-citizen in things which belong to the civil life, such as

¹⁰⁶ ST II-II 68.1 arg. 1: “Videtur quod homo non teneatur accusare. Nullus enim excusatur ab impletione divini praecepti propter peccatum, quia iam ex suo peccato commodum reportaret. Sed aliqui propter peccatum redduntur inhabiles ad accusandum, sicut excommunicati, infames, et illi qui sunt de maioribus criminibus accusati prius quam innoxii demonstrentur. Ergo homo non tenetur ex praecepto divino ad accusandum.”

¹⁰⁷ Note that even here Aquinas refers to the divine precept; see footnote 106.

¹⁰⁸ ST II-II 68.1 ad 1: “Nihil prohibet per peccatum reddi aliquem impotentem ad ea quae homines facere tenentur.” A similar argument is found in ST II-II 60.2 ad 3: Thomas explains that man in grave sin should not judge other people with fewer sin.

¹⁰⁹ Cf. ST II-II 76.1.

conversing and assisting in civic works.”¹¹⁰ Nevertheless, the motivation for these acts of infused justice is God, beloved by charity, loved even in the other person.

It is obvious that acquired justice does not presuppose charity.¹¹¹ However, we should note that even if we assume that ST II-II 58-79 speaks about infused justice, the description of just or unjust actions takes place only by reference to their objective adequacy to the other as co-citizen. Though charity would provide the ultimate motivation for rendering to each his due, it would contradict the reconstruction of infused justice in chapter 5 if St. Thomas were to determine the content of infused justice in reference to charity. A discussion of the proper acts of infused justice would not require any direct reference to charity. Consequently, we can conclude conversely: If Aquinas sometimes refers to charity as the foundation of justice (as its final motivation) it is *a fortiori* an argument that he is speaking about infused justice.

Let us examine the text itself.

The first surprising reference is found immediately in the first article, ST II-II 58.1, and in a significant position: Aquinas begins his inquiry with an article on Justinian’s definition of justice, i.e., whether justice is fittingly defined as the perpetual and constant will to render to each one his due?¹¹² The article contains six objections, the first five of which argue for the inappropriateness of the various parts of that classic definition. Justice as virtue means a habit but not the will itself (1st); it is rather the will’s rectitude than a power (2nd); justice is perpetual only in God (3rd); if justice is perpetual, then the description of a “constant will” is redundant (4th); to render to each one his due belongs to the leader but not to the subject (5th). These objections provide the occasion for Aquinas to deepen the understanding of the definition. The 6th objection, however, does not criticize a certain element of the definition, but raises a completely new issue; it addresses the relation of justice and charity: “Further, Augustine says in the book *De Moribus Eccles.* that justice is love, serving God alone. Therefore it does not render to each one his right.”¹¹³

Supposing that Aquinas intends in this place (and subsequently in the whole treatise) to discuss acquired justice, he should reply to the objection more or less as follows: Justice can be taken in different senses: In its proper sense it rules interhuman actions, namely, that one

¹¹⁰ *In sent.* III 29.6: “Caritas benevolentiam importat . . . ad concives in his quae ad civilem vitam spectant, sicut est simul conversari, et morari in operibus civilibus.”

¹¹¹ Keenan, who reads the *Secunda secundae* as concerning acquired moral virtues, claims: “In the *Summa*, however, concepts of desiring, wanting, or loving justice are conspicuously absent. . . . In the *Summa*, we are just when we act and live justly. We are just when we have attained just lives.” (Keenan, *Goodness and Rightness in Thomas Aquinas’s ‘Summa Theologiae’*, 105).

¹¹² ST II-II 58.1.

must render to each his due. This perspective disregards man's relation to God. But Augustine uses the term "justice" in a broader way according to which it may be applied even to man's service to God. Something like this argument is to be anticipated if Aquinas's concern is acquired justice. In any case, he would have to make clear that justice in its proper sense is by definition possible without love for God. However, Aquinas replies with precisely the opposite assertion: "Just as love of God includes love of our neighbor, as stated above [ST II-II 25.1], so too the service of God includes rendering to each one his due."¹¹⁴ Instead of explaining the independence of justice from the order of charity, he rather declares that justice is *contained in charity*: Whoever loves God must likewise love his neighbor; whoever serves God also gives what is due to his neighbor. Justice is described as integral part of charity. It is hard to miss the exact parallel to the argument of *In sent.* III 29.6 (see section 5.2).

The reader may object that Aquinas does not speak of *caritas* but simply of *amor* which could mean any kind of love, even a natural love, which constitutes an *amicitia civilis* between two citizens, and which is also the foundation of acquired justice. However, if we take the context of this reply into account, the argument is impossible for two reasons: First, the reply introduces the concept of *amor* not as love for one's neighbor, but in regard to God. Only subsequently is love for the other mentioned – as contained in the love of God. Hence, *amor* obviously does not mean civil friendship, but rather relates to God. Secondly, Aquinas points to a prior discussion in the *Summa* where the issue was already clarified ("*ut supra dictum est*"). But the relation of *amor dei* and *amor proximi* is only discussed in the context of charity – understood as a theological virtue. Thus, the only possible conclusion is that ST II-II 58.1 ad 6 concerns the relation of justice to supernatural charity. That it does not use the term of *caritas* is due to the citation of Augustine who dictates the terminology of the reply.¹¹⁵ Moreover, if we consider the special position of the reply – in the first article, as the concluding objection – it is a further indication that justice as discussed in the subsequent questions relates in some way to charity.

A second interesting remark is found some articles later (still q. 58), asking whether particular justice has a special matter:¹¹⁶ The second objection again quotes a text of St. Augustine: "Augustine says . . . that the soul has four virtues whereby, in this life, it lives spiritually, sc.

¹¹³ ST II-II 58.1 arg. 6: "Praeterea, Augustinus dicit, in libro de moribus eccles., quod iustitia est amor deo tantum serviens. Non ergo reddit unicuique quod suum est."

¹¹⁴ ST II-II 58.1 ad 6: "sicut in dilectione dei includitur dilectio proximi, ut supra dictum est; ita etiam in hoc quod homo servit deo includitur quod unicuique reddat quod debet." Cf. *In sent.* III 29.6.

¹¹⁵ That Aquinas also sometimes uses the term *amor* to refer to supernatural charity can be seen in ST II-II 136.3 ad 3: Comparing natural love and charity, he invokes the latter as *amor supernaturalis*.

¹¹⁶ ST II-II 58.8.

temperance, prudence, fortitude and justice; and he says that the fourth is justice, which pervades all the virtues. Therefore; particular justice, which is one of the four cardinal virtues, has no special matter.”¹¹⁷ In the reply Aquinas makes the distinction between virtues regarding a particular matter – it is in this way that justice is taken in the body of the article – and as the general mode of all virtues. And “in this latter sense Augustine speaks in the passage quoted.”¹¹⁸ Referring to the second meaning, Aquinas continues: “Justice which pervades the other virtues is love of God and our neighbor, what is the common root of the entire order towards the other.”¹¹⁹ One can easily overlook the importance of this assertion. As the mode of all virtues, justice is universal love for God and all men. If this assertion were understood as pertaining to a natural kind of justice, it could be described as the common root of a good civic life, of political friendship, not, however, as the common root of *totius ordo ad alterum*.¹²⁰ The expression agrees rather with *In sent.* III 26.6 or ST II-II 26.6-7, where charity includes benevolence regarding the other on the basis of the various human communities (family, household, city, etc.). Hence, as in the sixth reply of the first article, Aquinas determines charity to God and one’s neighbor as the foundation of justice (*communis radix totius ordinis ad alterum*), but such an assertion only makes sense in regard to infused justice.¹²¹

The following questions do not refer directly to charity as the foundation of the just act. This silence is not surprising since the discussion is almost exclusively limited to unjust acts which – by definition – cannot emerge from charity. (We will investigate the relation of unjust acts and charity in the next chapter.) Nonetheless, there are some incidental remarks that reveal an implicit presupposition of a graced agent. This shows that – even if the acts of justice can be described without reference to charity – the “context” of these acts is a person who acts out of charity.

¹¹⁷ ST II-II 58.8 arg. 2: “Augustinus, in libro octogintatrium quaest., dicit quod quatuor sunt animae virtutes, quibus in hac vita spiritualiter vivitur, scilicet prudentia, temperantia, fortitudo, iustitia, et dicit quod quarta est iustitia, quae per omnes diffunditur. Ergo iustitia particularis, quae est una de quatuor virtutibus cardinalibus, non habet specialem materiam.”

¹¹⁸ ST II-II 58.8 ad 2: “Et hoc modo loquitur ibi Augustinus.”

¹¹⁹ Ibid., “Iustitia est, quae per ceteras diffunditur, dilectio dei et proximi, quae scilicet est communis radix totius ordinis ad alterum.”

¹²⁰ In the Latin text, the relative clause begins with “quae” which could relate either to *iustitia* or to *dilectio*. However, since Aquinas identifies both virtues, the two possible ways of translating the text do not matter.

¹²¹ We might note, incidentally, that the Augustinian quotation of the objections already suggests *infused* moral virtues when he speaks about “virtues of the soul by which it lives in this life *spiritually* [*spiritualiter*],” which – as Aquinas notes elsewhere – depend on divine grace (e.g. *De caritate* 3 ad 19).

As a further indirect indication, we can refer to ST II-II 59.3 ad 2, the brief remark regarding suicide, which we have already mentioned, is characterized not only as an offense against the human community, but likewise against God. “Potest considerari aliquis homo in quantum est aliquid civitatis, scilicet pars; vel in quantum est aliquid dei, scilicet creatura et imago. Et sic qui occidit seipsum iniuriam quidem facit non sibi, sed civitati et deo. Et ideo punitur tam secundum legem divinam quam secundum legem humanam.”

For example, describing judgment as an act of justice, St. Thomas notes that a right judgment presupposes a “good affection” (*bonum affectum*) in regard to the other,¹²² – a formulation that arouses connotations of the motivation of charity.¹²³ The aspect of motivation is more explicit in the question whether a subject is bound to accuse his superior: the accusation is prohibited if it is not done “from the affection of charity.” But “it is lawful for subjects to accuse their superiors out of charity.”¹²⁴ Admittedly, Aquinas does not qualify this special act as a matter of justice, since the inferior is not legally obliged to accuse his superior (on the contrary, it is a proper act of charity). However, the issue appears in the context of a question about justice. Hence, the agent in question in the whole context seems to be a graced person.

Another hint is found in the discussion of the duties of a lawyer, whether an advocate is bound to defend the suits of the poor.¹²⁵ Principally, the gratis defense of a poor man is an act of mercy. It is praiseworthy to take on the defense (“*laudabiliter faciat*”) but there is no legal obligation, since – quoting St. Augustine – “one cannot do good to all.” St. Thomas consequently refers the reader consequently to the treatise on charity.¹²⁶ Only in cases of true necessity – he lists some conditions (e.g., pressing time) – “is one bound to bestow the work of mercy on him.”¹²⁷ Then – to express it in our own terms – the work of mercy becomes a work of proper justice. Is there an indication that it is an act of infused justice, or is Aquinas simply speaking about merciful deeds performed for merely natural reasons, and which become obligatory for acquired justice under certain circumstances? In the later case, the line of reasoning strictly reproduces Aquinas’s general argument in the case of charity for one’s enemy:¹²⁸ external acts of benevolence in regard to singular persons are required as strict obligation (*sine qua caritas esse non potest*) only *in casu necessitatis*. In these circumstances,

¹²² ST II-II 60.4 ad 2: “In iudicio quo iudicamus de hominibus praecipue attenditur bonum et malum ex parte eius de quo iudicatur, qui in hoc ipso honorabilis habetur quod bonus iudicatur, et contemptibilis si iudicetur malus. Et ideo ad hoc potius tendere debemus in tali iudicio quod hominem iudicemus bonum, nisi manifesta ratio in contrarium appareat. Ipsi autem homini iudicanti, falsum iudicium quo bene iudicat de alio non pertinet ad malum intellectus ipsius, sicut nec ad eius perfectionem pertinet secundum se cognoscere veritatem singularium contingentium, sed magis pertinet ad bonum affectum.”

¹²³ See ST II-II 27.2. Aquinas emphasizes that charity is not just *willing* the good of the other, but being in union with the other *through affection*.

¹²⁴ ST II-II 68.1 ad 2: “Ad secundum dicendum quod subditi praelatos suos accusare prohibentur qui non *affectione caritatis*, sed sua pravitate vitam eorum diffamare et reprehendere quaerunt; vel etiam si subditi accusare volentes, fuerint criminosi; ut habetur II, qu. VII. Alioquin, si fuerint alias idonei ad accusandum, licet subditis *ex caritate* suos praelatos accusare.” Also from the previous objection, the context of charity is obvious: “Omne debitum *ex caritate* dependet, quae est finis praecepti, unde dicitur Rom. XIII, nemini quidquam debeatis, nisi ut invicem diligatis. Sed illud quod est caritatis homo debet omnibus, maioribus et minoribus, subditis et praelatis. Cum igitur subditi non debeant praelatos accusare, nec minores suos maiores, ut per plura capitula probatur II, qu. VII; videtur quod nullus ex debito teneatur accusare.”

¹²⁵ ST II-II 71.1.

¹²⁶ See ST II-II 30-32. The reference to the discussion of charity already somehow suggests infused virtue.

¹²⁷ ST II-II 71.1: “In tali casu tenetur ei opus misericordiae impendere.”

¹²⁸ ST II-II 25.8 and 9. See also section 6.3.3b.

however, the act becomes a matter of justice. Apart from such cases, the merciful act is due to a higher perfection of charity (properly speaking: a *counsel*), but to omit the assistance, would not destroy charity. This structural parallel to the discussion of charity (distinguishing precepts and counsels) suggests a reading of the present issue against the background of charity.¹²⁹

Further indications that Aquinas frames this question within the order of charity are found in the article asking whether one ought to tolerate being reviled. Aquinas explains: “As we need patience in things done against us, so do we need it in those said against us.”¹³⁰ As an authority he appeals to the commandment of Lord in Mt 5.39 and Lk 6.29. The minimum is that one be prepared to be patient if necessary.¹³¹ Patience in its proper sense, however, is clearly defined in a later question as an infused virtue (and consequently unknown to Aristotle).¹³² Hence, even this article presupposes the supernatural order. Moreover, the first reply contains an allusion to the order of charity: “The daring of the railing reviler should be checked with moderation, sc. as a duty of charity [*propter officium caritatis*].”¹³³ Likewise in the reply to the second objection: “When a man prevents another from being reviled there is not the danger of desire for one’s own honor as there is when a man defends himself from being reviled. Rather it seems to proceed from the affection of charity [*ex caritatis affectu*].”¹³⁴

A similar indication of the order of charity is found in the question of usury.¹³⁵

Last but not least, Aquinas describes the act of restitution – the principle act of commutative justice – as “de necessitate salutis.”¹³⁶ Though he does not give a precise specification of what

¹²⁹ We can consider the Augustinian quotation as a further indication of a connection to charity. “Cum omnibus prodesse non possis.” Aquinas refers to this citation several times (for example ST II-II 26.6 arg. 1 and ad 1; 31.2 arg. 1 and ad 1; 31.3 *sed contra*; *De caritate* 8 and 9; *Contra. imp.* 2.6 arg. 44; *Super Hebr.* VIII 3), and it is significant that it always in asserting different degrees in charity.

¹³⁰ ST II-II 72.3: “Sicut patientia necessaria est in his quae contra nos fiunt, ita etiam in his quae contra nos dicuntur.”

¹³¹ ST II-II 72.3: “Tenemur enim habere animum paratum ad contumelias tolerandas si expediens fuerit.”

¹³² ST II-II 136.3: “Patientia non potest haberi sine auxilio gratiae.”

¹³³ ST II-II 72.3 ad 1: “Audaciam conviciantis contumeliosi debet aliquis moderate reprimere, scilicet propter officium caritatis.”

¹³⁴ ST II-II 72.3 ad 2: “In hoc quod aliquis alienas contumelias reprimat, non ita timetur cupiditas privati honoris sicut cum aliquis repellit contumelias proprias, magis autem videtur hoc provenire ex caritatis affectu.”

¹³⁵ See ST II-II 78.1 ad 2: “Iudaeis prohibitum fuit accipere usuram a fratribus suis, scilicet Iudaeis, per quod datur intelligi quod accipere usuram a quocumque homine est simpliciter malum; debemus enim omnem hominem habere quasi proximum et fratrem, *praecipue in statu evangelii*, ad quod omnes vocantur.” We know from the treatise on law in the *Prima secundae* that the Jewish people in the Old Testament are a type of the People of God in the New Covenant (e.g. ST I-II 91.5), which – in contrast to the Jews – is no longer limited to a single nation. Hence, if Aquinas enlarges the prohibition of taking usury from one’s fellow-citizen in the Old Law to everyman, it is because he has in mind the universal connection of all men constituted by charity – as can be seen by the phrase “*praecipue in statu evangelii*.”

¹³⁶ ST II-II 62.2: “de necessitate salutis.”

he means by *salvation* in this context, normally it is used as a technical term for eternal salvation. In a similar way, the giving of testimony in court is qualified as necessary for salvation.¹³⁷

Conclusion

Our analysis of the treatise reveals many references to the order of charity, but this frequent advertence makes sense only if the treatise concerns infused justice. Thus, an interpretation of this section as treating of acquired justice is impossible.

7.2.4 The Qualification of Unjust Acts as Mortal Sins

In the previous chapter we examined some descriptions of just acts in which St. Thomas manifestly presupposes an agent in the state of grace, equipped with charity. Furthermore, the introductory question 58 twice refers to the connection between charity and justice.

The observation is also confirmed on the negative side, i.e., by the description of injustice. The just act is determined by the appropriate adequation to the other. Conversely, injustice implies inequality. Because of the objectivity of the *opus iustum*, there is no need for a reference to an underlying motivation, e.g. whether the act is done out of charity or out of ambition. Moreover, even compatibility with charity is not the ultimate criterion of justice. We can imagine acts against charity that do not offend justice (in its proper sense), as for example incontinence or hatred (though these would be against divine justice). Even an account of infused justice would not refer to charity as its measure (the description of infused temperance in ST I-II 63.4 similarly forgoes any reference to charity). A fortiori, a discussion of injustice in the case of acquired justice would preclude any mention of charity. What, then, is the text actually saying?

We observe a threefold surprise:

First, on many occasions Aquinas determines the relation of the unjust act and charity as one of opposition, whereby these unjust acts are destructive of charity, such as mortal sins. This relation is surprising, since the formal definition of injustice does not depend on its opposition

¹³⁷ See ST II-II 70.3 ad 3: “de necessitate salutis.”

to charity, but on its failure to attain equality; its character as damaging the peaceful political life. But in a few places he refers to this formal ratio of injustice.¹³⁸ More often, he qualifies the unjust act simply as contrary to charity.

Secondly, he classifies different unjust acts as venial sins which – by definition – presuppose charity.

Thirdly, he asserts that extrajudicial speech cannot be specified by merely external standards, but it has to take into account the agent's internal intention. This requirement, however, clearly exceeds the scope of acquired justice as a political virtue; hence, it is a further indication for infused virtue.

An important preliminary remark: Assuming that Aquinas determines unjust acts as against charity – why should this be a hint for infused justice? Would such a description make sense not also for acquired justice? For acts contrary to acquired justice which are – simultaneously – destructive to the order of grace?

Indeed, it is a serious objection. It can be replied only in an indirect way: It is true that every act against acquired justice is simultaneously against charity; it is a mortal sin since any kind of injustice contradicts benevolence and contradicts therefore charity (see section 5.2). However, it is likewise true that an agent, who has charity, has likewise infused justice; he *must* have infused justice (since for Aquinas by grace all virtues are given at once). Moreover, the graced agent who achieves a just act never acts by mere acquired justice but he *must* act by infused justice. This follows clearly from Aquinas's general understanding of the graced agent and his infused virtues.¹³⁹ Thus, if St. Thomas discusses justice and injustice in reference to charity, i.e. justice of the graced agent, he obviously speaks about somebody who acts against his infused justice. The agent may have also acquired justice, but this would be in fact an accidental supplement.

Consequently, if the treatise on justice portrays unjust acts as against charity, we can count it indeed as strong indication for infused justice.

¹³⁸ One of the few texts is ST II-II 109.3 ad 1: "Homo est animal sociale, naturaliter unus homo debet alteri id sine quo societas humana conservari non posset." Similarly in ST II-II 114.2 ad 1.

¹³⁹ See the results of chapter 3. Aquinas's position as to that is clear from *De virt. in com.* 10 ad 4.

a) The Determination of Unjust Acts as Contrary to Charity

Aquinas devotes four articles to the question about injustice.¹⁴⁰ As one would expect, he determines injustice by a defect of the formal notion of justice, i.e., as *inaequalitas ad alterum*. “Injustice is said in reference to an inequality between one person and another, when one man wishes to have more goods, riches for example, or honors, and less evils, such as toil and losses.”¹⁴¹ This suffices for his description of injustice in regard to a particular matter. Legal injustice, however, simply means the transgression of any law (we will say more about this second option later, in section 7.5). The analysis of the unjust act is deepened in the second article, which carves out the consequences of the objective character of justice, for example, the possible material determination of the unjust act regardless of the intention or attention of the agent (which is impossible in the case of, e.g., temperance).¹⁴²

At this point Aquinas could conclude his specification of the unjust act. Everything that is essential has been said. However, there follows in the third article – apparently as an Aristotelian vestige – an inquiry whether one can suffer injustice willingly (we will soon see that it is more than a question continued in honor of Aristotle). And there is yet a fourth article: Whether whoever does an injustice sins mortally. But why is a question on this matter pertinent? Injustice was already determined by its formal notion in the first article, while the second article clarified the relationship of its substance to the interior act of the will. Why at the end a question about mortal sins?

The fourth article claims that every unjust act is a mortal sin. Aquinas argues in two ways: First, in the *sed contra* from the perspective of the divine law.

Whatever is contrary to the law of God is a mortal sin. Now, whoever does something unjust does that which is contrary to the law of God, since it is traced back either to theft, or to adultery, or to murder, or to something of the kind, as will be shown further on. Therefore, whoever does something unjust sins mortally.¹⁴³

¹⁴⁰ ST II-II 59.

¹⁴¹ ST II-II 59.1: “Dicitur iniustitia secundum inaequalitatem quandam ad alterum, prout scilicet homo vult habere plus de bonis, puta divitiis et honoribus; et minus de malis, puta laboribus et damnis.”

¹⁴² ST II-II 59.2 ad 3; see footnote 2.

¹⁴³ ST II-II 59.4 *sed contra*: “Quidquid est contra legem dei est peccatum mortale. Sed quicumque facit iniustum facit contra praeceptum legis dei, quia vel reducitur ad furtum, vel ad adulterium, vel ad homicidium; vel ad aliquid huiusmodi, ut ex sequentibus patebit. Ergo quicumque facit iniustum peccat mortaliter.”

The argument in the body of the article runs from the proper essence of a mortal sin, i.e. its contrariety to charity:

A mortal sin is what is contrary to charity, which gives life to the soul. Now every injury inflicted on another person is of itself contrary to charity, which moves one will the good of another. And so, since injustice always consists in an injury inflicted on another person, it is evident that to do something unjust is a mortal sin according to its genus.¹⁴⁴

Admittedly, the assertion is not sensational but rather trivial. Charity implies benevolence for one's neighbor; injustice inflicts damage. Consequently, unjust acts are *ipso facto* contrary to charity. What is sensational, however, is the fact that Aquinas makes the assertion in this place; that he felt urged in the context of injustice to devote a special article to the issue of whether an unjust act, which is already sufficiently determined as retaining something due, contradicts charity, beyond its formal inadequacy *ad alterum*. For the determination of the unjust act *as unjust act*, the fourth article is simply superfluous. The analysis of the unjust act as mortal sin clarifies in addition its relationship to charity, and this means: its impact on the relationship of the graced person to God as his final end.

The architecture of q. 59 teaches us that the unjust act can be considered from two sides: Either as defined by its proper object or in regard to its implications for the order of charity; either as withholding what is due to the other, or as destructive to charity. For justice itself (or injustice itself), the first characterization is sufficient; the second is redundant – except supposing that the whole discussion is about infused justice. Only if in q. 59 Aquinas is describing injustice as opposed to infused justice, it makes perfect sense to add a special article for determining its relationship to charity as the end of all infused virtues. According to our reconstruction in chapters 5 and 6, infused justice disposes man to render to everyone his due for the sake of preserving the order of charity. The object of infused justice is determined by the objective relation to the other, but the final intention of its acts stems from charity. The two-part structure of q. 59 – namely the formal determination of injustice (articles 1 and 2) and its relationship to charity (article 4) – makes only sense if Aquinas is discussing infused justice.

¹⁴⁴ ST II-II 59.4: “Peccatum mortale est quod contrariatur caritati, per quam est animae vita. Omne autem nocumentum alteri illatum ex se caritati repugnat, quae movet ad volendum bonum alterius. Et ideo, cum iniustitia semper consistat in nocumento alterius, manifestum est quod facere iniustum ex genere suo est peccatum mortale.”

Our thesis is also confirmed by the subsequent questions. The formal ratio of the vices to justice must be determined by their *inaequalitas ad alterum*. Hence, unjust acts are first of all sins against justice. “To take an alien thing is a sin against justice.”¹⁴⁵ “If . . . he wickedly extorts something, he sins against justice.”¹⁴⁶ “If somebody takes money, by tacit or expressed agreement, as a return for lending money or anything else that is consumed by being used, he sins against justice.”¹⁴⁷ However, in addition to the specification of proper object of the unjust act (i.e. its inequality), Aquinas describes throughout the treatise the impact of the unjust act on the order of charity. A good example is provided by q. 66 on theft and robbery. After some introductory articles¹⁴⁸ Aquinas poses the question whether theft is always a sin.¹⁴⁹ He affirms the sinfulness of the act “because of its opposition to justice, which gives to each one what is his, so that for this reason theft is contrary to justice.”¹⁵⁰ So far so good. The malice of thievery is defined by reference to the formal notion of justice. However, Aquinas is not content with this formal determination. He adds a further article on the same topic, now asking whether theft is a mortal sin. It is here that he determines the impact of thievery on charity:

A mortal sin is one that is contrary to charity as the spiritual life of the soul. Now charity consists principally in love of God, and secondarily in love of our neighbor, which is shown in our wishing and doing him well. But by thievery man inflicts harm to his neighbor in his belongings; and if men were to rob one another habitually, human society would be undone. Therefore theft, as being opposed to charity, is a mortal sin.¹⁵¹

This second discussion of thievery brings nothing new regarding its formal determination as an unjust act; the substance of the act was already clarified in art. 5. Supposing that the subject of the question is acquired justice, the sixth article is needless. The only reasonable argument for a resumption of the issue is the intention to clarify the effects of thievery on the supernatural order, beyond its proper object.

¹⁴⁵ ST II-II 62.8: “Accipere rem alienam est peccatum contra iustitiam.”

¹⁴⁶ ST II-II 71.4: “Si . . . aliquid immoderate extorqueat, peccat contra iustitiam.”

¹⁴⁷ ST II-II 78.2: “Si aliquis pro pecunia mutuata, vel quacumque alia re quae ex ipso usu consumitur, pecuniam accipit ex pacto tacito vel expreso, peccat contra iustitiam.”

¹⁴⁸ For example, whether it is licit to possess something as his own; what is the right definition of thievery etc.

¹⁴⁹ Cf. ST II-II 66.5.

¹⁵⁰ ST II-II 66.5. Aquinas also mentions a second reason, which is, however, irrelevant for our question, namely “ratione doli seu fraudis, quam fur committit occulte et quasi ex insidiis rem alienam usurpando.”

¹⁵¹ ST II-II 66.6: “Peccatum mortale est quod contrariatur caritati, secundum quam est spiritualis animae vita. Caritas autem consistit quidem principaliter in dilectione dei, secundario vero in dilectione proximi, ad quam pertinet ut proximo bonum velimus et operemur. Per furtum autem homo infert nocumentum proximo in suis rebus, et si passim homines sibi invicem furarentur, periret humana societas. Unde furtum, tanquam contrarium caritati, est peccatum mortale.”

Another example is the article on suicide in ST II-II 64.5. St. Thomas gives three reasons why killing oneself is not allowed: First, it is against man's own self-love; secondly, it is against justice regarding the human community; thirdly, it is against God who alone is the Lord of life and death. Hence, suicide is always sinful. Whereas the body of the article points to the injury of that threefold relation (against oneself, against the human community, and against God), the reply to the first objection distinguishes suicide as contrary to justice and/or charity; i.e. the twofold opposition of the unjust act: "Murder is a sin, not only because it is contrary to justice, but also because it is opposed to charity, which a man should have towards himself: in this respect suicide is a sin in relation to oneself. In relation to the community and to God, it is sinful because of its opposition to justice."¹⁵² The description of suicide as an unjust act is extended: It is not only depicted as opposed to justice (though such an account would be sufficient in this context), but also as contrary to charity.

A reader may doubt whether it is necessary to read the concept of *caritas* generally as a signal-term for love as a theological virtue, and consequently as an indication of the supernatural order. Would it not be possible to read the whole article – and also the preceding quotations – as statements about acquired justice on the basis of a natural love; injustice as opposed to justice and the *amor naturalis*? Every agent is inclined to preserve his own substantial being *by nature*, to live in a human community *by nature*, and ultimately to love God *by nature* as his creator.¹⁵³ The objection may theoretically be made, even if it is difficult to imagine Aquinas using the technical term of *caritas* here for man's natural inclination. But Aquinas himself eliminates that interpretation. In the very same article on suicide he explains: "Suicide is contrary to the inclination of nature and contrary to charity, whereby every man should love himself. Hence, suicide is always a mortal sin, as being contrary to the natural law and contrary to charity."¹⁵⁴ Thus, St. Thomas himself acknowledges the difference between natural love and supernatural charity in this context, and describes the unjust act as opposed to both kinds of love. Something analogous can be shown for the previous quotations.¹⁵⁵

¹⁵² ST II-II 64.5 ad 1: "homicidium est peccatum non solum quia contrariatur iustitiae, sed etiam quia contrariatur caritati quam habere debet aliquis ad seipsum. Et ex hac parte occisio sui ipsius est peccatum per comparisonem ad seipsum. Per comparisonem autem ad communitatem et ad deum, habet rationem peccati etiam per oppositionem ad iustitiam."

¹⁵³ See ST I-II 94.2; 109.3 ad 1.

¹⁵⁴ ST II-II 64.5: "Quod aliquis seipsum occidat est contra inclinationem naturalem, et contra caritatem, qua quilibet debet seipsum diligere. Et ideo occisio sui ipsius semper est peccatum mortale, utpote contra naturalem legem et contra caritatem existens."

¹⁵⁵ So for example in ST II-II 66.6, where he describes sin as "contrariatur caritati secundum quam est spiritualis animae vita." But Aquinas would never describe *natural love* as the *spiritual life* of the soul.

It is impossible to analyze each text that qualifies a particular unjust act as a mortal sin and opposed to charity. The issue is present like a golden thread throughout the whole section.¹⁵⁶ It is a fact that could be hardly explained if the treatise were only concerned with acquired justice.

b) Unjust Acts as either Venial or Mortal Sins

Besides the examination of the impact of unjust actions on the order of charity, we find another topic in the treatise, the repetitive resumption of which only makes sense if a graced agent is presupposed. It is the specification of some unjust acts as venial sins. The section qq. 58 to 79 contains a number of articles devoted to a classification of unjust acts as either mortal or venial sins, or permitted acts (i.e. *not* unjust acts). A good example is suspicion; Aquinas distinguishes different kinds of the judgment to suspect another, which are not always mortal sins.

Now there are three degrees of suspicion. The first degree is when a man begins to doubt of another's goodness from slight indications. This is a venial and a light sin . . . The second degree is when a man, from slight indications, esteems another man's wickedness as certain. This is a mortal sin, if it be about a grave matter, since it cannot be without contempt of one's neighbor. . . . The third degree is when a judge goes so far as to condemn a man on suspicion: this pertains directly to injustice, and consequently is a mortal sin.¹⁵⁷

¹⁵⁶ Some further examples: "Quicumque facit contra debitum iustitiae, mortaliter peccat." (ST II-II 69.1). And: "Ille qui mentitur in iudicio se excusando, facit et contra dilectionem dei, cuius est iudicium; et contra dilectionem proximi, tum ex parte iudicis, cui debitum negat; tum ex parte accusatoris, qui punitur si in probatione deficiat." (ST II-II 69.1 ad 3). Likewise in ST II-II 76.3: The act of cursing means the utterance of evil against someone by way of command or desire; but "Velle autem, vel imperio movere ad malum alterius, secundum se repugnat caritati, qua diligimus proximum volentes bonum ipsius. Et ita secundum suum genus est peccatum mortale." ST II-II 64.6 ad 2 pictures the killing of an innocent person as contrary to charity. The case is especially interesting since Aquinas asserts that the unjust act can differ in the degree of sinfulness depending on the amount of charity which the other deserves. "Ille qui occidit iustum gravius peccat quam ille qui occidit peccatorem . . . quia nocet ei quem plus debet diligere, et ita magis contra caritatem agit." ST II-II 70.4 describes rendering a false testimony as a mortal sin. In some cases, jesting is also contrary to charity (ST II-II 75.2 ad 2).

¹⁵⁷ ST II-II 60.3: "Est autem triplex gradus suspicionis. Primus quidem gradus est ut homo ex levibus indiciis de bonitate alicuius dubitare incipiat. Et hoc est veniale et leve peccatum . . . Secundus gradus est cum aliquis pro certo malitiam alterius aestimat ex levibus indiciis. Et hoc, si sit de aliquo gravi, est peccatum mortale, inquantum non est sine contemptu proximi . . . Tertius gradus est cum aliquis iudex ex suspitione procedit ad aliquem condemnandum. Et hoc directe ad iniustitiam pertinet. Unde est peccatum mortale."

Similar quotations could be multiplied.¹⁵⁸

The relevance of this classification – unjust acts as either mortal or venial sins – for the question of infused justice demands a short excursus on *peccatum veniale*.¹⁵⁹ Sin in its proper sense signifies the aversion of the reasonable creature to God as his final end. In other words: Since man's order towards God as *finis ultimus* is constituted by charity, every act that contradicts charity is a sin in its proper sense. Sin of such kind is called *mortal* since, once the order to the final end is destroyed, it is impossible to restore the order by the agent's own powers. The choice of a wrong means may be revised if one acknowledges the inappropriateness of a past decision in reference to one's final end; but once the principal orientation is lost, there remains no possibility of self-restoration – just as the dead body is unable to recover.¹⁶⁰ Hence, sins against charity are called mortal sins. “If the will intends something which by itself contradicts charity, by which man is directed to the ultimate end, the sin is mortal by its own object.”¹⁶¹

Not every sin, however, undermines the agent's orientation towards his final end. There is a large range of actions which are neither acts inspired by charity, nor which directly destroy man's ordering towards God; acts concerning temporal goods used for wrong motives, but which do not destroy man's habitual orientation towards God. Since the order to the final end remains preserved, they can be repaired by an actual reconsideration and affirmation of the order of charity (i.e. by an *act* of charity); hence, they are called *venial* sins.¹⁶²

Thus, the special character of venial sins consists in the compatibility of their *acts* with the *habit* of charity. Whereas every mortal sin – even the first one – excludes the orientation of charity and thereby destroys the habit of charity (and with it all the other infused virtues and gifts), venial sins only exclude an *actual* orientation towards God. They exclude the *act* of

¹⁵⁸ See ST II-II 59.4 ad 2; 60.3; 72.2; 73.2, esp. ad 2 and 3; 73.3-4 75.1-2; 76.3-4; 79.4 ad 3 etc. Besides ST II-II 60.3 also ST II-II 72.2 contains a “complete” distinction of reviling as a mortal sin, as a venial sin, or as a permissible act. Normally, reviling is a mortal sin. “Si vero aliquis verbum convicii vel contumeliae alteri dixerit, non tamen animo dehonorandi, sed forte propter correctionem vel propter aliquid huiusmodi, non dicit convicium vel contumeliam formaliter et per se, sed per accidens et materialiter, inquantum scilicet dicit id quod potest esse convicium, vel contumelia. Unde hoc potest esse quandoque peccatum veniale; quandoque autem absque omni peccato.” Similar ad 3.

¹⁵⁹ P. DeLetter, “Venial Sin and its Final Goal,” *The Thomist* 16 (1953): 32-70; Donlan, “The Theology of Venial Sin,” 74-94; Pieper, “Über den Begriff der Sünde,” 255-260.

¹⁶⁰ Cf. ST I-II 88.1.

¹⁶¹ ST I-II 88.2: “Cum enim voluntas fertur in aliquid quod secundum se repugnat caritati, per quam homo ordinatur in ultimum finem, peccatum ex suo obiecto habet quod sit mortale.”

¹⁶² “Peccata autem quae habent inordinationem circa ea quae sunt ad finem, conservato ordine ad ultimum finem, reparabilia sunt. Et haec dicuntur venialia.” (ST I-II 88.1). Elsewhere Aquinas notes that such sins are “facile remissibile” (ST I-II 89.3 ad 1). He even affirms that venial sins are not “contra legem” but rather “praeter legem” (*De malo* 7.1 ad 1), and consequently not “malum simpliciter” but “malum secundum quid” (*De malo* 7.5 ad 4). See the helpful article Michael Konrad, “I peccati veniali sono degli ‘intrinsece mala’?,” *Aquinas* 47 (2004): 611-638.

charity, but they leave untouched the habitual orientation. “The venial sin does not exclude the habitual orientation of the human act towards the glory of God, but only the actual [orientation], since it does not exclude charity, which habitually orders to God.”¹⁶³

That brief synopsis of venial sin is enough for appreciating the observation that Aquinas invokes the distinction of venial and mortal sin in the context of justice: The effort to differentiate unjust acts as mortal or venial sins is possible only under the condition of the agent’s principal directedness towards God as the final end by charity. Therefore, if the treatise on justice were concerned only about an acquired virtue, which by definition disregards man’s relation towards his final end, then it would not make sense to ask again and again whether some unjust acts are compatible with the habit of charity or not. Hence, Aquinas’s labor to distinguish precisely between unjust acts as mortal or venial sins demonstrates once more that his concern is for infused justice.

A further indication: The theological use of Aristotle.

To this point we have argued only from the fact that Aquinas differentiates between mortal and venial sins. The question of what a venial unjust act must be like, will again show how the structure of the treatise is formed by a theological intention.

In ST II-II 59.4, which asks whether every unjust act is a mortal sin, the second objection doubts whether injustice “in a small matter” can be considered as a mortal sin. Aquinas responds: “He who does injustice in small matters falls short of the perfection of an unjust deed, in so far as what he does may be judged not altogether contrary to the will of the person who suffers therefrom: for instance, if a man take an apple or some such thing from another man, in which case it is probable that the latter is not hurt or displeased.”¹⁶⁴ Though he does not use the term of “venial sin,” the example is certainly a case of a *peccatum veniale*. The argument is: If somebody commits an act of inequality against another that does not really contradict the other’s will, it does not realize the full ratio of injustice. It is not an injury in the proper sense, and therefore it is not to be considered as a mortal sin – though materially speaking the act (i.e., objectively) causes a certain inequality (e.g., taking the other’s property). Stealing a “small matter” creates an inequality, but may not be against the will of the other;

¹⁶³ ST I-II 88.1 ad 2: “Veniale autem peccatum non excludit habitualement ordinationem actus humani in gloriam dei, sed solum actualement, quia non excludit caritatem, quae habitualiter ordinat in deum.”

¹⁶⁴ ST II-II 59.4 ad 2: “Ille qui in parvis facit iniustitiam, deficit a perfecta ratione eius quod est iniustum facere, inquantum potest reputari non esse omnino contra voluntatem eius qui hoc patitur, puta si auferat aliquis alicui unum pomum vel aliquid tale, de quo probabile sit quod ille inde non laedatur, nec ei displiceat.”

hence, it is a venial sin. Similarly the mere doubting someone's goodness because of some indications (without prejudging him, see ST II-II 60.3) is not mortal. With this reasoning in mind, the significance of the preceding "Aristotelian" article suddenly becomes clear. As we have seen (section 7.2.4a), ST II-II 59.3 poses the question whether one can suffer injustice willingly; a question that at first glance reproduces a particular issue out of reverence for Aristotle, who discussed the question at great length,¹⁶⁵ but which is superfluous for the argument in the *Summa*. Now, however, the Aristotelian question appears as the preparatory introduction to the more serious question in the forth article concerning injustice as mortal sin; as a preparation for the understanding that at times the achievement of some inequality does not injure the other because of his consent. Consequently, it is not to be evaluated as mortal sin but rather as venial.

Admittedly, this observation does not provide a further specification of infused justice. But it is an excellent example of, how Aquinas employs an issue raised by the Greek philosopher in the service of his theological concern, and thereby gives it a wholly new function. Yes, there is an external resemblance to the *Nicomachean Ethics*; but the matter is internally transformed. Aquinas uses the traditional questions to determine the impact of just and unjust acts on the supernatural order.

c) Unjust Acts That Depend on the Inward Intention

As we noted in section 7.1, ST II-II 67-76 corresponds to the eighth precept of the Decalogue, which is not primarily about telling lies, but about any injustice committed by words. Qq. 67-71 describe unjust acts committed within the context of court proceedings, which are not limited to false testimony, but include any speech which can influence the judge's sentence and *thereby* cause injustice. The following part, qq. 72-76, analyses injustice committed in everyday conversations, such as reviling (openly damaging someone's reputation), detraction (privately damaging someone's reputation), whispering (speaking or conversing maliciously about a person), mockery (publicly heaping insult on another) and cursing (uttering evil against someone, either by ordering it or expressing the desire for it). It is noteworthy that none of these acts imply the telling of untruths. They are qualified as unjust acts not because of a contrariety to truth (rather it is presupposed that the things revealed are true) but because

¹⁶⁵ See NE V 11, commented by Aquinas in *In ethic.* V 14.

they are a certain kind of “thievery” of another’s good name and reputation.¹⁶⁶ However, there is an important difference to murder and theft: Whereas a murderer or thief destroys or removes the good of the other *directly*, in verbal offeances he does so *indirectly*. The direct action is the uttering of something evil regarding the other – an action that is not evil in all cases. For example, it might sometimes be an act of charity to inform a superior about a hidden crime so that he can apply the necessary remedies. But the same speech may be uttered with the intention of undermining the other’s good reputation. Hence, it is not the speech in itself that causes an inequality regarding the other (in the case of detraction, the act itself is only to a third person), but its effects, namely, that it prevents the other from receiving the respect that is due to him by a third party.

Because of this indirectness, Aquinas explains that injustice in extra-juridical speech depends on the intention on account of which it is uttered. “Words are not damaging to other persons as being sounds, but as being signs, and this signification depends on the speaker’s inward intention. Hence, in sins of word, it seems that we ought to consider with what intention the words are uttered.”¹⁶⁷

Of course, this assertion does not imply that reviling, detraction, whispering, etc. depend on the individual affective conditions of the subject, as do the acts of temperance or fortitude; in this case it is the voluntary intention that qualifies a certain external act (i.e. the revelation of an evil) as just or unjust – depending on whether it was done for the other’s good (correction) or evil (calumny).

There are two points which are significant for our project:

First, the dependence of the determination of justice on the interior intention implies that it can be difficult to estimate a concrete action from a merely external standpoint. As a result, these acts are not judged by the public authority. In these questions, Aquinas does not once refer to the human law as the measure of these acts,¹⁶⁸ and we want to suggest that incommensurability of these acts with the human law is precisely the reason that Aristotle altogether omitted a discussion of them.¹⁶⁹ At the same time, however, we notice an increasing number of quotations taken from Sacred Scripture that condemn reviling, detraction, etc. The divine law can prohibit these acts since it governs external *and internal*

¹⁶⁶ Aquinas describes those acts indeed as parallel to thievery; cf. ST II-II 73.3.

¹⁶⁷ ST II-II 72.2: “Verba in quantum sunt soni quidam, non sunt in nocumentum aliorum, sed in quantum significant aliquid. Quae quidem significatio ex interiori affectu procedit.” Likewise in ST II-II 75.1 or 109.1.

¹⁶⁸ See our list in footnote 64.

¹⁶⁹ As Mongillo notes, Aristotle omits even unjust deeds on legal proceedings (Mongillo, “La struttura del ‘De iustitia’,” 360).

acts.¹⁷⁰ Admittedly, the acts in question are already prohibited by the natural law, but Aquinas uses the precepts of the divine law as *ius positivum* for guaranteeing the observance of the natural law in cases where the human law must fall short. In this way, all acts which would damage the supernatural order – even acts that are compatible with the public order of the city (as, e.g., derision) – are qualified as unjust.

Secondly, though it is true that these vices are contrary to the natural love for the other (or possibly you mean: contrary to love for the other for purely natural reason), Aquinas describes them – throughout the questions – as *contra caritatem*¹⁷¹ and as *peccatum mortale*,¹⁷² and carefully distinguishes some special cases as *peccata venialia*.¹⁷³ Hence, it is clear that Aquinas presupposes an agent equipped with charity.

In summary, we can conclude at the end of this section: If St. Thomas describes unjust acts as mortal sins and as contrary to charity, he is principally writing about infused justice. Our thesis is confirmed by the repeated distinction of mortal and venial sin, insofar as the latter term is defined as a disordered act under the condition of charity. Further, there is an entire section that treats of unjust acts whose qualification as virtuous or evil depends only on the agent's internal motivation – an issue which would be irrelevant for acquired justice.

7.2.5 The Promise of Supernatural Merit for Just Actions

As a final indication that infused justice is the object of consideration in ST II-II 58-79, we want to call attention to some scattered remarks which describe just actions as *meritorious*. We assert that in the context of the *Secunda secundae*, the term *merit* implies supernatural merit, i.e., works performed by an agent in the state of grace whereby he earns eternal life *ex*

¹⁷⁰ Of course, the observation does not imply that reviling, detraction, whispering, etc. are only determinable by the individual conditions of the subject, as is the case with the acts of temperance or fortitude. Whether an act is detraction or not does not depend on the emotional constitution of the agent.

¹⁷¹ E.g. ST II-II 75.2 ad 1: “Ludus non importat aliquid contrarium caritate respectu eius cum quo luditur: potest tamen importare aliquid contrarium caritati respectu eius de quo luditur, propter contemptum.” Similar explicit in ST II-II 76.3. Significant is also his argument for the sinfulness of detracting in ST II-II 74.2 ad 3: “Ille qui detrahit fratri intantum videtur detrahare legi inquantum contemnit praeceptum de dilectione proximi. Contra quod directius agit qui amicitiam disrumpere nititur. Unde hoc peccatum maxime contra deum est, quia *deus dilectio est*, ut dicitur I Ioan. IV.”

¹⁷² Cf. ST II-II 72.2; 73.2; 74.4; 75.2.

¹⁷³ See ST II-II 72.2, corp. and ad 3; 73.2 ad 2 and 3; 75.2 corp. and ad 2; 76.3.

condigno.¹⁷⁴ If we succeed in proving this claim, we will once again have demonstrated that Aquinas speaks about acts of infused justice, as only the acts of infused virtues merit eternal reward.¹⁷⁵

Two preliminary remarks: We admit that Aquinas mentions the meritorious character of just acts only a few times. This observation, however, is not an objection: rather, it is to be expected. As Aquinas explains in an earlier question, merit is earned – first of all – by the act of charity, and only secondarily by the acts of other virtues insofar as they are commanded by charity.¹⁷⁶ Hence, the mere achievement of the “object” of justice – i.e. the *opus adaequatum* – does not carry merit unless it is achieved out of charity.¹⁷⁷ But as we have seen, the just act has to be determined irrespective of motives, simply by reference to its objective adequacy with respect to the other – as *materialiter iustum*.¹⁷⁸ Thus, it is no cause of wonder that we discover only incidental remarks concerning merit for just acts.

Furthermore, when Aquinas mentions merit for just actions he does not specify it *expressis verbis* as meritorious for eternal life. Of course, St. Thomas also has a concept of temporal merit. In the *Prima secundae* he asserts generally for every human act: “Merit and demerit are said in relation to retribution, rendered according to justice. But retribution according to justice is rendered to a man, by reason of his having done something to another’s advantage or injury.”¹⁷⁹ He goes on to show how our actions deserve merit (or demerit) from the human community as well as from other individuals.¹⁸⁰ Hence, could the scattered remarks on merit in the *Secunda secundae* not be read as assertions about temporal reward? We do not think this reading can be sustained, because of the common use of the term *meritum* in the context of the *Secunda secundae*. In the treatises on the other virtues, Aquinas often discusses the meritorious character of the virtue’s acts. In these discussions, the struggle to act virtuously

¹⁷⁴ Cf. ST I-II 114.3.

¹⁷⁵ Cf. *De virt. in com.* 10 ad 4.

¹⁷⁶ “Meritum vitae aeternae primo pertinet ad caritatem, ad alias autem virtutes secundario, secundum quod eorum actus a caritate imperantur.” (ST I-II 114.4).

¹⁷⁷ Helpful, therefore, is *In sent.* III 36.1.6: Merely by observing the commandments, the agent does not earn merit. Only if they are observed by the right *modus* does the agent also receive the *fruit of the precepts*. “Dicimur enim ad mandata teneri dupliciter. Uno modo ita quod nisi impleamus hoc ad quod tenemur, sumus omissionis vel transgressionis rei, et secundum hoc tenemur solum ad substantiam mandati, non ad modum. Alio modo ita quod si non impleamus id ad quod tenemur, non percipimus mandati fructum; et sic tenemur ad substantiam operis, et ad modum, sine quo quantumcumque homo substantiam operis exequatur, ad vitam non perveniet.”

¹⁷⁸ ST II-II 59.2.

¹⁷⁹ ST I-II 21.3: “Meritum et demeritum dicuntur in ordine ad retributionem quae fit secundum iustitiam. Retributio autem secundum iustitiam fit alicui ex eo quod agit in profectum vel nocumentum alterius.” See also ST I-II 114.1.

¹⁸⁰ This is particularly clear from ST I-II 21.4 ad 3, where he emphasizes that *not every* act deserves merit from the human community (since some are known only to God). This implies, however, that some actions are meritorious regarding the human society.

(almost) always demands supernatural merit.¹⁸¹ In the question on prayer – as potential part of justice – he even asserts that prayer without grace cannot be meritorious.¹⁸² Thus, the term *merit* must refer to a supernatural reward.

Furthermore, the few remarks of this kind in the treatise on justice are accompanied by other indirect references to the supernatural order; we will investigate them in what follows.

The first remark is found in ST II-II 58.3. The second objection claims: “That which is done by necessity is not meritorious. But to render to a man what is due to him, which belongs to justice, is necessary. Therefore, it is not meritorious. But by the acts of virtues we gain merit. Therefore justice is not a virtue.”¹⁸³ Aquinas replies by arguing that not every *necessitas* contradicts merit:

Necessity is twofold. One arises from constraint, and this takes away the account of merit, since it is against the will. The other necessity arises from the obligation of a precept or from the necessity of an end, sc. when a man is unable to attain the end of virtue without doing that particular thing. The latter necessity does not exclude merit, when a man does voluntarily that which is necessary in this way. It does however exclude the glory of supererogation, according to 1 Cor 9, *If I preach the gospel, it is no glory to me, for a necessity lies upon me.*¹⁸⁴

Theoretically, the argument could be read as an assertion about any just act which earns a temporal reward from the human community. But in addition to the typical use of the term *meritum* in the *Secunda secundae*, the comparison of voluntary but necessary acts with supererogatory acts in the citation of St. Paul also indicates a theological background. In many places Aquinas invokes the distinction between necessary acts, which are due to

¹⁸¹ The “statistics” of the ST II-II is impressive: In the following texts, the term *meritorious* is used *clearly* in regard to a supernatural reward: ST II-II 2.9; 10.4; 13.4 ad 2; 17.7 ad 3; 24.10; 27.7 and 8; 29.4 ad 1; 32.9 ad 2; 33.2 ad 3; 40.2 ad 4; 83.7 ad 2; 83.13; 83.15; 83.16 ad 2; 88.6; 104.3; 110.2 ad 3; 124.2 ad 2; 124.4 ad 3; 164.1 ad 6; 182.2; 184.8. Uncertain whether temporal or supernatural reward are only ST II-II 104.1 ad 3 (one earns merit “maxime apud deum”); 129.6 ad 3; 158.2 ad 1; 162.4. But even these texts do not exclude an interpretation as concerning supernatural merit.

Also of interest is Aquinas’s discussion of merit in general (ST I-II 114). There he specifies merit in its proper sense as earning eternal life. “Vita aeterna est simpliciter praemium operum iustitiae.” (ST I-II 114.10). Temporal goods belong to merit only *secundum quid*.

¹⁸² “Oratio quae est sine gratia gratum faciente meritoria non est, sicut nec aliquis alius actus virtuosus. Et tamen etiam oratio quae impetrat gratiam gratum facientem procedit ex aliqua gratia, quasi ex gratuito dono, quia ipsum orare est quoddam donum dei.” (ST II-II 83.15 ad 1. See also 83.16 ad 2).

¹⁸³ ST II-II 58.3 arg. 2: “Quod fit ex necessitate non est meritorium. Sed reddere alicui quod suum est, quod pertinet ad iustitiam, est necessitatis. Ergo non est meritorium. Actibus autem virtutum meremur. Ergo iustitia non est virtus.”

¹⁸⁴ ST II-II 58.3 ad 2: “Duplex est necessitas. Una coactionis, et haec, quia repugnat voluntati, tollit rationem meriti. Alia autem est necessitas ex obligatione praecepti, sive ex necessitate finis, quando scilicet aliquis non potest consequi finem virtutis nisi hoc faciat. Et talis necessitas non excludit rationem meriti, inquantum aliquis hoc quod sic est necessarium voluntarie agit. Excludit tamen gloriam supererogationis, secundum illud I ad Cor. IX, si evangelizavero, non est mihi gloria, necessitas enim mihi incumbit.”

precepts, and supererogatory acts, which are due to the evangelical counsels; but always as two degrees of the Christian perfection in charity.¹⁸⁵ This distinction also suggests that we are dealing here with a question of supernatural merit.

Q. 79 twice affirms the meritorious character of the act of justice. Both quotations are concerned with avoiding evil. However, merely failing to commit evil does not imply an act, and consequently, does not earn a reward. As a voluntary rejection, however, refraining from evil can be meritorious. “To decline from evil, considered as a part of justice, does not denote a pure negation, viz. not to do evil; for this does not deserve the palm, but only avoids the punishment. But it implies a movement of the will in repudiating evil, as the very term decline shows. And this is meritorious.”¹⁸⁶ Here too we find an indirect hint that Aquinas is thinking of an eternal reward: Regarding the insufficiency of the bare non-committing of evil acts (without a proper act), he makes the assertion (in allusion to the Gloss): “This does not deserve the palm.”¹⁸⁷ In other texts, however St. Thomas uses this biblical image to indicate martyrdom,¹⁸⁸ or for the palm of beatitude.¹⁸⁹ From these indications, it seems probable that ST II-II 79 also speaks about an eternal reward.

There are further allusions to supernatural merit: “An advocate, when he mercifully pleads the cause of a poor man, should have in view not a human but a divine reward.”¹⁹⁰ Though the citation does not claim merit for acts of proper justice, but rather for acts connected with justice, it is sufficient for our argument to show that in this article Aquinas describes the agent as someone who can earn supernatural merit by any actions, since this requires that he has infused justice. We find something similar two questions later, when Aquinas argues that

¹⁸⁵ E.g. ST II-II 25.9; 184.3; *De perf. spirit. vitae* 5 and 6. Aquinas makes a similar comparison in ST II-II 78.1 ad 4, with explicit reference to the evangelical counsel: “Dare mutuum non semper tenetur homo, et ideo quantum ad hoc ponitur inter consilia. Sed quod homo lucrum de mutuo non quaerat, hoc cadit sub ratione praecepti.”

¹⁸⁶ ST II-II 79.1 ad 2: “Declinare a malo, secundum quod ponitur pars iustitiae, non importat negationem puram, quod est non facere malum, hoc enim non meretur palmam, sed solum vitat poenam. Importat autem motum voluntatis repudiantis malum, ut ipsum nomen declinationis ostendit. Et hoc est meritorium, praecipue quando aliquis impugnatur ut malum faciat, et resistit.” And ST II-II 79.3 ad 4: “Omissio directe opponitur iustitiae, ut dictum est, non enim est omissio boni alicuius virtutis nisi sub ratione debiti, quod pertinet ad iustitiam. Plus autem requiritur ad actum virtutis meritorium quam ad demeritum culpae, quia bonum est ex integra causa, malum autem ex singularibus defectibus. Et ideo ad iustitiae meritum requiritur actus, non autem ad omissionem.”

¹⁸⁷ ST II-II 79.1 ad 2.

¹⁸⁸ E.g. ST II-II 124.1 ad 1.

¹⁸⁹ E.g. *De perf. spirit. vitae* 4.

¹⁹⁰ ST II-II 71.4 ad 1: “Advocatus, quando causae pauperum misericorditer patrocinatur, non debet intendere remunerationem humanam, sed divinam.” However, the advocate may take (and even demand) a human reward. If Christians were obliged to act *exclusively* for a divine reward, it would be – as Aquinas notes – finally impossible to sell things (ibid.). See thereto Stump, “Aquinas on Justice,” 70-71.

patience (which is essentially an infused virtue¹⁹¹) in the case of suffering defamation, increases one's merit.¹⁹²

Hence, though not frequently, Aquinas describes the act of justice as meritorious, and this is a clear indication that he is speaking about infused justice.

7.3 Some Objections to Our Interpretation

We want to raise some objections which could be made against the proposed interpretation:

7.3.1 Must Infused Justice Include Even Purely Internal Acts?

The most serious objection against our thesis is the following: The just act is defined as rendering everyone his due, inclusively avoiding any act that is harmful to another. But there are many internal acts that are contrary to the good of the other, as, for example, hatred, envy, or spitefulness. These acts do not only contradict charity but likewise undermine the community between men. Therefore, at least infused justice should take into account such internal acts. Or conversely: If a discussion of justice concentrates exclusively on external acts, it would seem to be concerned only with acquired justice.

What reply can be made to this objection? The argument has a superficial persuasiveness, but Aquinas himself provides the refutation. It is true that every kind of injury to another is an act of injustice. But in what way is a human agent able to injure another person? Every damage stands in relation to a certain good pertaining to the other; hence, a proper act of injustice can be performed only in regard to a good which can effectively be taken away by the evildoer. Thus, the following distinction becomes necessary:

¹⁹¹ See ST II-II 136.3.

¹⁹² ST II-II 73.4 ad 3: "Utilitas quae ex detractone provenit non est ex intentione detrahentis, sed ex dei ordinatione, qui ex quolibet malo elicit bonum. Et ideo nihilo minus est detractoribus resistendum, sicut et raptoribus vel oppressoribus aliorum, quamvis ex hoc oppressis vel spoliatis *per patientiam meritum crescat*."

The gravity of sins committed against one's neighbor must be weighed *per se* by the injury they inflict on him, since it is from this that they obtain the notion of culpability. Now, the greater the good taken away, the greater the injury. And while man's good is threefold, namely, the good of his soul, the good of his body, and the good of external things, the good of the soul, which is the greatest of all, cannot be taken from him by another, save as by an occasional cause; for instance, by an evil persuasion, which does not induce necessity. On the other hand the two latter goods, viz. of the body and of external things, can be taken away by violence.¹⁹³

Therefore, it belongs to the very essence of injustice (as contrary to a particular human virtue) – whether acquired or infused – to be limited to external operations concerning the bodily integrity of the other or external goods, material (such as money) as well as spiritual (such as a good reputation). The action of one agent can never directly damage the good of the soul of the other as grace, virtues, etc., which depends only on his own will (aside from God). The external actions of one agent may create circumstances that incline the other agent more easily to lose the good of his soul, i.e., an environment that influences his will to consent to evil things. These acts – which are the matter of scandals – are certainly sinful; even as mortal sins; but they are not acts of injustice.¹⁹⁴ They may be the occasion in which the other loses a spiritual good of his soul, but they do not realize the notion of an active injuring of the other, against the will of the other.¹⁹⁵

Thus, justice in its proper sense must be limited to external actions, even in the case of infused justice.

7.3.2 Pure Natural Reason as the Rule of Infused Justice?

One may raise another objection based on the general description of justice given in ST II-II 58. We know from ST I-II 63.4 that the formal difference between acquired and infused virtue lies in their different rule, sc. human reason and the divine law. In full coherence with, and as a confirmation of our thesis, we discovered many references to the divine law. Hence, we

¹⁹³ ST II-II 73.3: “Peccata quae committuntur in proximum sunt pensanda per se quidem secundum nocumenta quae proximo inferuntur, quia ex hoc habent rationem culpae. Tanto autem est maius nocumentum quanto maius bonum demitur. Cum autem sit triplex bonum hominis, scilicet bonum animae et bonum corporis et bonum exteriorum rerum, bonum animae, quod est maximum, non potest alicui ab alio tolli nisi occasionaliter, puta per malam persuasionem, quae necessitatem non infert, sed alia duo bona, scilicet corporis et exteriorum rerum, possunt ab alio violenter auferri.”

¹⁹⁴ It is not by chance that Aquinas attributes them to charity as its opposite vices (ST II-II 43).

¹⁹⁵ Here again the assertion of ST II-II 59.3 becomes important: It is essential for the unjust act to be *against the will* of the other.

should expect a corresponding note in the introductory question on justice. But in ST II-II 58.3 – whether justice is a virtue at all – we find instead the contrary statement:

A human virtue is one which renders a human act and man himself good, and this can be applied to justice. For the act of a man is made good by attaining the rule of reason, which is the rule whereby human acts are regulated. Hence, since justice regulates human operations, it is evident that it renders man's operations good.¹⁹⁶

The rule of justice is not the divine law, but right reason. But this is the exact description of the formal notion of acquired virtue.

A response to the objection can be made in the following way: As we mentioned in section 2.3.3, Aquinas often speaks in a deliberately imprecise way; i.e., he draws the outlines of his argument in general terms for the sake of a broader validity. We mentioned as an example the *Commentary on the Nicomachean Ethics*, where he describes prudence again and again as a perfection of reason “in regard to the whole moral matter”¹⁹⁷ and “in regard to the whole life,”¹⁹⁸ a description that – properly speaking – corresponds only to infused prudence. We may assume that St. Thomas had not in mind any infused virtue at this place. He is just speaking about moral virtue in the common sense, neither about acquired nor about infused virtue. It is in the same way that we can read the quotation from ST II-II 58.3. If Aquinas describes justice as virtue that is measured by reason, it is not necessary that he have specifically acquired justice in mind. He may simply think of justice as such; as a moral virtue which must be ruled by reason – prior to any distinction between acquired and infused justice. Thus, Aquinas's assertion can “contain” in a certain way both kinds of justice.

But we can go even a step further. In section 2.2 we discussed reason and the divine law as constituting the formal difference of acquired and infused virtues. Our finding there was that reason and divine law are not two parallel principles. In the graced person, reason is elevated by grace; it is led by the instigation of the Holy Spirit according to the rule of the divine law.

¹⁹⁶ ST II-II 58.3: “Virtus humana est quae bonum reddit actum humanum, et ipsum hominem bonum facit. Quod quidem convenit iustitiae. Actus enim hominis bonus redditur ex hoc quod attingit regulam rationis, secundum quam humani actus rectificuntur. Unde cum iustitia operationes humanas rectificet, manifestum est quod opus hominis bonum reddit.”

¹⁹⁷ See *In ethic.* VI 11.14. “Si essent diversae prudentiae circa materias diversarum virtutum moralium, sicut sunt diversa artificiorum genera, nihil prohiberet unam virtutem moralem esse sine alia, unaquaque earum habente prudentiam sibi correspondentem. Sed hoc non potest esse; quia eadem sunt principia prudentiae *ad totam materiam moralem*, ut scilicet omnia redigantur ad regulam rationis. Et ideo propter prudentiae unitatem omnes virtutes morales sunt sibi connexae.”

¹⁹⁸ *In ethic.* VI 4.3: “Si ergo ille qui est bene consiliativus ad aliquid particulare est prudens particulariter in aliquo negotio; consequens est, quod ille sit totaliter et simpliciter prudens qui est bene consiliativus de his quae pertinent *ad totam vitam*.”

These movements of the Holy Spirit, which are in correspondence to the divine law, do not replace reason, but rather perfect it. Consequently, even in the graced agent *reason* guides the human acts as *regula proxima* – although “informed by the divine law.”¹⁹⁹ Thus, if Aquinas sometimes refers to reason as the formal principle of justice, it is not a necessary argument that he has in mind an acquired virtue. The advertence to reason, in itself, is also open to an interpretation within a supernatural context. Concerning the terminology of Aquinas, J. Pieper explicitly affirms “that the concept of ‘reason’ contains *all* kinds of perception of reality, that especially the ‘reason’ of a Christian perceives also the reality of faith.”²⁰⁰ In fact, the numerous references to the divine law and additional ecclesiastical legal determinations (by which human reason is determined) rather suggest an understanding of reason in this more qualified sense, namely as informed by the divine law.

7.3.3 Is the “Spiritual Man” in Need of Justice?

In ST II-II 60.1, whether judgment is a proper act of justice, we find the following objection:

The Apostle says in 1Cor 2.15: The spiritual man judges all things. Now man is made spiritual chiefly by the virtue of charity, which is poured forth in our hearts by the Holy Spirit, who is given to us, as said in Rom 5.5. Therefore judgment belongs to charity rather than to justice.²⁰¹

Aquinas responds to the objection:

The spiritual man, by reason of the habit of charity, has an inclination to judge rightly of all things according to 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.²⁰²

¹⁹⁹ *De malo* 8.2: “lege dei informata.” Similar in *De malo* 2.4: “Bonum et malum in actibus humanis consideratur secundum quod actus concordat rationi informatae lege divina, vel naturaliter, vel per doctrinam, vel per infusionem.”

²⁰⁰ Pieper, “Traktat über die Klugheit,” 23.

²⁰¹ ST II-II 60.1 arg. 2.

²⁰² ST II-II 60.1 ad 2: “Homo spiritualis ex habitu caritatis habet inclinationem ad recte iudicandum de omnibus secundum regulas divinas, ex quibus iudicium per donum sapientiae pronuntiat, sicut iustus per virtutem prudentiae pronuntiat iudicium ex regulis iuris.”

The citation suggests a distinction between the capacity of the *homo spiritualis*, who knows how to judge by charity and the gift of wisdom, and the competence of the *iustus* who judges by the virtue of prudence in reference to a given law. It would seem that, if Aquinas were concerned with infused justice, he should mention it in this context, namely, in connection with charity and wisdom. But the text remains silent. On the contrary, the reply seems to distinguish between the just man who is led by prudence and by laws, and the spiritual man who has – seemingly – no need of justice. Is justice, then, only a virtue of the natural level, whereas the *homo spiritualis* is led simply by divine wisdom?

It is not necessary to interpret the spiritual and the just man as exclusive alternatives. They can also be read as different aspects of the one graced agent – and such an interpretation also conforms more perfectly to Aquinas’s general theory of the gifts of the Holy Spirit as outlined in section 1.3. The gifts do not establish a second mode of acting but cooperate with the corresponding infused moral virtues. The gift of wisdom gives a certain connaturality with the Holy Spirit as the moving principle in regard to knowing God as the highest cause of all things, and *therefrom* to judge all things. “He who knows the cause that is simply the highest, which is God, is said to be wise simply, because he is able to judge and set in order all things according to the divine rules”²⁰³ – theoretical matters as well as practical.²⁰⁴ Although the graced agent is disposed by the gift of wisdom to be moved directly by the Holy Spirit,²⁰⁵ he nevertheless needs some additional virtues which dispose his powers (intellect, will, passions) to act according to that new rule.

Hence, charity and the gift do not abolish the necessity of prudence and justice as virtue, i.e., as infused virtue. Thus, the quoted text not is ultimately an objection against the idea of infused justice but on the contrary, a further indication thereof. The graced agent, as possessing the gift of wisdom, judges all things, immediately moved by the Holy Spirit. But regarding interhuman actions, this universal judgment likewise implies prudence and justice, since the spiritual man (because of the guidance of the Spirit) shall respect the human and the divine law regarding interhuman actions.²⁰⁶

This interpretation corresponds perfectly to our reconstruction of infused human justice regarding the human law in section 6.3.3a-i. We quoted there ST I-II 96.5 ad 2: “It belongs to

²⁰³ ST II-II 45.1: “Ille autem qui cognoscit causam altissimam simpliciter, quae est deus, dicitur sapiens simpliciter, in quantum per regulas divinas omnia potest iudicare et ordinare.”

²⁰⁴ ST II-I 45.3: “Sapientia . . . per divinas regulas dirigens actus humanos.” See also ad 2 and ad 3.

²⁰⁵ “Homo habens intellectum illustratum et affectum ordinatum *per spiritum sanctum*, de singulis quae pertinent ad salutem, rectum iudicium habet.” (*Super I Cor.* II 3).

²⁰⁶ See ST II-II 104.6.

the guidance of the Holy Spirit that spiritual men are subject to the human laws.”²⁰⁷ Therefore, the seemingly problematic reply of ST II-II 60.1 ad 2 does not undermine but rather confirms our thesis.

7.4 Commutative, Distributive and Metaphorical Justice as Infused Virtues

After the discussion of some general indications of infused justice, we want to investigate the description of the particular species of justice in the *Secunda secundae*, namely distributive and commutative justice; we will also make a note concerning metaphorical justice.

7.4.1 Distributive Justice as an Infused Virtue

The special character of distributive justice consists in attaining equality, measured in relation to the dignity of the other. Some additional things are due to the leader of a community beyond what is due to him as a common member; persons who have a special function in the community are entitled to more recognition, and obliged to more duties than other citizens. Distributive justice realizes equality as geometrical mean. Our reconstruction of infused distributive justice has shown that there are true differences between it and its acquired counterpart: Since by grace man attains a new grandeur, and since the ministries of the Church bestow different degrees of dignity, infused distributive justice takes account of some additional factors in just distributions. Does Aquinas recognize such additional determinations for distributive justice in ST II-II?

The issue is clearly to be affirmed. Although only four articles are dedicated to the discussion of distributive justice (or better: of a contrary vice, namely, q. 63 on the distinction of persons), in these texts Aquinas explicitly recognizes certain criteria, arising from the supernatural order, for a special dignity. Yet, in the first article, he mentions the possibility of a vicious distinction of persons in choosing a man for an ecclesiastical ministry (*praelatio*

²⁰⁷ ST I-II 96.5 ad 2: “Hoc ipsum est de ductu spiritus sancti, quod homines spirituales legibus humanis subdantur.” For the complete quotation, see chapter 6, footnote 114.

ecclesiastica) for the wrong reasons; e.g., consanguinity.²⁰⁸ The second article treats a purely ecclesiastical issue, namely whether distinction of persons takes place in the dispensation of spiritual goods. The term *spiritualia* is taken in this context for the different ministries of the Church. On that score, he draws a parallel to the distribution of secular ministries: the candidates ought to be selected according to their suitability for the intended ministry. In the case of ecclesiastical ministries, the choice be taken even more seriously since the good at stake is above the temporal good of the city. “Since spiritual things are of greater importance than temporal, distinction of persons is a graver sin in dispensing spiritual things than in dispensing temporal things.”²⁰⁹ Subsequently, he states two criteria: First, “the man who abounds the more in the spiritual gifts of grace [*qui magis abundat in spiritualibus gratiae donis*] is the more worthy.”²¹⁰ Secondly, the choice has also to take into account his ability to work for the common good, since “it may happen at times that the less holy and less learned man may conduce more to the common good, on account of worldly authority or assiduity, or something of the kind.”²¹¹

It is not necessary to follow the argument further, or to outline in particular the many distinctions of the replies to the various objections, which are highly nuanced.²¹² It is clear enough that distributive justice, as portrayed here, makes sense only for a member of the Church. According to Aquinas, distributive justice does not perfect the agent primarily in justly dispensing the various secular ministries according to (secular) competence and the dignity of the citizen. This perfection would be the proper task of distributive justice if Aquinas had an acquired virtue in mind, for the description would have been restricted to reference to “political” dignity. However, taking the greater abundance of the spiritual gifts of grace as the principal criterion of the dignity relevant to distributive justice, exceeds the proper measure of an acquired virtue.

The fact that this question lacks an explicate reference to the infused virtue is not a counter-argument. Indeed, the four articles contain only two incidental references to the term “*iustitia distributiva*” at all.²¹³ What is true for the whole treatise on justice in ST II-II is true here as

²⁰⁸ ST II-II 63.1: “Contingit tamen aliquam conditionem personae facere eam dignam respectu unius rei, et non respectu alterius: sicut consanguinitas facit aliquem dignum ad hoc quod instituat heres patrimonii, non autem ad hoc quod conferatur ei praelatio ecclesiastica.”

²⁰⁹ ST II-II 63.2: “Unde cum spiritualia sint temporalibus potiora, gravius peccatum est personas accipere in dispensatione spiritualium quam in dispensatione temporalium.”

²¹⁰ ST II-II 63.2: “Maioris dignitatis est ille qui magis abundat in spiritualibus gratiae donis.”

²¹¹ ST II-II 63.2: “Contingit enim quandoque quod ille qui est minus sanctus et minus sciens, potest maius conferre ad bonum commune, propter potentiam vel industriam saecularem, vel propter aliquid huiusmodi.”

²¹² For example, though he principally negates the choice of a relative for an ecclesiastical ministry, for certain reasons he likewise allows it (ST II-II 63.2 ad 1).

²¹³ ST II-II 63.1 ad 1 and 4 ad 1.

well: The primary concern of the discussion is the determination of the just and unjust object; the corresponding underlying virtue (or vice) is considered only inasmuch as it is determined thereby. But q. 63 obviously describes some actions as evil only because of their implications for the order of the Church. Thus, the underlying virtue has to be infused distributive justice.²¹⁴

7.4.2 Commutative Justice as an Infused Virtue

According to our reconstruction in chapters 5 and 6, infused commutative justice is substantially concerned with the same acts as its acquired counterpart. A received service demands an adequate reward. Hence, the principle act of commutative justice is restitution.

To restore is seemingly the same as to reinstate a person in the possession or dominion of his property, so that in restitution we consider the equality of justice attending the payment of one thing for another thing [*rei ad rem*], and this belongs to commutative justice. Hence restitution is an act of commutative justice.²¹⁵

Thus, the supernatural order does not provide a different rule for measuring the just act; the received thing determines the due thing. *Res ad rem*. The act of infused commutative justice differs only insofar as it is commanded by charity. But this does not imply a change of the proper object of the act. Consequently, it is not surprising that the issue is not discussed in q. 62, on the act of restitution.

Nonetheless, in that question too, we find indications for the supernatural level. The second article handles the question of whether restitution of what has been taken away is necessary for salvation. Aquinas's answer: "Since the preservation of justice is necessary for salvation, it follows that it is necessary for salvation to restore what has been taken unjustly."²¹⁶ The

²¹⁴ There are also other questions which contain incidentally some assertions about distributive justice which demand an understanding of an infused virtue. So for example in ST II-II 62.2 ad 4: To hinder a candidate to attain a prebend as just act if there is a more worthy person. We discussed already another case: Aquinas argues in ST II-II 70.2 ad 3 for a proper order for witnesses against bishops, priests, deacons etc. because special dignity. A fact which would be unreasonable apart from the hierarchy of the Church.

²¹⁵ ST II-II 62.1. "Restituere nihil aliud esse videtur quam iterato aliquem statuere in possessionem vel dominium rei suae. Et ita in restitutione attenditur aequalitas iustitiae secundum recompensationem rei ad rem, quae pertinet ad iustitiam commutativam. Et ideo restitutio est actus commutativae iustitiae."

²¹⁶ ST II-II 62.2: "Cum igitur servare iustitiam sit de necessitate salutis, consequens est quod restituere id quod iniuste ablatum est alicui, sit de necessitate salutis."

term “salvation” does not imply an escape from the punishment of the political authority but eternal salvation. This is clear from the second argument and the *sed contra*, where *salus* is contrasted with sin. But such reasoning would be out of place if the whole question were concerned with an acquired virtue. Hence, the second article indirectly demonstrates that Aquinas is considering infused commutative justice.²¹⁷

(What about the objection that also the refusal of what is due by acquired justice would be a hindrance of eternal salvation? For an answer to that argument, we can refer to our preliminary remark of section 7.2.4.)

7.4.3 Metaphorical Justice as an Infused Status

In chapter 6, we investigated the difference between acquired and infused metaphorical justice. The first meaning is adopted from Aristotle, and denotes the internal order of the agent i.e., the various human powers are considered analogously as individual agents, and render each other what is due (e.g., the passions follow the rule of reason). Infused metaphorical justice, on the other hand, implies man’s universal rectitude: in regard to God and to his neighbors, as well as the internal order. In *ST II-II* 58, an article is concerned with this issue. Aquinas reports the classical understanding of metaphorical justice, “insofar as to each part of man is ascribed what is becoming to it.”²¹⁸ In the first reply, however, he makes an assertion which is identical with our reconstruction of infused metaphorical justice. The objection quotes Rom 3.22: “The justice of God is by faith in Jesus Christ.” Commenting on that phrase, St. Thomas answers: “The justice which faith works in us, is that whereby the impious is justified; it consists in the due coordination of the parts of the soul, as stated above, where we were treating of the justification of the impious. Now this belongs to metaphorical justice, which may be found even in a man who lives by himself.”²¹⁹ This kind of metaphorical justice is

²¹⁷ A further hint that there is more under consideration than acquired virtue is found in the same question, *ST II-II* 62.5 ad 5: Aquinas argues there that not only a prelate who has abused the property of the Church is obliged to restitution, but even that that one who has set his heart on the property; he would be obliged to a spiritual restitution. “Potest praelatus surripere rem ecclesiae solo animo, dum scilicet incipit habere animum possidendi eam ut suam, et non nomine ecclesiae. Et tunc debet restituere talem animum deponendo.”

²¹⁸ *ST II-II* 58.2: “Secundum quod unicuique parti hominis attribuitur quod ei convenit.” Incidentally, Aquinas refers to metaphorical justice a second time in the treatise on justice in *ST II-II* 106.3 ad 1, but without relevance for our topic.

²¹⁹ *ST II-II* 58.2 ad 1: “Iustitia quae fit per fidem in nobis, est per quam iustificatur impius, quae quidem in ipsa debita ordinatione partium animae consistit, sicut supra dictum est, cum de iustificatione impii ageretur. Hoc autem pertinet ad iustitiam metaphorice dictam, quae potest inveniri etiam in aliquo solitariam vitam agente.”

obviously nothing that can be acquired, but rather something that has to be infused. It is not limited to the order of the various parts of man's soul but is the effect of the justification of the impious "as stated above" – referring to the question of divine justification, where he defined this kind of justice as "a certain rectitude of order in the interior disposition of a man, insofar as what is highest in man is subject to God, and the inferior powers of the soul are subject to the superior, i.e., to the reason."²²⁰

Thus, the brief remark on metaphorical justice in the treatise on justice once again demands that we read it as concerning infused justice.

7.5 The Meaning of Legal Justice in ST II-II

In chapter 6, we reconstructed infused legal justice by distinguishing it from its acquired counterpart. The latter – following the Aristotelian account of legal justice in *Nicomachean Ethics* V 3, as the virtue of the good citizen – commands all virtues insofar as they are prescribed by the human law for the sake of the common good of the earthly city. Though the affective virtues are presupposed (as political virtues, otherwise the uncontrolled arousal of passions would undermine the functioning of legal justice), it commands only their external "effects," sc. courageous and temperate deeds.²²¹ Hence, intermittent internal sins of concupiscence are compatible with acquired legal justice, as long as the human laws are observed.

In the case of infused legal justice a twofold reconstruction is possible: On the one hand, it can signify a general justice which commands the acts of all virtues insofar as they are prescribed by the divine law. We referred to it as *divine* legal justice. On the other hand, based on the common axiom that infused and acquired virtues pertain to the same matter, infused legal justice focuses on the divine law in a restricted aspect, namely insofar as it commands operations in relation to the common good of the human city. It is an infused *human* legal justice.

²²⁰ ST I-II 113.1: "Importat rectitudinem quandam ordinis in ipsa interiori dispositione hominis, prout scilicet supremum hominis subditur deo, et inferiores vires animae subduntur supremae, scilicet rationi."

²²¹ Analogously human law, acquired legal justice commands nothing "nisi de actibus iustitiae; et si praecipiat actus aliarum virtutum, hoc non est nisi in quantum assumunt rationem iustitiae." (ST I-II 100.2).

The difference between the two “versions” is immense: infused divine legal justice aims at man’s right order in any respect (towards God and his neighbors, as well as towards oneself); it is founded on the “divine communication;”²²² it commands external actions as well as internal passions, and excludes any kind of sin.²²³ Infused human legal justice is more specified. Its immediate object is – as also for acquired legal justice – the “political communication,”²²⁴ the good of the earthly city, of course, not as proper goal (as *terminus ad quem*) but as *terminus a quo*.²²⁵ It commands all the external operations that are prescribed by the divine law (incl. the human law) insofar as they are relevant for the good of the city. Hence, though every sin is contrary to the divine law, not every sin is necessarily opposed to this infused human legal justice.²²⁶ (For a more detailed description of both species, we refer to section 5.5.3 and section 6.2 and 6.3.3a).

How, then, does Aquinas describe legal justice in ST II-II; does he portray legal justice in respect to the human law or to the divine law? As contrary to every sin or as compatible with some sins? Does he recognize an infused legal justice at all? In the previous chapters, we found that scholars who argue for infused legal justice mention only the first meaning (as divine justice), and contrast it with acquired legal justice regarding the human city; they ignore the possibility (and necessity) of infused human justice. We must now ask how Aquinas himself portrays legal justice in the *Secunda secundae*?

We want to argue the following: Many times Aquinas is content to outline legal justice in a general way. These texts are applicable to any kind of legal justice. Beyond this, however, there are some remarks which imply infused divine legal justice as the observance of all divine precepts. On other occasions, – at least implicitly – Aquinas presupposes infused legal justice in regard to the human city on earth, i.e., infused human legal justice. Therefore, we want to argue that a consistent interpretation of legal justice in these questions demands a twofold understanding.

²²² *In sent.* III 29.6: “Quarta communicatio est divina, secundum quam omnes homines communicant in uno corpore ecclesiae vel actu vel potentia.”

²²³ ST I-II 100.2: “Lex divina praecepta proponit de omnibus illis per quae ratio hominis est bene ordinata. Hoc autem contingit per actus omnium virtutum, nam virtutes intellectuales ordinant bene actus rationis in seipsis; virtutes autem morales ordinant bene actus rationis circa interiores passionem et exteriores operationes.” Likewise ST II-II 104.5 ad 2: “Deo subiicitur homo simpliciter quantum ad omnia, et interiora et exteriora.”

²²⁴ *In sent.* III 29.6: “Alia vero communicatio est politica, secundum quam homines ad concives suos communicant.”

²²⁵ Cf. *De virt. card.* 4 ad 5.

²²⁶ Admittedly, every sin destroys this kind of legal justice, since all infused virtues are lost by any kind of mortal sin. However, not every sin is against the specific object of all infused virtues. For example, a sin against infused temperance is not directed *per se* against the object of infused fortitude.

7.5.1 The Equivocation of the *Ex-professo*-Texts

An investigation of legal justice in the *Secunda secundae* has to begin with ST II-II 58.5 and 6, the articles that treat the issue *ex professo*. Article 5 poses the question whether justice is a “general virtue,” an expression gleaned from Aristotle, who is quoted in the *sed contra* as an authority.²²⁷ In the *corpus articuli*, Aquinas determines the relation between the good of the individual and the good of the community to which the individual belongs: Man is part of a community; but the good of a part relates to the good of the whole. Hence, man’s own good is referable to the common good.

All who are included in a community stand in relation to that community as parts to a whole; but a part, as such, belongs to a whole, so that whatever is the good of a part can be directed to the good of the whole. It follows, therefore, that the good of any virtue, whether such virtue direct man in relation to himself, or in relation to certain other individual persons, is referable to the common good, to which justice directs it: so that all acts of virtue can pertain to justice, insofar as it directs man to the common good. It is in this sense that justice is called a general virtue. And since it belongs to the law to direct to the common good, as stated above, it follows that the justice which is in this way styled general, is called legal justice, because thereby man is in harmony with the law which directs the acts of all the virtues to the common good.²²⁸

Does Aquinas portray acquired or infused legal justice here? And if it is an infused species, is it divine or human legal justice? The text does not allow for a univocal answer, the article is open for all three interpretations. This ambiguity is in agreement with the general focus of the article, namely, whether justice can command acts that belong properly to the good of the individual for the sake of the common good. The common character of general justice which has been described is valid for acquired legal justice (which commands external acts prescribed by the human law) as well as for infused human legal justice, in regard to the human common good (which does the same by observing the divine law), and for infused divine legal justice (which directs all the acts of the individual in respect to the divine good as

²²⁷ NE V.3.

²²⁸ ST II-II 58.5: “Omnes qui sub communitate aliqua continentur comparantur ad communitatem sicut partes ad totum. Pars autem id quod est totius est, unde et quodlibet bonum partis est ordinabile in bonum totius. Secundum hoc igitur bonum cuiuslibet virtutis, sive ordinantis aliquem hominem ad seipsum sive ordinantis ipsum ad aliquas alias personas singulares, est referibile ad bonum commune, ad quod ordinat iustitia. Et secundum hoc actus omnium virtutum possunt ad iustitiam pertinere, secundum quod ordinat hominem ad bonum commune. Et quantum ad hoc iustitia dicitur virtus generalis. Et quia ad legem pertinet ordinare in bonum commune, ut supra habitum est, inde est quod talis iustitia, praedicto modo generalis, dicitur iustitia legalis, quia scilicet per eam homo concordat legi ordinanti actus omnium virtutum in bonum commune.”

communicated by grace). Depending on the interpretation of the *bonum commune* (either as the political common good or as the divine common good) and of the *lex* (either as human or as divine law), the article can be read in different ways.²²⁹

The next article (whether justice as a general virtue is essentially the same as all virtue) poses the same problem.²³⁰ Aquinas concedes that legal justice can be identified with all virtues “insofar as it directs the acts of the other virtues to its own end; and this is to move all the other virtues by its command.”²³¹ But the article mentions neither the human law nor the divine law as the measure of legal justice; nor does it give a further specification of the common good. Again, the argument would hold true for acquired as well as infused legal justice (in both senses), depending on the law that is applied. Since Aquinas illustrates the function of legal justice through a comparison with charity, which similarly commands all virtues for its proper end,²³² one may be inclined to favor infused legal justice. But, in principle, the article is open for both interpretations.

Something analogous can be said for other incidental remarks concerning legal justice in the subsequent articles of ST II-II 58, which repeatedly affirm its character as commanding other acts for the sake of the common good; but none of them determine a special law as its measure.²³³

It is impossible, then, to give a precise account of what Aquinas intends by legal justice in ST II-II?

²²⁹ The repeated emphasis on the fact that the good of the individual is *ordinabile* and *referibile* to the common good, impedes a univocal interpretation. Assuming that the article is about infused legal justice observing the whole divine law for partaking in the divine good, it seems to be unfitting to describe the good of the individual as merely *referable* to the common good. In that case, Aquinas should describe it as essential for the common good, insofar as every sin contradicts the divine good. Or does Aquinas simply intend to assert that every act of the individual *can be directed* to the common good, i.e., by a special intention, independent of the fact that the good of the part always belongs *materially* to the good of the whole? (See ST I-II 96.4: “Cum enim unus homo sit pars multitudinis, quilibet homo hoc ipsum quod est et quod habet, est multitudinis, sicut et quaelibet pars id quod est, est totius.”) It is indeed impossible to decide the question from the argument of the body of the article. Only ad 3 gives a clear hint in favor of one interpretation; we will return to it later on.

²³⁰ ST II-II 58.6.

²³¹ ST II-II 58.6: “In quantum scilicet ordinat actus aliarum virtutum ad suum finem, quod est movere per imperium omnes alias virtutes.”

²³² “Sicut enim caritas potest dici virtus generalis in quantum ordinat actus omnium virtutum ad bonum divinum, ita etiam iustitia legalis in quantum ordinat actus omnium virtutum ad bonum commune. Sicut ergo caritas, quae respicit bonum divinum ut proprium obiectum, est quaedam specialis virtus secundum suam essentiam; ita etiam iustitia legalis est specialis virtus secundum suam essentiam, secundum quod respicit commune bonum ut proprium obiectum.” (ST II-II 58.6).

7.5.2 Infused Divine Legal Justice in ST II-II: All Sins Are Injustices

Q. 79 on the integral parts of justice is not directly concerned with legal justice, but it contains some interesting remarks. Articles 1 to 3 are especially helpful for our project, since Aquinas repeatedly refers to justice as a particular virtue as well as legal justice. The first article (whether doing good and declining to do evil are integral components of every kind of justice) makes two points about legal justice: it asserts that legal justice – though it can be taken in a certain way as “all virtues” – realizes a specific *ratio*,²³⁴ namely, to achieve the good “with respect to the divine or to the human law.”²³⁵ St. Thomas mentions two alternative measures for legal justice, sc. the human and the divine law. The reference to the divine law indicates an infused species of legal justice. But does he intend legal justice in regard to the common good of the human city, or also in relation to God? The text continues: “It belongs to general justice to do the good which is due in relation to the community or in relation to God, and to avoid the evil opposed to it.”²³⁶ The statement is clear: the virtue which is not confined to ruling human public affairs, but extends likewise to man’s relation towards God, can only be infused divine legal justice, which is incompatible with any kind of mortal sin. The outline perfectly corresponds to our reconstruction in section 6.2.

It is worthwhile to note that the first article refers to both the human and the divine law (*lex divina vel humana*), the human community and man’s relation to God (*in ordine ad communitatem vel ad deum*). Hence, though it is clear that the article demands a kind of divine legal justice, it carefully leaves open the possibility for a less exigent type of legal justice, according to the human law for the good for the human community (therefore it speaks of divine *or* human law).

Our interpretation is confirmed by the second article: whether transgression is a special sin. The answer distinguishes between formal and material transgression. Formally speaking, transgression implies an actual contempt of a precept or of the lawgiver.²³⁷ In this way transgression is a specific sin. Materially speaking, however, every sin implies a transgression of – at least – a divine law. Consequently, every sin can be called a transgression.

²³³ See ST II-II 58.6 ad 3 and ad 4; 58.7 ad 1 and ad 2; later on there is also a reference to legal justice in ST II-II 61.1 ad 4 and 120.2 ad 1, but likewise without a clear indication whether Aquinas speaks of acquired or infused virtue.

²³⁴ “Iustitia hoc modo accepta respiciat quandam rationem boni specialem.” (ST II-II 79.1).

²³⁵ ST II-II 79.1: “in ordine ad legem divinam vel humanam.”

²³⁶ ST II-II 79.1: “Ad iustitiam vero generalem pertinet facere bonum debitum in ordine ad communitatem vel ad deum, et vitare malum oppositum.”

²³⁷ “Ad propriam rationem transgressionis pertinet attendere contemptum praecepti.” (ST II-II 79.2).

“Transgression, properly speaking, is to act against a negative precept. Now materially considered, this may be common to all the species of sin, because by any species of mortal sin, man transgresses a divine precept.”²³⁸ St. Thomas again refers to the divine law. What does this imply for the specification of legal justice? The article concedes that not every sin is a formal transgression of the divine law; however, materially considered every sin contradicts a divine precept. This is the same as to say that at least materially every sin contradicts legal justice; external actions as well as voluntary, internal concupiscence. And in fact, this is exactly what Aquinas asserts in the reply to the first objection: “As legal justice is all virtue as regards its subject and quasi materially, so legal injustice is materially all sin.”²³⁹ Based on this statement, we can argue that if every sin is an offense against legal justice, then conversely, legal justice is not only concerned with acts necessary for the social life, but rather with all acts that are required by a the right ordering towards God. Legal justice, as described here, works as guardian of charity – again in agreement with the results of section 6.2.²⁴⁰ If in q. 79.2 Aquinas were concerned with acquired legal justice, then the measure of transgression would be the human law, which commands all virtues “insofar as they assume the proper ratio of justice”²⁴¹ – i.e., in regard to external acts, and to the extent that they are necessary for the common good of the human city. Moreover, even if he had in mind infused human justice (i.e., the disposition to live in the human society without losing charity), he could not define every sin as an unjust act, since not every interior sin undermines the good of the human city. Hence, the repeated reference to the divine law within the discussion of sin as opposed to justice indicates it is to be understood here as infused divine legal justice.²⁴²

With these results, we return to the fifth article of q. 58, which has already been discussed. The previous paragraph has shown that the *corpus articuli* does not allow an unambiguous interpretation as concerning either acquired or infused legal justice. However, we have not yet examined the replies to the various objections. The third reply contains an argument that is parallel to ST II-II 79.2. The objector doubts whether there can be a general injustice, and

²³⁸ ST II-II 79.2: “Transgressio proprie dicitur ex eo quod aliquis agit aliquid contra praeceptum negativum. Quod quidem materialiter potest esse commune omnibus speciebus peccatorum, quia per quamlibet speciem peccati mortalis homo transgreditur aliquod praeceptum divinum.”

²³⁹ ST II-II 79.2 ad 1: “Sicut iustitia legalis est omnis virtus subiecto et quasi materialiter, ita etiam iniustitia legalis est materialiter omne peccatum.”

²⁴⁰ This means neither that legal justice commands every possible virtuous act (there are many acts which are only recommended as counsels), nor that the commanded acts are always achieved *because* they are commanded, i.e. by a special attention to the precept. (On that score Aquinas explains in ST II-II 104.3 ad 2: “Licet actus virtutis cadat sub praecepto, tamen potest aliquis implere actum virtutis non attendens ad rationem praecepti.”) In any case, the description exceeds the account of acquired legal justice.

²⁴¹ ST I-II 100.2: “inquantum assumunt rationem iustitiae.”

consequently he also negates a general justice.²⁴³ Aquinas responds: “Things referable to oneself are referable to another, especially in regard to the common good. Hence, legal justice, insofar as it directs to the common good, can be called a general virtue: and in the same way injustice can be called a general sin; thus, it is written in 1Jn 3.4 that all sin is iniquity.”²⁴⁴ Now, the statement is unequivocal: All sins – including sins against oneself – may be called *iniquitas*, and hence, injustice. This claim would be too strong for acquired legal justice, which commands only the external acts of all virtues, but fails to qualify voluntary concupiscence or hatred (i.e., internal sins) as *iniquitas*. Thus, the reply is an indication that Aquinas has in mind something like infused divine legal justice.²⁴⁵

This brief observation in q. 58.5 ad 3 makes room for a specification of the general argument in the *corpus articuli*: there, Aquinas outlines the general structure of any kind of legal justice; here, the description corresponds to infused divine legal justice. Can we deduce therefrom that we should read all references to legal justice in qq. 57-122 as concerning divine justice in the sense of section 6.2; as infused legal justice in regard to the whole divine law?

7.5.3 Infused Human Legal Justice in ST II-II

Alongside some immediate indications of infused divine legal justice, other assertions suggest a type of legal justice in regard to the common good of the human city.

²⁴² In the third article, Aquinas again refers to the divine law as the measure of legal justice: “Bonum autem sub ratione debiti pertinet proprie ad iustitiam, ad legalem quidem, si debitum accipiat in ordine ad legem divinam vel humanam.” (ST II-II 79.3).

²⁴³ ST II-II 58.5 arg. 1: “Iustitia est semper ad alterum, ut supra dictum est. Sed peccatum quod est in proximum non est peccatum generale, sed dividitur contra peccatum quo peccat homo contra seipsum. Ergo etiam neque iustitia est virtus generalis.”

²⁴⁴ ST II-II 58.5 ad 3: “Illa quae sunt ad seipsum sunt ordinabilia ad alterum, praecipue quantum ad bonum commune. Unde et iustitia legalis, secundum quod ordinat ad bonum commune, potest dici virtus generalis; et eadem ratione iniustitia potest dici peccatum commune, unde dicitur I Ioan. III quod omne peccatum est iniquitas.”

²⁴⁵ ST II-II 102.1 ad 3 contains an indirect indication of that kind of legal justice. Aquinas confronts particular and legal justice: “Ad iustitiam specialem proprie sumptam pertinet reddere aequale ei cui aliquid debetur. Quod quidem non potest fieri ad virtuosos, et ad eos qui bene statu dignitatis utuntur, sicut nec ad deum, nec ad parentes. Et ideo ad quandam virtutem adiunctam hoc pertinet, non autem ad iustitiam specialem, quae est principalis virtus. Iustitia vero legalis se extendit ad actus omnium virtutum.” The reference to justice regarding God in the first part of the argument and the conclusive statement about legal justice as extending to all acts of virtues, suggest that the latter also includes acts in relation to God.

Beyond this, we should remember that in section 6.2.1 we already discussed a remark in the treatise on temperance in the ST II-II (namely, q. 161.5), which obviously presupposed infused legal justice.

There is a brief but interesting comment in ST II-II 59.1, which asks whether injustice is a special vice. The context is very similar to q. 58.5 ad 3 and q. 79.2 ad 1, but with an important change at the end. The first objection quotes 1 Jn 3.4 again: “All sin is iniquity.” But, while in q. 58.5 ad 3 and q. 79.2 ad 1 the scriptural citation provides the reply to an objection, here the reference itself is taken as an objection. In the *corpus articuli*, Aquinas alludes to a solution by distinguishing between a material and formal transgression: Injustice is a special vice insofar as it includes formal contempt of the common good and the law. Materially, however, “all vices, as being repugnant to the common good, have the character of injustice, just as if they arise from injustice.”²⁴⁶ Based on this statement, the reader may expect Aquinas to respond to the first objection in a similar way, i.e., by describing all sins as material injustice. We remember q. 79.2 ad 1: “As legal justice is all virtue as regards its subject and quasi materially, so legal injustice is materially all sin.”²⁴⁷ However, q. 59.1 ad 1 introduces an unexpected differentiation: “As legal justice is said in reference to the human common good, so divine justice is said in comparison with the divine good, to which all sin is repugnant, and in this sense all sin is said to be iniquity.”²⁴⁸

The answer distinguishes between legal justice *ad bonum commune humanum* and divine justice *ad bonum divinum*; and it belongs only to the second type of justice to be contrary to every sin. The reply is puzzling: It is clear that *iustitia divina*, as portrayed here, is nothing other than our infused divine legal justice, which requires the observation of all divine laws. It is opposed to any kind of sin. Yet its juxtaposition to legal justice suggests that divine justice itself is not legal justice, and moreover, that not every sin contradicts that legal justice. But in q. 58.5 ad 3, as well as in q. 79.2 ad 1, Aquinas himself describes *expressis verbis* every sin as contrary to legal justice. Even in the body of q. 59.1 – some lines before the present reply – he portrays sin as injustice in regard to the common good, and not only in regard to the divine good, as maintained in the reply. What are we to understand to be the exact difference between legal justice and divine justice in q. 59.1 ad 1?

On the basis of our reconstruction of infused legal justice in chapters 5 and 6, we want to argue that the concept of legal justice is used in various analogous ways. The textual basis is obvious: q. 58.5 and 6 remain open to every kind of legal justice; q. 79.1 and 2 refer to legal justice as observing all divine precepts *in ordinem ad deum*, as contrary to every sin, and as

²⁴⁶ ST II-II 59.1: “Omnia vitia, inquantum repugnant bono communi, iniustitiae rationem habent, quasi ab iniustitia derivata.”

²⁴⁷ See footnote 239.

“divine justice,” though without mentioning this term. The case is the same in q. 58.5 ad 3. Thus, it is impossible to deny that there is an infused legal justice which observes all divine laws. However, q. 79.1 and 3 already admit legal justice in regard to the human law. Hence, the justice here is not to be understood exclusively as divine legal justice. This assumption, based on q. 79.1 and 3, is confirmed by the surprising assertion in q. 59.1 ad 1: Every sin contradicts legal justice as divine justice in regard to the divine good, but it may be compatible with legal justice with respect to the common good. Moreover, q. 59.1 ad 1 specifies this legal justice as directed “to the *human* common good,”²⁴⁹ an expression that is found uniquely in that place. Obviously, St. Thomas wants to specify a kind of legal justice which is compatible with some sins as directed to the common good of the human city – without denying the possibility that divine justice can likewise be understood as a certain kind of legal justice, directed to God as the common good of all graced men.²⁵⁰

Our interpretation is supported by ST II-II 81.8 ad 1, where Aquinas compares legal justice and *sanctity* as two general virtues, which command all other virtues. Similarly to q. 59.1 ad 1, the reply refers to the common good as the object of legal justice, and the divine good as – this time – the object of sanctity. “Sanctity . . . has a certain generality, insofar as by command it directs the acts of all virtues to the divine good, even as legal justice is said to be a general virtue, insofar as it directs the acts of all virtues to the common good.”²⁵¹ What is called divine justice in q. 59.1 ad 1, is called sanctity in q. 81.8 ad 1. To command all virtues *ad bonum divinum* means – as he explains in the body of the article – to “refer to God . . . the works of the other virtues,” i.e., “man disposes himself by means of certain good works to the worship of God.”²⁵² Hence, sanctity is identified with infused divine legal justice which observes all divine laws. On the other side, q. 81.8 ad 1 portrays legal justice in regard to the good of the earthly city, and it is thereby distinguished from legal justice regarding all divine precepts (i.e., sanctity). Even in this respect, the textual findings in the *Secunda secundae* conform perfectly to our reconstruction in section 6.2.²⁵³

²⁴⁸ ST II-II 59.1 ad 1: “Sicut iustitia legalis dicitur per comparisonem ad bonum commune humanum, ita iustitia divina dicitur per comparisonem ad bonum divinum, cui repugnat omne peccatum. Et secundum hoc omne peccatum dicitur iniquitas.”

²⁴⁹ ST II-II 59.1 ad 1: “ad bonum commune *humanum*.”

²⁵⁰ Thus, Delos oversimplifies the issue if he describes any kind of sin as social injustice (Delos, “Appendice I: Notes explicatives,” 193-194).

²⁵¹ ST II-II 81.8 ad 1: “Sanctitas . . . habet autem quandam generalitatem, secundum quod omnes virtutum actus per imperium ordinat in bonum divinum, sicut et iustitia legalis dicitur generalis virtus, inquantum ordinat omnium virtutum actus in bonum commune.”

²⁵² ST II-II 81.8: “Homo . . . aliarum virtutum opera refert in deum . . . homo se disponit per bona opera ad cultum divinum.”

²⁵³ The relationship is well described in John A. Leies, *Sanctity and Religion According to St. Thomas: A Study of the Angelic Doctor's Identification of Sanctity with the Virtue of Religion* (Fribourg: St. Paul's Press, 1963), 92:

There are some further texts in the treatise which demand to be read as concerning human legal justice. In ST II-II 58.9 ad 3, St. Thomas describes the achievement of courageous and temperate deeds as the primary object of legal justice. “Legal justice extends chiefly [*principalius*] to other virtues [i.e. to the affective virtues] in the point of their external operations, insofar, to wit, as the law commands us to perform courageous deeds [*fortis opera*], and actions which are temperate, and the actions which are gentle, as said in Ethic. V.”²⁵⁴ If the assertion were concerned with infused legal justice in regard to all divine precepts (sanctity), Aquinas could not describe external acts as its primary matter. The right order towards God is more disturbed by internal acts, and only secondarily by external deeds. Hence, the *bonum commune* in this context signifies the good of the human city, which requires *principalius* the external accomplishment of its precepts, and only indirectly directs the affective life.²⁵⁵

Also illuminating is Aquinas’s distinction between the *truth of justice* (*veritas iustitiae*) and the *truth of life* (*veritas vitae*), a distinction he takes from Hieronymus and refers to in q. 109.²⁵⁶ The distinction fits perfectly to the difference between human and divine (legal) justice.

Justice is a certain rectitude regulated according to the rule of the divine law; and in this way, the truth of justice differs from the truth of life, since by the truth of life a man lives rightly in himself, whereas by the truth of justice a man observes the rectitude of law in those decisions which refer to another man.²⁵⁷

In both cases, the measure is the divine law. The *truth of life* implies man’s rectitude in himself, i.e. in all of his practical issues, whereas the *truth of justice* includes only interhuman

“The *bonum commune* to which legal justice is directed and the *bonum divinum* of sanctity-religion differ, but the comparison between the two virtues remains apt. God prescribes the acts of all the virtues with the purpose of leading men to Himself. Thus in practicing the virtues to honor God – which is sanctity – man fulfills the purpose of God’s law, just as the citizen who acts virtuously fulfills the purpose of the civil law.” Concerning the priority of religion or (human) legal justice, see *ibid.*, 86-88.

²⁵⁴ ST II-II 58.9 ad 3: “Iustitia legalis principalius se extendat ad alias virtutes quantum ad exteriores operationes earum, inquantum scilicet praecipit lex fortis opera facere, et quae temperati, et quae mansueti, ut dicitur in V ethic.”

²⁵⁵ In a similar way, ST II-II 101.3 ad 3 requires a reading of legal justice in regard to the common good of the city: “Pietas se extendit ad patriam secundum quod est nobis quoddam essendi principium, sed iustitia legalis respicit bonum patriae secundum quod est bonum commune. Et ideo iustitia legalis magis habet quod sit virtus generalis quam pietas.”

²⁵⁶ See ST II-II 109.3 arg. 3.

²⁵⁷ ST II-II 109.3 ad 3: “Iustitia est rectitudo quaedam regulata secundum regulam divinae legis. Et secundum hoc, differt veritas iustitiae a veritate vitae, quia veritas vitae est secundum quam aliquis recte vivit in seipso; veritas autem iustitiae est secundum quam aliquis rectitudinem legis in iudiciis, quae sunt ad alterum, servat.”

affairs, i.e. justice in its proper sense.²⁵⁸ Thus, it is clear that St. Thomas acknowledges in the treatise both a human legal justice and a divine legal justice according to the divine law.

7.5.4 Reasons for the Vague Determination of Legal Justice in ST II-II

Two important issues remain to be resolved:

First, granted that ST II-II contains a double usage of legal justice – on the one side, regarding all divine precepts and excluding *all* sins, i.e., as sanctity; on the other side, commanding the act necessary for the *bonum commune humanum*, as human legal justice – it is clear that the former can only be an infused habit.²⁵⁹ But is it necessary to say the same of the latter? Or should we rather agree with those commentators who contrast infused legal justice in regard to all divine precepts with acquired legal justice in regard to the human city?

In fact, it is possible to read the assertions about human legal justice as pertaining to an acquired virtue. However, no text strictly requires such an interpretation. They may equally be read as pertaining to an infused virtue. We want to suggest two reasons for this indeterminacy: First, it belongs to the very nature of the earthly city to demand external acts, so that the corresponding law extends only indirectly to the interior sphere of its citizens. Therefore, the acts of human legal justice principally do not extend beyond the reach of an acquired virtue, regardless of whether they are attained by an infused virtue or not. Secondly, the New Law does not contain special precepts regarding external acts. It leaves the concrete determination of the moral precepts to the legitimate authority.²⁶⁰ Hence, infused political justice must principally respect the same rules as its acquired counterpart, and it requires the same external deeds, namely, acts commanded by positive laws. From the purely external description of their acts, there is no difference between the acquired human legal justice and its infused counterpart.

Nevertheless, as we have shown in the theoretical reconstruction of the preceding chapter, the graced person must be equipped with an infused human justice (see section 5.5.3.). Further, in

²⁵⁸ Also in ST II-II 109.2 ad 3 the *truth of life* is defined in reference to the divine law: “Veritas vitae est veritas secundum quam aliquid est verum . . . Dicitur autem vita vera, sicut etiam quaelibet alia res, ex hoc quod attingit suam regulam et mensuram, scilicet divinam legem, per cuius conformitatem rectitudinem habet.”

²⁵⁹ For acquired virtue, the fulfillment of the divine law would be impossible. Yet even natural law cannot be accomplished without grace (cf. ST I-II 109.4).

²⁶⁰ Cf. ST I-II 108.2.

section 7.2, we found many unequivocal indications that Aquinas presupposes a graced agent in the treatise on justice. Though the object of justice, the *ius*, is determined by standards independent of grace, he nevertheless describes the operation of a person in the state of grace; otherwise, the frequent references to charity, mortal sin, merit, and the ecclesiastical hierarchy would be unreasonable. Hence, the whole context of the treatise on justice suggests rather infused than acquired legal justice. The remarks about legal justice as working for the good of the earthly city are taken directly from the very same context. Hence, it seems natural that Aquinas also describes human legal justice as a virtue of the graced agent who works for the common good, i.e., as infused human legal justice.

The second question: Can we suggest some reasons why Aquinas favors terms like *divine justice* or *sanctity* for describing infused legal justice in regard to all divine precepts, rather than simply using the term of “*iustitia legalis*”?

By way of an answer, we should note that the texts that refer to legal justice in regard to the whole divine law, always argue in an indirect way; i.e. they assert that every sin, every trespassing of the divine law is unjust; is *against legal justice*.²⁶¹ However, St. Thomas seems to avoid the description of legal justice in the positive sense as a virtue which attains the end of the divine law, i.e., the divine “communicatio” by commanding all of the necessary acts.²⁶² On the contrary, when Aquinas describes the positive task of this legal justice, he substitutes the term with *iustitia divina* or *sanctity*.²⁶³ Why this asymmetry?

For a solution, we defer to the result of our research in section 6.2.2, on the pejorative meaning of legal justice in Aquinas’s commentaries on Holy Scripture. In these works he repeatedly confronts legal justice (sc. regarding the divine law) with *iustitia dei*, *iustitia fidei*, *iustitia moralis* etc. The juxtaposition is grounded in the holy texts, and emphasizes the impossibility of acquiring divine justice by legal observance. Thus, legal justice obtains a negative touch. However, those affirmations do not negate the obvious fact that, by infused *iustitia dei* or *iustitia fidei*, the graced agent perfectly observes all divine laws. In this sense there is, of course, an infused divine legal justice. It may be for this reason that Aquinas also avoids a direct description of sanctity or divine justice as *iustitia legalis* in ST II-II, although he uses simultaneously the same term without compunction as the negative measure for specifying every sin as injustice.

²⁶¹ See ST II-II 58.5 ad 3; 59.1; 79.2 (esp. ad 1).

²⁶² An exception is ST II-II 79.1 where Aquinas affirms positively: “Ad iustitiam vero generalem pertinet facere bonum debitum in ordine ad communitatem vel ad deum, et vitare malum oppositum.”

²⁶³ ST II-II 59.1 ad 1; 81.8 ad 1.

In summary, our examination shows that in ST II-II 57-120, legal justice carries different but analogous meanings: Some texts require an understanding of legal justice as a general virtue which commands all acts insofar as they are prescribed by the divine law, external as well as internal acts: This is infused divine legal justice (or sanctity). In other texts the scope of legal justice is limited to the common good of the earthly city; in such cases the description of legal justice remains necessarily open to being read as infused or acquired virtue. Considering the context, there are good reasons to suppose that an infused human legal justice is intended.

7.6 The Section about the Potential Parts as Portraying Infused Virtues

ST II-II 80-119 discusses the potential parts of justice, i.e., virtues that fall short of realizing the full notion of justice. For an account of their general features we defer to section 4.5.2 (where cited *In sent.* III 33.3.4A). The corresponding section in the *Secunda secundae* follows the distinctions made in the *Commentary on the Sentences* exactly: some virtues render the other his due as far as possible, though it is from the very beginning impossible to attain full equality because the debt is too great. Examples of such parts are religion regarding God (qq 81-100), piety regarding one's parents and homeland (q. 101), and observance regarding teachers and persons of special dignity (qq. 102-105). Other virtues do not correspond to a legal obligation, but arise rather from the moral excellence of the other, and lead one freely to render some good. The *Summa theologiae* discusses thankfulness (qq. 106-107), vengeance (q. 108), truthfulness (qq. 109-113), friendliness (qq. 114-116), and liberality (qq. 117-119).

It would go beyond the scope of our research to offer a complete account of these numerous and challenging questions. We have to relinquish a detailed analysis to others. However, we want to take up some particular questions and point to a few remarks which plainly and distinctly indicate infused virtues.

We will argue by the following method: Again and again St. Thomas refers in these questions to the theological virtues (above all charity) as moving the virtues in question (i.e., moral virtues) to their proper act. We can argue, however, that some infused moral virtues must be involved. We remember *De virt. in com.* 10 ad 4: "The act of acquired virtues cannot be

meritorious without the mediation of infused virtue.”²⁶⁴ If Aquinas describes religion, piety, observance etc. as being moved by charity, then he obviously speaks about infused religion, infused piety, infused observance, etc. Of course, these virtues may make use of natural positive habits (i.e., acquired virtues), but the specific virtue which cooperates with charity has to be an infused virtue.

7.6.1 Infused Religion and Its Acts: Devotion and Prayer (qq. 81-83)

Aquinas discusses the virtue of religion, its proper acts (internal as well as external), and its contrary vices in the long section of ST II-II 81-100.²⁶⁵ Does he describe religion as an infused or as acquired virtue? Both interpretations have famous apologists.²⁶⁶ Let us examine the text itself.

The first question already compares religion as moral virtue with charity as a theological virtue several times. But theological virtues cannot cooperate directly with acquired virtues. Thus, Aquinas must speak – at least implicitly – about infused religion. The most obvious place in which this happens is q. 81.5, which explicitly poses the question whether religion is a theological virtue. St. Thomas answers in the negative, since the object of the theological virtues is God himself, whereas religion is concerned rather with the worship that is due him. The first reply is interesting, as it describes the theological virtues as causing the act of religion: “The theological virtues, faith, hope, and charity have an act in reference to God as their proper object, wherefore, by their command, they cause the act of religion, which performs certain things directed to God.”²⁶⁷ Obviously, these texts presuppose an infused species of religion.

²⁶⁴ *De virt. in com.* 10 ad 4: “Actus virtutis acquisitae non potest esse meritorius nisi mediante virtute infusa.”

²⁶⁵ As secondary literature see e.g. Lottin, *Psychologie et morale*, 313-326; (313-323 is about religion in the time preceding St. Thomas, 323-326 portrays the account of Aquinas).

²⁶⁶ MacIntyre, for example, holds that religion in the *Secunda secundae* is discussed as a natural virtue (MacIntyre, *Whose Justice? Which Rationality?*, 188; 201). His argument: Man relates to God already on a level of nature. (See also MacIntyre, *Three Rival Versions of Moral Enquiry: Encyclopaedia, Genealogy, and Tradition*, 141-142). On the contrary, Gilson reads the questions in ST II-II as about infused religion (Gilson, *The Christian Philosophy*, 333-339; 345). A similar account is offered by I. Mennessier, “Appendice II: Renseignements techniques,” in *Somme théologique: La religion: Tome premier 2^a-2^{ae}, questions 80-87* (Paris: Desclée & Cie, 1932), 322-324.

²⁶⁷ ST II-II 81.5 ad 1: “Virtutes autem theologicae, scilicet fides, spes et caritas, habent actum circa deum sicut circa proprium obiectum. Et ideo suo imperio causant actum religionis, quae operatur quaedam in ordine ad deum.” See also the body of the article, and already q. 81.4 ad 3.

The next two questions concern devotion and prayer as internal acts of religion. In q. 82, St. Thomas asserts: “Charity causes devotion.”²⁶⁸ Another reply contains a direct statement about religion: “It belongs immediately to charity that man gives himself to God, adhering to him by a union of the spirit. But it belongs immediately to religion that man gives himself to God for certain works of divine worship, and only mediately to charity which is the principle of religion.”²⁶⁹

Q. 83 is concerned with prayer, understood not as a proper virtue but as an act of religion.²⁷⁰ The question, *in toto* 17 articles, has several allusions to a graced agent and charity as a precondition of a virtuous prayer. Art. 1: “Prayer tends toward God as though moved by the will of charity.”²⁷¹ Art. 5: We should ask first of all for things that promote our heavenly beatitude,²⁷² and therefore, the Holy Spirit has to inspire prayers.²⁷³ In art. 7, St. Thomas explains that “charity requires that we pray for others.”²⁷⁴ And he continues: “Prayer will be meritorious for that one who prays out of charity.”²⁷⁵ In the next article (q. 83.8) – whether we are required to pray for our enemy – he repeats exactly the same distinctions which were made in ST II-II 25.8:²⁷⁶ as the faithful has to love his enemy by charity, likewise he has to pray for him. Similarly clear is art. 11, which asks whether the saints in heaven pray for us: “Since prayers offered for others proceed from charity . . . the greater the charity of the saints in heaven, the more they pray for wayfarers.”²⁷⁷ Art. 12 distinguishes between particular prayers of the faithful and the common prayer of the Church – again an indication of infused virtue, which is given for the virtuous life in the Church.²⁷⁸ Art. 13, whether attention is a necessary condition of prayer, claims that even without continuous actual attention, prayers

²⁶⁸ ST II-II 82.2 ad 2: “Caritas et devotionem causat.” And the text continues: “Etiam per devotionem caritas nutritur, sicut et quaelibet amicitia conservatur et augetur per amicabilium operum exercitium et meditationem.” ST II-II 82.3 ad 2 is also noteworthy: the contemplation of Christ’s life and passion nourishes devotion. This statement obviously presupposes more than a natural knowledge of God, sc. faith in Christ as savior.

²⁶⁹ ST II-II 82.2 ad 1: “Ad caritatem pertinet immediate quod homo tradat seipsum deo adhaerendo ei per quandam spiritus unionem. Sed quod homo tradat seipsum deo ad aliqua opera divini cultus, hoc immediate pertinet ad religionem, mediate autem ad caritatem, quae est *religionis principium*.”

²⁷⁰ See ST II-II 83.3.

²⁷¹ ST II-II 83.1 ad 2: “tendit autem oratio in deum quasi a voluntate caritatis mota.”

²⁷² ST II-II 83.5, also ad 2.

²⁷³ ST II-II 83.5 ad 1: “Homo ex se scire non possit quid orare debeat, spiritus tamen . . . in hoc adiuvat infirmitatem nostram quod, inspirando nobis sancta desideria, recte postulare nos facit.”

²⁷⁴ ST II-II 83.7: “Caritas hoc requirit, ut pro aliis oremus.”

²⁷⁵ ST II-II 83.7 ad 2: “Oratio meritoria erit oranti, qui ex caritate orat.”

²⁷⁶ Whether we have to love our enemy by charity. We have already discussed the issue in section 6.3.3b.

²⁷⁷ ST II-II 83.11: “Cum oratio pro aliis facta ex caritate proveniat . . . quanto sancti qui sunt in patria sunt perfectioris caritatis, tanto magis orant pro viatoribus.”

²⁷⁸ Similar a short note in ST II-II 83.16 ad 2.

are meritorious if they are “informed by charity.”²⁷⁹ Such a man “sets about praying by the instigation of the Spirit.”²⁸⁰ The next article describes the “desire of charity” as the necessary cause of a virtuous praying.²⁸¹ Most important among these articles is art. 15, with the explicit question of whether prayer is meritorious. The answer is replete with arguments that Aquinas considering an infused virtue: prayer “proceeds from the root of charity,”²⁸² or more precisely: “prayer proceeds from charity mediated by religion.”²⁸³ Further, prayer must be accompanied by humility, a virtue that is described later on as infused.²⁸⁴ The first reply even affirms that prayers without grace do not earn merit in its proper sense. The next article argues conversely: “The sinner cannot pray in a pious way as though his prayer were informed by a habit of virtue.”²⁸⁵ Informed by a habit of which kind? Certainly it must be by an infused habit, i.e., infused religion.

These numerous citations provide sufficient evidence that in this discussion, Aquinas presupposes religion as an infused virtue.

7.6.2 Piety and Obedience as Infused Virtues (qq. 101 and 104)

We have identified the questions about religion as treating of an infused virtue, since its acts – devotion and prayer – are described as being commanded by charity. We observe the same fact in the discussion of piety, i.e., the virtue by which man renders honors and thanks to his parents and his homeland (q. 101). St. Thomas writes: “Just as religion is a certain protestation of faith, hope, and charity whereby man is primarily directed to God, likewise piety is a protestation of charity which we bear towards our parents and homeland.”²⁸⁶ Consequently, the virtue involved is not acquired but infused piety. In another article, he again asserts that “whatever we give our parents out of pity, we refer to God, just as the other works of mercy, which we perform in regard to any of our neighbors, are offered to God,

²⁷⁹ ST II-II 83.13: “Communis omnibus actibus caritate informatis, quod est mereri. Et ad hunc effectum non ex necessitate requiritur quod attentio adsit orationi per totum, sed vis primae intentionis qua aliquis ad orandum accedit, reddit totam orationem meritoriam, sicut in aliis meritoriis actibus accedit.”

²⁸⁰ ST II-II 83.13 ad 1: “Ex instinctu spiritus ad orandum accedit.”

²⁸¹ ST II-II 83.14: “Causa autem orationis est desiderium caritatis, ex quo procedere debet oratio.”

²⁸² ST II-II 83.15: “Oratio autem, sicut et quilibet alius actus virtutis, habet efficaciam merendi in quantum procedit ex radice caritatis.”

²⁸³ ST II-II 83.15: “Procedit tamen oratio a caritate mediante religione, cuius est actus oratio.”

²⁸⁴ See ST II-II 161, discussed in section 6.2.1.

²⁸⁵ ST II-II 83.16 ad 2: “Peccator non potest pie orare quasi eius oratio ex habitu virtutis informetur.”

according to Mt 25, *what you did to one of my least, you did to me.*²⁸⁷ The reference to the works of mercy (discussed by Aquinas within the context of charity²⁸⁸) and the citation of the Gospel are again indications of an infused species of piety.

Furthermore, q. 104 on obedience makes a great contribution toward proving our thesis. It includes some very clear hints that the virtue under consideration is an infused virtue.

Aquinas places the discussion of obedience after piety (regarding parents), observance, and dulia (regarding people of special merit). Thus, the context suggests that the question is not about obedience regarding God, but regarding human superiors. In fact, the first two articles seem to affirm this supposition. However, in article 3, which asks whether obedience is the greatest of all virtues, Aquinas describes obedience (with apparent abruptness) in reference to God as the effect of man's charity for him. In the *sed contra* he argues: "Obedience is to be praised because it proceeds from charity."²⁸⁹ In the body of the article, he first affirms the priority of the theological virtues over the moral virtues.²⁹⁰ This fact in itself should already catch our attention. If somebody possesses faith, hope, and charity, *and moral virtues*, then – according to St. Thomas – he must have infused moral virtues. Thus, already this detail suggests infused virtues. Moreover, Aquinas continues by saying that among the moral virtues, obedience has a certain priority "whereby we condemn our own will because of God"²⁹¹ whereas by the other moral virtues we "condemn other goods because of God."²⁹² In what follows, St. Thomas again maintains an essential connection between charity and obedience: it is impossible that works are meritorious before God without respecting the divine will (i.e., without obedience) – "as neither they would be [meritorious] if they were done without charity, which cannot be apart from obedience."²⁹³ Thus, Aquinas describes obedience as a concomitant of charity. Without any doubt, this kind of obedience has to be an infused species.²⁹⁴

²⁸⁶ ST II-II 101.3 ad 1: "Sicut religio est quaedam protestatio fidei, spei et caritatis, quibus homo primordialiter ordinatur in deum; ita etiam pietas est quaedam protestatio caritatis quam quis habet ad parentes et ad patriam."

²⁸⁷ ST II-II 101.4 ad 3: "Hoc ipsum quod parentibus carnalibus ex pietate exhibemus, in deum referimus, sicut et alia misericordiae opera quae quibuscumque proximis impendimus, deo exhibita videntur secundum illud Matth. XXV, *quod uni ex minimis meis fecistis, mihi fecistis.*"

²⁸⁸ Cf. ST II-II 32.3.

²⁸⁹ ST II-II 104.3 *sed contra*: "Obedientia habet laudem ex eo quod ex caritate procedit."

²⁹⁰ ST II-II 104.3: "Illae virtutes quibus deo secundum se inhaeretur, scilicet theologicae, sunt potiores virtutibus moralibus, quibus aliquid terrenum contemnitur ut deo inhaereatur."

²⁹¹ ST II-II 104.3: "quae propter deum contemnit propriam voluntatem."

²⁹² ST II-II 104.3: "quae propter deum aliqua alia bona contemnunt."

²⁹³ ST II-II 104.3: "Sicut nec si fierent sine caritate, quae sine obedientia esse non potest."

²⁹⁴ ST II-II 105 about disobedience likewise mentions to charity as the point of reference: "Inobedientia qua quis inobediens est praeceptis superiorum, est peccatum mortale, quasi divinae dilectioni contrarium."

Our argument is confirmed by the reply to the second objection, which cites the authority of St. Gregory: obedience causes all the other virtues; therefore, it must also be superior to all the other virtues.²⁹⁵ In the reply, Aquinas notes that virtuous acts which are a matter of precept must also involve an act of obedience. But since every virtuous act disposes man toward an increase of virtue, obedience can become in a certain sense the cause of this virtue. However, Aquinas denies that obedience simply precedes all virtues. He makes the following important statement with an explicit reference to infused virtue: “The infusion of grace and virtues [*infusio gratiae et virtutum*] may precede all virtuous acts, even in point of time. And in this way obedience is not prior to all virtues; neither in point of time nor by nature.”²⁹⁶ Admittedly, Aquinas refers to the infusion of virtue only in order to deny the absolute priority of obedience. Nonetheless, the note is interesting in regard to our thesis: he mentions that virtues can be had prior to any act of virtue – namely by infusion. But why should Aquinas mention the infusion of virtue, unless he is discussing an infused virtue? Hence, the oblique reference reveals that Aquinas is speaking about infused obedience.

If we read the body of art. 3 again, we observe some inconspicuous details that confirm our assertion. In order to provide the necessary background for his answer, St. Thomas begins his argument with a basic account of virtue as such: “As sin consists in man contemning God and adhering to mutable things, so – conversely – the merit of a virtuous act consists in man contemning created goods and adhering to God.”²⁹⁷ This general description certainly does not sound like a typical Aristotelian understanding of virtue, i.e., practical perfections regarding the human city on earth.²⁹⁸ In contrast, it conforms perfectly to Aquinas’s account of infused virtue. In *De virt. card.* 4 ad 5, he explains that infused moral virtues are concerned with human things, but only “as matter which is handled as tending from there to something else,”²⁹⁹ as starting from created things and tending towards God. Thus, from the very beginning of the article, Aquinas presupposes an understanding of infused virtue.³⁰⁰

²⁹⁵ ST II-II 104.3 arg. 2: “Praeterea, Gregorius dicit ult. Moral., quod obedientia sola virtus est quae virtutes ceteras menti inserit, insertasque custodit. Sed causa est potior effectui. Ergo obedientia est potior omnibus virtutibus.”

²⁹⁶ ST II-II 104.3 ad 2: “Infusio gratiae et virtutum potest praecedere, etiam tempore, omnem actum virtuosum. Et secundum hoc, neque tempore neque natura est obedientia omnibus aliis virtutibus prior.”

²⁹⁷ ST II-II 104.3: “Sicut peccatum consistit in hoc quod homo, contempto deo, commutabilibus bonis inhaeret; ita meritum virtuosi actus consistit e contrario in hoc quod homo, contemptis bonis creatis, deo inhaeret.”

²⁹⁸ Cf. section 2.3.

²⁹⁹ *De virt. card.* 4 ad 5: “sicut materia circa quam operatur, ut ab ea in aliud tendens.”

³⁰⁰ A further indirect indication is found in ST II-II 104.3 ad 1, where Aquinas defines obedience according to the different kinds of reverence on which it depends: “Obedientia procedit ex reverentia, quae exhibet cultum et honorem superiori. Et quantum ad hoc, sub diversis virtutibus continetur, licet secundum se considerata, prout respicit rationem praecepti, sit una specialis virtus. In quantum ergo procedit ex reverentia praelatorum, continetur quodammodo sub observantia. In quantum vero procedit ex reverentia parentum, sub pietate.

Usually, scholars who discuss Aquinas's account of obedience pass over this article and interpret the whole question as dealing with acquired obedience.³⁰¹ But this solution oversimplifies the issue. (Implicitly, it postulates that St. Thomas was inconsistent in structuring the articles, turning from a human kind of obedience in art. 1 and 2, to obedience regarding God in art. 3). The interpretation of the subject of this question as acquired obedience is ultimately impossible, since the other articles also at least indirectly imply infused obedience: Although articles 1 and 2 do not mention obedience regarding God, there is a reference to the divine law as the authority on account of which inferiors are to obey their superiors.³⁰² Likewise, in art. 6: "Man is bound by the divine law to obey his fellow-man."³⁰³ A reply to an objection in article 5 calls for obedience regarding God, "by whom we are instructed by the natural or written law"³⁰⁴ – and the written law clearly refers to the divine law. Moreover, the matter of art. 4 to 6, which we previously discussed, makes it clear that, for Aquinas, the ultimate reason that one ought to give obedience to a fellow-man, is God: Art. 4 asks whether God must be obeyed in all things; art. 5, whether subjects are bound to obey their (human) superiors in all things; art. 6, whether the faithful are bound to obey the secular power. All these issues are answered by reference to man's primary obedience regarding God. For example, the *sed contra* of q. 104.6 quotes 1 Pt 2.13-14: "Be subject to every human creature because of God, whether to the king as excelling, or to governors as sent by him."³⁰⁵ One may object that even by nature man has to obey all lawful superiors. But Aquinas emphasizes in the body of the article that also the order of grace requires the faithful to obey their earthly superiors. Hence, the articles surrounding q. 104.3 also give sufficient evidence

In quantum vero procedit ex reverentia dei, sub religione, et pertinet ad devotionem, quae est principalis actus religionis." (ST II-II 104.3 ad 1). As we have seen in the previous paragraph, religion and piety are discussed by St. Thomas as infused virtues. The virtue of observance, however, is portrayed as a consequent continuation of religion and piety: "Sicut sub religione, per quam cultus tribuitur deo, quodam ordine invenitur pietas, per quam coluntur parentes; ita sub pietate invenitur observantia, per quam cultus et honor exhibetur personis in dignitate constitutis." (ST II-II 102.1). Thus, observance is obviously of the same order as religion and piety. But if obedience proceeds from religion, piety, and observance *as infused virtues*, it must be itself *infused*.

³⁰¹ E.g. Sally J. Scholz, "Civil Disobedience in the Social Theory of Thomas Aquinas," *The Thomist* 60 (1996): 449-462; Jean Porter, "Natural Equality: Freedom, Authority, and Obedience in Two Medieval Thinkers," *Annual of the Society of Christian Ethics* 21 (2001): 275-304. A very detailed outline is offered by Karen M. Kuss, *Obedience as a Virtue: A Thomistic Consideration* (Notre Dame, IN: University of Notre Dame, 1991); she even dedicates a special chapter to the investigation of "divine obedience" (p. 60-112), understood as obedience regarding God. However, there are no indications that she understands this virtue as infused obedience. A lonely exception of this common reading makes Angela M. McKay, *Humble Obedience: References to Infused Virtue in the Treatise on Justice* (Paper presented at a conference of the International Congress on Medieval Studies, Kalamazoo, MI, 2005).

³⁰² ST II-II 104.1: "In rebus humanis, ex ordine iuris naturalis et divini, tenentur inferiores sui superioribus obedire."

³⁰³ ST II-II 104.6 ad 3: "Ex lege divina homo tenetur homini obedire."

³⁰⁴ ST II-II 104.5 ad 2: "a quo instruuntur per legem naturalem vel scriptam."

³⁰⁵ ST II-II 104.6 *sed contra*: "Subiecti estote omni humanae creaturae propter deum, sive regi, quasi praecellenti; sive ducibus, tanquam ab eo missis."

that, for Aquinas, obedience is not to be reduced to subjection to human superiors, but is grounded ultimately in man's obedience to God, motivated by charity. Granting that this is the case, what Aquinas has in mind can only be infused obedience.

7.7 The Gift of Piety as the Completion of the Treatise

In section 7.1, we already discussed the precepts of justice (q. 122). We can therefore conclude our examination of the treatise on justice with an analysis of q. 121, on piety as a gift of the Holy Spirit. In the prologue of the *Secunda secundae*, Aquinas announces that he will treat the virtues together with their corresponding gifts. We took this assertion as an indication that he was considering justice as infused virtue since, as seen in section 1.3, infused moral virtues presuppose the cooperation of the gifts for their act – in contrast to acquired virtues. Every single act of an infused virtue arises at a direct instigation of the Holy Spirit, but in order to be disposed for this divine motion, the human powers need to be elevated by the gifts. Thus, if the treatise on justice contains an extra question about piety as its corresponding gift, the structure itself already suggests an understanding of justice as an infused virtue.³⁰⁶

Of course, this observation by itself still leaves open the possibility that Aquinas only added the outline of piety as the corresponding gift for systematic reasons, as a structural emphasis of his claim that every infused virtue cooperates with a related gift. But does he also give some indications of this cooperation in his portrayal of piety (as gift)? Aquinas's discussion is extremely brief: one single article – quite sparse in comparison with 63 long questions about justice. However, a careful examination of the article reveals an astonishing coherence with our reading of the treatise as concerning infused justice.

According to the general theory of the cooperation of gifts and infused virtues, the just man requires a corresponding gift in order to be disposed to achieve the proper acts of justice (*iusta*) in a divine mode (*divino modo*), as moved by the Holy Spirit. How does Aquinas

³⁰⁶ One might put forth the following objection: The examination of piety as a gift at the end of the treatise should not be read as an indication of justice as an infused virtue in the previous discussion, but the contrary as argument for acquired virtue. This would mean that now, at the end, Aquinas extends his view to the supernatural level by introducing piety as a gift. However, the objection misinterprets the function of the gifts. The gifts neither substitute nor elevate the task of acquired virtues. Therefore, a reference to piety as a gift after a long explication of justice as an acquired virtue *without dealing with its infused counterpart* would make little sense.

describe piety as a gift that relates to justice? Let us first study the content of the brief *corpus articuli*:

The gifts of the Holy Spirit are habitual dispositions of the soul, rendering it amenable to the motion of the Holy Spirit. Now the Holy Spirit moves us to this effect among others, of having a filial affection towards God, according to Rm 8, you have received the spirit of adoption of sons, whereby we cry: Abba, father. And since it belongs properly to piety to pay duty and worship to one's father, it follows that piety, whereby we pay worship and duty to God as our father under the instigation of the Holy Spirit, is a gift of the Holy Spirit.³⁰⁷

At first glance, the attribution of this kind of piety (as a gift) to justice as a virtue may seem artificial: Justice as a virtue first of all directs interhuman actions. Only religion as a potential part is concerned with man's relation to God. Hence, it seems inappropriate that piety, as the gift relating to justice, focuses exclusively on God. If Aquinas understands piety as the gift corresponding to justice, he should mention a cooperation with infused commutative or distributive justice. Moreover, though piety as a virtue belongs to justice as a potential part, it is not the noblest one (which would be religion). Thus, if piety as a gift disposes man to be moved by God himself, it should rather adopt the name of religion than piety.

Aquinas addresses both arguments in the objections.

Comparing piety and religion as two virtues, the latter surpasses the former in dignity, since glorifying God is nobler than honoring one's parents. This much is clear enough. Nonetheless, there are different ways to pay worship to God, namely, *as our creator* – and this is the task of religion as virtue, or even more perfectly, *as our father*, which is due to the gift of piety.

To pay worship to God as creator, as religion does, is more excellent than to pay worship to one's father in the flesh, as does the piety which is a virtue. But to pay worship to God as

Since the gifts require infused virtues for their cooperation, the foregoing discussion was certainly concerned with infused justice.

³⁰⁷ ST II-II 121.1: "Dona spiritus sancti sunt quaedam habituales animae dispositiones quibus est prompte mobilis a spiritu sancto. Inter cetera autem, movet nos spiritus sanctus ad hoc quod affectum quendam filialem habeamus ad deum, secundum illud Rom. VIII, accepistis spiritum adoptionis filiorum, in quo clamamus, abba, pater. Et quia ad pietatem proprie pertinet officium et cultum patri exhibere, consequens est quod pietas secundum quam cultum et officium exhibemus deo ut patri per instinctum spiritus sancti sit spiritus sancti donum."

For a short discussion of the general issue of piety as a gift of the Holy Spirit, see André Marie, "The General Relationship between the Virtues and the Gifts of the Holy Ghost," *The Slaves of the Immaculate Heart of Mary* (May 30, 2007), <http://catholicism.org/virtues-gifts.html> (accessed February 4, 2010); Horst, *Die Gaben des Heiligen Geistes nach Thomas von Aquin*, 149-153; Aumann, *Spiritual Theology*, 293-296. Still helpful is Mennessier, "Appendice II: Renseignements techniques," 324-327.

father is yet more excellent than to pay worship to God as creator and lord. Wherefore religion is greater than the virtue of piety, while the gift of piety is greater than religion.³⁰⁸

This assertion could foster the suspicion that only by piety does man relate to God as his supernatural end, whereas religion is understood as a natural virtue, since man may recognize God as his creator even apart from grace.³⁰⁹ Is religion understood here merely as a natural virtue, whereas only the gift of piety implies the order of grace? On the contrary, the detailed outline of religion in qq. 81-100 clearly describes religion as a virtue which is based on charity.³¹⁰ Thus, piety as a gift does not introduce new supernatural acts or obligations of worshipping God beyond infused religion, but enables man to render the worship of religion by a “filial affection,” i.e., *divino modo*.³¹¹ In this way, the description of piety fits perfectly as the completion of the previous discussion of religion as an infused virtue. It does not introduce a parallel, second mode of acting, but focuses on the moving cause of the acts of (infused) religion – sc. the Holy Spirit – and the resulting special mode of its acts.

But is the restrained focus of piety on the worship of God not too narrow for it to be the gift that corresponds to justice, which covers many issues beyond religion? In what way does the gift of piety make the agent amenable to the Spirit’s motions with respect to interpersonal acts; to paying to each his due?

Aquinas himself replies this objection:

As by the virtue of piety man pays duty and worship not only to his father in the flesh, but also to all his relatives on account of their being related to his father, so by the gift of piety he pays worship and duty not only to God, but also to all men on account of their relationship to God.³¹²

³⁰⁸ ST II-II 121.1 ad 2: “Exhibere cultum deo ut creatori, quod facit religio, est excellentius quam exhibere cultum patri carnali, quod facit pietas quae est virtus. Sed exhibere cultum deo ut patri est adhuc excellentius quam exhibere cultum deo ut creatori et domino. Unde religio est potior pietate virtute, sed pietas secundum quod est donum, est potior religione.” Similarly in ad 1: “Pietas quae est donum, hoc [sc. officium et cultum] exhibet deo ut patri.”

³⁰⁹ In ST I-II 109.3 ad 1, Aquinas argues that man loves God by nature as *principium essendi* and creator, but only by supernatural charity as his ultimate beatitude.

³¹⁰ See the quotation in footnote 269, where Aquinas describes charity as “religionis principium.”

³¹¹ Cessario explains: “Religion continues to bind even a person who is brought into the *communicatio benevolentiae divinae*, that is, elevated to supernatural charity. Even the personal friendship between God and the creature that we call created grace does not alter the structure of religion, so that the favor of divine friendship never excuses one from rendering to God what is his due.” (Cessario, *The Virtues, or the Examined Life*, 149).

³¹² ST II-II 121.1 ad 3: “Sicut per pietatem quae est virtus exhibet homo officium et cultum non solum patri carnali, sed etiam omnibus sanguine iunctis, secundum quod pertinent ad patrem; ita etiam pietas secundum

The task of piety is not limited to God, but extends to all man insofar as they belong to God.³¹³ We find the same argument in the case of piety as a virtue, where honoring one's parents includes respect for all relatives: "The worship due to our parents includes the worship given to all our relatives, since our relatives are those who descend from the same parents."³¹⁴ The case of charity is similar, because love for God includes (and demands) love for one neighbors insofar as they belong to God.³¹⁵ In the same way, the gift of piety, whose proper object is God, to whom we adhere in filial affection, extends to all proper acts of justice insofar as all men who are involved in our actions may be considered – at least potentially³¹⁶ – as co-adopted sons of God. Cessario points out that "The gift of Piety . . . illumines the just believer to embrace every person, and indeed everything, as a child or possession of the heavenly Father – 'ut filios et res Patris.'"³¹⁷ Thus, filial adherence to God also affects the mode of actions towards the other, although Aquinas does not discuss this consequence at great length. Here the principle is valid: "The greater includes the lesser."³¹⁸

As already seen in the previous paragraph, piety as a gift does not introduce additional duties with regard to our neighbors. It only enables the agent to render to each one his due – the object of justice – prompted by the divine impulse. Aumann correctly explains: "The gift of piety perfects to a heroic degree the matter that falls under the virtue of justice and the other virtues related to justice."³¹⁹

Therefore, we can draw the following two conclusions:

(a) The short discussion of piety as the gift corresponding to justice, only makes sense if the previous chapter already concerned the acts of infused justice. The task of the gift is to dispose the agent to be amenable to the impulses of the Holy Spirit, whereas the proper object of the action is already determined by justice and its annexed parts. By the gift of piety, the

quod est donum, non solum exhibet cultum et officium deo, sed omnibus hominibus inquantum pertinent ad deum."

³¹³ Already in the *Prima Secundae* Aquinas claims this function of piety as a gift regarding man's actions *ad omnes*, i.e. as complement of justice. "Nomen pietatis importat reverentiam quam habemus ad patrem et ad patriam. Et quia pater omnium deus est, etiam cultus dei pietas nominatur; ut Augustinus dicit, X de Civ. Dei. Et ideo convenienter donum quo aliquis propter reverentiam dei bonum operatur ad omnes, pietas nominatur." (ST I-II 68 ad 2).

³¹⁴ ST II-II 101.1: "In cultu autem parentum includitur cultus omnium consanguineorum, quia etiam consanguinei ex hoc dicuntur quod ex eisdem parentibus processerunt."

³¹⁵ ST II-II 25.1; *De caritate* 4 ad 5.

³¹⁶ Cf. ST III 8.3.

³¹⁷ Cessario, *The Virtues, or the Examined Life*, 155.

³¹⁸ ST II-II 101.1 ad 1: "In maiori includitur minus. Et ideo cultus qui deo debetur includit in se, sicut aliquid particulare, cultum qui debetur parentibus."

³¹⁹ Aumann, *Spiritual Theology*, 293.

graced agent renders to everybody what the virtue of justice requires, but precisely as moved by filial love for God. Gift and virtue cooperate. However, if the whole previous treatise were concerned with acquired justice, Aquinas would have to renew the whole discussion about justice from the beginning for the graced agent. But he is content to describe the function of piety as man's disposition to be moved by the Spirit, to act by a certain *modus*, by filial affection towards God; the concrete object of these acts is not discussed. Why? Obviously, because the whole treatise was already concerned with the acts of infused justice.

(b) According to Aquinas's description of piety, pious behavior towards the neighbor hinges on our adherence to God. We found a similar statement in q. 58, on justice in general, where Aquinas portrays the right relationship to God as including the order of justice in regard to the other. "Just as love of God includes love of our neighbor . . . so too the service of God includes rendering to each one his due."³²⁰ Some articles later, he characterizes love of God as the "common root of the entire order towards the other."³²¹ Hence, not only in the case of the corresponding gift, but also in the case of justice, Aquinas finds the *ordo ad alterum* on the *ordo ad deum* – a detail that would be superfluous if the discussion were only concerned with acquired virtue.

Thus, the concluding article on piety as the corresponding gift of the Holy Spirit is a final confirmation that the subject of the entire treatise is infused justice.

7.8 Conclusion: Justice in the *Secunda Secundae* as an Infused Virtue

At the beginning of chapter 4, we quoted ST I-II 100.12, in which Aquinas explicitly recognizes two different kinds of justice, sc. acquired and infused justice: "Justice, as the other virtues, can be taken either as an acquired or as an infused virtue . . . The acquired virtue is caused by operations, but the infused virtue is caused by God himself through his grace. And this is true justice."³²² Our reading through of the *Secunda secundae* has shown that the discussion there is indeed about this "true justice," i.e., infused justice. Or better: about the object of infused justice. Or still more precisely: long parts of the treatise are about trespasses

³²⁰ ST II-II 58.1 ad 6: "Sicut in dilectione dei includitur dilectio proximi, ut supra dictum est; ita etiam in hoc quod homo servit deo includitur quod unicuique reddat quod debet." Cf. *In sent.* III 29.6.

³²¹ ST II-II 58.8 ad 2: "Iustitia est, quae per ceteras diffunditur, dilectio dei et proximi, quae scilicet est communis radix totius ordinis ad alterum."

against the object of infused justice – which is identical with the *ius naturale* but determined by human laws *and* ecclesiastical canons. This special character of justice, which permits a material determination of its object (the *ius*), combined with the narrow scope of infused justice (which only provides the ability to live faithfully in the human society, but without extraordinary skills for promoting the welfare of the city), may be the reason why scholars have so easily overlooked the true purpose of the whole discussion.

Of course, for exactly the same reason, large parts of the treatise can be read – at least superficially – as dealing with acquired justice. But if we take into account all of the details embedded in the articles, it becomes clear that Aquinas is actually portraying infused justice – as should be expected, given his general assertion that infused virtues are the only perfect virtues, and as he already suggests in the prologue of the *Secunda secundae*.

³²² ST I-II 100.12: “Iustitia autem, sicut et aliae virtutes potest accipi et acquisita et infusa . . . Acquisita quidem causatur ex operibus, sed infusa causatur ab ipso deo per eius gratiam. Et haec est vera iustitia.”

CONCLUSION

8. Consequences for the Understanding of the Moral Life

In the previous seven chapters we proved our claim that in the section on justice of the *Secunda secundae* Aquinas is not concerned with an acquired virtue but an infused one. At the end of our dissertation the (patient) reader may be tempted to ask whether the only benefit from our paper is the satisfaction of defending the right interpretation of a very particular issue in a very particular old medieval book. In fact, this would be a quite little gain.

However, the full title of our thesis is: “Justice as an infused moral virtue in the *Summa theologiae* II-II and its implications for our understanding of the moral life.” On the remaining pages we want to focus on this second part of the title and draw some consequences for the understanding of the moral life which follow from our interpretation of infused justice.

8.1 Theoretical Results: The Golden Mean between Virtue Ethics and Legalism

As explained in the introductory chapter, our thesis must be read in the context of the reappraisal of “Virtue Ethics” in recent times. For centuries the phenomenon of morality was described by terms of obligation and duty. The moral good was seen as correlative to observance of and obedience to certain precepts, to fulfill one’s duty.¹ Arguing in this line, I. Kant defined virtue as “the moral strength of the human will in observing his duty,”² as an “internal attitude in fighting,”³ namely against one’s own inclinations, only because of a moral obligation.

In contrast, virtue ethics grounds morals in the opposite way. Ethics arises from man’s natural inclinations which are embedded in human nature. It is rooted in man’s natural desires for the good and pleasurable. Virtue ethics conceives of the virtuous agent as *wanting* to do what

¹ As Lamont has correctly noted, such a “moral of obligation” supposes implicitly an “identity of justice and morality” (see Lamont, “Conscience, Freedom, Rights: Idols of the Enlightenment Religion,” 235).

² Immanuel Kant, *Metaphysik der Sitten* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1956), A 46.

³ Immanuel Kant, *Kritik der praktischen Vernunft* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1956), A 151: “Gesinnung im Kampf.”

morality requires (since morality requires what the virtuous agent wants to do⁴). R.J. Devettere thus defines: “Virtue ethics is about desire and not duty, about what we want to do and not what we ought to do.”⁵ Similar S.v. Hooft who opposes this account explicitly with the morality of obligation:

When a moral agent, as conceived by an ethics of duty, finds himself in a morally complex situation he will ask himself what it is his duty to do. He will consider what moral norms or principles apply to the situation and seek to apply them. Virtue ethics, in contrast, will consider what sort of person the agent should be and what sort of life they should lead.⁶

The general concern of virtue ethics, i.e. the foundation of morals in the natural inclination of man, is certainly valid.⁷ Vice versa, the grounding of morals in terms of obligation and duty is obviously deficient. But a correct (and necessary) critique has always the tendency to fall into the other extreme. Likewise the valid critique of an “ethics of duty” by a virtue ethics is in danger to throw out the baby with the bath water. Whilst it is right in denying obligation as ultimate rationale of morals, we must also carefully avoid an undervaluation of the legitimate function of precepts and legal obligations. Thus, the question is whether an “ethics of duty” and an “ethics of virtue” are two exclusive alternatives – either the one or the other. Or have we to do with two aspects, two legitimate, necessary, and complementary aspects of human morality?

As to that, the deepened understanding of justice as infused virtue is of great advantage. It helps to clarify the relationship between what we want to do by our *own inclination* and what we have to do by a commanded *obligation*.

A look back: Justice as virtue is not to be understood as readiness to tolerate legitimate claims of the other, but as own internal inclination of the agent to render everybody his due. It is the agent’s own desire to achieve the *ius*. “Justice is the constant and perpetual will to render everybody his due.”⁸ As to that, it fits perfectly to the basic account of virtue ethics. However, this does not imply a general dismissal of duty and legal obligation. In section 4.3 we

⁴ Likewise for Aquinas the term *bonum* results from the motion of an appetite: “Cum autem bonum proprie sit motivum appetitus, describitur bonum per motum appetitus, sicut solet manifestari vis motiva per motum. Et ideo dicit, quod philosophi bene enunciarunt, bonum esse id quod omnia appetunt.” (*In ethic* I 1.9). And in *ST* I 6.2 ad 2: “Cum dicitur bonum est quod omnia appetunt, non sic intelligitur quasi unumquodque bonum ab omnibus appetatur, sed quia quidquid appetitur, rationem boni habet.”

⁵ Devettere, *Introduction to Virtue Ethics*, 20.

⁶ Hooft, *Understanding Virtue Ethics*, 10-11.

⁷ J. Pieper expresses it aptly: “Dass der Mensch etwas ‘soll’ und was er ‘soll’ – dies hat *wesentlich* etwas zu tun mit dem, worauf es mit dem Menschen sowieso hinaus will.” (Pieper, “Über das Gute und das Böse,” 37).

⁸ *ST* II-II 58.1: “Iustitia est constans et perpetua voluntas ius suum unicuique tribuens.”

investigated Aquinas's distinction between *debitum morale* and *debitum legale* (by reference to *ST* I-II 99.5). The first one binds the agent from within, the second one from the outside, i.e. by law.⁹ According to Aquinas, *moral* and *legal* due do not constitute two rival ethical versions but describe two different aspects of one moral theory. The *debitum morale* is certainly the more basic foundation. The agent who has virtues is inclined by himself to act according to reasonable good (natural reason as well as enlightened by faith). Virtue ethics is right in grounding morals in man's own inclination. But this is not yet the complete account of morals. Beyond that, there is also a legal due; an external obligation which does not only command things which are desired in themselves by the virtuous agent, but also things which are good only because of an external determination. Only because of positive laws, man observes things like the code of procedure, traffic-rules, wage agreements, the civil (and ecclesiastical) requirements for marriage and so forth. In and of themselves, these rules do not bear the notion of good and desirable. They are good only on condition of a legal determination. Aquinas makes an exact distinction: the law "commands certain things because they are good, and forbids others, because they are evil; others, however, are good because they are prescribed and evil because they are forbidden."¹⁰ Thus, the virtuous agent will perform the second kind of acts only because they are commanded by the legitimate authority – *because of the legal obligation*. He has – so to speak – an inward inclination to follow an externally determined obligation. In this way legal obligation plays an important role even for virtue-based ethics. Though the ultimate *motivation* for moral acting is rooted in human inclinations, its concrete *determination* often hinges on external coordinates, on duties and obligations, constituted by positive laws. Both aspects are essential for Aquinas's account of human morality. In a certain way we can say: His moral account is a virtue ethics with legalistic implants.

So far the implications of justice *in general* for our understanding of morals. But what about the relevance of justice *as infused virtue*? In which way does our inquiry of infused justice allow a better understanding of the moral life? Aquinas's doctrine of infused justice clarifies how an agent, who is seriously inclined to vicious deeds, who achieves the good only by observing the determinations of a legal obligation, can nonetheless be called *virtuous*. At first glance, the description sounds like a typical case of an "ethics of obligation:" the good is done

⁹ Either a law explicates things which are just by nature (*per modum conclusionis*) or it provides a further determination of something what is just by nature (*per modum determinationis*).

¹⁰ *ST* II-II 57.2 ad 3. Aquinas speaks here about the divine law: "Sunt enim in lege divina quaedam praecepta quia bona, et prohibita quia mala, quaedam vero bona quia praecepta, et mala quia prohibita."

against the own inclination, by obeying a higher command. How does such a description fit the basic features of a virtue ethics?

The case becomes clear if we consider Aquinas's account of infused justice. The recently converted sinner, who has received all theological and moral virtues at once, retains his previous vicious habits for the first time. He remains inclined to commit thievery, to backbite his neighbors, to tell lies, to betray his business partners etc. If he achieves the right actions for his new final end in this state, he does so only because he wants to observe divine law, human law, and canonic laws, by a permanent endeavor against his quasi-natural vicious inclination. Thus, morally good acting against one's own inclination? Acting because of a legal obligation?

Yes and no. "Yes," since the convert acts indeed against his own tendencies. Moreover, he follows determinations of the human, canonical, and divine law which command actions – as any positive law – from the outside. But likewise "no," since the good actions of the convert arise from a stronger internal inclination which outweighs the old vicious tendencies, i.e. from infused virtues, moved by the instigations of the Holy Spirit. Thus, this perspective shows that the permanent struggle against old lingering habits can be understood as acting because of another, stronger desire (namely the inclination towards divine friendship and the resulting order in human things). In fact, the moral life of an agent with bad habits can be understood only in this way. If the strife against existing evil habits was not grounded in a more profound inclination to the opposite, there would be no reason at all to act against vices. Even if the converted obeys decreed laws seemingly "unwillingly," the ultimate reason is not an externally imposed obligation but his own new inclination which comes from within. The law determines only the external content of his acts but their achievement is due to a stronger internal tendency – i.e. to infused justice which enables the agent to observe all laws for the sake of divine friendship.

The originality of this account becomes clear if we consider the case of a citizen, who observes the law by force, from a mere Aristotelian viewpoint. Let us assume an egoistic citizen, who feels inclined to get rich at the expense of others, who has acquired vices. Admittedly, he observes – nevertheless – the law; but he does so not because of an own inclination for the common good but out of fear for punishment. He is not virtuously inclined to render others their due and to respect their property. His personal habit would lead him to do evil. If he renounces this, it is only due to the external pressure of the law, because of an obligation in its proper sense, not because of virtue. This would indeed be an exemplary case for an "ethics of obligation."

Thus, the precise understanding of the function of infused justice combines the insights of virtue ethics and the legitimate concern of duty and obligation. It allows a balanced synopsis of legal obligations and a virtue-based ethics. Aquinas's account of infused justice shows us how to keep the golden mean between virtue ethics and legalism without overemphasizing one alternative.

8.2 Practical Conclusions: Infused Justice and the Need for Human Education

Our reconstruction of infused justice made its power as well as its limits very clear. We will now draw some practical conclusions from this.

8.2.1 Infused Justice: No Substitute for Human Education

Infused justice enables the graced agent to live in the human society without losing supernatural friendship with God. This means, the graced agent is disposed to render to his fellow-citizens all things which are due to them as fellow-citizens: respect of their life, of their corporeal integrity, of their aligned people, of their good name, their property etc. An offence against these goods would simultaneously imply an injury of divine friendship. This – and only this – is the purpose of infused justice. Our reconstruction fits perfectly if the discussion in the *Secunda secundae* is understood as about infused justice.

In practice, this means: Admittedly, the bestowal of infused justice is a powerful gift of divine grace, a gift which outweighs even vices against the human society insofar as they would destroy divine friendship. This is true and should not be undervalued. But also not overvalued. The graced agent may remain – though possessing infused justice – entirely imperfect regarding many areas of the everyday life. He may lack perfections which are very important for the flourishing of the political life, which he can acquire only by repeated actions after a long time of hard training or which he will never acquire because of a missing natural talent. We speak about “important” perfections since they may be indeed necessary for a successful life in the human city – for the success of the individual as well as for the development of the whole society: qualities as farsighted judgment, knowledge of human nature, negotiating

skills, inspirational leadership, economical experience etc. The mere perfection of non-damaging the other is not enough for making a good earthly citizen; but such qualities have to be learned and trained. Thus, for a successful life in the human society, mere infused justice – to do no harm to the other – is insufficient.

Something similar can be said about the life in a family: Imaging a wicked husband who is used to neglect his wife and children, but who suddenly converts. He receives infused “familial justice” (together with all other virtues) which provides a real and effective inclination to render to each family-member (spouse, children) what is due to them as family-members (what implies much more than mere political justice) in order to preserve the new received divine friendship. Thus, the infused virtue enables him to fulfill his duties as husband and father, but it does not mean that he has immediately the skill to mediate any conflict in the family, to break with his bad table manners which upset the others, to successfully apply for a job which sustains the family financially etc. Infused “familial justice” provides virtuousness only insofar as necessary for preserving charity. All other human perfections which may be necessary for a successful family life according to human standards must be acquired further on by practice and training.

These considerations reveal the wide, important, and indispensable task of human education. Yes, the doctrine of infused justice is important for the understanding of the moral life. But it may never lead us to a dangerous neglect of human education on a natural level.

8.2.2 Infused Justice: Braking the Circle of Human Vices

We want to draw a second conclusion. In the previous section we mentioned the limited scope of infused justice. Now we concentrate on its special advantage.

Imaging a loose-living person, who was badly brought up, who spends his money for alcohol and drugs all the time, who regularly betrays his wife, and who neglects his children. According to Aristotle there is little hope for such person. As he states in *Nicomachean Ethics* II, “it makes no small difference whether we form habits of one kind or of another from our very youth; it makes a very great difference, or rather *all* the difference [μᾶλλον δὲ τὸ πᾶν].”¹¹ Once somebody has acquired vices, he enjoys doing evil, and

¹¹ NE II 1 1103b24-25.

thereby it is difficult *and even impossible* for him to change his lifestyle. As long as somebody desires to do the wrong thing (the immediate effect of vices), the very principle for a fundamental change is lacking. A conversion – not only according to a theological meaning but also in a human sense (i.e. the change from a vicious citizen to a virtuous one) – is psychologically speaking impossible. If somebody is accustomed to betray, to take advantage, to denigrate, to slander, to tell lies with evil intentions etc., if these wicked deeds became his lifestyle, it becomes morally impossible for him to change his social behavior *on his own account*. Sin enslaves. As the Lord says in the Gospel of St. John: “Whosoever commits sin is servant of sin.” (Jn 8.34).

Thus grace is necessary not only for a healing of the lost friendship with God, but also to break the cycle of evil, to turn a life dedicated to the love of one’s self into a life dedicated to the love of one’s neighbor. Only the sudden infusion of a stronger counter-inclination renders a promising struggle against accustomed habits possible.

Again, the infusion of supernatural virtues does not simply replace acquired vices. What we have said in the previous paragraph remains valid. Endeavor and struggle are necessary. But the new infused habits which work by themselves for a higher purpose (sc. for divine friendship), make the struggle against existing evil social habits possible. Using an analogy, if an ill-behaved young man falls in love with a beautiful woman, his desire to be a good friend empowers him to act against many other habits, evil habits, which – by themselves – do not relate directly to this new friendship. In a similar way, infused justice perfects the convert by itself regarding a new kind of friendship, namely to live the human life in charity with God. But right this new inclination makes it possible to break the cycle of social vices and to overcome the defective behavior regarding fellow-citizens.

Thus, Aristotle is certainly right that the habits we develop from youth make a very great difference. But thanks to God, they do not make *all* the difference. Although the purpose of infused virtues is explicitly not the perfection of the human society and the development of acquired political virtues, it may be the only possible way for the wicked citizen to change his life – even in this merely natural sense. M. Sherwin describes the situation in the following way: “For many adult converts, the infused virtues are what make developing the acquired virtues possible at all. . . . We become well ordered to our temporal community by first becoming citizens of heaven in the gift of grace.”¹²

¹² Sherwin, “Infused Virtues,” 51.

These practical conclusions show two important things: First, they illustrate the importance of the education of children's character. A tree must be bent while it is young. Secondly, if somebody – for whatever reason – lacks such an education, the situation may seem hopeless from a human viewpoint. However, what is impossible with man, is possible with God. In such cases we should not exhaust ourselves with the desperate attempt to change accustomed habits by mere natural motives, by mere human endeavor. Rather, we should be confident in the power of God's grace which can change radically the human mind. Indeed, to bring people into friendship with God is simultaneously the best service to the human society.

8.3 Directions for Further Research

We tried to prove that the treatise on justice in the *Secunda secundae* has to be interpreted as about an infused virtue. It is due to the reader to judge whether our attempt was successful or not. However, even if the answer is affirmative, the project of recovering the doctrine of infused (moral) virtues is not yet completed. There are further interesting as well as challenging questions to be explored.

We want to indicate two different areas which would be interesting fields for further study: First, there are still many open questions about reading the *Secunda secundae* as about infused moral virtues (section 8.3.1). Secondly and more specifically for the results of our work, Aquinas's account of infused justice in the *Summa theologiae* renders only the basic principles about dwelling in the human society without losing divine friendship. However, what does this imply for our particular time? In our particular circumstances? Which concrete conclusions can we draw for the present social (and economical) situation? Such questions of course open a door to a wholly new domain. But they must be addressed if we want to make practical use of Aquinas's insights for our present time. In section 8.3.2 we will raise some actual issues which would profit from a confrontation with infused justice as it is portrayed in the *Secunda secundae*.

8.3.1 Reading the Whole *Secunda Secundae* as about Infused Virtues

a) Open Questions in the Treatise on Justice

Our research concentrates on the subjective and integral parts of justice as discussed in *ST* II-II 58-79. Regarding the second long section on the potential parts (qq. 80-120) we were content to pick up a few particular questions (see section 7.6). For reasons of length we had to skip a detailed inquiry of the numerous questions about the contrary vices of religion (qq. 84-100) as well as the interesting section on the “virtues of civility” (i.e. justice’s potential parts of second degree), which deals for example with political friendship and liberality (qq. 114-119). A more detailed inquiry of these questions would confirm our general thesis. Again and again Aquinas refers to the divine law as relevant criterion for good and evil acts, for just and unjust deeds. Repeatedly he determines the relationship between particular acts and charity, and qualifies the vicious acts as venial or mortal sins. Moreover, he describes charity as moving principle of the virtuous act. He speaks about the merit of such actions (even of a *remuneratio aeterna*¹³). Thus, a more detailed reading of these questions would certainly support and confirm our thesis.

Admittedly, we don’t want to hide that there are also difficult issues. For example, in q. 114 Aquinas distinguishes between friendship as charity and as special virtue annexed to justice “which consisted only in external words or deeds which, however, has not the full ratio of friendship, but only a certain similitude.”¹⁴ Thus, how can the discussion be understood as about an infused kind of friendship if it is marked-off from charity in such a clear way? Moreover, some remarks in the question on liberality raise further problems, since Aquinas delimits liberality from charity. “The giving of benefits and mercy proceeds from the fact that a man has a special affection towards the person to whom he gives. Therefore this giving belongs to charity or to friendship. But the giving of liberality arises from a person who is affected in a special way towards money, insofar as he does not desire it nor loves it.”¹⁵ Assertions like this seem to undermine our claim that St. Thomas must speak about infused liberality whose acts would arise – by definition – from charity.

¹³ *ST* II-II 110.4 ad 4.

¹⁴ *ST* II-II 114.1 ad 1: “Aliam vero amicitiam ponit quae consistit in solis exterioribus verbis vel factis. Quae quidem non habet perfectam rationem amicitiae, sed quandam eius similitudinem.”

¹⁵ *ST* II-II 117.5 ad 3: “Datio benefici et misericordis procedit ex eo quod homo est aliquo affectu circa eum cui dat. Et ideo talis datio pertinet ad caritatem sive ad amicitiam. Sed datio liberalitatis provenit ex eo quod dans est aliquo affectu circa pecuniam, dum eam non concupiscit neque amat.”

We want to claim, however, that it is possible to resolve such problems by a careful distinction between different levels (or kinds) of friendship. As we have argued in chapter 5, justice and friendship are not unequivocal terms in Aquinas's writings. Presupposing different kinds of communities (divine, political, familial communities) there are different kinds of friendship and different kinds of justice. It would be necessary to deepen this understanding. But in general, it should be possible to resolve the issues by following the general principles which we suggested in our thesis. Thereby it should be possible to read the whole section as about infused virtues in a completely consistent way.

b) Infused Temperance in the *Secunda secundae*

A. McKay gave evidence in her dissertation that the treatises on prudence and fortitude in the *Secunda secundae* are about infused virtues.¹⁶ We tried to demonstrate the same for the section on justice. The same must still be done for the treatise on temperance. McKay refers in a short paragraph of her thesis to q. 161 about the virtue of humility, which is discussed in the context of temperance, and argues that the description implies infused humility.¹⁷ In our own work we made use of these findings in section 2.3. But in view of 30 long questions on temperance, there remains a lot to do. We want to give some hints about how to approach the project of such a demonstration.

The treatise on temperance contains several references to charity as motive of the temperate act. For example, in *ST II-II 155.4 ad 2* St. Thomas explains: if the agent's concupiscence is weak, it comes "from a spiritual praiseworthy cause, namely from the vehemence of charity or the strength of reason, as it is the case in the temperate man."¹⁸ Thus, the quotation refers to charity (and prudence) as motive for temperance. Elsewhere Aquinas describes chastity as general virtue which "consists in charity and in the other theological virtues by which man's mind is conjoined with God."¹⁹ Both citations obviously imply infused temperance.

¹⁶ See in our introduction section 0.2.1.

¹⁷ See McKay, "Infused and Acquired Virtues," 149-156.

¹⁸ *ST II-II 155.4 ad 2*. The whole context: "Quandoque vero debilitas vel magnitudo concupiscentiae provenit ex causa spirituali laudabili, puta ex vehementia caritatis vel fortitudine rationis, sicut est in homine temperato. Et hoc modo debilitas concupiscentiae auget meritum, ratione suae causae, magnitudo vero minuit."

¹⁹ *ST II-II 151.2*: "Principaliter tamen ration huius castitatis consistit in caritate et in aliis virtutibus theologicis, quibus mens hominis coniungitur deo."

Moreover, the treatise contains several articles which ask whether particular sub-virtues of temperance can be called the “best virtue” (*potissima* or *maxima virtus*).²⁰ These texts are especially elucidating since Aquinas always compares in these texts the virtue at issue with the theological virtues (which in themselves are the most perfect ones). One example: “Meekness and clemency make man acceptable to God and [other] men, in so far as they concur with the same effect as charity, the greatest of the virtues.”²¹ Thus, we can conclude: if a virtue relates to charity, and if its effects are compared with those of charity, it must be an infused virtue.

Further, some virtues which are discussed in the treatise do not make sense as perfections of a life in the human city; their only purpose is man’s friendship with God. A good example is the question on virginity. Measured by earthly standards, virginity has not the character of a virtue. But it is praiseworthy if practiced for religious reasons – i.e. “because of God.”²² St. Thomas continues: “And thereby it has the ratio of virtue.”²³ This short notice does not only prove that virginity makes only sense considering man’s relationship to God, but it illustrates indirectly *for all virtues* that Aquinas refers to them in a theological sense in this context: the ratio of virtue consists in acting for the sake of God. In a similar way he argues in one of the replies: Virginity brings a Christian closer to Christ by a corporeal imitation. “But the other virtues make us cleave to God more closely by imitation of the mind.”²⁴ There is no further specification of these “*aliae virtutes*” in this context. Thus, we must assume that the assertion is made about all virtues.

Moreover, an inquisition of the treatise should focus on explicit references to the ecclesiastical law which provides external standards for temperance. Especially important is q. 147 about fasting. Article 3 to 6 deal with the canon laws which determine concrete conditions and circumstances for a virtuous fasting. But the law of the Church is given – as seen in our research – for preserving divine friendship. Thus, it is again a clear indication for infused virtues.

The treatise on temperance does not know a special question on a corresponding gift of the Holy Spirit (as to that, it is an exception in the *Secunda secundae*). Nonetheless, Aquinas mentions the issue of gifts in a short note of a reply comparing clemency and cruelty:

²⁰ ST II-II 141.8 about temperance in general, 152.5 about virginity, 157.4 about meekness and clemency, 161.5 about humility.

²¹ ST II-II 157.4 ad 2: “Mansuetudo et clementia reddunt hominem deo et hominibus acceptum, secundum quod concurrunt in eundem effectum cum caritate, quae est maxima virtutis.”

²² ST II-II 152.3 ad 1: “propter deum.”

²³ ST II-II 152.3 ad 1: “Et ex hoc habet rationem virtutis.”

²⁴ ST II-II 152.5 ad 3: “Aliae virtutes faciunt propinquius inhaerere deo per imitationem mentis.”

Clemency is a human virtue; therefore, it is directly opposed to cruelty which is a form of human wickedness. But savagery or brutality is comprised under bestiality, wherefore it is not directly opposed to clemency, but to a more excellent virtue, which the Philosopher calls 'heroic' or 'divine,' which according to us, would seem to pertain to the gifts of the Holy Spirit. Consequently we can say that savagery is directly opposed to the gift of piety.²⁵

To relate gifts and virtues (or vices) makes sense only for infused virtues. Thus, we can take this quotation as an indirect hint for infused virtues.

Last but not least, the final question (q. 170) is about the precepts of temperance. Aquinas argues: charity is the end of the Ten Commandments. Thus, they contain precepts which "direct to love for God and the neighbor."²⁶ This is true also for the precepts of temperance – the prohibition of adultery and of the desire of adultery, since adultery is "most of all opposed to the love of our neighbor."²⁷ Therefore, even the discussion of the precepts of temperance illustrates the final purpose of this virtue: it is neither bodily health, nor better social living together, but love for God and the neighbor. Then, however, it is a question of infused temperance.

These few hints may be enough to indicate how one could supply evidence for infused temperance in the *Secunda secundae*.

c) Infused Virtues in ST II-II 171 to 189

The *Secunda secundae* has two parts. The first long section treats the three theological and four cardinal virtues which are relevant for all men (qq. 1-170); the second part is concerned with acts pertaining to certain men (qq. 171-189). "After having discussed the particular virtues and vices which pertain to conditions and states of all men, now we have to consider

²⁵ ST II-II 159.2 ad 1: "Clementia est virtus humana, unde directe sibi opponitur crudelitas, quae est malitia humana. Sed saevitia vel feritas continetur sub bestialitate. Unde non directe opponitur clementiae, sed superexcellentiore virtuti, quam philosophus vocat heroicam vel divinam, quae secundum nos videtur pertinere ad dona spiritus sancti. Unde potest dici quod saevitia directe opponitur dono pietatis."

²⁶ ST II-II 170.1: "Ordinantur ad dilectionem dei et proximi."

²⁷ ST II-II 170.1: "Maxime dilectioni proximi videtur opponi adulterium, per quod aliquis usurpat sibi rem alienam, abutendo scilicet uxore proximi." In the second article St. Thomas explains that the virtues annexed to temperance are not *per se* directed to charity, but their effects "possunt respicere dilectionem dei vel proximi." (ST II-II 170.2).

those things which pertain in a special way to particular men.”²⁸ Although the topic of these questions is not explicitly virtue, it would be a profitable project to look at the meaning of the term “*virtus*” in this part. If our thesis is correct and if the *ST* II-II does not only discuss the theological virtues as infused habits but also the cardinal ones, the same understanding of virtue should also be used in these final questions. And conversely, if this assumption were affirmed, it would be a posteriori a strong argument for our claim regarding the previous section on the cardinal virtues.²⁹

We want to call attention to two notable facts. Of course, this does not substitute a detailed inquisition of these questions but it may prove at least the feasibility of such a work.

First, the topics treated in this final part of the *Secunda secundae* are apparently taken from a theological context. In the prologue of q. 171 Aquinas subdivides the discussion in three major fields: (a) the diversity of gratuitous graces as prophecy, rapture, gift of tongues, miracles etc (qq. 171-178); (b) the diversity of lifestyles, i.e. the distinction between active and contemplative life (qq. 179-182); (c) the diversity of states of life, i.e. the general vocation to holiness and particular vocation to special kinds of perfection as the episcopacy and the religious life (qq. 183-189).³⁰ Already this overview reveals the theological background of the whole discussion. All these issues make only sense on condition of a community of Christians. And this means: it presupposes people whose life is guided (or at least: it should be) by infused virtues.

Secondly, from the first to the last question, the casual references to moral virtues presuppose an understanding of infused virtues. Some examples: In q. 171 Aquinas argues: “It is necessary that all virtues exist simultaneously because of [*propter*] prudence or charity.”³¹ We know from many other texts that charity (and prudence *simpliciter*) requires all *infused* moral virtues (see section 2.3). Some questions later: “As prophecy extends to all things which can be known in a supernatural way [*supernaturaliter*], so the operation of virtues extends to all things which can be done in a supernatural way [*supernaturaliter*].”³² Moreover, determining the relationship of moral virtues and the contemplative life, Aquinas emphasizes the predisposing function of moral virtues for the love of God.³³ These assertions correspond

²⁸ *ST* II-II 171 prologus: “Postquam dictum est de singulis virtutibus et vitiis quae pertinent ad omnium hominum condiciones et status, nunc considerandum est de his quae specialiter ad aliquos homines pertinent.”

²⁹ The section knows some direct references to justice as the most perfect moral virtue (e.g. *ST* II-II 181.1 ad 1).

³⁰ Cf. *ST* II-II 171 prologus.

³¹ *ST* II-II 171.4: “Virtutes omnes necesse est esse simul propter prudentiam vel caritatem.”

³² *ST* II-II 178.1 ad 1: “Sicut prophetia se extendit ad omnia quae supernaturaliter cognosci possunt, ita operatio virtutum se extendit ad omnia quae supernaturaliter fieri possunt.”

³³ *ST* II-II 180.2 arg. 1 (affirmative): “Omnes virtutes morales, de quarum actibus dantur praecepta legis, reducuntur ad dilectionem dei et proximi, quia plenitudo legis est dilectio.”

perfectly with the definition of infused virtues: they are given to dispose the graced agent to deal with earthly things without losing divine friendship.³⁴ Another article raises the issue whether the active life remains in heaven. The answer makes use of the distinction between the acts of moral virtues which are either about the end or about the means. Only the first ones remain in heaven. But then they have to be infused virtues.³⁵ And even the final article invokes the topic of infused virtues arguing that the entrance into the religious life does not provoke doubts if one does not rely on human virtue but beliefs in the help of divine virtue (*virtus divina*), since “people who hope for the Lord, change fortitude and assume wings as an eagle.”³⁶ The implication of infused fortitude is obvious.

This may be enough to demonstrate the possibility to give evidence for our claim, namely that the whole *Secunda secundae* is about infused virtue.

8.3.2 Infused Justice and Its Consequences for Current Social Issues

One of the most important findings of our engagement with infused justice was the insight that it provides (only) the inclination to render everybody his due insofar as necessary to preserve the order of grace. Infused justice allows a life in the human community without losing divine friendship. “The service of God includes rendering to each one his due.”³⁷ This means vice versa: it does not work for building up the human society on earth, although it has of course important ramification for it. Because of this limited focus Aquinas’s account of infused justice is – for the most part – valid for all times. It does not give concrete instructions for the organization of the human city; it only makes claims about the basic principles what does it mean to respect the other’s life and corporeal integrity, his property, his good name etc. To make use of these timeless insights, however, requires a concrete application to each time and to each social situation; an application which has yet to be made.

³⁴ See also *ST* II-II 180.2 ad 1: “Virtutes morales disponunt ad vitam contemplativam.” An Aristotelian understanding of moral virtues would argue: Moral virtues dispose us for a pleasant life in the human city.

³⁵ Cf. *ST* II-II 181.4 (esp. ad 1).

³⁶ *ST* II-II 189.10: “Potest considerari religionis ingressus per comparisonem ad vires eius qui est religionem ingressurus. Et sic etiam non est locus dubitationis de ingressu religionis, quia illi qui religionem ingrediuntur, non confidunt sua virtute se posse subsistere, sed auxilio virtutis divinae; secundum illud Isaiae XL, qui sperant in domino, mutabunt fortitudinem, assument pennas sicut aquilae, current et non laborabunt, ambulabunt et non deficient.”

³⁷ *ST* II-II 58.1 ad 6: “In hoc quod homo servit deo includitur quod unicuique reddat quod debet.”

What does this mean concretely? At first glance it may seem quite easy to apply the basic principles of St. Thomas to the current social situation. But in fact, it isn't. In his article "Economic Beatitude, or How I Learned to Stop Being Miserable and Love Economic Ethics," K. Johnson mentions some particular assertions of the classical moral teaching, which are in themselves totally clear, whereas their application to the present situation raises serious questions.

What, for example, are we to make of the thirteenth-century debates that eventually decided that confiscation of a necessity in the case of mortal danger was not theft? We, most of us, would concur that the starving man who steals to save his life is not guilty of theft. But what then of the owner of bread who does not give it? Or of the members of a large group ('mob') who decide to act together to confiscate goods pertaining to another group ('owner')? In a world that takes mortal inequality for granted, how can we meaningfully continue this debate? Or again, whatever happened to the usury debate? I would love to see someone take up again the claim that human work, the soil, and animals may be fruitful, but dollar bills cannot be, and therefore no one should profit from mere possession of currency. Is it moral to profit from savings rather than from work? Or rather, could we, as medieval scholars did, articulate a moral distinction between such acts as profiting from investment in a partnership with shared risk and profiting without risk or personal engagement in the work?³⁸

In fact, such issues are not just rhetoric but highly relevant. In December 2009, Rev. Tim Jones, pastor of St. Lawrence, York (UK), caused an international stir by a Sunday homily. For people, who found themselves in extreme need (in the course of the economic crisis), he suggested shoplifting as way out for obtaining the necessary things for life. This would be better than to turn to prostitution, mugging, or burglary. His advice for such people was quite concrete: "I would ask that they do not steal from small family businesses but from large national businesses, knowing that the costs are ultimately passed on to the rest of us in the form of higher prices. I would ask them not to take any more than they need, for any longer than they need."³⁹ Thus, did he deny the prohibition of thievery? The preacher continued:

My advice does not contradict the Bible's Eighth Commandment because God's love for the poor and despised outweighs the property rights of the rich. Let my words not be misrepresented as a simplistic call for people to shoplift. Rather, this is a call for our society

³⁸ Kelly Johnson, "Economic Beatitude, or How I Learned to Stop Being Miserable and Love Economic Ethics," in *New Wine, New Wineskins. A Next generation reflects on Key Issues in Catholic Moral Theology*, ed. William C. Mattison (Lanham, MD: Rowman & Littlefield Publishers, 2005), 174-175.

³⁹ Cited in: Valentin Low, "Yorkshire Vicar Advises Hard-pressed Parishioners to Shoplift," Times Online (December 22, 2009), <http://www.timesonline.co.uk/tol/comment/faith/article6964050.ece> (accessed January 30, 2010).

no longer to treat its most vulnerable people with indifference and contempt. Providing inadequate or clumsy social support is monumental, catastrophic folly.⁴⁰

As expectable, the suggestions of Rev. Jones were not taken kindly by all people in the UK. The spokesman for North Yorkshire Police replied:

Shoplifting is a criminal offence and to justify this course of action under any circumstances is highly irresponsible. Turning or returning to crime will only make matters worse. We recognize that some people find themselves in difficult circumstances but support is readily available and must be sought.⁴¹

We don't want to pass a judgment on the case. Rev. Jones can refer to St. Thomas as authority who claims that in the case of extreme necessity things are common to all men, and therefore in taking what belongs legally to the other the poor only takes what is *justly* due to him.⁴² From this viewpoint, the issue in question is not an exception from the prohibition of theft, it is not a "licit theft", but no theft at all – on the contrary, it is an act of justice. Thus, from the general principles of St. Thomas the case is clear. On the other hand, the European states have well-developed social systems. Therefore, each citizen can obtain *legally* all necessary things for life – if he is ready to take the necessary steps (e.g. to contact the social welfare office etc.). At least in these countries, nobody has to starve to death because of poverty. Arguing from this perspective, it may be questionable whether there exist in England cases of hardship which would justify petty larceny of food.

Thus, though the principles of Aquinas are clear and valid at all times, their application to current issues requires much more work.⁴³ The purpose of such a challenging project would not be the elaboration of a wholly new economic system which might serve for a more stable and substantial economic growth and guarantee wealth for everybody. Christians may work on that, but we suppose that Aquinas's doctrine on justice would turn out less helpful for this. The work which should be done on the basis of St. Thomas consists in the description what it means to dwell on earth in the human society of the 21st century *in friendship with God*. Or

⁴⁰ Ibid., (accessed .

⁴¹ Ibid., (accessed .

⁴² ST II-II 66.7.

⁴³ An interesting attempt to draw some conclusions from the classical prohibition of usury for modern times is undertaken by Christopher A. Frank, "The Usury Prohibition and Natural Law: A Reappraisal," *The Thomist* 72 (2008): 625-660.

for using an ancient expression: How Christians can “dwell in the world, though they are not of the world.”⁴⁴

As we have shown, this is the most proper purpose of infused justice. The effective inclination is given by divine grace. The basic principles are outlined by St. Thomas in the *Secunda secundae*. But the large field of particular consequences for our present days still waits for us to draw them.

⁴⁴ Letter to Diognet 6.3: “Χριστιανοὶ ἐν κόσμῳ οἰκοῦσιν, οὐκ εἰσὶν δὲ ἐκ τοῦ κόσμου.” (Cf. the edition of the letter in Klaus Wengst, *Schriften des Urchristentums: Didache (Apostellehre); Barnabasbrief; Zweiter Klemensbrief; Schrift an Diognet*, vol. 2 (Darmstadt: Wissenschaftliche Buchgesellschaft, 1984), 320-322). The expression closely agrees with Jn 17.16: “They are not of the world, as I am not of the world.”

Bibliography

Works of Thomas Aquinas

Thomas Aquinas. *Opera Omnia*. Edited by Robert Busa. 7 Volumes. Stuttgart: Friedrich Frommann Verlag Günther Holzboog KG, 1980.

———. *Summa theologiae*. Volumes 4-12. *Opera omnia iussu edita leonis xiii pm*. Rome: Typographia polyglotta, 1888-1906.

For a list of the consulted works of Thomas Aquinas see the list of abbreviations at the beginning of the thesis.

Secondary Sources

Abbà, Giuseppe. *'Lex et virtus: ' Studi sull'evoluzione della dottrina morale di san Tommaso d'Aquino*. Rome: Libreria Ateneo Salesiano, 1983.

Ackrill, J.L. "Aristotle on 'Eudaimonia'." In *Aristotle's Ethics. Critical Essays*. Edited by Nancy Sherman. Lanham, MD: Rowman & Littlefield Publishers, 1999, 57-78.

Almond, Brenda. "Rights." In *A Companion to Ethics*. Edited by Peter Singer. Cambridge, MA: Basil Blackwell, 1991, 259-269.

Annas, Julia. *The Morality of Happiness*. New York: Oxford University Press, 1993.

Anscombe, Gertrude E. M. "Modern Moral Philosophy." In *The Collected Philosophical Papers of G. E. M. Anscombe: Ethics, Religion and Politics*. Vol. 3. Oxford: Basil Blackwell, 1981, 26-42.

Aristoteles. *Die Nikomachische Ethik: Griechisch - deutsch*. Edited by Rainer Nickel. Düsseldorf: Artemis & Winkler Verlag, 2001.

———. *Über die Seele. Griechisch - deutsch*. Edited by Horst Seidl. Hamburg: Felix Meiner Verlag, 1995.

Aubert, Jean-Marie. "La spécificité de la morale chrétienne selon Saint Thomas." *Le Supplément* 92 (1970): 55-73.

———. *Le droit romain dans l'oeuvre de saint Thomas*. Paris: Librairie Philosophique J. Vrin, 1955.

- . “Nature de la relation entre ‘lex nova’ et ‘lex naturalis’ chez Saint Thomas d’Aquin.” In *Atti dell’VIII Congresso Tomistico Internazionale VI. Morale e Diritto nella prospettiva tomistica*. Edited by Pontificia accademia di S. Tommaso e di religione cattolica. Vatican City: Libreria Editrice Vaticano, 1982, 34-38.
- Aumann, Jordan. *Spiritual Theology*. London: Sheed & Ward, 1980.
- Banes, Dominico. *Scholastica commentaria in secundam secundae angelici doctoris S. Thomae: Quibus, quae ad fidem, spem, et caritatem spectant; clarissime explicantur*. Vol. 3: Typographia Petri Borremans, 1615.
- Baumann, Gabriel. “La surnaturalisation des actes humains par la grâce: L’enracinement ontologique des vertus morales infuses chez S. Thomas.” S.T.D. diss., University of Fribourg, 2008. <http://ethesis.unifr.ch/theses/downloads.php?file=BaumannG.pdf> (accessed February 4, 2010).
- Beach, Waldo, and Helmut R. Niebuhr. *Christian Ethics: Sources of the Living Tradition*. 2 ed. New York: The Ronald Press Company, 1973.
- Beraza, Blasio. *Tractatus de virtutibus infusis*. Bilbao: El Mensajero del Corazón de Jesús, 1929.
- Bernard, R. “Appendice.” In *Somme théologique: La vertu*. Vol. 2. Paris: Société Saint Jean L’Évangéliste Desclée & Cie, 1934, 299-486.
- Bien, Günther. “Gerechtigkeit bei Aristoteles (V).” In *Aristoteles: Die Nikomachische Ethik*. Edited by Otfried Höffe. Berlin: Akademie Verlag, 1995, 135-164.
- Billot, Ludovicus. *De virtutibus infusis: Commentarius in secundam partem S. Thomae*. Rome: Universitas Gregoriana, 1921.
- Billuart, Carolus R. *Cursus theologiae iuxta mentem divini Thomae*. Vol. 4. Paris: Jacobus Lecoffre, 1878.
- Bishops, Synod of. “Justice in the World.” In *The Gospel of Peace and Justice: Catholic Social Teaching Since Pope John*. Edited by Joseph Gremillion. New York: Orbis Books, 1976, 513-529.
- Bond, Leo M. “A Comparison Between Human and Divine Friendship.” *The Thomist* 3 (1941): 54-94.
- Bostock, David. *Aristotle's Ethics*. Oxford: Oxford University Press, 2000.
- Bourke, Vernon J. “Is Thomas Aquinas a Natural Law Ethicist?” *The Monist* 58 (1974): 52-66.
- . *St. Thomas and the Greek Moralists*. Milwaukee, WI: Marquette University Press, 1947.
- Brachthäuser, Wunibald. *Gemeingut- oder Gesetzesgerechtigkeit: Eine geschichtlich-systematische Untersuchung zur Gerechtigkeitslehre des heiligen Thomas von Aquin*. Köln: Albertus-Magnus-Verlag, 1941.

- Bradley, Denis J.M. *Aquinas on the Twofold Human Good: Reason and Human Happiness in Aquinas's Moral Science*. Washington, DC: The Catholic University of America Press, 1997.
- Broglie, Guy de. "'Justice social' et 'Bien commun'." *Doctor Communis* 25 (1972): 257-292.
- Buchanan, Allen. "Justice and Charity." *Ethics* 97 (1987): 558-575.
- Bujo, Bénézet. *Moralautonomie und Normenfindung bei Thomas von Aquin*. Paderborn: Ferdinand Schöningh, 1979.
- Bullet, Gabriel. *Vertus morales infuses et vertus morales acquises selon saint Thomas d'Aquin*. Fribourg: Éditions universitaires, 1958.
- Cajetan, Thomas de Vio. "Commentarium." In *Summa Theologiae*. Rome: S.C. de Propaganda Fide, 1891.
- Carpenter, Hilary. "The Natural Virtues." In *Moral Principles and Practice. Papers Read at the Summer School of Catholic Studies Held at Cambridge, 1932*. Edited by G.J. MacGillivray. London: Burns Oates & Washbourne LTD., 1938, 106-125.
- . "The Supernatural Virtues." In *Moral Principles and Practice. Papers Read at the Summer School of Catholic Studies Held at Cambridge, 1932*. Edited by G.J. MacGillivray. London: Burns Oates & Washbourne, 1938, 126-145.
- Casey, John. *Pagan Virtue: An Essay in Ethics*. Oxford: Clarendon Press, 1990.
- Cessario, Romanus. *Introduction to Moral Theology*. Washington, DC: The Catholic University of America Press, 2001.
- . "The Meaning of Virtue in the Christian Moral Life: Its Significance for Human Life Issues." *The Thomist* 53 (1989): 173-196.
- . *Moral Virtues and Theological Ethics*. London: University of Notre Dame Press, 1991.
- . *The Virtues, or the Examined Life*. Münster: Lit Verlag, 2002.
- Christoph, Markus. "Das thomistische Axiom 'actus specificantur ab objecto'." *Doctor Angelicus* 4 (2004): 173-191.
- Coerver, Robert F. *The Quality of Facility in the Moral Virtues*. Washington, DC: The Catholic University of America, 1946.
- Cole, Darrell. "Thomas Aquinas on Virtuous Warfare." *Journal of Religious Ethics* 27 (1999): 57-80.
- Copleston, Frederick C. *Aquinas*. Harmondsworth: Penguin Books, 1961.
- Crofts, Richard A. "The Common Good in the Political Theory of Thomas Aquinas." *The Thomist* 37 (1973): 155-173.
- Cross, Richard. *Duns Scotus*. Oxford: Oxford University Press, 1999.

- Davies, Brian. *The Thought of Thomas Aquinas*. Oxford: Oxford University Press, 1993.
- DeLetter, P. "Venial Sin and its Final Goal." *The Thomist* 16 (1953): 32-70.
- Dell'Olio, Andrew J. *Foundations of Moral Selfhood. Aquinas on Divine Goodness and the Connection of the Virtues*. New York, NY: Peter Lang, 2003.
- Delos, J.Th. "Appendice I: Notes explicatives." In *Somme théologique: La justice; Tome premier; 2^a-2^{ae}, questions 57-62*. Paris: Desclée & Cie, 1932, 186-210.
- Demant, Th. "La charité fraternelle comme forme des vertus." *La Vie Spirituelle* 74 (1946): 391-404.
- Devettere, Raymond J. *Introduction to Virtue Ethics: Insights of the Ancient Greeks*. Washington, DC: Georgetown University Press, 2002.
- Dewan, Lawrence. *Form and Being. Studies in Thomistic Metaphysics*. Washington, D.C.: The Catholic University of America Press, 2006
- . "St. Thomas, John Finnis, and the Political Good." *The Thomist* 64 (2000): 337-374.
- . "St. Thomas, the Common Good, and the Love of Persons." In *Wisdom, Law, and Virtue. Essays in Thomistic Ethics*. New York: Fordham University Press, 2008, 271-278.
- . "Wisdom and Human Life: the Natural and the Supernatural." In *Wisdom, Law, and Virtue. Essays in Thomistic Ethics*. New York: Fordham University Press, 2008, 7-31.
- . "Wisdom as Foundational Ethical Theory in St. Thomas Aquinas." In *Wisdom, Law, and Virtue. Essays in Thomistic Ethics*. New York: Fordham University Press, 2008, 32-57.
- Dias, Noel. "The Concept of Justice in St. Thomas Aquinas." *Aquinas Journal* 10 (1997): 1-24.
- Dognin, Paul-Dominique. "La justice particulière comporte-t-elle deux espèces? Commentaire de 'Somme Théologique,' II^a-II^{ae}, q. 61, a. 1." *Revue Thomiste* 65 (1965): 398-425.
- . "La notion thomiste de justice face aux exigences modernes." *Revue des Sciences Philosophiques et Théologiques* 45 (1961): 601-640.
- Donlan, Thomas C. "The Theology of Venial Sin." *Proceedings of the Catholic Theological Society of America* 10 (1955): 74-96.
- Duncan, Steven M. *A Primer of Modern Virtue Ethics*. Lanham, MD: University Press of America, 1995.
- Edwards, Steven A. *Interior Acts: Teleology, Justice, and Friendship in the Religious Ethics of Thomas Aquinas*. London: University Press of America, 1986.
- Elders, Léon J. *Autour de Saint Thomas d'Aquin: Recueil d'études sur sa pensée philosophique et théologique; l'agir moral; approches théologiques*. Vol. 2. Paris: FAC-éditions, 1987.

- . *The Ethics of St. Thomas Aquinas: Happiness, Natural Law and the Virtues*. Frankfurt (Main): Europäischer Verlag der Wissenschaften, 2005.
- Fagothey, Austin. *Right and Reason: Ethics in Theory and Practice*. 6 ed. Saint Louis, MO: The C.V. Mosby Company, 1976.
- Falanga, Anthony J. *Charity the Form of the Virtues According to Saint Thomas*. Washington, DC: The Catholic University of America Press, 1948.
- Fedele, Francesco S. "La dottrina delle virtù morali e della giustizia da Aristotele a San Tommaso." *Rivista Internazionale di Scienze Sociali e Discipline Ausiliarie* 71 (1916): 162-184.
- Figgis, John N. *Churches in the Modern State*. Bristol: Thoemmes Press, 1997.
- Finnis, John. *Aquinas: Moral, Political, and Legal Theory*. New York: Oxford University Press, 1998.
- . "Public Good: The Specifically Political Common Good in Aquinas." In *Natural Law and Moral Inquiry: Ethics, Metaphysics, and Politics in the Work of Germain Grisez*. Edited by Robert P. George. Washington, DC: Georgetown University Press, 1998, 174-209.
- Fletcher, Joseph. *Situation Ethics: The New Morality*. 4 ed. London: SCM Press LTD, 1976.
- Foot, Philippa. "Virtues and Vices." In *Virtue Ethics*. Edited by Roger Crisp and Michael A. Slote. Oxford: Oxford University Press, 2001, 163-177.
- . *Virtues and Vices and Other Essays in Moral Philosophy*. Berkeley, CA: University of California Press, 1978.
- Frank, Christopher A. "The Usury Prohibition and Natural Law: A Reappraisal." *The Thomist* 72 (2008): 625-660.
- Gallagher, David. "The Role of God in the Philosophical Ethics of Thomas Aquinas." In *Was ist Philosophie im Mittelalter? Akten des X. Internationalen Kongresses für mittelalterliche Philosophie der Société Internationale pour l'Étude de la Philosophie Médiévale 25. bis 30. August 1997 in Erfurt*. Edited by Jan A. Aertsen and Andreas Speer. Berlin: Walter de Gruyter, 1998, 1024-1033.
- Gallagher, David M. "Aquinas on Moral Action: Interior and Exterior Acts." *Proceedings of the American Catholic Philosophical Association* 64 (1990): 118-129.
- . "Desire for Beatitude and Love of Friendship in Thomas Aquinas." *Mediaeval Studies* 58 (1996): 1-47.
- . "Person and Ethics in Thomas Aquinas." *Acta Philosophica* 4 (1995): 51-71.
- . "Thomas Aquinas on Self-Love as the Basis for Love of Others." *Acta Philosophica* 8 (1999): 23-44.

- Gardeil, A. "Dons du Saint-Esprit." In *Dictionnaire de Théologie Catholique*, edited by A. Vacant, E. Mangenot and É. Amann, 1728-1781. Paris: Librairie Letouzey et Ané, 1939.
- Gardeil, H.-D. "Appendice." In *Somme théologique: La charité; Tome premier 2^a-2^{ae}, questions 23-26*. Paris: Desclée & Cie, 1967, 233-442.
- Garrigou-Lagrange, Reginald. *Christian Perfection and Contemplation According to St. Thomas Aquinas and St. John of the Cross*. St. Louis, MO: B. Herder Book, 1937.
- . "Le surnaturel essentiel et le surnaturel modal." *Revue Thomiste* 21 (1913): 316-327.
- . "Les vertus morales dans la vie intérieure." *La Vie Spirituelle* 41 (1934): 225-236.
- . *Reality: A Synthesis of Thomistic Thought*. St. Louis, MO: B. Herder Book, 1950.
- Garrigou-Lagrange, Réginald. "L'instabilité dans l'état de péché mortel des vertus acquises." *Revue Thomiste* 43 (1937): 255 -262.
- Gauthier, René A., and Jean Y. Jolif. *L'Éthique a Nicomaque: Introduction, traduction et commentaire*. Vol. 1. Louvain: Publications Universitaires, 1970.
- Geach, Peter. *The Virtues*. Cambridge: Cambridge University Press, 1977.
- Gemmel, Jakob. "Die 'iustitia' in der Lehre des hl. Thomas." *Scholastik* 12 (1937): 204-228.
- Gigon, Olof. "Einleitung." In *Die Nikomachische Ethik*. München: Deutscher Taschenbuch Verlag, 1972, 7-52.
- Gilby, Thomas. "Appendix 2: The Theological Classification of Law (1a2ae. 91,1-3)." In *Summa Theologiae: Law and Political Theory*. Vol. 28. Cambridge: Cambridge University Press, 2006, 162-164.
- . "Introduction." In *Summa Theologiae: Justice (2a2ae. 57-62)*. Vol. 37. London: Eyre & Spottiswoode, 1975, xiii-xv.
- . *Principality and Polity: Aquinas and the Rise of State Theory in the West*. London: Longmans, Green and Co, 1958.
- Gilleman, Gérard. *The Primacy of Charity in Moral Theology*. Westminster, MD: The Newman Press, 1959.
- Gillet, M.S. "Justice et charité." *Revue des Sciences Philosophiques et Théologiques* 18 (1929): 5-22.
- Gilson, Etienne. *The Christian Philosophy of St. Thomas Aquinas*. Notre Dame, IN: University of Notre Dame Press, 1994.
- Gonet, Joannis B. *Clypeus theologiae thomisticae: Contra novos ejus impugnatores*. Vol. 4. Paris: Ludovicus Vivès, 1876.
- Goodwin, Robert. "Aquinas' Justice: An Interpretation." *New Scholasticism* 63 (1989): 275-285.

- Günthör, Anselm. *Anruf und Antwort: Handbuch der katholischen Moraltheologie; Der Christ - gerufen zum Leben*. Vol. 1 (Allgemeine Moraltheologie). Vallendar-Schönstatt: Patris Verlag, 1993.
- Hall, Pamela M. "The Old Law and the New Law (Ia IIae, qq. 98-108)." In *The Ethics of Aquinas*. Edited by Stephen J. Pope. Washington, DC: Georgetown University Press, 2002, 194-206.
- Hardie, W.F.R. "Aristotle's Doctrine that Virtue is a 'Mean'." In *Articles on Aristotle: Ethics and Politics*. Edited by Jonathan Barnes, Malcolm Schofield and Richard Sorabji. Vol. 2. London: Gerald Duckworth & Company, 1977, 33-46.
- Hardon, John A. "The Meaning of Virtue in St. Thomas Aquinas." *Faith & Reason* 26 (2001): 7-18.
- Harvey, John F. "The Nature of the Infused Moral Virtues." *Proceedings of the Catholic Theological Society of America* 10 (1955): 172-221.
- Hause, Jeffrey. "Aquinas on the Function of Moral Virtue." *American Catholic Philosophical Quarterly* 81 (2007): 1-20.
- Hering, Hyacinthus M. *De iustitia legali*. Fribourg: Typis Consociationis Sancti Pauli, 1944.
- Hibbs, Thomas S. "Principles and Prudence: The Aristotelianism of Thomas's Account of Moral Knowledge." *The New Scholasticism* 61 (1987): 271-284.
- Honecker, Martin. "Schwierigkeiten mit dem Begriff Tugend." In *Tugendethik*. Edited by Klaus P. Rippe and Peter Schaber. Stuttgart: Philipp Reclam jun., 1998, 166-184.
- Hönes, Michael. *'Ens et bonum convertuntur': Eine Deutung des scholastischen Axioms unter besonderer Berücksichtigung der Metaphysik und Ethik des hl. Thomas von Aquin*. Fribourg, 1968.
- Hooft, Stan van. *Understanding Virtue Ethics*. Chesham, NH: Acumen, 2006.
- Horst, Ulrich. *Die Gaben des Heiligen Geistes nach Thomas von Aquin*. Berlin: Akademie Verlag, 2001.
- Horváth, Alexander. *Eigentumsrecht nach dem hl. Thomas von Aquin*. Graz: Ulr. Moser's Verlag, 1929.
- Huarte, Gabriel. *Synopsis de virtutibus infusis*. Rome: Universitas Gregoriana, 1921.
- Hughes, Gerard J. "Does Aquinas Have a Moral Philosophy?" *Heythrop Journal* 38 (1998): 314-319.
- Hughes, W.D. "Appendix 3: The Infusion of Virtues." In *Summa Theologiae: Virtue (Ia2ae. 55-67)*. Vol. 23. London: Blackfriars, 1969, 247-248.
- . "Appendix 4: The Mean of Virtue." In *Summa Theologiae: Virtue (Ia2ae. 55-67)*. Vol. 23. London: Blackfriars, 1969, 249-250.
- Hurka, Thomas. *Virtue, Vice, and Value*. Oxford - New York: Oxford University Press, 2001.

- Hursthouse, Rosalind. "Normative Virtue Ethics." In *How Should One Live? Essays on the Virtues*. Edited by Roger Crisp. Oxford: Clarendon Press, 1996, 19-36.
- . *On Virtue Ethics*. Oxford: Oxford University Press, 1999.
- Inciarte, Fernando. '*Forma Formarum*.' *Strukturmomente der thomistischen Seinslehre im Rückgriff auf Aristoteles*. Freiburg: Verlag Karl Alber, 1970.
- Inglis, John. "Aquinas's Replication of the Acquired Moral Virtues: Rethinking of Standard Philosophical Interpretation of Moral Virtue in Aquinas." *Journal of Religious Ethics* 27 (1999): 3-27.
- Irwin, Terence H. "Do Virtue Conflict? Aquinas' Answer." In *Virtue Ethics, Old and New*. Edited by Stephen M. Gardiner. Ithaca, NY: Cornell University Press, 2005, 60-77.
- . *The Development of Ethics: A Historical and Critical Study*. Vol. 1 (From Socrates to the Reformation). Oxford: Oxford University Press, 2007.
- Jaffa, Harry V. *Thomism and Aristotelianism: A Study of the commentary by Thomas Aquinas on the Nicomachean Ethics*. Westport, CT: Greenwood Press, 1979.
- Joannes a Sancto Thoma. *Cursus theologicus: In I^{am}-II^{ae}; De virtutibus*. Québec: Les Presses Universitaires Laval, 1952.
- Joannes Duns Scotus. *Lectura in librum tertium sententiarum*. Vol. 21. Rome: Typis vaticanis, 2004.
- Johnson, Kelly. "Economic Beatitude, or How I Learned to Stop Being Miserable and Love Economic Ethics." In *New Wine, New Wineskins. A Next generation reflects on Key Issues in Catholic Moral Theology*. Edited by William C. Mattison. Lanham, MD: Rowman & Littlefield Publishers, 2005, 165-180.
- Jolowicz, Herbert F. *Historical Introduction to the Study of Roman Law*. 2 ed. Cambridge: Cambridge University Press, 1954.
- Jones, David A. "Sin, Suffering, and the Need for the Theological Virtues." *Christian Bioethics* 12 (2006): 187-198.
- Jordan, Marc D. "Ideals of 'Scientia moralis' and the Invention of the 'Summa theologiae'." In *Aquinas's Moral Theory: Essays in Honor of Norman Kretzmann*. Edited by Scott MacDonald and Eleonore Stump. Ithaca, NY: Cornell University Press, 1999, 79-97.
- Justinian. *The Digest of Justinian*. Edited by Alan Watson. Philadelphia, PA: University of Pennsylvania Press, 1998.
- Kaczynski, Edward. "'Lex nova' in San Tommaso: Le tendenze spiritualistiche e legalistiche nella teologia morale." In *Atti dell'VIII Congresso Tomistico Internazionale VI. Morale e Diritto nella prospettiva tomistica*. Edited by Pontificia accademia di S. Tommaso e di religione cattolica. Vatican City: Libreria Editrice Vaticana, 1982, 22-33.
- Kant, Immanuel. *Kritik der praktischen Vernunft*. Darmstadt: Wissenschaftliche Buchgesellschaft, 1956.

- . *Metaphysik der Sitten*. Darmstadt: Wissenschaftliche Buchgesellschaft, 1956.
- Keenan, James F. "Die erworbene Tugend als richtige (nicht gute) Lebensführung: Ein genauerer Ausdruck ethischer Beschreibung." In *Ethische Theorie praktisch: Der fundamental-moraltheologische Ansatz in sozialetischer Entfaltung*. Edited by Franz Furger. Münster: Aschendorffsche Verlagsbuchhandlung, 1991, 19-35.
- . *Goodness and Rightness in Thomas Aquinas's 'Summa Theologiae'*. Washington, DC: Georgetown University Press, 1992.
- . "How Catholic Are the Virtues?" *America* 176/20 (1997): 16-22.
- . "Proposing Cardinal Virtues." *Theological Studies* 56 (1995): 709-729.
- Kent, Bonnie. "Habits and Virtues (Ia IIae, qq. 49-70)." In *The Ethics of Aquinas*. Edited by Stephen J. Pope. Washington, DC: Georgetown University Press, 2002, 116-130.
- . "Justice, Passion, and Another's Good: Aristotle Among the Theologians." In *Nach der Verurteilung von 1277. Philosophie und Theologie an der Universität von Paris im letzten Viertel des 13. Jahrhunderts. Studien und Texte*. Edited by Jan A. Aertsen, Kent Emery and Andreas Speer. Berlin: Walter de Gruyter, 2001, 704-718.
- . "The Moral Life." In *The Cambridge Companion to Medieval Philosophy*. Edited by Arthur S. McGree. Cambridge: Cambridge University Press, 2003, 231-253.
- . "Moral Provincialism." *Religious Studies* 30 (1994): 269-285.
- . "Transitory Vice: Thomas Aquinas on Incontinence." *Journal of the History of Philosophy* 27 (1989): 199-223.
- . *Virtues of the Will: The Transformation of Ethics in the Late Thirteenth Century*. Washington, DC: The Catholic University of America Press, 1995.
- Keys, Mary M. *Aquinas, Aristotle, and the Promise of the Common Good*. New York: Cambridge University Press, 2006.
- Kiesling, Christopher. "Social Justice in Christian Life According to Thomas Aquinas." *Spirituality Today* 31 (1979): 231-245.
- Klingseis, Rupert. "Das aristotelische Tugendprinzip der richtigen Mitte in der Scholastik." *Divus Thomas* 7 (1920): 33-49; 142-172; 269-288; 8 (1921) 1-14; 83-112.
- Klubertanz, George P. "Une théorie sur les vertus morales 'naturelles' et 'surnaturelles'." *Revue Thomiste* 59 (1959): 565-575.
- . "The Unity of Human Activity." *The Modern Schoolman* 27 (1950): 75-103.
- Kluxen, Wolfgang. *Moral - Vernunft - Natur: Beiträge zur Ethik*. Paderborn: Ferdinand Schöningh, 1997.
- . *Philosophische Ethik bei Thomas von Aquin*. 3 ed. Hamburg: Felix Meiner Verlag, 1998.

- Knobel, Angela McKay.¹ "Can Aquinas's Infused and Acquired Virtues Coexist in the Christian Life?" *Studies in Christian Ethics* 23 (2010): 381-396.
- . "Two Theories of Christian Virtue." *American Catholic Philosophical Quarterly* 84 (2010): 599-618.
- Konrad, Michael. "Atti supererogatori: un problema di prospettiva." In *La Sequela Christi. Dimensione morale e spirituale dell'esperienza cristiana*. Edited by Livio Melina - Olivier Bonnewijn. Rome: Lateran University Press, 2003, 323-334.
- . *Dalla felicità all'amicizia. Percorso di etica filosofica*. Rome: Lateran University Press, 2007.
- . "I peccati veniali sono degli 'intrinsece mala'?" *Aquinas* 47 (2004): 611-638.
- Kossel, Clifford G. "Natural Law and Human Law (Ia IIae, qq. 90-97)." In *The Ethics of Aquinas*. Edited by Stephen J. Pope. Washington, DC: Georgetown University Press, 2002, 169-193.
- Kreeft, Peter. *Back to Virtue. Traditional Moral Wisdom for Modern Moral Confusion*. San Francisco, CA: Ignatius Press, 1992.
- . "Christ's Concept of Happiness vs The World's." http://www.peterkreeft.com/audio/06_happiness.htm (accessed March 15, 2010).
- . *Prayer: The Great Conversation. Straight Answers to Tough Questions about Prayer*. San Francisco, CA: Ignatius Press, 1991.
- Kunicic, Giordano. "Natura della giustizia sociale." *Sapienza* 16 (1963): 40-62.
- Kuss, Karen M. *Obedience as a Virtue: A Thomistic Consideration*. Notre Dame, IN: University of Notre Dame, 1991.
- Kwasniewski, Peter A. "William of Ockham and the Metaphysical Roots of Natural Law." *The Aquinas Review* 11 (2004): 1-84.
- Labourdette, M.-Michel. *Cours de théologie morale: La charité (IIa-IIae, 23-46)*. Toulouse, 1960.
- . *Cours de théologie morale: La justice (IIa-IIae, 57-79)*. Vol. 1. Toulouse, 1960.
- . *Cours de théologie morale: La justice (IIa-IIae, 80-120)*. Vol. 2. Toulouse, 1960.
- . *Cours de théologie morale: Les actes humains (Ia-IIae, 6-48)*. Toulouse, 1962.
- . *Cours de théologie morale: Les principes des actes humains (Ia-IIae, Qu. 49-70)*. Toulouse, 1963.
- Lamont, John R.T. "Conscience, Freedom, Rights: Idols of the Enlightenment Religion." *The Thomist* 73 (2009): 169-239.

¹ Articles of Angela McKay Knobel written before 2010 are published under the name "Angela McKay." Both names refer to the same author.

- Lanfranco, Annibale. *La necessità delle virtù morali infuse secondo S. Tommaso*: Casale Monf. Unione Tipografica Botto, Alessio, 1942.
- Leies, John A. *Sanctity and Religion According do St. Thomas: A Study of the Angelic Doctor's Identification of Sanctity with the Virtue of Religion*. Fribourg: St. Paul's Press, 1963.
- Levine, Andrew. *Engaging Political Philosophy: From Hobbes to Rawls*. Oxford: Blackwell Publishing, 2002.
- Lindon, Luke J. "The Significance of the Term 'Virtus Naturalis' in the Moral Philosophy of St. Thomas Aquinas." *Proceedings of the American Catholic Philosophical Association* 31 (1957): 97-104.
- Lippert, Stefan. *Recht und Gerechtigkeit bei Thomas von Aquin: Eine rationale Rekonstruktion im Kontext der Summa Theologiae*. Marburg: N.G. Elwert Verlag, 2000.
- Lottin, Odon. "Les vertus morales acquises: sont-elles des vraies vertus? La réponse des théologiens de saint Thomas à Pierre Auriol." *Recherches de théologie ancienne et médiévale* 21 (1954): 101-129.
- . *Morale fondamentale*. Vol. 1. Tournai: Desclée & Cie, 1954.
- . *Principes de morale: Exposé systématique*. Vol. 1. Louvain: Éditions de L'Abbaye du Mont César, 1947.
- . "A propos des vertus morales infuses." In *Principes de morale. Compléments de doctrine et d'histoire*. Edited by Ders. Vol. 2. Louvain: Éditions de L'Abbaye du Mont César, 1947, 213-225.
- . *Psychologie et morale aux XII^e et XIII^e siècles. Problèmes de morale*. Vol. 4. Louvain: Abbaye du Mont César, 1954.
- . *Psychologie et morale aux XII^e et XIII^e siècles: Problèmes de morale*. Vol. 3. Louvain: Abbaye du Mont César, 1949.
- . "Vertus morales acquises et vertus morales infuses chez Thomas d'Aquin." In *Études de morale histoire et doctrine*. Edited by Odon Lottin. Gembloux: J. Duculot, 1961, 131-149.
- Louden, Robert B. "Einige Laster der Tugendethik." In *Tugendethik*. Edited by Klaus P. Rippe and Peter Schaber. Stuttgart: Philipp Reclam jun., 1998, 185-212.
- Low, Valentin. "Yorkshire Vicar Advises Hard-pressed Parishioners to Shoplift." *Times Online* (December 22, 2009). <http://www.timesonline.co.uk/tol/comment/faith/article6964050.ece> (accessed January 30, 2010).
- Lugo, Ioannis de. *Disputationes scholasticae et morales*. Vol. 1. Paris: Ludovicum Vivès, 1868.

- Lutz-Bachmann, Matthias. "The Discovery of a Normative Theory of Justice in Medieval Philosophy." *Medieval Philosophy and Theology* 9 (2000): 1-14.
- MacGuigan, Mark R. "St. Thomas and Legal Obligation." *The New Scholasticism* 35 (1961): 281-310.
- MacIntyre, Alasdair. *After Virtue: A Study in Moral Theory*. London: Gerald Duckworth, 1981.
- . "Das Wesen der Tugenden." In *Tugendethik*. Edited by Klaus P. Rippe and Peter Schaber. Stuttgart: Philipp Reclam jun., 1998, 93-113.
- . *Three Rival Versions of Moral Enquiry: Encyclopaedia, Genealogy, and Tradition*. London: Gerald Duckworth & Co, 1990.
- . *Whose Justice? Which Rationality?* Notre Dame, IN: University of Notre Dame Press, 1988.
- Marie, André. "The General Relationship between the Virtues and the Gifts of the Holy Ghost." *The Slaves of the Immaculate Heart of Mary* (May 30, 2007). <http://catholicism.org/virtues-gifts.html> (accessed February 4, 2010).
- Maritain, Jacques. *An Essay on Christian Philosophy*. New York: Philosophical Library, 1955.
- . *Science and Wisdom*. London: The Centenary Press, 1944.
- Massaro, Thomas. "Don't Forget Justice." *America*, 13.3.2006, 18-20.
- Mattison, William C. *Introducing Moral Theology: True Happiness and the Virtues* Grand Rapids, MI: Brazos Press, 2008.
- . "The Lord's Prayer and an Ethics of Virtue." *The Thomist* 73 (2009): 279-312.
- . "Thomas's Categorizations of Virtue: Historical Background and Contemporary Significance." *The Thomist* 74 (2010): 189-235.
- Mazzella, Camillus. *De virtutibus infusis praelectiones scholastico-dogmaticae*. 6 ed. Naples: Typogr. Pontificia M. D'Auria, 1908.
- McDonough, William. "Caritas as the Prae-Ambulum of All Virtue: Eberhard Schockenhoff on the Theological-Anthropological Significance and the Contemporary Interreligious Relevance of Thomas Aquinas's Teaching of the *Virtues Morales Infusae*." *Journal of the Society of Christian Ethics* 27 (2007): 97-126.
- McKay, Angela M.² "Ethique et vertus morales infuses." In *Renouveler toutes choses en Christ: Vers un nouveau thomisme de la théologie morale*. Edited by Michael S. Sherwin and Craig St. Titus. Fribourg: Academic Press Fribourg, 2009, 122-139.
- . *Humble Obedience: References to Infused Virtue in the Treatise on Justice*. Paper presented at a conference of the International Congress on Medieval Studies: Kalamazoo, MI, 2005.

² Articles of Angela McKay written after 2010 are published under the name "Angela McKay Knobel."

- . “The Infused and Acquired Virtues in Aquinas’ Moral Philosophy.” Ph.D. diss., University of Notre Dame, 2004. <http://etd.nd.edu/ETD-db/theses/available/etd-04152004-125337/unrestricted/McKayAM052004.pdf> (accessed February 4, 2010).
- . “Prudence and Acquired Moral Virtue.” *The Thomist* 69 (2005): 535-555.
- . “Synderesis, Law, and Virtue.” In *The Normativity of the Natural: Human Goods, Human Virtues, and Human Flourishing*. Edited by Mark J. Cherry. Austin, TX: Springer, 2009, 33-44.
- Medina, Bartholomeus a. *Expositio in primam secundae angelici doctoris D. Thomae Aquinatis*. Venice: Bernardum Basam, 1590.
- Mennessier, I. “Appendice I: Notes explicatives.” In *Somme théologique: La religion; Tome premier 2^a-2^{ae}, questions 80-87*. Paris: Desclée & Cie, 1932, 229-287.
- Mennessier, I. “Appendice II: Renseignements techniques.” In *Somme théologique: La religion: Tome premier 2^a-2^{ae}, questions 80-87*. Paris: Desclée & Cie, 1932, 289-374.
- Merkelbach, Benedikt H. *Summa theologiae moralis ad mentem D. Thomae et ad normam iuris novi*. Vol. 1: Desclée de Brouwer et Soc., 1954.
- Michel, A. “Vertus.” In *Dictionnaire de Théologie Catholique*. Vol. 15/2, edited by A. Vacant, E. Mangenot and É. Amann. Paris: Librairie Letouzey et Ané, 1950. 2739-2799.
- Michel, Suzanne. *La notion thomiste du bien commun*. Paris: Librairie Philosophique J. Vrin, 1932.
- Mieth, Dietmar. *Die neuen Tugenden: Ein ethischer Entwurf*. Düsseldorf: Patmos Verlag, 1984.
- Miner, Robert C. “Non-Aristotelian Prudence in the ‘Prima Secundae’.” *The Thomist* 64 (2000): 401-422.
- Mirkes, Renée. “Aquinas on the Unity of Perfect Moral Virtue.” *American Catholic Philosophical Quarterly* 71 (1998): 589-605.
- . “Aquinas on the Unity of Perfect Moral Virtue and its Significance of the Nature-Grace Question.” Ph.D. diss., Marquette University, 1995.
- . “Aquinas’s Doctrine of Moral Virtue and its Significance for Theories of Facility.” *The Thomist* 61 (1997): 189-218.
- Molina, Ludovicus. *Liberi arbitrii cum gratiae donis, divina praescientia, providentia, praedestinatione et reprobatione concordia*. Typis Collegii Maximi Oniensis, 1953.
- Mondin, Battista. “Il fine naturale della vita umana, quale fondamento ultimo della morale, nel commento alle sentenze di San Tommaso d’Aquino.” *Sapienza* 28 (1975): 381-392.
- Mongillo, Dalmazio. *La dimensione etico-teologica nella Summa Theologiae di Tommaso d’Aquino*. Rome: Angelicum University Press, 2006.
- . “La struttura del ‘De iustitia.’ Summa theologiae II-II qq. 58-122.” *Angelicum* 48 (1971): 355-377.

- Müller, Wilhelm. *Der Staat in seinen Beziehungen zur sittlichen Ordnung bei Thomas von Aquin*. Münster: Aschendorffsche Verlagsbuchhandlung, 1916.
- Murphy, Charles M. "Action for Justice as Constitutive of the Preaching of the Gospel: What Did the 1971 Synod Mean?" *Theological Studies* 44 (1983): 298-311.
- . "Charity, not Justice, as Constitutive of the Church's Mission." *Theological Studies* 68 (2007): 274-286.
- Neveut, E. "Les vertus morales surnaturelles." *Revue Apologétique* 59 (1934): 395-406.
- Newman, Jeremiah. *Foundations of Justice: A Historico-Critical Study in Thomism*. Dublin: Cork University Press, 1954.
- Nickel, Peter. *Ordnung der Gefühle: Studien zum Begriff des 'habitus'*. Hamburg: Felix Meiner Verlag, 2001.
- Niebuhr, Reinhold. *Love and Justice. Selections from the Shorter Writings of Reinhold Niebuhr*. Edited by D.B. Robertson. Philadelphia: Westminster John Knox Press, 1992.
- Noble, H.-D. *La conscience morale*. Paris: P. Lethielleux, 1923.
- Nygren, Anders. *Agape and Eros*. London: Westminster Press, 1953.
- O'Brien, T.C. "Appendix 1: Legal Debt, Moral Debt." In *Summa Theologiae: Virtues of Justice in the Human Community*. Vol. 41. Cambridge: Cambridge University Press, 2006, 316-320.
- O'Meara, Thomas F. "Virtues in the Theology of Thomas Aquinas." *Theological Studies* 58 (1997): 254-285.
- Ockham, Guillelmus de. *Opera philosophica et theologica. Opera theologica*. Vol. 7. Binghamton, WY: The Franciscan Institute of St. Bonaventure University, 1984.
- Osborne, Thomas M. "The Augustinianism of Thomas Aquinas's Moral Theory." *The Thomist* 67 (2003): 279-305.
- . "Perfect and Imperfect Virtues in Aquinas." *The Thomist* 71 (2007): 39-64.
- . "Thomas and Scotus on Prudence Without All the Major Virtues: Imperfect or Merely Partial?" *The Thomist* 74 (2010): 165-188.
- Outka, Gene. *Agape. An Ethical Analysis*. New Haven - London: Yale University Press, 1972.
- Ouwerkerk, van C.A.J. '*Caritas et Ratio*.' *Étude sur le double principe de la vie morale chrétienne d'après s. Thomas d'Aquin*. Nijmegen: Drukkerij Gebr. Janssen, 1956.
- Pakaluk, Michael. "Is the Common Good of Political Society Limited and Instrumental?" *Review of Metaphysics* 55 (2001): 57-94.
- Parent, Joseph-Marie. "Les vertus morales infuses dans la vie chrétienne." In *Théologie. Cahiers II - III. Études et recherches IV - V*. Edited by Collège Dominicain d'Ottawa. Ottawa: Les Éditions du Lévrier, 1944, 179-223.

- Parente, Pascal P. *The Ascetical Life*. London: Herder, 1944.
- Pence, Greg. "Virtue Theory." In *A Companion to Ethics*. Edited by Peter Singer. Cambridge, MA: Basil Blackwell, 1991, 249-258.
- Pesch, Otto H. "Die bleibende Bedeutung der thomanischen Tugendlehre." *Freiburger Zeitschrift für Philosophie und Theologie* 21 (1974): 359-391.
- . "Die Theologie der Tugend und die theologischen Tugenden." *Concilium* 23 (1987): 233-244.
- . *Thomas von Aquin: Grenze und Größe mittelalterlicher Theologie; Eine Einführung*. 3 ed. Mainz: Matthias-Gründewald-Verlag, 1995.
- Phelan, Gerald B. "Justice and Friendship." *The Thomist* 5 (1943): 153-170.
- Pieper, Josef. "Das Recht des Anderen." In *Werke in acht Bänden. Miscellen*. Edited by Berthold Wald. Vol. 8/1. Hamburg: Felix Meiner Verlag, 2005, 266-278.
- . "Die Wirklichkeit und das Gute." In *Werke in acht Bänden. Schriften zur Philosophischen Anthropologie und Ethik: Grundstrukturen menschlicher Existenz*. Edited by Berthold Wald. Vol. 5. Hamburg: Felix Meiner Verlag, 1997, 48-98.
- . "Gerechtigkeit - heute." In *Werke in acht Bänden. Miscellen*. Edited by Berthold Wald. Vol. 8/1. Hamburg: Felix Meiner Verlag, 2005, 256-265.
- . "Glauben - Hoffen - Lieben." In *Werke in acht Bänden. Miscellen. Register und Gesamtbibliographie*. Edited by Berthold Wald. Vol. 8/1. Hamburg: Felix Meiner Verlag, 2005, 307-338.
- . "Traktat über die Klugheit." In *Werke in acht Bänden: Schriften zur Philosophischen Anthropologie und Ethik: Das Menschenbild der Tugendlehre*. Edited by Berthold Wald. Vol. 4. Hamburg: Felix Meiner Verlag, 1996, 1-42.
- . "Über das christliche Menschenbild." In *Werke in acht Bänden. Religionsphilosophische Schriften*. Edited by Berthold Wald. Vol. 7. Hamburg: Felix Meiner Verlag, 2000, 94-114.
- . "Über das Gute und das Böse. Vier Vorlesungen." In *Werke in acht Bänden. Darstellungen und Interpretationen. Thomas von Aquin und die Scholastik*. Edited by Berthold Wald. Vol. 2. Hamburg: Felix Meiner Verlag, 2001, 1-57.
- . "Über den Begriff der Sünde." In *Werke in acht Bänden. Schriften zur Philosophischen Anthropologie und Ethik: Grundstrukturen menschlicher Existenz*. Edited by Berthold Wald. Vol. 5. Hamburg: Felix Meiner Verlag, 1997, 207-279.
- . "Über die Gerechtigkeit." In *Werke in acht Bänden: Schriften zur Philosophischen Anthropologie und Ethik: Das Menschenbild der Tugendlehre*. Edited by Berthold Wald. Vol. 4. Hamburg: Felix Meiner Verlag, 1996, 43-112.
- . "Über die Liebe." In *Werke in acht Bänden: Schriften zur philosophischen Anthropologie und Ethik: Das Menschenbild der Tugendlehre*. Edited by Berthold Wald. Vol. 4. Hamburg: Felix Meiner Verlag, 1996, 296-414.

- . “Wahrheit der Dinge. Eine Untersuchung zur Anthropologie des Hochmittelalters.” In *Werke in acht Bänden. Schriften zur Philosophischen Anthropologie und Ethik: Grundstrukturen menschlicher Existenz*. Edited by Berthold Wald. Vol. 5. Hamburg: Felix Meiner Verlag, 1997, 99-179.
- Pilsner, Joseph. *The Specification of Human Actions in St. Thomas Aquinas*. Oxford: Oxford University Press, 2006.
- Pinckaers, Servais. “Christ, Moral Absolutes, and the Good: Recent Moral Theology.” *The Thomist* 55 (1991): 117-140.
- . *Das geistliche Leben des Christen. Theologie und Spiritualität nach Paulus und Thomas von Aquin*. Paderborn: Bonifatius, 1995.
- . *La justice évangélique*. Paris: Téqui, 1986.
- . “Morality and the Movement of the Holy Spirit: Aquinas’s Doctrine of ‘Instinctus’.” In *The Pinckaers Reader. Renewing Thomistic Moral Theology*. Washington, DC: The Catholic University of America Press, 2005, 385-395.
- . *Morality: The Catholic View*. South Bend, IN: St. Augustine’s Press, 2001.
- . *The Pursuit of Happiness - God’s Way: Living the Beatitudes*. New York: Alba House, 1998.
- . “The Role of Virtue in Moral Theology.” In *The Pinckaers Reader. Renewing Thomistic Moral Theology*. Edited by John Berkman and Craig St. Titus. Washington, D.C.: The Catholic University of America Press, 2005, 288-303.
- . “Scripture and the Renewal in Moral Theology.” In *The Pinckaers Reader: Renewing Thomistic Moral Theology*. Edited by John Berkman and Craig St. Titus. Washington, DC: The Catholic University of America Press, 2005, 46-63.
- . *The Sources of Christian Ethics*. Washington, D.C.: The Catholic University of America Press, 1995.
- . “The Sources of the Ethics of St. Thomas Aquinas.” In *The Pinckaers Reader. Renewing Thomistic Moral Theology*. Edited by John Berkman and Craig St. Titus. Washington, DC: The Catholic University of America Press, 2005, 3-25.
- Pinto de Oliveira, Carlos-Josaphat. “‘Ordo rationis, ordo amoris:’ La notion d’ordre au centre de l’univers étique de S.Thomas.” In *‘Ordo sapientiae et amoris:’ Image et message de Saint Thomas d’Aquin à travers les récentes études historiques, herméneutiques et doctrinales*. Edited by Carlos-Josaphat Pinto de Oliveira. Fribourg: Éditions Universitaires, 1993, 285-302.
- Pope, Stephen J. “Aquinas on Almsgiving, Justice and Charity: An Interpretation and Reassessment.” *Heythrop Journal* 32 (1991): 167-191.
- . “The Convergence of Forgiveness and Justice: Lessons from El Salvador.” *Theological Studies* 64 (2003): 812-835.

- . *The Evolution of Altruism and the Ordering of Love*. Washington, DC: Georgetown University Press, 1994.
- . “The Order of Love and Recent Catholic Ethics: A Constructive Proposal.” *Theological Studies* 52 (1991): 255-288.
- . “Overview of Ethics of Thomas Aquinas.” In *The Ethics of Aquinas*. Edited by Stephen J. Pope. Washington, D.C.: Georgetown University Press, 2002, 30-53.
- Porter, Jean. “‘De ordine caritatis:’ Charity, Friendship, and Justice in Thomas Aquinas’ *Summa Theologiae*.” *The Thomist* 53 (1998): 197-214.
- . *Moral Action and Christian Ethics*. New York: Cambridge University Press, 1995.
- . “Natural Equality: Freedom, Authority, and Obedience in Two Medieval Thinkers.” *Annual of the Society of Christian Ethics* 21 (2001): 275-304.
- . *Nature as Reason: A Thomistic Theory of the Natural Law*. Grand Rapids, MI: William B. Eerdmans Publishing Company, 2005.
- . *The Recovery of Virtue: The Relevance of Aquinas for Christian Ethics*. Louisville, KY: John Knox Press, 1990.
- . “The Subversion of Virtue. Acquired and Infused Virtues in the ‘*Summa theologiae*’.” *The Annual of the Society of Christian Ethics* 12 (1992): 19-41.
- . “The Unity of the Virtues and the Ambiguity of Goodness: A Reappraisal of Aquinas’ Theory of the Virtues.” *Journal of Religious Ethics* 21 (1993): 137-163.
- . “Vertus.” In *Dictionnaire Critique de Théologie*, edited by Jean-Yves Lacoste. Paris: Presses Universitaires de France, 1998. 1218-1220.
- . “Virtue and Sin: The Connection of the Virtues and the Case of the Flawed Saint.” *Journal of Religion* 75 (1995): 521-539.
- . “The Virtue of Justice (IIa IIae, qq. 58-122).” In *The Ethics of Aquinas*. Edited by Stephen J. Pope. Washington, DC: Georgetown University Press, 2002, 272-286.
- Prümmer, Dominicus M. *Manuale theologiae moralis: Secundum principia S. Thomae Aquinatis*. Vol. 1-3. Freiburg: Herder, 1961.
- Pufendorf, Samuel von. *Über die Pflicht des Menschen und des Bürgers nach dem Gesetz der Natur*. Frankfurt (Main): Insel Verlag, 1994.
- Quasten, Johannes. *Patrology*. Vol. 1. Westminster, MD: Newman Press, 1960.
- Ramirez, Jacobus M. *De habitibus in communi*. In *I-II Summae Theologiae divini Thomae expositio (QQ. XLIX-LIV)*. Vol. 2. Madrid: Instituto de Filosofia 'Luis Vives', 1973.
- Ramsay, Hayden. “Natural Virtue.” *Dialogue. Revue canadienne de philosophie* 37 (1998): 341-360.
- Ramsey, Paul. *Basic Christian Ethics*. Louisville, KY: Westminster John Knox Press, 1993.

- Rawls, John. "Justice as Fairness." In *Collected Papers*. Edited by John Rawls. Cambridge, MA: Harvard University Press, 1999, 47-72.
- . *A Theory of Justice*. Cambridge, MA: The Belknap Press of Harvard University Press, 1971.
- Regan, Richard J. "Introduction." In *Treatise on Law* (contains the text of Thomas Aquinas). Indianapolis, IN: Hackett Publishing Company, 2000, xiii-xxiii.
- . "Introduction." In *The Cardinal Virtues. Prudence, Justice, Fortitude, and Temperance* (contains the text of Thomas Aquinas). Indianapolis, IN: Hackett Publishing Company, 2005, vii-xxi.
- Rhonheimer, Martin. *Die Perspektive der Moral. Philosophische Grundlagen der Tugendethik*. Berlin: Akademie Verlag, 2001.
- . *Praktische Vernunft und Vernünftigkeit der Praxis. Handlungstheorie bei Thomas von Aquin in ihrer Entstehung aus dem Problemkontext der aristotelischen Ethik*. Berlin: Akademie Verlag, 1994.
- . "Sins Against Justice (IIa IIae, qq. 59-78)." In *The Ethics of Aquinas*. Edited by Stephen J. Pope. Washington, DC: Georgetown University Press, 2002, 287-303.
- Ricken, Friedo. "Aristoteles und die moderne Tugendethik." *Theologie und Philosophie* 74 (1999): 391-404.
- Ricoeur, Paul. *Liebe und Gerechtigkeit: Amour et Justice*. Tübingen: J.C.B. Mohr, 1990.
- Ripalda, Joan. M. de. *De ente supernaturali disputationes theologicae*. Rome: Libreria S. Congregationis de Propaganda Fide, 1870.
- Roey, J.E. van. *De virtute charitatis: Quaestiones selectae*. Mechelen: H. Dessain, 1929.
- Ryan, Louis A. "Charity and the Social Order: Part 1." *The Thomist* 3 (1941): 539-563.
- Sabra, George. *Thomas Aquinas' Vision of the Church: Fundamentals of an Ecumenical Ecclesiology*. Mainz: Matthias-Grünwald-Verlag, 1987.
- Salmanticenses. *Cursus theologicus summam theologicam angelici doctoris D. Thomae complectens*. Paris: Societas generalis librariae catholicae, 1878.
- Scheeben, Matthias Joseph. *Die Herrlichkeiten der göttlichen Gnade*. Freiburg: Verlag Herder, 1949.
- Schiffini, Sancto. *Tractatus de virtutibus infusis*. Freiburg: Herder, 1904.
- Schmaus, Michael. "Das natürliche Sittengesetz und das Gesetz des Evangeliums." In *San Tommaso e la filosofia del diritto oggi*. Edited by Giovanni Ambrosetti. Rome: Città nuova editrice, 1975, 222-238.
- Schockenhoff, Eberhard. *'Bonum hominis:' Die anthropologischen und theologischen Grundlagen der Tugendethik des Thomas von Aquin*. Mainz: Matthias-Gründewald-Verlag, 1987.

- . *Grundlegung der Ethik: Ein theologischer Entwurf*. Freiburg: Herder, 2007.
- . “Wozu gut sein? Eine historisch-systematische Studie zum Ursprung des moralischen Sollens.” *Studia Moralia* 33 (1995): 87-120.
- Scholz, Sally J. “Civil Disobedience in the Social Theory of Thomas Aquinas.” *The Thomist* 60 (1996): 449-462.
- Schultes, Reginaldus M. “‘De caritate ut forma virtutum:’ Summa theologiae, II.^a II.^{ae}, q. 23, a. 6-8.” *Divus Thomas (Piac.)* 31 (1928): 5-28.
- Schuster, Josef. *Moralisches Können: Studien zur Tugendethik*. 2 ed. Würzburg: Echter Verlag, 1997.
- Schwartz-Porzecanski, Daniel. “Friendship and the Circumstances of Justice according to Aquinas.” *The Review of Politics* 66 (2004): 33-52.
- Schweidler, Walter. “Die Menschenrechte als metaphysischer Verzicht.” In *Das Unantastbare. Beiträge zur Philosophie der Menschenrechte*. Edited by Walter Schweidler. Münster: Lit Verlag, 2001, 73-100.
- Seidl, Horst. “Recht ohne Moral?” *Die Tagespost*, 10.3.2007, 19.
- Sertillanges, A. D. *Foundations of Thomistic Philosophy*. London: Sands, 1931.
- . *La philosophie morale de Saint Thomas D’Aquin*. Paris: Librairie Félix Alcan, 1922.
- Shanley, Brian J. “Aquinas on Pagan Virtue.” *The Thomist* 63 (1999): 553-577.
- Sherwin, Michael S. *By Knowledge and by Love: Charity and Knowledge in the Moral Theology of St. Thomas Aquinas*. Washington, DC: The Catholic University of America Press, 2005.
- . “Infused Virtues and the Effects of Acquired Vice: A Test Case for the Thomistic Theory of Infused Cardinal Virtues.” *The Thomist* 73 (2009): 29-52.
- . “St. Thomas and the Common Good: The Theological Perspective; An Invitation to Dialogue.” *Angelicum* 70 (1993): 307-328.
- Shoemaker, Sidney. “Causality and Properties.” In *Time and Cause. Essays Presented to Richard Taylor*. Edited by Peter van Inwagen. Dordrecht: D. Reidel Publishing Company, 1980, 109-135.
- Siep, Ludwig. “Virtues, Values, and Moral Objectivity.” In *Virtue, Norms, and Objectivity. Issues in Ancient and Modern Ethics*. Edited by Christopher Gill. Oxford: Clarendon Press, 2005, 83-98.
- Smith, Enid. *The Goodness of Being in Thomistic Philosophy and Its Contemporary Significance*. Washington, D.C.: The Catholic University of America Press, 1947.
- Smith, Randall. “What the Old Law Reveals About the Natural Law According to Thomas Aquinas.” *The Thomist* 75 (2011): 95-139.
- Spaemann, Robert. *Moralische Grundbegriffe*. Munich: Verlag C.H. Beck, 1982.

- Staley, Kevin M. "Happiness: The Natural End of Man?" *The Thomist* 53 (1989): 215-234.
- Statman, Daniel. *Virtue Ethics: A Critical Reader*. Edinburgh: Edinburgh University Press, 1997.
- Steel, Carlos. "Thomas' Lehre von den Kardinaltugenden (S.th. II-II, qq. 47-170)." In *Thomas von Aquin: Die 'Summa theologiae'. Werkinterpretationen*. Edited by Andreas Speer. Berlin: Walter de Gruyter, 2005, 322-342.
- Stocker, Michael. "The Schizophrenia of Modern Ethical Theories." In *Virtue Ethics*. Edited by Roger Crisp and Michael A. Slote. Oxford: Oxford University Press, 2001, 66-78.
- Stump, Eleonore. *Aquinas*. London: Routledge, 2003.
- . "Aquinas on Justice." *Proceedings of the American Catholic Philosophical Association* 71 (1997): 61-78.
- Stump, Eleonore, and Norman Kretzmann. "Being and Goodness." In *Thomas Aquinas. Contemporary Philosophical Perspectives*. Edited by Brian Davis. Oxford: Oxford University Press, 2002, 295-323.
- Suárez, Francisco. *Opera omnia*. Vol. 9. Paris, 1858.
- Sutter, Amatus de. "De virtutum moralium infusarum existentia controversia recentior." *Ephemerides Carmeliticae* 14 (1963): 413-431.
- Swanton, Christine. *Virtue Ethics: A Pluralistic View*. Oxford: Oxford University Press, 2003.
- Sylvius, Franciscus. *Commentarii in totam primam secundae S. Thomae Aquinatis doctoris angelici et communis*. Vol. 2. Antwerp, 1714.
- Taylor, Richard. *Virtue Ethics: An Introduction*. New York: Prometheus, 2002.
- Theron, Stephen. "Justice: Legal and Moral Debt in Aquinas." *American Catholic Philosophical Quarterly* 78 (2004): 559-571.
- Therrien, Michel. "Law, Liberty & Virtue: A Thomistic Defense for the Pedagogical Character of Law." S.T.D. diss., University of Fribourg, 2007.
<http://ethesis.unifr.ch/theses/downloads.php?file=TherrienM.pdf> (accessed August 29, 2011).
- Thompson, Christopher J. "The Spirit and the Limits of Prudential Reasoning." *The Thomist* 63 (1999): 425-437.
- Thurston, Herbert, and Donald Attwater. *Butler's Lives of the Saints. Complete Edition*. Vol. 3, 1995.
- Toner, Christopher. "Was Aquinas an Egoist?" *The Thomist* 71 (2007): 577-608.
- Tonneau, Jean. "Devoir et morale." *Revue des Sciences Philosophiques et Théologiques* 38 (1954): 233-252.
- Torrell, Jean P. *Magister Thomas. Leben und Werk des Thomas von Aquin*. Freiburg: Herder, 1995.

- Tucci, Roberto. *La specificazione delle virtù infuse secondo San Tommaso d'Aquino*. Rome, 1961.
- Tugendhat, Ernst. *Vorlesungen über Ethik*. Frankfurt (Main): Suhrkamp, 1993.
- Urmanowicz, Valentino. *De formatione virtutum a caritate seu de caritate, qua forma virtutum secundum doctrinam sancti Thomae Aquinatis*. Vilna: Libreria S. Adalberti, 1931.
- Urmson, J.O. *Aristotle's Ethics*. Oxford: Basil Blackwell, 1988.
- Utz, A.F. "Anmerkungen." In *Die deutsche Thomas-Ausgabe: Summa Theologica; Recht und Gerechtigkeit*. Vol. 18. Graz: Anton Pustet, 1953, 399-571.
- . "Kommentar." In *Die deutsche Thomas-Ausgabe: Summa Theologica; Grundlagen der menschlichen Handlung*. 2 ed. Vol. 11. Salzburg: Verlag Anton Pustet, 1940, 447-663.
- Utz, Fridolino M. *De connexione virtutum moralium inter se secundum doctrinam St. Thomae Aquinatis*. Oldenburg: Albertus-Magnus-Verlag, 1937.
- Valantasis, Richard. *Late Antiquity in Practice*. Princeton, NJ: Princeton University Press, 2000.
- Valentia, Gregorius de. *Commentariorum theologicorum*. Vol. 2. Lugduni, 1603.
- Verdross, Alfred. "Begriff und Bedeutung des 'bonum commune'." In *San Tommaso e la filosofia del diritto oggi*. Edited by Giovanni Ambrosetti. Rome: Città nuova editrice, 1975, 239-257.
- Vernier, Jean-Marie. "Sociabilité humaine, justice et droit chez Aristote et saint Thomas d'Aquin." *Divus Thomas Piacenza* 93 (1990): 58-78.
- Vignon, Henricus. *Adnotationes in tractatum de virtutibus infusis*. Rome: Aedes Universitatis Gregorianae, 1943.
- Vittrant, Jean-Benoît. *Théologie morale: Bref exposé à l'usage des membres du clergé et spécialement des confesseurs*. Paris: Beauchesne, 1953.
- Vooght, Paul de. "Y a-t-il des vertus morales infuses?" *Ephemerides Theologicae Lovanienses* 10 (1933): 232-242.
- Wadell, Paul J. *Becoming Friends: Worship, Justice, and the Practice of Christian Friendship*. Grand Rapids, MI: Brazos Press, 2002.
- . *Friends of God: Virtues and Gifts in Aquinas*. New York: Peter Lang, 1991.
- . *The Primacy of Love: An Introduction to the Ethics of Thomas Aquinas*. New York: Paulist Press, 1992.
- Wald, Berthold. "Abendländische Tugendlehre und moderne Moralphilosophie." In *Josef Pieper. Schriften zur Philosophischen Anthropologie und Ethik: Das Menschenbild der Tugendlehre. Band 4*. 2 ed. Edited by Berthold Wald. Hamburg: Felix Meiner Verlag, 2006, 415-413.

- Wallace, James D. *Virtues and Vices*. Ithaca, NY: Cornell University Press, 1978.
- Wengst, Klaus. *Schriften des Urchristentums: Didache (Apostellehre); Barnabasbrief; Zweiter Klemensbrief; Schrift an Diognet*. Vol. 2. Darmstadt: Wissenschaftliche Buchgesellschaft, 1984.
- Westberg, Daniel. *Right Practical Reason. Aristotle, Action, and Prudence in Aquinas*. Oxford: Clarendon Press, 1994.
- Westley, Richard J. "Commentary." *Proceedings of the American Catholic Philosophical Association* 31 (1957): 104-106.
- White, Stephen A. "Natural Virtue and Perfect Virtue in Aristotle." *Proceedings of the Boston Area Colloquium in Ancient Philosophy* 8 (1992): 135-169.
- Wieland, Georg. "The Reception and Interpretation of Aristotle's 'Ethics'." In *The Cambridge History of Later Medieval Philosophy: From the Rediscovery of Aristotle to the Disintegration of Scholasticism 1100-1600*. Edited by Norman Kretzmann, Anthony Kenny and Jan Pinborg. Cambridge: Cambridge University Press, 1982, 657-672.
- Yearley, Lee H. *Mencius and Aquinas: Theories of Virtue and Conceptions of Courage*. New York: State University of New York Press, 1990.
- . "The Nature-Grace Question in the Context of Fortitude." *The Thomist* 35 (1971): 557-580.