

ST. THOMAS ON THE ORIGINS OF MORAL RULES: MEDIEVAL ANSWERS TO MODERN QUESTIONS

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The proposed topic for this conference is the origin of moral rules. As my contribution to the discussion of this question, I want to introduce you to the moral theory of St. Thomas Aquinas, who, I believe, offers the best answer to the question at hand.¹

1. Definitions

Some questions are hard to answer because of the obscurity of the central concepts. The question of where moral rules come from is hard for the opposite reason. Its central concepts rightness, goodness, obligation are so familiar in general that we never stop to ask precisely what they mean or how they are interrelated. The question contains three terms that need to be defined before we attempt to sketch an answer.

First, what are rules? The announced topic of this conference asks precisely about moral *rules*, and not about moral anything else. It might have been, for example, about moral virtues, actions, policies, or persons. Rules can be defined by their form or by their function. In form, rules are judgments that have as a subject a person in a situation and as a predicate an ought-phrase about some action "All military personnel who are saluted ought to return the salutes." (Equivalently, they could be taken as imperatives addressed to certain kinds of people "Military personnel who are saluted, return the salutes!") The function of rules is, obviously, to guide action.

Second, what is meant by the term "moral"? The exact meaning can be brought into focus by looking at two nouns that can be modified both by the term "moral" and by other adjectives. One such noun is "virtue." St. Thomas, following Aristotle,² distinguishes moral from intellectual virtues. Human virtues, by definition, are those traits that make human

beings good human beings. Since there are several ways in which human beings can be made good, there are several kinds of virtues. Intellectual virtues make it possible for us to think well; they perfect us with respect to our intellect. Moral virtues make it possible for us to choose or act well; they perfect us with respect to our character. That highlights the definition of moral "pertaining to character." Character, in turn, is the disposition to respond to situations in certain ways. It is, therefore, reflected in the kind of choices one makes. It is the kind of will one has.

The appropriateness of that definition is reinforced by considering a second term that will take "moral" or other adjectives as modifiers for "rules." In addition to moral rules, there are legal rules, rules of strategy, etc. Just as moral virtues are those habits that perfect one's character, moral rules are rules about how to build and maintain one's good character.

Third, what do we mean by "origins"? What exactly are we asking when we ask "where do moral rules come from?" This question is ambiguous. It could mean any of several different things. It could be the question, "in virtue of what are moral rules true?" That is a question of moral *ontology*. Or, it could be the question, "how do we know that they're true?", a question of moral *epistemology*. Finally, it could be the question, "what reason do we have for following them?", a question of moral *psychology*. Each of these is an interesting question. St. Thomas, I believe, offers the best answer to all three.

2. Moral Ontology: What Makes Moral Rules True?

To help us answer the question of what makes moral rules true, we might first ask what makes *any* rules true (or valid, or good rules to follow). A rule could be said to be true for either of two reasons.

First, a rule is true (i.e., it is true that one ought to do something), at least in a qualified sense, if it is promulgated by a legitimate authority. So, if the US Code says that income taxes are due on April 15, then it is true that (from a legal point of view) Americans ought to pay their taxes by that date. If the rules of one's club forbid revealing the secret

handshake to non-members, then (again, from the point of view of the rules of the club), it is true that members ought not do so. If the laws of the so-called German Democratic Republic ordered border guards to kill border crossers, then *from the legal point of view*, it is true that they ought to have done so. (Legal obligations are not, needless to say, the only, much less the final, consideration in determining one's actions.)

Second, a rule is true, again in a qualified sense, if the action it commands leads efficiently and effectively to a goal that is worth pursuing (or at least the goal which the rule was designed to achieve). So, the chess rule that one ought to begin the game by seeking to control the center, develop one's pieces, and protect one's king is true. Opening the game in that way makes a real contribution to one's prospects of winning.

Although it is possible for a rule to be true in one of those senses and not in the other, St. Thomas says that moral rules are true for both of these reasons.³ They are true because following them builds the kind of character necessary to leading a good human life.⁴ His moral theory begins with an account of the good and the bad in human lives, activities, and persons. His account of human flourishing has both a natural and a supernatural component. The best life that can be had here on earth has two components, the intellectual (contemplation) and the social (friendship, family, and community-building or politics). Each of these components is, in turn, grounded in the specific potentialities constitutive of human nature. The most basic moral rule, according to St. Thomas, is just the command to do and pursue good, and to avoid evil. When combined with an account of what those goods are,⁵ and the necessary means to attain them (for the social goods, that we be just, brave, temperate and prudent persons),⁶ we get more particular rules. Living in society requires that we not harm others in action (whether against their persons, their families, or their possessions) or in word. So, there are moral rules against murder, adultery, theft, and lying. Even the strong desire to do these things will ultimately lead to disaster. There is, therefore, another moral rule against covetousness.⁷ Having certain habits, and avoiding certain actions, are necessary if we are to live in society with others. That in turn is necessary (again, not sufficient, but as

much as is under our control) if we are to have such happiness as is available on this earth. Moral rules are thus justified as the necessary means to the attainment of something (a good life) we all in fact need and most of us also want.

That kind of justification does not provide a stern enough tone of obligatoriness to suit the taste of some moralists.⁸ Conveniently for them, but not necessary to the *truth* of the moral rules, St. Thomas' account of moral truth shows how they are true in the other sense as well. The defense of the claim that moral rules have been promulgated takes us to the question of moral epistemology, albeit through the back door.

3. Moral Epistemology: How Do We Know What Moral Rules Say?

St. Thomas argues that the moral rules can be seen as a promulgated code of behavior. The full account of this promulgation is theological, if not in the sense that it is grounded in revelation, at least in the sense that it depends on his account of God and Providence. The promulgator of moral rules, according to St. Thomas, is God, the creator of natures. The promulgation is done in two ways.

The first way was an act of creation, in which God gave all rational beings three things. First, he gave them a nature in virtue of which certain things are good for them and others are not. Second, he gave them an intellect capable of apprehending and seeing the truth of the most basic moral rule ("the first precept of the natural law"), namely that good is to be done and pursued and evil to be avoided. Third, he gave them the ability to recognize such basic human goods as knowledge and the social life, even though there is no guarantee that they will actually recognize them, much less always act in ways consistent with that recognition.

Note that although this account is theological in the sense that, seeing promulgation as an act of a ruler, St. Thomas identifies the promulgator (namely God), it does not make anyone's knowledge of moral rules dependent on their knowledge of the existence of God, much less dependent on their acceptance of any particular text as revealed. St. Thomas' claim

that the first principle is a self-evident proposition disguises God's role in this first kind of promulgation. He promulgates these rules by creating rational beings capable of direct apprehension of and assent to basic moral truths.

The second way in which this promulgation was carried out was an act of direct revelation, in which God reminds man of the content of the most important moral rules. The Ten Commandments are at the center of that revelation. The details of what is revealed and how it is to be interpreted are, of course, points on which Christians, Muslims, and Jews differ among themselves. All agree, however, on the fact that these rules about how to build and maintain a good character are promulgated in this sense. It is not, however, necessary to the coherence of St. Thomas' moral theory.

So, how do we know what the moral rules say? Not, according to St. Thomas, just by appeal to revelation. The first precept is self-evident. The secondary ones (the wrongness of killing the innocent, engaging in extramarital sex, lying, &c.) can be figured out on the basis of common experience. We know them by careful thought and rigorous reasoning. Why don't we all then agree? Because we aren't always careful and rigorous. Passions, for example the hatred of the violence of war and love of country, machismo and fear for our lives, interfere.⁹ In the case of the selfish draft-dodger it is easy to say, "Of course you can't see why you ought to rally around the colors. You're a coward." It is also true, though less pleasant to have to say, that the genuine conscientious objector may be improperly swayed by another passion^¾hatred of the violence of war. War is terrible and the proper hatred of it can easily lead those among us who are most acutely aware of that horror to judge, incorrectly, that it is never a requirement of justice to fight in one.

4. Moral Psychology: What Motive is There for Obedience to Moral Rules?

Why should anyone limit his actions in ways demanded by moral rules? The general answer for the first kind of ought is that everyone needs the (real) goods to which cultivation of the moral virtues (and avoidance of bad actions) are a necessary means (whether he knows it

or not). The general answer for the second kind of ought is more complex and will not be taken up here.¹⁰

Beyond that, what is needed is *not* a defense of morality in the abstract but of the particular moral virtues and of the corresponding moral rules. In other words, the question to be asked is not so much "why should I be moral?" as (separately) "why should I be just?", "why temperate?", and "why brave?" Each of these habits can be shown to be necessary to life in society, and certain kinds of acts can be shown to be inconsistent with the development of those virtues. Obviously, the actual showing would take more time than is available here.¹¹

5. Ethics & Military Ethics

In the final section of this paper, I want to say something about the relation between general human ethics and military ethics. But in doing so, I want to shift gears and talk, not of rules, but of virtues. The distinction between rule-based ethics and virtue-based ethics is exaggerated by some moralists, but I believe that there is a difference. I find it more natural to talk in terms of virtues than of rules, as do, for example, Hackett and Wakin, in the passages I will quote below. Those who insist on putting rules first can either translate everything I say or they can just take mine as a one-rule morality "Be virtuous!"

Just as a man must have certain good habits (i.e., virtues) if he is to be a good man or to lead a good life, so a military officer must have certain habits or virtues and avoid certain actions if he is to be a good military officer and have a successful military career.¹² What is the relation between the habits necessary to a good human life and those necessary to a successful military life? There is a range of possible answers:

- (1) Inconsistency Theories: There are some habits that are (a) military virtues and human vices or (b) human virtues and military vices.
- (2) Overlap Theories: Some habits that are virtues (or vices) on one list are neutral on the other.

- (3) Identity Theory: The lists of military and general human moral virtues are identical.
- (4) Intensification Theory: Some virtues (or vices) are more important to have (or avoid) in military service than in other aspects of human life. What is useful in any human life becomes necessary in military life.¹³

Which of these approaches is true? All have their defenders.

The first two families of views would best be defended by illustration. One common charge against the moral value of military service is that obedience is a military virtue which is in direct conflict with the human virtue of autonomy. A good military officer follows orders; a good human being thinks for himself, especially about what to do in particular situations. (An overlap theorist might claim simply that this is a trait valuable only in special situations like military service.) Obedience within limits, however, is a virtue in any member of a community. It is the willingness to bring one's own will into conformity with that of the head of the community for the common good. As St. Gregory the Great put it, in commenting on a passage in Scripture, "Obedience is rightly preferred to sacrifices, because by sacrifices another's body is slain, whereas by obedience we slay our own will."¹⁴ Indeed, St. Gregory goes on to say, obedience is of particular importance since "it is the only virtue that ingrafts virtues into the soul and protects them when ingrafted." However obedience without limits is not a virtue in a human being. St. Thomas says:

There are two reasons for which a subject may not be bound to obey his superior in all things. First on account of the command of a higher power. Secondly, if the latter command him to do something wherein he is not subject to him.¹⁵

Obedience in the first case ("indiscreet obedience") would be wrong. And similarly in a soldier. American law requires that soldiers obey only those orders which are within the competence of the commander. It prohibits obedience to unlawful orders. Obedience, then, is not a habit which is a virtue only to soldiers.

A second charge on the basis of which an inconsistency theory might be based is that a soldier must be willing to kill his fellowman. This charge seems to underlie the views of Gwynne Dyer, who wrote:

Like all the other soldiers who had been taught from infancy that killing was wrong, and had then been sent off to kill for their countries, he was almost helpless to disobey, for he had fallen into the hands of an institution so powerful and so subtle that it could quickly reverse the moral training of a lifetime.¹⁶

What a place like Parris Island produces when it is successful is a soldier who will kill because that is his job.¹⁷

This, the charge would run, is inconsistent with the human virtue of benevolence, if not of justice. But the soldier must be ready to kill only to the extent that such a willingness is consistent with the demands of justice. If this readiness to use even lethal force to secure justice is not a virtue incumbent on all, it is only because most people are not ordinarily agents of the state, and thus not expected (according to St. Thomas, not permitted¹⁸) to make or carry out decisions about who should be killed for the common good.

In the opposite direction, someone might suggest that compassion is a virtue in ordinary human beings, but a vice in soldier. This, too, seems to me to be false. A commander without compassion is, at best, at risk of mistreating his own men (consider General Patton's striking several of his soldiers¹⁹) and, at worst, at risk of becoming a war criminal.

The identity theory seems to me to be more plausible, but I believe that it is insufficiently nuanced. The needed nuance is that, while there are no human virtues that the soldier does not need, and no military virtues that have no value in civilian life, the extent to which lack of a certain virtue undermines one's effectiveness in life in general may differ from the extent to which lack of the same virtue undermines one's military effectiveness.

The proper nuancing brings us to the intensification theories, which have been defended by Hackett and Wakin:

A man can be selfish, cowardly, disloyal, false, fleeting, perjured, and morally corrupt in a wide variety of other ways and still be outstandingly good in pursuits in which other imperatives bear than on those of the fighting man. He can be a superb creative artist, for example, or a scientist of the very top flight, and still be a very bad man. What the bad man cannot be is a good sailor, or soldier, or airman.²⁰

The 'military' virtues are virtues in any human society, but they are called military virtues because of their essential connection to the specific military function. Integrity is the foundation virtue for military leaders if they wish to successfully develop loyalty and obedience in their subordinates. Success in battle is impossible without (the military virtues subordination of the good of the self, courage, obedience, &c.); preparation for battle requires their inculcation.²¹

These virtues are important for all because of situations we all might encounter, but essential for the military because of situations they are likely to encounter. Hence, the intensification.

6. Conclusion.

Addressing the foundational questions of ethics is far different from doing moral analysis of particular cases. One can have thought a lot about the former without having much of interest to say about the latter. Some people have suggested that agreement on the answers to the foundational questions is not even necessary to agreement on the moral assessment of particular actions.²² But it is nevertheless helpful to have some understanding of the principles of ethics. We will not, of course, have time to think about them in an emergency. When time is short, we will do what we have habituated ourselves to do. But what we have habituated ourselves to do depends in part upon our previous reflection about principles. In any case, not all moral crises are, in that sense, emergencies. Sometimes we have the leisure to reflect on various possible alternatives before we must choose a course of action. Often, that time is spent rationalizing a choice that we would very much like to, but know we should

not, make. Familiarity with the foundations of ethics can help us secure our character against just such rationalizations.

¹The moral philosophy of St. Thomas is most accessible in two of his works^{3/4}the *Commentary on Aristotle's Nicomachean Ethics* and the Second Part of the *Summa Theologiae* (in particular, Questions 18-21 (the "Treatise on Happiness") and 90-97 & 100 (the "Treatise on Law") of the First Part of the Second Part). Selections from these and other works can be found in (1) Baumgarth & Regan, *Aquinas on Law, Morality & Politics*; (2) Vernon J. Bourke, ed., *The Pocket Aquinas*; (3) Mary Clark, ed., *An Aquinas Reader*; and (4) Paul E. Sigmund, ed., *St. Thomas on Politics & Ethics*.

²Aristotle, *Nicomachean Ethics* (hereafter *NE*) I.13. St. Thomas, *Summa Theologiae* (hereafter *ST*) Pt. I-II, Qq. 56-61.

³Cf. *ST*, I-II, Q. 94, where he argues that moral principles are part of the natural *law*.

⁴Having such a character is not, limiting oneself to this side of the grave, sufficient. A good character may be a fatal defect in a bad society. In addition, there are always the goods of fortune. But surely it is not only the theologically inclined who can recognize that St. Thomas More, honest but dead at 58, not only led, but in the most important sense *had* a better life than he could have had or led had he chosen an extra ten years and a death as a sexagenarian perjurer.

⁵For examples of such an account, see St. Thomas, *ST*, I-II, Q. 94, a. 2; John Finnis, *Natural Laws & Natural Rights* (Oxford University Press, 1980), Part II; and Mortimer Adler, *Reforming Education* (Macmillan, 1988), Chapter 6.

⁶Aristotle, *NE*, III, 6-12, V, and VI; St. Thomas, *Commentary* and *ST*, II-II, Qq. 47-170.

⁷St. Thomas, *ST*, I-II, Q. 100, aa. 5-6.

⁸Immanuel Kant, for example, argues that this account makes moral rules mere "Counsels of Prudence," which are at best hypothetically imperative, i.e., binding only as long as we in fact want the good at which the rules aim us. Moral rules, on his view, bind not hypothetically, but categorically, i.e., regardless of anything we may, or even must, want. See his *Grounding for the Metaphysics of Morals*. For different reasons, he would be dissatisfied with the alternative offered in the next section. For a response, see G. E. M. Anscombe, "Modern Moral Philosophy," in her *Ethics, Religion, & Politics* (Minnesota, 1981).

⁹St. Thomas, *ST*, I-II, Q. 94, aa. 4&6.

¹⁰For St. Thomas' discussion of obedience, see *ST*, II-II, Q. 104.

¹¹For a quick, and despite the title, philosophical introduction, see C.S. Lewis, *Mere Christianity* (MacMillan, 1952), pp. 69-78.

¹²Successful, here, does not, of course, mean merely gaining for oneself a string of promotions and a chestful of medals. Rather, a successful military career would be one in which either the political and military objectives for which armies are established (victory in battle, effective deterrence, or whatever) were attained or at least that one did as much as could be done under the circumstances (e.g., by moulding one's unit into an effective fighting force). General Eisenhower had a successful military career in the first sense; General Lee, perhaps, had one only in the second. A more difficult question is what we should say about careers in which the goods of fortune are so lacking as to prevent one from attaining any significant objectives. Did Medal of Honor winner Lt. Lance Sijan, for example, have a successful military career? Perhaps even a career cut short by enemy action, or by a vindictive superior, can be seen as, if not successful, at least honorable.

¹³Some things that are necessary in human life may possibly be only useful in a military career, but that won't weaken the urgency of developing the virtue since all soldiers continue to lead human lives.

¹⁴*Moral.* 35, commenting on 1 Kings 15:22. The passage is quoted by St. Thomas, *ST*, II-II, Q. 104, a. 3.

¹⁵*ST*, II-II, Q. 104, a. 5.

¹⁶*War* (Crown, 1985), p. 102.

¹⁷*Op. cit.*, p. 125.

¹⁸According to St. Thomas, as long as they are private citizens, they are not even permitted to do so. See *ST*, II-II, Q. 64, a. 3.

¹⁹See, for example, Martin Blumenson, *Patton: The Man Behind the Legend* (Morrow, 1985), pp. 113, 170, and 209-213.

²⁰"The Military in the Service of the State," in Malham M. Wakin, ed. *War, Morality & the Military Profession* (Westview, 1986), p. 119.

²¹Malham M. Wakin, "The Ethics of Leadership II," in Wakin, *op. cit.*, p. 208.

²²See, for example, Albert R. Jonsen & Stephen Toulmin, *The Abuse of Casuistry* (California, 1988).