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# Natural Law and the “Is”—“Ought” Question

HENRY VEATCH\*

John Finnis' literary achievement, *Natural Law and Natural Rights*,<sup>1</sup> is truly remarkable! Only yesterday it would have been quite difficult to find even a single legal, political, or moral philosopher of note who would not have dismissed natural law doctrine as being utterly discredited philosophically. This is not so today, especially since the publication of Professor Finnis' book. Indeed, this change in philosophical opinion apparently has been wrought by Professor Finnis almost single-handedly.

Is it not, then, rather captious that I now address to Professor Finnis some rather sharp questions? Worse yet, my questions might seem almost irrelevant because they are aimed primarily at a single section, entitled “The illicit inference from facts to norms,” of what is otherwise a very substantial work.<sup>2</sup> Nonetheless, that section is rather fundamental to the development of an understanding of both his theory and the doctrine of natural law. What Professor Finnis advances is so puzzling that one must wonder whether he could have meant what he said, or said what he meant. The very title of the section suggests that any inference from facts to norms must be illicit. Yet how can the enterprise of a natural-law ethics be anything other than a search for some basis for morals and ethics in nature itself, and thus in the facts of nature?

Let us examine Professor Finnis' assertions. Finnis states: “[i]t is simply not true that ‘any form of a natural-law theory of morals entails the belief that propositions about man's duties and obligations can be inferred from propositions about his nature.’”<sup>3</sup> Addressing the views of St. Thomas Aquinas regarding natural law, Finnis notes that Aquinas “asserts as plainly as possible that the first principles of natural law, which specify the basic forms of good and evil . . . are not inferred from

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<sup>1</sup> J. FINNIS, *NATURAL LAW AND NATURAL RIGHTS* (1980). [Hereinafter cited as FINNIS].

<sup>2</sup> *Id.* at 33.

<sup>3</sup> *Id.*

speculative principles. They are not inferred from facts. They are not inferred from metaphysical propositions about human nature, or about the nature of good and evil, or about 'the function of a human being,' nor are they inferred from a teleological conception of nature or any other conception of nature."<sup>4</sup> Finally, in seeking to explain why it should ever have come to be so generally supposed that defenders of natural law fall into fallacies such as that of trying to make "[a]n illicit inference from 'is' to 'ought,'" Professor Finnis suggests that one reason for such a widely accepted misapprehension is that "[t]he very phrase 'natural law' can lead one to suppose that the norms referred to, in any theory of natural law, are based upon judgments about nature (human and/or otherwise)."<sup>5</sup>

How shall one interpret assertions such as these? If it were not known that Professor Finnis' entire book was devoted to a sustained and brilliant defense of natural law, one might suppose that an assertion that "[t]he norms referred to in any theory of natural law" must not be taken to be "[b]ased on judgments about nature (human and/or otherwise)" denotes an opposition to natural law doctrines in ethics. Unless we momentarily put ourselves in Professor Finnis' position, such a reaction would surely be hasty. One could not have been more aware than Professor Finnis himself that the traditional defenders of natural-law doctrines seek to affirm (1) that in any natural law, ethics, moral laws, and moral norms have an existence in nature itself; and (2) that it should be possible to discover such natural moral laws from an examination of the facts of nature themselves. It must be remembered, however, that Professor Finnis is an Oxford don; and at Oxford, anyone who dared to say that moral norms might have a basis in fact, or that perhaps an "ought" can be derived from an "is," would almost certainly lead the entire English philosophical establishment, not just the Oxonians, to exclaim, "Let him be anathema!" Clearly, if Professor Finnis wishes to defend natural law at Oxford while avoiding ostracism, he would have little choice but to acknowledge discretion to be the better part of valor.

While it is easy to understand why Professor Finnis would not want to commit the capital philosophical offense in England today—extracting norms from facts, or duties from nature, or an "ought" from an "is"—why would he wish to be regarded as a natural law philosopher? Could it be that the word "natural law" is surrounded by an unsuspected aura of respectability. The game appears to be one of seeking to enjoy all the benefits of the term "natural law," while carefully avoiding any possible taint that might be associated with support of the doctrine.

I believe that Professor Finnis has somewhat inadvertently stumbled

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<sup>4</sup> *Id.* at 33-34.

<sup>5</sup> *Id.* at 35.

into a very curious dilemma. The dilemma is simply this: one must either produce the means by which to proceed from facts to norms, or discontinue the attempt to espouse natural-law philosophy. It appears, however, that Professor Finnis is quite insensitive to any such dilemma. Instead, he perceives no reason why he should not simply disclaim all attempts to establish a basis for moral laws in nature while insisting that his ethics are of natural law. Accordingly, I propose to mount my criticisms of Professor Finnis on two fronts. First, in order to demonstrate that the dilemma I have proposed is a real one, let me offer a brief and somewhat fanciful account of the major stages in the history of Western moral philosophy. Clearly, this overview will show that Professor Finnis must declare himself either a natural-law philosopher, discarding his Oxbridge superstitions about the wall of separation dividing "is" from "ought," and facts from values, or break with Oxbridge entirely and become a natural-law philosopher after the mind of St. Thomas Aquinas himself. My second front of attack consists of a series of challenges directed at the specific reasons Professor Finnis advances to explain why it is both poor logic and poor philosophy to draw inferences from "is" to "ought" or to try to find a basis for morals and ethics directly in nature and reality.

In light of the history of Western moral philosophy, consider Professor Finnis' pronouncements that it is futile and illogical to suppose that propositions about man's duties and obligations can be derived from propositions about his nature, or that moral norms and standards can ever be based on considerations concerning the nature of man, or the nature of things. Is not such an approach with respect to matters of morals and ethics reminiscent of those ancient disputes between the Sophists and Socrates (and indirectly between Plato and Aristotle)? The position of a Sophist like Callicles in the *Gorgias* was that morals and ethics, as ordinarily understood, are simply matters of *Yóuos*, and not of *Qújis*. In opposition to the Sophists, what was Socrates contending if not that morals and ethics are not mere matters of human choice or convention, but are and ought to be grounded in nature—in the nature of man primarily, but additionally and more fundamentally, in the nature of *things* generally?

Such a line of argument in repudiation of natural law does not stop there. To the present day one must concede that contemporary moralists, be they utilitarians or deontologists, would agree with the Sophists, for there is no way to view morals and ethics as a matter of *Qújis*, rather than *Yóuos*. True, the utilitarians would insist that morality is a matter of social convention, not one of nature. Hence, they are not committed to the moral relativism or the scepticism of the ancient Sophists. Instead, present-day utilitarians believe they can combine a pure conventionalism in ethics with a nonrelativism, presumably by involving certain linguistic or logical considerations such as universalizability. Even the deontologists, while they would doubtlessly not intend to state that morality is no more

than a matter of *Yóuos* in the sense of mere social convention, would still deny that it could in any sense be considered an affair of nature or *Qújis*. No, our duties and obligations are recognized to be in virtue or in direct intuition of such obligations, or of a recognition of a supposed inevitable logical inconsistency that will manifest itself whenever one tries to deny such a thing as the categorical imperative.

It should not be surprising that contemporary moralists of any school would be so unanimous in repudiating the nature of man, the nature of things, or anything else as a possible basis for morality. Given the almost unquestioned recognition of modern natural science as being the only process qualified to give an account of nature, no so-called scientific study or investigation of nature itself will be able to produce evidence of the existence of real norms or values.

Whatever Finnis' concerns may be with respect to being ostracized by his colleagues at Oxford, Finnis is not behindhand in attempting to display how and why it is impossible in logic and in nature to extract moral principles from considerations of reality. It seems roughly analogous to extracting blood from a stone. Additionally, his arguments are ably seconded by the more than formidable Germain Grisez.<sup>6</sup> Accordingly, my task becomes one of trying to defuse these Finnis-Grisez arguments which are designed to show that appeals to nature can never provide proper support for ethics and morality.

I shall classify these arguments roughly under three main headings. The first such heading is that of the supposed logical "deducibility" or "inferability" of a science such as ethics from either metaphysics or philosophical anthropology. It is not to be denied that the Finnis-Grisez position is one that is exceedingly well chosen. Anyone will want to recognize that ethics has a characteristic autonomy of its own, with its own first principles.

In response to this first argument, I concede that there can be no *deduction* of ethics from metaphysics, and no *inference* of "propositions about man's duties and obligations" simply from "propositions about his nature." Yet, is not the soundness of such contentions due to one's taking the terms "deduction" and "inference" in a somewhat straitened and overly technical sense? Additionally, can one legitimately extend the noninferability of ethics from metaphysics to Finnis' somewhat overdrawn conclusion that ethics may not be based on metaphysics in any way, or that metaphysical considerations need be regarded as largely irrelevant even when rendering ethical principles intelligible?

It is true that we have all become accustomed to that sense of "de-

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<sup>6</sup> See Grisez, *The First Principle of Practical Reason: A Commentary on the Summa Theologiae 1-2, Question 94, Article 2*, 10 NAT. L.F. 168 (1965).

duction" that has sometimes been associated with modern logic. Indeed, in that sense of deduction, we all know what it means to say that the principles of arithmetic are simply deducible from those of logic. Moreover, it is not uncommon to encounter a further construction appended to this sense of deduction according to which any relation of premises to conclusions in a deductive argument amounts to nothing more than a mere tautology. It is conceded that a natural-law philosopher like St. Thomas Aquinas would never conclude that ethics was simply deducible from metaphysics, or morals from anthropology.

I do not have the competence to criticize the possible narrowness and even arbitrariness of this sense of deduction as it functions in modern logic. Nonetheless, it appears perfectly plausible to set forth a familiar example designed to display how one science or discipline might be radically dependent upon another for the very intelligibility of its first principles, and yet not be considered merely "deducible" from that other. Aristotelian physics is dependent upon so-called metaphysics or first philosophy of Aristotle. Surely, Aristotle would hold that physics has its own first principles, and that as first principles, the principles of physics are not simply inferable from those of metaphysics as if the former amounted to no more than a restatement of the latter in the manner of a mere tautology. Consider, for instance, the famed three principles of change in Aristotelian physics—matter, form, and privation. Of course, these can be set out as if they comprised a single first principle of change in the physical world: any change must be the change of something (the material principle) *from* something (the principle of privation) *to* something else (the form principle). Surely, as a first principle, this could be considered self-evident, at least in the traditional sense of that term, as signifying something *per se notum*, and therefore as something that may not be thought to be merely deduced or inferred from anything else. Despite its self-evident nature, is not such a principle regarding *ens mobile* entirely dependent for its proper intelligibility upon various prior principles of *ens*? In his metaphysics, for example, Aristotle would hold that to be a being, a being must be a substance or at least ordered to substance. Likewise, to be a being, a being must be determinate—it must have an essence, or proper formal determination. Finally, if chapters three to ten of Book A of the *Metaphysics* are properly a part of the Aristotelian metaphysics, there is the further principle in metaphysics that for any being to *come into* being, it must be possessed of a principle of matter or of potentiality.

Indeed, given such principles in metaphysics, may it not be said that the first principles of Aristotle's physics are indeed based upon, and even in a sense derived from, his metaphysics? Additionally, while knowing only about *ens* does not represent a complete knowledge of *ens mobile* or a complete knowledge of being *qua* being, is it no less obvious that there

can never be a proper understanding of *ens mobile* if one does not have a prior understanding of *ens*?

Given the principles of metaphysics, there is certainly an indication that the first principles of Aristotle's physics are based upon, and even derived from, his metaphysics. This surely may not be taken to mean that one has only to know about *ens*, or the principles of being *qua* being, for these will not disclose, even by implication, all that one needs to know or can know about *ens mobile*. Accordingly, *mutatis mutandis*, why could one not say that for Aristotle and certainly for Aquinas that while ethics is indeed an autonomous discipline with respect to metaphysics or philosophical anthropology, and hence possessed of its own first principles, it by no means follows that the moral philosopher in his concern with *ens*, considered as *bonum*, need not take account of the principles of *ens* as such. As a result, have we not drawn the teeth from what we have labelled the first of the Finnis-Grisez arguments regarding the supposed absolute independence of ethics over metaphysics, or of morals regarding a knowledge of nature? True, there is a sense in which our human moral obligations can scarcely be said to be simply "inferable" from a knowledge of human nature. Yet, Finnis goes too far when he apparently concludes that "the norms referred to in any theory of natural law" are not to be regarded as being "based upon judgments about nature (human and/or otherwise)."<sup>7</sup>

Now, we must examine the second line of argument which Finnis and Grisez apparently invoke to establish that even in a natural law ethics, the principles of morals and ethics are not to be considered as being in any sense principles of being or of nature at all. This time, as it appears, the Finnis-Grisez argument turns on a certain understanding, or perhaps misunderstanding, of what is meant by "nature" in expressions such as "the nature of man" or "the nature of things." Moreover, the argument is presumably designed to show that any effort to derive one's morals or ethics from nature must inevitably involve the fallacy of proceeding from an "is" to an "ought." It cannot be denied that the example chosen by Finnis and Grisez to flesh out their argument is an eminently telling and well-chosen one. Let me try to phrase this argument and this method of illustration in my own words. In effect, Finnis and Grisez charge traditional, professed natural-law moralists with conceiving human nature in a purely static manner. Although Finnis and Grisez do not explicitly state such, I concede that many of the natural-law moralists whom they criticize conceive human nature and the nature of man largely on the model of the nature of purely geometrical figures. Recall that it was Aristotle who insisted that it is only proper to conceive of the natures of mathe-

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<sup>7</sup> FINNIS, *supra* note 1, at 35.

mathematical objects—squares, circles, triangles—as if they were purely static and allowed no change or development of any kind. Thus, the nature of a square or a circle is such that it neither comes into being nor passes away; it is not susceptible of growth or development, of locomotion or change of quality. Instead, it simply is what it is. As a result, as Aristotle sees the matter, the so-called causes of being in the case of a triangle are reducible to the formal cause alone. Certainly, there can be no efficient cause or causes of a triangle as such, since it neither comes into being nor passes away. If no efficient cause exists, there can be no final cause, end, or goal of any kind in the case of a triangle. Similarly, there is no material cause either since there is no potentiality for change in the case of a triangle. A triangle is, and can only be, just what it is, having developed neither from nor out of anything else. Moreover, the triangle is not the kind of being which might be thought of as aimed at or directed toward becoming anything.

After conceiving the model of a triangle or a square suppose that we now conceive of the nature of man. Clearly, we might say that it is contrary to the nature of a square that its size could be doubled by doubling the length of its sides. Correspondingly, if we were to conceive of the nature of man on such a model, one might say that it is contrary to the nature of a human being that he should not be characterized by upright posture, or that he not be either unequivocally male or unequivocally female, or that certain human organs should be put to a use other than their natural use. Accordingly, one might be tempted to argue that since it is contrary to nature for a human being to walk on all fours, it is therefore wrong for a human being to so walk; or certain sexual practices being deviant or perverse when judged by the standard of a given, static human nature, it is therefore wrong for a human being to so act. Quite patently, though, inferences of this sort would be clear cases of an illicit process from "is" to "ought" or from the natural or the unnatural to the right or the wrong. Moreover, if I have correctly understood them, this is precisely the criticism that both Grisez and Finnis would make of any number of natural-law thinkers. It cannot be denied that this criticism in certain situations is entirely warranted. These are clear cases of illicit processes from "is" to "ought," or from facts of nature to alleged norms of nature.

Nevertheless, however justified Grisez and Finnis may be in leveling these criticisms at certain so-called natural-law thinkers, it must also be recognized that such criticisms are not necessarily warranted with respect to any and every apparent inference from nature to norms. This is so because there exist means by which one might comprehend the nature of things without relying upon the simple model of a geometrical figure. Indeed, if it be a human being one is concerned with, then it is an error to conceive of his nature as if it were identical to the nature of a square, a rectangle, or a circle. Moreover, the difference lies precisely in the fact

that change is relevant to the nature of a human being, whereas it is not at all relevant to that of a circle or a square. For what is a man, or a human being, if not a creature who, by his very nature and in his very nature, is subject to development—a creature of potentialities, and therefore one who is not all that he might be or could be, and whose present or actual condition needs always to be compared with that which he might be or could be? One may not stop there. A human being is not merely a being who is by nature subject to change and development. A human is also a being of such nature as to be in large part responsible for his either being or not being all that he might be or could be. As a consequence, human beings are seldom all that they should be or ought to be, and hence are not usually in fact what they are morally responsible for being, or what is morally incumbent upon them to be.

Is it not clear that an "ought" has been directly introduced into our very account of man and of human nature? Finnis and Grisez can no longer say that the introduction has been made from "is" to "ought" through an illicit process. On the contrary, the very "is" of human nature has been shown to have an "ought" built into it. It is impossible to determine what a human being, just as a human being, really is in fact without determining what he might be or could be—without taking account of a man's potentialities and actualities toward which those potencies are oriented. It is no less impossible to determine, or even to adequately state what a human being is without making reference to what he ought to be or to that natural end, fulfillment or good, which it is incumbent upon any human being, by nature, to try to be or become. Clearly, there is no dubious inference from "is" to "ought"—as if somehow from an "is" that was exclusive of any "ought"—one could manage to conjure up an "ought." For as our foregoing account should have now made clear, the very "is" of human nature already has its "ought" contained within it. Indeed, if a question of inference is raised, it is now possible to say that the so-called inferences from "is" to "ought," or from nature to norms, are nothing if not inferences from an "is" that already involves an "ought," to the "ought" that is already implicitly in that "is." If one should prefer to use the language of "nature" and of "norms," one could say that the nature of man, when rightly understood, and not analogized to a misleading geometrical model, is a nature that is inescapably ordered to certain norms or standards of its own perfection. We need not fear stern reprimands with respect to how we must once more listen to David Hume's complacent censures of supposed inferences from "is" to "ought." On the contrary, it is suggested that Hume, not the natural law moralist, must now be taught a lesson. Clearly, natures and the facts of nature can be construed such that illicit inferences may be drawn from what things *are* by nature, to what they *ought* to be. The inferences Hume confidently described as fallacious, however, were not so at all. Rather, those were

inferences proceeding from a far richer and more versatile conception of the "is" of human nature than Hume conceived of in his work.

Where does all of this leave us with respect to Finnis and Grisez? It leaves us at the point where we must concede that if human nature be conceived based upon what we have designated as the geometrical model, there can be no proper inferences from "is" to "ought," nor from natures to norms. Further, we must also concede to Finnis and Grisez that many so-called natural-law moralists, particularly in recent years, have either consciously or unconsciously construed human nature uncritically based simply on what we have determined to be the false geometrical model. To the extent that these natural-law thinkers lapsed into the practice of construing human nature in this unfortunate fashion, their would-be inferences from "is" to "ought," or from the natural to the normative must be described as fallacious. Indeed, it is not so surprising that many latter-day advocates of natural law should have carelessly come to construe "nature" in this misleading way, for this is the way in which nearly all modern philosophers from Descartes and Hobbes have tended to understand such a notion as the "natures" of things. Modern natural scientists have merely followed suit.

Having made these concessions to Finnis and Grisez, we must ask how they would construe the notion of "nature" in those contexts in which concepts such as "human nature" or "the nature of man" are employed. Surely, they would repudiate the so-called geometrical model. Since Finnis and Grisez profess to be Thomists of the true persuasion, one might expect them to be the first to acknowledge, with both Aristotle and Aquinas, that the geometrical model is by no means to be carried over uncritically from the domain of mathematics to that of physics and metaphysics, and hence to that of anthropology and of ethics as well. Let us suppose that Finnis and Grisez would agree with us thus far. Inevitably, our question becomes: where then, does the controversy lie with respect to Finnis and Grisez? The dilemma concerning any possible illicit inferences from "is" to "ought," or from facts to norms is now apparently dissolved. Further, despite Professor Finnis' rather anguished formulations with respect to how "the very phrase 'natural law' [must be so construed as never to] lead one to suppose that the norms referred to, in any theory of natural law, are based on judgments about nature (human and/or otherwise)," we may now calmly defuse and correct the greater number of the proposed Finnis-Grisez remedies and formulations. One need only recognize the Aristotelian account of natures and essences, and that there is no longer any problem of how "the norms that are referred to in theories of natural law [are to be] based on judgments about nature." To the contrary, that is precisely what they are based upon.

The final line of argument to which Finnis and Grisez resort in order to maintain their would-be wall of separation between nature and norms,

is an argument based on the old Aristotelian distinction between practical sciences and theoretical sciences, an entirely legitimate distinction. Not only is the distinction legitimate, but also legitimate is the resulting relative autonomy and independence of a practical science such as ethics *vis-a-vis* a theoretical science like metaphysics. Still, it will be our contention that in exploiting this particular distinction, Finnis and Grisez appear to press their argument much too far.

Nevertheless, permit Grisez to articulate just how he would understand the distinction between practical and theoretical reason, and how he would analyze the resulting autonomy of ethics with respect to metaphysics. First, he makes the entirely legitimate point that because ethics is a practical science, its direct concern is with determining which actions we need to perform, and which we must not perform if we are to attain our natural human end, goal, or, as Grisez might prefer to state it, the basic goods of human existence. Grisez adds, by way of further specification, that "because good has the intelligibility of an end, and evil the intelligibility of contrary to end, it follows that reason naturally grasps as goods . . . all of the objects of man's natural inclinations."<sup>8</sup>

What then, is practical reason for Grisez? He answers that it is just what it is for Aquinas. According to Aquinas, Grisez states, practical reason is "the mind . . . functioning in a certain capacity, the capacity in which it is 'directed to a work.' . . . Practical reason is [thus] the mind working as a principle of action, not simply as a recipient of objective reality. It is the mind declaring what is to be, not merely recording what already is. [I]n theory . . . the world calls the turn. The mind uses the power of the Knower to see that the Known will conform to it; the mind calls the turn."<sup>9</sup> Grisez continues as follows:

Now if practical reason is the mind functioning as a principle of action, it is subject to all the conditions necessary for every active principle. One of these is that every active principle acts on account of an end. An active principle is going to bring about something or other, or else it would not be an active principle at all. It is necessary for the active principle to be oriented toward that something or other, whatever it is, if it is going to be brought about.<sup>10</sup>

Moreover, against the background of statements like these it should be possible to understand the first principle of practical reason as enunciated by St. Thomas: *Bonum est faciendum et prosequendum, et malum vitandum*, which Grisez carefully translates as "[g]ood is to be done and

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<sup>8</sup> GRISEZ, *supra* note 6, at 170.

<sup>9</sup> *Id.* at 175-76.

<sup>10</sup> *Id.* at 177.

pursued, and evil is to be avoided."<sup>11</sup>

At this point, however, it would not seem altogether out of place to ask how this first principle of practical reason is to be understood. True, it is a first principle, and as such is self-evident, and in this sense indemonstrable. Nevertheless, we are not asking for a demonstration of the principle, "[g]ood is to be done and pursued, and evil is to be avoided," but only for a clarification and explication of the principle. Remember St. Thomas' point which Grisez skillfully repeats:<sup>12</sup> a principle may be evident in itself, and yet not be evident to us. So, I will particularize this lack of self-evidence and say that I am in this case "the rustic" who does not quite perceive the self-evident nature of this first principle of practical reason. It being a self-evident principle, the only way it can be made evident to a rustic like me, or to anyone else for that matter, is through a further clarification of the subject terms "good" and "evil." Just how is the notion of good to be understood here?

In anticipation of my own answer to this question, I would suggest that the only way such a question in this context can be answered is by invoking certain principles from metaphysics. Moreover, should this explication be sound, it should serve to effectively breach that wall of separation between ethics and metaphysics which Grisez maintains he has erected. This, however, is solely anticipation. For the present, let us continue to follow Grisez's lead. In response to the question whether the notion of good must be understood in the first principle of practical reason, Grisez states that the notion of good is to be understood in terms of the notion of end. "[G]ood," he says, "has the intelligibility of end," good being simply "what each thing tends towards."<sup>13</sup> Moreover, if one needs to have light shed on how such a notion of "tending towards" is to be construed, Grisez invokes the notion of "inclination," and more specifically that of "the order of [man's] natural inclinations."<sup>14</sup> To requote Grisez, "reason naturally grasps as goods . . . all of the objects of man's natural inclinations."

No one could possibly take exception to anything said by Grisez up to this point, for he is largely following and paraphrasing Aquinas, and correctly so. Still, having progressed to the point of understanding good as being the object of inclination, Grisez cannot stop there. It does not seem to me that Aquinas stops there. Oddly enough, it is there that Grisez apparently stops. Why? If good is to be construed simply as an end, or as an object of inclination and desire, a dangerous ambiguity immediately arises. This ambiguity can be best explicated by what I like to

<sup>11</sup> *Id.* at 168.

<sup>12</sup> *Id.* at 173.

<sup>13</sup> *Id.* at 173, 178.

<sup>14</sup> *Id.* at 180.

call "the *Euthyphro* test." It may be recalled that in the *Euthyphro* Socrates raised the question whether a thing is said to be good because it is beloved of the gods; or rather is it beloved of the gods because it is good?

Consequences of the utmost import for ethics, depending upon how one resolves this ambiguity, can be readily seen if we opt for the former as opposed to the latter alternative. Things are good for no other reason than that men happen to desire them, or are inclined towards them. Immediately, the consequence follows that nothing is really good, but desiring something makes that thing good. Does this not completely shatter that first principle of practical reason that Grisez, following Aquinas, is so insistent upon? If goodness and value are entirely relative to tastes and inclinations, then there is not the slightest ground for holding that good is anything *to be done* or *to be pursued* or that evil is *to be avoided*. In the Latin of Aquinas' formula, *Bonum est faciendum et prosequendum*, the verbs have a gerundive force, so that the force of the formula in English is that good is necessarily or self-evidently that which ought to be done and should be done. Yet clearly, if good is no more than "any object of any interest,"<sup>15</sup> then goodness will not have the slightest obligatory or morally compelling force. With respect to the supposed logically self-evident character of the first principle or practical reason, will it be evident in the least why that which we merely like or desire or are inclined towards should be the sort of thing which we ought to do or to pursue?

In fact, is this not the last nerve of the general Kantian line of criticism which is directed against all hedonistic or supposedly teleological theories of ethics? Just because someone is naturally inclined toward something or finds it a source of satisfaction, happiness, or contentment, Kant in effect says, this has no bearing at all on the question whether such a thing ought to be pursued, cherished, or liked, or whether it is right that it be pursued or done. To perpetrate such an inference would be to commit the "is"- "ought" fallacy. Such would certainly be the contention of any Kantian and Kant would certainly be correct in this regard.

What now of Grisez? Surely, he would be the last to choose this first alternative when called upon to apply the *Euthyphro* test. Instead, he must go beyond his own manner of stating what is to be understood as a good or an end: goods in the proposed sense may well be said to be objects of inclinations. This must be construed to mean that they are objects of inclination in the sense of being things that we ought to be inclined towards, or *should* be inclined towards, whether we actually are or

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<sup>15</sup> Those of us whose philosophical education dates back to ancient times will recall that this was the late R.B. Perry's key formulation of his so-called interest theory of value. See generally R.B. PERRY, *GENERAL THEORY OF VALUE; ITS MEANING AND BASIC PRINCIPLES CONSTRUED IN TERMS OF INTEREST* 1 (1926).

not. This in turn means that goods are goods that are objectively so, or goods in themselves, and not merely goods relative to their being desired, or to how men happen to feel about them. What does this mean other than that goods must be understood as beings?

Having located good in being, Aquinas insists that good needs to be understood as being, and as a being. In other words, metaphysics takes over to clarify and render intelligible that first principle of ethics or of practical reason, namely, that good is to be done and to be pursued. Indeed, it is in his metaphysical treatment of the transcendentals, particularly in the *De Veritate*,<sup>16</sup> that Aquinas addresses himself to the precise question of what *bonum*, or good, really is. *Bonum*, he says, is nothing but *ens*, considered as an object of desire, or *appetitus*. Moreover, all of these terms—*bonum*, *ens*, and *appetitus*—need to be understood each in its fully analogous sense, as is proper to all notions in metaphysics. As Aquinas here expounds *bonum* and *ens*, considered as so-called transcendentals,<sup>17</sup> he avails himself of the distinction between potency and act, which, taken as a metaphysical distinction, may be said to pervade the whole range of being or reality. How then, is the proper fulfillment, completion, or actuality of *bonum* to be understood in this fully analogous or transcendental sense, if not simply as *ens* or being, considered as just the actuality toward which a given potentiality is ordered? Since the proper actuality of any potency is that to which the latter is objectively ordered as being what naturally fulfills or completes it, one may say that such an actuality, as the *bonum* of the relevant potency, is just that which such a potentiality "ought to" desire. In other words, with reference to the *Euthyphro* test, one may say that good or *bonum* is defined and determined by St. Thomas as nothing but being or *ens*, not as that which simply is desired, but rather as that which is *desirable*, or ought to be desired.

Moreover, if at this point one should protest that we have been discussing only what might be called the metaphysical good, whereas Grisez is concerned only with the ethical good, I am afraid that such is not an escape open to Grisez. Even though he is concerned with the good, or the end, in ethics, and not as it is in metaphysics, there is just no way in which the former can ever be determined without having recourse to the latter. If it is Grisez's proposal to simply consider the human good as being such an end or ends as human beings have an inclination towards,

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<sup>16</sup> DE VERITATE, AQUINAS, SUMMA THEOLOGIAE q. XVI, art. 1 & q. CIX, art. 1, 2 (Prima Partem & Secunda Secundae 1962). It is interesting to note that, so far as I know, Finnis, no less than Grisez, seems scarcely even to advert to these passages, much less weigh them carefully.

<sup>17</sup> By a "transcendental" here, we mean, of course, that which is not classifiable under any one category alone, but rather which runs through them all, and transcends them all.

then that ambiguity which, as we saw, the *Euthyphro* test is so aptly designed to expose, immediately arises. This ambiguity cannot be successfully obviated without recognizing that the good or end is not a mere good, that is, relative to the chance, interests, or desires of a human being. Rather, it is a good that is objective in the sense that it is something that ought to be desired, whether it actually is so or not. To understand what good or the good is, considered simply as *ens* or being, it is necessary to have recourse to metaphysics, and to St. Thomas' "definition"<sup>18</sup> of good as simply the actual as against the potential.

Retracing one's steps from metaphysics to ethics, one finds that to determine what the human good is, or the end or goal of a properly human existence, one must specify the metaphysical good, or the good in general, in terms of the specifically<sup>19</sup> human good. Moreover, if good simply as *ens* or the good in general, is but the actual as against the potential, then clearly the human good must be specifically understood as that full actuality, perfection, flourishing, or fulfillment ordering our specific human potentialities without which human beings are incompletely or imperfectly human.

Of course, it is not our place in this paper to list the basic goods of human life. After all, we are quite familiar with the attempts of Aquinas and Aristotle to perform this task in the *Ethics*, and in the two *Summas*. Indeed, Grisez and Finnis themselves offer in their respective accounts, descriptions of what they call the basic goods of human life. For present purposes, it is not what the end or the basic goods of human life are that is of concern, but rather how they are determined, and by what method of argument one is able to show that such goods are truly human goods. This method of argument, it is submitted, can be made only in terms of what Grisez calls speculative or theoretical reason, not practical reason. Even by Grisez's account, practical reason merely operates to inform us how the good may best be attained *once* it has been determined. In order to determine what that good is, however, theoretical reason must be employed. One must then proceed from the determination of what the good is metaphysically to its determination in terms of the actuality or perfection of human life in its specificity as being human, rather than simply as being a *qua* being. To paraphrase Grisez, but in a somewhat contrary sense, the mind is indeed in such a context concerned to declare "what is to be." It is the domain of theory, where, as Grisez says, it is "the world that calls the turn," the mind having to "conform to the facts." In other

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<sup>18</sup> Need I add that *bonum* being a transcendental, it cannot be defined in any strict sense of *per genus et differentiam*. See generally O'CONNOR, AQUINAS AND NATURAL LAW 1, 57 (1967).

<sup>19</sup> In this rather loose use of terms like "in general" or "specifically," we trust that the qualification in note 18 *supra* will not go unregarded.

words, it is definitely not the domain of what Grisez calls "practice," where in a formulation rather frighteningly suggestive of idealism, Grisez says "the mind calls the turn." Clearly, there can be no such domain of practice or of practical reason, unless it be in terms of metaphysics and of theoretical reason, through which it gets its proper determinations.

Need one say more in terms of the wall of separation that both Grisez and Finnis maintain exists between practical reason and theoretical reason, between ethics and metaphysics, between nature and morals, between "is" and "ought"? It is important that we should have been able to effect a breach of this wall of separation, for without such a breach, one might envision both Finnis and Grisez treading on a slippery slope into an ethics merely of *Yóuos* rather than *Qújis*—an ethics so prevalent everywhere today and radically irreconcilable to anything like an ethics of natural law. Instead, let me just conclude in the face of both Finnis' and Grisez's seeming equivocations with a "Long live natural law!"