Aquinas 3: Some Issues

1. Deontological nature of Aquinas’ NL
2. Connection to Aristotle’s 4 Causes
3. Principle of Double Effect

A. Is Natural Law deontological?

Deontological theory – one that emphasises actions as being absolutely right or wrong

Teleological theory – one that looks towards the purpose and aims of an action, as deciding its good or badness.

Most ethical theories are in fact mixed (with both deontological and teleological features) and most ethicists think that trying to distinguish theories on this basis is unhelpful. Both Natural Law (and utilitarianism!) have some features of both.

In Aquinas’ theory, consider deontological aspects of:

- Primary Precepts
- Secondary Precepts
- Teleology behind his theory.

In defining the Primary Precepts, Aquinas was stating 'self-evident principles' that are universal and absolute - they are part of our very nature as humans. This sounds deontological. However, looking at Aristotle's notion of telos as final cause and excellence, we see that the Primary Precepts are not concerned with actions themselves, but with our telos or purpose. As such, the Primary Precepts are actually teleological. For Aquinas, man’s final purpose as made in imago dei is happiness with God (beatitudo), something for which we all have an innate desire. The Primary Precepts are our natural inclinations that guide us towards this final purpose.

From the general principles, practical reason enables us to derive secondary precepts eg do not kill, do not steal, do not commit adultery. These are rules that govern our specific actions. The secondary precepts are what makes Natural Law appear deontological. They concern rules for our actions. If I am looking after your money, I should not give it away to a charity, even if doing so would bring about some good. It would be the wrong sort of action. I have a duty to return to you what I was entrusted with. Other examples would be: Theft /lying /fornicating /committing adultery /killing the innocent /the 10 Commandments

However, as we have seen, Secondary Principles are derived from actual situations, using practical reason, by considering the situation as well as the act and intention behind it. Sometimes secondary principles are decided on a case-by-case basis. Eg Aquinas says it is wrong to return goods to the owner who will use those goods against you eg in time of war (or returning a knife to a mugger).

Secondary principles that are contrary to human nature are more likely to give us absolute secondary precepts eg Aquinas felt that masturbation goes against the natural end (telos) of sex, which is procreation, so 'do not masturbate' is an absolute secondary precept. However, in modern infertility treatment, masturbation might be used to assist procreation through artificial insemination by a husband. On this issue, Natural Law theorists disagree about whether masturbation is unnatural, and therefore disagree about the secondary precept 'Do not masturbate'.

B. Aristotle’s Theory of Causes in Aquinas’ N.L. theory

Aristotle distinguished between the 4 causes (MEFF) of material, efficient, formal and final cause. In Aquinas’ N.L, it is useful to consider the difference that the efficient and the final cause make in deciding
the rightness of an actions. (there is not much we can do about the material cause – we are made simply of such stuff as we are)

**The Efficient Cause:** As the formal principle of change, the efficient cause is often linked to how a thing comes about. Aristotle was careful to say that this is **not** to do with the agent’s intentions or motives, but with the effective knowledge or **principles that make something become what it is** (knowledge of a craftsman, it takes a man to generate a man). In Natural Law, our reproductive capacity, our rational nature has **certain principles of action, which need to be respected and followed**, as these contribute to our telos.

Eg it is wrong to use contraception, or become intoxicated, as these frustrate these “efficient causes”, ie sex as an efficient cause leads to procreation. Rational activity as an efficient cause leads to understanding, not impulsive behaviour.

In the case of sex, people may disagree with **Aquinas’ description** of the efficient cause of sex in humans as being procreation. They may say that the efficient cause of sex is deeper interpersonal union and sexual pleasure. But then they are **ascribing psychological motives and intentions to the efficient cause** – psychological pleasure as an efficient cause - Aristotle specifically denied this – on his & Aquinas’ view, the efficient cause is a natural principle of action or movement, **not** a psychological motive. You may disagree with this **unholistic view** of body ignoring mind.

**The Final Cause:** The final cause describes the telos, the **purpose for which things are as they are** – Aristotle does not mean that nature has a “purpose” as such, but that there is a point to the regularity of things, which helps you to understand them eg back molars are flat, for pulping food. In the case of man, we are distinguished from animals by our rational capacity (a regular feature of our nature), so the telos of becoming fully human is linked to the perfect fulfilment of our rational and spiritual nature in **imago dei** - union with God, or **beatitudo**. (Aristotle only emphasised the perfection of our rational nature and virtuous character).

The final end makes sense of **what kinds of goods are real goods** that we should follow: for example, the final end motivates us to reject purely sensual pleasure for the pain of hard work of developing our mental abilities through study, or for developing virtues of self control/temperance. Considering our telos helps to inform us what sort of actions would go against our final happiness eg murder, theft, adultery. Such actions for Aquinas, are also in themselves **contrary to God’s eternal law, as reflected in natural law** and therefore would constitute sin, or separation from God.

Eg the final cause of human being is rational contemplation of the Prime Mover, or beatitude, therefore wilful ignorance, mental abuse, drug taking, mind control/ideological dictatorship is wrong. Eg. The final cause of sex is reproduction, therefore contraception is wrong.

**NB Problems with Aristotle’s Causes**

**Formal** – “ideas” do not exist out there, by themselves, to “come into” an object. They are part of the efficient cause, and come about from the preceding parent, by genetics. Aquinas may have considered formal cause to come from eternal law – God’s idea of how things should be.

**Efficient cause** – may not be just one, but many. Eg craftsman: his knowledge, but, also has motivations, efficient tools. Even more difficult to work out in case of nature eg efficient causes of procreation are many – from attraction, to physiological processes of sex and pregnancy. Aristotle excludes psychological efficient causes, which you might think is unholistic, emphasising the physical and ignoring the mental.

**Final cause** – formal cause may include an idea of what it wants to achieve: final cause seems to be “built in” to the idea of a formal cause, not separate. **BUT** Final Cause should NOT be understood as saying that things have some particular goal to achieve - creatures develop “what works” – regularities have a point to them, not “goals” they want to achieve. This “functional” aspect of final cause is still talked about in Biology today.
Principle of Totality:

Aristotle: The principle of totality presupposes that "parts exist for the whole ... the good of the part is subordinated to the good of the whole".

Aquinas: "the perfection of the whole consists in integrating the parts of which it is constituted. These parts form a unity – without the parts, there is no whole. A part of the body has no meaning outside its reference to the whole, and each part is to be thought of only in relation to the whole." (a mutual correlation exists between parts and the whole)

A person has no power over the members of his own body except so far as he uses them for their natural purpose - he cannot destroy or mutilate them, or in any other way render himself incapable of his natural functions, as this would be destroying the unity of the parts to the whole, and the whole to the parts.

Exception: where there is no other way of providing for the welfare of the body as a whole, a part may be mutilated eg gangrene in the leg threatens the health of the whole body, so it should be amputated.

The Principle of Totality explains:
- why Aquinas insists that biological acts may not be manipulated apart from their natural function, if this works against the purposes of the whole eg eating from digesting as in bulimia.
- why we are not in thrall to our physical parts – since this disrespects the whole. We do not have to determine our actions based the working of individual parts, ignoring the purposes of the whole (eg Vardy in his book suggests that Aquinas promotes “physicalism” – that a person has to use their sexual organs only for reproduction, not intimacy).

We can and should integrate the different real goods of our human natures in such a way as to provide for the flourishing of the whole (eg religious celibacy).

C. Double Effect- a type of Casuistry

Aquinas is credited with introducing the principle of double effect in his discussion of self defence. “Nothing hinders one act from having two effects, only one of which is intended, while the others is beside the intention… accordingly, the act of self defence may have two effects: one, the saving of one’s life, the other, the slaying of the aggressor.” (ST II.2 Q.64.7)

Murder is justified, because the intention is not murder, but self-defence. If the self-defence uses more violence than necessary, then it is unlawful. But if the violence used in self defence was appropriate, then murder was be the foreseen but unintended and regretted consequence.

The Doctrine of Double Effect states that a well-intentioned agent may bring about a serious harm in order to bring about an overriding good, when it is impossible to bring about the good in any other way that avoids the harm.

It does not permit acts where the agent’s means cause harm in order to obtain the good. (DE says nothing about cases where a harm could occur and lead to a good end).
Double Effect is casuistical because...
- if you think it is absolutely wrong to kill others, then it would be wrong to kill in self defence, in abortion etc. Deontological absolute.
- But if you think that the only deontological principle is that it is wrong to intend to kill others, then such examples are allowed.

Such reasoning is casuistical: deriving non-deontological secondary principles based on the particular situation, acts and intentions (see exterior and interior acts).

Examples:
- eg terrorist bomber – positively wills civilian deaths to strike at the enemy regime, but the tactical bomber – strikes at military targets, does not positively will death of civilians, to strike at the enemy regime.
- Eg a doctor performs a hysterectomy on a pregnant woman with cancer of the uterus, to save her life – lawful: he aims at saving the woman’s life, while merely foreseeing, and not intending, the death of the foetus as an immediate effect of his action.
- Eg to kill someone you know is plotting to kill you is not lawful, as you intend their death. However, to strike in self-defence is lawful, even if you foresee that your blow may be fatal.
- Eg it is wrong to give pain relieving drugs to someone who is not terminally ill, if as a side effect these drugs can cause death, but it would be ok in the case of a terminally ill patient.
- Eg it is wrong to throw someone down onto an oncoming trolley car, to prevent it running over 5 people tied to the track further down, because you intend that person’s death. It would be ok to divert the trolley car to run over one person tied on the track rather than 5 on the other track, since you foresee the death of the one as the unintended consequence of saving the 5.
(Aquinas’ formulation of the DE only really includes the indifference and proportionality tests, but the other two were developed later from his doctrine.)

To be a case of Double Effect, an action must pass 4 criteria:
1. the action as described must be morally good, or at least morally indifferent. (good)
2. the bad consequence should not be directly intended, but only permitted. Harm can only be a side-effect, not intended (unintended)
3. the good consequence should be caused directly & immediately by the action, and not by way of the harm caused (Pauline principle) (direct)
4. the good must be sufficiently desirable and means not excessive ie in proportion to the bad Harm must be minimized, (proportional)

Evaluating Double Effect:
1. Who can tell intentions? Difficult for ourselves to know why we really do something eg intend to kill someone who is aggressive towards us, or accidentally fighting them off? Killing would not be lawful if that person was in fact moved by some private passion. No one can have God’s eye view of things.
2. The harm done sometimes looks like it is the reason the good happens, rather than being unintended eg aborting the baby to the sick mother, or killing the person threatening you, directly keeps you safe.
3. foreseeing something is sometimes like intending it eg soldier falls on grenade to save others, is foreseeing? Or intending his own death?
4. Allows primary precepts to be broken, in a way that contradicts deontological principles.
5. On the other hand, DE has criteria which means that you cannot just do any harm to achieve a good. It respects the idea of some actions just being wrong (eg intending death of fat man on trolley car). It tries to respect the life of each individual.
5. DE shows the kind of flexibility that is typical of casuistical thinking and secondary precepts. It provides guidance in situations where such choices must be made.

References
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