

Law and Reason in Aquinas: their Interrelationship

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With respect to how the phenomenon or how, more accurately, the principle of law relates to our human acts of thinking and reasoning (where, allegedly, law exists as one kind of regulative, ordering norm and our human acts of reasoning, another kind of regulative, ordering norm), a number of points can be made which point to why, firstly, it can be said that law and reason mutually define each other (if both exist as rational determinations of both meaning and being) and that, derivatively, an understanding of law in its normativity can be reached by an understanding of our human acts of thinking and reasoning (with respect to the kind of normativity which belongs to our acts of cognition). Reason, in both its compactness and in its articulation and elaboration, presents itself as the best analogy that can be had for our possibly moving toward an understanding of law if allegedly, on the one hand, it can be argued (on the basis of our experience) that law exists as a determination and term which proceeds from our human acts of thinking and reasoning: as something that comes from our prior acts of reasoning (where here our reasoning would exist in a way which also includes our acts of understanding) as opposed or as differing from all of our other kinds of subjective act. In our experience of self, we know that law or laws emerge through the kind of mediation which exists if we should refer to the data of our human consciousness as these refer to our human experiencing of self with respect to our acts of sensing, questioning, understanding, judging, and deciding.

To avoid confusion here, please distinguish between a legal positivist understanding of law and a normative understanding of law which believes and holds that law exists as an imperative, precept, or “dictate of reason.” A positivist interpretation of law (with respect to its rightness or its legitimacy) argues that the rightness of a law exists if it has been simply willed, issued, or decreed: if it has been enacted or if it has been promulgated by whoever holds or claims the authority of administering a governing legislative office. Instead of a “dictate of reason,” we best would speak here about law as primarily a “dictate of will” or as primarily a “dictate of our human acts of willing and demanding”: the willing and the commanding of the legislator as opposed to the purported understanding and the knowledge of a given legislator. Allying the irrationality or the impropriety of a given law would exist thus as no fit, just argument which could be used to argue that a given law does not exist: that it should not be respected and obeyed. Hence, for us, if we attune or direct ourselves toward the rationality of a normative understanding of law: if law or any law exists in a way which is bereft of the rationality and the intelligibility which it should have, it cannot be argued that a mutual form of causality would then have to exist between that which exists as law and that which exists as our human acts of reasoning and understanding.

Moving on thus from here: as we now attend to a number of different points and as we refer to a number of different distinctions that can be alluded to (whether these exist as real or as mental or conceptual distinctions although, in fact, if reason and law define each other, most distinctions would seem to exist as mental or as conceptual distinctions),¹ it is to be first noted that law and reason both

¹ Within ourselves, we must judge whether or not we are dealing with one kind of distinction instead of some other kind of distinction. To avoid confusion however, please distinguish three kinds of distinction where some are verbal or material; some are mental or conceptual; and some are real,

function as ordering principles even if we should try to argue that, say, reason (as intelligibility) is to be distinguished as an inner principle and law, an outer normative principle although, on the other hand however or, alternatively, we could try to argue that law exists as an inner, prescriptive principle if we should then think about how our acts of reasoning exist as actualizations or as incarnate manifestations of the kind of law which already exists within the incipient order which belongs to our human acts of thinking and reasoning.

Hence, in our analysis, we can move in either of two directions. If law exists as our initial reflective point of departure, its normativity would seem to exist and to be found within the form or the intelligibility of its inherent reasonableness. An inner form of coherence points to the rationality or to the intelligibility of law as law. But, on the other hand however, if our acts of reasoning and understanding exist as our initial reflective point of departure, their normativity would be found to exist within an inner set of connections which enjoys a rule or a necessity which exists as a species of absolute and yet as something which exists also as a species of contingent thing. We know that a contingent kind of necessity differs from an absolute kind of necessity that is bereft of any kind of limitation or contingency. Citing a frequently cited example: if, as a contingency, Socrates should happen to be sitting, then necessarily or absolutely, Socrates is sitting. The sitting would exist as an absolute. If we should happen then to exist in a certain way and how we exist points to a contingency that belongs to us as living human beings, then, within the context of our contingency, our acts of reasoning and understanding necessarily exist in a certain way and in a way which defines how we should combine how one given cognitive act is to be joined to another cognitive act.

To begin then with our sense of self and our acts of cognition: given how we happen to be and to exist as human subjects, our thinking and understanding falls into a pattern or, more accurately, these must fall into a pattern or a structure which our self-inquiry will eventually find and discover and which we must respect and abide by if our thinking and understanding is to exist in a reasonable and rational kind of way. The intelligibility or the good of our acts of reasoning is explained by a preceptive lawfulness which refers to how, in our acts of human cognition, we must move in a certain way from one kind of our act toward some other kind of act in a manner which is said to be self-governing and self-assembling. No one act exists in a kind of vacuum, entirely on its own: as if it enjoys a completeness

truthful, or factual. If A differs from B or if A is not B, why is A not B? The first kind of distinction is discovered by our different acts of human sensing. This differs from that according, for instance, to a difference in appearance. A second kind of distinction is discovered and experienced through our different acts of thinking, speculation, and understanding. This differs from that according to differences of supposition, notion, idea, or definition that are being thought about, considered, understood, or put into words as a given aspect of something is being understood in a way which differs from how some other aspect is being considered and understood. A third kind of distinction is discovered when our acts of understanding exist as rationally affirmed grounded judgments (we can refer here to reflective acts of understanding instead of to direct acts of understanding) where the truth or the reality of a thing is distinguished from a possible, proposed understanding of it and where now the truth or the reality of a given thing is distinguished from the truth or the reality of some other thing. Each kind of distinction enjoys an autonomy of its own as each species of corresponding cognitive act enjoys an identity of its own which is distinctive of it and which points to degrees of autonomy that can be discovered within ourselves if we should move and grow in our knowledge of self in a way which notices how our human cognition exists as a combination of the three different kinds of act which respectively exist as our acts of sensing, understanding, and judging.

or an autonomy which is disjoined and which does not rely on the being of other kinds of acts. Hence, as first principles, law and reason perform the same ordering task since an understanding of law and reason brings us to a conclusion which realizes and knows that our reasoning in its ordination toward the goods of truth and wisdom is as much a principle of order as is the kind of ordering which allegedly exists as law if we should refer to an effective form of law which exists as the law and the operation of our human cognition. The ordering of our human acts of reasoning must proceed or it must exist as an intrinsically rational combination of different operations if the requirements or the necessity of this or that act of cognition in our reasoning (according to their prescriptive order) is such that it reflects or it points to a lawfulness or a legitimacy which must then point to a rule of law which is determinative of our human reasoning and cognition with respect to its many, different acts and operations (where, within this context, through a compact form of expression, as we have been noting, we say that our acts of reasoning exist in a way which includes our acts of understanding since our understanding exists as a proper kind of term that completes whatever we could be doing through our prior acts of human thinking and reasoning).

Conversely now as we move from law to reason: if law or laws, as a principle, are to function as an ordering principle for a given set of acts and activities where the order of these acts and activities is to exist as an effect, they must function or they must exist in an intrinsically intelligible, rational manner. Hence, it can be said and it is said that law exists as an ordinance or as a precept, as a dictate of our reason (whether the reason or the understanding is human or divine),² and that law exists as a basis from which we can then move ourselves toward a rational determination of needs or prerogatives which would properly belong to us as rights or as just entitlements which we all have as human subjects (despite whatever differences exist amongst us as individual human subjects).³ An objective determination of law can be said to differ from a subjective determination of law which would exist in terms of that which would exist as our natural or our proper human rights.⁴ Each reflects the other, or each should point to the reality of the other; law, right and right, law. The principle or the cause of law which exists as reason or as some kind of rational construction, determination, or apprehension impels or it encourages us toward a given act or action and it also urges restraint in our experiencing or in our

²*Summa Contra Gentiles*, 3, 114, 2-3; *Sententia libri Ethicorum*, 5, 11, 1009; *Summa Theologiae*, 1a2ae, q. 90, a. 4; q. 91, a. 3; q. 92, a. 1.

³*Summa Theologiae*, 2a2ae, q. 57, a. 1, ad 2.

⁴See Brian Tierney's *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law 1150-1625* (Grand Rapids, Michigan/Cambridge, U.K.: William B. Eerdmans Publishing Company, 1997), pp. 64-65, which speaks about the origins of this distinction as this emerged late in the 12th Century if we look at commentaries that were then being composed and written about the canon law of the Catholic Church. In particular, in the work of an Italian canon lawyer named Huguccio (d. 1210), we find that he draws a distinction which later germinates into a distinction that is drawn between law, on the one hand, and our subjective human rights, on the other hand. If, for instance, we exist as human beings and if we have a nature which exists as a species of norm for us (the nature refers to our humanity as a specification of our intelligibility), our being human points to needs or demands which properly and inherently belong to us as human beings with respect to the powers or the active potencies of our human subjectivity and which need to be respected, met, and exercised if, in fact, we are to exist and properly live as human beings. Laws, in their normative objectivity, point to rights which exist in their normative subjectivity: hence, according to a manner which points to a form of objectivity which properly belongs to them.

undergoing of some other kind of act.⁵ Law exists, in its own way, as a product of the good or the reality of reason (reason as understanding).

However, since our reasoning typically reaches our acts of understanding (as receptions) if it has first adhered to a set of norms which are internally constitutive of it and which define what rational reasoning is (its meaning, essence, and acts), it can also be said too, as we have just also noted, that our reasoning exists as a product of law: from the lawfulness or the correctness of a combination of different acts and operations. Our reasoning typically leads us toward understanding or it creates an openness which is receptive to the gift of our understanding if it abides by procedures that have not been created by our acts of reasoning but which, in their own way, already exist for us within the kind of order which belongs to the inner law of our human subjectivity. On the other hand though, law or lawfulness, as a principle or cause, only properly functions if its conclusions and determinations are in themselves truly good, intelligent, and reasonable. The measure of any law is its rationality, its reasonableness. Absent reasonableness, absent law. Hence, as law is defined by reason, at the same time, it can be said that reason is defined by a higher order of ordinances which reason cannot change but which is defined by an intrinsic, rational form of lawfulness which exists as the higher form or the inner meaning of a preceptive, directive law. As our conclusion and also as our presupposition: law in its reality is defined by reason while reason is defined by law. Each measures and determines the other in a mutually reciprocal relationship in a way which points to an absence or a paucity of real distinctions although this absence or paucity of real distinctions cannot be used as an apt argument that would detract from the good of our possibly knowing about the being of other distinctions as we move toward a greater awareness of the many nuances which exist if, through our thinking and our understanding, we ask different questions and as we decide to begin from more than one point of departure in a way which can reveal a larger number of differences and distinctions. We know more about the normativity of our acts of reasoning if we can think about the normativity of how applicable laws exist and we know more about the normativity of law if we can think about the normativity which belongs to that which exists as reason or understanding.

Second, the laws of our reason which are determinative of its form and combination within our lives as human subjects are to be identified with a form of being or a form of emergence which points to the being of naturally given, unconventional laws which would exist as effects if we should refer to the forms or the intelligibilities of contingent, created things since, as we have already noted, the laws which are constitutive of our acts of reasoning have not been created by us through our own acts of reasoning but by some other principle which transcends the scope or the grasp of our human acts of reasoning and understanding. By our acts of reasoning, can we understand something which transcends our human acts of reasoning? However, since, in general, for us, law is understood only if we should refer to reason or understanding as its proper generative principle, it can be argued that the reason or understanding which accounts for the existence of law as this exists with the form or as the form of our human acts of reasoning is a reason, an apprehension, or an understanding which must exist in some kind of higher, transcendent fashion. It exists as more than ourselves. As or if law exists as a product of reason and understanding (if it exists as the term of an act of understanding), in the same way thus, the laws that are constitutive of our human acts of reasoning exist as a product which exists as the term of a generating, responsible act of understanding. The unity of form which relates the laws of our human acts of reasoning together into a single, ordered set clearly indicates to us that the laws of our human acts of reasoning exist as the content or as correlatives which belong to one single, supervening,

5Summa Theologiae, 1a2ae, q. 90, a. 1.

organizing act of understanding and insight which grasps how or why the form of our human acts of reasoning is to exist as the term of a desired, intended order which, in fact, happens to exist (for reasons that we are not able to grasp and fathom). This mysterious, transcendent act of understanding has brought this contingent order of things into a condition of being or it explains why this order exists in the way that it happens to be and to exist. The transcendent intending and desiring exists in terms of both an understanding and an execution or doing that cannot be distinguished from each other if we should want to refer to the possible being of a real distinction. The contingent character of our human acts of reasoning both with respect to its form and to its actuality both clearly point to a source or a point of origin which exists as a form of understanding that is absolutely other as transcendent. This form of understanding, in its transcendence and absoluteness, cannot possibly exist as a product of something else (if it is truly absolute and transcendent). It has not once not been or existed. It has not once existed in some kind of potential, possible way.

Third, our conventional, man made, human law and its judicial precepts⁶ (sometimes referred to as the prescriptions and proscriptions of our “positive law,” “temporal law,” or as “disciplinary law”) are to be clearly distinguished from divinely created natural law because of an insufficiency which belongs to the intelligibility of natural law as it relates to the concrete circumstances of our daily life, but which the intelligibility of conventional, man made law tries to address or to remedy by creating very diverse, specific precepts which should not be confused with the higher, more general, moral precepts that belong to an already existing form of law which exists as the good of natural law.⁷ The intelligibility of natural law, as it exists in all created things, refers to principles and precepts that exist for all of us to somehow observe, note, and obey. In no way have we created them. They cut across all differences of time, place, and culture. But, on the other hand, conventional human law and its precepts, to the degree that they properly exist as products of our practical acts of human reasoning which we enact to regulate our human behavior in new situations - these creatively mediate how the intelligibility of natural law is supposed to apply to various concrete situations⁸ which, as concrete situations, have each a meaning or an intelligibility of their own that is quite distinct and which cannot be derived from the universal significance of a existing natural law (whether we should speak about a species of secondary, first principle or as a derivative precept of conduct). Hence, to illustrate our point, as Albertus Magnus had apparently himself argued, while, in primitive times, natural reason had dictated the goodness and the value of owning all things in common (for the sake of the common good of all), in the context of varying, changing, present circumstances and conditions and for the sake too of the common good of all, this same reason in its acts and operations now dictates that private ownership best makes for a better arrangement for us if we are to have a better or a more equitable human economy.⁹ While,

⁶*Summa Theologiae*, 1a2ae, q. 99, a. 4; q. 103, a. 1; q. 104, a. 1.

⁷*De Malo*, q. 2, a. 4, ad 13; *Summa Theologiae*, 1a2ae, q. 95, a. 2, ad 3; q. 99, a. 3, ad 2.

⁸*Summa Theologiae*, 1a2ae, q. 95, a. 4: “it belongs to the notion of human law, to be derived from the law of nature.” See also *Summa Theologiae*, 1a2ae, q. 91, a. 3; q. 95, a. 2. Hence, it can be argued and as Aquinas argues it in the *Summa Theologiae*, 1a2ae, q. 94, a. 2, ad 2: “all the inclinations of any part whatsoever of human nature, such as the concupiscible and irascible parts, *insofar as* they are regulated by the reason, belong to the natural law [*pertinent ad legem naturalem*] and are reducible to the one first precept, as has been said. Accordingly, there are many precepts of the natural law as such, although they share in one common root,” as variously cited by Martin Rhonheimer, *Natural Law and Practical Reason: A Thomist View of Moral Autonomy*, trans. Gerald Malsbary (New York: Fordham University Press, 2000), p. 76; p. 305, n. 72.

⁹Frederick E. Crowe, “Law and Insight,” *Developing the Lonergan Legacy: Historical,*

always, the good making of human laws is ordered toward the meaning and intelligibility of naturally existing laws, the making and the administration of our conventional human laws always possesses an autonomy and a right of its own. If, for instance, moral requirements in our natural moral law stipulate the value and the necessity of punishment as a likely effect or outcome for those who do evil deeds, it is for lawmakers to determine what an appropriate punishment should be for any infractions of laws that have been legislated and put into effect.¹⁰ A punishment which is determined in a conventional way specifies how the form or the intelligibility of a natural law is to be expressed through the formulas which belong to our specific, legislated, human laws.¹¹ The conventionality of man-made law is to be understood in a way which does not suggest or imply that conventionality and arbitrariness would have to exist together in some kind of necessary, intimate way. The greater the reasonableness or the good of a man made law, the more it can participate in the reasonableness or the good which belongs to the being of a natural law.

Conventionally created human laws accordingly exist as temporary constructions if we are to meet real needs for new laws which can instruct and even train us as persons in what we should do in an emergent, perhaps newly given complex human situation.¹² They usually apply in given situations for the most part most of the time (*ut in pluribus*),¹³ although, admittedly, their validity always varies and shifts as it adverts to and as it relies on the changing intelligibility which exists within varying concrete circumstances,¹⁴ and which therefore calls for ongoing adjustments as circumstances shift and differ.¹⁵ If, for instance, in observing and implementing an already given human law in a given situation, we would be acting badly (doing more harm than good) because we would be acting in a way which would be going against the good or the reason of our having rational considerations of some kind as our fundamental point of departure in how we would be behaving and acting as human subjects (hence, satisfying the requirements of a higher form of precept or law),¹⁶ in the corrective which exists in the good of *epikeia* or equity,¹⁷ we would rightly and justly act by accordingly deciding not to observe a law that is to be usually and normally observed. Legality needs to be tempered and adjusted and, at times, distinguished from the good of morality in a context which admits that no provision of enacted, human laws can deny the force of provisions that properly belong to the prior kind of existence which belongs to the meaning and being of laws which already exist whenever we refer to the being of natural laws.¹⁸ If lower orders of meaning and being are rightly subordinated to higher orders of meaning and being, the laws which we enact as our conventional man made laws (which exist as “particular determinations”) are devised by us as adaptations if, to the changing, contingent circumstances of daily

Theoretical, and Existential Themes, ed. Michael Vertin (Toronto: University of Toronto Press, 2004), p. 278, citing Odon Lottin, *Psychologie et morale aux XIIIe et XIIIe siècles*, vol. 2 (Louvain: Abbaye du Mont Cesar, 1948) 98, quoting a Brussels MS.

10Patrick Hannon, “Aquinas, Morality and Law,” *Irish Theological Quarterly* 56 (1990): 282.

11*Summa Theologiae*, 1a2ae, q. 95, a. 2.

12*Summa Theologiae*, 1a2ae, q. 95, a. 1.

13*Summa Contra Gentiles*, 3, 125, 10; *Summa Theologiae*, 1a2ae, q. 94, a. 4; a. 5; q. 96, a. 1, ad 3; a. 6; q. 97, a. 4.

14*Sententia libri Ethicorum*, 10, 14, 2150; 2153; 10,16, 2175; *Summa Theologiae*, 1a2ae, q. 91, a. 3, ad 3.

15*Summa Theologiae*, 1a2ae, q. 94, aa. 4-5; 2a2ae, q. 57, a. 2, ad 1.

16*Summa Theologiae*, 1a2ae, q. 96, a. 5.

17*Summa Theologiae*, 1a2ae, q. 96, a. 6; 2a2ae, q. 120, a. 1; q. 147, a. 4.

18*Summa Theologiae*, 2a2ae, q. 66, a. 7.

human life, we are to apply laws, rules, or norms which we can never make or create. In difficult situations where conflict or incoherence exists, if time and circumstances permit, we should either amend or create a new law or request a dispensation from a legislator from having to observe an already existing legal requirement or law.¹⁹ The common object throughout must always be a new, instrumental mean of reason which would precisely specify how we should respond to unusual situations which can be very unusual if they exist in an entirely singular, unique fashion.²⁰

Because no human law is able to deal with every situation or to cover all possible cases,²¹ in dealing with our human affairs, a mean which exists between two extremes in an absolute, abstract sense (we refer here to that which exists as a species or specification of natural, moral law) is to be clearly distinguished from a mean which is relatively determined if we should refer to the mediation of two extremes which, in their own being, are themselves both relative.²² In discussing an example that is taken from Aristotle, Aquinas notes that it is unreasonable to prescribe the same shoe size for all persons.²³ While legislators normally grant dispensations as these are requested (if given legislators exist as reasonable, rational, responsible human subjects), as our own subjects and in conformity with requirements and a natural, moral law which applies to us as subjects, we can and we should always opt for the greater good of *epikeia* if, otherwise, no other rational choice exists. We must respond at times to a situation by framing a very specific, new law that is constructed on the basis of an alleged intention that, perhaps, some other more important, authoritative legislator is supposed to have had and to have meant. Equity emerges as a higher principle in having a closer relation to the being of natural laws than to the being of conventional laws since, as a form and specification of justice, it differs and, at times, it rebels against the kind of good which belongs to the strict requirements of legality and its concerns with the necessity of our always having to adhere to the letter or the wording of any given enacted, prescribed law.²⁴ Hence, as the intelligibility of concrete circumstances changes, conventional laws need to be continually replaced by newer, better laws which would have to be properly enacted and promulgated if they are to have any kind of real legal force.²⁵ “No one is obliged to obey a precept unless he be reasonably informed of it.”²⁶ Revisions or growth in that which exists as our conventional,

¹⁹*Sententia libri Ethicorum*, 5, 12, 1023. See also *Summa Theologiae*, 1a2ae, q. 91, a. 3, ad 1. In q. 95, a. 2, Aquinas speaks about adaptations which are to be understood as specifications that are only loosely derived from general principles. They are not derived in a deductive fashion as if they were conclusions but they are discovered through additional insights and acts of understanding which specify particular rules of reason that we need to consider and observe.

²⁰*Summa Contra Gentiles*, 3, 125, 10; *Summa Theologiae*, 1a2ae, q. 96, a. 6; q. 97, a. 4; q. 100, a. 8; 2a2ae, q. 120, a. 1, ad 1; 3a, q. 40, a. 4, ad 3. In the *Summa Theologiae*, 2a2ae, q. 66, a. 7, Aquinas argues that a person can properly take another’s property if, by not doing so, a law of nature would be frustrated and its observance not kept. A person who is starving can take food from another to avoid death.

²¹*Summa Theologiae*, 1a2ae, q. 96, a. 6, ad 3.

²²*Sententia libri Ethicorum*, 2, 6, 311.

²³*Sententia libri Ethicorum*, 2, 6, 313.

²⁴*Sententia libri Ethicorum*, 5, 16, 1078;1082.

²⁵*Summa Theologiae*, 1a2ae, q. 90, a. 4; q. 97, a. 1 & ad 1; q. 103, a. 1; Frederick E. Crowe, *Three Thomist Studies*, supplementary issue of *Lonergan Workshop*, vol. 16, ed. Fred Lawrence (Boston: Lonergan Institute, 2000), pp. 40-41; p. 54.

²⁶*De Veritate*, q. 17, a. 3, quoted from *Philosophical Texts, St. Thomas Aquinas Philosophical Texts*, trans. by Thomas Gilby (New York: Oxford University Press, 1960), p. 355, n.

human law (if they allegedly exist as improvements) should always move or point us toward a closer union that it should have with that which exists as the being of our received, inherited, natural laws. Good builds on good or is added to good; intelligibility to intelligibility.

As laws are made, as an activity of our practical acts of human intelligence, the wise or the good making of any laws is accordingly to be correlated with the role of prudence as it functions within our personal moral judgements which belong to us as individuals.²⁷ Human laws must be framed by those with the authority to make them (persons burdened with a legitimate form of care or responsibility that they must exercise as legislators and governors), and they must be received by persons whose activities are to be regulated by these same laws.²⁸ A law is only truly a law if, indeed, it can be obeyed and if it can successfully elicit an obedience which properly belongs to it,²⁹ an obedience which exists as an

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²⁷*Summa Theologiae*, 1a2ae, q. 104, a. 1, ad 3. See also Crowe, "Law and Insight," *Developing the Lonergan Legacy*, pp. 276-277.

²⁸*Summa Theologiae*, 1a2ae, q. 96, a. 2.

²⁹*Summa Theologiae*, 1a2ae, q. 92, a. 1; 2a2ae, q. 104, a. 1. See Benjamin J. Brown, "The Integration of Law and Virtue: Obedience in Aquinas's Moral Theology," *Irish Theological Quarterly*, 67 (2002): 337. If the promulgation of a law or the giving of a command or order is to be understood as the moving of another's reasoning and willing through that which exists as the principles or the causes of our acts of reasoning and willing (*Summa Theologiae*, 2a2ae, q. 104, a. 1), an understanding and willing which refers to the intelligibility of what is being prescribed or proscribed, obedience is to be understood as a response which also occurs through our acts of reasoning and willing (*Summa Theologiae*, 3a, q. 47, a. 2, ad 1). Obedience is not supposed to exist as some kind of irrational, untoward thing. In the relations which exist among created beings which are ordered to one another in terms of higher and lower functions, the obedience of a given subject normally occurs after a command or an order has been given and received from whoever properly has the authority to make laws or to issue directives. Laws exist in conscious subjects to the degree that, as subjects, they adhere or they participate in the laws of a lawgiver. Cf. *Summa Theologiae*, 1a2ae, q. 90, a. 3, ad 1. In the relations, however, which exist between God (as an uncreated, transcendent being who exists outside of time) and us as God's rational creatures (who reason and will within time), the willing which exists in both parties is a willing that does not require or presuppose the necessity of any kind of temporal succession as we move from God to ourselves since, as we have just noted, God's understanding and willing exists outside of time and not within the temporality which is constitutive of time. While, for instance, with respect to the obedience and freedom of Christ's acts of redemption, God eternally wills all of Christ's actions which lead to a forgiveness of sins (that, in turn, leads to our human salvation), at the same time, it is true to say that Christ incarnate freely engages in all his acts of reasoning and willing which lead to the effecting of our salvation and redemption. Every act in the order of execution is free to the extent that it exists as always the term of a rational reflective act, and every free act of willing is perfectly obedient to the extent that it conforms itself to a willing or an intention that is the term of the unrestricted understanding which happens to exist in God or who happens to exist as God. No contradiction exists which can prove that divine and human willing are always or necessarily incompatible. Cf. *Summa Theologiae*, 3a, q. 18, a. 5. Rational, deliberative acts of human willing is not to be confused with our sensitive acts of human willing nor with forms of non-deliberative or instinctive acts of human willing which shrink, rationally or, in other words, by nature, from engaging in certain kinds of acts and actions. Cf. *Summa Theologiae*, 3a, q. 18, a. 5, as cited by Gilby, *Theological Texts*, p. 319, n. 534; *In I Scriptum super libros sententiarum*, d. 48, q. 1, a. 4, ad 3, as

intelligible and virtuous act since human laws are designed as precepts to facilitate better forms of human living through a form or manner of reception that is given to us with respect to the good of our obedience and adherence which, as a response, cannot be lacking in the good of the meaning and the understanding which belongs to it.³⁰ In such a situation, an understanding which exists in a law is received by an understanding which somehow already exists if we refer to an understanding which can readily and joyfully receive the entry or the imposition of a new understanding which exists within the stipulations of a newly enacted, promulgated law.³¹ For us as human beings, a new law possesses meaning *as a law* or, in other words, it can only successfully direct our human affairs if its normative sense is acknowledged as something that reasonably merits its general acceptance by us in terms of our willing acceptance and obedience. The presence or the absence of intelligibility within a given law, as noted, obviously determines whether, in a given case, we have a good law or a bad law and whether one law should be obeyed and another ignored, rejected, and disobeyed. If good laws tend to come from a given legislator and not from some other legislator, the more frequently or the more easily will there exist a habit of obedience with respect to how any given laws will be received by us as political subjects or as religious subjects depending on whether our context of meaning is a contingent order of existing things or an order of things which points to their transcendence.

To say more about the meaning of our man made conventional laws: our human laws need to evince an obvious utility or usefulness which we cannot dispense with since the object of any given human law is always a good of some kind which we can possibly reach as we use whatever exists for us as means which can be given to us as reflective, responsible subjects.³² The law itself exists as a good because it exists as a means or instrument which can lead us toward some other larger, greater, attainable kind of good that we would want to have and to enjoy. The good which specifically exists in a constructed

cited by Gilby, *Theological Texts*, p. 320, n. 536. The reasonableness of our human acts of willing (as this exists in Christ as a perfect man and as it can exist in all other human beings) is such that the freedom of Christ's acts is synonymous with a perfect obedience which belongs to these same acts. Christ's freedom and Christ's obedience possess a common nature which can be found within the order of Christ's wisdom. Cf. Bernard Lonergan, *The Incarnate Word*, unpublished manuscript translated 1989 by Charles C. Hefling, Jr. from the Latin of the *De Verbo Incarnato* (Rome: Gregorian University Press *ad usum auditorum*, 1964), p. 308.

³⁰*Summa Theologiae*, 1a2ae, q. 93, a. 5. As, for instance, Aquinas argues in the *Summa Theologiae*, 2a2ae, q. 104, a. 5: "...in matters concerning the disposition of actions and human affairs, a subject is bound to obey his superior within the sphere of his authority [to be understood here as referring to the legitimate superiority or competence of a superior]; for instance, a soldier must obey his general in matters relating to war; a servant his master in matters touching the execution of the duties of his service, a son his father in matters relating to the conduct of his life and the care of the household; and so forth." Hence, in ad 2, Aquinas notes that "inferiors are not subject to their superiors in all things, but only in certain things and in a particular way" and in ad 3, when dealing with the requirements of religious obedience, Aquinas notes that obedience cannot be commanded for things that are contrary to God or to the rule of life to which we have made our religious profession. The authority of superiors is to be understood as something that is grounded in understanding and wisdom. Lack of wisdom and understanding in superiors would lead to injustice and we are not bound to cooperate with any form of injustice.

³¹Benjamin J. Brown, "The Integration of Law and Virtue: Obedience in Aquinas's Moral Theology," *Irish Theological Quarterly*, 67 (2002): 342.

³²*Sententia libri Ethicorum*, 5, 2, 902; 5, 12, 1030; *Summa Theologiae*, 1a2ae, q. 95, a. 3.

human law accordingly exists as a changeable, malleable, utilitarian type of good that is either commanded or which is prescribed while, on the other hand, that which is bad and evil is defined only by that which is forbidden or proscribed.³³ Laws governing navigation, for instance, stand as simple and as obvious examples of conventional laws which need to be changed as technological changes warrant creating new traffic patterns which can facilitate an easier movement of persons and objects in ways that are more efficient and less costly. Hence, not without reason is our claim and fact that our creativity in forming and creating new laws resembles the kind of creativity which exists in the arts as, in given situations, we try to impose forms on materials which exist beyond and outside ourselves as agents and subjects.³⁴

In its humbleness or in its practicality, the object of our conventional human law is not specifically to cultivate or to protect a life of virtue in the lives of all persons within a given community but, instead, to effect improvements in the external relations or conduct which exists among us as different persons³⁵ in an ongoing kind of way, both as circumstances change and as our human understanding also grows in depth and width.³⁶ Aquinas speaks about the “temporal tranquillity of the state,”³⁷ where the primary or first object is some form of friendship or civil order amongst persons who are living within a society³⁸ in an order which can only properly arise through creating rational forms of co-operation that are grounded in acknowledging forms of due process and procedure which all persons must abide by in the relations which they would have with each other. Hence, for this reason, it accordingly follows for us that the instrumental object of our conventional human laws is a limited specification of justice which is defined by emphasizing the importance of legality in law if we should refer to the constitutionality of law as a regulative general principle and to how, through our human laws, we need to establish due procedures for others to follow and abide by when relating with each other in ways which attempt to negotiate with difficulties of one kind or another. These laws need to be properly enacted and promulgated, and their enforcement also needs to be properly administered through procedures and decisions that attempt to respect both the letter of an enacted law and the spirit of a law if we refer to the intention of a legislator. Between the requirements of legal justice and the requirements of the justice of equity, some kind of mean needs to be grasped, determined, and implemented.

From a relative perspective: our conventional, human laws, with respect to their object or purpose, avoid acts of proscription with respect to moral offenses unless these offenses endanger a community’s life (as opposed to the life of any given individual).³⁹ Offenses that endanger the common good of all can be expressly forbidden and penalized through legislative proscriptions and sanctions that would be enforced by public authority. In a sense, a person who is himself or herself virtuous is not obliged to adhere to any man made laws as a guide and rule for his or her correct behavior since a virtuous man or woman spontaneously abides by conventional human laws to the degree that these laws prescribe good

33*Summa Theologiae*, 2a2ae, q. 57, a. 2, ad 3.

34*Sententia libri Ethicorum*, 10, 16, 2175.

35*Summa Theologiae*, 1a2ae, q. 91, a. 4; q. 96, a. 3; q. 98, a. 1; q. 99, a. 3; 2a2ae, q. 58, a. 9, ad 3. See also Hannon, “Aquinas, Morality and Law,” p. 283.

36*Summa Theologiae*, 1a2ae, q. 97, a. 1.

37*Summa Theologiae*, 1a2ae, q. 98, a. 1.

38*Summa Theologiae*, 1a2ae, q. 95, a. 4; q. 99, a. 2.

39*Summa Theologiae*, 1a2ae, q. 96, a. 2; 2a2ae, q. 77, a. 1, ad 1.

deeds and forbid evil ones.⁴⁰ A virtuous person exists, in fact, as “a law unto himself.”⁴¹ Since conventional laws exist and are meant to promote a common good and a social order which serves the long term good of a community as it exists through time and trials,⁴² they are accordingly intended for majorities of persons to abide by (the more, the better) and, if they cannot be respected by a majority of persons within a given community, they naturally begin to lose their efficacy and clout and so soon cease to exist as laws that can perform a useful function. “In proportion to its justice, a law enjoys force of law”⁴³ even if, admittedly, a law can be just but yet not be perceived to be just because of other changes that have been occurring within a given human order and culture which now argue against the validity of a law that had once been accepted as a right and just law.

Not all evils can be legislated against since a life of virtue cannot be forced on anyone who has no interest in meeting the demands and requirements of living a truly good, just life.⁴⁴ A life of virtue can only be promoted by our human laws in a highly limited and partial fashion (and not fully) if we think about how specific human laws regulate our human behavior in specific human situations.⁴⁵ In a context that can be defined by the common good of a given social order, only the grossest evils can be legislated against if these exist in a way which demonstrably destroys and disrupts the common good which exists for us within a common social order. In any given social order, most persons would seem to lack a high degree of moral virtue⁴⁶ although, admittedly, if a truly good social order is to emerge and to exist in some way and if it is to endure through many trials and difficulties, the needed catalyst would have to be one or more persons who have been living a form of morally virtuous life in accordance with laws which transcend whatever exists in terms of what could be our conventional determinations and expectations.

Because of the intimate relation which exists between the enactment and promulgation of human laws and the protection and advancement of the common good as a realization of us as human beings who work together (to build community), the laws which are made by us as human beings necessarily coordinate a wide variety of persons and very many different activities.⁴⁷ Human laws thus possess a scale that is commensurate with that which exists as a realizable human good and they go into details which cannot be too easily rivaled by any other type of law.⁴⁸ Different types of human law can be differentiated according to differences among legislators and also according to contents that vary in tandem with the different kinds of persons and the acts of persons which laws are meant to order and

40*Sententia libri Ethicorum*, 4, 16, 862.

41Aquinas, *In II Rom.*, lect. 3, no. 217, as quoted by Rhonheimer, *Natural Law and Practical Reason*, p. 349, n. 53.

42*Sententia libri Ethicorum*, 5, 2, 912; *Summa Theologiae*, 1a2ae, q. 95, a. 4; q. 96, a. 1; a. 3; a. 6.

43*Summa Theologiae*, 1a2ae, q. 95, a. 2, my translation. See also Augustine, *De libero arbitrio*, cap. 5 in: *Patrologia Latina* 32, 1227 B, cited by Lotz-Bachmann, p. 12, n. 55.

44*Summa Theologiae*, 1a2ae, q. 96, a. 2, ad 2; q. 96, a. 3, ad 2; 2a2ae, q. 77, a. 1, ad 1.

45*Summa Theologiae*, 1a2ae, q. 96, a. 2, ad 2.

46*Summa Theologiae*, 1a2ae, q. 96, a. 2.

47*Summa Theologiae*, 1a2ae, q. 96, a. 1.

48*Summa Theologiae*, 1a2ae, q. 104, a. 1, ad 3: “there are more precepts whereby man is directed in his relations to his neighbor, than whereby he is directed to God.”

regulate.⁴⁹ “The father of a family issues different commands to the children and to the adults;”⁵⁰ in the same way also, a king is allowed to amass wealth while his subjects are forbidden to do so,⁵¹ and different laws are needed as we move into different seasons of a calendar year.⁵² While our human law is usually and typically defined by its concern for promoting and realizing the common human good in a variable way as circumstances suggest how this might be done through a constructive application of natural law precepts⁵³ (hence our human law exists as civil law),⁵⁴ its definition in terms of realizable human good can also give to it a meaning which can extend to every sort of human action that is intended as an end in any form of practical reasoning. As has been already noted, laws are made in order to help persons move toward a variety of different goods. Some are private and some are public. As a correlation gradually emerges between what human beings are themselves able to do and what is subject to the judgments that are constitutive of a given human government,⁵⁵ our conventional human laws emerge as points of mediation between public authority, on the one hand, and what human beings are able to do in the relations which have with each other, on the other hand. Conventional laws specify how certain goods are to be realized by persons and groups who must find an equitable way to combine and work with each other. When private and public pursuits are clearly distinguished from each other, they can be respectively pursued with greater degrees of efficiency and in a more excellent fashion because of a certain absence of confusion that has been brought about through our creation of good human laws.

The limited purpose of conventional human law at the same time explains, however, why our man made laws are not able to direct many activities which come under the direction of laws which transcend the proper scope and the intended purposes of our man made, conventional laws.⁵⁶ In a legend which is associated with the name of King Canute who in his lifetime governed three separate kingdoms (including England from 1016 to 1035), to reprove the flattery of some of his courtiers who were constantly speaking about the extent of his royal authority, he demonstrated the limitations of this authority by ordering the tides of the sea to recede near Southampton as these same tides were beginning to come in. The King positioned himself in the path of the oncoming waves, and when these same waves failed to adhere to his orders and the King was forced to abandon his position, he effectively demonstrated both the limits of executive royal authority and the limits of any human legislative authority which would try to regulate matters that do not belong to the causality of our human government which is able to regulate human things but not things which already have a law within them and which do not require the assistance that would come from the imposition of some

⁴⁹*Summa Theologiae*, 1a2ae, q. 91, a. 5 & ad 1; q. 95, a. 4; q. 96, a. 2; q. 98, a. 2, ad 1; q. 107, a. 1.

⁵⁰*Summa Theologiae*, 1a2ae, q. 91, a. 5, ad 1.

⁵¹Thomas Aquinas, *Super Evangelium S. Matthaei Lectura*, ed. P. Raphaelis Cai (Turin, Rome: Marietti, 1951) 6, no. 611, cited by Crowe, “Law and Insight,” *Developing the Lonergan Legacy*, p. 278.

⁵²Thomas Aquinas, *Super Epistolas S. Pauli Lectura: ... Ad Hebraeos*, ed. P. Raphaelis Cai (Turin, Rome: Marietti, 1953) 7, lect. 3, no. 352, cited by Crowe, “Law and Insight,” *Developing the Lonergan Legacy*, pp. 278-279.

⁵³*Summa Theologiae*, 1a2ae, q. 92, a. 2, ad 2; q. 96, a. 1, ad 2.

⁵⁴*Summa Theologiae*, 1a2ae, q. 95, a. 2; a. 4.

⁵⁵*Summa Theologiae*, 1a2ae, q. 93, a. 4.

⁵⁶*Summa Theologiae*, 1a2ae, q. 93, a. 3, ad 3; a. 4; a. 5, ad 2.

other order of law.⁵⁷

As, from an understanding of natural laws we move toward an understanding of our natural human rights, on the basis of common agreements from which we derive our conventional human laws, as positive rights, our public and our private rights are understood and determined although, as we have been also noting, no human law or no determination of human right is just and right if it violates a right that is grounded in the being of a natural law which always holds and exists.⁵⁸ As our man made laws apply our natural laws to concrete circumstances by making up for their deficiencies and inadequacies,⁵⁹ they exist as a form of law which legitimately supplements and which participates in the meaning of natural law as every man or woman and as every human community tries to make laws which possess a meaning which exists as a function of rational operations in human reasoning.⁶⁰ Hence, “human law has [or it enjoys] the nature of law in so far as it partakes of right reason,”⁶¹ or, in other words, “law is just when consonant with right reason.”⁶² When a particular human law is enacted in such a way that it is to be regarded as a conclusion which is more or less derived from the precepts of the natural law as if it were a species of deduction, it is a human law whose force or reality is more a function of natural law than the reality which is conferred on it by of any conventional human agreement that, by means of legislation, attempts to regulate human affairs in a politically intelligent, prudent way.⁶³ But, if a particular law has a meaning whose force or reality is less a conclusion and more a discovery that, in dealing with difficult or special circumstances, is grounded in new apprehensions of meaning which intelligently and wisely associate causes with an order of probable effects, then such a law would be more human than natural even if such a law can be properly viewed as a species of derivative, or as a specification of natural law, because it comes from a set of cognitional activities which reflect the normative structure and the normative requirements of our proper acts of human reasoning.⁶⁴ Its force is admittedly more restricted and limited even if or as we try to argue that no real conflict exists between a natural and a human law. The legality of any legislation which provides for the tenets of a new human law is a reality whose rightness and propriety is ultimately only relative since, as a principle, the legality of any legislation that enacts laws is not itself sufficient for our possibly determining if an enacted law is truly just and wise and so meriting in its acceptance and our adherence.⁶⁵ Unjust human laws, as we have been noting, cannot be properly enforced. They cannot bind us with respect to that which exists as our human conscience,⁶⁶ although, on the other hand, we could conceivably obey such laws if, by disobeying them, we would be scandalizing other persons or, in some way, turmoil would be introduced into a given human social

⁵⁷*Summa Theologiae*, 1a2ae, q. 93, aa. 4-5.

⁵⁸*Summa Theologiae*, 1a2ae, q. 95, a. 2; 2a2ae, q. 57, a. 2 & ad 2; Jean-Pierre Torrell, *Saint Thomas Aquinas Volume 2 Spiritual Master*, trans. Robert Royal (Washington, D.C.: Catholic University of America Press, 2003), p. 287.

⁵⁹*Summa Theologiae*, 1a2ae, q. 94, aa. 4-5.

⁶⁰*Summa Theologiae*, 1a2ae, q. 93, a. 3.

⁶¹*Summa Theologiae*, 1a2ae, q. 93, a. 3, ad 2; 2, p. 1005.

⁶²*Summa Theologiae*, 1a2ae, q. 98, a. 1, as quoted by Gilby, *Theological Texts*, p. 151, n. 285.

⁶³*Sententia libri Ethicorum*, 5, 12, 1023; 10, 16, 2165; *Summa Theologiae*, 1a2ae, q. 95, a. 1, ad 2; a. 2 & ad 4; a. 4; q. 100, a. 1; 2a2ae, q. 57, a. 3; Crowe, *Three Thomist Studies*, pp. 42-43.

⁶⁴*Summa Theologiae*, 1a2ae, q. 95, a. 2.

⁶⁵*Summa Theologiae*, 1a2ae, q. 96, a. 4; cf. q. 95, a. 2.

⁶⁶*De Veritate*, q. 17, a. 5.

order and community.⁶⁷ With respect to the primacy of our human conscience, in moral matters, or in matters that lack degrees of moral neutrality, a mistaken or an erroneous conscience is always preferably to be obeyed than not since it is a graver wrong to act against the reasoning of our reasoning and thinking with respect to the deliberations of our conscience than to act against an order or a directive that comes to us from a duly appointed human superior.⁶⁸ In the end however, although every man or woman should act according to how his or her reasoning processes suggest that he or she should act, the very exercise of our acts of reasoning exists and acts as a species of saving grace since this reasoning mitigates against the longevity of an enduring, erring human conscience since, by our asking of questions and by our acts of thinking and reasoning, an errant conscience which perhaps exists in us can begin to correct itself in a way which turns it into a right or a true conscience. The transition which is required enhances and, at the same time, it requires growth in the degree and the extent of our individual human self-knowledge.

To conclude: as participants, written codes of law can reflect the meaning and purpose of natural laws and natural rights⁶⁹ even if it is to be admitted too that the enactment and the promulgation of written laws is not concerned *per se* with establishing any natural law or preserving a natural right but with establishing man made laws which can acknowledge an order of public and private rights and how they are to be regulated in the relations which should exist between persons within a given society.⁷⁰ So strong, however though, is the force of received habits and customary laws that it is not too wise to enact laws which too obviously violate any traditional codes which exist unless the good that can come from establishing new laws is clearly indicated and is also obvious to the persons who are required to abide by these new regulations.⁷¹

Fourth and lastly, the reciprocal relation which exists between law and reason and the mutual definition which exists as a consequence clearly indicates that every species of law is to be understood in terms of its relation to a particular species of reason. As man made law is understood in terms of how it is related to the structure of our human reason, uncreated laws are to be understood in terms of how they are related to the principles of uncreated reason as this exists with respect to God. By adverting to the nature and the character of uncreated reason as this exists in God or which exists as God as the uncreated origin of reasoning and understanding, a basis can then be developed for moving to an more adequate understanding of the respective meanings which accrue to natural law, divine law, and eternal law. Laws which account for the existence of created things participate in the meaning of higher laws which refer to the being of uncreated things or which exist as the being of uncreated things.⁷² Laws which refer to things that have a beginning and an end in some fashion come from laws which do not refer to things that have a beginning or an end.⁷³ Eternal laws thus refer to things that do not change and which can never change. And, in the order of redemption (as opposed to the order of creation) which is mediated into the history of the created contingent order of things, divine laws (as distinct from eternal laws) refer to orders of grace or gift which immediately come from God to introduce and to mediate a form of divine help or assistance into the contingency of the created order of things which

67*Summa Theologiae*, 1a2ae, q. 96, a. 4.

68*De Veritate*, q. 17, a. 5.

69*Summa Theologiae*, 2a2ae, q. 57, a. 2, ad 2.

70*Summa Theologiae*, 2a2ae, q. 60, a. 5.

71*Summa Theologiae*, 1a2ae, q. 97, a. 2; q. 90, a. 1, ad 3; q. 93, a. 3, ad 2; q. 95, a. 3.

72*Summa Theologiae*, 1a2ae, q. 93, a. 2; q. 71, a. 6, ad 4.

73*Summa Theologiae*, 1a2ae, q. 93, a. 3.

the created order is unable to provide for itself.⁷⁴ From God comes a divine solution for problems that cannot be solved by purely human means. The most serious human problems lack an adequate human solution and so, if any kind of solution exists, it is one that can only come from God and which He freely offers as an expression of who and what He is as a source of unending love, goodness, truth, and meaning. As divine laws work primarily in order to establish a friendship between God and all human creatures,⁷⁵ to lead a man to God,⁷⁶ this friendship then becomes a basis from which, as human beings, we can work with each another to form friendships among ourselves which, in itself, is the chief purpose and object of our man made, human laws.

If eternal law is to be thus understood through a contrast that is drawn with the character and the meaning of temporal law, we move toward an indirect form of understanding by an analysis which works from the temporality of our conventional, man made laws. If the eternal law of God can be then understood in terms of what it could be in its own right where, as our conclusion and also as our assumption, we suppose that “it is impossible for anything to occur outside the order of the Divine government,”⁷⁷ the unrestrictedness of God's understanding being the unrestrictedness of God's understanding, although, yes, as secondary causes we can struggle against the goodness of our secondary causes through our sinful thoughts, words, and deeds (although not in a manner which falls outside the order of God's divine government),⁷⁸ the meaning of divine and natural laws can be then understood in terms of how they come from God's eternal laws,⁷⁹ and how, on the other hand, they also relate to the temporal, temporary laws that are a product of our human understanding. From the viewpoint of such an all encompassing context, we can begin to understand the meaning of Christ's mission: how Christ's entry into our human history can be understood as the fulfillment of God's eternal law which is “wholly directed to good”⁸⁰ and which also refers to the order of God's justice (as God's right behavior or God's righteousness)⁸¹ that is to be identified as the order of God's government

⁷⁴*Summa Contra Gentiles*, 3, 117, 6; Francis Selman, *Aspects of Aquinas* (Dublin: Veritas, 2005), p. 162.

⁷⁵*Summa Contra Gentiles*, 3, 116, 1; *Summa Theologiae*, 1a2ae, q. 99, a. 2.

⁷⁶*Summa Contra Gentiles*, 3, 115, 2-5; *Summa Theologiae*, 1a2ae, q. 99, a. 3.

⁷⁷*Summa Theologiae*, 1a, q. 103, a. 7. See also q. 19, a. 6; q. 103, a. 8; q. 105, a. 6.

⁷⁸*Summa Theologiae*, 1a, q. 19, a. 6 & ad 3; q. 23, a. 3; q. 103, a. 8, ad 1 & 3; 1a2ae, q. 71, a. 6.

⁷⁹*Summa Theologiae*, 1a2ae, q. 91, aa. 1-2. Article 2, cited by Bernard Lonergan in the *Incarnate Word*, p. 340, notes that natural law refers to that part of the eternal law which is participated in by rational creatures. In his analysis given on p. 340, Lonergan also notes that, from the same eternal law, comes the “precepts of the Old Testament, the commandments given to Christ by the Father, and those given to us by Christ through his apostles and the church.”

⁸⁰*Summa Theologiae*, 1a, q. 103, a. 8. See also q. 19, a. 6: “everything, in so far as it is good, is willed by God.”

⁸¹*Summa Theologiae*, 1a, q. 21, a. 1, ad 2. God's justice is explained by the fact that God's will acts in accordance with the order of His wisdom (Lonergan, *Incarnate Word*, p. 338; p. 368). “It is impossible for God to will anything but what His wisdom approves.” Aquinas makes the same point in the *De Veritate*, q. 23, a. 6. Hence, from this identity of will and wisdom in God, it cannot be argued that any of God's acts are necessitated or coerced. Cf. Bernard Lonergan, *Understanding and Method*, unpublished manuscript translated 1990 by Michael G. Shields from the Latin of the *De Intellectu et Methodo*, MSUM1, p. 11. The reasonableness or wisdom of any given act is always the measure of its freedom and this principle applies to all acts or actions, whether they are created or uncreated.

or providence⁸² which exists in God's mind as a thought out idea or concept,⁸³ and which "includes more than what God wills directly"⁸⁴ with respect to everything which exists within the order and being of our universe. In a simultaneous way, or eternally, God also indirectly wills the evil of natural defects and the evil of punishment or penalty for sin,⁸⁵ and God also permits the sin of moral evil or moral fault to exist.⁸⁶ All go together in a complex dialectic which is constitutive of our human history as the realization of a divine plan or idea, a "reason of order," a *ratio ordinis*,⁸⁷ that encompasses what God intends and what God also permits in terms of what human beings can do and how they can possibly participate in the ends that God intends and desires.⁸⁸ Nothing falls outside the order of God's divine providence where, for instance, in willing the good of order as a greater good than the good of any particular good, through the self same good of order God wills particular goods for individuals

⁸²*Summa Theologiae*, 1a, q. 15, a. 2; q. 19, a. 4; q. 22, aa. 1- 2; a. 4; q. 27, a. 1; q. 103, a. 1; a. 2 ad 3. In the *Incarnate Word*, p. 340, Lonergan refers to this order of divine providence in God as:

the order according to which God governs the whole universe in every detail, the order which is infallibly, effectively, and irresistibly brought about in the universe itself, producing at the last that purpose which is intrinsic to the universe itself; the external, objective glory of God.

As Aquinas notes in the *Summa Theologiae*, 3a, q. 61, a. 4, ad 1, a state of glory is the ultimate term of both an Old divine Law and a New divine Law since these two orders of divine law are related to each other in a way which is to lead all things to a life of glory "in which all truth will be openly and perfectly revealed." As Matthew Levering puts it in his *Christ's Fulfillment of Torah and Temple*, *Christ's Fulfillment of Torah and Temple: Salvation according to Thomas Aquinas* (Notre Dame, Indiana: University of Notre Dame Press, 2002), p. 110, "Aquinas identifies four 'states' in man's *reditus* to God: the state before the law, the state of the Old Law, the state of the New Law, and the state of glory."

⁸³*Summa Theologiae*, 1a, q. 15, a. 2; 1a2ae, q. 91, a. 1. See also Lonergan, *Incarnate Word*, p. 55. As Hannon, p. 280, quotes this text: "the whole community of the universe is governed by God's mind." Rhonheimer, in *Natural Law and Practical Reason*, p. 65, summarizes Aquinas in the *Summa Theologiae*, 1a2ae, q. 91, a. 1 in the following way:

Law in general can be defined as "a statement of the practical reason in the leader of state"; now, *assuming* that the world is governed by God's providence, it is possible to call the "plan" of the divine governance of the world (*ratio gubernationis rerum in Deo*) a "law." This plan or law is a "conception" (*conceptum*) of the divine reason (*ratio divina*), and is thus eternal: it is an eternal law.

In speaking about how God's mind governs the universe, as a hermeneutical key, in the *De Veritate*, q. 3, a. 2, Aquinas employs the distinction between *processio operati* and *processio operationis* with respect to the difference between an act of understanding, as the production of an operation, and the same act of understanding, as the production of a word, concept, idea, or *logos* that is used as a means to create, sustain, and govern the universe in all of its particulars in a way which brings everything toward its proper fulfillment.

⁸⁴Lonergan, *Incarnate Word*, p. 340.

which are proper for them and which accord with a wise ordering of things that God truly understands and knows,⁸⁹ certain goods being more loved by God than other possible goods.⁹⁰

To account for this simultaneity of willing and permitting, the explanation is ultimately the fact that, in God's divine understanding and wisdom, God has judged it better to allow evil to exist than that it should not exist so that not only can good be brought out of evil but, in addition, as a consequence, a greater measure of good than what would be otherwise possible,⁹¹ an event which is more wondrous, delightful, and incredible than an order of things where this would not be possible. Some kind of greater good is to be brought into being which, as an intrinsic good which would exist within things, would be a more perfect good of order that is desired and loved by God,⁹² and this good is connected in some way either with tolerating the existence of evil things or with indirectly willing the existence of physical and correctional evils.⁹³ Through His incarnation, Christ enters the human order of our conventional, man made things (the human order of our man made laws) in order to raise it to a perfection which it did not have and which it cannot give to itself since the human order of our laws is marred by an endemic lack of understanding: by privations which give a negative kind of definition or meaning for the evil that exists in the moral evil of sin which is to be understood as a particular specification of evil,⁹⁴ and which comes as a consequence of defects or disorders which exist within our deliberative moral willing when, human beings, we engage in activities towards ends which we should

85*Summa Theologiae*, 1a, q. 19, a. 9; cf. 3a, q. 1, a. 1, ad 3.

86*Summa Theologiae*, 1a, q. 19, a. 9, ad 3; q. 22, a. 2, ad 2; q. 23, a. 3. See also Peter Beer, "The Redemptive Vicarious Suffering of Christ: An Inquiry," *Australian Lonergan Workshop II*, eds. Matthew C. Ogilvie and William J. Danaher (Sydney: Novum Organum Press, 2002), p. 137. In the *Incarnate Word*, p. 340, Lonergan notes that the divine order also "includes what God does not in any way will - the moral evil - and also what God wills only indirectly - the evil of natural defects and the evil of punishment [*malum poenae*]." Hence, he notes that "predestination and reprobation are considered parts of divine providence."

87*Summa Theologiae*, 1a, q. 22, a. 1, ad 2.

88*Summa Contra Gentiles*, 4, 79, 12; Beer, "Redemptive Vicarious Suffering of Christ," *Australian Lonergan Workshop II*, pp. 137-8; Bernard Lonergan, *Topics in Education: The Cincinnati Lectures of 1959 on the Philosophy of Education*, eds. Robert M. Doran and Frederick E. Crowe (Toronto: University of Toronto Press, 1993), p. 257. See also Leo Vincent Serroul, "*Sapientis est Ordinare*": *An Interpretation of the Pars Systematica of Bernard Lonergan's Deo Deo Trino from the Viewpoint of Order* (Toronto: unpublished dissertation, 2004), p. 239; p. 248.

89Bernard Lonergan, *The Triune God: Systematics*, trans. Michael G. Shields, ed. Robert M. Doran & H. Daniel Monsour (Toronto: University of Toronto Press, 2007), p. 675.

90*Summa Theologiae*, 1a, q. 20, a. 4.

91*Summa Theologiae*, 1a, q. 2, a. 3, ad 1; q. 48, a. 1, ad 3; 1a2ae, q. 79, a. 4 & ad 1; 3a, q. 1, a. 3, ad 3. Quoting from 1a, q. 48, a. 1, ad 3: "many good things would be taken away if God permitted no evil to exist." To cite one concrete example which Aquinas gives in the *Summa Contra Gentiles*, 4, 55, 9, Aquinas argues that, while doctrinal heresy is to be properly regarded as an evil, at the same time it has to be admitted that doctrinal error has "exercised the talents of the faithful toward a more diligent penetration and understanding of divine truth." From the existence of certain evils, greater goods have resulted.

92*Summa Theologiae*, 1a, q. 22, a. 4.

93*Summa Theologiae*, 1a, q. 19, a. 9.

94*Compendium theologiae*, 1, c. 119.

not desire as the ends of our moral activity.⁹⁵ Through Christ's suffering and death, as human beings we can begin to overcome the evil consequences of sin and death through responses that freely extend acts of forgiveness and charity to others in a manner which transcends the limiting, enclosing, suffocating kind of privation which exists whenever we refer to the power or to the impact of sin and death as this exists within the course and the flow of our human experience. In forgiveness and in acts of charity, a new beginning can be made and begin in terms of how, as human beings, we can begin to relate to each other as human beings and so move toward forms of appreciation that we had not known, forms of appreciation which had not existed before.

⁹⁵*Summa Theologiae*, 1a, q. 48, a. 5; 1a, q. 86, a. 1, ad 1; *Compendium theologiae*, 1, c. 119; *De Malo*, q. 1, a. 3. See also Selman, p. 58. In the *Summa Theologiae*, 1a2ae, q. 109, a. 2, ad 2, sin is defined by Aquinas as a failure "in the good which belongs to any being according to its nature." Sin is not to be understood as something that is natural or which is accounted for by external events or actions. Sin violates our created human nature through a violation which occurs from within ourselves against ourselves and which begins from within the operations of the created acts of cognition which belongs to our thinking, understanding, and reflection. Cf. *Compendium theologiae*, c. 205; Torrell, *Aquinas, Vol. 2*, p. 285.