



McCabe and Aquinas on Love and Natural Law

Jason A. Heron*

Abstract

This article investigates the relationship between love, law, and human nature in the thought of McCabe and Aquinas. The article puts McCabe and Aquinas into conversation in order to illuminate McCabe's estimation of the natural law as an "insufficient ethic" and a feature of ethics that sheds a "great deal of light" on the matter of human morality. The article seeks to articulate the integrity of natural morality as a feature of the Divine Wisdom that ultimately perfects natural morality via the incarnation of the Son.

Keywords

Aquinas, Natural Law, McCabe, Love, Natural morality, Charity

Gaudium et spes §22 describes the relationship between Christ and human nature as follows: "The truth is that only in the mystery of the incarnate Word does the mystery of man take on light. [. . .] Christ, the final Adam, by the revelation of the mystery of the Father and His love, fully reveals man to man himself and makes his supreme calling clear." For his part, Stanley Hauerwas has weighed in with a similar assertion in his criticisms of natural law discourse imagined as an attempt to "'do' ethics from the 'bottom up'" in a bid for a successful "apologetics strategy."¹ Such "bottom up" accounts of morality "are destined to run aground precisely because they confirm modernity's presumption that God is, at best, something 'added on' to the moral life."² In contrast to such modern attempts, Hauerwas appears to advocate something like the position of *Gaudium et Spes*. Hauerwas writes, "'nature' is never abandoned by God and in that

*This work has been supported in part by the University of Dayton Office for Graduate Academic Affairs through the Graduate Student Summer Fellowship Program.

¹ Cf. Stanley Hauerwas, *Sanctify Them in the Truth: Holiness Exemplified*, (Nashville: Abingdon Press, 1998), 43.

² *Ibid.*

sense devoid of grace. [...] [A]part from grace we are not even in a position to recognize nature (i.e., name it as such) let alone properly understand it; that is to say, without knowing its true end in Christ, ‘nature’ is largely unintelligible.”³

Nevertheless, Hauerwas qualifies his assertion by admitting that nature is *largely* unintelligible and “distorted” rather than totally obscured. Furthermore, Hauerwas owns that just because Christians are called to be the most skillful interpreters of the Decalogue or natural law, this calling “does not mean that everything about how Christians live is or should be in discontinuity with how those who are not Christians live. Indeed, we should expect to find continuities.”⁴ Hauerwas reminds us that it “may even be the case that Christians will discover in those who are not Christians how we might live more faithfully and truly.”⁵ If this is the case, then it seems that reflection on human nature and natural law discourse as a mode of moral enquiry remains valid, if not invaluable for Christian moral reflection. That is, if non-Christians are living certain aspects of discipleship more faithfully than Christians are – and I think it is easy to find examples of this phenomenon – we ought to consider what it is about human nature that makes this possible.

In what follows, I consider the question raised by Hauerwas by looking at Herbert McCabe’s book, *Law, Love & Language*. Given the scope and depth of the work, which is skillfully obscured by McCabe’s economic and charming style, I will not treat the entire work. Instead, in light of Hauerwas’s concerns about the possibility of a natural morality, I address McCabe’s account of two approaches to ethics: acting lovingly and obeying laws. In doing so, I show that despite McCabe’s admission that these are insufficient accounts of ethics, they remain necessary for the task of giving an account of Christian ethics. Indeed, I provide an explanation for why McCabe sees them as both insufficient *and* perennially important. With regard to the latter point, I turn to Aquinas’s moral theology to show why McCabe treats these accounts of ethics. They do in fact tell us necessary things about the human person as a desiring agent, the natural law, and what it means to be a moral creature with and without Christ. I am taking seriously McCabe’s admission that these insufficient accounts of ethics throw “a good deal of light on the matter.”⁶

³ Ibid., 44. Elsewhere, Hauerwas notes that natural law (and so our vision of nature) is “bound to be distorted” when moral enquiry excludes the church (45). Furthermore, a “correct” understanding of nature depends necessarily on an account of “the politics of God’s law” discretely available in the Decalogue, but only sufficiently interpreted by the Christian community (45).

⁴ Ibid., 58.

⁵ Ibid.

⁶ Elsewhere, McCabe has noted that, despite natural law’s being “inadequate, it is not a false picture and moreover can serve as a basis of discussion with those who do not know

The paper is structured as follows: Ia. is an exposition of McCabe's idea that *love* is a word we can get better at using. Ib. is an investigation into Aquinas's account of the passion of love and the infused virtue of charity. IIa. is an exposition of the theme of desire in McCabe's treatment of ethics as obeying the natural law. IIb. is an investigation into Aquinas's account of the natural law as the rational creature's participation in the eternal law. My juxtaposing McCabe and Aquinas shows the validity of Catholic moral thought's perennial interest in the spiritual and material structure of the human person, moral psychology, and the nature which can only be and will only be perfected by grace.

Ia. *Ethics as Love*

On the face of it, McCabe's account of ethics as acting lovingly is his critique of situation ethics.⁷ McCabe seeks to show how love alone is and is not the measure of the moral life. In order to recognize that it is, we must, according to McCabe, be prepared to affirm that there are some actions that "could not count as loving behaviour."⁸ There is, in other words, a baseline beneath which we cannot sink if we are going to continue calling ourselves loving persons or identifying our own and others' behavior as loving. McCabe is thus interested in preserving something of the absolute prohibition in moral enquiry, but not in an effort to displace the prominent position of love in the moral life.⁹ Indeed, how could he do so, writing after Aquinas, who places the passion of love¹⁰ at the forefront of the human's affective life and who sees the culmination of the entire moral enterprise in nothing less

of the life of grace." Cf. McCabe, "Contraceptives and Natural Law," *New Blackfriars* 46 (Nov. 1964), 89-95: at 91. In the remainder of this paper, I am seeking to show how we might read the first two chapters of *Law, Love & Language* as McCabe's take on why it is indeed so that natural law functions in this way for Christians and non-Christians.

⁷ Cf. the pristine example in Joseph Fletcher, "What's in a Rule?: A Situationist's View," in *Norm and Context in Christian Ethics*, Gene H. Outka and Paul Ramsey, eds. (New York: Charles Scribner's Sons, 1968), 325-49.

⁸ Herbert McCabe, *Law, Love & Language*, 21.

⁹ *Ibid.*

¹⁰ Cf. Aquinas, *Summa Theologiae* Ia IIae q. 25 a. 2, *sed contra*, where Aquinas follows Augustine in envisioning love as the cause of all passions. In the corpus, Aquinas notes that the priority of love is a feature of our being ordered – as desiring agents – to necessarily pursue the good: "Good and evil are the object of the concupiscible faculty. Now good naturally precedes evil; since evil is the privation of good. Wherefore all the passions, the object of which is good, are naturally before those, the object of which is evil, - that is to say, each precedes its contrary passion: because the quest of a good is the reason for shunning the opposite evil." Rather than placing love in a pre-moral category that requires only something like "responsibility" in action, Aquinas and McCabe place love squarely in the middle of the moral life, necessarily within the matrix of true and apparent goods, means and obstacles, and all the other contingencies that must be navigated if we are to speak meaningfully about what one ought and ought not do.

than charity?¹¹ So we must discern how McCabe understands love and the moral life. I want to do this by examining McCabe's idea that "love" is a "growing word." Ethics, in part, is about getting better at using the word "love," and Christian ethics is especially about this. McCabe's estimation of ethics as love is thus also an investigation of the constant tension between the irreducible singularity of Christian morality and the continuity that morality enjoys with natural human morality.

In "Ethics as Love," growth in the skilled usage of the word "love" entails therapeutic revision of what we mean when we describe behavior as loving. According to McCabe, situationists "advocate love as a basis for ethics [and] take a different view of the place of rules in moral life. For them laws and rules are guidelines to the demands of love."¹² Love, for situationists, is an expression of our humanity that may indeed abide by certain rules, but that works more like the production of great art. Like the experience of a trained artist discovering that she can break new ground, there will be times when the conventions of the art will need to be ignored. Certain situations demand expressions of love beyond the bounds of what is traditionally considered moral. As Joseph Fletcher notes, there may be a time when disavowing belief in God is essential to saving the lives of innocents.¹³

In contrast, but an interest in the fundamental impulse, McCabe deploys the idea of "love" as a "growing word." As McCabe notes, "love" is "one of those words whose meaning is constantly expanding for us."¹⁴ This constant expansion makes it very difficult to name loving behavior. With some words, our usage becomes relatively adequate at an early age and maintains that adequacy throughout a lifetime. "Love" is not like these other words in that when we are young we "begin with some fairly simple range of situations in which we can use the word, a fairly narrow range of behaviour that we would think of as loving."¹⁵ But as we grow older, we naturally begin recognizing "the complex forms that love may take and – this is most important – being open to the possibility of new forms. 'Love' is thus what we might call a growing word, one whose meaning changes and develops, but this does not in the least imply that it is a vague word, one that might mean almost anything."¹⁶ McCabe is highlighting a natural means whereby persons become more skillful

¹¹ Cf. *ST* IIa IIae q. 23 a. 1.

¹² McCabe, *Law, Love & Language*, 12.

¹³ Cf. Fletcher, "What's in a Rule?" at 335.

¹⁴ McCabe, *Law, Love & Language*, 17.

¹⁵ *Ibid.*

¹⁶ *Ibid.*, 18.

in using and understanding the word “love,” and so also, become more skillful in performing and recognizing loving actions.

McCabe’s position could seem to be in line with the situationist’s take on love as the only essential criterion for moral action. After all, could we not say that we’re embarking on new vistas of human loving in our transgression/transcendence of conventional norms/rules? Aren’t we just entering more deeply into the complexity of love? For McCabe, this cannot be so because in order for love to mean anything, it must *not* mean certain other things. And so if we are to explore new vistas, they must really be vistas of true love and not simply vistas of what we only desire to be true love. But what do we make of McCabe’s idea that we must be “open to the possibility of new forms” of love?

Underneath McCabe’s assertion that “love” is a growing word lies McCabe’s insistence that human desire requires therapy if it is to be truly human. That is, McCabe writes as a Christian theologian who is interested in the difference Jesus makes in human lives. Any reader of the Gospels will recognize at once that this difference Jesus makes is a revolution. And this revolution is centered precisely on the revelation of the “possibility of new forms” of love – namely, the Cross. Only the Son introduces us into the depths of the grammar of “love” where we perceive new uses of the word we could never have imagined. In the Son, the meaning of “love” develops “in various unexpected and indeed unpredictable ways but after any such development we must subsequently be able to find a continuity of meaning [...] continuity within which the old is contained as well as transcended.”¹⁷ That is, the revelation of the Father’s love in the Son is a revelation that perfects in revolutionary ways rather than negating or destroying. Human loving has been forever relativized by the *missio Dei*, but we have not ceased to use the word “love.” The simultaneous discontinuity and continuity of the Christian revolution reiterates that the Son was not sent to open to us an unlimited number of new vistas of love, but rather to open to us the infinite vista of true love.

The situationist, then, has moved “too hastily from the fact that some demands of love are unpredictable to the idea that love escapes the demands of systematic coherence. It is one thing to say that love may in a new situation make demands which could not be anticipated within our system of rules, and quite another to say that love is something separate from such rules.”¹⁸ The latter position betrays a shallowness of desire in which what is immediately apparent to the human person and what that person desires to express with her

¹⁷ *Ibid.*, 23.

¹⁸ *Ibid.*, 24.

action must be counted as love simply because of its appearance and human desire. To reason morally this way, however, is to remain in the shallows of what we can think and imagine rather than to set out into the depths of what the Son reveals to us.

As such, openness to the possibility of new forms is central to the heart of Christian discipleship and need not be conflated with an easy relativism in which “new forms” simply means the authorization of current desires. In fact, the point is precisely that the authorization of our current desires is all too often the problem. In the name of expressing our humanity in moral situations, we fail to desire what is truly best for us *qua* humans. McCabe’s treatment of situation ethics in “Ethics as Love” is thus not only about refuting the position. It is also about deepening our understanding of what both natural and supernatural love is. Some amount of precision about the relationship between the two can facilitate the process McCabe identifies as revolution, whereby the unanticipated reality of Christ’s Cross both contains and transcends human love.

Ib. Aquinas on love and charity

McCabe introduces the continuity and discontinuity between our experience of natural love and the difference Jesus makes. The question is, why not move immediately to charity? The difference Jesus makes is decisive, so how does natural love play a part at all? In response to this question, I turn to Aquinas’s treatment of (1) the passion of love and its continuity and discontinuity with (2) the infused virtue of charity. In doing so, we can see how who/what we are as loving agents is both contained and transcended by the gift of supernatural love in the redemption wrought by the Son.

(1) In his treatise on the passion of love (Ia IIae qq. 26–8), Aquinas sets out to show the primary place love occupies in human action. Prior to the treatise, he asks if love is rightly classified as the first of the concupiscible passions.¹⁹ In his response, he places the passion of love at the center of the moral life: “Good and evil are the object of the concupiscible faculty. Now good naturally precedes evil; since evil is the privation of good. Wherefore all the passions, the object of which is good, are naturally before those, the object of which is evil [. . .] because the quest of a good is the reason for shunning the opposite evil.”²⁰ Here, we are at the first principle of the natural law: do good and avoid evil. Aquinas distinguishes our relationship to the good-as-end in terms of intention and execution, noting that in the order of intention, the good comes first as it is what we intend to

¹⁹ Cf. *ST* Ia IIae q. 25 a. 2.

²⁰ *Ibid.*, *resp.*

attain by our action. But in the order of execution, the good comes last as it is what we achieve and enjoy by our action. The order of execution is of particular note here in that we can observe an ecstatic movement of the agent toward the good. Aquinas writes,

Now it is evident that whatever tends to an end, has, in the first place, an aptitude or proportion to that end, for nothing tends to a disproportionate end; secondly, it is moved to that end; thirdly, it rests in the end, after having attained it. And this very aptitude or proportion of the appetite to good is love, which is complacency in good [...] Accordingly in this order, love precedes desire, and desire precedes pleasure.²¹

The ecstatic trajectory here is writ larger in the question on the effects of the passion of love, among which Aquinas includes union, mutual indwelling, ecstasy, zeal, and preservation/perfection.²² To some degree, we can see the pursuit of *every* good in terms of a desire to be united with it, to mutually dwell within one another, to be outside of oneself with regard to the pursuit and enjoyment of it, and to be intent – even jealous – on securing and protecting it. That is, love naturally characterizes every intentional movement the agent makes in life.

We have good reason to read such an ecstatic trajectory in terms McCabe might use. Especially useful would be McCabe's insistence that we ought to deepen our desires rather than remain in our own shallowness. After all, to be ecstatic or zealous about purely utilitarian goods or excessively selfish goods or only apparent goods is to be hampered from the start. It is to begin from the first principle of practical reasoning, but to be derailed in short order from attaining flourishing. Such shallowness, as we will see below, denotes an immaturity and an inability to direct the self otherward (especially Godward). But Aquinas's treatment of the passion of love cannot quite get us there yet. In order to discern the depth trajectory in Aquinas's treatise, we must read with McCabe's good sense that "love" is a growing word.

In Ia IIae q. 26 a. 1, Aquinas asks whether or not it is correct to place love in the concupiscible power. In response, he notes the analogous use of the word "love" in each of the identifiable appetites. So, peonies have a natural appetite – a type of love – for the sun. Horses have a sensitive appetite – another type of love – for grass. And humans possess these appetites but also an intellectual or rational appetite by which they enjoy liberty with regard to goods.²³ The passion of love, in other words, pervades every level of reality,

²¹ Ibid.

²² Cf. *ST* Ia IIae q. 28 aa. 1-5.

²³ Cf. *ST* Ia IIae q. 26 a. 1, *resp.*

growing, as it were, from material realities to the spiritual endeavors of humans. But in the human animal love is a particularly powerful and complex experience amidst the field of true and apparent goods. This complexity calls for more clarity when we speak about the word “love.” Clarity can help us to appreciate the analogous use of the word and highlight the ways in which the word grows for humans in a way it necessarily cannot for plants and other animals.

In Ia IIae q. 26 a. 3, Aquinas asks whether love is the same thing as dilection,²⁴ and here we begin to see in what ways “love” can grow. In his response, Aquinas notes that four words – love, dilection, charity, and friendship – can refer “in a way, to the same thing.”²⁵ Friendship is like a habit; love and dilection are acts or passions; and charity can be taken as either a habit or an act/passion.

Moreover these three [friendship, dilection, charity] express act in different ways. For love has a wider signification than the others, since every dilection or charity is love, but not vice versa. Because dilection implies, in addition to love, a choice (*electionem*) made beforehand [. . .]; and therefore dilection is not in the concupiscible power, but only in the will, and only in the rational nature. Charity denotes, in addition to love, a certain perfection of love in so far as that which is loved is held to be of great price [. . .].²⁶

Again, Aquinas’s vision of love here speaks of deepening or broadening desire, which we experience at the most mundane levels of vegetation and sensitivity *and* at the more elevated levels of interpersonal relationship, friendly intimacy, and ultimately, love of God. The word “love” can be specified in certain ways that speak to the renewal of the person, conversion, etc. The analogous use of the word “love” in Aquinas’s treatise on the passions reveals why the natural experience of love has weight in moral enquiry. It can give us a sense of how the heart, without ceasing to be the heart, can be restless until it finds its rest in God, who is wholly other *and* utter fulfillment of all that we are and do.

McCabe’s deceptively simple meditation on love as a growing word, combined with Aquinas’s take on the passion of love as pervading all aspects of appetite and undergirding the rudiments of moral agency, can enable us to see what it means to be “open to the possibility of new forms” of love. That is, “love” will not mean whatever we want it to mean, willy-nilly. Instead, as McCabe insists, “love” most certainly *cannot* mean certain things. The method of adjudicating what love *cannot* mean begins with some order of love

²⁴ “Dilection” here refers to a specifically rational love that “presupposes the judgment of reason.”

²⁵ *ST* Ia IIae q. 26 a. 3, *resp.*

²⁶ *Ibid.*

identifiable even to those who have no recourse to the revelation of the Son. From the observation of natural and irrational inclinations to the good of flourishing to the experience of rational, deliberative, volitional inclinations to ordering these goods to the promotion of the common good, love as a “growing” word can also mean that love demands that we grow out of ourselves, toward some good that includes but transcends us. But this is only the start.

(2) I have given an account of the natural passion of love and its ecstatic trajectory. On the one hand, we are speaking of natural love at work in the basic operations and in the everyday relationships of the creature. But on the other hand, the ecstatic trajectory points beyond these realities to an unattainable perfection. We can see our usage of “love” growing toward a vision of the total gift of self. But such an interpretation of love’s ecstasis remains inscrutable when we consider the experience of love. This is the import of the idea of ‘mystery’ in *Gaudium et spes* §22. We have the experience of gaining from love. The experience of self-fulfillment in loving seems to militate against a natural interpretation of love as total self-gift, even if love appears to point in this direction. I now turn to Aquinas’s treatise on charity to highlight the difference Jesus must make. In doing so, we gain further insight into how and why McCabe would say both that the revolution that is Christ grows our usage of the word “love” “in various unexpected and indeed unpredictable ways” and that “after any such development we must subsequently be able to find a continuity of meaning [...] continuity within which the old is contained as well as transcended.”²⁷

In *Ila Ilae* q. 23 a. 1, at the beginning of his treatise on charity, Aquinas asks whether or not we can consider charity in terms of friendship. The three objections are significant: 1) friendship entails proximity, but charity extends toward God and the angels, with whom humans are not proximate; 2) friendship entails reciprocity of affection, but charity extends even to enemies, with whom there is no reciprocity of affection; and 3) friendship can be divided into the delightful, useful, and virtuous, but charity is neither *necessarily* delightful or useful, nor *necessarily* for the virtuous in that charity extends to sinners.²⁸ These objections have commonsensical traction when it comes to the implied vision of friendship. But they also offer us a keen insight into the difficulty of Christian love: namely, that it is for God and angels as well as for humans, and that it entails loving those who are not apparently lovable and who may even want to harm us. Why bother with this exercise in trying to identify charity with friendship?

²⁷ *Ibid.*, 23.

²⁸ Cf. *Ila Ilae* q. 23 a. 1 obs. 1-3.

The answer lies in scripture's witness to God's initiative in sending his Son. In q. 23's *sed contra*, Aquinas offers the simplest of explanations for his choice to identify charity with friendship: Jesus said, "No longer do I call you servants, for the servant does not know what his master is doing; but I have called you friends, for all that I have heard from my Father I have made known to you" (Jn 15:15).²⁹ Christ said these words "by reason of nothing else than charity," so Aquinas takes him at his word. In order to illuminate Christ's statement, Aquinas employs Aristotle in the *respondeo* to the question. For Aristotle, friendship necessarily entails enough growth in the skill of using the word "love"³⁰ that we would be able to love our friends and wish good to them, not simply some good to ourselves. But simply wishing good does not indicate enough growth, says Aquinas, "for a certain mutual love is requisite, since friendship is between friend and friend: and this well-wishing is founded on some kind of communication."³¹ Especially after reading objection 1, where proximity appears to be a problem for the charity::friendship relationship, this seems an insurmountable problem. What communication exists between God and humans?

For Aquinas, the answer is Christ. Aristotle illuminates the necessity of benevolence and communication for true friendship, but scripture reveals that in Christ these two necessities are present in abundance, containing and transcending the human. Aquinas is typically understated in this regard, however: "[S]ince there is communication between man and God, inasmuch as He communicates His happiness to us, some kind of friendship must needs be based on this same communication."³² In case we have missed his point, he reiterates by using 1 Corinthians 1:9: "God is faithful, by whom you were called into the fellowship of his Son, Jesus Christ our Lord." As in the words from Christ recorded in John, so in Paul's letter to the Corinthians: God has sent his Son, and in so doing, he has opened his life to us so that we can share in it, as friends share in the lives of one another. The reciprocal nature of this relationship is especially moving in that God, out of his benevolence and desire to commune with us, has sent us his happiness, his very self, Christ. And as Aquinas notes, the "love which is based on this communication

²⁹ Cf. IIa IIae q. 23 a. 1, *sed contra* where Aquinas abbreviates Jn 15:15: "I will not now call you servants . . . but My friends." It is surely significant, though beyond the scope of our immediate concern, that this verse lies at the center of one of the richest Johannine passages: from the footwashing in the upper room to Christ's high priestly prayer on behalf of his disciples. Within this broader passage, the themes of God's love for humanity and of the possibility of friendship with the Triune God who dwells in the hearts of his disciples are evocative of the deep import Aquinas's question has for the Christian life.

³⁰ That is, 'benevolence.'

³¹ *Ibid.*, *resp.*

³² *Ibid.*

is charity: wherefore it is evident that charity is the friendship of *man for God*.³³

Given that McCabe's project in *Law, Love & Language* is headed toward an account of the love of God in Christ as the ultimate communication, indeed the true form of human action, it is reasonable to speak of the trinitarian pattern of Christian charity as the new situation in which our old rules no longer work the way we thought they did. In other words, what we thought we meant by love has been revolutionized – indeed, scandalized – but not completely negated or obliterated by the *missio Christi*. In fact, what we thought it might be possible to mean by love is only now fully intelligible in light of the love of the Cross. The experience of fulfillment in love and the necessity of self-gift in love are made one in Christ's sacrifice, where he fulfills his mission by laying down his life. The natural pattern of *ecstasis* – if it is to be meaningful in terms of the experience of fulfillment in love – must be interpreted in terms of the self-giving at the heart of the *missio Dei* – a giving that is always-already an expression of the fullness of love shared by the Persons of the Blessed Trinity.

By turning briefly to Aquinas's account of charity as friendship, I simply want to highlight that McCabe's thoughts on love and revolution can be read as placeholders referring to the entire scope of salvation history, from the *missio Dei* all the way to the individual's response in faith. This is the rare atmosphere into which the growing word "love" must blossom if it is to remain meaningful for humans. We must not miss this in interpreting "Ethics as Love" as only a rebuttal of situation ethics. Rather, it can also be seen as a subtle meditation on what human love can tell us about what we are doing and why we are doing it.

³³ *Ibid.*, emphasis added. Interestingly, Nygren argues that a human's "love towards God" can really only be effectively understood in terms of pagan *eros*. Such love is naturally acquisitive and in perfect sync with the human desire for the divine. Because of this acquisitive aspect, "man's love can never be spontaneous and unmotivated" as God's is. Nygren writes, "Man loves God, not because on comparing Him with other things he finds Him more satisfying than anything else, but because God's unmotivated love has overwhelmed him and taken control of him, so that he cannot do other than love God." Cf. Anders Nygren, *Agape & Eros*, (Philadelphia: Westminster Press, 1953): 212-14. Rousselot solves this problem by recovering certain aspects of Aquinas's metaphysics to show how a human can spontaneously and naturally love God more than the self. Cf. Pierre Rousselot, *The Problem of Love in the Middle Ages: A Historical Contribution*, trans. Alan Vincelette. (Milwaukee: Marquette University Press, 2001), especially at 82-93, where Rousselot develops Aquinas's theory of whole/part to show how an individual person naturally loves the good of the whole more than the good of the self.

IIa. *Ethics as Law*

McCabe uses his chapter, “Ethics as Law,” to sketch a theory of natural law he does not think is a “good enough account of ethics” but that could nevertheless throw a “good deal of light on the matter.”³⁴ McCabe wants to avoid two things in deploying his theory of natural law. First, he wants to avoid what to him is an austere reduction of the content of natural law – namely, the first principle of practical reasoning: good is to be done and evil to be avoided. Second, he wants to avoid the “profusion of quite detailed regulations about the sexual life,” as these are a “positive hindrance.”³⁵ McCabe instead treats natural law in terms of the human ability to live in community with other humans. Subjection to the laws of our natural communities is simply the “bearing of the community as such on its individual members.”³⁶ Human community consists of two valences: animal/biological and linguistic. To be a part of the animal/biological community is to bear the burden of inhibitions (instincts) that contribute to the preservation and welfare of the community. To be a part of the linguistic community is to bear one end of the community’s communication to you by which the community prohibits/prescribes certain behaviors in the form of laws that preserve the good of the community.

At the root of both communal interactions is McCabe’s vision of the part’s relationship to the whole. When a part’s behavior “is influenced by its membership of the species, it is not suffering violence from outside. There may well be a tension between what it would like to do as an individual and what it has to do as a species-member, but this tension is a tension within the [part] itself. When it acts in accordance with the inhibition, let us say, it is not submitting to some exterior force, but to a depth within itself.”³⁷ For McCabe, this is what is happening when a human person obeys the law of his species – the natural law. He is “being true to a depth within himself,” and action contrary to natural law is a violation of “himself at his centre.”³⁸ Already, we see the depth trajectory of McCabe’s natural law theory. Far from being a heteronomous imposition or an artificial construct purveyed by theologians for the sake of finding a common denominator among rival moralities, natural law for McCabe is intimately tied to what it means to be created human. For the remainder of this section, I want to focus on the interplay between the

³⁴ *Ibid.*, 35.

³⁵ *Ibid.*

³⁶ *Ibid.*, 36.

³⁷ *Ibid.*, 44-5.

³⁸ *Ibid.*, 45.

individual and the demands of the community – or, the natural law.³⁹ Here we can visit from another angle McCabe’s insights on “love” as a growing word and the requirement of a therapy for our desires.

The individual is sometimes, or perhaps often, at odds with the inhibitions and prohibitions put on him by the community/species. McCabe reads this tension in terms of “several levels of wanting.” In the biological/animal community, one level of desire is stimulated by the immediate circumstances and exigencies of a given action, while the other is stimulated by the long-term needs of the whole. As we move into the linguistic community (which is always-already biological/animal), the levels proliferate such that “we can only truly do what we want, only truly be free, if we get the priorities right.”⁴⁰ The trouble – as Aquinas saw so clearly and as McCabe reiterates – is that our ability to get the priorities right is constantly beset with very human problems of ignorance, vices, passions, and all the rest of our sin. To make matters worse, according to McCabe, modern persons live in a type of community – capitalist – in which “an alienated form of social intercourse” controls how we view human nature in its original form.⁴¹ So, whereas humans would normally be unable to easily recognize natural law despite its availability to natural reason (thus the need for the Decalogue, according to Aquinas), today humans in capitalist societies are subject to a further “distortion of the nature of man” that makes it doubly difficult “for us to recognize ourselves for what we are, to recognize, in fact, what we want.”⁴² McCabe is skillfully deploying here the Augustinian dictum that we will become what we love (and this holds for Augustine whether the ‘we’ refers to individuals or to an entire society). Desire and identity are reciprocally implicated, showing us very clearly that we are inevitably ordered to goods (else there would be no desiring) and that we and our actions are shaped by the order of those goods.

In order to bring home the connection between natural law and desire, it is important to note how McCabe views ethics. He says it is “entirely concerned with doing what you want, that is to say, with being free. Most of the problems arise from the difficulty of recognizing what we want.”⁴³ What ethics is all about, then, is not simply getting people to behave, but calling them to be freer

³⁹ It is surely significant that McCabe does not explicitly follow Aquinas in beginning his discussion of natural law in terms of participation in the eternal law of the Divine Wisdom. However, given McCabe’s focus on the part’s relationship to the whole and the natural communication that takes place between the two, it may be possible to see shades of Aquinas’s treatment of the Divine Wisdom in its two operations.

⁴⁰ *Ibid.*, 45.

⁴¹ *Ibid.*, 60, quoting Karl Marx, “Economic Studies from Marx’s Notebooks” in *Karl Marx: Selected Writings in Sociology*.

⁴² *Ibid.*, 60.

⁴³ *Ibid.*, 61.

persons, and so, to become deeply happy.⁴⁴ In order to call persons to freedom, McCabe sees clearly that we have to start with the order of desires. On McCabe's account of desire, that which imprisons or binds is shallow desire, which is the easily satisfied, superficial sort of pleasure/gratification. Such shallow desire may or may not be in tension with deeper desire, and to the extent that the two are in tension, problems, hard cases, transgressions, and all other manner of ill-begotten actions ensue. It remains, then, to define those deeper desires, harmony with which would result in freedom and happiness. McCabe returns to Aquinas to sketch what he means by deeper desires, and he relies on the latter's well-known teaching concerning natural inclinations.

Put briefly, these are considered to be fundamental orientations to the following goods: self-preservation, reproduction, education of offspring, life in society, and knowledge of the truth about God.⁴⁵ For Aquinas, these are goods "in accordance with" nature. Positively, the pursuit and fulfillment of these inclinations contributes to human flourishing. Negatively, the frustration, confusion, or neglect of these inclinations contributes to human diminution. In McCabe's way of putting things, natural inclinations are the "deep desires that a man has, the desires he cannot help having, [...] manifestations of his human life."⁴⁶ Borrowing from D.H. Lawrence, McCabe suggests our natural inclinations are the "greater morality" that actually "affects the destiny of mankind over long stretches of time, applies to man's greater needs and is often in conflict with the little morality" of our shallow desires.⁴⁷ The greater morality of these inclinations is the disclosure that our inclinations constitute who/what we are by showing us what we truly are made to want to do.⁴⁸

⁴⁴ Cf. *Ibid.*, 65-6: "The idea that discovering and expressing our real selves, doing, as I say, what we really want to do, will result in happiness and contentment in any immediate sense is simply infantile. Yet there must be some kind of happiness or contentment at a deeper level. The use of the natural law is to say 'this is what you really want – isn't it?' You may take this to a certain extent on trust even though you are not conscious of wanting this at all, but in the end the proposal of the law must correspond to what you recognize as your real desires. We can only expect happiness when we arrive at the stage of fulfilling our deep desires not because we have been told what they are, but because we personally feel them. Such genuine freedom can only be the result of a long period of investigation into our true wants."

⁴⁵ Cf. Aquinas's *Summa Theologiae*, Ia IIae q. 94 a. 2, resp.

⁴⁶ McCabe, *Law, Love & Language*, 63.

⁴⁷ *Ibid.*, 62, quoting D.H. Lawrence in *Apropos of Lady Chatterly's Lover*.

⁴⁸ Cf. *Ibid.*, 63, where McCabe briefly describes his sense of the lawgiver in this natural law theory: "The natural law thus does not require a lawgiver, except in the sense that we may regard our humanity as *given*." I read this as an affirmation of Aquinas's treatment of the Divine Wisdom, which we have already seen (n. 20 above) is the ground of our ordering to, choice, and pursuit of any goods whatsoever, including our natural

Following our natural inclinations, then, can contribute to the therapy of desire. But as McCabe says at the outset of “Ethics as Law,” this vision of the moral life will not be sufficient, whatever light it throws on the human situation. Another way of putting this is that the exposure of our deeper desires – via our experience of our natural inclinations – may not in fact be enough therapy for us to get our desires in the right order. Many issues of moral action are left unaddressed, for example, by our recognition that killing innocents is indeed against our deepest desires as humans. Furthermore, McCabe suggests that this vision of ethics relies too much on an “assumption that mankind as a unity exists ‘by nature.’”⁴⁹ McCabe wants to reserve true unity for life in Christ. Indeed, he sees life in Christ as the only possible condition for true unity – the goal toward which history is moving. And so, any account of ethics that presupposes a present human unity will inevitably discount the summons of the Father to become one in the body of Christ. Nevertheless, I think McCabe’s treatment of natural law – and especially his attention to natural inclinations – shows how natural inclinations/desires are not ancillary considerations for moral theologians committed to discerning the difference Christ must make for the moral life. McCabe’s vision of desire frees natural human desire to be a part of the engine propelling us toward deeper human living, even if this deeper human living is only totally intelligible in light of Christ.

Iib. Aquinas on participation in the Eternal Law

Despite McCabe’s rightful insistence that natural law is not a “good enough account of ethics,”⁵⁰ it is important to note why it remains a central concern of Catholic moral enquiry. In other words, if it’s not “good enough,” then what is this “good deal of light” natural law doctrine sheds on the matter of human morality? And what is it that makes it a concern even for McCabe? The answer lies in McCabe’s somewhat enigmatic line: “The natural law [...] does

inclinations. That is, the way our humanity works is most intelligible within the created order established by the wisdom of the Blessed Trinity. More on this below.

⁴⁹ *Ibid.*, 67.

⁵⁰ Cf. *ST Ia IIae* q. 94 a. 4, *resp.*, where Aquinas notes that the general principles of natural law are indeed the same in all persons with regard to “truth and rectitude” and are equally known by all. “But as to certain matters of detail, which are conclusions, as it were, of those general principles, it is the same for all in the majority of cases, both as to rectitude and as to knowledge; and yet in some few cases it may fail both as to rectitude, by reason of certain obstacles [...], and as to knowledge, since in some the reason is perverted by passion, or evil habit, or an evil disposition of nature [...].” In other words, Aquinas and McCabe appear to share a sense that something else is necessary in order to overcome the obstacles of sin and vice. Natural law, then, may serve pedagogically to expose to us our own need of aid, even at the heart of our freedom.

not require a lawgiver, except in the sense that we may regard our humanity as *given*.”⁵¹ We can interpret McCabe’s use of *givenness* as a placeholder for the metaphysics undergirding Aquinas’s account of the eternal law.

In Ia IIae q. 91 a. 2, Aquinas asks whether there is in the human person a natural law. His response coheres with McCabe’s observation that our humanity is given to us. For Aquinas, natural law is “in” us in the sense that we are “ruled and measured” by it. The one ruling and measuring is, of course, God, who in his providence has promulgated a law from which all creatures “derive their respective inclinations to their proper acts and ends.”⁵² Aquinas quite seriously means *all* creatures, but his focus here is on the human creature, who is “subject to Divine providence in the most excellent way, in so far as it partakes of a share of providence, by being provident both for itself and for others.”⁵³ Natural law, then, may not be a sufficient account of ethics, but it sheds a singular light on morality. In our possession of inclinations, our acts, our volition toward goods, and our being ordered to our ultimate end, we are witnessing life that is simultaneously gift and natural possession. Our lives belong to us, and we are not their authors. McCabe’s characterization of natural inclinations as “the desires [we] cannot help having, [. . .] manifestations of [. . .] human life”⁵⁴ should be read as his affirmation of the human as a creature uniquely subject to God’s providential ordering of all things to their perfection.⁵⁵

⁵¹ Ibid., 63.

⁵² *ST Ia IIae q. 91 a. 2, resp.*

⁵³ Ibid.

⁵⁴ McCabe, *Law, Love & Language*, 63.

⁵⁵ For my interpretation of q. 91 a. 2, I rely on the work of Long. Cf. Steven A. Long, “Speculative Foundations of Moral Theology and the Causality of Grace,” *Studies in Christian Ethics* 23.4 (2010): 397-414, at 412-13: “All creatures receive from God their being, their natures, the ordering of their natures by way of natural motion/inclination, the application of natural motion to act, and of course the hierarchy of ends which specifies these acts. If any part of this passive participation in the eternal law is excised, then just so far does one subtract it from the governance of the eternal law. Given the Molinist and subsequent [to Aquinas] libertarian formulations of the nature of human liberty, it is inevitable that the rational creature be understood as beyond divine providence. On such an understanding, neither law nor grace can coherently retain pertinence to the practical life, because the free voluntary perfections of man qua man are understood to lie outside the divine causal providence and accordingly as a domain wholly separated from God and eternal law. [. . .] Historically speaking, both Molinism and ensuing enlightenment negations of metaphysics have contributed to nourishing the great Ur Myth of Modernity: the fable that, alone of all the known cosmos, the rational agent is demiurgically self-activating and in no essential dependence upon God in the use of its freedom. Accordingly that which constitutes our deepest need – for aid in our free choices – comes to be viewed as something simply impossible, and the domain of human freedom comes to be construed as utterly autonomous.” Incidentally, McCabe’s suggestion that natural law doctrine can be read as an austere reduction to the first principle of practical reason may be somewhat

In Ia IIae q. 93 a. 6, Aquinas asks whether all human affairs are subject to the eternal law. For Aquinas, someone or something can be subject to the eternal law in two modes: by knowledge and by act or passion. The latter mode refers to the participation of irrational creation by an “inward motive principle” that refers to God’s imprinting “on the whole of nature the principles of its proper actions.”⁵⁶ Humans also share⁵⁷ this mode of participation with irrational creation in that we are constituted in a certain way and do certain things necessarily that contribute to our survival and witness to our being created and ordered to certain ends quite beyond our intentions. However, humans are also always participating in the eternal law in the first mode – by knowledge of the eternal law. In addition to this participation through the possession of knowledge, this mode entails a “natural inclination to that which is in harmony with the eternal law; for ‘we are naturally adapted to be the recipients of virtue.’”⁵⁸ We can recognize here the entry point for Aquinas’s discussion of natural law as the human creature’s participation in the eternal law. Indeed, this article is the end of the question on eternal law, making way for the famous question 94. But before moving to reply to the objections, Aquinas addresses the obvious problem that not all humans are in fact virtuous.

For Aquinas, both modes of subjection to the eternal law “are imperfect, and to a *certain extent* destroyed, in the wicked [. . .].”⁵⁹ As is further elucidated in q. 94 aa. 4–6, our subjection to the eternal law via both action/passion and knowledge is hindered by our being “corrupted by vicious habits, and, moreover, the natural knowledge of good is darkened by passions and habits of sin.”⁶⁰ In the good, on the contrary, both modes of participation in the eternal law “are found more perfect: because in them, besides the natural knowledge of good, there is the added knowledge of faith and wisdom; and

misleading. For if our relationships to goods and evils can be characterized as our being ordered to freedom by a providential Creator, then the first principle of practical reason is neither austere nor unhelpful, but rather the first inkling that being is participatory.

⁵⁶ *ST Ia IIae q. 93 a. 5, resp.* Here, Thomas reflects on whether or not natural contingents are subject to the eternal law, providing his reader with the material necessary to interpret his treatment of an “inward motive principle” in a. 6.

⁵⁷ Needless to say, our sharing in this mode of participation remains analogical. It is not as if there is a 1:1 correspondence between human and animal biological life with human rational capacities forming the sort of icing on the cake or a really useful add-on. Rather, as we saw above with McCabe’s treatment of the human as an irreducibly linguistic being, human capacities transform even biological life.

⁵⁸ *ST Ia IIae q. 93 a. 6, resp.*, quoting Aristotle’s *Nicomachean Ethics* ii.1.

⁵⁹ *Ibid.*

⁶⁰ *Ibid.* Corruption by vice and darkening by sin are the reasons, for Aquinas, that the natural law can remain universally valid with regard to the knowledge and rectitude of *general principles* but simultaneously fail with regard to knowledge and/or rectitude in the practical application of the principles to specific circumstances (cf. a. 4).

again, besides the natural inclination to good, there is the added motive of grace and virtue.”⁶¹ The first thing to note here is that subjection to the eternal law can in no way be erased, but only severely damaged by sin and vice. The addition of faith, wisdom, grace, and virtue repairs or heals this damage but does not, for Aquinas, replace what has been damaged – namely the human nature’s “natural inclination to good.” Aquinas in fact affirms that “the wicked are subject to the eternal law, imperfectly as to their actions, indeed, since both their knowledge of good, and their inclination thereto, are imperfect; but this imperfection on the part of action is supplied on the part of passion, in so far as they suffer what the eternal law decrees concerning them, according as they fail to act in harmony with the law.”

The reason the wicked remain subject to the eternal law is clear: they can in no way disavow their creaturely status. Furthermore, as Aquinas carefully shows elsewhere,⁶² no amount of sin can destroy nature. Rather, sin, vice, and all other ills are so many obstacles that may frustrate the inclination to virtue, but cannot extirpate it. After all, the inclination to virtue is the inclination to the good and to action in accordance with right reason. Without these, the human is unintelligible. So, by affirming that all human affairs are subject to the eternal law, Aquinas is affirming the fundamental integrity of nature and its irreducibly moral character. We have arrived again at Hauerwas’s admission that it should not be surprising that we find non-Christians living in similar ways to Christians. However, Aquinas gives us a sense of the gravity of this similarity and why Hauerwas intuits that Christians would do well to pay heed to the noble action of the non-Christian.

Furthermore, the Christian would do well to consider Aquinas’s words regarding the wicked and his participation in the eternal law vs. the participation enjoyed by the good. The good one here could easily be taken for one who has made great progress in the life of discipleship – the one who has gained the greatest facility in using the word ‘love,’ the one who has gained greater mastery of the grammar of Christian discipleship, whose desires have been appropriately deepened by his relationship to Christ. The fact remains, however, that this is not necessarily an accurate picture of lived discipleship in the wayfaring Church, which Our Lord assures us is always the *corpus mixtum* in this life (cf. Mt. 13:24-30). The pilgrim Church is filled with pilgrims on their way to sanctity. That is to say, the holiness exemplified by the Church is preeminently Christ’s holiness, exemplified by a community of disciples in more *and* less

⁶¹ Ibid.

⁶² Cf. Ia IIae q. 85.

continuity with non-Christians who may or may not prove to be better at exemplifying Christ's holiness mysteriously present in 10,000 places.

In order to interpret the theological and anthropological import of the reality of the *corpus mixtum*, natural law can shed a great deal of light on the brute fact that human persons, Christians and non, are attaining more or less facility with the grammar of Christian love. Adverting to natural law does not necessarily mean that "God is, at best, something 'added on' to the moral life," as Hauerwas puts it.⁶³ Indeed, from what we have seen in juxtaposing McCabe and Aquinas on natural law and eternal law, adverting to natural law means confessing that God is the author of our nature, and as such, that our nature speaks volumes about who God has intended us to be. That is, natural law provides insight into what it is that Christ assumed in our redemption.

If turning to Aquinas in this way helps us read McCabe's vision of natural law, then natural law remains a concern precisely because it is our witness to being oriented depthward. The directional terms may vary between McCabe's and Aquinas's account: McCabe speaks of *deepening* desire and Aquinas speaks of participation in the *higher* law, but the intention appears to be the same. In both cases, natural law speaks to the human creature's coming from somewhere, being here and now a certain type of thing, and heading somewhere for the purposes of fulfilling all the capacities and powers proper to that type of thing. Whether we want to speak of it in terms of getting rid of our "little" moralities in favor of a growing sophistication, a more deeply textured human living, or we want to speak of it in terms of following our inclinations to a proper fulfillment of our act and end, we can observe that natural law doctrine retains a prominent place in Catholic moral enquiry because it remains a penetrating insight into what it means to be moral agents who are nevertheless creatures.

Jason A. Heron
jason.heron@gmail.com

⁶³ Hauerwas, *Sanctify Them in the Truth*, 43.