

Thomas Aquinas and the Overlapping Consensus

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John Rawls claims that the belief that there is but one reasonable and rational conception of “the good” is incompatible with political liberalism. A close examination of the thought of Thomas Aquinas, however, reveals that commitment to a particular conception of “the good” need not imply a rejection of liberalism. In fact, Aquinas’ notion of political virtue anticipates Rawls’ overlapping consensus. In addition, a thorough exploration of Aquinas’ work indicates that, for the most part, he accepts the underlying assumptions that William Galston finds at the core of political liberalism.

John Locke and others who provided the ideological foundations of liberalism presented themselves as believers applying the tenets of their faith to political questions. The liberal constraints upon the state are largely a product of monotheism’s formulation of an absolute good that is beyond our comprehension.¹ Nevertheless, liberalism’s refusal to privilege any particular fixed conception of the good seems to bring it into opposition with any faith that makes positive claims about the nature of the good life and the purpose of human existence. Max Weber (1958, 79–80) claimed that prior to Luther there was no such thing as the modern notion of “the calling,” (*beruf*), which stands against the power of political or religious authorities to make the decisions that determine what individuals do with their lives. The tension between liberalism and religion would appear to be particularly acute when the positive claims about the nature of the good life are delivered as pronouncements of a hierarchical church leadership that claims to be the voice of God on earth, such as the leadership of the Roman Catholic Church. John Rawls places Thomas Aquinas within the “dominant tradition”² that holds that there is but one reasonable and rational conception of the good, a view Rawls (1996, 134–135) considers to be incompatible with political liberalism. I maintain, however, that Aquinas’ understanding of virtue as a multi-tiered category allows his commitment to a single, comprehensive

doctrine of the good to allow space for a considerable range of heterodox views as long as he does not see those views as a direct threat to the souls of the faithful. Aquinas may differ with liberal democracy on the desirability of widespread political participation and other matters, but his views on pluralism are remarkable for their similarity to those of Rawls.

The argument Aquinas makes on behalf of pluralism goes beyond providing reasons for accepting Rawls' "overlapping consensus" of disparate "reasonable comprehensive doctrines" once it has been instituted (Rawls 1985, 225–226; Rawls 1996, 134). Aquinas argues that the creation of an overlapping consensus is a positive good in itself. Nor is his support for an overlapping consensus an aberrant anomaly that is inconsistent with his general views. It is of a piece with his acceptance of a set of metaphysical assumptions that is remarkably similar to those William Galston (1988) identifies as the essential foundation of political liberalism. Aquinas' acceptance of these assumptions is evident in passages that are laced throughout his copious works. If the work of Aquinas is compatible with political pluralism, it is entirely possible that other apparently anti-liberal religious traditions that contain a similar multi-tiered conception of virtue and similar metaphysical assumptions about the human person may also have room for diverse political views.

This article shows how in the presence of certain beliefs about the human condition that are very similar to those at the core of modern liberalism, Aquinas' understanding of virtue as a multi-tiered category yields support for an overlapping consensus in the political arena. This is not to say that Aquinas is a supporter of the system of rights upon which modern liberal regimes are based. The right, *ius*, to which Aquinas refers, is part of a right order of things, of relations between individuals. It is not something that is held by individuals to use in whatever way they choose. Like Aristotle's *dikaion*, it is an objective right rather than a subjective one.³ My claim, however, is that even if Aquinas does not establish rights in the modern, subjective sense,⁴ he makes strong arguments for a society that permits multiple conceptions of the good.⁵ My assessment of Aquinas in this respect stands in direct contrast to that of Rawls, and it raises the possibility that conceptions of the good that do not explicitly endorse democracy may nevertheless

tolerate multiple and divergent comprehensive doctrines of the good.

Aquinas' Links to Liberalism

Rawls (1996, 93) holds that a stable liberal democracy is made possible by a particular conception of justice. According to this conception, the application of our beliefs about the good to the problems that life presents to us (practical reason) will produce a diversity of views about the ideal human life and character (comprehensive doctrines) that possess features that make them “reasonable.” Rawls (1996, 54, 58–59) maintains that in order to be reasonable, a comprehensive doctrine must be fairly consistent and coherent in the way it treats the major religious, philosophical and moral aspects of life, must prioritize values so that they can motivate real-life choices, and must rest upon an intellectual and doctrinal tradition. The conception of justice that makes political liberalism possible posits that no single comprehensive doctrine should exercise political hegemony by specifying which questions will be regarded as “constitutional,” settled, and thus beyond the reach of ordinary political processes (Rawls 1966, 135). This is not because justice so understood denies the possibility that any single comprehensive doctrine may possess the truth about the ideal human good and character, but because adherents of many comprehensive doctrines can be sufficiently reasonable to rely on fundamental ideas of the public political culture rather than on ideas that are peculiar to their own comprehensive doctrines to settle constitutional questions (Rawls 1996, 150–151). Rawls calls the agreement of adherents of more than one reasonable comprehensive doctrine to establish a constitutional regime based only on ideas found in the public political culture the “overlapping consensus” (1996, 14). Its key feature is that none of the participants seek to place views that are distinctive to their own comprehensive doctrine beyond the reach of the ordinary political process.

Aquinas reaches a similar position through his discussion of the four cardinal virtues. They are “justice,” which is giving each his due; “temperance,” which is refraining from acts that are motivated by the passions against the judgment of the intellect; “fortitude,”

which is having the courage to act as the intellect tells us we should despite passions such as fear that would prevent us from right action; and “prudence,” which directs the other virtues by reasoning correctly about the situations in which we find ourselves (Oesterle 1984, 110: *Summa Theologiae*, I–II, Question 61, article 2, response). Aquinas classifies these as “moral virtues” because they provide us with the will to act rightly. Other virtues, the intellectual virtues, provide us with the understanding that we need to act rightly (Oesterle 1984, 109: *Summa Theologiae*, I–II, Question 61, article 1, response). Aquinas believes that the virtues are multi-tiered. They can be possessed to various degrees of perfection, which determines the objects to which they are applied. When they are most perfectly possessed, they are “exemplar virtues.” Only God possesses the virtues to this degree. Human beings are capable of possessing virtues at three lower degrees of perfection. The highest of the three is the “perfect” level of virtues. These are the virtues belonging to those who are “blessed or to those who are most perfect in this life.”⁶ At the next tier are the “purifying virtues,” which are those virtues that move us away from the cares of the world and toward the perfect virtues.⁷

At the lowest tier are the “political virtues” (*virtutes politicas*). In his discussion of the virtues possessed at the level of the “political virtues,” Aquinas advocates a political order based on a Rawlsian overlapping consensus. Accepting Aristotle’s definition of man as a political animal, Aquinas argues that these virtues, by which “man comports himself rightly in human affairs,” exist in man according to the condition of his nature” (Oesterle 1984, 116: *Summa Theologiae*, I–II, Question 61, article 5). This is to say that God endows all of us with these virtues at birth. They do not require any subsequent divine infusion, faith, knowledge of God, or even the virtue of charity. Aquinas maintains that pagans can possess these virtues in full measure.⁸ In claiming that the virtues required for right action in human affairs are “natural” and not the exclusive possession of believers, Aquinas is justifying an “overlapping consensus” composed of believers and nonbelievers alike who possess the virtues of justice, temperance, fortitude and prudence to the degree of the political virtues.

Given Aquinas’ preference for nondemocratic political institutions, how extensive is the scope of the decisions to be made by the politically virtuous members of Aquinas’ overlapping

consensus? More specifically, does it include political activity? Aquinas strongly suggests that it does. The word that he uses to describe these virtues is *politicas*. The Fathers of the English Dominican Province (1947) translate the word as “social.” But Oesterle (1984) translates it as “political.” Oesterle’s translation is better because it is the same word that Aquinas uses to paraphrase Aristotle’s claim that “man is a political animal,”⁹ and we know that Aristotle had in mind a range of activities that includes those that we call “political.”¹⁰ Moreover, in the same response (Oesterle 1984, 116: *Summa Theologiae*, I–II, Question 61, article 5), Aquinas states that the *virtutes politicas* are those virtues by which a person “comports himself rightly in human affairs” (*recte se habet in rebus humanis gerendis*). The people may not have been sovereign in Aquinas’ ideal state, but the members of his overlapping consensus were clearly involved “in the conduct of human affairs.” Although Aquinas does not discuss the implications of this claim for the constitutional regime, and although he makes a number of assertions that contradict it, it is clear that his justification of the overlapping consensus is part and parcel of a general understanding of the human condition that shares several key features with that which resides at the metaphysical core of contemporary liberalism.

There have been many attempts to identify the key assumptions that support liberalism. Perhaps the clearest and most concise effort has been that of William Galston (1988, 1285) who emphasizes three assumptions of contemporary liberal theory, each with its own implications for the conduct of political life. Galston claims that today’s liberal theories rest on the assumption that our earthly existence is intrinsically valuable. He maintains that attributing value to our own earthly existence implies attributing value to the earthly existence of others, thereby obliging us to preserve the lives of others and prohibiting cruelty to them. Galston also contends that today’s liberal theories assume that we value the achievement of human purposes. He believes that this implies tolerance because we must value the achievement of others’ purposes if we value our own. Although Galston does not mention it, tolerance of the efforts of others to pursue the good life as they see fit in turn implies support for the right of others to decide for themselves what the good life consists of. In other words, valuing the achievement of human purposes ultimately implies support for freedom of

conscience. The third core belief that Galston identifies is that reason should constrain those of our actions that affect other people. He calls this the principle of “social rationality.” It implies that reason must restrain our passions and that moderation should characterize our political agendas. Aquinas goes beyond mere agreement with all of the beliefs that Galston identifies as foundations of contemporary liberal theories. He argues forcefully on their behalf. When combined with a conception of virtue as a multi-tiered category, the value that Aquinas places on earthly existence, the achievement of human purposes, and reason as a constraint on social interactions implies a high degree of tolerance for multiple divergent conceptions of the good.

Value of Earthly Existence

Although Galston (1988, 1285) doubts that “otherworldliness” is compatible with affirming the value of our earthly existence, the otherworldly concerns of Aquinas do not prevent him from arguing strongly and consistently for it. The logical starting point of Aquinas’ affirmation of the value of our earthly existence is his assertion that it is both *real* and *distinct* from divine existence. The universe and its contents have their own fully real existence that is fundamentally different from God’s.¹¹ Our apparent existence as distinct individual human beings with distinct minds is also real.¹² Aquinas is thus prepared to see the mind of the other who holds ideas that are fundamentally different from his own as fully real and distinct, not as mere instances of false consciousness produced by forces exterior to and greater than themselves. The divergent views of others therefore deserve respect.

For Aquinas, our earthly existence is distinct from God’s existence but it is not disconnected from the eternal. Aquinas makes this point by accepting Aristotle’s notion of formal cause, which he illustrates by comparison of the relationship of soul to body with the relationship of shape to wax.¹³ Our earthly existence takes on value because that which gives it its character and its purpose is eternal. Not only is the body the matter of which the soul is the form, but our “most important attributes” such as “sensation, memory, passion, appetite and desire in general, and, in addition, pleasure and pain” are “generated in the soul through the medium of the body.”¹⁴ It is through the body and its sensation, memory,

passion, appetite, desire, pleasure and pain that we become what we are meant to be.¹⁵ Aquinas even goes so far as to rebut explicitly Plato's claim that the body is an instrument of the soul.¹⁶ Aquinas strongly rejects the notion that the body and its movements are illusory, evil or unimportant.

In Aquinas' view, our earthly existence has both intrinsic and instrumental value. Its instrumental value lies in its function as moral and intellectual preparation for our ultimate purpose, the contemplation of God. It is by understanding the "divine effects," the tangible things that God has created, that we are led to the contemplation of God.¹⁷ Aquinas also maintains that we come to understand God by learning what God is not. God is not anything that has been created. The more we know about God's creation, the more we can understand God by learning what God is not.¹⁸ In these ways, earthly existence can enable us to move toward our ultimate purpose by providing a means by which our intellects can begin to comprehend the nature of God. Rather than contemplating God through an exclusive focus on the otherworldly, Aquinas sees us learning about God by learning about what is in this world, including the concerns and ideas of other citizens.

Aquinas believes that earthly existence has intrinsic value as well.¹⁹ We can achieve an imperfect happiness in this life through our natural powers, that is to say, without faith or direct divine intervention.²⁰ This earthly happiness requires the body because it is through the body that we understand²¹ and because a beautiful body contributes to our happiness by contributing to our well-being (McInerny 1998, 530–531: *Summa Theologiae*, I–II, Question 4, article 5, response). "Feebleness of the body" (*invalitudine corporis*), on the other hand, impedes our efforts to develop virtue, thereby interfering with our prospects of happiness in this life (McInerny 1998, 533: *Summa Theologiae*, I–II, Question 4, article 6, response). Aquinas also affirms the value of our earthly existence by claiming that the perfect happiness of the next life cannot be complete without the pleasures of the body²² and friendship (McInerny, 1998, 536: *Summa Theologiae*, I–II, Question 4, article 8, response to objection 3) as we have come to know them in this life. Aquinas respects the imperfect happiness that becomes available to us through natural reason and the body. By implication, he respects the efforts of people to attain imperfect happiness. They may or may not be adherents of the true faith.

Galston contends that valuing our earthly existence implies a rejection of cruelty and acceptance of an obligation to preserve the lives of others. Aquinas also rejects cruelty (Finnis 1998, 126: *Summa Theologiae*, I–II, Question 100, article 3, response) and he recognizes an obligation to treat others as neighbors and brothers (Finnis 1998, 126, note 112: *Summa Theologiae*, I–II, Question 78, article 1, response to objection 2). The strength of Aquinas’ rejection of cruelty and recognition of the obligation to preserve the lives of others is evident in his discussion of the virtues of the will. Aquinas believed that the will automatically desires the good as presented to it by the intellect.²³ Therefore, most good habits, or virtues, are responses to the intellect.²⁴ Yet, in the case of “charity, justice and the like,” mere guidance by the intellect is not sufficient to bring about sufficiently strong desire by the will. The will needs its own virtue to make it more strongly committed to love of God and neighbor (McInerny 1998, 670: *Summa Theologiae*, I–II, Question 56, article 6, response). The centrality of treating others well in Aquinas’ thought is manifested by his definition of virtue as “a good quality of mind whereby one lives rightly and *uses no one badly* and which God without our help works in us” (McInerny 1998, 658: *Summa Theologiae*, I–II, Question 55, article 4, response, to objection 1, italics added).

With regard to the treatment of others, the affinity between Aquinas and contemporary liberal theory does not end with his rejection of cruelty and recognition of the obligation to preserve the lives of others. He goes so far as to identify certain objective rights, which we owe to everyone, including “the right to have one’s property respected by others” and “the right not to be falsely accused or defamed” (Finnis 1998, 136: *Summa Theologiae*, I–II Question 122, article 6, response). He provides a variety of justifications for these positions. One justification is very similar to a principle Galston (1988) offers: by the mere fact of their existence, all beings are good.²⁵ Another justification is his understanding of “eternal law,” which structures the universe as a “complete community” of beings (Finnis 1998, 307: *Summa Theologiae*, I–II Question 91, article 1, response), each of whom can attain full perfection only by enabling others to do so.²⁶ As John Finnis recognizes, it is Aquinas’ contention that to love one’s neighbor as oneself is a moral precept that can be derived through our ordinary powers of reason.²⁷ Love of neighbor and respect for

property and reputation are qualities that are accessible to believers and nonbelievers alike, and they can provide essential psychological underpinnings for a functioning pluralist regime.

Fulfillment of Individual Purposes

Galston (1988, 1285) claims that all contemporary liberal theories value “the fulfillment of individual purposes.” Aquinas agrees in a variety of senses, some of which differ from the sense in which a liberal democrat would understand the phrase.²⁸ He defines happiness as the attainment of our ultimate end (McInerny 1998, 496: *Summa Theologiae*, I–II, Question 2, prologue). Ultimate human ends are individual in the sense that they must be freely chosen by autonomous agents.²⁹ But they are not individual in the sense that the end that an individual chooses can be anything at all. In fact, the only final end that a free person will choose is perfect, eternal happiness, which is union with God.³⁰ The pursuit of ends by the “natural” (sub-rational) appetite undirected by the intellect is not free and, therefore, not characteristically human.³¹ Only the selection of an end by the rational appetite can be individual in the sense of being chosen by a free individual, and the only ultimate end a free individual will choose is perfect and eternal happiness. Aquinas defends freedom on the grounds that only a free choice is a fully human choice. Yet, he does not take this position because he thinks all paths to the ultimate end are equally good.³² His defense of freedom is based on his understanding of the divine will. It is one that has special appeal to his fellow believers.

Aquinas insists that we cannot attain our final end, union with God, in this life (McInerny 1998, 530: *Summa Theologiae*, I–II, Question 4, article 5, response). A healthy body (McInerny 1998, 533: *Summa Theologiae*, I–II, Question 4, article 6, response), a clear mind (McInerny 1998, 530: *Summa Theologiae*, I–II, Question 4, article 5, response), and the things that the body needs are necessary for the imperfect happiness that we can attain in this life because they make virtuous activity possible.³³ Activity is the essence of happiness in this life.³⁴ Moreover, Aquinas accepts Aristotle’s contention³⁴ that it is only when “the necessities of life and amusement or pleasure” have been secured that we seek wisdom (McInerny 1998, 740: *Commentary on the Metaphysics*, Lesson 3). This is true for nonbelievers as well as believers. Thus,

Aquinas supports the fulfillment of individual purposes in the contemporary sense of acquiring “the necessities of life, amusement or pleasure” because it frees all of us to pursue higher goods. His position implies tolerance through valuing achievement of the individual purposes of all, the process that Galston identifies as key in promoting tolerance.

Rawls claims, however, that as an exponent of “the dominant tradition,” Aquinas does not support “even a limited tolerance” (1971, 216). He bases this claim on a passage in which Aquinas says that heretics deserve to be handed over by the church to the state, which will put them to death.³⁶ Rawls does not realize that there is more than one path to limited tolerance. Finnis (1998, 279–284) argues that Aquinas fails to maintain a logically consistent position on capital punishment. Maria Fontana Magee (1999) suggests that Aquinas does not believe that the state should put people to death simply for their beliefs. She points to passages in which Aquinas says that the state should respect human freedom as God respects human freedom,³⁷ tolerating certain evils, including prostitution, because to do away with them would cause a greater evil than to tolerate them.³⁸ Aquinas insists that the state should respect customs³⁹ and not try to perfect the souls of men. Regarding unbelievers, pagans, and heretics, Aquinas rejects intolerance when it might hinder a gradual conversion to the faith.⁴⁰ Finnis (1998, 223–226) notes Aquinas’ assertion that the state should restrict itself to the defense of the “common good”⁴¹ (*bonum publicum*) by regulating only those acts that impinge directly upon the lives of others and not attempting to regulate the inner life, morality, or beliefs of individuals.⁴² Mark Johnson (1992) cites another respect in which Aquinas supports tolerance of dissenting views: his claim that there legitimately can be divergent literal interpretations of scripture. Nevertheless, Aquinas did support the execution of heretics when they posed a serious threat to the souls of the faithful. This is a significant difference between the political order he advocated and liberal democracy.⁴³

Yet, Aquinas supports the execution of heretics *solely* because of the threat they pose to the souls of the faithful. He rejects the exclusion of anyone from the realm of public affairs on the basis of their religious beliefs or disbelief. Of course, those executed for their religious beliefs are effectively excluded from participation in public affairs, to say the least. Political pluralism obviously cannot

be reconciled with religious intolerance. Aquinas never resolves this contradiction, but it is a genuine contradiction. He is a strong supporter of both political pluralism and the execution of heretics.

Aquinas' arguments for freedom of conscience further buttress the claim that despite his willingness to have heretics executed, he is, in many ways, an advocate of the tolerance necessary for an overlapping consensus.⁴⁴ He argues that conscience is our understanding of God's will (McInerny 1998, 233: *Disputed Questions on Truth*, Question 17, article 4, response) and that each person's understanding of that will is different (Pegis 1945, 701: *Summa Theologica*, I, Question 76, article 2, response). This is a key dimension of his well-known efforts to find a place for reason to exist along with philosophy by introducing the philosophy of Aristotle into the Church.

Aquinas believes that it is always a sin to violate conscience, even when conscience is in error⁴⁵ and even when it contradicts the command of a bishop.⁴⁶ This is because he sees conscience as our knowledge of God's will, and God is a higher authority than any bishop. It is ultimately our conscience that tells us God's will, not the bishop. To state that an individual has an absolute obligation to follow conscience, and that it is possible that conscience may be right while the bishop is wrong is to imply tolerance, especially in light of Aquinas' assertion that it is "better to err often by thinking well of bad people than to err even rarely by thinking badly of someone good. For the latter, not the former involves wronging someone" (Finnis 1998, 137: *Summa Theologiae*, I–II, Question 60, article 4).

Although Aquinas tells us that it is always wrong to violate the promptings of conscience, he is not saying that the truth is whatever an individual thinks it is. He speaks of correct consciences and erroneous consciences and states that to have an erroneous conscience when one should know better is also a sin (McInerny 1998, 235: *Disputed Question on Truth*, Question 17, article 4, response to objection 3), although not as grievous a sin as violating conscience (McInerny 1998, 233: *Disputed Question on Truth*, Question 17, article 4, response). So Aquinas is no relativist. Yet, he does accept the Millian argument that free competition of ideas leads us toward the truth. "For men help each other in coming to know the truth; by challenging each other, they lead each other to what is good and draw each other back from what is evil. As it is

said in Prov 27:17, ‘iron sharpens iron, and a man sharpens the character of his friend.’⁴⁷ This argument is consistent with the pluralism of the overlapping consensus.

Aquinas values the fulfillment of individual purposes in the contemporary sense of attaining the necessities of life, amusement, pleasure, and knowledge because it makes the search for higher goods possible. He also values it in the sense that he sees the fulfillment of our final individual purpose as the attainment of a freely chosen union with God. Galston contends that valuing the fulfillment of individual purposes necessarily implies tolerance for the purposes and means of others. Consistent with the ideal of tolerance, Aquinas believes that governments, like God, should let people be free to make their own decisions whenever the social cost of doing so is not prohibitive. Aquinas wants to restrict the authority of government to matters of the common good, regulating only those acts that impinge directly on others, generally leaving matters of conscience, private life, and private morality to the discretion of free individuals. Although he considers some ideas to be definitively right and others to be definitively wrong, Aquinas believes that we benefit when our ideas are challenged by people who disagree with us.

Social Rationality

According to Galston (1988, 1285–1286), the third assumption of contemporary theories of liberalism is that rationality should constrain our interactions with others. He claims that this principle implies the necessity of keeping the passions under reason’s control, which results in moderation in private and public life. Aquinas shares these views. The need for reason to control the passions is one of the Aristotelian themes pervading his work.⁴⁸ In fact, two of the four “political” virtues, which we must have if we are to live well among other people are defined as the control of reason over the passions.⁴⁹ Temperance is the political virtue that restrains the passions when they incite us to do something contrary to reason, and fortitude is the political virtue that allows reason to prevail when passions such as fear prevent us from doing what we should.⁵⁰

Aquinas’ support for social rationality is implied by his conception of virtue as a multi-tiered category. He contrasts the

political virtues, which we possess because man is by nature a political animal, with the purifying and perfect virtues, which have God as their object (Oesterle 1984, 110: *Summa Theologiae*, I-II, Question 51, article 5, response). Unlike the purifying and perfect virtues, the political virtues are possessed by believers and nonbelievers alike through the exercise of natural reason. For Aquinas, the moderation that comes about through social rationality is possible in a community with multiple conceptions of the good.

Our capacity for political virtue means that citizens can be even-tempered, brave, and in control of their passions. Such citizens are clearly less susceptible to the lures of political extremism. Political virtue enables all citizens to be autonomous individuals whose acts are directed by their own knowledge of right and wrong. They deserve to be treated as such. As Aquinas states, “one who serves some community serves each of the people contained in it,” serving them as individuals, not as a reified “society,” “class,” “folk,” “community of believers,” or “nation” amenable to extremist agendas of social control (Finnis 1998, 118: *Summa Theologiae*, I-II, Question 58, article 5, response). Like contemporary theorists of liberal democracy, Aquinas thus holds that control of the passions by reason results in a moderate approach to politics.

Conclusion

Aquinas shares many of the core beliefs of contemporary liberal theorists. He values our earthly existence and the fulfillment of our individual purposes, both as intrinsic goods and as instrumental goods. He also believes that we all possess natural reason, which enables us to restrain our passions in our dealings with others and to take a moderate approach to politics. Yet, Aquinas does not take the same path to these beliefs as contemporary liberal theorists do. Even when concluding that nonbelievers can be good citizens, Aquinas starts from the premise that their natural powers of reason are God-given and will not lead them astray. When Aquinas defends liberty it is not on the grounds that there is no conception of the good that merits preference, but on the grounds that we must be free if we are to choose to move toward God, which is His plan for us. Aquinas thus provides a path toward support for liberalism that can appeal to those who recoil at its apparent rejection of any good

higher than the appeasement of the passions. I do not deny that Aquinas' preferred regime is the system defined by Mosaic Law, a rule by judges, supported in many ways by Aristotle's arguments on behalf of the rule of the best. Still, Rawls' assessment of Aquinas is oversimplified.

It is not surprising that Rawls has this view of Aquinas. After all, on many occasions the Church has used Aquinas to support orthodox hierarchy and political conservatism. But the uses to which texts have been put may mislead us about what the texts may say to readers today, or even about what our best estimates tell us about the author's intent. For in the presence of certain core beliefs about human nature that he shares with liberalism, Aquinas' adoption of a multi-tiered conception of virtue leads to an acceptance of a degree of pluralism in the political realm that excludes only those who pose a dire threat the highest goods and final ends.

Notes

1. Like Aquinas, Botwinick (1997, 112–115 and 145–147) argues that monotheism implies that we can only say what God is not. Botwinick claims that this “generalized agnosticism” brings forth a liberal politics that emphasizes keeping options open for the future rather than achievement of maximalist agendas, the liberal emphasis on the form or process rather than the substance of politics, and the liberal state's support for tolerance, rights, and limited government.

2. Since the 16th century when, at the Council of Trent, his *Summa Theologiae* lay open on the altar beside the Bible, Aquinas' thought has defined orthodoxy for the Roman Catholic Church. See Sigmund (1988, xiii). I have used five translations of Aquinas' work: Finnis (1998), McNerny (1998), Oesterle (1984), *Fathers of the English Dominican Province* (1947), and Pegis (1945). I use the most recent of the five to translate the pertinent text, specifying the particular translation. In addition, I follow the standard method of citing Aquinas' work according to section, question, and article.

3. Strauss (1964, 45, 49) made this point by identifying modern right as a product of the dogma of “extreme skepticism” which produces a human self-awareness that “refuses to obey any law which it has not originated in its entirety or to dedicate itself to any ‘value’ of which it does not know that it is its own creation.” He contrasted modern subjective right with objective right as Aristotle and Aquinas understood it, in which “[m]an transcends the city only by pursuing true happiness, not by pursuing happiness however understood.” Tierney (1997, 14) also identifies Michel Villey as playing an important role in highlighting the differences between objective right of the ancients (including Aquinas) and modern subjective right.

4. Cornish (1998, 561) claims that Aquinas endorses a subjective right to marry. Nonetheless, the subjective rights that Cornish ascribes to Aquinas do not

play the foundational role that they do in liberal democracies. Finnis (1998, 133) argues that modern subjective right can be inferred from Aquinas. “General justice can be specified into the forms of *particular justice*” (*Summa Theologiae*, I–II, Question 58, article 7; Question 61, article 1), primarily fairness in the distribution of the benefits and burdens of social life, and proper respect for others {*reverentia personae*} in any conduct that affects them (*Summa Theologiae*, I–II, Question 62, articles 1 and 2). The object of particular justice (henceforth simply ‘justice’) is the other person’s right(s) {*ius*} (*Summa Theologiae*, I–II, Question 57, article 1c; Question 60, Article 1c). It follows, therefore, that one cannot respect or promote common good without respecting and promoting rights.” Tierney (2002, 394) disagrees, arguing that, although they are compatible, one cannot be derived from the other. Since this article is not arguing that Aquinas’ defense of pluralism depended on or implied the subjective right of individuals, it does not address this question directly.

5. I agree with Maritain (1971, 20) that an understanding of the human person derived from Aristotle and Aquinas implies political pluralism. Maritain goes much further, however endorsing democracy as the term is currently understood (1971, 51–53). I concur with Hittinger (2002, 50–51) that Maritain’s endorsement of democracy fails to take Aquinas’ critique of democracy and his advocacy of nondemocratic regimes sufficiently seriously.

6. “Thus prudence now sees only divine things, temperance knows no earthly desires, fortitude is oblivious to the passions, and justice is united with the divine mind in an everlasting bond, by imitating it. These are the virtues we attribute to the blessed or to those who are most perfect in this life” (Oesterle 1984, 109: *Summa Theologiae*, I–II, Question 61, article 5).

7. “Thus prudence, by contemplating divine things, counts all worldly things as nothing and directs all thought of the soul only to what is divine; temperance puts aside the customary needs of the body so far as nature permits; fortitude prevents the soul from being afraid of withdrawing from bodily needs and rising to heavenly things; and justice brings the whole soul’s accord to such a way of life” (Oesterle 1984, 109: *Summa Theologiae*, I–II, Question 61, article 5).

8. “As we have said, the moral virtues, inasmuch as they are productive of good works ordered to an end which does not surpass the natural capacity of man, can be acquired by human actions. And acquired in this way they can be without charity, as has happened with many pagans” (Oesterle 1984, 143: *Summa Theologiae*, I–II, Question 65, article 2).

9. Aquinas paraphrased Aristotle’s “*καὶ ὅτι ὁ ἀνθρώπος φύσει πολιτικὸν ζῷον*” (*Politics*, 1253a3) as “Et quia homo secundum suam naturam est animal politicum” (Oesterle 1984, 143: *Summa Theologiae*, I–II, Question 61, article 5, response).

10. Oesterle’s translation of *politica* is also the one that is consistent with the standard usage of the word as reported by Webster’s online Latin-English Dictionary, <http://www.websters-online-dictionary.org/translation/Latin/politicus>.

11. “Though we say that God is existence alone, we ought not to fall into the error of those who say that God is that universal existence whereby each thing formally is. A characteristic of the existence of God is that nothing can be added to it, hence it is distinct from every other existence by its own purity” (McInerney 1998, 44: *On Being and Essence*, chapter 5). One clear implication of this claim is that we are distinct from God and thus fully responsible for our actions. In fact, the

claim that human beings are autonomous agents is one of the most pervasive themes running throughout Aquinas' work.

12. "It is absolutely impossible for one intellect to belong to all men. This is clear if, as Plato maintained, man is the intellect itself. For Socrates and Plato to have one intellect, it would follow that Socrates and Plato are one man, and that they are not distinct from each other, except by something outside the essence of each. The distinction between Socrates and Plato would then not be other than that of one man with a tunic and another with a cloak, which is quite absurd" (Pegis 1945, 701).

13. "'That is why we can wholly dismiss as unnecessary the question whether the soul and body are one.' We do not ask whether wax and its shape are one, nor generally matter and the form of matter" (McInerny 1998, 418: *On Aristotle's De Anima*, Lesson 1, chapter 234).

14. Aquinas is approvingly quoting Aristotle. McInerny 1998, 448: *Preface to the Commentary On Aristotle's On Sense and the Sensed Object*.

15. "For lower spiritual substances [as opposed to higher spiritual substances such as the angels and God], namely [human] souls, have an affinity with body insofar as they are the forms of bodies, and therefore by their very mode of existing it is fitting that they should attain intelligible perfection through bodies" (McInerny 1998, 379: *Summa Theologiae*, I-II, Question 55, article 2, response).

16. "It is clear that man is not only a soul, but something composed of soul and body—Plato, though supposing that sensation was proper to the soul, could maintain man to be a *soul making use of a body*" (Pegis 1945, 688: *Summa Theologiae*, I-II, Question 75, article 4, response).

17. "But we are led by the divine effects to the contemplation of God, according to Romans 1.20: 'For since the creation of the world his invisible attributes are clearly seen—his everlasting power also and divinity—being understood through the things that are made'" (McInerny 1998, 693: *Summa Theologiae*, I-II, Question 179, article 4, response).

18. "The divine substance exceeds by its immensity every form that our intellect can attain, and thus we cannot apprehend it by knowing what it is. But we have knowledge of a sort of it by knowing what it is not" (McInerny 1998, 256: *Summa Contra Gentiles* Book I, chapter 14).

19. The earthly goods to which prudence directs us are "goods intrinsically and without qualification, which are desired as ends for their own sake, even when they lead to something else" (Finnis 1998, 91, note 143: *Commentary on the Sentences of Peter Lombard*, Book II, Distinction 21, Question 1, answer 3, response).

20. "It should be said that the imperfect happiness that can be had in this life is acquired by man with his natural powers as can be the virtue in which this activity consists...." (McInerny 1998, 544: *Summa Theologiae*, I-II, Question 5, article 5, response).

21. Happiness requires the body because "the activity of the intellect cannot take place without the phantasm, which exists only in the bodily organ.... Thus the happiness which can be had in this life depends in a certain way on the body" (McInerny 1998, 530: *Summa Theologiae*, I-II, Question 4, article 5, response).

22. "Thus the separation from body is said to retard the soul such that it does not with complete attention tend towards the vision of the divine essence. For the soul seeks so to enjoy God that the enjoyment redounds to the body to the degree

that this is possible. Therefore as long as it enjoys God without its body, its desire is quieted by what it has, which, however, it still wants its body to have by participation in it” (McInerny 1998, 531–532: *Summa Theologiae*, I–II, Question 4, article 6, response; *Summa Theologiae*, I–II, Question 4, article 5, response to objection 4).

23. “The object of the will is the good of reason proportioned to will” (McInerny 1998, 670: *Summa Theologiae*, I–II, Question 56, response).

24. “Habits of moral virtue are caused in appetitive powers as they are moved by reason” (Oesterle 1984, 26: *Summa Theologiae*, I–II, Question 51, article 2, response).

25. “It should be said that every being, insofar as it is a being, is good. For every being, insofar as it is a being, is actual and in some way perfect, because every act is some sort of perfection” (McInerny 1998, 348: *Summa Theologiae* I, Question 3, article 5, response); “For in every person, even an evildoer, we ought to love the nature, which God made, which is destroyed by killing” (Finnis 1998, 141: *Summa Theologiae*, I–II Question 64, article 6, response).

26. “One can be directing both oneself and others to the good in question; and that “it is more perfect to have a perfection and convey it to others than merely to have it in and for oneself; a contemplator who helps others equally to contemplate is therefore more perfect than one who merely contemplates” (Finnis 1998, 318–319: IV *Sent*, Distinction 49, Question 1, article 1, solution 3, response to objections 1 and 2).

27. Finnis quotes the following passage: “The reason for loving is indicated in the word ‘neighbor,’ because the reason why we ought to love others out of charity is because they are nigh to us, both as to the natural image of God, and as to the capacity for glory” (Finnis 1998, *Summa Theologiae*, II, Question 44, article 7, response).

28. One source of that difference lies in the difference in meaning between Aquinas’ *finis*, usually translated as “ends” and Galston’s “purposes.” “*Fines*” can exist independently of the intention of the agent, whereas “purposes” generally do not.

29. “Therefore, things that have reason move themselves to the end because they have dominion over their acts thanks to free will, which is a capacity of will and reason. Things that lack reason, tend to the end by natural inclination, as if moved by another, not themselves, since they do not grasp the notion of end and therefore can order nothing to an end, but are only ordered to an end by another” (McInerny 1998, 486: *Summa Theologiae*, I–II, Question 1, response).

30. “In men, according to the present state of life, it [happiness] is ultimate perfection according to an activity whereby man is joined with God” (McInerny 1998, 512–513: *Summa Theologiae*, I–II, Question 3, article 2, response to objection 4).

31. “For if the agent is not determined to some effect, it would not do this rather than that; in order for it to produce a definite effect, it must be determined to something certain, which has the note of end. This determination, which comes about in the rational agent through rational appetite, which is called the will, comes about in other things by natural inclination, which is called the natural appetite. However, it should be noted that a thing tends to the end by its own action or motion in two ways. In one way, as moving itself to the end, as man does; in another way, as moved to the end by another, as the arrow tends to a

definite end because it is moved by the archer, who directs its action to the end” (McInerny 1998, 486: *Summa Theologiae*, I–II, Question 1, article 2, response).

32. “But the judgment of human goods ought not to be taken from the stupid, but from the wise, just as judgment of taste is taken from those whose tongue is well disposed” (McInerny 1998, 497: *Summa Theologiae*, I–II, Question 2, article 1, response to objection 1).

33. “It should be said that external goods are required for the imperfect happiness that can be had in this life, not as being of its essence, but as instrumentally serving happiness which consists of virtuous activity” (McInerny 1998, 534: *Summa Theologiae*, I–II, Question 4, article 7, response).

34. “To live well consists of acting well” (McInerny 1998, 678: *Summa Theologiae*, I–II, Question 57, article 5, response).

35. Aristotle, *The Metaphysics* 1.2.

36. “With regard to heretics two points must be observed: the one, on their own side, the other, on the side of the Church. On their own side there is the sin, whereby they deserve not only to be separated from the Church by excommunication, but also to be severed from the world by death. For it is a much graver matter to corrupt the faith which quickens the soul, than to forge money, which supports temporal life. Wherefore if forgers of money and other evil-doers are forthwith condemned to death by the secular authority, much more reason is there for heretics, as soon as they are convicted of heresy to be not only excommunicated but even put to death.... For Jerome commenting on Gal. 5:9, “A little leaven,” says: ‘Cut off the decayed flesh, expel the mangy sheep from the fold, lest the whole ... flock perish, rot, die. Arius was but one spark in Alexandria, but as that spark was not at once put out, the whole earth was laid waste by its flame’” (Fathers of the English Dominican Province 1947: *Summa Theologica*, I–II, Question 11, article 3, response).

37. “Human government is derived from the Divine government, and should imitate it. Now although God is all-powerful and supremely good, nevertheless He allows certain evils to take place in the universe, which He might prevent, lest, without them, greater goods might be forfeited, or greater evils ensue” (Fathers of the English Dominican Province 1947: *Summa Theologica*, I–II, Question 10, article 11, response).

38. “Accordingly, in human government also, those who are in authority, rightly tolerate certain evils, lest certain goods be lost, or certain greater goods might be forfeited, or greater evils be incurred: thus Augustine says (De Ordine ii, 4): “If you do away with harlots, the world will be convulsed with lust” (Fathers of the English Dominican Province 1947: *Summa Theologica*, I–II, Question 10, article 11, response).

39. “Wherefore laws imposed on men should also be in keeping with their condition, for, as Isidore says (Etym. V, 21), law should be ‘possible both according to nature, and according to the customs of the country’” (Fathers of the English Dominican Province 1947: *Summa Theologica*, I–II, Question 96, article 2, response).

40. “On the other hand the rites of other unbelievers [besides the Jews, who are always to be tolerated], which are neither truthful nor profitable are by no means to be tolerated, except perchance in order to avoid an evil, e.g. the scandal or disturbance that might ensue, or some hindrance to the salvation of those who if they were unmolested might gradually be converted to the faith. For this reason the

Church, at times, has tolerated the rites even of heretics and pagans, when unbelievers were very numerous” (Fathers of the English Dominican Province 1947: *Summa Theologica*, I-II, Question 10, article 11, response).

41. Aquinas’ conception of the common good and his argument that the state should concern itself with the common good rather than private virtue is echoed, almost precisely by Downing and Thigpen (1993).

42. “Now human law is framed for a number of human beings, the majority of whom are not perfect in virtue. Wherefore human laws do not forbid all vices, from which the virtuous abstain, but only the more grievous vices, from which it is possible for the majority to abstain; and chiefly those that are to the hurt of others, without the prohibition of which human society could not be maintained: thus human law prohibits murder, theft and such like” (Fathers of the English Dominican Province 1947: *Summa Theologica*, I-II, Question 96, article 2, response).

43. There are similarities too. Aquinas was willing to deploy violence against those who posed a threat to the legitimizing bedrock values of the regime, the faith of the community, and the souls of its members. Liberal democracies likewise deploy violence against those who threaten its legitimizing bedrock value, the physical security of their citizens.

44. Aquinas’ discussion of conscience is strikingly similar to that of Amy McCreedy (1996). Both McCreedy and Aquinas argue that to follow conscience is to be truest to our most basic selves and at the same time to focus on a good outside of ourselves.

45. “Therefore conscience is not said to oblige us to do something because to follow it is good but because not to follow entails sin. But it does not seem possible that anyone could evade sin if his conscience in whatever way it might err judges something to be the precept of God, whether it be a matter of intrinsic evil or matters of indifference, and decides to the contrary while he still has that conscience. Taken as such, he wills not to observe the law of God, and thus sins mortally” (McInerny 1998, 233: *Disputed Questions on Truth*, Question 17, article 4, response).

46. “Conscience only bids because of the force of the divine command or because of the law of nature written within. Therefore, to compare the binding force of conscience and that of the command of the prelate is nothing other than to compare the binding force of the divine command with that of the prelate” (McInerny 1998, 237: *Disputed Questions on Truth*, Question 17, article 5, response). Although Aquinas has been embraced by the Roman Catholic church and largely rejected or ignored by the Protestant churches, his position on conscience, like his position on the need for faith and divine intervention for union with God, indicates that his thought is not incompatible with Protestant thinking.

47. *Summa Contra Gentiles*, Book III, chapter 12, *Thomae Aquinatis Opera Omnia* <http://www.tacalumni.org/aquinas/engine.php?book-005>, my translation.

48. Our ultimate happiness is contemplation. But the kind of happiness we can attain in this life “consists first and principally in contemplation, but secondarily in the activity of practical intellect ordering human actions and passions, as is said in *Ethics* 10.7” (McInerny 1998, 516: *Summa Theologiae*, I, Question 3, article 5, response). “The passions of the soul, in so far as they are contrary to the order of reason, incline us to sin: but in so far as they are controlled

by reason, they pertain to virtue” (Fathers of the English Dominican Province 1947: *Summa Theologiae*, I–II, Question 24, article 2, response to objection 3).

49. Aquinas defines the political virtues as the virtues “whereby a man moderately uses the things of this world and lives among men” (McInerny 1998, 11: *Inaugural Sermons: The Division of Sacred Scripture*). They are the virtues by which “man comports himself rightly in human affairs” (Oesterle 1984, 116: *Summa Theologiae*, I–II, Question 51, article 5, response).

50. “For the need of the ordering of reason in the passions is seen when we consider the ways in which they may oppose reason, which is twofold. First, by the passions inciting to something contrary to reason, and then the passions need restraining, and *temperance* is denominated from this. Second, by the passions withdrawing us from what reason dictates – for example, the fear of dangers or of hardships – and then man has to be strengthened in regard to what reason requires, so that he will not turn back, and *fortitude* is denominated from this” (Oesterle 1984, 110: *Summa Theologiae*, I–II, Question 61, article 3, response)..

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