

MORAL EVALUATION IN ALBERT THE GREAT AND THOMAS AQUINAS

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ABSTRACT
Moral Evaluation in Albert the Great and Thomas Aquinas
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Two different methods for morally evaluating actions can be found in Albert the Great's works. The first, which I call the stages theory, requires that an act be evaluated in three stages: 1) its generic quality, or type; 2) its circumstances; and 3) whether it proceeds from virtue or vice. According to this theory, an act might be generically good, but done badly, or generically bad, but done well.

The second method is an all-or-nothing principle. It requires that an act be good in each of a number of ways in order for it to be good overall. I call it the Dionysian principle, after pseudo-Dionysius, who stated that good is from a single complete cause, while bad is from any particular defect. It is not clear how these two methods go together, and at least one formulation of the Dionysian principle appears to be inconsistent with the stages theory.

Thomas Aquinas, who studied under Albert, resolves the tension between the two methods by rejecting the stages theory and embracing the Dionysian principle. I argue that this disagreement between Albert and Aquinas leads them to describe certain hard cases very differently. Albert can maintain that agents in resolvable moral dilemmas perform a bad action, although it is the right action in the circumstances; Aquinas cannot, but rather claims that the agent in an apparent dilemma does not in fact perform the act he appears to perform. Finally, I draw out these differences by comparing both the stages theory and the Dionysian principle to certain Stoic antecedents.

BIOGRAPHICAL SKETCH

David Zettel obtained a BA in philosophy from the University of Waterloo in 2006. In 2008 he obtained an MA in philosophy from the University of Ottawa. His master's thesis was on Thomas Aquinas in the virtue of courage. In 2018 he obtained his PhD in philosophy from Cornell University.

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I dedicate this dissertation to my wife, Candida Jane Maria Ustine. Her love, support, and unwavering belief in me are a tremendous and altogether unmerited gift.

என் அன்பே, என் மணமகளே,
உன் அன்பு மிக அழகானது.

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Introduction

Albert the Great's ethics is an ethics of virtue. In his two earliest ethical treatises, *De natura boni* (DNB) and *Summa de bono* (SDB), however, Albert begins by discussing goodness in its widest sense before proceeding to discuss moral goodness, beginning with the features of good and bad actions. This is not accidental; Albert builds his theory of the virtues on his metaphysics of action. As we shall see, Albert thinks that human actions are structured in a particular way, and that the moral evaluation of an action requires taking into account the different parts of that structure.

Consider two important questions about the moral act: 1) "What shall I do?" and 2) "Was this action right or wrong?" The first question provides action guidance. The second gives action assessment: was this action right or wrong? Was it praiseworthy? Merely permissible, or supererogatory? Yet these two questions, although related, are distinct. A moral theory might direct an agent to perform an action while denying that the action is right, as for example in the case of a resolvable, self-imposed moral dilemma.¹

Now Albert does not distinguish explicitly between action guidance and action assessment. Nevertheless, his treatment of the morality of actions both at the generic level and at the level of circumstances is largely framed in terms of the evaluation or assessment of actions. Albert deals much more explicitly with action guidance in his discussions of prudence, or practical wisdom. There he approaches action from the perspective of the agent's psychology: the practically wise person has a particular kind of

¹ See Hursthouse (1999), 49-51.

knowledge, Albert thinks, and she deliberates in particular ways. My focus in this dissertation will be primarily on action assessment, or evaluation.

In framing my discussion this way I do not mean to imply that Albert's *prudens* does not take into account the generic quality or the moral circumstances of an action when she deliberates about it. It seems likely that these are exactly the sorts of considerations that will enter her mind, and I find no reason to think Albert would deny it. But he devotes considerable attention to our assessment of actions, and I will follow his lead in focusing on Albert on action assessment or evaluation.²

I contend that Albert advances two different methods for morally evaluating actions. The first is what I will call his stages theory, which can be found prominently in Albert's first known work, the DNB. According to this theory, we should consider the moral character of an action through a series of stages. According to this theory, an action is susceptible to three different levels or stages of moral evaluation. The first stage is generic goodness and badness; the second is moral circumstances; and the third is virtue and vice. This structure proceeds from lower to higher degrees of moral specificity, and allows for a nuanced and complex evaluation of any individual action.

In the first chapter, I examine the notion of generic good and bad, and trace its development chronologically through Albert's writings. I will argue that the generic goodness of an action gives us a *pro tanto* reason to value the action (and possibly also a *pro tanto* reason to perform the action), and that the generic badness of an action gives us a *pro tanto* reason to disvalue it. For example, feeding the hungry is a generically good

² For accounts of prudence (*prudentia*) in Albert's thought, see Payer (1969); Payer (1979); Celano (1995); Stammkötter (2001); and Tracey (2010). Houser (2004) places *prudentia* within the context of the cardinal virtues and their relation to each other (56-64). I discuss prudence in a more limited way below when I discuss the connection of the virtues.

act; any act of that type is morally good in at least a limited way, and Albert holds that it is more "inclined" to be good overall. I examine how this idea evolves in his works, starting with his earliest known work, the DNB, and working my way through the major works in which he discusses ethics.

Then in the second chapter, I turn to the second stage of moral evaluation, that of moral circumstances. According to the stages theory, a generically good or bad action can be done well or badly, and this is determined by the circumstances which "surround" it. Feeding the hungry might be done badly in the wrong circumstances, for example if it is done for the wrong reason, e.g., so that others might think more highly of us. (The last stage – virtue or vice – takes us partly beyond the domain of this dissertation, since Albert's writings on virtue are voluminous, but the role of virtue in the stages theory will be addressed in chapter 2, since it intersects in important ways with the role of circumstances.³) By examining his accounts of how moral circumstances interact with generic goodness or badness throughout his career, I will show that Albert's commitment to the stages theory becomes more ambivalent later in his life. While he never explicitly renounces the stages theory, he takes up positions that appear inconsistent with it, and presents it as a theory advanced by others rather than as his own.

In discussing circumstances, Albert also advances a quite different principle for evaluating actions: what I will call the Dionysian principle. This principle gets its name from pseudo-Dionysius, whom Albert usually cites when articulating it. In his *On the Divine Names*, pseudo-Dionysius claimed that good is from one whole cause, whereas

³ The literature on moral virtue in Albert has grown recently, partly as a result of increased interest in virtue ethics generally. Important contributions include Cunningham (1969), Cunningham (2008), Houser (2004), Müller (2008), Tracey (2008), and Tracey (2013).

bad is from many particular defects.⁴ Albert takes this claim as a starting point for the principle that a good act requires that each of several different components or aspects of the act be good; if any one of these components is bad, then the act itself is bad. This principle is first introduced in the SDB, and it is reformulated and refined at several points in Albert's corpus.

There is, I claim, a tension between the Dionysian principle and the stages theory. I explore this tension in chapter 3, along with some possible motivations for adopting either theory. It is not clear whether Albert himself was aware of this tension, but I argue that a thinker clearly influenced by Albert was: his student Thomas Aquinas. While Aquinas also discusses generic goodness and badness, he has altered the concept to make it fit within the Dionysian principle, while rejecting the stages theory.

Having outlined this disagreement between Albert and Aquinas, which partly reflects a tension within Albert himself, I attempt to shed light on the reasons one might have for adopting either the stages theory or the Dionysian principle, as well as the consequences of adopting either one. I do this in three ways. First, I compare Albert's discussion of a difficult case from the literature to Aquinas'. The case involves a judge who knows that an accused man is innocent of the crime for which he is being tried. However, the allegations at the trial go against the innocent man, requiring that the judge pronounce a guilty verdict, and sentence the innocent man to death. Albert and Aquinas agree that in certain circumstances, such a judge may be morally required to order the death sentence. However, they give quite different descriptions of what the judge is doing, since Albert uses the stages theory in his analysis, whereas Aquinas rejects the

⁴ Pseudo-Dionysius, *De divinis nominibus*, ch. 4, paragraph 31 (PG 3,732): "Bonum ex una et tota est causa, malum autem ex multis et particularibus defectibus."

stages theory and embraces the Dionysian principle. Their differing accounts of the judge's action help to show what is at stake between the two theories.

Second, I compare Albert's and Aquinas' views on the evaluation of actions with their accounts of the moral status of agents, specifically as revealed in their accounts of the connection of the virtues. Albert holds that the moral virtues are only weakly connected, with the result that it is possible to possess one moral virtue but not another. Aquinas, by contrast, holds that the moral virtues are more strongly connected, such that it is not possible to possess one without the others. I suggest that the conjunction of the stages theory with a weak connection of the virtues in Albert is evidence of an approach to ethics that allows for 'mixed' assessments of both agents and good actions, such that they can be good in one respect but bad in another. At the same time, the fact that Aquinas defends both the Dionysian principle (while rejecting the stages theory) and a strong connection of the virtues indicates an 'all or nothing' stance; both agents and good actions must be good in every respect, if they are to count as good overall.

Finally, I compare both the stages theory and the Dionysian principle to antecedents found in Stoic ethical theory. The threefold structure of the stages theory runs parallel to a threefold division in the way the Stoics evaluate actions. At the same time, the Dionysian principle's insistence that an act be good in every respect in order that it be good overall is mirrored in the Stoic claim that a right action is one that "fills all the numbers" of virtue.

Historical Background

In his ethical works Albert draws on an array of classical and early medieval sources. Aristotle (384 to 322 B.C.E.), Cicero (106 to 43 B.C.E.), Nemesius (late 4th century), Augustine (354 to 430), Boethius (480 to 524-525), Pseudo-Dionysius (late fifth to early sixth century), and John of Damascus (676 to 749) all figure prominently in his writings on moral philosophy and theology. He is also indebted to philosophers in the Islamic world, particularly Avicenna (980-1037), though this influence is less pronounced in ethics than it is in, say, his metaphysics.

More proximately, Albert is also the heir of a tradition of ethical inquiry in the high medieval Latin world. Among the more important thinkers in this tradition is Peter Abelard (1079 to 1142), who argued that actions in themselves are indifferent, and that the goodness and badness of actions derives entirely from the intentions with which they are performed.⁵ This position was condemned at the Council of Sens (1141), but it nevertheless exerted an important influence over the thinkers who came after him, as did Abelard's ethical thought more generally.

Peter Lombard (1095-1100 to 1160) was known during his lifetime as "the famous theologian", and served as canon of Notre Dame Cathedral before becoming Bishop of Paris in 1159. His *Sentences Divided into Four Books* (*Sententiae in quatuor IV libris distinctae*), appearing in its first edition in 1154 and then in a second edition in 1158, was by Albert's time the standard theological textbook in the Christian West; it would be replaced gradually only in the 16th century by Thomas Aquinas' *Summa Theologiae*.⁶ It consists of quotations from the Bible and from the fathers of the Church,

⁵ See Marenbon (1997), 255-257.

⁶ Roseman (2004), 3.

divided by subject matter, along with Lombard's own comments. Bachelors of theology were expected to comment on the *Sentences*, and Albert's own commentary on the work is an important source for his ethical thought.

In the 13th century, Paris became the most prominent centre for theological and philosophical work. Albert drew extensively on the works of the theologians who had taught in Paris before him, in particular Gilbert Prevostin, William of Auxerre, and Philip the Chancellor. Gilbert Prevostin (1140-1150 to 1210), whose name is rendered alternately in Latin as *Prepositivus*, *Prepositinus*, and *Preostinus*, served as chancellor of the University of Paris from 1206-1210. His most important work for our purposes is his *Summa Theologiae*, which includes a discussion of the virtues and which is heavily indebted to the *Sentences* of Peter Lombard.⁷

William of Auxerre (1140-1150 to 1231) became a master in theology at Paris at some point before 1228.⁸ He is best known for his *Summa Aurea* (ca. 1215-1220), a sweeping work of theology covering topics from the incarnation of Christ to the gifts of the Holy Spirit. It is written in disputed question format: each chapter consists of a series of questions pertaining to a given topic. After stating the question, William then provides arguments for one answer to the question. Then he offers a solution, in which he either concedes or rejects the preceding arguments, and provides his own resolution of the question. Finally, he responds to the initial arguments. This format arose out of the practice of disputation in medieval universities, in which a master of theology would propose a question, take arguments from his students, and then provide his own solution

⁷ See Lacombe (1927), 167.

⁸ For more on William see Coolman (2004).

along with responses to his students' arguments. Both Philip and Albert would use this format in their *Summae de bono*.

By far the most important 13th century influence on Albert's moral thought was Philip the Chancellor (ca. 1160 to 1236). Philip served as the Chancellor of the University of Paris, and was an early patron of the Dominicans. Perhaps as a result, his work exercised an important influence over Dominican thinkers like Albert and Aquinas.⁹ Philip's *Summa de bono* (1225-1228) is an original and important work in many ways, but especially because of his use of the concept of the good as an organizing principle for the work.¹⁰ Albert will draw heavily on Philip's *Summa* for his own work of the same name; indeed, Bernard Geyer, the editor of the critical edition of Albert's *Summa de bono*, states that Albert had Philip's *Summa* always before his eyes when composing his own.¹¹

One other figure deserves mention here: Robert Grosseteste (ca. 1175 to 1253), Bishop of Lincoln from 1245 to 1253. While Grosseteste wrote a number of original works in theology, he is important for our purposes as the translator of the *Nicomachean Ethics* from Greek into Latin. This translation was put in circulation in 1246 or 1247, and Albert would write two important commentaries on it. Prior to his acquaintance with Grosseteste's translation, Albert had access to only parts of the NE: the *Ethica vetus* (books 2 and 3), the *Ethica nova* (book 1), and a fragment of book 7.

⁹ Houser (2004), 42-43 suggests as much.

¹⁰ As McCluskey (2010) points out.

¹¹ Geyer (1951), XIV; see also Tracey (2009), 269-271.

Albert's Life and Works¹²

Albert was born ca. 1200, probably in Lauingen, into a military family of lesser nobility. He was sent to Padua to study as a young man, where he joined the Dominican order in the 1220s. He spent the 1230s working as a lector in various German Dominican priories: Cologne, Hildesheim, Regensburg, and Strasbourg. The lector in the Dominican priories was expected to give theological lectures on some book of the Bible to the community; we also know that Albert lectured on the *Sentences* during this time, and that he composed his first work known to us, the *De natura boni*.

In the early 1240s, Albert was sent to Paris to lecture on the *Sentences*, in order that he might become a master in theology; he would attain that rank in 1245. During his time in Paris, Albert completed his *Summa de Creaturis*, a collection of different works including the *Summa de bono* and the *De homine*. He also wrote his commentary on the *Sentences*, and began commenting on the works of pseudo-Dionysius. In 1246, Thomas Aquinas arrived in Paris as a young Dominican, and apparently caught the attention of Master Albert.

In 1248, Albert was sent to Cologne to teach at the new Dominican *studium generale* there, and he took Aquinas with him. There he lectured on the full text of the *Nicomachean Ethics*, which had just recently been translated into Latin by Robert Grossteste. He also began his series of paraphrastic commentaries on the corpus of Aristotle, a task which would occupy much of the latter half of his career. In 1254, Albert was elected provincial of the German Dominicans, a position he would hold until 1257. He then returned briefly to his job as lector at the *studium* in Cologne, until he was

¹² For this brief summary of Albert's life, I have relied on Tugwell (1988), Resnick (2013), and Weisheipl (1980), "The Life and Works of St. Albert the Great."

appointed bishop of Regensburg in 1260. He apparently accepted the appointment reluctantly, and resigned a year later. After spending some time at the papal court, he returned to Germany, where he would perform a plethora of ecclesiastical tasks over the decade that followed, while continuing to write his Aristotelian commentaries and various theological works. He spent most of the 1270s in Cologne, and died on 15 November 1280.

The dates for Albert's works are often difficult to establish. In what follows I give the generally received years in which Albert is thought to have written or completed a given work, and note discrepancies among historians where they arise. I do not provide here a complete list of Albert's works; I mention only those works which are of primary importance to a study of his ethics.

1. *De natura boni* (DNB). This is Albert's first work. Lottin claims that it was written prior to 1240;¹³ Cunningham thinks it was written between 1236 and 1240;¹⁴ and Canavero has it ca. 1236-1237.¹⁵ De Libera thinks that it may be as late as 1243.¹⁶ By contrast, Möhle et alia indicate that it may be as early as 1233.¹⁷ These authors are agreed (with the possible exception of de Libera) that the DNB should be dated before Albert moved to Paris in the early 1240s. It is incomplete.

The DNB is composed of two treatises. The first concerns the good of nature, while the second, much longer tractate deals with political virtue. It's clear from the introduction that Albert had much greater designs for the DNB. He mentions five more treatises, beyond the two he completed: on the good of grace, on the good found in the

¹³ Lottin, PEM III, 714.

¹⁴ Cunningham (2008), 28.

¹⁵ Canavero (1987), 55.

¹⁶ De Libera (1990), 21.

¹⁷ Möhle et al. (2011).

gifts, the good of happiness, of the fruits of the Spirit, and finally of beatitude. The section on political virtue is divided into three parts: on the good of political virtue *in genere*, on the good of circumstance, and on the good of virtue proper. The latter was intended to include the four cardinal virtues and their parts. We do not possess the section on courage, which may have been excised; the section on temperance quickly gets sidetracked into a long discussion of virginity, widowhood and conjugal continence. At this point, Albert apparently abandoned his project.

2. *De homine*. Albert's massive work of philosophical anthropology is an important source for his early views on conscience, synderesis, and the practical syllogism. It is one of the works included in Albert's so-called *Summa de creaturis* (also sometimes called the *Summa parisiensis* or the *Summa theologica prior*, or even simply the *Summa theologiae* - not to be confused with his later *Summa theologiae*!), a collection of works written while Albert was at the University of Paris. The *Summa de creaturis* is not really a *Summa*, however. Each of the works included in it is an independent, self-contained treatise, and Cunningham, among others, objects to the practice of grouping them together.¹⁸ The *De homine* was written in the early 1240s, sometime before Albert became a Master of theology.

3. *Summa de bono* (SDB). Written at some point between 1242 and 1245, the SDB covers a lot of the same ground as the DNB. The format of the SDB is different, however: it is entirely in the mode of a disputation, and it probably originated in oral disputations Albert held at the University of Paris. Like the DNB, it is unfinished. Albert indicates that he will be later discussing duties, and friendship, as well as the theological virtues and gifts of the Holy Spirit, yet these do not appear in the text. According to Lottin, these

¹⁸ Cunningham (2008), 32.

questions are not taken up here because Albert turns to them in his *Sentences* commentary, written shortly after or even possibly at the same time as the *Summa de bono*.¹⁹ The work as it stands is divided into five treatises. The first is on the good in general, and the next four are on each of the cardinal virtues, in this order: courage, temperance, prudence, and justice. Albert offers a very thorough consideration of each virtue, as well as its 'parts' - the virtues which are allied or associated with a cardinal virtue.

4. *Commentarii sententiarum*; also known as the *Super sententiarum*. This work appears in four books, corresponding to the four books of Lombard's *Sentences*. Books I and III were likely written around 1243. Book II was completed around 1246, while book IV was probably finished in 1249.²⁰

5. *Super Ethica* (SE). This is Albert's first commentary on the NE. It is derived from a series of lectures in disputed questions at the newly founded Dominican *studium generale* in Cologne, where Albert was sent to be the rector. Based on Grosseteste's translation, which was made available in 1246-1247, the SE was probably compiled between 1250 and 1252. It alternates between summaries of Aristotle's text and disputed questions arising from problems both in the text of Aristotle and in the texts of the Greek commentators on the NE, which Grosseteste also translated into Latin.

6. *Ethica*. Albert's second commentary on the NE, the *Ethica* is a (sometimes loose) paraphrase of Aristotle's text, containing no disputed questions. It was written in the early 1260s.

¹⁹ Lottin, PEM VI, 269-270, n. 3.

²⁰ Möhle et al. (2011).

7. *Summa theologiae*; also known as the *Summa de mirabili scientia dei*. Canavero places it between 1268 and 1274,²¹ while de Libera claims that it was written in or after 1270.²² Möhle et al. put book I after 1268, and book II after 1274. There is some doubt about the authenticity of book II.

²¹ Canavero (1987), 56.

²² De Libera (1990), 21.

Chapter 1: Generic Goodness

1.A Generic Good before Albert

Discussion of the generic good and bad in medieval philosophy grows out of a response to Peter Abelard's contention that all external acts are in themselves indifferent, and that an agent's merit depends solely on her intention or consent. In his *Scito te Ipsum*, Abelard approaches the morality of actions by examining the concept of sin. He presents the following three descriptions of sin:

- 1) "To consent to what is inappropriate, so that we do it or renounce it."²³ The second part of this description indicates that *what* we consent to are actions (and not, say, desires).
- 2) "Scorn for God."²⁴ It was generally accepted in medieval theology that we cannot do any injury to God, since God is unchanging and therefore impassable; nevertheless, we can show scorn or contempt for God.
- 3) "Not to do for his sake what we believe we ought to do for his sake, or not to renounce for his sake what we believe ought to be renounced."²⁵ Given his first definition, this third description seems incomplete without the addition of consent: we should understand Abelard to mean: "not to consent to do for his sake what we believe we ought not to consent to do for his sake", etc.

²³ *Scito te ipsum*, 7. As Spade (1995) points out in his translation, this sentence is elliptical: "The idea is either that we do what should *not* be done, or go without doing what *should* be done" (p.2, footnote 3). So to sin is to consent to do what is inappropriate, or to consent to omit doing what is required.

²⁴ *Ibid.*

²⁵ *Ibid.*, 8.

Jean Porter suggests that Abelard's definitions of sin should be understood as an attempt to address the second-order question, "when is an agent guilty for a sinful act?", rather than the first order question, "what are the criteria by which an act is determined to be morally acceptable or morally wrong." Thus Abelard is especially concerned with which states of mind are necessary for the attribution of moral responsibility, without which a person could not be judged guilty of sin.²⁶ As we shall see, however, many theologians after Abelard took his claims as a starting point for addressing the first order question.

At any rate, it is uncontroversial that for Abelard, actions are not prohibited; rather it is consenting to an action that is wrong. External acts are *indifferent*. Thus the goodness or badness of an action proceeds entirely from the goodness or badness of the intention with which it is done.²⁷ This position was condemned at the Council of Sens (1141), one year before Abelard died, but it nevertheless exerted an important influence over the thinkers who came after him, as did Abelard's ethical thought more generally.²⁸

Most subsequent thinkers rejected the view that actions are indifferent. However, this left them with the task of trying to define the moral value of an action apart from the

²⁶ Porter (2000), 371-372.

²⁷*Scito te ipsum*, 48: "... any kind of carrying out of deeds is irrelevant to increasing a sin. Nothing taints the soul but what belongs to it, namely that consent that we've said is alone the sin, not the will proceeding it or the subsequent doing of the deed." See also *Scito te ipsum*, 106, and Marenbon (1999), 255.

²⁸ On the Council of Sens, see Mews (2002) and Verbaa (2005). While I know of no proof that Albert knew Abelard's works directly, it is interesting to note that Albert in the DNB uses many of the same examples and illustrations that Abelard uses in *Scito te ipsum*. Thus Abelard in *Scito te ipsum* 58 gives the example of the act of hanging a criminal, done by one person out of a zeal for justice and by another out of hatred; his point is that the same (external) action can be good or bad depending on the agent's intention. In DNB 2.1.1, Albert states that the act of killing the one who ought to be killed (*interficere interficiendum*) is generically good, and he gives the example of a judge sentencing a criminal to death; but it can be done badly, as when it is done from envy and hatred.

Albert also uses the example, found in Abelard (*Scito te ipsum* 81), of the judge who knows that the defendant brought before him is innocent, but who is compelled to give a guilty verdict because he cannot refute the testimony, given in court by false witnesses, against the defendant. For Abelard, this example shows that (earthly) punishments and sin can come apart, and that we should not be surprised to see someone punished who committed no sin. For Albert, the example shows that the generically bad act of killing an innocent person can be done well -- indeed, it seems required in this case.

intention with which it is performed. In his *Sentences*, Peter Lombard remarks on the position of certain theologians who distinguish between a threefold goodness of acts. There is the essential goodness of an act, which pertains to every act inasmuch as it is an act. This goodness need not imply anything about the "essence" of an act. Rather, essential goodness attaches to act insofar as it has being: whatever exists is made by God and therefore is good, insofar as it exists. To say that an act is good "essentially" is to say that it is good simply in virtue of the fact that it has being.

There is also the generic goodness of an act, of which he gives the example of feeding the hungry, which falls under the genus of acts of mercy. This might look like a bad example, since an act's being an act of mercy (*miser cordia*) seems to imply something about the agent's reasons and motives, which takes us beyond a mere action type.²⁹ The genus in the term '*bonum in genere*' appears to be a genus of virtuous acts (such as acts of mercy); but virtuous acts are necessarily done for the right reasons and from a good will – elements of an action that are *not* included in its generic goodness. So it seems wrong to submit an act of mercy is an example of a generically good act.

Proponents of this view can respond to this objection by distinguishing between acts of mercy (*opera misericordiae*) and properly merciful actions. It is common for medieval thinkers to describe acts characteristic of specific virtues. For example, risking death in battle is an act characteristic of courage. But not all instances of risking death in battle are courageous – some are foolhardy, for example. In order for such an act to be virtuous, one must do so at the right time, for the right reasons, etc. Similarly, to say that an act of feeding the hungry is good in respect of its genus, because it falls under the genus of acts of mercy, is not to say that every such act will be merciful.

²⁹ Thanks to Scott MacDonald for this point.

Finally, there are acts which are absolutely or perfectly good, which in addition to essential and generic goodness, also have a good end and proceed from a good will.³⁰ The account as described by Lombard can be summarized as follows:

Division of Three Types of Goodness as Reported by Peter Lombard

Goodness of an Act	Example
Essential goodness	(Applies to every human act)
Generic goodness	Feeding the hungry
Perfect goodness	Feeding the hungry from a good will and with a good end

Lombard himself neither endorses nor attacks this position, but he does give his own opinion about a related matter: it was also a common view that certain acts are *in se* or *per se* (also *ex se*, *secundum se*) good or bad. *Per se* good acts are such as cannot be done badly, whereas *per se* bad acts are such as cannot be done well. Lombard denies that there are any *per se* good acts, arguing that a bad intention can make any action bad, all things considered; but he allows that there are some *per se* sins, acts which circumstances can never justify.³¹

These issues would become standard in 12th and 13th century discussions of ethics. Closer to Albert, William of Auxerre (d. 1231) distinguishes between two meanings of 'generic goodness':

The generic good can be taken in two ways. In the first way the generic good is called that which in itself has goodness adjoined to it in a general way (*generaliter*), and of necessity; for example, having charity. In a second way that is called generically good which, in itself and insofar as it is in itself, is good in a

³⁰ Lombard, *Libri IV Sententiarum*, lib. 2, dist. 36, Quaracchi ed., 504.

³¹ *Ibid.*, dist. 40, 520-522; See Lottin, *PEM* 2, 421-424. See chapter 2 below for a discussion of intention in Lombard and in Albert.

general way, unless some circumstance deforming it from the outside is present; and in this way to give alms is generically good.³²

William's first way seems to correspond roughly with Lombard's per se good acts. He claims (in his reply to objection 2 of the same question) that giving alms is not generically good in the first sense because it is not good "of necessity"; and this seems to mean that it can be done badly. Thus the generic good in the first sense consists in those actions which can only be done well. William's example appears at first glance to be unhelpful here: "having charity" isn't an action at all, and we might wonder whether he thinks that there are specifically charitable actions, which are always and only done from charity.

We should keep in mind that charity is a theological virtue infused by God into the soul. For William, there is no particular action type associated with charity, since it directs one's interior dispositions and is at the root of all the truly charitable person's actions. This is why William says that this first sort of generic good has goodness attached to it "in a general way" (*generaliter*). It does not refer to specific kinds of actions, like feeding the hungry. Rather, it is an internal quality or disposition of the person that makes her good. This is obviously quite different from the sense of generic goodness that Lombard reports, and it will not be taken up by later thinkers.

The second sense of generic good is more important here, and both Philip the Chancellor and Albert will adopt it. Here too William is less clear than one would like. He claims that a generically good action is good "unless some circumstance deforming it"

³² William of Auxerre, *Summa Aurea*, lib. 3, tract. 10, cap. 4, quest. 5, art. 1, Ribaillet ed., 159: "Bonum in genere duobus modis accipitur. Primo modo dicitur in genere bonum quod secundum se habet generaliter sibi annexam bonitatem, et ex necessitate, ut habere caritatem. Secundo modo dicitur bonum in genere quod in se et quantum in se est, generaliter est bonum, nisi aliqua circumstantia deformans ipsum extrinsecus adveniat; et secundum hoc dare elemosinam est bonum in genere."

is present, which indicates that it is sometimes good (when there is no deforming circumstance), but sometimes not good (when there is a deforming circumstance). But if it is not good when a deforming circumstance is present, then it is hard to see why one would continue to call it "generically good". It may be that William is trying to express a distinction that Albert will make much more clearly, between *pro tanto* and all things considered judgments of goodness. Or it is possible that William thinks of the generic good deformed by a bad circumstance as good counterfactually: it would be good, were it not for this particular circumstance.

Making a parallel distinction between two senses of 'generically bad', William states that fornicating is generically bad in the first sense, whereas killing a human being is generically bad in the second sense.³³ Fornicating is bad *secundum se*, and thus can never be done well regardless of the circumstances, whereas killing a human being is only bad in a general sense (*universaliter*), not *secundum se*. In some circumstances, killing a human being might be morally required, despite the fact that it is generically bad.

Philip the Chancellor (c. 1160 - 1236) also outlines a view of the generic good in his *Summa de bono*, distinguishing between three types of goodness in action: an action can be good generically, good from the circumstances, and good from grace. As an example of the first, he gives feeding (*reficere*) the hungry; as an example of the second, giving to the needy as much as will suffice for them, or as much as they need; as an example of the third, giving to the needy as much as they need, from an infusion of grace and from the right intention. To describe the way these three sorts of goodness are related, Philip adopts the Aristotelian division of first potentiality, second

³³ *Ibid.*

potentiality/first actuality, and second actuality.³⁴ The generic good is a first potentiality, while the good of circumstances is a second potentiality *dispositam* (or first actuality), and the good of grace is a second potentiality *completam* (or second actuality).³⁵ To act well, then, we will need all three sorts of goodness pertaining to action. Philip generally does not distinguish between moral goodness and the good of grace; and it is interesting to note that in the DNB, Albert follows the same structure as Philip, but substitutes political virtue for grace. Of course, Albert intended to discuss grace in the third treatise of his unfinished work; yet even in this early period of his career, he appears to think that political virtue can account for the third and already (in some sense) complete level of the goodness of action.

Division of 3 Types of Goodness According to Philip the Chancellor

Goodness	Example
Generic goodness	Giving to the needy
Good from circumstances	Giving to the needy as much as they need
Good from grace	Giving to the needy as much as they need, from grace and right intention

When Albert comes to these issues, then, he is dealing with a long tradition. While Albert places generic good and bad in the context of a discussion of ethics³⁶, the concept is both ethical and metaphysical. That is, to call an action generically good is to make a metaphysical evaluation of that action; yet as we shall see, this metaphysical evaluation has moral implications. It is thus helpful to see Albert's discussion of the generic good as lying at the intersection of action theory and ethics. Albert is attempting

³⁴ See *De anima* II.1, 412a20-28.

³⁵ Philip the Chancellor, *Summa de bono* I, 327-352.

³⁶ Albert clearly conceives of generic goodness as a moral concept. In the DNB, he discusses it in the treatise on political virtue. In SDB I.2.4, p. 29, lines 11-23, generic goodness is the first topic to be explored after Albert transitions from a metaphysical treatment of the good to an account of the moral good, where he begins by saying: "Consequenter quaerendum est de bono moris."

to describe the fundamental constituents of an action: each action, inasmuch as it is an action, proceeds from deliberation and choice; but it also has a sort of natural suitability (as the act of feeding is taken to be naturally suited to the hungry person as its object), or a natural unsuitability (as with the act of feeding someone who has already sated), or (by the time he writes the SDB) a kind of indifference between those two options. This generic level is part of the structure of any action, and to make judgments of good or bad at this level is to make a judgment about whether the action has this sort of natural suitability; it is not, however, to make a judgment about the moral rightness or wrongness of the action. Nevertheless, generic goodness and badness have moral implications, and part of the difficulty in interpreting Albert lies in deciphering what those implications are.

Before discussing Albert's theory of generic goodness, a note on his views on goodness more generally. Albert has a complex account of goodness as a transcendental, which forms a part of his metaphysics of the transcendentals more generally. This broader account is beyond the scope of this dissertation.³⁷ It will suffice to note here that for Albert, God can be identified as goodness itself, and the source of the goodness of all other things.³⁸ By contrast, every created thing is good precisely because it is created by God. And since nothing exists which is not created by God, Albert accepts Boethius's claim that those things which are, are good.³⁹ Since actions exist, each one is good, at a pre-moral, metaphysical level. Thus Albert will agree with those theologians cited by Peter Lombard, who said that every human action has "essential goodness", though this

³⁷ For more on Albert and the notion of goodness as a transcendental, see MacDonald, "Goodness and the Transcendentals" (1991).

³⁸ DNB I.1

³⁹ SDB I.1.7; Boethius, *De hebdomadibus*, PL 64,1311D.

does not prevent it from being morally bad. What follows will be a discussion only of the moral goodness and badness of acts in Albert's thought.

In the DNB, Albert's account of the generic good and bad has three important features: 1) It is that which is first in the order of morals.⁴⁰ There are different stages of consideration in the evaluation of an act, going from the more general to the more specific. The level of generic goodness and badness is the most general level, the first thing to consider when approaching an act from a moral point of view. This is a very low level of description, but it is to this description that we can add more richly moral qualities, which in turn will allow for a full moral evaluation of the action. 2) It is characterized in terms of an act either on its appropriate matter (the generic good) or on some inappropriate matter (the generic bad).⁴¹ Probably the most helpful example here is feeding the hungry: the hungry are such that the act of feeding is properly fitted to them. By contrast, feeding the sated is generically bad; those who are already full are an inappropriate object for the act of feeding. 3) Each can be done well or badly, depending on the circumstances.⁴² A generically good act will be done badly if done with a bad intention, for example. A generically bad act will be done well if it is done in suitable circumstances. Thus the generic level does not tell us whether an act may be morally required or forbidden or permitted; indeed, Albert thinks that some generically bad acts are not merely permissible, but required.

This picture leaves open many questions. For one thing, it is difficult to distinguish the appropriate or inappropriate matter from one of the circumstances, namely the object of the act. If we have established that the person we are feeding is hungry, is

⁴⁰ DNB II.1, 8, 51-53.

⁴¹ DNB II.1, 8-9, 65-6.

⁴² DNB II.1, 9, 7-21.

this not already a circumstance? One might also wonder what role the generic level plays in the overall evaluation of an act, given that an all things considered judgment of the act may be such that a generically good act is forbidden, or a generically bad act is required.

As I show below, the SDB account of generic goodness and badness adds considerable nuance to the relatively simple picture of the DNB. Albert changes his position concerning what is first in the order of morals: this is no longer the generic good and bad, but rather the "voluntary act directed toward what is willed in accordance with choice and deliberation."⁴³ Thus the most general level of evaluation is not valenced toward goodness or badness, but rather provides the conditions for an act to count as morally good or bad. There is also a new characterization of the generic good in the SDB as what is more *inclined* or ordered to virtue, whereas the generic bad is what is more inclined to vice.⁴⁴ Finally, in SDB Albert introduces the notion of the good in species, which to my knowledge has not been discussed in the literature.⁴⁵

My aim in the next sections will be to get clear on the notions of generic and specific good and bad.⁴⁶ I will aim to describe in which ways the generic good abstracts from circumstances, and in which ways it does not.⁴⁷ Further, in contrast to the DNB picture, where Albert gives examples of generic goods such as "killing the one who should be killed" and "liberating the one who should be liberated", the SDB provides a

⁴³ SDB I.2.4, 29, 43-49: "Simpliciter autem primum in moribus est id quod est possibile ad condicionem laudis, quae est virtus, vel vituperii, quae est vitium, et hoc est voluntarius actus secundum eligentiam et deliberationem existens super volutum. Iste enim actus possibilis est ad utrumque contrariorum et aequaliter."

⁴⁴ SDB I.2.4, 29, 49-53.

⁴⁵ See SDB I.2.4 ad 5, 30, 22-36.

⁴⁶ The generic good and generic bad have not been given much attention in the literature. Lottin notes Albert's debt to Philip the Chancellor, and draws attention to the relations between the *bonum in genere*, the *bonum in se*, and the *bonum secundum se* (PEM 2, 451-460). Cunningham (2008) argues that the generic good is for Albert the material cause of virtue, and remarks briefly on Albert's relation to the tradition which preceded him (124-127).

⁴⁷ See e.g. SDB I.2.4 ad 2, 29, 67-74.

much narrower range of examples of such acts,⁴⁸ and claims that some action types cannot be described at the generic level at all, but can only be understood in conjunction with a range of circumstances. I will argue that Albert adopts a much more complex and nuanced picture of the relation between the generic good and moral circumstances in the SDB precisely because the DNB picture provides no way of describing generic goods and bads without appealing to circumstances. While Albert is able to avoid some of those difficulties in the SDB account, it is still beset by formulations which are imprecise and unclear.

1.B Generic Goodness in the DNB

The DNB is Albert's earliest known work, and is thus our source for his ethical views at their earliest stage of development. Albert begins the DNB by distinguishing between two senses of the word 'good'. There is what is good per se and substantially; and this is God, who is goodness itself. While everything that exists is good precisely insofar as it has being, only God is substantially good, identified with goodness itself. There is also the created good, which is not good substantially but owes its goodness to God. Albert then announces his intention to discuss the created good from the perspective of morals. Unlike in the later SDB, there is no extended metaphysical treatment of goodness; his focus in this early work is strictly on ethics. He intends for the work to be

⁴⁸ SDB I.2.4 ad 8, 29-30, 80-6; ad 7, 30, 42-60.

composed of seven treatises, focusing on seven different kinds of goods: natural good, political virtue, grace, gifts, beatitude, the fruit of the Spirit, and finally happiness.⁴⁹ The work is unfinished, however, at least in the form available to modern readers. Only the first treatise is complete. Albert planned to discuss the four cardinal virtues in detail in the section on political virtue, but we have only an examination of temperance, and even that unwieldy section is incomplete.

The generic good is discussed at the beginning of the second treatise, on political virtue. But the first treatise introduces the natural good (*bonum naturae*), which is also clearly a moral concept (unlike, say, an act's essential goodness as discussed by Peter Lombard). Its presence at the beginning of the DNB might suggest that our evaluation of actions should start not with the generic good, but rather with the natural good. Albert makes it clear, however, that the natural good is primarily a property of agents, not actions. It is thus analogous to virtue, an innate predisposition toward acting well which will need to be completed by virtue (as well as grace, the gifts of the Holy Spirit, etc.).⁵⁰

At any rate, the DNB appears to be the only work in which Albert discusses the natural good at length. When he gets to the section on moral goodness in the SDB, Albert begins with the generic good, neglecting even to mention the natural good. The natural good also seems to have no bearing on the discussion of generic goodness and political virtue that follows in the DNB. The treatise on the natural good is noteworthy for containing Albert's first reflections on the role of intention in ethics, and I will return to this topic in chapter 2. But the natural good does not seem to have the significance that the generic good will for Albert's thought.

⁴⁹ DNB, proemium, 1.

⁵⁰ I return to the subject of the natural good in Chapter 2, as the broader topic under which Albert first discusses intention as an ethical concept.

After a short summary of some 12th-century views on generic goodness and badness, Albert proceeds to describe it as that which is first in matters pertaining to morals. And he elaborates as follows:

Just as in nature there is one primary thing, which is the subject of natural forms, namely matter, and sometimes it has a beautiful form and sometimes an ugly one, so also in morals, namely in the acts of our will, there is one act (*opus*), which is the subject of circumstances, and this is called the generic good and the generic bad and sometimes it is clothed with good circumstances, sometimes with bad circumstances, etc. In this way the generic good is the mere act brought to bear upon its appropriate (*debitam*) matter, such as feeding the hungry and killing those who should be killed and freeing those who should be freed. For the matter of an action is that about which our action is concerned. Similarly, the generic bad is an act brought to bear upon inappropriate (*indebitam*) matter, such as feeding (*reficere*) the sated or killing those who should not be killed. And others should be understood in the same way.⁵¹

Here we see Albert describing the generic good or bad as an action at a fairly low level of description. We can identify three components: 1) the act; for example, feeding; 2) the matter; for example, the hungry person; and 3) the appropriateness or inappropriateness of the matter for the act. It is the third characteristic that determines the valence of an action at the generic level: if the matter is appropriate for the act, then it will be

⁵¹ DNB II.1.1, 8-9, 58-6: "Sicut in natura est res una prima, quae est subiectum formarum naturalium, scilicet materia, et quandoque habet formam pulchram et quandoque turpem, sic etiam in moribus, in operibus scilicet voluntatis nostrae, est opus unum, quod est subiectum circumstantiis, et hoc dicitur bonum in genere et malum in genere et quandoque vestitur circumstantiis bonis, quandoque malis etc. Sic bonum in genere est actus solus super materiam debitam, ut pascere esurientem et interficere interficiendum et liberare liberandum. Materia enim operis est id circa quod est opus nostrum. Similiter malum in genere est actus super indebitam materiam, ut reficere saturatum vel occidere non-occidendum. Et sic de aliis intelligendum est."

generically good, while if it is inappropriate for the act, it will be generically bad. (In the SDB, as we shall see, a third valence is added: some actions are generically indifferent.)

Albert compares the generic quality of an action in ethics to matter in natural philosophy. Matter is supposed to be primary, or "first", in nature inasmuch as it is the subject of natural forms. Presumably Albert has in mind a kind of conceptual priority here; in order for natural forms to exist at all, it is necessary that there be matter to be formed. Natural forms cannot be understood except inasmuch as they organize matter in a particular way. So Albert is indicating that moral circumstances are similar to natural forms: they only exist as modifying generic goods and bads. This analogy that sees generic goodness as matter and circumstances as forms piggybacks upon the analogy built into the concept of generic goodness, according to which an act is like a form joined to the (appropriate) matter.

Unfortunately, Albert doesn't say much about the primacy claim beyond the analogy with natural forms. And we might question Albert's claim that generic goodness is what is first in the order of morals. When evaluating an action, we might be inclined to start with one of the circumstances – 'why', for example. That is, we might want to start with an agent's reasons for acting, and then later proceed to the details of the action in question. It seems further that Albert would be sympathetic to this line of questioning, since the details of one's actions will be filled in by other circumstances (where, when, with what instruments, etc.), and as we shall see in chapter 2, he tends to prioritize intention above the other circumstances. So beyond the analogy with natural forms, is there any reason to think that generic goodness should come first in a moral evaluation?

When he speaks of circumstances as "added" to generic goodness, or of generic goodness as "clothed" with circumstances, Albert indicates that generic goodness is something basic, akin to a substance to which accidental forms can be added. Circumstances only exist as "clothing" for a bare act underneath. His idea seems to be that for any evaluation to proceed, we must have some general idea about the sort of act that was performed. This general notion is inadequate, and will need to be specified in many ways by the circumstances, but it is nevertheless a crucial starting point. Our most pressing question when assessing what someone did might be "why did you do that?" But in order to ask this question, we need to have some sense of what "that" is. An act's generic quality provides the basis for further evaluation.

This leads Albert to make an essential claim about acts at the generic level: generically good acts can be done badly, and generically bad acts can be done well. Whether an act is done well or badly depends on the circumstances within which the act is performed. I will look at the case of generically good acts done badly first. For Albert, to say that a generically good act was done badly frequently means that it was done for the wrong reasons. Thus he gives first the example of someone who feeds the hungry for the sake of vanity, or to enhance her own reputation.⁵² As a contemporary parallel, one might say that in this example, feeding the hungry was still the right action; but that it wasn't "morally motivated", or that it lacked "positive moral worth", as Kant would say.

However, the circumstance *cur* is only one of the seven circumstances. Other circumstances might make it the case that the action is no longer a right action; they might even make it the case that the action is forbidden, despite the fact that it remains generically good. Consider Albert's second example of a generically good act done badly:

⁵² DNB II.1.1, 9, 10-11.

"killing someone who should be killed on account of malice and revenge, not as the upholder of the order of law".⁵³ This example is similar to the first, in that it involves acting for the wrong reasons. But the further qualification that the agent was not an officer of the law seems to indicate that the act ought not to have been done. Malice and revenge lead the agent to kill a person, who really ought to be killed, in the wrong way (extrajudicially, we might imagine). In order for the agent in this example to act well, it would not be enough for her to perform the same action from different motives; she would also need to perform the action of killing at a different time, in a different place, following the proper procedures, etc., but most importantly, she would need to be acting in that capacity of an "upholder of the order of law" -- an executioner, or instance. Still, the person who fails to preserve the order of justice when killing someone who ought to be killed performs a generically good act. The act *is* appropriate for that matter, and the fact that it is clothed with bad circumstances doesn't change that.

It is also possible for a generically bad act to be done well. Albert's most vivid example (which we also find in Peter Abelard's *Ethics*) is of a judge who puts to death a person he knows is innocent, because the allegations and evidence all point to her guilt.⁵⁴ In this case, Albert thinks the judge is compelled to condemn the innocent person to death: this is what he ought to do, all things considered. Yet the action doesn't cease to be generically bad; it is always bad to kill an innocent person, even if in some cases it is morally required.

⁵³ DNB II.1.1, 9, 11-12: "similiter occidere occidendum propter livorem et vindictam non servator ordine iuris."

⁵⁴ DNB II.1.1, 9, 15-21; Abelard, *Scito te ipsum*, 81; see footnote 10 above. I discuss this example in greater detail below; see chapter 3, section E.

These examples show how an evaluation can proceed in the stages Albert identifies. At the first stage is the generic good and bad, which are at a very low level of moral determinacy. The generic goodness or badness of an act is a real metaphysical feature of an act, and it has clear moral implications: if someone is engaged in an act of feeding the hungry, we have a genuine reason to value the act. Yet this act can be done badly, and a full evaluation of the act will depend upon other features of the act and of the agent -- i.e., the moral circumstances.⁵⁵

We can think of these stages as each providing a *pro tanto* reason for valuing the action.⁵⁶ A *pro tanto* reason to value an act is (unlike a *prima facie* reason) not merely an apparent reason to value the act. On the other hand, it does not give us an all things considered reason to value it. Albert's account of generic goodness and badness is in some ways similar to W.D. Ross's *prima facie* duties. These are not in fact duties, as Ross himself notes, but are characteristics of action "related in a special way to duty".⁵⁷ Nor are they *prima facie*, in the sense of only being apparent: Ross describes them as real moral features of an action, which retain their force even when overridden by another, stronger *prima facie* duty. (For this reason, people today generally refer to Rossian *prima facie* duties as *pro tanto* or contributory reasons). Distinguishing *prima facie* duties from "duties proper", Ross conceives of *prima facie* duties as features of an action that give us reasons to act: if an act is *prima facie* wrong, then we have a moral reason not to do it.⁵⁸

⁵⁵ There is also a third stage: the moral disposition from which an action proceeds, be it virtue or vice. I will have more to say on that below.

⁵⁶ For a discussion of *pro tanto* reasons for valuing, see McGonical (2010). See also Jonathan Dancy's discussion of the contributory in his (2004), especially pages 15-37.

⁵⁷ Ross (1930), 20.

⁵⁸ Because I interpret Albert's account of generic goodness as primarily one of action assessment rather than action guidance, I have described the generic goodness of an action as providing reasons for *valuing* the act, rather than reasons for acting. My account of Ross on *prima facie* duties is drawn in part from

Thus, like Albert's generic goodness and badness, Ross's *prima facie* duties consist of a characteristic or feature of an action, along with a positive or negative valence. Ross expresses the valence in terms of rightness or wrongness; Albert expresses it in terms of goodness or badness. At this point, however, they part ways. For Ross, right acts (i.e., those which we ought to do all things considered) are "those which, of all those possible for the agent in the circumstances, have the greatest balance of *prima facie* rightness, in those respects in which they are *prima facie* right, over their *prima facie* wrongness, in those respects in which they are *prima facie* wrong...".⁵⁹ There is no simple algorithm for determining where the greatest balance of *prima facie* rightness over *prima facie* wrongness lies, however; there are no general rules for determining which obligation is stronger. Quoting Aristotle, Ross claims that "the decision rests with perception".⁶⁰

For Albert, on the other hand, whether an act is done well cannot be determined by comparing generic goodnesses and badnesses. Indeed, Albert nowhere considers the possibility that an act might be generically good in one respect, and generically bad in another respect. Instead, whether an act is done well or badly depends on the circumstances. Unlike actions at the level of generic description, many circumstances do not have a preset valence. Some do; acts done from the intention of envy or malice, for example, are always done badly. But many do not, and Albert makes no attempt to divide the circumstances into positive and negative, good and bad. Albert's discussion of circumstances in the DNB contains a relatively sparse theoretical apparatus (the Boethian

Stratton-Lake (2002), in particular pages xxxiii-xxxv, and from Dancy (2004), especially pages 5-7 and 18-19.

⁵⁹ Ross (1930), 41.

⁶⁰ *Ibid.*, 42; *Nicomachean Ethics*, 1109b23, 1126b4.

division of the different kinds of circumstances), along with a rich array of scriptural examples, and the reason for this seems to be that he has very little to say about the moral impact of any given circumstance in the abstract. The way in which any circumstance will affect our evaluation of an action varies widely from case to case. I will return to this issue in the next section.

In the DNB Albert does not explain in much detail what it would mean for some matter to be appropriate (*debita*) for a kind of act. He says that the generic good consists in an appropriate proportion of our act to some matter, and he describes the matter as the thing (*res*) which the act is about. He further states that the generic good displays itself in us "when we do what we ought to do, and when we omit what we ought to omit".⁶¹ These remarks do very little to clarify what sort of proportion he has in mind. On the other hand, he provides a large number of examples of generically good acts. These include not only the traditional ones, like feeding the hungry (*pascere esurientem*), but others like killing the one who should be killed (*interficere interficiendum*) and liberating the one who should be liberated (*liberare liberandum*).⁶² From his comments on scriptural examples it is clear that Albert thinks that there are a great many other generic goods. He quotes Job 29:17, "*Conterebam molas iniqui et de dentibus illius auferebam praedam*" ("I broke the jaws of the wicked and snatched the plunder from his teeth"), and comments that to break the jaws of the wicked is to break what ought to be broken (*conterere conterendum*), while snatching the plunder from his teeth is liberating what ought to be liberated.⁶³ It is not hard to imagine how such descriptions might proliferate.

⁶¹ DNB II.1.2, 9, 29-34.

⁶² DNB II.1.1, 9, 2.

⁶³ DNB II.1.2, 9, 40-44.

Now Albert describes most of his examples of generic goods simply by joining an infinitive to the accusative gerund of the same verb. The gerund of itself provides no information about the matter beyond the fact that it is the suitable recipient of the action indicated by the infinitive. And we might worry that Albert comes by his "proportions of act to matter" too easily. What makes it the case that a person ought to be killed, or liberated, or whatever? To make those determinations, we will need to know a lot more about the situation. Indeed, it seems that we will need to know a lot of the circumstances surrounding a person before we can determine whether she indeed ought to be killed. For instance, we will need to know something about the circumstance *quid*, which includes the act's object -- i.e., the person to be killed: what has she done such that she deserves to be killed? Did she do it knowingly? Does she constitute a threat to society? And so on. If these moral circumstances are somehow presupposed by the generic good, then it seems that Albert is wrong to describe the generic good and generic bad as what is first in morals, to which we can later add circumstances.⁶⁴

To this worry Albert could of course reply, as he does later in the SDB, that generic goodness is not supposed to be distinct from all moral circumstances, but only from some of them. We need certain circumstances to define a given generic good or bad, which is then "clothed" with other circumstances. But in that case, it seems that we should want an account explaining why some circumstances help characterize the generic good while others do not. Consider the generic good '*interficere interficiendum*', killing the one who should be killed. The 'should' implied in the gerund is not an all things considered 'should'. It might be the case that someone who should be killed, at the generic

⁶⁴ See chapter 2 for Albert's account of moral circumstances, as well as the increasing attention given to *quid* and its association with the object of an act.

level, should not be killed, all things considered; or that the generic good might be done badly, depending on the circumstances. So what we need is a way to distinguish the circumstances that underlie the generic good from those which make it the case that it is done badly. And Albert simply doesn't provide this in the DNB. For a more sophisticated discussion of generic goodness and badness, we must turn to his much larger and more comprehensive moral treatise, the SDB.

1.C Generic Goodness in the SDB

Albert wrote the SDB during his extremely productive period at the University of Paris in the 1240s. Unlike the DNB, it is organized as a collection of disputed questions: its five treatises are divided into questions, which are in turn divided into articles. Albert is clearly dealing with a much wider array of sources. Thus in trying to determine what it would mean for an act to be generically good, Albert considers the various accounts of genus and species that he finds in Aristotle and in Boethius, especially in the latter's second commentary on the *Isagoge*. As a result, his answers to these questions are much more sophisticated.

After considering several different possible meanings for the word 'genus', taken mostly from Aristotle's *Metaphysics* and Porphyry's *Isagoge*, Albert first states that the generic good (literally "good in genus") should be understood as a first potentiality toward the good, as what is "inclined more to the good than to the bad."⁶⁵ Later, he specifies that 'genus' in 'good in genus' (or generic good) should be taken "as the matter,

⁶⁵ SDB I.2.4, ad 1, 29, 63-66.

and from a likeness to the genus in nature; and the species should be understood in a similar way":

And [species] is taken here in accordance with this definition: 'the species is what flows from the genus.' And we do well to concede that, just as in nature the matter is disposed to one form by means of a first disposition but can nevertheless be under another form on account of a contrary necessity, so also in morals the generic bad can be the subject of the good in species, and conversely the generic good can be the subject of the bad in species.⁶⁶

Here we have a further specification of the claim that generic goods are action types that can be done well or badly. If the first level of moral goodness and badness is the generic level, the second is moral species. While a generic good is more disposed to good in species, it can nevertheless become bad in species; likewise, the generic bad can become good in species. I will come to the question what it might mean for an activity to be more disposed in this way shortly.

The definition of a species Albert provides in the above quotation is a little odd. The editor of the critical edition points us to book 4 of Boethius' second commentary on the *Isagoge*. In that passage, Porphyry is providing not the definition of a species, but the definition of a difference: "a difference is that by which a species flows from a genus."⁶⁷ We might suppose, from this, that the circumstances function like specific differences, placing a generic act into its proper species. (Albert makes a similar remark in his

⁶⁶ SDB I.2.5, 31, 35-44: "Dicendum, quod genus sumitur hic pro materia et ad similitudinem generis in natura et species similiter. Et sumitur hic secundum illam diffinitionem: 'Species est, quae abundat a genere; Et bene concedimus, quod sicut in naturis materia disposita ad unam formam prima dispositione tamen potest esse sub alia forma propter necessitatem contrariam, sic etiam in moribus malum in genere potest esse subiectum bono in specie, et e converso bonum in genere subiectum malo in specie. Et per hoc patet solutio ad omnia quaesita."

⁶⁷ Boethius, *In Isag. Porph.* Ed II, IV.9, 262, 4-5: "Differentia est, qua abundat species a genere."

Sentences commentary, saying that the good in species flows from the generic good by means of the circumstances.)⁶⁸

There are limits to the genus-species-difference framework here, however. When Boethius explains Porphyry's definition of a difference, he uses the example of the species *human being*, which "flows" from the genus *animal* by means of the differences *rational* and *mortal*, which constitute it.⁶⁹ Clearly this example is not analogous to the generic good, since the genus *animal* is not plausibly more disposed toward the difference *rational* than to the difference *nonrational*. Probably for this reason, then, Albert refrains from mentioning specific differences altogether in this context.

At any rate, Albert now has a concept -- the good in species -- which doesn't appear in the DNB, and for which he will need to provide some explanation. Albert states that the generic good is in potentiality to the good in species, and that the latter results from the addition of the being of a specific good (*esse specialis boni*) to the generic good. He in turn defines the specific good as "the good of a specific virtue in act or in habit; for example, praying is the good of the virtue which is called *latria*, and knowing one's wife is the good of the virtue which is *continentia*."⁷⁰ (He adds that the good in species is still in potentiality to the good of merit, which doesn't get much attention in the SDB.)

The idea is this: there are specific actions associated with each virtue. The good in species is simply the action type associated with a particular virtue. Of course, an action which is good in species can still be done badly, since it can be done at the wrong time or in the wrong place, or with a bad intention. But the good in species is conceptually closer

⁶⁸ *Sentences Commentary* II, dist. 36, K., article 7, 593.

⁶⁹ Boethius, *In Isag. Porph.* Ed II, IV.9, 262, 17-18.

⁷⁰ SDB I.2.4 ad 5, 30, 28-31: "Dico autem potentiam ad speciem, quae reducitur ad actum per esse specialis boni, et dico speciale bonum bonum specialis virtutis in actu vel habitu, sicut est orare bonum virtutis, quae dicitur *latria*, et cognoscere coniugatam bonum virtutis, quae est *continentia*."

to being a virtuous action than the generic good is, because it indicates a type of action which is typically associated with a particular virtue. With this picture in mind, Albert is able to respond to the concern I raised above, that the generic good seems to include certain circumstances. In the SDB, Albert clarifies that the generic good does not abstract from all circumstances; it will include some circumstances, but excludes the one that determines the species of a virtue.⁷¹

We might worry about this way of putting things, however. Couldn't feeding the hungry also be an act associated with a particular virtue, such as generosity? And if not, what would we need to add to "reduce" this generically good act to one that is good in species?

Albert's answer in the SDB isn't as clear as one might hope. In the DNB, Albert had described the generic good as that which comes first in morals. By the time he writes the SDB, he has changed his view on this: what is 'first' in morals is a voluntary act resulting from choice and deliberation. The fact that an act is voluntary, chosen, and deliberated about indicates that it is susceptible to moral evaluation: it is the sort of thing that can be the object of moral praise (i.e., a virtuous action), or of moral blame (a vicious action). This is the most basic description of an act, to which we must add more detail until we can conclude that the action is praiseworthy or blameworthy.⁷²

The generic good, by contrast, is "more ordered" (*ordinatum magis*) or inclined to virtue, whereas the generic bad is inclined toward vice.⁷³ We do not yet have an action which is especially associated with a particular virtue (in which case the act would be good in species); nor are we in a position to make an all things considered evaluation of

⁷¹ SDB I.2.4, ad 2, 29, 67-74.

⁷² SDB I.2.4, 29, 43-47.

⁷³ SDB I.2.4, 29, 49-53.

the action (which would require adding the other moral circumstances); but we do have a description which is no longer morally neutral (unlike "a voluntary act resulting from choice and deliberation", which is neutral between virtue and vice). If an act is good in species, it has a greater ordering toward virtue than an act which is merely generically good. Unfortunately, Albert does not analyze the notion of being ordered to or inclined toward virtue. The fact that an act is generically good clearly gives us a reason to value it, though this is not an all things considered reason.

I argued above that in the DNB account of generic goodness Albert relies on a notion of proportion between an act and its matter which lacks rigour. By the time he writes the SDB, he seems to be aware of this problem. An objector argues that the notion of what is appropriate (*debitum*) belongs to justice, so that an act upon its appropriate matter belongs to the category of just acts, and not generic goods. Albert replies that here we have a different sort of *debitum*: a given object is the appropriate matter of a particular act only if there is a certain "natural" proportion between the act and the matter.⁷⁴

The three examples he gives are feeding the hungry, teaching the ignorant, and consoling the sorrowful. The ignorant person, then, is "by nature" the sort of person that can be taught; and it is naturally suitable to the sad person to be consoled. Now Albert says very little about the notion of natural proportion, and we might wonder whether a satisfactory account of it can be given. But he seems to have abandoned the simplistic procedure from the DNB of simply joining an infinitive to an accusative gerund. There is an intuitive connection between the act of consoling and the sorrowful person, or between the act of teaching and the ignorant person. Teaching the ignorant person is not always what we ought to do in the circumstances, and consoling the sorrowful person can be

⁷⁴ SDB 1.2.4, 29, 20-24; 29-30, 80-6.

done badly. But at a low level of description, these acts are good, and we have a *pro tanto* reason to value them.

Thus while Albert has added more detail to this theory, in the SDB he is still explicitly committed to the stages theory: a generically good act can be done badly, and a generically bad act can be done well. The concept of the good or bad in species provides a further way in which acts at the generic level can be done well or badly, since a generically good act can be bad in species, and vice versa. Nevertheless, the theory is fundamentally similar to that presented in the DNB.

1.D Generic Goodness in Albert's *Sentences* Commentary

Albert returns to the generic good at various points in his commentary on Peter Lombard's *Sentences*. He covers much of the same territory as the SDB, and embraces similar positions, which should not be surprising given that both works were written in the 1240s. Given that the *Sentences* commentary is a work of theology, we find discussions of the generic good cropping up in disputed questions about grace. In particular, Albert asks whether free decision (*liberum arbitrium*) is capable of attaining any sort of goods without grace.⁷⁵ This question bears directly on the problem of pagan virtue, which it was common for medieval theologians to address from the 12th century onward.⁷⁶ Albert argues that human beings are indeed capable of achieving certain goods without God's grace, and the generic good is one of these goods. Elsewhere in the

⁷⁵ *Sentences* II, distinction 28, art 1, p. 484-485. Borgnet.

⁷⁶ See Marenbon (2015), especially pages 160-163, and Bejczy (2011).

Sentences commentary, we find Albert asking whether the act of offering animal sacrifices, as the ancient Jews did, was generically good.⁷⁷ (He concludes that it was not).

For our purposes, there are two ways in which Albert expands upon his treatment of the generic good in his *Sentences* commentary. There is also a possible third, much more radical change, which seems to follow from the first two, but which is contrary to Albert's explicit description of the generic bad. In what follows I will examine the two expansions first; then I will outline one area in which the *Sentences* commentary concurs with the SDB, though not with the DNB; finally, I will explore the possible break with the earlier works, arguing that the view presented in *Sentences* commentary II appears to be in tension with the stages theory that Albert defended in DNB and SDB.

First, he clarifies the ways in which the words "genus" and "species" should be taken in the context of the generic and specific goods.⁷⁸ While in the SDB he works hard to explain how these logical terms apply in ethics, in the *Sentences* commentary he makes clear that both should be understood metaphorically when applied to generic and specific goodness.⁷⁹ Rather than understanding generic goodness (*bonum in genere*) as a genus strictly speaking, we should see it as having certain similarities with the logical concept.

Why then are the terms *genus* and *species* used in this crucial area of ethics? Albert points out that the genus can be understood as a subject or substance, to which differences can be added, with a species as the result. In this case, the genus is substantially "in" the species. Similarly, he claims, the generic good is somehow "in" the

⁷⁷ *Sentences* IV, distinction 1, article 8, pages 19 to 21, Borgnet.

⁷⁸ *Sentences Commentary* II, dist. 36, K., article 6, 592, and article 7, 593.

⁷⁹ SDB I, Q. 2, articles 4 and five; *Sentences Commentary* II, dist. 36, K., article 6, 592, solution; *Sentences Commentary* II, dist. 36, K., article 7, 593, ad 1.

good in species.⁸⁰ Unfortunately, Albert is not forthcoming with any examples here. Still, we might take some of Albert's more frequent examples of generic goods, such as clothing the naked or feeding the hungry. By adding various circumstances, we might arrive at a description of acts typical of the generous person. The specific good in question will then be the act of a particular virtue, generosity. It is not hard to see how the generic good is present in the specific good; the act is still one of clothing the naked or feeding the hungry, but it is more richly described, with enough detail that the act can count as typical of a particular virtue.

In addition, and more obscurely, Albert says that the genus can be understood as a principle of generation, and this conception of genera also applies to the generic good. Now this could be taken to mean that the genus produces (*agit*) the species, but Albert claims that this is the wrong way to understand the generic good as generative. Rather, the generic good is a principle of generation because "it remains in the species through a decision."⁸¹ It is far from clear how the generic good metaphorically generates the good in species, but Albert doesn't dwell on this idea, and offers no further explanation of it. This point seems to be of little importance to him.

More interesting is the second innovation Albert brings to the generic good in the *Sentences* commentary: he explains the generic good in terms of first and second potentiality. The classical source for this distinction is Aristotle's *De anima*, where Aristotle speaks of different senses in which someone can be called a knower.⁸² Every human being can be called a knower, simply because human beings fall within the class of beings that have knowledge. A particular human being, on the other hand, is a knower

⁸⁰ *Sentences Commentary* II, dist. 36, K., article 6, 592, ad 3.

⁸¹ *Ibid.*

⁸² *De anima*, Bk II, ch. 5, 417a21-417b2.

if she possesses knowledge – say, of grammar – even if she is not currently thinking about grammar. Finally, that human being is a knower when she is engaged in what Aristotle calls "active exercise" of grammar; for example, thinking that the sentence she is reading is a run-on sentence. This discussion led to the traditional distinctions between first and second potentiality, and first and second actuality. Simply possessing human nature gives us a first potentiality toward knowing grammar; the inactive possession of grammatical knowledge gives us a second potentiality, or first actuality; and the active exercise of grammar is a second actuality.

Albert adapts this apparatus to his ethical thought by calling generic goodness a first potentiality:

But in morals this is the act of the will related to the matter it ought to be about in accordance with its own nature; for example, feeding the hungry, and giving to the needy, and so on with the others. And the *antiqui* mean the same thing when they define the generic good, saying that it can be done well and badly. For the first potentiality in some genus is determinable to either of two contraries by means of the differences ordered to the potentiality of the subject.⁸³

We see some familiar elements here: the generic good is 1) an act of the will; 2) on the appropriate matter; 3) in accordance with its own (i.e., the act's) nature. The last item is reminiscent of the SDB claim that there is a natural proportion between acts and matter in generic goods.⁸⁴ Albert also supplies a reason for calling the generic good a first potentiality: since the first potentiality in a genus is supposed to be open to either of two

⁸³ *Sentences Commentary* II, dist. 36, K., article 6, 592, solution.

⁸⁴ SDB I, Q. 2, Art. 4, ad 8, 82-6.

contraries, this designation fits well with the traditional definition of the generic good as that which can be done well or badly.

But if the generic good is a first potentiality, what will play the role of second potentiality here? Albert's answer is somewhat surprising: second potentiality is "in the other circumstances, excepting the end (*praeter finem*)."⁸⁵ Based on what he wrote in the SDB, one might expect Albert to claim that, if the generic good is a first potentiality, the generic good plus the circumstances is the second potentiality. Here in his commentary on the *Sentences*, however, Albert distinguishes between the end and the rest of the circumstances; the second potentiality excludes the end.

A clue as to why Albert doesn't include the end in what counts as the second potentiality in morals comes later in the same book, where he makes a distinction between circumstances and the internal act of the will, adding that "circumstances are properly about external acts."⁸⁶ In the *Sentences* commentary, it seems that Albert has changed his account of circumstances. In the SDB he includes both internal acts like intentions and external acts and facts under the broad umbrella of moral circumstances. But in the *Sentences* commentary he has a clear divide between internal and external.⁸⁷ In the next section I will argue that this change results from a focus on intention in the *Sentences* commentary, which leads Albert to treat it as separate from and more important than the other circumstances. Suffice to say here that this separation leads Albert to conceive of the second potentiality (where the generic good is the first) as the generic good along with external circumstances, but excluding the end.

⁸⁵ *Sentences Commentary* II, dist. 36, K., article 6, 592, ad 2.

⁸⁶ *Sentences Commentary* book II, distinction XL, A, article 1, ad 3, page 624.

⁸⁷ It might be argued that the end is itself external to the agent, or at least that it is not internal in the same way as the intention which is directed toward it. I will take up this problem in the next section; for now, I merely note that Albert himself appears to conceive of the end as somehow internal to the agent.

Given that we have both a first potentiality and a second potentiality (first actuality), it is natural to ask what the second actuality is here. Albert doesn't say explicitly, and it is possible that he didn't intend for the distinction between first and second actuality to be applied here. This seems unlikely, however; potentialities don't exist apart from some actuality that completes them, and it is hard to believe that Albert would distinguish between a first and second potentiality in the moral act without having in mind some second actuality as well. There is also a logical candidate: if the first actuality is the generic good along with the circumstances excluding the end, the second actuality may be the generic good along with the circumstances *including* the end. And while he doesn't call it a second actuality, Albert does refer to this fuller, more complete description of the moral act, calling it "the unqualifiedly absolute good" (*bonum absolutum simpliciter*), and saying that it is perfect "with respect to the form of the good from the circumstances and the end."⁸⁸ Later Albert makes a threefold distinction between the generic good, the good from circumstances (which he explicitly states should be understood as external circumstances), and finally the "good in action", which also includes internal acts.⁸⁹ Here is a quick summary, along with Aristotle's example of knowing grammar:

<u>Activity</u>	<u>First potentiality</u>	<u>Second potentiality/ first actuality</u>	<u>Second actuality</u>
Knowing grammar (Aristotle's <i>De anima</i>)	A human being	A human being who possesses knowledge of grammar	A human being exercising her knowledge of grammar
Acting well (Albert's commentary on the <i>Sentences</i>)	A generically good act <i>bonum in genere</i>	A generically good act + external circumstances <i>bonum ex circumstantia</i>	A generically good act + external circumstances + the end <i>bonum in actione</i>

⁸⁸ *Sentences Commentary* II, dist. 36, K., article 7, ad 2, page 593.

⁸⁹ *Sentences Commentary* II, dist. 40, A, article 1, ad 3, page 624.

Thus in the *Sentences* commentary we see Albert using new conceptual tools to explain the idea of generic goodness, and its relation to the other forms of goodness that are possible in a human act.

There is one aspect of Albert's thinking on the generic good which is substantially the same between the SDB and the *Sentences* commentary. As we have seen, a standard definition of the generic good is as an act upon the appropriate matter (*debita materia*). There are some types of actions, however, that have no appropriate matter. Rather, for the purposes of moral evaluation they are inseparable from their circumstances. He gives the same two examples in both works: killing (i.e., killing a human being), and having sexual intercourse.⁹⁰ In the SDB, Albert explains why these two acts cannot have a matter which is naturally adapted to them: each has a certain "proneness to evil" (*pronitas ad malum*) on the part of the agent; it is much harder to act well, and easier to act badly, when performing them.

Nevertheless, both killing and sexual intercourse can be specific goods (*bonum in specie*). This is because they are the acts of specific virtues; killing is an act of the virtue of justice, while sexual intercourse is the act of conjugal continence. So in certain circumstances, these acts are not only good, but necessary for acting virtuously. Nevertheless, without these circumstances they are "always bad", and the temptation to perform them in the wrong circumstances is significant.⁹¹ For this reason, our moral evaluation of them does not begin at the generic level, but rather with circumstances already present.

⁹⁰ SDB I, question two, article 4, ad 7; *Sentences Commentary* II, dist. 36, K., article 7, solution, page 593.

⁹¹ SDB I, question two, article 4, ad 7, 56-60.

Note that this view contradicts Albert's thinking in the DNB, where one of his examples of a generic good is "killing the one who should be killed" (*occidere occidendum*), while "killing the one who should not be killed" (*occidere non-occidendum*) is given as a generically bad act.⁹² In the SDB, however, Albert states explicitly that *occidere occidendum* is not generically good, and argues that the word "*occidendum*" already implies the circumstances that would make killing an act of justice.⁹³ As noted above in section B, by the time he writes the SDB, Albert has abandoned his earlier practice of naming generic goods by joining together an infinitive with the gerund of the same verb. Instead he explains generic good in terms of a natural fit between the act and the matter, and he continues to do so in the *Sentences* commentary.⁹⁴

Having outlined the account of generic goodness presented in the *Sentences* commentary, we are now in a position to ask: is Albert still committed to the stages theory? More specifically, does he continue to hold that generically bad acts can be done well? The answer to this question appears at first to be a straightforward yes. In *Sentences* IV, Albert describes the generic bad as "what can be done well in some circumstance".⁹⁵ The text is unambiguous.

But while that text is clear, it is at least noteworthy that Albert makes no similar claim in *Sentences* II, which contains his account of generic goodness and badness. The *Sentences* IV text appears in a question about purgatory, and Albert mentions generic

⁹² DNB II, part 1, chapter 1, lines 11, 15; in the same chapter he also uses the phrase *interficere interficiendum* (line 2), which means the same thing.

⁹³ SDB I, question two, article 4, ad 7, 51-56.

⁹⁴ *Sentences Commentary* II, dist. 36, K., article 6, 592, solution.

⁹⁵ *Super IV libros Sententiarum*, Lib.IV, dist.21, art.4, p.867: "est malum in genere quod bene possit aliqua circumstantia fieri."

badness there only in order to distinguish it from venial sin. Of course the fact that Albert doesn't make the same claim in *Sentences* II does not mean that he doesn't hold it; perhaps he took it for granted. But there is another possibility, namely that at this point he has conflicting views, and that the account he presents in book II of the *Sentences* commentary may be in tension with the position he later reiterates in book IV.

How does the book II account seem to contrast with the stages theory? First, the notion that the generic good is "in" the good in species, and that it is also a principle of generation for the good in species, raises the question whether the generic bad can also play this role. Albert says that the word 'species' indicates the property of the species by which it flows (*abundat*) from the genus. That is, circumstances are added to the generic good, producing the more specified good.⁹⁶

Can the good in species "flow" in this way from the generic bad? Recall that the doctrine of the SDB was that it could: the generic bad could form the substrate for the good in species. In the *Sentences* commentary, Albert does reject the claim that the generic good is always the substrate for the good in species, and that the generic bad is always the substrate for the bad in species. However, the reason he gives for rejecting this claim is not that the generic bad can be the substrate for the good in species (his position in the SDB). Instead, he appeals to the acts for which the right circumstances are implied in the act and the matter, in such a way that they have no proper description at the generic level, independent of the surrounding circumstances. These, as we saw, are acts like having sexual intercourse or killing. Having sexual intercourse in the right circumstances is good in species – it is the act of the virtue of conjugal continence. If it is not done in the right circumstances, it is bad in species. In both cases, there is no corresponding

⁹⁶ *Sentences* Commentary II, Distinction 36, K., article 7, ad 1, p. 593.

generic good or bad. So it is for *this* reason that Albert denies that the generic good must always be the substrate for the good in species: because some acts that are good in species have no generic substrate.⁹⁷

This rather leaves open the question whether the generic bad might form the substrate for an act that is good in species. Of course this text does not show that it cannot; Albert in no way contradicts himself here. But in light of later texts from Albert's *Ethica* and *Summa theologiae*, the fact that he does not state the stages theory explicitly while discussing a claim that denies it is at least worth noting.

1.E Generic Goodness in *Super Ethica* and *Ethica*

In the late 1240s, Robert Grosseteste's new translation of the full 10 books of the *Nicomachean Ethics* became available. Albert would go on to write two commentaries on them. As the generic good is not an Aristotelian idea, it does not figure as prominently in them as it did in his earlier moral treatises. Nevertheless, Albert does discuss generic goodness and badness in two articles in his first commentary on the NE. In SE II.7, he comments on NE 1107a, where Aristotle claims that some actions and passions are inextricably intertwined with evil (*convoluta sunt cum malitia*): passions such as envy and joy taken in evil, and actions such as adultery, theft, and homicide.⁹⁸ Aristotle claims that there can be no virtuous mean concerning such actions and passions.

For Albert, this Aristotelian text provides him with an opportunity to discuss the generic quality of actions. Some of the discussion is familiar from his earlier writings. He

⁹⁷ Sentences Commentary II, Distinction 36, K., article 7, solution, p. 593.

⁹⁸ *Super Ethica* II.7, pp. 124-126.

defines the generic good as an act upon its appropriate matter, and states that it can be done well or badly.⁹⁹ There are also some differences. Albert compares the generic good to two other sorts of goodness: the *per se* and the *secundum se*. *Secundum se* goodness comprehends "the complete nature of a good moral act"; an act which is good *secundum se* is fully morally specified and is good in all the relevant ways, including especially the end.¹⁰⁰ *Per se* good acts are on a lower level of description, but include the external circumstances. Finally, generic goods are at the lowest level of description, standing under (*substare*) the goodness that comes from having appropriate circumstances and a good end.¹⁰¹ Albert's claim from the SDB that the generic good *doesn't* abstract from all circumstances is nowhere to be found here.

On the other hand, he explicitly denies that "killing someone who should be killed", one of his favourite examples of a generic good in the DNB, is in fact an act upon its appropriate matter. The act of killing can never have an appropriate matter, he insists; rather, it is in accordance with the nature of human beings that we strive to preserve our lives, and those of others. Homicide can be made appropriate only through the addition of the moral circumstances, and of the end, with the result that killing is never generically good, but it is sometimes virtuous -- specifically, it can be the act of the virtue of retributive justice. Thus the killing of a human being is an example of a generic bad which can nevertheless be done well (or virtuously).¹⁰² Again in the SE, we have a claim about the natural proportion (or lack thereof) between an act and its matter; and again,

⁹⁹ *Super Ethica* II.7, 125, 10-13 and 65-67.

¹⁰⁰ *Super Ethica* II.7, 125, 21-27. I will discuss the relevant ways in which an act can be morally good in the next section, on moral circumstances.

¹⁰¹ *Super Ethica* II.7, 125, 10-21. On this threefold distinction see also Lottin, PEM II, 459.

¹⁰² *Super Ethica* II.7, ad 1, 125, 32-46. On the possibility that a generically bad action can be made appropriate (*debita*) by being clothed with the right circumstances, see also *Super Ethica* II.7, ad 4, 125, 62-74.

Albert does not explain this concept in detail. What is it about the nature of living human beings that makes it the case that their lives ought to be preserved? Is the mere fact that human beings strive to preserve themselves enough to establish that it is against nature to kill them? There is no answer to these questions in this text. And indeed, apart from the comparison to *per se* and *secundum se* goodness, there is very little of note in the SE questions on generic goodness.

Nor does Albert have much to say about it in his second commentary on the NE. Unlike the SE, his *Ethica* has no disputed questions, leaving somewhat less room for Albert to introduce topics that interest him but that are not present in the text he is commenting on. Nevertheless, generic goodness merits a brief mention, where Albert calls it "the first good in which a human being is perfected in this way [viz., morally]".¹⁰³ He further describes it as "the first subject of different species and forms", stating that it can be done well or badly, depending on the circumstances.¹⁰⁴ These comments are brief, and they fit within an expanded account of the stages theory, which focus especially on the role of the circumstances. For this reason, I will return to it below in the section on circumstances in *Ethica*.

It is not surprising that generic goodness and badness are for the most part neglected in the *NE* commentaries. Setting aside the question to what extent Albert advances his own views in his Aristotelian commentaries,¹⁰⁵ it is surely not a sign of one's lack of commitment to a doctrine that one does not discuss it while commenting on a work that does not mention it.

¹⁰³ *Ethica*, Lib.1, tract.I, cap.VI, p.14A.

¹⁰⁴ *Ibid.*

¹⁰⁵ The classic piece dealing with this question is Weisheipl's (1980). See also Moulin (2009), who argues that in his paraphrases of Aristotle's works, Albert sometimes transforms and reappropriates Aristotelian theses.

On the other hand, it would be wrong to assume that Albert had a single, settled view on how one should evaluate actions. In fact, I argue that throughout his career, one finds in Albert's ethical works two different ways of morally evaluating actions. The first is the stages theory, the threefold method of considering first, the generic quality of the action, second, the surrounding circumstances, and third, whether the action was done from virtue or vice.¹⁰⁶ The other is the evaluation embodied in what I will call the Dionysian principle. In order to explain how the Dionysian principle works, and why it is in tension with the way of evaluating that takes into account generic goodness and badness, it will be necessary for me to first present Albert's theory of moral circumstances, since it is important for *both* accounts of moral evaluation. I will then discuss the Dionysian principle, and explore Albert's different formulations of it. Finally, I will examine the Dionysian principle as it appears in Thomas Aquinas, and argue that he saw the tension between Albert's two methods for evaluating actions, and came down in favour of the Dionysian principle.

¹⁰⁶ Like Aristotle, Albert thinks that it is possible to act well in the circumstances, but without acting from virtue. He calls this acting from the mode of circumstance (*modum qui est ex circumstantia*), and contrasts it with acting from the mode of habit (*modum qui est ex habitu*) (SDB I.4.2, ad 14, 50, 57-66). On this distinction see Michaud-Quantin (1966), 170-171.

Chapter 2: Moral Circumstances

My description of generic goodness in the preceding section necessarily makes ample reference to moral circumstances, with the result that we have already seen some of the ways in which Albert conceives of circumstances, how they fit into his theorizing about the moral act, and how his views on circumstances changed over the course of his career. In this section, I will examine Albert's views on circumstances in more detail. Not only do they provide an interesting framework through which an action can be analyzed and morally evaluated, but they will also lead us to a crucial question about moral species: what makes an action, morally speaking, the sort of action that it is? What counts as a moral description of an action, as opposed to a mere physical description? There has been considerable debate about this issue with respect to Aquinas over the last few decades.¹⁰⁷ Given that Albert comes to these questions first, however, and also given his influence on Aquinas's own thinking about ethics, it is worthwhile looking at Albert's views on moral species, as they arise within the context of his thinking about moral circumstances. In this section I both draw on, and aim to expand upon, the work of Stanley Cunningham, one of the few scholars to have tackled moral circumstances in Albert.¹⁰⁸ As above, I will begin with the DNB, and work my way through Albert's moral works according to the best current estimates about their chronology.

In each of the following analyses I will also dedicate space to discussing a circumstance that is of particular importance to Albert, and indeed to the entire medieval moral tradition: intention. This is a crucial topic which could easily merit its own chapter. However, in Albert it is bound up with discussions of circumstances and, especially in his

¹⁰⁷ Among others, Brock (1998), Pilsner (2006), and Jensen (2010) have devoted books to the problem of the moral specification of actions in Aquinas.

¹⁰⁸ See Cunningham (2008), 129-141; also Tracey (2013).

later works, with an account of moral species. In the *Super Ethica*, in particular, it would be foolhardy to attempt to disentangle these three issues, since Albert treats them as essentially interconnected. For this reason, I have found it necessary to include discussions of moral ends, intentions, and moral species within the context of Albert's account of circumstances.

2.A Albert's Account of Moral Circumstances in DNB and SDB

After discussing the generic good, Albert proceeds in the DNB to discuss the good associated with circumstances. These are what we might call the "particularizing" features of an action.¹⁰⁹ Every action will have these additional characteristics, and they will be relevant to a moral assessment of the act. For example, an act of feeding the hungry can be done out of compassion for the hungry person. It can also be done out of vainglory, with the intention that others should see and think well of us because of our charitable activities.

Medieval theologians had already made use of the notion of a moral circumstance before Albert, particularly in canon law and in penitential literature: confessors in particular were supposed to take into account the circumstances in which a sin was committed.¹¹⁰ However, as Cunningham notes, there had as yet been no systematic attempt to construct a theory of moral circumstances:

"Albert's *De natura boni* appears to have been the first known instance in which an attempt, more structured and serious than a brief mention or mere enumeration,

¹⁰⁹ The term comes from Stump and Kretzmann (1991), 113.

¹¹⁰ Cunningham (2008), 128; cf. Jonsen and Toulmin (1988), 100.

has been made to incorporate a *theoretical analysis* of the role of circumstances into a wider moral synthesis."¹¹¹

Perhaps because they had no real medieval antecedent, Albert's account of circumstances in the DNB can sometimes feel strained; he relies heavily on examples to explain each circumstance.

He tells us that his list of circumstances is taken from Cicero¹¹², though it also owes much to Boethius. As Cunningham observes¹¹³, Cicero never used the term 'circumstance', but rather wanted to identify the particulars that enhance the credibility of a rhetorician's account. Albert names the seven traditional circumstances (who, what, why, when, where, how, and with what instruments (*quibus auxiliis*)), and then divides these seven into two groups: the circumstance attributed to the person, or 'quis', and the circumstances attributed to the work or business at hand (the other six).

Albert's treatment of circumstances involves sometimes copious detail devoted to issues the moral import of which varies widely. For example, the circumstance 'quis' is divided into 11 different circumstances: one's name (which doesn't make our action better or worse, which would be strange; rather, in some instances the person's name indicates what sort of person has done the act, which can be illuminating; for instance, Jacob is called "Israel", which according to Albert means "a most just man", which tells us that he was very virtuous indeed); one's nature - and here Albert discusses one's sex (some things, he says, are baser for a woman than for a man, and some things are required of a woman which are not required of a man, as for example wearing a veil (1 Cor. 11:56)); one's nation (and here the examples concern Israel, which, since it is a holy

¹¹¹ *Ibid.*

¹¹² DNB II.2, 11, 3-5, 14-17; cf. Cicero, *De inventione*, I, ch. 24, n. 34.

¹¹³ Cunningham (2008), 129.

nation, makes sins committed within its borders worse); one's homeland (*patria*) (and here Albert quotes Genesis: "the men of Sodom were *pessimi*"; it would sense to see *patria* as a circumstance affecting the morality of their actions if they are blamed in part for violations of hospitality -- Sodom is the place where obligations to be hospitable would obtain for them¹¹⁴); one's family (because people frequently imitate their relatives and ancestors; one might think that this would be reason for leniency, but that is apparently not Albert's view, as he quotes the Old Testament passage "I am a jealous God, punishing the sins of fathers in their sons in the third and fourth generation among those who hate me;"¹¹⁵ it seems that if our ancestors are good, and we follow them, we deserve greater praise, however); and age (because many things are reprov'd in old age but not in childhood).

The next circumstance under 'quis' is 'victus', or one's manner of living - which includes how we are educated, what sort of things we keep, etc. There is the circumstance of fortune - as for example whether we are rich or poor, noble or ignoble, etc., and also the circumstance 'habit.' 'Habit' is divided into six kinds, four pertaining to the soul and two to the body: the latter are health and weakness; the former are: 1) whether one is tempted or not (we are praised more for doing well in the midst of temptation); 2) whether we are graced or not (someone who has received grace and then sins is more blameworthy than someone who has not received grace); 3) whether one acts from malice, ignorance, or weakness (and here Albert has a trinitarian interpretation of the Gospel passage concerning the sin against the Holy Spirit: to sin against the Father is to sin from weakness, to sin against the Son is to sin from ignorance, and to sin against

¹¹⁴ I we this point to Scott MacDonald.

¹¹⁵ Exodus 20:5.

the Holy Spirit is to sin from *certa malitia*, which is forgiven only with difficulty); and 4) whether a sin is from fear or obstinacy.

Of the circumstances attributed to the business at hand, two, namely 'quid' (or the nature of the act, what precisely is done - killing one's father, quickly, with a sword, and then burying him, for example), and *cur* - the reason why one acts - are "contained" in the act, whereas the other four are contained in the performance (*gestio*) of the act. These are the time, place, manner, and the instruments (*auxiliis*) one uses.

This discussion of circumstances will be repeated in the *Summa de bono*, almost word for word, although there he omits the long section of scriptural examples, and adds more about what circumstances are and how they affect the morality of an act. The circumstances Albert discusses clearly have different levels of moral importance, and some of them receive very little attention aside from a few scriptural illustrations. In the next section, I will focus especially on one circumstance which Albert discusses in some detail: intention.

Given these lists and examples of circumstances, a more pressing question concerns their role: how should we conceive of circumstances with regard to the moral evaluation of actions? What does it mean for them to "clothe" a generically good (or generically bad) act? The DNB is mostly silent on these questions. Albert seems more interested in classifying and providing examples of circumstances than in giving an account of them. Tracey notes that Albert compares an act's generic quality to its matter, and its circumstances to its form, claiming that this point is "arguably the chief contribution of his otherwise rather unoriginal discussion of circumstances."¹¹⁶ Yet even

¹¹⁶ Tracey (2013), 357. The reference here is DNB 2.2.1.1, 10-11. Cunningham (2008) also refers to circumstances as "the formal cause of virtue" in Albert's ethics (127).

there, Albert makes it clear that the comparison of human acts to matter subject to natural forms is only an analogy, and doesn't dwell on it.

In the SDB, by contrast, Albert devotes an article to the nature of circumstances. He supplies a definition from Boethius: circumstances are "those things which are suitable to produce the substance of a rhetorical question."¹¹⁷ Two problems immediately arise for Albert: first, this definition is of a rhetorical concept, not an ethical one. It relates to judicial procedures: the rhetorician will adduce circumstances as part of the defense or prosecution of an accused person. But the considerations that are of interest in rhetoric may not be relevant or important in ethics. Albert clarifies that strictly speaking, the ethicist is not interested in circumstances at all.¹¹⁸ Circumstances are general features relevant to a particular rhetorical question, which can be used in a rhetorical syllogism. The ethicist is not concerned with circumstances, thus understood, but rather with "singulars".

As understood by the rhetorician, circumstances must be in at least some sense universals. Albert emphasizes that circumstances produce (*efficiunt*) the rhetorical question, which in turn gives rise to (*innititur*) the rhetorical syllogism, or enthymeme.¹¹⁹ But even the rhetorical syllogism, however much it may fall short of the demonstrative syllogism, cannot concern itself with true particulars. Thus the circumstances that the rhetorician discusses are not the "singulars" that interest the ethicist. In ethics, we must deal with the concrete situation in which an action is performed. Albert gives an example: 'person' is not a circumstance, but this or that particular person is.¹²⁰ The idea is that the

¹¹⁷ SDB 1.3.1, obj. 1, 37; Boethius, De diff. top. 1.4 (PL 64,1212C).

¹¹⁸ SDB 1.3.1 ad 4,5, 38. See Cunningham (2008), 133.

¹¹⁹ SDB 1.3.1 ad 1, 38.

¹²⁰ SDB 1.3.1 ad 4,5, 38.

rhetorician will be interested in circumstances relating to the person in the abstract, whereas the ethicist will only be interested in the circumstances of a particular person in the context of his life and actions. And so when the ethicist talks about circumstances, what she really means is singulars.

The second problem for Albert with Boethius' definition of circumstance lies in the word 'substance'. Albert distinguishes between what is intrinsic to an act, or its substance, and what is extrinsic to it. The view seems to be that we can isolate the "act alone", or the act as an ontological item which is not yet morally valenced. Recall that in his discussion of the generic good, Albert states that that which is unqualifiedly first in morals is "the voluntary act existing upon what is willed according to choice and deliberation."¹²¹ Considered as such, the act is capable of being good or bad, praiseworthy or blameworthy. Judgments of generic goodness or badness bring us into the realm of moral evaluation, but they are only the first stage of evaluating an act. The next stage, that of circumstances, deals with features of the act which are extrinsic to it, in the sense that they can be distinguished from the "act alone", or the act in itself.

Thus when the Boethian definition specifies that circumstances "produce the substance" of a rhetorical question, Albert clarifies that applied to ethics, we should not understand this to mean that circumstances produce the act itself. Rather, they give a special kind of being (*esse*) to an act -- specifically *moral* being:

...such things [viz., circumstances] do not give being to an act, inasmuch as it is an act, but they give being to it inasmuch as it is honorable or blameworthy, and for this reason, although they are extrinsic to the act, nevertheless they are not extrinsic to the honorable or the blameworthy. But the being of the honourable is

¹²¹ SDB 1.2.4, solution, 29.

taken from the mode rather than from the act itself, so that all the circumstances are called modes.¹²²

So although the circumstances are extrinsic to the act *qua* act, as modes or features they determine whether an act is honorable or blameworthy, good or bad.¹²³ While Albert does not explain what he means by "modes" here, it is worth noting that he sometimes refers to accidents as modes of substances.¹²⁴ Since he refers to the act alone as the substance of the act, we can continue the analogy with natural substances by understanding circumstances as accidents. But while they may be accidental to the act understood as a pre-moral, ontological item, they are not accidental to the moral being of that act, but rather determine it.¹²⁵

In addition, circumstances also "give being to an act according to the species of virtue or vice."¹²⁶ Thus for example, having relations with one's wife is an act of the virtue of conjugal continence; having relations with someone who is not one's wife is an act of adultery. The circumstance of being married or not being married determines the moral species of that act. For this reason, Albert says that one circumstance will sometimes be "more principal" than the others.

¹²² SDB 1.3.1, ad 1, p. 38.

¹²³ As Cunningham (2008) puts it: "It is clear that Albert draws a line between the act conceived as a psychophysical entity, and its supervenient moral qualities or accidents" (134).

¹²⁴ Klima (2011), 1226.

¹²⁵ Since he holds that the moral being of an act proceeds from an act's "accidents" and not from its substance, it is not difficult to see how Albert will arrive at the conclusion that good and bad are accidental to actions (*Sentences* II, Distinction XL, A, Article 1, 624). For a critique of this position see Hoffmann (2003), especially pages 80-82, which I discuss below.

¹²⁶ SDB 1.3.1, ad 6, 38.

2.B The Dionysian Principle in the SDB

Nevertheless, the mere fact that an act is in the species of virtue does not make it a morally good act; for that, all the other circumstances must also be good.¹²⁷ In making this point, Albert articulates for the first time in his corpus the Dionysian principle, deriving it from texts in both Aristotle and pseudo-Dionysius. The meaning of the texts that Albert cites is hardly obvious, however. In the *Ethica Vetus* (books 2 and 3 of the *Nicomachean Ethics*, translated into Latin in the second half of the 12th century), we read: "For men are good without qualification, but bad omnifariously."¹²⁸ Slightly more cryptic is this quotation from the Latin translation of Pseudo-Dionysius' *On the Divine Names*: "The good is from one whole cause, but the bad is from many particular defects."¹²⁹ Albert himself, in the question on circumstances in the SDB, attributes to Aristotle and pseudo-Dionysius the view that "virtue is from one, sole, whole cause, but vice is omnifariously."¹³⁰ This remark might lead us to conclude that the Dionysian principle doesn't pertain to the evaluation of *actions* at all, but rather to virtues and vices. In the context, however, it is clear that Albert is primarily concerned with actions: he is arguing that the circumstances give being to an act (*circumstantiae dant esse actui*), making it either virtuous or vicious. And he claims that one circumstance cannot give to an act the species of virtue without all the other circumstances participating, whereas one bad circumstance is enough to make the action bad or vicious.¹³¹

¹²⁷ *Ibid.*

¹²⁸ *Ethica Vetus* p. VI, 26 (*Nicomachean Ethics* 1106b35): "Boni quidem enim simpliciter, mali autem omnifarium." Cf. Geyer (1951), SDB, p. 38, note for line 68.

¹²⁹ Pseudo-Dionysius, *De divinis nominibus*, ch. 4, paragraph 31 (PG 3,732): "Bonum ex una et tota est causa, malum autem ex multis et particularibus defectibus."

¹³⁰ SDB, I.3.1, ad 6, 38, 68-70: "virtus est ex una tota et sola causa, vitium autem omnifarium."

¹³¹ SDB I.3.1, ad 6, 38, 61-67. Cunningham (2008) describes the Dionysian principle as it is found in the SDB, and also mentions its presence in Albert's *Summa theologiae*. He focuses only on its application to virtue, however, and not its application to action (the sole application found in Albert's *Sentences*).

Elsewhere in the SDB, Albert attributes to the Pythagoreans and to Dionysius the principle that "the good consists in a sole, whole cause, but the bad is omnifarious."¹³²

And he explains this principle as follows:

...for the existence of virtue all the circumstances are needed along with the end combining with the act upon its appropriate matter (*actum super debitam materiam*), but for the bad and for vice the corruption of any one of these per se is sufficient.¹³³

Albert is claiming that for an action to be virtuous, not only do all the circumstances need to be good, but the act must be on its appropriate matter, Albert's description of the generic good. This passage shows him attempting to combine the stages account with the Dionysian principle. I will argue below that this attempt is ultimately unsuccessful. Perhaps Albert came to the same conclusion; as we shall see, his articulation of the Dionysian principle in the *Sentences* commentary makes no mention of the act on its appropriate matter.

2.C Intention in DNB and SDB

In addition to the general account of circumstances, it will be useful to describe intention, and the way it evolves over Albert's career. There are two reasons to give it

Cunningham writes: "Virtue results from a unified convergence of all the elements for causes required, whereas the corruption or defectiveness in any one of the attendant condition suffices to bring about evil"(p. 140); and again: "Whereas pseudo-Dionysius speaks of the good and evil in general, however, Albert specifically applies the principle to virtue"(p. 140, footnote 58).

¹³² SDB I.5.1, ad 22, 74, 20-21: "bonum constat ex tota et sola causa, malum autem omnifarium."

¹³³ SDB I.5.1, ad 22, 74, 22-25: "Extrema autem sunt in particularibus privationibus et defectibus, sicut dixerunt Pythagorici et beatus Dionysius consentit in IV capitulo De divinis nominibus dicens, quod 'bonum constat ex tota et sola causa, malum autem omnifarum', intelligens per hoc, quod ad existentiam virtutis exiguntur omnes circumstantiae cum fine convenientes ad actum super debitam materiam, ad malum autem et ad vitium sufficit corruptio uniuscuiusque per se."

special attention here: first, because Albert himself devotes more space to it than any other circumstance. Indeed, sometimes he treats it simply as one of the circumstances, designating it by the terms *cur* or *cuius gratia*. In other places, we see him treating intention separately from the "external" circumstances. The considerable effort Albert devotes to describing intention and its role in the moral life suggests its importance within his moral theory as a whole. Second, intention will play a role in the Dionysian principle, one of Albert's two methods for evaluating actions. Thus it will be necessary to see how Albert understands intention in order to appreciate how it functions within the Dionysian principle. Thus in this section I will examine Albert's comments on intention in the DNB and SDB. In the next section will look at the treatment of intention in his *Sentences* commentary, where we see considerable differences compared to the early works as well as increasing sophistication in his account.

As we saw above, Albert begins the DNB by narrowing down his subject matter. He distinguishes between that which is good substantially and is its own goodness (God), and that which is not its own goodness (created things).¹³⁴ The subject of the DNB will be primarily the created good, though it will also discuss God insofar as he is the good which all desire.¹³⁵ He then announces that he will be discussing the good "more morally than substantially", and then outlines his plan for the treatise according to the various ways in which the moral good presents itself.¹³⁶ In Book I he will describe the natural good or good of nature (*bonum naturae*).

¹³⁴ DNB, proemium.

¹³⁵ Albert here quotes from book 1 of Aristotle's *Nicomachean Ethics*, which during the composition of the *De natura boni* he knows as the *Ethica Vetus*: 'bonum enuntiant, quod omnes exoptant'(NE 1094a2-3). He interprets these words not merely as conceptual analysis of the word 'good', but as pointing toward God as the ultimate end of human life.

¹³⁶ Albert's goal is to write his treatise and seven books, describing the goods of: 1) nature; 2) political virtue; 3) grace; 4) gifts (i.e., gifts of the Holy Spirit); 5) beatitude; 6) the fruits of the Holy Spirit; and 7)

It is difficult to define precisely what Albert means by the "natural good" in the DNB. It is clearly a concept pertaining to moral theology, and Albert provides scriptural examples of good conduct to illustrate it. At the same time, Albert presents it as preliminary to the concepts of generic goodness, moral circumstances, and virtue. Given that generic goodness is "that which is first in things pertaining to morals,"¹³⁷ the natural good must in some way precede a properly moral consideration of action. Albert characterizes it as an aptitude (*habilitas*) toward good¹³⁸, and says that it displays itself in human beings by means of an inborn goodness (*ingenita sibi bonitate*).¹³⁹ Thus natural goodness is not a property of actions but of human beings; it is an innate disposition to act morally, and to orient ourselves toward God as our final good.¹⁴⁰ But while it is innate, it is not fixed; Albert discusses not only how it presents itself in human beings, but also how it may be lost and recovered.

Given this description, it may seem strange that Albert discusses intention at length in the treatise on natural goodness, and not in the later treatise on political virtue, where he examines circumstances. At this early point in his career, Albert appears to conceive of intention more as an aspect of our natural dispositions toward moral conduct, and less as a specific element in human actions, understood as subject to moral evaluation. This will change in the 1240s, as Albert grapples with Peter Lombard's *Sentences* and the question of the specific role intention should play in moral evaluation.

felicity. The treatise remains unfinished; Albert apparently stopped partway through his discussion of political virtue.

¹³⁷ DNB 2.1.1.

¹³⁸ DNB 1.2.3.

¹³⁹ DNB 1.2.1.

¹⁴⁰ Tracey (2013) calls natural goodness "a kind of innate readiness or habilitude to act in ways consonant with one's nature"(354).

Early in the *DNB*, Albert describes the natural good as consisting in mode, species and order, a definition he gets from Augustine.¹⁴¹ Mode he identifies as the "limit" of a thing's nature; species is the form and perfection of a thing; and order is the "inclination to the appropriate end" of a thing's nature.¹⁴² Applied to human beings, this account sees someone as naturally good who tends not to go to excess, who fulfills the potentialities of human nature, and who habitually intends the ends consonant with that nature.¹⁴³ This of course sounds like a description of the virtuous person, and at least one scholar has understood the agent possessing natural goodness as "naturally virtuous".¹⁴⁴ But while natural goodness is analogous with virtue, it is not a settled disposition, engaging the reason and the will, which cannot be used badly and which is intimately connected with happiness – all important characteristics of virtue for Albert.¹⁴⁵

Albert discusses intention in relation to order. What precisely is order as an aspect of the natural good? Albert calls it the *pondus* of our actions.¹⁴⁶ *Pondus* literally means weight, and Albert provides an analogy with physical objects. Just as a thing (*res*) tends by its weight toward its proper place (*suum locum*), so an action by its *pondus* (that is, its order) tends toward its own end. And this order displays itself in human beings through their intentions.

¹⁴¹ Augustine, *Gen. ad lit.* iv, 3.

¹⁴² *DNB* 1.1.1.

¹⁴³ This is an example of Albert using Augustinian concepts for his own purposes. As Scott MacDonald has pointed out to me, for Augustine mode, species, and order apply to things insofar as they exist, and are not qualities one acquires by acting or being a certain way. It is possible that Albert simply misunderstands Augustine here, but I think it more likely that he is giving Augustine's metaphysical claims a moral twist.

¹⁴⁴ Tracey (2013), 354.

¹⁴⁵ *DNB* 3.1.1.1, 30-31.

¹⁴⁶ *DNB* 1.2.1.

The *DNB* provides a series of descriptions of intention.¹⁴⁷ Intention a) 'orders and informs' our acts toward the glory of God; b) is an act of the will ordered to an end; and c) is a determination of the end in the act of an agent. In part, these different descriptions reflect Albert's various sources, which include Augustine and "a certain philosopher". Albert says little to elaborate on a) or b); to explain c) he adds: "for whoever acts and does not determine for himself an end from intention is ignorant of what he does."¹⁴⁸ There is no attempt to harmonize these different descriptions, or to give something like a unified account of intention. Instead, he gives three conditions that must be met in order for our actions and indeed our lives to be properly ordered: our intentions must be 1) simple, 2) not vain, and 3) not bad. These conditions require some explanation.

When Albert says that our intentions must be simple, he means that they must aim at one thing in an act: the glory of God. Intentions which lacks this simplicity fall victim to the "twist of double-mindedness" (*plica duplicitatis*).¹⁴⁹ Must this intention always be conscious? Is an intention still simple if one intends other things as a means toward accomplishing the glory of God? Curiously, Albert doesn't consider these questions. Although the *DNB* is a formal work of moral theology, at times it seems almost hortatory: Albert is encouraging his readers to direct their actions toward the glory of God.

To explain what it means for an intention not to be vain, Albert draws on two different senses of the word *vanus*. It can mean empty, and in this sense he states that an intention is vain when it aims at something that it does not obtain (*non consequitur*) -- where "does not obtain" should be understood strongly, closer to "cannot obtain". But he

¹⁴⁷ *Ibid.*

¹⁴⁸ *DNB* 1.2.1.

¹⁴⁹ This excellent translation is from Tracey (2013), 355.

appeals to another sense of *vanus* when he specifies that what the vain intention aims at is praise. Why is it not possible to aim at and also get praise? Albert gives two reasons: first, because human beings are prone to envy, and thus are rarely willing to praise anyone else; and second, because even if other people do praise you, this is not "true praise" (*vera laus*). To illustrate what he means by true praise, Albert quotes John 5:44: "How can you believe, who receive glory from each other, and do not seek the glory which is from God alone?" The point seems to be that praise from other people is worthless, and will not satisfy the vain person's desires. So the person who strives for praise from other people has an intention which is empty, in that it will never attain what he ultimately wants, which is the true praise or glory that comes from God.

As for the third condition, that one's intention not be bad, Albert connects it with the *per se peccata*, i.e. "the sins of which Augustine says that they are bad in such a way that they cannot be done well."¹⁵⁰ On Albert's view, these actions are always conjoined to a bad intention; it is not possible to do an act which is bad per se -- adultery was a common example -- with a good intention.¹⁵¹

While this description of intention provides Albert with a starting point, it lacks complexity and does not engage with many of the questions and debates surrounding intention that he would address in his *Sentences* commentary. Intention merits a few other mentions in the DNB, though they add little to the picture painted in the first treatise on the natural good. Albert says that the circumstance *quomodo* (how, in what manner)

¹⁵⁰ "...finis malus est in peccatis, de quibus dicit Augustinus, quod ita sunt mala, quod non possunt fieri bene" DNB 1.2.1.

¹⁵¹ This position is similar to that of Alan of Lille, who argued that per se *mala* can never be done with the good will. See Lottin, PEM III, 321-322.

includes intention, "for he more gravely sins while intending than while not intending."¹⁵²

So one way to answer the question how an act was done is to say it was done intentionally. He provides no further explanation of intention in his account of circumstances. Later, intention is mentioned to describe how fortune works,¹⁵³ and in praise of the Virgin Mary.¹⁵⁴

Turning to the SDB, we find some significant differences in the way Albert characterizes and presents the topic of intention. To begin, although the structure of the work closely resembles that of the DNB, he does not cover intention in the section on natural goodness. In fact, we find that by the time he writes the SDB Albert has radically revised his understanding of the natural good. He treats it as a metaphysical concept, not a moral one. Abandoning the DNB picture of the natural good as natural disposition toward good conduct, Albert describes it in the SDB as a threefold ontological goodness, consisting in number, weight, and measure, which we find in all human beings, and which reflects the divine Trinity.¹⁵⁵ After discussing this natural good, Albert states: "Consequently we must ask about the moral good" (*consequenter quarendum est de bono moris*), at which point he proceeds to describe the generic good. Given this change in his conception of the natural good, it is not surprising that the SDB articles on natural goodness do not contain an account of intention.

Instead, Albert discusses intention in the question on moral circumstances, where he connects intention with the circumstance *cur* (why). In the DNB he had not mentioned intention in his discussion of *cur*, instead associating it with *quomodo*. In the SDB, Albert

¹⁵² DNB 2.1.2.

¹⁵³ DNB 2.1.4.

¹⁵⁴ DNB 2.2.3.

¹⁵⁵ SDB 1.2, articles 1-3.

devotes a long article to a question "what are the circumstances?", and the two objections and replies which address *cur* are devoted entirely to problems and controversies about intention.¹⁵⁶ It is clear that by the writing of this work, Albert thinks that to ask the question "why did this agent do what she did?" is to ask about her intentions.

A third way in which the SDB account of intention differs from that of the DNB lies in his use of sources and his awareness of contemporary debates about intention. The DNB discussion of intention quotes copiously from the New Testament, as well as from Augustine and Aristotle. The SDB cites Augustine, but it also quotes the more recent *Glossa ordinaria*. In addition, it refers to two sayings (*dicta*) which "have tended to be cited in this context" (*quae consueverunt ad hoc adduci*).¹⁵⁷ These two sayings, to be discussed below, are two different versions of a quotation from Ambrose, and Albert probably knows them from reading Lombard's *Sentences*.¹⁵⁸ Both the *Glossa ordinaria* and the *Sentences* were heavily cited by theologians throughout the 13th century, and Albert's engagement with these sources is a sign of his own progression as a theologian. It also leads him to ask more complex questions about intention and its role in the moral life, as we see in the SDB and especially later in his *Sentences* commentary.

The main problem about intention in the SDB is Abelardian: to what extent does the moral character of your intention determine the moral character of your act? Albert quotes two of the Interlinear glosses: "one does good to the extent that one intends it", and "one also does bad to the extent that one intends it."¹⁵⁹ These glosses appear to yield

¹⁵⁶ SDB 1.2.2, objections 10 and 11.

¹⁵⁷ SDB 1.3.2, 19-20, p.42.

¹⁵⁸ SDB 1.3.2, obj 10, 4-6, p.41. Ambrose, *De off.* 1.1 c.30 n.147 (PL 16,66); Cf. Peter. Lombard, *II Sent.* d.40 c.unic. (p.518); "Mali vero simpliciter dici debent, qui perversam habent causam et intentionem. Unde Ambrosius ait: 'Affectus tuus nomen operi tuo imponit.'"

¹⁵⁹ These are both glosses on Matthew 12:35.

the principle that the goodness or badness of one's act depends entirely on the goodness or badness of one's intention. Albert links these quotations to the two Ambrosian *dicta*: "the intention imposes its name on the act", and "the affect imposes its name on the act".¹⁶⁰ Since *affectus* in this context was often understood to mean intention, these two sayings could be understood to mean the same thing.¹⁶¹ While the implications of an intention giving an act its name are hardly clear, the saying was often taken to offer at least *prima facie* support to Abelard's contention that an act's goodness or badness derives entirely from the intention with which it is performed. Thus for example Simon of Tournai (1130–1201) uses the Ambrosian "your affect imposes the name on your act" as a springboard to consider the question: "Is that good which is done with a good intention?"¹⁶² At issue here is whether one can separate the morality of the act from the morality of the agent's intention.

While Albert is asking more sophisticated questions about intention in the SDB, his answer is strangely curt. He begins by distinguishing between simple intention and intention directed by faith. Simple intention exists "when reason sets up (*praefigit*) the end of the act while not considering the quality of the act, or the end, or the order of one thing to another."¹⁶³ It scarcely needs to be said that this is "foolish intention" (*intentio stulta*). Neither the glosses nor the Ambrosian *dicta* should be understood as applying to simple intention; rather, they are about intention directed by faith. Albert gives two examples here of doctrines that faith teaches: 1) that fornication is a mortal sin and

¹⁶⁰ SDB 1.3.2 ad 10, 19-22, p.42.

¹⁶¹ Lottin provides background on the way this saying was interpreted, and in particular on the way the word *affectus* was understood, during the 12th and 13th centuries. PEM IV, 309-477.

¹⁶² Simon de Tournai, *Disputationes*, disp. 1966-67. See Lottin, PEM IV, 335.

¹⁶³ SDB 1.3.2 ad 10, 6-8, p.42.

cannot be done with a good end, and 2) that what is less bad is a lesser sin and is less worthy of punishment.

This explanation raises a number of questions. The second of the interlinear glosses states that one does bad to the extent that one intends it; how does this apply to intention directed by faith? Surely one does not intend something bad by means of an intention directed by faith. While it is true that faith teaches us about the nature of sins, their gradations, their worthiness of being punished, etc., it is not clear how this is supposed to address the question Albert has raised here, viz., whether the goodness or badness of an action derives entirely from the intention with which the action was performed.

It is obviously significant that Albert's first example of what faith teaches is that fornication cannot be done with a good end. Here Albert would seem to be associating himself with the position of, e.g., Alan of Lille, who argued that there are certain action types that can never be done with a good intention.¹⁶⁴ This was in contrast to the position taken by Peter Lombard, who argued that the per se *mala* constitute an exception to the general Abelardian rule that acts are judged good or bad according to their intention; on Lombard's view, these acts are bad even if the intention with which they are done is good.¹⁶⁵ Does Albert mean to take Alan's position, ruling out Lombard's? His answer in the SDB is unclear.

Further, the distinction between foolish intentions and intentions directed by faith appears to imply that any intention not directed by faith is foolish. Of course, it is possible that Albert does not think of this distinction as exhaustive. But if that's the case,

¹⁶⁴ Lottin, PEM III, 321-322.

¹⁶⁵ Lombard, *Sentences* II, distinction 40, chapter 1, 519-522; see Lottin, *ibid.*, 318-319.

why does he not then complete it? On the other hand, if he does mean that every intention is either foolish or directed by faith, then his account appears to rule out plenty of perfectly ordinary cases. Foolish intentions fail to consider the quality of the act, or the end, or the order of one thing to another. It seems silly to argue that anyone who lacks faith necessarily fails to consider these things. Indeed, the only way to make this plausible would be to understand the verb "consider" (*considerare*) to mean something like "consider in the light of faith". But if that's what Albert intends, it is hard to see why he doesn't qualify the quite general word 'consider'.

It might be objected that Albert's distinction between simple intention and intention directed by faith describes the two different types of intention found *in a believing Christian*. SDB is, after all, a work of theological ethics. So perhaps Albert simply isn't concerned here with the person who lacks (Christian) faith. If that's the case, then it becomes easier to see how the lack of consideration that defines a foolish intention may be qualified. The Christian whose intentions are not informed by faith fails to consider the nature of the act, the end, etc., in light of what she knows by faith. This is foolish, because by faith she can know certain truths about ethics which she cannot know by reason alone. And if her intention is properly informed and directed by faith, then her acts will be good insofar as her intention is good -- in what seems like a sleight-of-hand, the faith-directed intention considers even the "quality of the act". It is also true that her acts will be bad insofar as her intention is bad -- although the set of bad acts committed with faith-directed intentions will always be empty.

While it is possible that Albert wants to restrict his account of intention in SDB to this theological context, there are reasons to be skeptical of this interpretation. In the

same work Albert demonstrates an awareness of how a philosophical approach will differ from a theological approach to ethics, and takes pains to describe how each will answer a given question. Indeed, earlier in the same treatise Albert does this with respect to the question whether some acts of the will are morally indifferent.¹⁶⁶ He answers that no act of the will, done with deliberation, can be indifferent according to the theologian, while a given act may be indifferent according to the ethicist (*secundum ethicum*). And he goes on to explain why these two approaches will differ: the ethicist, he thinks, does not posit a virtue that motivates all voluntary acts, whereas the theologian does -- charity is a "general mover" applying to all voluntary acts, with the result that none of them can be indifferent: all charitable acts are good, while all uncharitable acts are bad. Since the ethicist posits no such general mover, there is room for acts that are neither good nor bad.¹⁶⁷ Far from ignoring the possible application of this question in non-theological contexts, Albert spells out how the ethicist would answer this question, and explains why his answer would differ from the theologian's. So if such an analysis is available for the question of the morally indifferent, why could it not be applied to problems about intention as well?

If Albert's treatment of intention in SDB seems puzzling and incomplete, the text itself suggests that we should be looking elsewhere for a fuller treatment. After using his distinction between foolish intention and faith-directed intention to answer the question at hand, Albert states: "But what intention is has been explained elsewhere."¹⁶⁸ He doesn't direct the reader to a particular work for this explanation, however. Could he be referring to the section on intention in the DNB? This seems unlikely, since the SDB covers so

¹⁶⁶ SDB 1.2.7, p.33.-35.

¹⁶⁷ SDB 1.2.7, 26-35, p.34.

¹⁶⁸ "Quid autem est intentio, expeditum est alibi." SDB 1.3.2, ad 10, 24-25, p.42.

much of the same ground as the DNB; we find Albert reworking his material from the DNB, but not referring back to it. The *De homine* seems like a promising place to look, since we know he was working on the SDB at roughly the same time he was writing it. But while the word *intentio* appears rather frequently in the *De homine*, it is usually used as a technical term referring to mental items in the theory of sense perception, and not (as it is in the SDB) as an ethical concept capturing an agent's act of aiming at ends in her action. In the one place in the *De homine* where he could be construed as giving an account of what an intention is, Albert distinguishes between that intention which tends toward an end without cognition, which exists in all natural powers in nature, and that which tends to an end which it predetermines by means of cognition.¹⁶⁹ This description is too general to shed much light on the problems about intention broached in the SDB.

Where then is the "elsewhere" to which Albert directs us for an account of what intention is? The editors of the Cologne edition of the SDB, completed in 1951, point us to book 2 of Albert's commentary on Peter Lombard's sentences.¹⁷⁰ There we do find a rich discussion of intention and of its role in the moral life. Recent scholarship tends to place the completion of the SDB around 1242, however, the same year Albert arrived in Paris. Book II of Albert's *Sentences* commentary, written while Albert was in Paris between 1242 and 1248, was likely completed around 1246.¹⁷¹ Is it possible that Albert is referring in the SDB to an explanation of intention that he hasn't yet written? Or had he

¹⁶⁹ *De homine*, p. 102, lines 12-24: "Dicendum ergo ad primum quod substantia carnis est per intentionem in potentia nutritiva et non per substantiam. Sed duplex est intentio, scilicet tendens in finem tantum et non praedeterminans ipsum per cognitionem, et haec est intentio omnium virtutum activarum | in natura; omni enim cui attribuitur finis, attribuitur intentio in finem illum. Est etiam intentio tendens in finem praedeterminans ipsum per cognitionem, et haec est intentio artis."

¹⁷⁰ SDB, p.42, note to line 25.

¹⁷¹ See Möhle et alia (2011), 29-32. Importantly, in the *Sentences* (II, distinction 41, D, Article 5, p. 645), we find Albert arguing that, although pagans (*infideles*) are not capable of merit, which is the result of grace, they can nevertheless be moved by natural piety and by political virtue, which are available to them because they possess the light of natural reason.

already begun working on his commentary on *Sentences* II, only to put it aside and finish it years later? The evidence is inconclusive. What is clear is that for Albert's considered thoughts on intention, we must turn to his *Sentences* commentary.

2.D Moral Circumstances and Intention in Albert's *Sentences* Commentary

As with generic goodness, Albert revisits the topic of moral circumstances at various points in book II of his *Sentences* commentary. The positions he takes there are similar to those found in the SDB, which is not surprising, given that *Sentences* II was probably written no more than four years after the SDB.¹⁷² There is one development worth noting in the *Sentences* commentary, however. Albert explicitly treats circumstances as distinct from the end of the action. In both the DNB and the SDB, intention and end appear on the lists of circumstances, and neither is given pride of place in those lists.¹⁷³ In the *Sentences* commentary, by contrast, Albert begins to use the locution "the circumstances and the end".¹⁷⁴ More explicitly, he distinguishes between the "interior act", or the act of the will, and circumstances, which "strictly speaking regard external acts".¹⁷⁵ This may seem like a small and even insignificant change, but it paves the way for Albert to expand on his treatment of intention as distinct from the circumstances, while relegating moral circumstances to factors external to the agent's beliefs and desires. As I will aim to show, commenting on Lombard's *Sentences* gives

¹⁷² Möhle et al. (2011) estimates that the *De bono* was written around 1242, and that book 2 of the *Sentences* was completed around the year 1246.

¹⁷³ As will be seen below, Albert does give an extended treatment of intention in the section on the good of nature in DNB, but this is distinct from the discussion of circumstances.

¹⁷⁴ *Sentences* II, Distinction XLI, C, Article 2, solution,

¹⁷⁵ *Sentences* II, Distinction XL, A, Article 1, 624.

Albert the opportunity to closely examine the place of intention in his moral theory, which has important ramifications for his views on how actions ought to be evaluated.

The *Sentences* of Peter Lombard were written around the year 1150 and by Albert's day had become a standard theological text. As first a student (beginning in 1241 or 1242) and, by 1245, a regent master in theology at the University of Paris, Albert was expected to lecture on Lombard's *Sentences*. His massive four-volume commentary consists of short outlines of the text, typically followed by disputed questions about issues raised by Lombard. It is a rich source for Albert's views on theology, and in particular for arguments concerning theological ethics.¹⁷⁶ Since this work is a commentary, it will be useful to say something about Lombard's own writing on intention, before turning to Albert's comments on it -- not least because it influences Albert in important ways.

Lombard on *intentio*

When he tackles the issues surrounding acting for an end, Lombard attempts to distinguish between the related terms *voluntas*, *intentio*, and *finis*. And he notes that these terms can be used in a variety of different ways. While the word 'will' (*voluntas*) can be used to designate the general appetitive power that is closely allied with reason, in moral contexts Lombard identifies it as referring to the interior act by which we will something.¹⁷⁷ The "will's end" can refer either to the immediate object of our willing, or

¹⁷⁶ It is true that Albert thinks that the position of the *ethicus* will sometimes diverge from those of the *theologus*, and Albert occasionally highlights those questions where they will give different answers. But there is also a substantial common ground between them, and much can be learned about Albert's ethics from his theological works.

¹⁷⁷ Lombard: *Sententiae*, lib. II, dist. 38, cap. 4, #356: "voluntas est qua volumus aliquid". Cf. Lottin, PEM 4, 315.

to some further end for the sake of which we will that object.¹⁷⁸ Having described the will and its end in this way, Lombard then states that the word "intention" can be taken either to refer to the will, or the will's end. He then adds another complication: "will's end" can also indicate the good or bad pleasure toward which each person strives.¹⁷⁹

Lombard attempts to clarify this taxonomy with an example: I want to feed a hungry person in order that I might have eternal life. My will is to feed the hungry person. The immediate end of that will is the feeding of the hungry person, though the "supreme end", to which that end is referred, is eternal life. The intention, meanwhile, is "that by which I will to arrive at life", viz., eternal life (*intentio vero qua sic ad vitam pervenire volo*).¹⁸⁰ Here he seems to identify one's intention with the act of the will inasmuch as it is directed at the *ultimate* end of that act. Nevertheless, the looseness with which Lombard sometimes transitions between the concepts of intention, end, and will leaves later commentators with the task of further specifying these terms.¹⁸¹

Before examining how Albert defines these terms, it will be necessary to outline Lombard's position, already mentioned above in the section on intention in the SDB, on the question: does the moral status of an act derive entirely from the intention with which it is performed? In other words, how does he respond to Abelard, who argues that it does? Lombard confronts the view that all acts are in themselves indifferent, becoming good and bad by means of the agent's intention. He doesn't name the proponents of this view (though he might have named Abelard, or Hugh of St. Victor¹⁸²). Attributing it only to

¹⁷⁸ *Ibid.*: "finis vero voluntatis est, vel illud quod volumus, per quod impletur ipsa voluntas: vel potius aliud propter quod illud volumus."

¹⁷⁹ *Ibid.*

¹⁸⁰ *Ibid.*, #357.

¹⁸¹ As Lottin notes in PEM 4, 341.

¹⁸² See Lottin, PEM 4, 318.

"certain people" (*quibusdam*), he immediately opposes it to the position of (again unnamed) "others", who argued that some acts are bad in themselves (*in se*), in such a way that they are always sins, even if they have a good cause. Likewise, these others also claim that some acts are good in themselves, in such a way that they can never be done badly.¹⁸³

In this way Lombard sets up a dichotomy between the Abelardian position that says the moral status of every act depends entirely on its intention, and an opposed position that sets up two classes of exceptions to this rule: per se good acts, and per se bad acts. Lombard proceeds to rule out per se good acts: no matter how good an action type may be in itself, it can always be done with a bad intention, and thus will be done badly.

But he accepts the other class of exceptions: there are indeed acts which are and remain sins even if they have a good cause.¹⁸⁴ As examples Lombard provides the thief who steals while intending to give the money to the poor, and the man who commits adultery in order that, "through her with whom he does it", he might free a man from death.¹⁸⁵ These he takes to be counterexamples to the Abelardian principle: some acts are sinful in themselves, and remain sinful even if they are done with a good intention. Nevertheless, Lombard accepts that principle, with the per se mala exception added as a proviso, summarizing his position as follows:

¹⁸³ Lombard: *Sententiae*, lib. II, dist. 40, B.

¹⁸⁴ Lombard: *Sententiae*, lib. II, dist. 40, C.

¹⁸⁵ "...et eum qui se fecisse adulterium ostendit, ut per illam cum qua fecit, hominem de morte liberet." *Ibid.*

"Therefore every human act is judged good or bad according to its intention and cause, except those which are per se bad, that is, those which cannot be done without transgression."¹⁸⁶

Lombard is thus already quite close to Abelard. He even goes further, acknowledging a different account of the per se mala which saves the Abelardian principle. According to this account, the per se mala can never be done with a good intention; at best, the ends and intentions that accompany these acts will be only apparently good. Lombard finds support for this view in Augustine, and while he doesn't endorse it, he clearly sees it as a defensible position. Other 12th-century thinkers, such as Alan of Lille, did endorse this second view of the per se mala. In the words of Odon Lottin, Alan was "a faithful disciple of Peter Abelard."¹⁸⁷

Albert on *intentio*: definitions

When Albert comes to Lombard's text, then, we find him setting for himself two tasks: first, defining intention, and the related terms of end and will, more carefully and precisely than Lombard had done; and second, defining the relation between intention and the goodness or badness of action. His response to the second task is particularly important for the purposes of this dissertation, because it leads him to articulate the Dionysian principle. Odon Lottin has argued, convincingly in my view, that Albert is especially influenced here by the Franciscan master Eudes Rigaud (c.1210-1275); I will

¹⁸⁶ "Omnia ergo hominis opera secundum intentionem et causum judicantur bona vel mala, exceptis his quae per se mala sunt, id est, quae sine praevaricatione fieri nequeunt" *Ibid.*

¹⁸⁷ "Il convenait d'exposer avec quelque ampleur la position d'Alain de Lille; car elle le révèle comme un disciple fidèle de Pierre Abélard." Lottin, PEM IV, 332; Lottin's account of Lille on intention runs from p. 320 to 332.

discuss the relevant text from Rigaud's commentary on Lombard's *Sentences* below. First, however, it will be necessary to see how Albert defines his terms.

While Lombard was satisfied to report on the varied usage of the word "intention" (sometimes it means will, sometimes end), Albert aims to give a detailed account, distinguishing intention from will and end. He begins by emphasizing that an intention is an act of the soul.¹⁸⁸ In this, he is consistent with his remarks on intention in the DNB, where he defined it as an act of the will ordered to an end. In the *Sentences* commentary, he repeats that intention is an aiming or tending (*tentio*) toward an end.¹⁸⁹ He adds, however, that it involves both reason and will, and explains this by pointing to three ways in which an intention can intend an end: in action, in judgment, or in both combined. In the first way, intending the end in action, Albert compares intention to a traveler aiming toward the end of his road (*finem viae*) – that is, toward his destination. In this sense, intention is an act of the will: "...and in this way intention is a will tending toward an end; or, as is better said, the tending of a will toward an end."¹⁹⁰ According to the second way of intending an end, namely in judgment, intention is in reason (*in ratione*), which Albert here distinguishes from the will. He compares this sense of intention to someone standing on a road and pointing with his finger toward his destination. The third description of intention, which includes action and judgment together, Albert describes as belonging to

¹⁸⁸ *Sentences*, Dist. 38, G, article 5, solution, p. 615. To the objection that while defining virtue Aristotle had named only three things in the soul, namely powers, dispositions, and passions, Albert rejoins that this is not an exhaustive list, and that there are many other things in the soul, such as acts, species, etc.

¹⁸⁹ *Sentences*, Dist. 38, G, article 5, ad 1, 615.

¹⁹⁰ *Ibid.*: "et sic intentio est voluntas tendens in finem viae: vel, ut melius dicatur, tentio voluntatis in finem."

a "directed will" (*voluntatis rectae*), which is a will regulated by reason; and he clearly regards this last sense of intention as the most complete.¹⁹¹

Having defined intention as an act of a will regulated by reason tending toward an end, Albert can distinguish intention from end: intention does not refer to the end, except "speaking materially", where by intention we really mean that which is intended (*ut intentio ponatur pro intento*). As it turns out, however, there are different sorts of ends, and our understanding of intention and its role in the moral life depends on which ends are being aimed at. Albert undertakes his classification of ends while attempting to explain how intention affects or determines the moral goodness or badness of an action in distinction 38 of *Sentences II*.

Albert on the Role of Intention in Moral Evaluation: First Answer (Distinction 38)

Albert begins with a seemingly obscure question: is the quantity of a will measured from the end?¹⁹² He musters arguments that clarify the sort of quantity involved: it is first a quantity of worth (*valor*), then a quantity of goodness. So the problem might appear to be: does the goodness of a will depend on the end? But Albert quickly specifies that his real concern is with the goodness of acts; insofar as the will is involved, it is the will to perform specific actions. Thus the *sed contra* provides two counterexamples to the claim that the quantity of the will is measured from the end: 1) a

¹⁹¹ Defining intention as an act of both reason and will was not the norm before Albert. We saw Lombard identifying intention either with a will, or with a will's end. Closer to Albert, Alexander of Hales argues in his *De intentione*, written at some point before 1236, that intention consists of two acts of the will, namely choosing and willing (*electione et voluntate*), and distinguishes it from *credulitas*, the purely cognitive act which precedes, or ought to proceed, intention. (See Lottin, PEM 4, 410). Thus it is significant for Albert to argue that intention is not merely an act of the will, but an act of the will regulated by reason. In this he joins the company of Eudes Rigaud, who had emphasized before Albert that intention is both rational and volitional (Lottin, PEM 4, 434).

¹⁹² *Sentences*, Dist. 38, A, Art. 1: "Utrum voluntatis quantitas pensetur ex fine?"

man fornicates with a woman so that, by getting close to her, he might persuade her to abandon her heresy; and 2) someone steals in order to feed the poor. In both these cases, the end is good, but the act (*opus*) is bad. The question might then be rephrased as follows: does the goodness or badness of an act depend on the goodness or badness of the end?

In his response, Albert first brings up one of the canonical sayings he had discussed in the SDB: the *Glossa ordinaria*-inspired *quantum intendis, tantum facis*. He first reports at length the view of the "old teachers" (*antiquorum doctorum*), which he attributes to Prévostin (c.1135-1210), Stephen Langton (c.1150-1228), and William of Auxerre, but which is in fact much closer to the accounts given by Hugh of Saint-Cher (c.1200-1263) and John of La Rochelle (1200-1245).¹⁹³ This position claims that *quantum intendis, tantum facis* applies "generally" with respect to bad and indifferent acts, but not to good acts; it is not always the case that you do good to the extent that you intend it, so that for goods, "the particular is the rule."¹⁹⁴

A couple examples help to illustrate this view. If you do some morally indifferent act, like picking up a stick, but you do it out of contempt for God and in order to provoke him, you thereby sin mortally; the badness of the act is determined by the intention with which it is performed. But now take some good act, like giving money to the poor. Suppose you are able to give a large amount, but only give a small amount. Nevertheless, you *intend* the merit you would receive from giving much more. In this case, you do not thereby merit as if you had given the larger amount. While this view of the role of

¹⁹³ Lottin, PEM 4, 451. Lottin points out (footnote 1) that it was much more difficult for medieval theologians to double-check a text than it is for us, and that the medievals were at any rate much less worried about historical accuracy than we are.

¹⁹⁴ *Sentences*, Dist. 38, A, Art. 1, Solution, p. 604.

intention in moral evaluation could be fleshed out at greater length, and indeed was by the likes of Hugh and John, this general outline reveals what Albert took to be the consensus view of his predecessors.

Albert never endorses this view, but instead introduces his own solution with the words: "nevertheless it can without prejudging be said otherwise..."¹⁹⁵ Interestingly, his own solution ignores the saying that had preoccupied the "older teachers", viz. *quantum intendis, tantum facis*; Albert neglects it here, but will come back to it later in his commentary.¹⁹⁶ Instead, he focuses his attention on the Ambrosian dictum, *intentio imponit nomen operi*. In what sense is this dictum true? His answer begins by distinguishing between ends and things referred to an end, then makes a set of distinctions which can be summarized as follows:

<u>That which is referred to an end</u>	
<u>In general</u>	<u>Applied to morals</u>
R1: Natural cognates of the end	MR1: Good action is cognate with a good end
R2: Obliquely related to the end	MR2: Bad action is oblique to a good end
R3: Imposed on the end	MR3: Indifferent action is in potentiality to a good or bad end

<u>Ends</u>	
<u>In general</u>	<u>Applied to morals</u>
E1: End that completes a thing in being, or in being well	ME1: The form of charity completes us in being well
E2: Ultimate end in which an agent rests	ME2: Happiness (<i>beatitudo</i>) is our ultimate end
E3: End in which the whole intention of motion rests	ME3: Our whole intention rests in God

¹⁹⁵ *Ibid.*: "Potest tamen sine praejudicio aliter dici..." As Scott MacDonald has pointed out to me, this looks like a conventional courtesy, in which Albert is rejecting a view without saying so explicitly.

¹⁹⁶ *Sentences*, Dist. 41, C, Art. 3, Solution, p. 644. See below.

Both ends and that which is referred to an end are divided into three kinds.¹⁹⁷ Each of these six kinds is then adapted to morals. To begin with what is referred to an end: Albert calls the natural cognates of an end (R1) those things which are "naturally ordered" to the end. The moral application is straightforward: good actions (MR1) are naturally ordered to good ends. He doesn't explain the idea of an oblique relation to the end (R2), but the implied physical metaphor is useful: instead of aiming straight toward the end, something referred to an end obliquely is slanted or tilted away from it. Bad actions (MR2) are oblique to a good end, bent in the wrong direction. Finally, something referred to an end might be neither naturally ordered to nor oblique to the end, but "imposed" on it (R3). This is the case for indifferent actions (MR3), which are in potentiality to either good or bad ends; they are not naturally ordered toward good ends, but neither do they slant away from them.

As for the ends themselves, the first sort (E1) is an end that disposes a related thing to itself, and here Albert has examples: the terminus of a motion is an end that defines the motion; and the new form is an end that defines an act of generation. This kind of end completes a thing, either in being or in being well (*vel in esse, vel in bene esse*). The moral version of this end is the form of charity (ME1), which disposes the agent to be charitable, thereby completing or perfecting the agent. Talk of charity as an end might strike us as odd: isn't charity a virtue, a disposition to seek certain ends in certain ways, perhaps, but hardly an end in itself? Here, Albert clarifies that the

¹⁹⁷ It would be tempting to use the word "means" to refer to that which is referred to an end (*id quod refertur ad finem*), as Lottin does (PEM 4, 451: "On distinguera d'abord entre fins et moyens."). This could be misleading, however, since as will be seen, the second category of things referred to an end are not actually means to the end. For this reason, I will use the clunky translation, "that which is referred to an end."

proximate end the charitable person aims at is a charitable action. This action is "informed" by the form of charity, which makes the action charitable. At the same time, performing charitable actions perfects the agent, completing her capacity for moral goodness; she is herself "informed" by charity. The other two sorts of ends are the ultimate end in which the agent rests (E2), which is *beatitudo* (ME2), or the happiness that can only be attained in heaven; and the end in which the whole intention (*tota intentio*) rests (E3), which is God (ME3).

Having completed this rather complicated taxonomy, Albert is prepared to give his first, preliminary answer to the question: how does intention affect the morality of an act? Using Ambrose's dictum, Albert states that intention imposes the name on the act by means of the "proximate or first end" (E1), both in those things which are cognate to it (R1), and in those things which are not oblique to it (R3). Applying this analysis to morals, the intention to perform a charitable act aims at the form of charity (ME1), thus making both the good action (MR1) and the indifferent action (MR3) charitable (and thus imposing the name 'charitable' on those actions.) The intention does not impose the name on that which is oblique to the end (R2), that is to say, bad actions (MR2).

What then of the counterexamples? Do not the man who fornicates in order to convert his lover, or the thief who steals in order to give to the poor, commit bad actions but with good ends? Albert replies that such examples do not involve a relation through the nature of the act (*per naturam operis*), but only through the thought of the agent.¹⁹⁸

The relation in question appears to be that between the action and the end. Although he

¹⁹⁸ *Sentences*, Dist. 38, A, Art. 1, "Ad ea...", p. 604: "Ad ea autem quae objiciuntur, dicendum quod non valent: quia non est in talibus relatio per naturam operis, sed tantum per cogitationem agentis: et de tali relatione non loquitur hic Magister: quia illa stulta est, si applicat fini quod non est applicabile ei. Et per hoc patet solutio ad totum."

doesn't make it clear, Albert appears to be gesturing toward a distinction between end as an intrinsic feature of an action, and end as a further reason for performing that action. If I steal money in order to give it to the poor, the end intrinsic to the action is to steal the money; my reason for stealing the money (the end which I am thinking about as I steal it) is to give to the poor. Albert doesn't develop this distinction any further in the *Sentences* commentary, but we will see it again and in further detail in the *Super Ethica*.

What sense can be made of this account of ends and intentions? Much depends on what is meant by good and bad action (*actio bona*, *actio mala*). The vocabulary may strike the reader as odd. Albert usually uses either *opus* or *operatio* to describe moral acts; *opus* is often used for acts at a general or hypothetical level of description, *operatio* for more highly specified acts. Nor was this unusual; Lombard often uses *opus*, as do many of Albert's contemporaries, such as Alexander of Hales (1185-1245) and Eudes Rigaud (c.1210-1275). In this particular context, however, Lombard uses the word *actio*, and Albert summarizes Lombard's concern as regarding good and bad *actiones*.¹⁹⁹ Since *actio* is not a technical term that Albert typically uses, however, it is somewhat difficult to determine what meaning he attaches to it.

One place in the *Sentences* commentary where we find Albert using the word *actio* is in his discussion of generic goodness, in distinction 40, where he introduces the concept of good in action (*bonum in actione*).²⁰⁰ The good in action is defined as the generic action clothed with good circumstances and done with a good end. In distinction 38, by contrast, actions are distinguished from ends; the good action is "referred to" a

¹⁹⁹ *Sentences*, Dist. 38, *divisio textus*, p. 603.

²⁰⁰ *Sentences Commentary* II, dist. 40, A, article 1, ad 3, page 624; see above.

good end, to which it is a natural cognate. So the good in action (*bonum in actione*) appears to be a different concept from the good action (*actio bona*).

On closer inspection, however, it seems that the concept of *actio bona* does include ends, just not the ones he mentions here. After all, the tripartite distinction of ends in distinction 38 seems radically incomplete, restricted as it is to the form of charity, heavenly happiness, and God. What about other, more down-to-earth sorts of ends such as "to feed the hungry", or "to kill this person". Albert recognizes these as ends in other contexts, and it seems likely that they are built into the concepts of good action and bad action as he uses them here. Thus the action of collecting donations in order to feed the hungry might count as a good action, which can then be directed toward a further end, namely the form of charity. Finally, it is this form of charity which "imposes" on the action of collecting donations in order to feed the hungry the name "charitable".

But if this interpretation is correct, we are left with one single action type – charitable actions – to which the Ambrosian formula ("the intention imposes the name on the act") applies. If I truly intend the form of charity as my end, my action is in fact a charitable one. Perhaps this is as far as the Ambrosian formula goes, for Albert. Even if that is the case, we are still likely to have further questions about the role intention plays in determining the moral status of actions which are not charitable. Since Albert denies that all non-charitable actions are bad, this will include some good actions. Indeed, we find Albert arguing in distinction 41 that the *infidelis* can do good "insofar as he is moved by natural piety, or by the goodness of political virtue."²⁰¹ It would be interesting to learn what role good intentions play in the goodness of those actions. Though Albert doesn't

²⁰¹ *Sentences* II, distinction 41, D, article 5, ad primum, p. 645: "Homo autem malus in se bene potest bonum facere, non in quantum malus, sed in quantum motus pietate naturali, vel bonitate virtutis politicae."

address this issue in distinction 38, he quickly returns to the question of the relation between intentions and moral acts in distinction 41, to which I now turn.

Albert on the Role of Intention in Moral Evaluation: Second Answer (Distinction 41)

We find a reconsideration of the moral import of intention in distinction 41 of Albert's *Sentences* commentary, but he sets the stage for it in distinction 40. There he asks whether an act might be both good and bad. A preliminary argument takes the affirmative position:

Further, this [viz., that an act that is one in number can be both good and bad] seems to be confirmed by a continuous act which someone does first for God, and afterwards, before he finishes, changes his intention toward vain glory; for then the act is one, because the agent is one, the time is one, and the terminus of the motion is one; and nevertheless it is first good, and later bad.²⁰²

Thus we have a case that purports to show that an act which is one in number can be both good and bad, by assuming the diachronic identity of the act. If the act remains the same act over time, but the intention changes from good to bad (or indeed from bad to good) at some point during the duration of the act, then the same act is both good and bad, though at different times. As in the text from distinction 38 examined above, the argument hinges on what is meant by an act (*actus* or *actio*). But here Albert explicitly addresses this problem in his reply:

²⁰² *Sentences* II, distinction 40, D, article 5, obj. 5, p. 636: "Praeterea, Videtur hoc verificari de aliquo actu continuo, quem aliquis primo facit propter Deum, et postea antequam finiat, convertit intentionem ad inanem gloriam : tunc enim actus est unus, quia agens unus, et tempus unum, et terminus motus unus : et tamen est primo bonus, et postea malus : ergo una numero actio potest esse bona et mala, quod videtur esse impossibile, cum bonum et malum sunt opposita, vel ut contraria, vel ut privatio et habitus, ut supra determinatum est."

To the next it should be said that in such an action there are two moral actions, although there is one naturally. And regarding its parts, it is informed in different ways by intention. For intention is principally the mover in morals. And since there are two intentions there, there are two movers, and two actions, not one, follow the two movers.²⁰³

As we saw above in the discussion of circumstances in the SDB, Albert distinguishes between an act qua act, or the "substance" of the act, and an act as a moral entity.²⁰⁴ Here he makes the same distinction in terms of natural actions and moral actions. Natural actions seem to be distinguished by pre-moral descriptions which do not refer to what the agent intends. Moral actions, by contrast, are distinguished by the intentions which "inform" them. The principle here seems to be: the number of moral actions will always be equal to the number of intentions. Intention individuates moral actions in virtue of its role as the principal mover in morals.²⁰⁵

Yet although intentions are either good or bad,²⁰⁶ and intentions individuate moral actions, Albert insists that good and bad are not "constitutive differences" of these actions. That is, good and bad are not essential features of voluntary actions, but are only accidental to them. Now this seems like an odd position for Albert to take. After all, he claims that an action cannot be good and then later become bad while remaining the same

²⁰³ *Sentences* II, distinction 40, D, article 5, ad 5, p. 636-637: Ad aliud dicendum, quod in tali actione sunt duae actiones morales, licet una sit naturaliter : et quoad diversas sui partes ab intentione diversimode informatur : est enim in moribus intentio principaliter movens : et cum ibi sint duae intentiones, sunt duo moventia, et ad duo moventia sequuntur duae actiones, et non una.

²⁰⁴ SDB 1.3.1, ad 1, p. 38; see also Cunningham (2008), 133-134.

²⁰⁵ Hoffmann (2003) argues that in Albert's *Sentences*, "morality tends to be considered more from the perspective of the action itself than from that of the agent. Thus the predominantly ontological perspective obscures the specifically moral character of actions" (81). Given that we see Albert arguing here that moral actions are individuated by the agent's intention, which is the principal mover in morals, we have at least a prima facie reason to question the accuracy of Hoffmann's criticism.

²⁰⁶ I am setting aside the question of the morally indifferent here, since it is a complicated question in its own right, and deserves a separate treatment.

action. Since the goodness or badness of an action is inseparable from the (moral) action itself, the action's goodness or badness would seem to be essential to it. His claim that it is not has drawn criticism from contemporary scholars, notably Tobias Hoffmann, who argues that "Albert's account is too closely tied to the ontological viewpoint."²⁰⁷ That is, Hoffman charges that by focusing on actions as ontological items, Albert ends up downplaying their moral significance. That he treats good and bad as merely accidental to action is evidence of this neglect of the specifically moral aspect of actions.

In order to evaluate Hoffman's critique, it will be necessary to examine Albert's account in more detail. Albert concedes that goodness and badness are inseparable (*non transmutabile*) from good or bad actions.²⁰⁸ But he points out that there are accidents which are inseparable from their subjects. One prominent type of such accidents is the *per se* accident, which "flows from the principles constituting the being" of some species; a common medieval example was risibility with respect to human beings. Another is the "accident of an individual", which can relate only to a subject, or to both a subject and a cause. For our purposes, the accident of an individual that relates only to a subject is the relevant one.²⁰⁹ This sort of accident also comes in two kinds, depending on whether the subject is permanent or successive. An accident of an individual related to a *permanent* subject will be separable from that subject. Albert gives the example of black and white with respect to human beings: skin colour is an accident that can change while the subject remains one in number. An accident of an individual related to a *successive* subject is inseparable from that subject. The one example Albert gives of successive subject is

²⁰⁷ Hoffmann (2003), 80.

²⁰⁸ *Sentences* II, distinction 40, A, Article 1, Solution, p. 625.

²⁰⁹ Albert also provides an account of accidents of an individual that relate both to a subject and to a cause, which are of two types: one where the subject names a *per se* cause of the accident, and the other where the subject flows (*fluat*) toward one of the causes of the subject.

motion: the same motion cannot be both fast and slow; if there is a change from fast to slow, then we have a new motion. So fast and slow are accidents of individual motions that cannot be separated from those motions.

This taxonomy of accidents allows Albert to explain how good and bad are accidental to action: they are accidents of an individual, and the subject to which they relate is successive, similar to motion. Good and bad with respect to action are like fast and slow with respect to motion; if an action changes from good to bad, it is no longer the same action. In this way, the goodness of a good action is inseparable from the action without being essential to it.

Still, it is not yet clear why Albert insists that goodness and badness are accidents of actions. He has only shown that they can be accidental while still being inseparable from the actions they modify. Why not instead say with Hoffman that they are essential features of actions?²¹⁰

The answer concerns specification. Essential features of an action are those which make it the sort of action that it is. In scholastic terms, they determine the action's species. Above we saw Albert claiming that intentions individuate moral actions, distinguishing one from another. In an article on the status of goodness and badness with

²¹⁰ Hoffmann (2003) himself points to three arguments from the *Sentences* text for the claim that good and bad are accidental features of actions: 1) badness is a privation, and privations do not specify things; neither can they specify a moral action; 2) good and bad can be in actions of the same species; for example, sexual intercourse is one action in species, but one instance of it may be good, another bad; and finally 3) every action is caused by God, and if badness were substantial to an action, then God would also be the cause of badness, which is impossible.

Hoffmann does not think these are good arguments, and he cites them as evidence of the "predominantly ontological perspective" which obscures Albert's thinking about ethics (81). Note, however, that these three arguments are found not in Albert's solution, nor in the replies, but in the *Sed contra* section of the disputed question (*Sentences* II, distinction 40, A, Article 1, p. 624-625). It is therefore not obvious that Albert himself endorses these arguments. Further, the second argument seems to be inconsistent with Albert's own views. Sexual intercourse may be a species of *natural* action, but as we have seen, moral actions are distinguished by intentions. So we have good reason to doubt whether Albert would endorse these three arguments from the *Sed contra*. At any rate, Albert also provides a different argument, which I discuss in what follows.

respect to actions, he focuses on the ends toward which those intentions are directed. An objection argues that in morals, actions are specified only by goodness or badness, so that good and bad should be considered substantial forms of an action.²¹¹ Albert replies by denying that goodness and badness play this role of specification:

To the next it should be said that an action in morals is specified by its term, just like all motions, because it exists on account of that term, and it [the term] is its end; but good and bad, as will be made clear below, are not caused in this way by the end, but also by other things."²¹²

In morals, the end aimed at by the agent specifies an action, allowing us to distinguish it from other sorts of actions and to identify it as a particular *species* of action. Still, since a particular end is either good or bad, will the goodness or badness of the end not therefore also specify the action? We are interested in *moral* specification, after all; if it is the end that plays this role, surely the goodness or badness of the end will be relevant here.

While the goodness or badness of the end is relevant to the goodness or badness of the action, it does not specify the action because the end is not the sole cause of an action's goodness or badness. When Albert says that good and bad are not caused "in this way" (*sic*) by the end, he means that they are not caused *only* by the end -- they also have other causes. Thus there is a potential divergence between the moral status of the end, and the moral status of the action. To see why this is the case, I will now turn to Albert's second attempt in the *Sentences* commentary to answer the traditional question about the

²¹¹ *Sentences* II, distinction 40, A, Article 1, obj. 2, p. 624.

²¹² *Sentences* II, distinction 40, A, Article 1, ad 2, p. 625: "Ad aliud dicendum, quod actio in moralibus specificatur in termino suo, sicut omnis motus : quia propter illum terminum est, et ipse est finis ejus : sed bonum et malum, ut infra patebit, non sic causantur ex fine, sed etiam ex aliis."

relationship between the goodness or badness of an act and the intention with which it is performed.

Albert addresses this question explicitly in an article that asks: "Does intention make an act good and bad?"²¹³ His answer contains an explicit formulation of the Dionysian principle, and is therefore worth quoting in full:

It should be said that good and bad in an act are not caused in one way; but the good, as Dionysius says, is from one whole cause; that is, for the constitution of the good it is necessary to bring together all the circumstances and the end and the form in the acting will. And it is constituted only by all these things together in the mode of an integral whole, which is constituted by all its parts taken at the same time. But the bad, as Dionysius says, is omnifarious, that is, from any particular defect, just as an integral whole is destroyed by any given part taken separately. And thus it is that the good does not exist without a good intention, although it is not good from intention alone; just as a house does not exist without a wall, although it does not exist from the wall alone.²¹⁴

Here we see why Albert thinks that good and bad cannot perform the function of moral specification, and therefore must not be essential to moral actions. In morals, an action is specified by the end intended by the agent that performs it. But the goodness or badness of the action is not determined by the end alone, with the result that the moral status of what specifies the action can differ from the moral status of the action itself. So good and

²¹³ *Sentences* II, distinction 41, B, Article 2, p. 642: "Utrum intentio facit bonum vel malum opus?"

²¹⁴ *Sentences* II, distinction 41, B, Article 2, solution, p. 643: "Dicendum, quod bonum et malum in opere non causantur uno modo : sed bonum, sicut Dionysius dicit, ex una tota causa est, id est, ad constitutionem boni oportet convenire omnes circumstantias et finem et formam in voluntate agente : et non constituitur nisi ab omnibus his simul per modum totius integralis, quod constituitur ab omnibus suis partibus simul acceptis. Malum autem, ut dicit Dionysius, fit omnifariam, id est, ex quolibet particulari defectu : sicut et totum integrale destruitur qualibet parte divisim destructa. Et ideo est, quod bonum non est sine intentione bona, licet non sit bonum ex sola intentione : sicut domus non est sine pariete, licet non sit ex solo pariete.

bad are not essential features of actions, but only accidental features. Note here that the reason Albert holds that good and bad are accidental is that goodness and badness proceed not only from what is essential to an action, understood morally, but also from accidental or extrinsic features of the action, such as the circumstances. Albert is not privileging an ontological perspective on action here; rather, he distinguishes actions understood "naturally" (i.e., ontologically) from actions understood morally; the Dionysian principle applies only to the latter, and the non-essential character of goodness and badness with respect to actions follows from that principle.

Hoffman's critique of Albert on the morality of action extends to the Dionysian principle, however. He argues that Albert's account, which requires that several factors taken together constitute the morally good action, "reveals a weakness intrinsic to Albert's account of moral goodness, because he does not indicate any order of priority among those factors. Clearly, the end of the action has no privileged role in Albert's explanation."²¹⁵ The strength of this objection depends on the sort of priority one is looking for, and one's reasons for valuing that priority. Hoffman contrasts Albert with Aquinas; on his view, Aquinas gets the better of the argument between them.²¹⁶ I will argue later that Aquinas's own use of the Dionysian principle is similar to Albert's, and is clearly influenced by him. At this point, I would argue only that Albert *does* privilege the end. The end does the work of specifying actions; if someone changes her intention while performing some (natural) action, then there is a new moral action. The categorization of moral actions results from the distinction between different intended ends. While the external circumstances are also important, they do not play a role in moral specification.

²¹⁵ Hoffmann (2003), 82.

²¹⁶ Hoffmann (2003), 83-89.

The intention of the end is also essential in a particular way to charitable actions, as we have seen. Finally, as I show below, intention plays a special role in bad actions, as it can determine how bad those actions are, and thus how blameworthy the agent is.²¹⁷ The end, and the agent's act of intending it, clearly play an important and peculiar role in the goodness or badness of a moral act.²¹⁸

Turning to the account of the Dionysian principle, there are several differences between its presentation in the SDB and its portrayal in the *Sentences* commentary.²¹⁹ In the SDB Albert attributed it to both Dionysius and Aristotle; in the *Sentences* commentary the reference to Aristotle is omitted. In the SDB, the principle concerned the causes of virtue and vice -- a result, it seems, of Albert combining texts from both pseudo-Dionysius and Aristotle.²²⁰ In the *Sentences* commentary, Albert is explicit that his concern is good and bad in action -- the application to virtue and vice seems to have dropped out of the account.

We also have different metaphors: in the SDB, Albert compared the performance of a good action to the discovery of the centre of a circle.²²¹ Like a virtuous action, the centre of the circle exists only "in one way", namely at that point from which all lines going to the circumference are equal in length. Failing to be in the centre of the circle is, like a vicious action, "omnifarious" -- it can happen in many different ways. In the *Sentences* commentary, an action is compared to a house; there can be no house without a

²¹⁷ *Sentences* II, distinction 41, article 3, solution, p. 644.

²¹⁸ Hoffmann acknowledges that for Albert, the end plays a primary role "from the theological point of view", in particular because charity is a unifying virtue (82).

²¹⁹ The comparison is between SDB 1.3.1, ad 6, p. 38, and *Sentences* II, distinction 41, article 2, solution, page 643.

²²⁰ The editors of the *Editio coloniensis* make this point in the note to line 68 on page 38 of the critical edition of the SDB.

²²¹ This example is from the *Nicomachean Ethics* II.9, 1109a24-26); Aristotle uses it to illustrate the difficulty of attaining moral virtue, which is an intermediate between extremes.

wall, just as there can be no good action without a good intention; but a house requires more than walls, just as a good action requires more than a good intention.

This new metaphor illustrates not only the Dionysian principle, but also the category with which Albert now associates it: the good act is an integral whole (*totum integrale*). Albert introduces this familiar concept from medieval mereology in order to explain the unity of the good act's goodness. The integral whole results from the parts being arranged together, and unlike the universal whole, is not predicated of any of its parts, but differs from each of them in quantity and in composition.²²² In an integral whole, the whole implies each of the parts, but none of the parts taken by itself implies the whole.²²³

We can contrast the integral whole, as Albert understands it, with a potential whole, like the soul. The soul is a potential whole because the fullest account of the soul will include various powers and capacities. But as Andrew Arlig has noted, "it does not follow from this that any given particular soul will have all of the powers and capacities on the list."²²⁴ By contrast, an integral whole will cease to exist without each of its constituent parts. Thus the example of a house: a house is more than its walls, but without the walls, there can be no house.

In the same way, the goodness of a good act depends on any one of its 'parts' being good. This explains the divergence between the way we evaluate acts as good or bad. A bad intention is enough to make the whole act bad, but a good intention is insufficient to make the whole act good, since bad circumstances or a bad form can also make the act bad:

²²² *Liber divisionum* (ed. de Loë, 1913), tract.2, cap.5, p.34.

²²³ *De generatione et corruptione* (ed. Borgnet, 1890), Lib.II, tract.3, cap.9, p.454b.

²²⁴ Arlig (2015).

...for the bad, a corrupt intention suffices, even though [the bad act] is also caused by other corruptions. But for the good, integrity (*integritas*) of intention does not suffice; for there can be many other corruptions of the act.²²⁵

The word *integritas* is significant here: Albert does not typically use it to describe intentions. *Integritas* can have the sense of innocence or blamelessness, or integrity as an ethical quality; but in an article in which Albert argues that a good act is constituted "in the mode of an integral whole", we might also understand *integritas* in this passage as a kind of wholeness. One's intention needs to be whole or intact -- and thus good²²⁶ -- but that intactness is only a part of the act as an integral whole. The integrity of the parts is necessary for the integrity of the whole, and the corruption of any part is enough to make the whole act bad.

Lottin traces this idea in Albert to Eudes Rigaud, the Franciscan master who became a master of theology at the University of Paris in 1242, around the same time Albert was arriving in Paris.²²⁷ Rigaud devotes ample space in his own commentary on Lombard's *Sentences* to the topic of intention. Central for our purposes is a question that asks: should an act be judged good or bad from its intention?²²⁸ Rigaud's position is decidedly anti-Abelardian, but he frames his answer in such a way as to save the authoritative texts that suggest that the goodness of an act derives entirely from its intention.

²²⁵ *Sentences* II, Distinction 40, C, Article 2, ad 1, p. 643.

²²⁶ Albert accepts the Boethian dictum that "everything that is, inasmuch as it is, is good." (See SDB, Tr. I, Q. 1, Art. 7). Thus everything bad is in some way incomplete, lacking the being that ought to be there, and this goes for intentions as well.

²²⁷ Lottin, PEM 4, 454. On Rigaud's life and dates, see Davis (2006).

²²⁸ See Lottin, PEM 4, 443. I use the text edited by Lottin, and included along with his comments in PEM 4, 432-450.

He distinguishes between two ways of understanding intention: either as simply the soul's gaze (*aspectum*) upon the end of an action, or as including the ordering of acts in relation to the end.²²⁹ The use of *aspectus* to describe intention is somewhat surprising, as it suggests that an intention is a purely cognitive act, one of nearly seeing or gazing at or grasping an end. This is doubtful, however, since earlier in the same work Rigaud describes intention as an act of the will toward an end, though like Albert he thinks it also involves reason.²³⁰ At any rate, the first sense captures the soul's focus on the end, without any consideration of what means one might use to attain it. The second sense of intention, by contrast, involves an ordering of acts, which includes determining that action by which one will achieve what is intended (*actionem per quam perveniat ad illud*).²³¹ Having defined these two different senses of intention, Rigaud can answer his original question: understood in the first way, an intention can be good while the act is bad, so that the morality of the act should not be judged by its intention. Understood in the second way, an act can be judged by its intention, since intention is defined so broadly as to include the act.

While it allows for different ways of understanding intention, Rigaud's solution makes it clear that two things are necessary for a good act (*opus*) – both the end which is intended (the *intentum*), and the means towards achieving that end (the *actio*) must be good. For this reason, Rigaud claims that "more things concur for good than for bad."²³² Both conditions must be met in order for the act to be good, but if either fails, the act is bad. Rigaud concludes that "from the destruction of a part, the destruction of the whole is

²²⁹ Lottin, PEM 4, 444.

²³⁰ *Ibid.*, 433-434.

²³¹ *Ibid.* 444.

²³² *Ibid.*, 445: "plura concurrunt ad bonum quam ad malum."

brought about."²³³ This is in essence the Dionysian principle as we find it in Albert; while he doesn't describe it in terms of an integral whole, the word he uses for 'whole' – *integer* – may have suggested that concept to Albert.²³⁴

While likely influenced by Rigaud, in his *Sentences* commentary Albert differs both from Rigaud and from his own earlier formulation of the Dionysian principle in the SDB by providing a different list of factors that must be good in order for the act itself to be good. Rigaud mentions two: the intended end, and the means toward that end (which he also calls the *actio*). In the SDB, Albert initially says only that all of the circumstances must be good. As we saw above, he names seven different circumstances in that work, and analyzes them in some detail. He also mentions that one of the circumstances is sometimes more principal than the others, insofar as it "gives being to an act in accordance with the species of virtue or vice."²³⁵ Yet he doesn't give a general account of how circumstances determine virtue or vice, and he remarks that with respect to the good, one circumstance does not give being without all the others.

In the SDB's second formulation of the Dionysian principle, three factors must be good for the act itself to be good: 1) the circumstances; 2) the end; and 3) the act upon its appropriate matter – in other words, its generic quality.²³⁶ The end is thus treated as distinct from the circumstances, a trend that continues in the *Sentences* commentary.

²³³ *Ibid.*: "a destructione partis, integri infertur destructio."

²³⁴ The evidence is much less clear as to whether Rigaud influenced the SDB version of the Dionysian principle. That earlier text does not mention intention specifically, focusing instead on the circumstances in general. So although there is good reason to think that Lottin is right (PEM 4, 454) that when we compare Rigaud's text on intention to Albert's commentary on distinction 41 of *Sentences* II, "on se convainc sans peine qu'Albert a sous les yeux le texte du maître franciscain", it is not obvious that Albert takes the idea for the Dionysian principle from Rigaud.

²³⁵ SDB 1.3.1, ad 6, lines 61-62, p. 38.

²³⁶ SDB I.5.1, ad 22, 74, 22-25.

Generic goodness is also included; as I noted above, this appears to be an attempt to merge the stages theory with the Dionysian principle.

In the *Sentences* commentary, the Dionysian principle no longer includes generic goodness. Albert again mentions three factors: 1) the circumstances; 2) the end; and 3) the form in the acting will. Given that this account is given in the context of a disputed question about intention, it might seem odd that Albert neglects to mention it here. But it is clear from the responses to the objections that Albert considers intention to be one of the factors that must be good in order for the act to be good.²³⁷ Here as elsewhere, Albert seems to be treating intention and end as a unit. While he considers them distinct and defines them separately, he often uses the terms *intentio* and *finis* interchangeably when discussing their moral significance. The end here is the end insofar as it is intended by the agent. Albert has little to say about circumstances in this context, though we should keep in mind that in the *Sentences* commentary, he has begun to speak of the moral circumstances as external, as opposed to the internal act of intending the end.²³⁸ This is by no means a hard and fast distinction; the external circumstances are still things one must deliberate about (an internal act), and the end is usually in some sense external to the agent. Still, Albert distinguishes them, probably as a means of emphasizing the importance of intention and end.

The last factor requires some explanation: what does Albert mean by "the form in the acting will" (*formam in voluntate agente*)? The notion of a form in the will does not occur elsewhere in distinction 41, and it is possible to be misled here because Albert

²³⁷ *Sentences* II, distinction 41, C, article 2, ad 1, ad 3, and ad 6, p. 643.

²³⁸ *Sentences* II, distinction 40, A, article 1, ad 3, p. 624.

sometimes speaks of the will as being informed by reason.²³⁹ The broader context of *Sentences* II makes clear that Albert has something more specific in mind: earlier in the book, he states that "the will is a complete cause of a good act through the forms of grace and virtue."²⁴⁰ The will is *informed* by grace or by virtue, in such a way that it produces a graced or virtuous act. Albert's view seems to be that it is not enough to act in the right circumstances and for a good end; one's act is not good unless one is also disposed to act in that way, whether by habituation or by grace. On this understanding, good acts are not isolated: they do not exist independently of the agent's character. I will return to this view later, when I compare the stages account to the Dionysian principle.

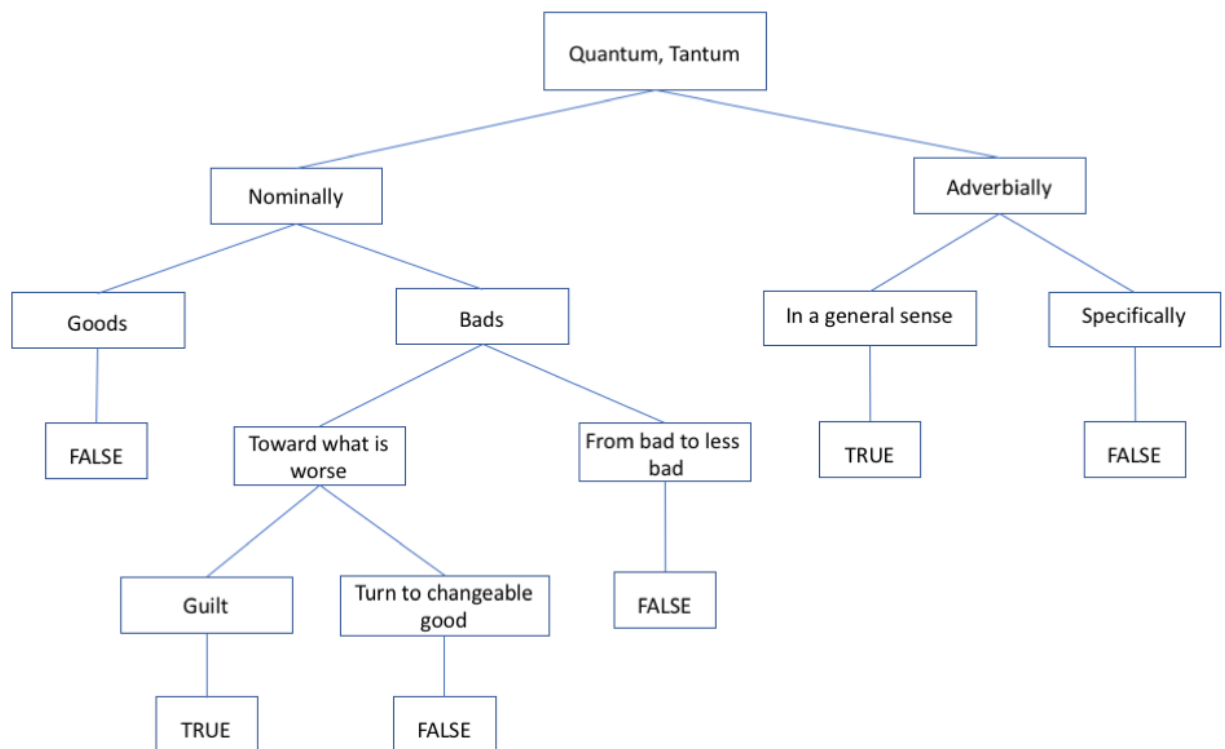
While Albert's embrace of the Dionysian principle shows that he rejects the Abelardian position that makes intention the sole determinant of an action's moral status, he still aims to show that there is some sense in which the dictum *quantum intendis, tantum facis* is true. We saw above (in distinction 38) that Albert is able to save the Ambrosian formula *intentio imponit nomen operi* by showing that it has a narrow, limited application: that is, when the intention aims at the form of charity, and the action referred to that end is either good or indifferent. In a similar way, Albert wants to save *quantum intendis, tantum facis*, which was derived from the *Glossa ordinaria* and had become an authoritative text for medieval theologians. To do so, he cites and borrows extensively from William of Auxerre.

²³⁹ Super Sententiarum (ed. Borgnet, 1893-4), Lib.IV, dist.23, art.16, p.23.

²⁴⁰ *Sentences* II; dist. 34; art. 5; p. 559: "voluntas completa causa est actus boni per formam gratiae et virtutis." I translate the singular *formam* with 'forms' to make it clear that the form of grace and the form of virtue are distinct. The Latin is ambiguous between a single form of both grace and virtue, and two forms, one of grace and the other of virtue. Since Albert says explicitly elsewhere that one can perform a good act from political or civic virtue without the benefit of grace (see Super Sententiarum (ed. Borgnet, 1893-4), Lib.II, dist.41, art.5, p.645b), we should understand the form of grace to be different from the form of virtue in this passage.

Albert follows William by distinguishing between two different ways of taking the words *quantum* and *tantum*.²⁴¹ Both can be understood either nominally, as relative pronouns in the accusative case, or adverbially. Then he complicates matters further by arguing that understanding them nominally yields different results depending on whether *quantum intendis, tantum facis* is applied to goods or bads. The adverbial meaning is not straightforward either; the expression can be true or false depending on the precise way in which *quantum* modifies the verb *intendis*. Albert's account can be summarized as follows:

Q. Is *quantum intendis, tantum facis* true or false?



²⁴¹ *Sentences* II, distinction 41, C, Article 3, Solution, p. 644.

If *quantum* and *tantum* are understood nominally, as pronouns in the accusative case, then the sense of the dictum *quantum intendis, tantum facis* is: the quantity or degree of goodness or badness you intend, is the quantity or degree of goodness or badness which you do. That is, the goodness or badness of the act is equal to the goodness or badness of the intention. Applied to goods, this is false, on account of the Dionysian principle: a good intention is not sufficient to make the act good, because it also requires good circumstances and a good form (i.e., grace or virtue) modifying the agent's will.

Applied to bads, the saying can be taken in two ways: either *ad peius*, toward what is worse, or *descendendo respectu minus mali*, "descending" from bad to less bad. While Albert doesn't explain this distinction, he provides an example which, along with his stated source –William of Auxerre's *Summa Aurea* – shows that he is primarily concerned with the distinction between mortal and venial sin.²⁴² The case of "descending" to what is less bad is simpler: Albert gives the example of intending, by fornicating, to sin venially. Fornication is a mortal sin, but the intention, in this example, is only venial. In this case, *quantum intendis, tantum facis* is false; you cannot make a mortal sin venial simply by intending for it to be less bad than it is. Mortal sins are such that they are mortal, regardless of the intention with which one performs them.

As for the opposite direction, going toward something worse, Albert holds that the traditional dictum is true as regards guilt (*reatus*); if you commit a sin that is, of its own nature, merely venial, but you intend by doing so to express contempt for God, you are

²⁴² William's treatment of this question is more complex and elaborate; for the question from the *Summa aurea*, edited by Lottin, see PEM 4, 400-401.

guilty of a mortal sin. As William puts it, "if you intend to sin greatly, you sin greatly."²⁴³ The dictum is false, however, as regards the turn toward the changeable good (*ex parte conversionis ad bonum commutabile*). This last detail we do not find in William of Auxerre; nor is it in Rigaud, who also adopts William's nominal/adverbial distinction to explain the dictum.²⁴⁴ The language comes from an Augustinian explanation of sin, which Lombard discusses at length in the *Sentences*: we sin by turning away from (*avertens*) the unchangeable good (i.e., God), toward a changeable good. Albert's point seems to be that in aiming at a changeable good, we are intending something worse than the unchangeable good.²⁴⁵ The changeable good is still a good, however, and a clever sinner might claim that since he intended something good, his act must also be good.²⁴⁶ Albert rules out this possibility by denying that the dictum applies in this way.

The adverbial interpretation of *quantum* and *tantum* is less interesting. They can denote intention in a general way, as a likeness (*similitudo*); in this case, the dictum means "if you intend greatly, you act greatly."²⁴⁷ In this sense it is true. They can also denote intention "specifically, in equality."²⁴⁸ By equality, Albert means that the intention would be equal in goodness or badness to the act, and taken in this way the dictum is false.

²⁴³ *Ibid.*, 401: "si intendis multum peccare, multum peccas."

²⁴⁴ For Rigaud, see PEM 4, 445-448.

²⁴⁵ *Sentences* (ed. Borgnet, 1893-4), Lib.I, dist.2, art.21, p.83a.

²⁴⁶ For Albert's insistence that the changeable good remains a good even when it is a sin to will it, see *Super Sententiarum* (ed. Borgnet, 1893-4), Lib.II, dist.34, art.3, p.551a: "Ad aliud dicendum, quod conversio ad bonum commutabile non est mala, ut dicit Augustinus in libro de Libero arbitrio, sicut nec ipsum bonum commutabile est malum, nec fructus boni commutabilis est malus : sed conversio avertens habet rationem mali, et fructus excludens id quo est fruendum, est malus."

²⁴⁷ *Sentences* II, distinction 41, C, Article 3, Solution, p. 644: "si multum, multum".

²⁴⁸ *Ibid.*: "in specie, in aequalitate".

2.E Moral Circumstances in *Super Ethica*

In *Super Ethica*, Albert reaffirms the conception of circumstances he introduced in the *Sentences* commentary: they pertain to matters extrinsic to the agent, in contrast to those things which are internal (*intra*) to her. In an article defining circumstance, two objections take it for granted that circumstances are extrinsic, and Albert doesn't deny this in his replies.²⁴⁹ Rather, drawing on Cicero's account of circumstances in his *Rhetoric*, Albert defines circumstances as those conditions which give rise to a rhetorical argument. Such an argument will do one of four things: 1) excuse a person for some bad act; 2) draw attention to factors that make a person *more* deserving of censure, again for a bad act; 3) show that a person is deserving of greater praise for a good act; or 4) show that a person is deserving of less praise for a good act.²⁵⁰ These arguments belong properly to the sphere of rhetoric and politics (*civilem*), but Albert points out that ethics "prepares the materials" for political reflection.²⁵¹

Albert claims that when it comes to the sorts of judgments about human beings for which rhetorical arguments are appropriate, what is internal is irrelevant; only extrinsic factors matter. This might seem implausible; 'internal' matters, such as whether an action was premeditated, are certainly relevant to arguments made in criminal court, for example. But premeditation needs to be argued for based on observable, 'extrinsic' evidence, and this seems to be Albert's point: whether you are arguing for a tougher sentence, or making the case that someone deserves a public honour, the evidence you draw on will be of the extrinsic variety.

²⁴⁹ *Super Ethica* III, 1, #166, p. 148, objs. 1 and 4.

²⁵⁰ *Super Ethica* III, 1, #166, p. 148, solution.

²⁵¹ *Super Ethica* III, 1, #166, p. 148, ad 1.

At any rate, it is clear that Albert means to distinguish circumstances from internal features of an action, like intentions. His purpose is not to downplay these internal factors. Rather, this distinction allows Albert to give a careful account of intention, and to emphasize the role that it plays in moral evaluation. Nor is Albert fully consistent here; he still occasionally refers to intentions, or ends of intentions, as circumstances. We might understand him as distinguishing between a broad notion of circumstance, which encompasses internal elements like intentions, and a narrower one, which excludes them.

The division of circumstances we find in *Super Ethica* is similar to the accounts Albert gives in DNB and SDB. There is a subtle difference, however: in his earlier works, the primary distinction was between the circumstance regarding the agent (*quis*), and those circumstances regarding the action (the other six major circumstances). In *Super Ethica*, the primary distinction is threefold: that which regards the agent (*quis*), that which regards the object of the act (*quid*), and finally that which is joined to the act (*circa quid*).²⁵² Albert includes the other major circumstances (time, place, instrument, etc.) under the third category. This threefold distinction leads to an extended treatment of the circumstance *quid*, which relates to a question Albert had had difficulty dealing with in the SDB: that of moral species.

Super Ethica considers objections that take as their starting point the view laid out in the SDB and the *Sentences* commentary: that there is a core ontological item, the act itself or the "substance" of the act, and the circumstances that "surround" it. Here, however, there is an additional piece of Aristotelian terminology: Albert cites *De anima*

²⁵² *Super Ethica* III, 1, #167, solution.

to claim that an act has its species from its object.²⁵³ The objections he looks at assume that whatever determines the species of an act must be its substance, or the act itself. Now both *quid* and *circa quid* seem to indicate the object of an act, so neither can count as circumstances.

Albert's replies here are not entirely clear, and require some unpacking. Here is his reply to the objection that nothing surrounds (*circumstat*) itself, and since *quid* seems to indicate the substance of an act or the act itself, it cannot be a circumstance:

To the third it should be said that an act, insofar as it is considered in its own species, surrounds the act which is left over from it, and in this way there is a circumstance, as was said.²⁵⁴

And here is how he responds to the objection that an act has its species from its object, and since whatever gives the species must indicate the act itself, it must not be a circumstance:

To the fourth it should be said that the object in general is included in the act, because it receives the species from it. But because in specific cases there are many differences in that object, from which blame is aggravated, there can be a special circumstance; for example, a human being is the object of homicide generally, although to kill an enemy and to kill a citizen are not the same with respect to blame.²⁵⁵

²⁵³ *Super Ethica* III, 1, #167, obj. 4, 5.

²⁵⁴ *Super Ethica* III, 1, #167, ad 3: "Ad tertium dicendum, quod actus, secundum quod consideratur in specie sua, circumstat actum, qui relinquitur ex ipso, et sic est circumstantia, ut dictum est."

²⁵⁵ *Super Ethica* III, 1, #167, ad 4: "Ad quartum dicendum, quod obiectum in generali comprehenditur in actu, quia ab eo speciem recipit, sed quia in speciali sunt multae differentiae illius obiecti, ex quibus aggravatur reatus, esse potest specialis circumstantia, sicut homo est obiectum homicidii generaliter, non tamen eiusdem reatus est occidere hostem et occidere civem."

The first quotation distinguishes between an act considered in its own species, and the act which is left over from it (*relinquitur ex ipso*). Albert appears to be affirming here the position he took in the SDB: that the act itself, or the substance of the act, exists as an ontological item distinct from the act considered morally. Here the substance of the act is "left over", or remains, once the moral features of the act have been (conceptually) set aside. Thus the act considered in its own species is itself a circumstance of the more basic, pre-moral act.

But what might this act itself look like? Albert's ethical writings are frequently short on examples. Here, he helpfully gives the example of homicide. Homicide is a specific kind of act, having an object which gives it a species. That object is a human being, generally speaking; at this point in the analysis, we haven't yet added further facts about the person being killed, or other circumstances in which the act is performed. But without those details, we don't know whether the act is good or bad. Was it a justified killing? Or is the killer morally blameworthy? The simple designation of an act as 'homicide' doesn't tell us.

For this reason, Albert calls the object of this act an "object in general" (*obiectum in generali*), and the species that this object supplies is not a moral species. In order to evaluate the act morally, we will need to add more details about the object. When we add that the person killed is an enemy in battle, this allows us to place the act in a moral category, and to distinguish it from the case in which the person killed is a fellow citizen.²⁵⁶

²⁵⁶ Note that Albert treated homicide differently in the SDB. There, he argued that killing has such a susceptibility to evil that unless it is clothed with good circumstances, it is always bad. See SDB I, q. 2, art. 4.

Thus when describing an act, Albert begins with a basic, pre-moral act, with its own (very general) object. This "act itself" denotes a broad class of actions which are not yet susceptible to moral evaluation. How then do we arrive at the moral act? Albert states that the moral act can be viewed from two different perspectives: either it can be seen as arising from the agent, or it can be seen as open to evaluation by other people.²⁵⁷ Insofar as it arises from the agent, the species of the moral act is determined by the agent's moral dispositions, i.e., her virtues or vices. This provides us with the "first being" of the moral act. But to the extent that acts are open to evaluation by others, we will need a different mode of description, since it is extremely difficult to know whether an act is virtuous or vicious. For that, we need information about the agent's mental states, and about how she would act in other cases.

And so Albert posits a second "species of moral act" which exists:

"...inasmuch as [the act] comes into the judgment of human beings, and inasmuch as the quantity of blame or praise varies due to those things which appear externally, regarding the person or the business at hand; and [the act] has this species from a circumstance, and under this [circumstance] it is a moral act in its being."²⁵⁸

Thus Albert posits two different ways of classifying moral acts: either according to the circumstances, or according to the moral dispositions from which they proceed. (Note that these two different methods correspond to two of Albert's three stages of moral

²⁵⁷ *Super Ethica* III, 1, #168, Solution.

²⁵⁸ *Ibid.*: "Est autem alia species actus moralis, secundum quod venit in iudicium hominum, secundum quod variatur reatus vel laudis quantitas ex his quae apparent extra circa personam vel negotium; et hanc speciem habet a circumstantia, et sub hac est quasi secundum esse actus moralis."

evaluation from the DNB.) He claims that the moral dispositions are primary here, establishing the first being (*primum esse*) of the moral act.

While he doesn't spell out what he means by "first being" here, one might look to Albert's other works for clues. In a text on how to form a definition, Albert argues that the "first being and principle" of a definition is the genus, and not the specific difference.²⁵⁹ His point in that text is that a specific difference is not adequate for definition, and that genus is also necessary. He explains that the genus is the *primum esse* of a definition because it relates to potentiality, whereas the difference relates to actuality. "First" seems to indicate conceptual priority – the difference cannot exist without the genus.²⁶⁰

The distinction between actuality and potentiality does not seem to be operative in the *Super Ethica*. Rather, Albert seems to be dividing off the fullest, most complete specification of the moral act from the best judgment we are able to make. The reason for this distinction is ultimately epistemic: we are usually not in a position to know whether a given act proceeded from virtue or vice. Suppose an act appears to be virtuous: in order to judge whether it really is virtuous, we will need to have a deep knowledge of the agent's character. Even if we know that the agent habitually performs such actions, we will also need to know if he performs them for the right reasons, if he does them readily, and if he takes pleasure in them. Since it is hard to come by this knowledge, our judgments of the actions of others will have to appeal to the circumstances. And in this

²⁵⁹ *Super Porphyrium De V universalibus* (ed. Borgnet, 1890), tract.5, cap.9, p.110b.

²⁶⁰ The term '*primum esse*' occurs in a number of other contexts in Albert's works. In some texts, *primum esse* refers to God as the first being (e.g., *Super Sententiarum* (ed. Borgnet, 1893-4), Lib.III, dist.7, art.1, p.145a). It also takes on other meanings insofar as it relates to a variety of topics, such as sensation (see *De sensu et sensato* (ed. Borgnet, 1890), tract.1, cap.15, p.36b) and sacramental life (*Super Sententiarum* (ed. Borgnet, 1893-4), Lib.IV, dist.3, art.1, p.58a).

way, we can talk about a species of moral act proceeding from circumstances, and this will be particularly useful when apportioning praise and blame. But this is only a second-best way of talking about moral species.²⁶¹

So when Albert says that the species of an act is from the *habitus* of virtue, which accounts for first being in the moral act, we can understand by 'first being' the full moral character of the act itself. To say that an act is courageous or just or temperate is to place it in a type, one which involves a rich description of the act, from which we will know that the agent herself is virtuous, and that her act proceeds from the virtuous dispositions that she has cultivated.

What then of the second sort of moral species? Although it gives us only an imperfect typology, it is arguably more useful, since we are often not in a position to make judgments about the virtuousness (or viciousness) of real-world actions.²⁶² This

²⁶¹ There is one place in Albert's *Sentences* where he uses the term '*primum esse*' in a moral context. Interestingly, the view advanced there is at odds with his position in the *Super Ethica*: he appears to claim that circumstances provide the *primum esse* of the moral act, and that they diversify it in species:

"Ad aliud dicendum, quod coitus comparatur dupliciter ad potentiam, scilicet generativam quae naturalis est : et sic ipse cum quacumque sit, est unius speciei, quia actus generativae discindentis semen ad salutem speciei. Comparatur etiam ad potentiam ordinabilem per rationem : et haec informatur multis speciebus diversorum subjectorum, sicut delectabilitas in fornicatrice, vel in conjugata, vel in masculino, vel consanguineo : et secundum hoc confert novum esse actui suo : et sic actus ille diversificatur in specie moris quantum ad primum esse moralium actum." (*Super Sententiarum* (ed. Borgnet, 1893-4), Lib.IV, dist.16, art.23, p.593a.)

"To the next it should be said that sexual intercourse is related in two ways to potentiality: 1) the generative [potentiality] which is natural; and in this way, whoever it is [done] with, it is of one species, because it belongs to acts of the generative [power] to deposit semen for the well-being of the species. It is also related 2) to the potentiality which can be ordered by reason. And this is informed by many species belonging to different subjects, such as pleasure in a woman with whom one fornicates, or in one's wife, or in a male, or in a relative. And in this way it confers new being on its own act. And thus that act is diversified in moral species with respect to the first being of moral acts."

This may suggest that Albert's views on moral species evolved from the writing of *Sentences IV* to *Super Ethica*, though I doubt there is a substantial change here. It seems more likely that Albert simply uses *primum esse* differently in *Super Ethica*.

²⁶² Cunningham (2008) remarks on the distinction between the moral act as specified according to *primum esse*, and that specified according to circumstances: "The distinction is intended to reinforce the

second-best form of moral species, Albert tells us, derives from a circumstance. Given the large number of moral circumstances by which an action can be judged, however, how are we to know which one gives us the species? Or to put this slightly differently: if we are to have a moral typology of actions that goes beyond merely 'courageous act', 'cowardly act', etc., what characteristics of actions should we select in order to identify and categorize them?

Albert's answer is that moral species in the second sense comes not from just any circumstance, but from the end.²⁶³ Indeed, there is a sense in which the end that gives the species is not a circumstance at all; or rather, it does not produce the species *inquantum circumstantia*. So far, this account is similar to what we saw in the *Sentences* commentary. In *Super Ethica*, however, Albert aims to explain the idea that the end gives the species by distinguishing between two senses of end: the end of the will (*finis voluntatis*) and the end of intention (*finis intentionis*). The former is closely connected with the act itself, with the result that it can tell us something important about the nature of the act. The latter, by contrast, is an end the agent aims at by means of the action, and which is not intrinsic to the action itself.²⁶⁴

Aristotelian theory that acts that issue from an already acquired state of virtue command higher value in a higher order of formal reality because they are not just done, but are 'well done' (137). Cunningham is right that Albert subscribes to this theory: an act which is done from virtue is morally better than an act that is merely contingent. However, that is not the point of the distinction Albert is making here. Moral species derives from circumstance, Albert writes, "inasmuch as [the act] comes into the judgment of human beings, and inasmuch as the quantity of blame or praise varies due to those things which appear externally" (*Super Ethica* III, 1, #168, Solution). That sort of species is important in the context of praise and blame precisely because we are often unable to judge whether an act is done from virtue or not, and so we must rely on "those things which appear externally." Albert makes this distinction not to emphasize the importance of virtue (though he does this in many other places in *Super Ethica*), but because of the epistemic problems that arise from attempting to make judgments about the moral character of other people.

²⁶³ *Super Ethica* III, 1, #168, p. ???, Ad 2.

²⁶⁴ Aquinas makes a similar distinction between the end of action (*finis operis*) and the agent's end (*finis operantis*), and he gives the example of housebuilding. The end which is intrinsic to the act of building is the completed house, but the builder may aim at something beyond the house, such as money: "Considerandum est autem quod quandoque aliud est finis operantis, et aliud finis operis, sicut patet quod

of which we will it.²⁶⁵ For Lombard, the latter will be some good or bad pleasure. The *Sentences* also defines *voluntas* as "that by which we will something" (*voluntas est qua volumus aliquid*), referring not to a faculty but to the interior act by which we perform some action. Albert's two senses of *finis* here mirror Lombard's: the end of the will is close to the notion of *finis* as that which we will, whereas the end of intention is similar to Lombard's concept of *finis* as that for the sake of which we will. Albert does not share Lombard's narrow understanding of "that for the sake of which" we will something; as we have seen, intentions for Albert include a wide variety of considerations, not merely pleasures.²⁶⁶

So we have seen that an act does not instantiate a moral species in virtue of some external, physical description of the act: moral acts are distinguished according to the different ends one aims at in performing them. But of course a single act can have several ends, and not any end can play the role of moral specification. How then do we isolate the "end of the will", which does perform this role? Albert gives an example of sexual sins:

Just as being related or being married is accidental to a woman, who is the object of lust in an act, but nevertheless can be the end of the will, inasmuch as someone wants (*vult*) a married woman inasmuch as she is married, and in this way is produced a sin of another species.²⁶⁷

²⁶⁵ Lombard, *Sentences* IV, lib. 4, dist. 35, cap. 3, 493; see Lottin, PEM III, 317-319.

²⁶⁶ Though it should be noted that Lombard in *ibid.* also uses the word *intentio* in a broader sense. He gives the example of helping one's neighbor in order to get to heaven; in this case, getting to heaven is the *intentio*.

²⁶⁷ "Sicut esse consanguineam vel esse maritatum est accidens mulieri, quae est obiectum luxuriae in actu, sed tamen potest esse finis voluntatis, in quantum vult aliquis coniugatam in quantum huiusmodi, et sic efficitur peccatum alterius speciei" (*Super Ethica* III, 1, #168, Ad 2.).

Here Albert is discussing acts of lust (*luxuria*). As Albert makes clear elsewhere in the same book, lust is a vice opposed to chastity, which is itself a species of the virtue of temperance.²⁶⁸ But there are different sorts of acts of lust, and we can separate those acts into distinct species by examining the objects that are willed. If the person one is lusting after is a woman, as in Albert's example, it makes a difference morally whether the woman is married or not: this can be the difference between adultery and fornication (though of course it still depends whether the agent is married). Adultery is worse than fornication, because it involves the breaking of promises and harms a marriage; for this reason, it matters that these two acts of lust be separable into different moral species.

The object willed in an act of adultery is a married woman, and the fact that the woman is married provides us with a species of moral act, distinct from, say, fornication, in which the woman lusted after must be unmarried. We can also distinguish the end of the will in this case from the end of some further intention. Take the following example, beloved of 12th century theologians: a man sleeps with a heretic who is not his wife in order that, by winning her trust, he may persuade her to renounce her heresy and return to the true faith. Setting aside the dubiousness of the strategy of trying to convert a heretic by committing mortal sin with her, this example allows us to distinguish between the end of the will, which is the married woman (or perhaps more precisely, to have sexual intercourse with this married woman), and the end of intention, which is to convert her. The latter does not confer a species of moral act, while the former does.

At this point, the following objection may trouble us: Albert categorizes acts as belonging to different moral species according to either a) the moral disposition of the agent that produces the act (species according to "first being"), or b) a circumstance,

²⁶⁸ *Super Ethica* III, 12, #237, p. ???, Solution.

namely the end of the will. But the second way of categorizing is important only because we need to make judgments regarding praise or blame, and we make these based on "those things which appear externally."²⁶⁹ The end of the will does not seem to appear externally, however. Aren't our wills internal, and therefore unavailable to outside observers? Has Albert created the second-best category, only for it to turn out to be practically useless?

In response to this objection, Albert could happily accept that it is possible to be mistaken about what somebody has willed. This might be especially likely in cases where the agent is ignorant of some crucial fact about her action. Nevertheless, most of the time it is possible to make a pretty good guess, particularly if you know enough about the circumstances. The end of the will is closely tied to the nature of the act itself. If you can describe what the agent *did*, then that will usually be enough to tell what she willed. For an unmarried woman to sleep with a married man is for her to commit adultery; for her to sleep with an unmarried man is to commit fornication. There is a complication if she sleeps with a married man, believing him to be unmarried, as we noted above; but in the usual case, a thorough description of the act will be enough for an observer to deduce what the end of the will was in the act. Note, however, that this is not true about the end of intention.

Thus in the *Super Ethica* we find a significant development in Albert's thinking about circumstances and how they affect the moral quality of an action. The circumstance *quid* includes the object of an act, which in turn specifies the act as belonging to a particular moral species. While Albert had already broached the concept of species in his discussion of generic goodness in SDB, his comments there were brief, and aimed mainly

²⁶⁹ *Ibid.*

at reconciling the traditional moral concept of generic goodness (*bonum in genere*) with the logical concepts of genus and species. In *Super Ethica*, by contrast, Albert has worked out a theory of moral species which allows him to distinguish acts according to their objects. He further clarifies that the specifically *moral* object of an act is what he calls the end of the will, and distinguishes that end from the end of intention.

The Stages Theory and the Dionysian Principle in *Super Ethica*

Unlike in SDB and the *Sentences* commentary, there is no discussion of the Dionysian principle in the *Super Ethica* account of circumstances and intention. That principle does appear in the context of the moral virtues, however. Albert considers a problem about the virtue of temperance: why are there so many vices opposed to temperance? Shouldn't there be just one, namely intemperance? And he replies that, although it is *one* virtue, temperance is not monolithic, but is rather constituted by several distinct factors taken together. The failure of any one of these factors gives rise to a distinct vice:

...temperance, as with any other virtue, is caused by one whole and perfect cause, which brings together (*colligit*) all the appropriate circumstances, and in this way one vice can be opposed to it from the corruption of any one of those circumstances.²⁷⁰

While pseudo-Dionysius is not cited by name here, the description is sufficiently reminiscent of both the SDB and the *Sentences* commentary articulations of the

²⁷⁰ "...temperantia enim, sicut etiam quaelibet alia virtus, causatur ex una tota et perfecta causa, quae colligit omnes debitas circumstantias, et sic secundum corruptionem cuiuslibet circumstantiae potest opponi sibi unum vitium." (*Super Ethica*, p. 216, lines 24-28).

Dionysian principle to remove any doubt that Albert is applying the same concept.²⁷¹

Later he applies it to justice, using the same language and citing (pseudo-)Dionysius explicitly.²⁷²

What is interesting here is the explicit application of the Dionysian principle to virtue and vice, rather than to good and bad actions. Even in the SDB, where he applies it to virtue, Albert makes clear that his focus is the virtuous or vicious action (*opus*): what conditions must be met for an action to be virtuous? In the *Super Ethica*, by contrast, the Dionysian principle explains the taxonomy of virtues and vices. Why are there so many vices opposed to temperance? Because temperance has "parts": it involves regulating one's desires for food, and for drink, and for sex. The corruption of any one of these desires leads to a vice opposed to temperance.

Because it does not address the goodness or badness of action specifically, this formulation of the Dionysian principle does not address the questions raised by previous formulations. Specifically, it does not deal with the problem of which aspects of an action must be good in order for the action itself to be considered good. As I point out below, this problem is not addressed in *Ethica* either, but it arises again in Albert's *Summa Theologiae*.

The stages theory, on the other hand, does get a brief mention in *Super Ethica*. Albert considers an objection against the very idea of generic badness as an act that can be done well or badly. It argues that since the genus concerns the essence of the thing,

²⁷¹ Compare the *Super Ethica* claim that virtue is "ex una tota et perfecta causa" with SDB (I.5.1, ad 22, 74, 20-21): "bonum constat ex tota et sola causa, malum autem omnifarium," and with *Sentences* II (distinction 41, B, Article 2, solution, p. 643): "sed bonum, sicut Dionysius dicit, ex una tota causa est."

²⁷² *Super Ethica*, p. 311, lines 63-67, obj.4, and p. 312, lines 16-22, ad 4.

anything generically bad will be essentially bad, and so incapable of being done well.²⁷³

In reply, Albert insists, as he has done in his earlier works, that an act can be bad with respect to its matter, and yet done well in the circumstances:

But if [a generically bad act] is inappropriate regarding the matter, it can be clothed with moral circumstances, by which it can be made appropriate, without which it is not appropriate; nevertheless it is not insofar as it is of this kind [viz., considered with respect to its circumstances] that it is inappropriate, because then it would always remain inappropriate, but [only] relative to inappropriate matter.²⁷⁴

This is an explicit statement of the stages theory, and is clearly recognizable from Albert's earlier works. The terminology is different, however. In DNB, Albert argued that a generically bad act can be done well; in SDB, he stated that a generically bad act can become good in species. Here, he extends the use of the terms 'appropriate' (*debita*) and 'inappropriate' (*indebita*), which in his earlier works he had applied only to the matter.

Moral circumstances make appropriate an act that is inappropriate with regard to its

²⁷³ *Super Ethica* II.7, p. 124, #141, obj. 4. Sousa-Lara (2008) claims that, in his reply to this objection, Albert makes a distinction between *malum in genere* and *malum ex genere*:

"Adultery, strictly speaking, is not a *malum in genere*, but a *malum ex genere* or a *malum secundum se*, because its *finis operis* is always contrary to virtue. According to Albert "what is evil *ex genere*, [...] is essentially evil, and such an act can never be done well," as with adultery" (23).

But this is a misreading. The passage Sousa-Lara quotes, without ellipses, reads: "illud quod est malum ex genere, *secundum quod dicitur malum ex circumstantia*, est essentialiter malum, et tale numquam potest bene fieri" (italics mine). That is, Albert is describing, in reply to an objection that assumes that what is generically bad must be essentially bad, one way the term '*malum ex genere*' can be understood (not, incidentally, the way he usually prefers). Then he continues: "sed si malum in genere dicatur, quod potest et bene et male fieri, non tenet illa obiectio." Albert clearly takes the two terms to be interchangeable. Contra Sousa-Lara, *malum ex genere* is for Albert just another way of saying *malum in genere*.

²⁷⁴ *Super Ethica* II.7, #141, ad. 4. The full response is: "Ad quantum dicendum, quod illud quod est malum ex genere, secundum quod dicitur malum ex circumstantia, est essentialiter malum, et tale numquam potest bene fieri; sed si malum in genere dicatur, quod potest et bene et male fieri, non tenet illa obiectio. Et similiter, si sit malum ex genere, in quantum materia vestita est moralibus circumstantiis, quae faciunt eam indebitam, non potest bene fieri. Sed si sit indebita secundum materiam, potest vestiri circumstantiis moralibus, quibus efficietur debita, sine quibus non est debita, non tamen in quantum huiusmodi indebita, quia sic semper permaneret indebita, sed quoad materiam indebita."

matter (i.e., generically bad). The act does not cease to have inappropriate matter in such a case. Rather, in some circumstances, it is appropriate to perform an act that is inappropriate with respect to its matter. Thus it is clear that Albert continues to maintain the stages theory in his *Super Ethica*.

2.F Moral Circumstances in *Ethica*

Albert's *Ethica* is only a paraphrase and does not include any disputed questions. The lack of such questions eliminates one avenue Albert used in the *Super Ethica* to depart from Aristotle's text and introduce related ideas and concerns of his own. Nevertheless, Albert remains an independent thinker, and we find him making claims and arguments there that are neither mere expostulations of the Aristotelian texts, nor found in his earlier works.²⁷⁵ For this reason, Jörn Müller has claimed that "'Ethica' should be more definitely taken into consideration for the reconstruction of Albert's philosophical ethics."²⁷⁶

The *Ethica* contains an important change in Albert's account of circumstances, though it is easy to overlook.²⁷⁷ The paraphrase unsurprisingly lacks a systematic discussion of circumstances, of the sort we find in Albert's other ethical works. Indeed, what is initially most striking about the *Ethica* in this context is the wide variety of contexts in which circumstances are discussed.

²⁷⁵ See Jörn Müller's (2001) for the case that Albert gives extensive arguments in *Ethica* about the status of ethics as a practical science, arguments which we do not find elsewhere in Albert's corpus.

²⁷⁶ Müller (2002), 46.

²⁷⁷ Cunningham (2008), 127-138, provides an insightful account of Albert's views on circumstances in SDB, *Sentences*, and *Super Ethica*, but he doesn't mention the later developments in *Ethica*.

Thus we find Albert appealing to circumstances while discussing the Aristotelian notion that virtue lies in a mean²⁷⁸, and more specifically that this mean concerns actions and passions.²⁷⁹ He also discusses circumstances with respect to voluntariness, and the extent to which an action done in ignorance may be voluntary.²⁸⁰ In this context, Albert lists "the circumstances in which there is an act ignorance of which makes it involuntary," and this list ends up neatly summarizing the lists of moral circumstances we find in DNB and SDB.²⁸¹

We also see Albert relying on some of the same distinctions he had used decades earlier in those early works. As we saw, in the DNB Albert drew in particular on Cicero and Boethius for his list of circumstances. In this late commentary on Aristotle, Albert uses the same distinction he had drawn then between the circumstances related to agents (*personarum*), and those related to the business at hand (*negotii*).²⁸² And he argues that deliberation (*consilium*) is especially about the latter.²⁸³

The first systematic discussion of circumstances in *Ethica* occurs when Albert is considering the end of ethics as a science, and quotes Aristotle's assertion that the purpose of ethical inquiry is not contemplation, but that we may become good.²⁸⁴ This leads to a digression in which Albert mentions that there are five different kinds of human good -- that is, five distinct goods that play a role in perfecting a human being. These goods are: 1) the generic good; 2) the moral circumstances; 3) moral virtue; 4)

²⁷⁸ *Ethica* (ed. Borgnet, 1891), Lib.II, tract.1, cap.8, p.161b.

²⁷⁹ *Ethica* (ed. Borgnet, 1891), Lib.II, tract.2, cap.12, p.193b.

²⁸⁰ *Ethica* (ed. Borgnet, 1891), Lib.III, tract.1, cap.8, p.204a-205a; and cap. 9, p.206a.

²⁸¹ *Ethica* (ed. Borgnet, 1891), Lib.III, tract.1, cap.12, p.208b.

²⁸² *Ethica* (ed. Borgnet, 1891), Lib.V, tract.3, cap.10, p.381b.

²⁸³ *Ethica* (ed. Borgnet, 1891), Lib.III, tract.1, cap.19, p.224b.

²⁸⁴ *Ethica*, Lib.1, tract.I, cap.VI. A critical edition of this passage has been prepared by Jorn Müller, and is included in his (2001), pgs. 353-354. I have used Müller's text, which improves upon the available Borgnet and Jammy editions. Aristotle's remark is from *Nicomachean Ethics* II.2 1103b26-29.

grace; and 5) glory. While each of these contributes to the perfection of a human being, the last three are more substantive and enduring than the first two. Nonetheless, the generic good and the good of circumstances are important in that they lead to virtue; Albert cites Boethius, calling them "certain scattered seeds of virtue, from which seeds, so to speak, fields of virtue arise."²⁸⁵ And he proceeds to outline them along with moral virtue, following the pattern he used to develop his stages theory in DNB and SDB.

For the most part, the *Ethica* depiction of the generic good mirrors the accounts found in Albert's earlier works. The generic good is the first subject (*primum subiectum*) in morals, and a first potentiality toward good; it can be done well or badly, depending on the circumstances; and it is defined as an act upon its proper matter. Albert lists some of his standard examples: feeding the hungry, clothing the naked, giving to the needy. Only one phrase stands out: Albert calls the generic good that "under which every moral good is included" (*sub quo omne bonum moris comprehenditur*). He doesn't explain this claim, but given that both the act clothed with the right circumstances and moral virtue are also moral goods, it could be taken to mean that every virtuous act must also be generically good. That is, if an act is not generically good, then it will not count as good in any other way, since it would not be included "under" the generic good.

Let us assume that this is in fact Albert's meaning. In that case, his claim would appear to contradict a passage in SDB regarding generic goodness. But it would also appear to cohere well with his formulation of the Dionysian principle in the SDB. So if my suggested interpretation of this passage in *Ethica* is correct, then it is important for two reasons: first, it points to a tension within the SDB itself, between some aspects of

²⁸⁵ *Ibid.*, p. 353: "sparsa sunt virtutis quaedam semina, ex quibus tamquam seminibus seges virtutum exoritur."

the stages theory and the Dionysian principle; and second, it suggests that in his more mature works, Albert is favouring the Dionysian principle over the stages theory. Thus it is worth comparing the *Ethica* assertion with those two passages from the SDB.

In the first, Albert argues that there are some actions which are good and indeed virtuous, but which are not, under any description, generically good. These are acts for which there is no proportionate, appropriate matter – and there are many such acts.²⁸⁶ As examples, Albert gives killing and having sexual intercourse. Since there is no appropriate matter associated with these acts, they can never be generically good. And yet, done in the right circumstances, they become the acts of specific virtues, namely justice and conjugal continence. So although at the generic level they are always bad, the circumstances make it possible that they can be done well. This is an essential aspect of the stages theory, as developed both in the DNB and in the SDB. But what it gives us is a moral good -- an act of a specific virtue – which is not included under the generic good, thus contradicting the apparent *Ethica* requirement that every moral good be also generically good.

In the second SDB passage, Albert quotes pseudo-Dionysius' claim that the good is from one whole cause, but the bad is omnifarious. He then goes on to formulate the Dionysian principle, arguing that for the existence of virtue, three things are needed: all of the circumstances, the end, and the act upon its proper matter (*actum super debitam materiam*). For the bad and vice, on the other hand, it is sufficient for any one of these to be corrupted.²⁸⁷ What is striking is the inclusion of the act upon its proper matter as one

²⁸⁶ SDB I.2.4, ad 7, p. 30, lines 42-60.

²⁸⁷ SDB I.5.1, ad 22, 74, 22-25: "Extrema autem sunt in particularibus privationibus et defectibus, sicut dixerunt Pythagorici et beatus Dionysius consentit in IV capitulo De divinis nominibus dicens, quod 'bonum constat ex tota et sola causa, malum autem omnifariam', intelligens per hoc, quod ad existentiam

of the factors that must be present in order for an act to be virtuous. The phrase "*actum super debitam materiam*" is one Albert frequently uses to describe the generic good, and I have not found any other meaning associated with it in his work. It follows that an act cannot be virtuous unless it is also generically good – and this seems to be what Albert is also claiming in *Ethica* when he says that every moral good is included under the generic good.

Thus *Ethica* can be seen as resolving a tension found in SDB, developing an account of generic goodness that is compatible with the Dionysian principle but which seems to rule out the stages theory. It also clarifies the connection between the act clothed with the right circumstances, and the virtuous act. Albert claims that it is the act clothed with circumstances that, when done frequently, eventually leads to the development of a virtuous disposition. He describes

...the act clothed with circumstances, by which it [the act] has a higher potentiality to generate virtue, because through the circumstances one draws nearer to attaining the mean of virtue; and that act has the formative power (*virtutem*) of moral virtue in the soul, just as the seed of generation has the formative power for birth. And for this reason, from such frequent actions habitual virtue is generated in the soul. And from this third place a human being is made capable of acting in accordance with virtue, which is the third perfection of a human being.²⁸⁸

The act clothed with the right circumstances is the sort of act the virtuous person would perform. The non-virtuous person who aims to become virtuous can make a correct judgment about the circumstances, and perform that action, though she may not do so

virtutis exiguntur omnes circumstantiae cum fine convenientes ad actum super debitam materiam, ad malum autem et ad vitium sufficit corruptio uniuscuiusque per se."

²⁸⁸ *Ethica*, Lib.1, tract.I, cap.VI. Müller (2001), p. 354.

readily, or take pleasure in acting in this way. The generic good along with the circumstances are thus the essential components of the act qua act. To say that an act is virtuous is to say that it proceeds from a certain kind of character; that is, it tells us something about the agent who performs the act, and the genesis of the act. The nature of the act derives from its circumstances, and it is these circumstances that give it the "formative power" to generate virtue.

How precisely do circumstances determine the nature of an act? In the course of his discussion of ignorance, Albert raises the question: why do some circumstances make an action the sort of action that it is -- i.e., put an action into its "species" -- while others do not? In the previous section, we saw that in *Super Ethica*, Albert focused on *quid* as providing the object that accounted for moral species. He then specified further that this object was the end of the will (*finis voluntatis*), which he distinguished from the end of intention (*finis intentionis*).

In the *Ethica* Albert appears to take a different position. Here, after giving examples of several of the circumstances, he states that the most primary circumstances (*principalissima*) are what is done (*quod operatur*) and 'for the sake of which' (*cuius gratia*), the latter of which he identifies with 'for which end' (*quo fine*). Ignorance of these primary circumstances is most likely to make an action involuntary and to absolve the agent of responsibility for her actions, since they indicate what is most essential to her action. Still, there is a kind of involuntariness that can arise from ignorance of the other circumstances; this is evident from the fact that when we learn the truth about the circumstances of which we were ignorant, we often become sad or regretful about what

we did.²⁸⁹ Albert emphasizes that circumstances are integral to willing; the voluntary act without circumstances is "unformed", and it receives from the circumstances the "reason for willing" (*rationem volendi*).

Having set out the relation between ignorance, involuntariness, and circumstances in this way, Albert considers an objection to that last claim, that moral circumstances (even the apparently peripheral ones) are causes of our acts insofar as we will them:

"And certain people object that there are many circumstances, but one form of any given thing. But one thing cannot be caused equally by many causes and according to one notion of causality. It should be said that it is this way in nature: that the quiddity of a thing is from the form and the end. Nevertheless, that which is caused (*id quod fit*) has many potentialities, from the maker, and from the matter, and from the time and place in which it is done, from which different [causes] it is worse and better, and similarly it has potentialities from the mode and the instrument by which it is done. Thus it is in morals that the 'what' (*quid*) and 'for the sake of which' (*cuius gratia*) give the species."²⁹⁰

Here we see Albert claiming that two circumstances, *quid* and *cuius gratia*, give the species. *Super Ethica*, by contrast, had connected its discussion of moral species to the circumstances *quid* and *circa quid*, while staying silent about any relation between *cuius gratia* and moral species. Further, in *Super Ethica* Albert distinguishes between the end of the will and the end of intention, arguing that only the former can provide the basis for

²⁸⁹ *Ethica* (ed. Borgnet, 1891), Lib.III, tract.1, cap.12, p.210a.

²⁹⁰ *Ethica* (ed. Borgnet, 1891), Lib.III, tract.1, cap.12, p.210a-b: "Et quod quidam objiciunt quod multae sunt circumstantiae, una autem forma uniuscujusque : unum autem a multis causari non potest aequae causantibus et secundum unam rationem causalitatis. Dicendum, quod sic est in natura, quod rei quidditas est a forma et fine : multas tamen habet potentias id quod fit, a faciente, et a materia, et a tempore, et loco in quibus fit, ex quibus diversis est pejus et melius, et similiter habet potentias a modo et instrumento quibus fit : ita est in moribus, quia speciem dant quid, et cujus gratia."

moral species. But *cuius gratia* suggests intention, that for the sake of which one acts. So Albert appears to be at least hinting at a change in his views here.

A closer look at the evidence shows that this is likely not the case, however. While the expression *cuius gratia* appears at least 19 times in *Ethica*,²⁹¹ it is typically listed along with other circumstances, and without any explanation as to its meaning. In one passage where he does elaborate, he simply states that *cuius gratia* is "the same as 'for which end'" (*est idem quod quo fine*).²⁹² That short description is not sufficient to tie *cuius gratia* to intention, because the word 'end' (*finis*) here is ambiguous between the end of the will and the end of intention. Perhaps it might seem strange to say that the end of the will is that for the sake of which one acts, since as we saw the end of the will is the object of the action in question, or in other words the performance of that action. The end of intention, by contrast, is what the agent might describe when asked *why* she is performing this particular action. So *cuius gratia* might seem like a more natural fit for the end of intention. Still, depending on how one describes the action, it is possible to construe the end of the will as that for the sake of which one acts as well. In a homicide, for example, the end of the will might be "to kill that man", whereas a further end of intention might be "to exact revenge". If we want to ask what is the end for the sake of which the killer acts, both seem like possible answers, even if the second one is more satisfying. In short, it is not obvious that Albert is giving a new account of moral species here. And if he were, one might expect him to give an explanation of his new views; the

²⁹¹ A search of the *Ethica* in the *Alberti Magni e-corpus* conducted on December 18, 2017, revealed 21 paragraphs in which "*cuius gratia*" appears at least once (<http://watarts.uwaterloo.ca/cgi-bin/cgiwrap/albertus/searchAlbertus.cgi>). Of those, two were in fact *alicuius gratia*. It should also be noted that not all instances of *cuius gratia* refer to the moral circumstance.

²⁹² *Ethica* (ed. Borgnet, 1891), Lib.III, tract.1, cap.12, p.210a.

claim alone that *cuius gratia* gives moral species hardly licenses the reader to suppose that his thought has evolved in any important way.

At any rate, there is evidence in the same section that Albert is not using *cuius gratia* to refer to intention. After making the general point that ignorance of the circumstances can affect the degree to which one should be praised or blamed for one's actions, Albert gives examples of cases in which such ignorance arises. When he comes to *cuius gratia*, Albert gives two examples.²⁹³ In the first, a surgeon makes an incision with the goal of restoring the patient to health; as a result, however, the patient dies. Albert makes clear that this is not an example of negligence: the doctor "omits nothing of those things pertaining to the art", that is, the art of medicine. In the second example, a boxer "wanting to show or teach" the art of boxing, wounds and kills his sparring partner.²⁹⁴

In both these examples, the agent is supposed to be ignorant of the *cuius gratia* of his action. But what exactly is the agent ignorant of? It is clear in the examples that the agents have specific intentions which they fail to realize: the surgeon intends to heal the patient, and the boxer intends to teach the art of boxing. These are cases where someone accidentally brings about an outcome other than the one he intended; he is ignorant of the effect his actions will have. Thus to make sense of these cases as examples of ignorance of the *cuius gratia*, we will have to understand *cuius gratia* to refer to something like the state of affairs brought about as a result of the action -- in both cases, an unintended death. And when Albert says that *cuius gratia* means the same as "for which end" (*quo fine*), we should recall the *Super Ethica* distinction between the end of the will and the

²⁹³ *Ethica* (ed. Borgnet, 1891), Lib.III, tract.1, cap.12, p.210a.

²⁹⁴ The word I translate as 'boxer' is *pugil*, which could also refer to a wrestler.

end of intention; *cuius gratia* here will refer to the former, not the latter. The surgeon is ignorant of that "for the sake of which" he is acting insofar as his action brings about the death of the patient, and he does not know that this will be the result. Similarly, the end the boxer is ignorant of is the death of his sparring partner; if he knew that this would be the result, he would not perform the action.

As these examples show, *cuius gratia* understood as the end of the will is difficult to distinguish from *quid*. Both refer to the outcome produced by the agent acting as he does. Indeed, one might say that *quid* refers to this outcome objectively, whereas *cuius gratia* refers to it from the point of view of the agent. At any rate, it seems clear that Albert is not proposing a new doctrine of moral species by saying that *cuius gratia* gives the species. On the contrary: the *Ethica* account of moral species follows the approach outlined in the *Super Ethica*.

In that same passage, Albert gives a short account of how circumstances determine the morality of an action. This account includes some details which we do not find in Albert's earlier works, and is evidence of a change in the way Albert thinks about circumstances. Recall that in the DNB, Albert had described generic goods and bads as capable of being done well or badly; whether they are done well or badly is determined by the circumstances, which "clothe" them. In the SDB, Albert went further by tying the importance of circumstances to their ability to make an act honourable (*honestum*):

...such things [viz., circumstances] do not give being to an act inasmuch as it is an act, but they give being to it inasmuch as it is honourable or blameworthy, and for

this reason, although they are extrinsic to the act, nevertheless they are not extrinsic to the honourable or the blameworthy.²⁹⁵

Thus in the SDB Albert's position was that circumstances are extrinsic to the act, but nevertheless confer being on the act – specifically the being that makes an act honourable or blameworthy.

In his discussion of circumstances in *Ethica*, Albert does not mention the concepts of the honourable or the blameworthy, but instead speaks in terms of goodness and badness. And instead of conferring being, circumstances confer potentialities and forms. In this passage, Albert speaks about circumstances other than *quid* and *cuius gratia*, which give an act its species:

But the other circumstances confer a potentiality to goodness or badness. Nor does this prevent circumstances from being called (as it were) extrinsic, although [goodness or badness] should be intrinsic to the form and potentiality of a thing. For although they are extrinsic to acting well or badly, which is in the agent, as was shown above, nevertheless they are intrinsic to the action to which they give the form and potentiality in respect of good and bad."²⁹⁶

The difference between these two accounts can be summarized as follows:

²⁹⁵ SDB 1.3.1, ad 1, 38. For further discussion of this passage see section II.A above.

²⁹⁶ *Ethica* (ed. Borgnet, 1891), Lib.III, tract.1, cap.12, p.210a-b: "aliae autem [circumstantia] circumstantiae ad bonitatem vel malitiam conferunt potentiam. Nec obstat quod circumstantiae dicuntur quasi extrinsecae, cum formae rei et potentiae intrinsecae, esse debeant : quia quamvis sint extrinsecae ad bene et male quod in operante est, secundum quod in superioribus est ostensum : tamen intrinsecae sunt ad operationem cui formam dant et potentiam in bono et in malo."

<u>SDB on Circumstances</u>	<u>Ethica on Circumstances</u>
1. Extrinsic to act	1. Intrinsic to act
2. Intrinsic to acting well or badly	2. Extrinsic to acting well or badly
3. Confer being that makes act honourable/blameworthy	3. Confer form and potentiality that make act good/bad

The contrast between Albert's earlier and later views here seems stark, and Albert gives no explicit reasons for the change. It is not obvious from the text of the *Nicomachean Ethics*, which Albert is commenting on, that he is getting his new account from something in Aristotle. So why the reversal? The explanation, I will argue, lies in the fact that his new account of circumstances is a better fit with the Dionysian principle, which we saw Albert appealing to already in the SDB, but which becomes more important over the course of his career.

Recall that in the SDB Albert defends his stages account, according to which we evaluate actions first according to the generic quality, then with respect to the circumstances, and then finally with regard to the moral disposition from which the act proceeds. There he claims that what is first in morals is the voluntary act, willed through deliberation and choice.²⁹⁷ Understood at this basic level, the moral act does not yet admit of any moral evaluation; it is equally open to either good or bad. At the first stage of moral evaluation the act is taken at the generic level: as generically good, or generically bad, or indifferent. While this level is far from giving us an all things considered assessment of the act, it furnishes us with the description of the act from which that assessment can begin. The generically bad act is more ordered or inclined toward vice, whereas the generically good act is more ordered toward virtue. But to determine whether

²⁹⁷ SDB I.2.4, Solution.

the act is done well or badly, we will need to look at the circumstances surrounding this act.

Thus when Albert states in the SDB that circumstances are extrinsic to the act, this should be understood in contrast to what he takes to be intrinsic to the act, namely its generic quality. This simple set-up (generic goodness is intrinsic to the act, circumstances extrinsic) still allows him to claim that circumstances are intrinsic to acting well or badly, because on the stages account that is precisely what circumstances determine. The circumstances even determine which acts are proper to specific virtues and vices, and thus help to make acts honourable or blameworthy.

When Albert inverts this account of circumstances in the *Ethica*, asserting that they are now intrinsic to the act but extrinsic to acting well or badly, one should ask whether Albert hasn't radically altered his theory of moral evaluation, of which moral circumstances are merely a part. Or indeed whether Albert hasn't decided in favor of a quite different account of moral evaluation. While Albert doesn't state the Dionysian principle in detail in *Ethica*, his new account of circumstances suggests that it has become essential to his thinking about action.²⁹⁸

Instead of treating the moral act as divided between its intrinsic core – its generic quality – and the external features which determine whether it is done well or badly, *Ethica* conceives of the moral act as constituted by its generic quality together with its circumstances. The circumstances do most of the heavy lifting -- they place the act in a species, and give it specific forms, which make it either good or bad. Thus the

²⁹⁸ Albert does provide a short encapsulation of the principle, stating that "virtue and the good consist in unity, [while] the bad and vice are omnifarious" (*virtus et bonum in unitate consistit, malum et vitium est omnifariam*), in *Ethica* (ed. Borgnet, 1891), Lib.I, tract.5, cap.15, p. 79b. Unlike in the SDB, *Sentences*, and the later *Summa Theologiae*, in *Ethica* he does not attempt to list the elements of an act that must be good in order for the act itself to be good. In this Aristotelian paraphrase, the full principle is only hinted at.

circumstances become intrinsic features of the act, not merely modifying it, as if from the outside, but constituting it as a moral act of a specific kind. It is the act clothed with the right circumstances that, when performed frequently and for the right reasons, eventually generates moral virtue. Indeed, the metaphor of circumstances "clothing" the act can be misleading, since the circumstances end up contributing more to the next potentiality to generate virtue than generic goodness does.

This way of thinking about actions fits remarkably well with the Dionysian principle. In the *Sentences* commentary, Albert argued that the morally good act is an integral whole, like a house. Certain elements of a house, like walls or a roof, are essential to it; remove any one of them, and there is no house. The same goes for a good act; it is constituted by a number of elements, each of which must also be good. If any one of those elements becomes bad, the act itself is bad.

If Albert has this picture in mind while writing *Ethica*, it can help to explain why he argues that circumstances are now intrinsic to the moral act. Together, they determine whether the act is good or bad. The Dionysian principle also helps to explain why he states that circumstances confer a potentiality toward goodness or badness (*ad bonitatem vel malitiam conferunt potentiam*); that any given circumstance is as it ought to be does not make the act good, but it contributes to the potential for that act's goodness. When all the relevant aspects of the act are as they should be, then that potential is actualized, and the act can be evaluated as morally good.

Why then does Albert say in *Ethica* that the circumstances are extrinsic to acting well or badly, when in SDB he said they were intrinsic to acting well or badly? In the SDB, the circumstances determine whether the generically good, generically bad, or

generically indifferent act is done well or badly. This is the traditional account that Albert inherits from his predecessors. The result is that even if you have determined whether an act has been done well, there is a further question whether it has been done *virtuously* -- i.e., from a stable disposition to perform such actions, for the right reasons and accompanied by the pleasure that the virtuous person takes in doing well.

In *Ethica*, on the other hand, the circumstances taken together (and perhaps other factors as well – this is not spelled out in *Ethica*) determine whether the action is good or bad. Albert is following the tendency that we saw already in his *Sentences* commentary to treat the circumstances as somehow external to the agent. By distinguishing more strictly between what is proper to the agent (dispositions, intentions) and what is proper to actions (object, instruments, time, place, etc.), he now excludes moral circumstances from the consideration of whether an act is done well or badly. The latter is assimilated to the question of virtue: whether an act is done well or badly depends on whether it is done virtuously or viciously. In a paraphrase of the *Nicomachean Ethics*, it is unsurprising that the phrase "acting well or badly" (*bene vel male agere*) is much less prominent than it was in Albert's earlier works: with the exception noted above, where he merely repeats the standard account of generic goodness, it is effectively replaced by discussions of virtue.

2.G Generic Goodness and Moral Circumstances in *Summa Theologiae*

Traditionally, the two books of what is known as Albert's *Summa Theologiae*, likely written in the early 1270s, have been included in the corpus of Albert's works. Recent scholarly work has shed doubt on the authenticity of the second book²⁹⁹, and at least one researcher has argued that book I may not have been written by Albert either.³⁰⁰ Others argue that Albert is not the author of book II, but that the author was strongly influenced by Albert, and possibly writing under his direction. Still others assume that Albert did in fact write both books. In a recent book chapter, Martin Tracey notes that modern readers "have puzzled over the prominence of Augustinian ideas and themes in the text", but nonetheless treats book II as Albert's, and does not call his authorship into question.³⁰¹

Summa Theologiae contains important material both on generic goodness and on the Dionysian principle.³⁰² Since it is at least possibly Albert's last work, I would be remiss not to cover it here. I make no claims about its authenticity. However, even if Book II turns out not to have been written by Albert, it would still be of interest to see

²⁹⁹ Prolegomena to vol. XXXIV, 1 of Ed. Colon. i.e. to the *Summa theologiae sive de mirabili scientia dei*, pages V-XVI contains an extended consideration of the authenticity of *Summa Theologiae*, and raises doubts especially about the authenticity of book II.

³⁰⁰ P.A. Fries (1975) points to a number of positions Albert takes in *Summa theologiae* that contradict his earlier views. He takes this to be evidence that Albert is not the author of that work. For an assessment of Fries' arguments, see Wielockx (1990).

³⁰¹ Tracey (2013), 378.

³⁰² Cunningham (2008) claims that, as a work of theology, *Summa theologiae* is of minimal value for understanding Albert's natural moral theory. Cunningham dismisses its relevance to philosophical ethics both due to its "purely theological contents", and because "Albert's treatment of the virtues and the morality of acts reflects a later theological conservatism and retrenchment inasmuch as this *Summa* – his last and unfinished work – returns to and follows the traditional pattern laid down more than a century earlier in Peter the Lombard's *Sentences*" (44). It seems to me, however, that like Albert's DNB and his commentary on the *Sentences*, *Summa theologiae* is a work of theology that is not without interest for the moral philosopher. Indeed, while Albert occasionally draws a distinction between the perspective of the theologian and that of the ethicist (*ethicus*), it is more common for him to present philosophical arguments and scriptural examples side-by-side. At any rate, it is not obvious that a work of theology should exclude considerations relevant to natural morality, and I hope that what follows will show that *Summa theologiae* does not.

how a writer at least heavily influenced by him deals with these matters. For the sake of convenience, I shall write as if Albert were the author of both books, though the reader should not infer from this that Albert is in fact their author, since I take no position on this issue. I discuss both generic goodness and circumstances here because, unlike in many of his other works, Albert (or whoever the real author is) does not treat generic goodness and circumstances separately in *Summa theologiae*; they are too intertwined to be usefully discussed as distinct topics in different parts of this dissertation, so I have saved my discussion of generic goodness in *Summa theologiae* until now.

In book I of *Summa Theologiae*, Albert frames both generic goodness and the good of circumstances in terms of the fivefold division of goodness, which was also emphasized in *Ethica*: generic good, circumstances, political virtue, grace, and glory.³⁰³ He describes the generic good mostly in ways that will be familiar: it is the first subject directed toward the good (*ad bonum*), and it conjoins an act to its appropriate matter; and he gives the usual examples of feeding the hungry and clothing the naked. However, he does not state, as he usually does, that the generic good is that which can be done well or badly. Indeed, the only place in either book of *Summa Theologiae* in which the generic good and bad are described as capable of being done well or badly is where Albert is describing the views of others, not giving his own solution.³⁰⁴ Instead, he states that the generic good is the first possible subject (*subicibile*) of a good form:

³⁰³ *Summa theologiae* (Editio Coloniensis), Pars I, tract.6, q.26, m.1, art.1, ad 2, p. 170, line 60 - p. 171 line 10. It is true that Albert speaks of moral virtue in *Ethica*, whereas in *Summa Theologiae* he speaks of political virtue. This is not an indication of a substantial change in his views, however; Albert frequently uses the words 'moral', 'civil', and 'political' to describe the same sort of virtues: namely, those acquired by habituation, through the right use of reason, and not requiring a special gift of grace. These are virtues that the pagans can acquire; they do not lead to meritorious action and thus do not lead to salvation.

³⁰⁴ *Summa theologiae* (ed. Borgnet, 1894-5), Pars I, tract.20, q.80, m.2, art.1, q. inc., p.866b. This passage is discussed below.

Therefore in every voluntary act this [viz., the generic good] is the first possible subject of a good form; and when it is determined to forms of good, it is made a perfect good; and if it lacks them, it is deprived of the form of perfect good.³⁰⁵

The good forms that can be attached to the subject are, unsurprisingly, the circumstances and the habitual virtues. Now in DNB and SDB, Albert had argued that both the generic good and the generic bad can be the subject of good circumstances, which would result in either one being done well. By describing the generic good, the act conjoined to an appropriate matter, as the *primum subicibile* of these good forms, Albert seems to be implying that the generic bad is *not* a suitable subject of good forms. In other words, it seems that the generic bad can no longer be done well. If this is right, then *Summa Theologiae* seems to rule out the stages theory. Strikingly, Albert states that the generic good is the first subject of good forms in *every* voluntary act; there are no acts in which this is not the case.

What does it mean to say that good forms can bring about the perfect good from the generic good? The first forms are the circumstances, and Albert has little to say about them here that he has not said elsewhere. Finally there is the perfection of political virtue, by which the generically good act, formed by good circumstances, is done by a "connatural" operation. Albert quotes Cicero to describe virtuous actions as done "from a disposition, consenting to reason, in the mode of nature," and states that such actions will be done pleurably and with joy.³⁰⁶

³⁰⁵ *Summa theologiae* (Editio Coloniensis), Pars I, tract.6, q.26, m.1, art.1, ad 2, p. 170, lines 73-77: "Hoc ergo est in omni actu voluntario primum subicibile formae boni, et cum determinatur formis boni, efficitur bonum perfectum, et si deficit ab illis, privatur forma boni perfecti."

³⁰⁶ *Ibid.*, lines 80-86: "Accedens his formis perfectio est, ut faciat hoc ex habitu in modum naturae rationi consentaneo, ut dicit Tullius. Tunc enim facit ex propria et connaturali operatione non impedita, et ita delectabiliter et cum gaudio. Et hoc est bonum virtutis politicae : et ideo virtutes politicae a Sanctis connaturales virtutes vocantur."

If Albert is in fact claiming that an act must be generically good in order for it to be a subject of circumstances and of moral virtue, and his position here seems to be similar to that taken in *Ethica*, where he argued that all other moral goods are included "under" the generic good. Both works appear to be offering an account of generic goodness and circumstances quite different from the one given in DNB and SDB. The descriptions from these later works seem to rule out that stages theory, since they exclude the possibility of a generically bad act being done well.

However, *Summa Theologiae* I also includes a thorough discussion of generic badness, which distinguishes it from the *per se* bad and asserts that some generically bad acts are indeed done well. This discussion is presented in response to the question: "Can God command against the natural law and against the Decalogue which he wrote on the tablets?"³⁰⁷ Some well-known passages from scripture illustrate the problem. God commands the Hebrews to despoil the Egyptians, which seems contrary to the commandment not to steal (Exodus 12:36). He also commands Abraham to slay Isaac (Genesis 22:2-8). These and other examples lead Albert to consider a variety of solutions that have been put forth by others. A first solution distinguishes between three different kinds of natural laws, and argues that God can command things contrary to the second and third, but not the first, which aims only at the preservation of nature in the species and the individual.³⁰⁸ Since the despoiling of the Egyptians and the binding of Isaac do not infringe upon the preservation of nature in either of these ways, God can command them.

³⁰⁷ *Summa theologiae* (ed. Borgnet, 1894-5), Pars I, tract.20, q.80, m.2, art.1, p. 863: "Utrum Deus possit praecipere contra jus naturale et contra decalogum quem ipse scripsit in tabulis?"

³⁰⁸ *Ibid.*, solution, p. 865.

The second solution Albert considers, advanced by others (*alii*) and most relevant for our purposes, argues that God cannot command a *per se* bad, but he *can* command a generic bad, which can be done well or badly. The examples given of *per se* bads are fornication and adultery; examples of generic bads are killing and having sexual intercourse with a woman. Adultery is the sort of bad action that can never be done well, under any circumstances. Killing, on the other hand, can be done well if it is done for a good reason (*ex causa*). This account is familiar from the SDB: these others Albert is reporting articulate a version of the stages theory. Albert also notes an objection to this solution: even if we accept the distinction between *per se* bad and generically bad, to kill one's innocent, firstborn son can never be done well. But this is precisely what God commanded Abraham to do. So it seems that God has commanded an action which is *per se* bad, which (according to this solution) he cannot do, and so the problem remains.

After considering one more solution put forth by others,³⁰⁹ Albert gives his own view, "without a prejudgment as to the better opinion" (*sine praejudicio melioris sententiae*),³¹⁰ though he considers each of the other proposed solutions later. His preferred response distinguishes between commands of execution, on the one hand, and commands of testing (*tentatio*) or instruction, on the other. In a command of execution, God intends that the commanded act should be done. In commands of testing or instruction, God does not intend the act; rather, he gives the command in order to test or to teach the person he is commanding.

³⁰⁹ The *alii* here define the bad as a corruption of mode, species, and order both with respect to God and with respect to one's neighbor. And they argue that God is not able to command against himself, but he can command a violation of the order between human beings.

³¹⁰ *Ibid.*, p. 867.

Having made this distinction, Albert can then apply it to the problem at hand: in Scripture God seems to command acts that are bad per se; but such acts can never be done well; therefore it seems that God should not have commanded them. Albert argues that God cannot command a per se bad by a command of execution; he cannot intend such acts. However, he can command per se bad acts with the goal of testing or instructing. The per se bad is not then something God intends, but something he *uses*, as a circumstance, in order to strengthen or teach someone. So God's command to Abraham to kill Isaac was not a command of execution, since God could never intend the killing of an innocent; rather, God issued this command in order to test Abraham, while ensuring that the act itself was never carried out.

So Albert's own solution to this problem does not appeal to generic goodness or badness. What does he think about the solution that distinguishes between per se bad and generic bad? His response begins by saying that that solution "is good enough" (*satis bona est*). He then goes on to point out its limitations, particularly when applied to the problem at hand. In the Bible God does not merely order the generic act of killing; he orders the morally specific act of killing of an innocent (Isaac), which can never be done well. For this reason, Albert will insist on his distinction between executive and testing or instructive commands.

Thus in *Summa Theologiae* I, we have a text that could reasonably be construed as inconsistent with the stages theory, which matches up well with a similar text in *Ethica*. At the same time, there is an explicit formulation of the stages theory which Albert attributes to others, in which he describes it simply as "good enough" – a curiously curt expression that does not shed much light on his views on the relation between

generic goodness and badness and the proper overall evaluation of actions. For this we must look for more evidence.

The second book of *Summa Theologiae* contains three references to generic goodness and moral circumstances. In the first, Albert claims that Christ had an inclination toward the generic good, which existed in multiple ways toward the good in species, but he has nothing further to say on this subject.³¹¹ In the other two instances, reference to generic goodness and circumstances is introduced in the preliminary arguments (or objections) of disputed questions. One is of little interest, theologically or philosophically; the objector is considering Augustine's division of goods into the three classes of lower, middle, and great goods. The virtues are great goods, our objector posits, while wondering why Augustine does not mention the threefold distinction of virtue into theological virtue, habitual virtue, and gift of the Holy Spirit, or the breakdown of habitual virtue into generic good, good of circumstance, and virtue.³¹² Albert replies here that Augustine divides goods into lower, middle, and great according to the quantity of goodness that contributes to an upright life and good use. He remarks that it is given in opposition to Pelagius, and for this reason does not take into consideration the various genera and species of goodness, which the objector is interested in.³¹³

The last mention of generic goodness in *Summa Theologiae* II occurs in a question on lust, in an article that asks whether every act of sexual intercourse between an unmarried man and an unmarried woman is a sin. The objector calls the generic good the

³¹¹ *Summa theologiae* (ed. Borgnet, 1894-5), Pars II, tract.14, q.86, m.1, p.141.

³¹² *Summa theologiae* (ed. Borgnet, 1894-5), Pars II, tract.16, q.102, m.2, obj. 3, p.258b.

³¹³ *Summa theologiae* (ed. Borgnet, 1894-5), Pars II, tract.16, q.102, m.2, solution, p.258b - 259a.

"one first subject of the good" (*unum est primum subjectum boni*).³¹⁴ When it is clothed with circumstances and given the form of virtue, the good in species is produced. This description of the generic good as the *one* first subject of the good would seem to concur with the account given in Book I and discussed above, where Albert seems to hold that generic goodness is necessary for an act to become clothed with the right circumstances and performed from virtue. Thus it seems that the stages theory is again being called into question. However, given that this account is given in an objection and not a solution or reply, this passage is at most rather weak evidence for that claim.

The objector goes on to define the generic good as "the rational and voluntary act upon its appropriate matter" (*rationalis et voluntarius super debitam materiam*), and goes on to give an example: giving to the needy is a generic good, because the needy person is the appropriate matter of an act of giving. If done in the right circumstances and from the form of virtue, an act of the virtue of mercy comes into being, namely almsgiving. The objector then claims that an unmarried woman is the appropriate matter for an act of sexual intercourse, so that intercourse between an unmarried man in an unmarried woman is at least (*ad minus*) generically good. The objection concludes: "therefore it is never a sin" (*ergo numquam est peccatum*). If we take this to mean that no generically good act can be done sinfully, then this absolutely does not follow, since the objector acknowledges that a generic good must be clothed with the proper circumstances and be done from the form of virtue. The argument makes more sense if we understand the conclusion to be: this act, understood merely as generically good (i.e., conceptualized as prior to other circumstances) is not a sin.

³¹⁴ Summa theologiae (ed. Borgnet, 1894-5), Pars II, tract.18, q.122, m.1, art.2, obj. 3, p.396a.

Albert's reply to this argument does not address the account given of generic goodness, or its relation to circumstances and virtue. He only argues that an unmarried woman is not the proper matter for an act of sexual intercourse: the proper matter can only be "she whom the law makes one's wife, with whom intercourse is not a sin."³¹⁵ Since man is a civic (*civile*) animal, and sexual intercourse is an act that can be ordered by law and political authority (*civilitate*), its proper matter will depend on the existence of a legal marriage. Since fornication lacks this relation to the law, it is disordered, and always a sin.

The evidence is mixed, but the accounts Albert gives of generic goodness in *Summa Theologiae*, and in particular where he is clearly giving his own view, suggests that he has a view of the role of generic goodness in his moral theory that is at odds with the stages theory. As in *Ethica*, Albert appears to claim that an act must be generically good in order for it to be clothed with all the right circumstances and done from virtue. In the DNB and SDB, the generic good was neither necessary nor sufficient for an act to be done well. The view that is at least hinted at in his later works is stronger: the generic good is not sufficient, but it is necessary for an act to be done virtuously.

³¹⁵ "...illa quam lex fecit suam, cum qua coitus non est peccatum." *Summa theologiae* (ed. Borgnet, 1894-5), Pars II, tract.18, q.122, m.1, art.2, ad 3, p.397a. Albert's full reply is as follows: "Ad ultimum dicendum, quod mulier soluta non est propria materia coitus : et hujus ratio est, quia sicut dictum est, homo est animal civile naturaliter : et coitus est actus ordinabilis lege et civilitate : et ideo propria materia ejus non potest esse nisi illa quam lex fecit suam, cum qua coitus non est peccatum. Sed actus soluti cum soluta non habet legem, nec ordinem disciplinae. Ergo peccatum est, et semper mortale."

2.H The Dionysian Principle in *Summa Theologiae*

Albert's apparent late-career ambivalence about the stages theory in the *Summa Theologiae* accompanies a restatement of the Dionysian principle. This formulation is very similar to that found in the *Sentences* commentary. *Summa Theologiae* also includes a more general application of pseudo-Dionysius' dictum, which I will discuss first. What should be clear is that, in his final work, Albert is still very much committed to the Dionysian principle as a method for evaluating actions.

The first articulation in *Summa Theologiae* of the Dionysian principle, broadly speaking, occurs in a question that is more metaphysical than moral. Albert asks whether the bad is "wholly" (*universaliter*) a corruption of the good.³¹⁶ He argues that since goodness is convertible with being, and nothing could be bad if it did not also exist, anything bad must also be good, at least to the extent that it has being. In the course of his argument, he appeals to the unity of goodness:

For the good, as Aristotle and Dionysius say, is from one whole and sole cause, but the bad is omnifarious. Thus the bad is from particular and diverse causes; and for this reason it cannot wholly remove the good, but it can deprive with respect to this or that [good].³¹⁷

Here Albert attributes this idea both to Aristotle and pseudo-Dionysius, as he did in SDB but not in the *Sentences* commentary.

³¹⁶ *Summa theologiae* (ed. Borgnet, 1894-5), Pars I; tract.6; q.27; m.3; p.277b.

³¹⁷ *Ibid.*, p. 278: "Bonum enim, ut dicunt Aristoteles et Dionysius, est ex una tota et sola causa, malum vero omnifariam. Unde ex particularibus et diversis causis est malum : et ideo non potest privare bonum universaliter : sed privat quoad hoc, vel quoad illud."

In the same disputed question, Albert provides an example of a non-moral application of this principle.³¹⁸ He takes up an objection that states that since the good is a simple disposition (*simplex habitus*), it can only be corrupted in one way – *in toto*. So if the bad is the corruption of the good, then the good must be corrupted "universally and *in toto*". Albert replies that although the good may be simple, it does not arise from one simple cause; rather, many different factors taken together give something the character (*ratio*) of goodness. Albert gives vision as an example of a good that is constituted from a number of causes; if any one of them is defective, vision will cease. Vision requires:

- a good disposition of the visual spirit (*bona dispositione spiritus visivi*), which must be clear, unmixed, and directed toward the pupil;
- the optimal disposition of the optical nerve;
- the proper shape and position and clarity of the membranes (*miringarum*) of the eye;
- the proper order of the optic humor (*humoris crystallini*).

According to Albert's theory of visual perception, all these elements must be in place in order for vision to be possible. The loss of any one of them would mean the loss of vision. As he puts it, using Dionysian terminology:

"The good eye comes about from that whole gathered together in this way. But the bad eye comes about omnifariously from many particular defects, although vision is a simple disposition."³¹⁹

This is the most detailed non-moral example of this principle in Albert's works, and it provides us with an analogy to a good action.

³¹⁸ *Ibid.*, 278-279.

³¹⁹ "Ex toto enim illo sic congregato fit bonum oculi. Malum autem oculi omnifariam fit ex quolibet particulari defectu, licet visus sit simplex habitus."

Albert applies the more general Dionysian principle to the morality of actions twice in *Summa Theologiae*. The first instance is later in book I, where Albert attributes the positive claim that the good is from one whole cause to both Aristotle and Dionysius, while attributing the negative claim that the bad arises omnifariously to Dionysius alone.³²⁰ He expands on the idea that the good has a unified cause, calling that cause a totality gathered together from all the individual factors that cause a thing to be good (*quae faciunt ad esse boni*). With respect to action, Albert lists three requirements that must be met in order for it to be good: 1) it must be done from a good disposition, which both chooses and informs the act; 2) it must be clothed with the appropriate circumstances, and 3) it must be determined to the appropriate end.

These are essentially the same three requirements given in Albert's *Sentences* commentary, where he lists the form in the will, the circumstances, and the end. As we saw above, the form in the will is either of virtue or grace. When Albert says here that a good act must proceed "from a good disposition choosing and informing the act" (*ex habitu bono actum eligente et informante*), he is likewise referring either to virtue, or to an effect of God's grace. Elsewhere in *Summa Theologiae* Albert describes both virtue and grace as dispositions (*habitus*) that direct our acts. Grace is a disposition that makes both its possessor and her acts graced.³²¹ And a definition of virtue that Albert gives frequently is from Cicero: "virtue is a disposition of the will, consenting to reason, in the mode of nature" (*virtus est habitus voluntatis in modum naturae rationi consentaneus*).³²²

³²⁰ *Summa theologiae* (ed. Borgnet, 1894-5), Pars I, tract.20, q.80, m.1, p.859b-860a.

³²¹ *Summa theologiae* (ed. Borgnet, 1894-5), Pars I, tract.6, q.26, m.1, art.1, p.231b -232a: "Gratia enim sic consuevit definiri, quod gratia est habitus gratum faciens habentem et opus ejus gratum reddens."

³²² This definition appears frequently in *Summa theologiae*, in addition to Albert's other works. See for example *Summa theologiae* (ed. Borgnet, 1894-5), Pars II, tract.22, q.136, p.458a. Cf. Cicero, *De inventione* II. 159: " Nam virtus est animi habitus naturae modo atque rationi consentaneus."

So the form of the will mentioned in the *Sentences* commentary is the same concept as the good disposition posited in *Summa Theologiae*. While it is not explained in terms of integral wholes, this formulation of the Dionysian principle is otherwise quite similar to that given in the *Sentences* commentary.

This interpretation is confirmed in a passage in *Summa Theologiae* II, where Albert again articulates the Dionysian principle as applied to actions.³²³ There, the first of the causes of a good act mentioned is "the form of the virtue eliciting the act" (*virtutis forma elicentis actum*). This condition is analogous to the form of the will in the *Sentences* commentary, and the good disposition in *Summa Theologiae* I. The main difference is that those two expressions leave open the possibility that the form or disposition directing the act might be either a virtue or some act of God's grace. By contrast, the version from *Summa Theologiae* II narrows the condition down to the cause of virtue alone. This does not necessarily mean that Albert means to exclude grace here, however: he may just be focusing on the case in which the good act is an act of virtue (and not, say, directed by a gift of the Holy Spirit). And at any rate, Albert holds that both the theological virtues and the infused cardinal virtues are caused by God's grace, which also makes the acts of those virtues graced (*gratum*). Regardless, Albert's claim here is a strong one: if an act does not proceed from virtue, it is not a good act.

There is another way the account of the Dionysian principle given in *Summa Theologiae* II differs from those given in both the *Sentences* commentary and *Summa Theologiae* I. Instead of three causes of the goodness of an act, Albert here provides four:

³²³ *Summa theologiae* (ed. Borgnet, 1894-5), Pars II, tract.22, q.138, m.2, p.464a.

the form of virtue, the circumstances, the will (*voluntas*), and the end.³²⁴ The new element here is the will; why does Albert include a good will here as a necessary condition for the goodness of an act? The context for this statement of the Dionysian principle is a disputed question that concerns whether an act is good from intention alone. Albert answers that it is not, although intention plays an important role. Given this context, it seems plausible that he is using the word *voluntas* in a broad sense here, to include intention. Albert tends to define intention as an act of the will directed toward an end. In this context – a question on intention – he seems to be pulling apart the two most basic elements of an intention, the act of the will and the end. Given that he mentions them side-by-side, we could even interpret him as meaning that the will together with the end (i.e., the intention) must be good.

Thus in both books of the *Summa Theologiae*, Albert states the Dionysian principle. And it is clearly his own principle; he does not present it merely as part of an objection, or as the opinion of others. While his views on the stages theory are at the very least ambiguous, at this late stage in his career Albert is still very much committed to the Dionysian principle. Further, his formulations of the principle here resemble the formulation he gives in the *Sentences* commentary. The major evolution, then, in his thinking about this principle occurs between SDB and the *Sentences* commentary, when he drops the requirement that an act be generically good and instead insist that it must proceed from a good form or disposition. Between the *Sentences* commentary and *Summa Theologiae*, Albert's views on the Dionysian principle are settled and consistent.

³²⁴ Ibid.: "Hoc est dictum, quod bonum in opere est ex omnibus causis bonitatis, sicut ex virtutis forma elicentis actum, et omnibus circumstantiis operis, et voluntate, et fine."

Chapter 3. The Stages Theory vs. the Dionysian Principle

By tracking the development of Albert's views on both generic goodness and moral circumstances over the course of his career, I have attempted to bring into focus the two different methods for evaluating actions morally that appear in Albert's works. The stages theory allows for mixed assessments of actions: good in one respect, but bad in another; perhaps an agent acted badly, though the action she performed remains a good action. The Dionysian principle does not necessarily rule out mixed assessments, but it focuses on the action as a whole: either an act is good in every morally relevant respect, and thus good all things considered, or it is bad in any such respect, and thus bad all things considered. Thus if an act is good, it is bad in no respect; if it is bad, then any sense in which it is good is overshadowed by the moral status of the act as a whole, since the corruption of any part of the act suffices for the corruption of the whole.

The stages theory is present from the beginning, receiving prominent treatment in Albert's first work, the *De natura boni*. He refines that early account in the SDB, especially by providing a more sophisticated account of generic goodness. In his later life, however, Albert shows some ambivalence toward the stages theory. While it is standard to describe both the generic good and the generic bad as "that which can be done well or badly", and such descriptions never entirely drop out of Albert's handling of the term, passages in *Ethica* and *Summa Theologiae* suggests that Albert conceives of the generic good as necessary for an act to be good, all things considered. In other words, there is a question whether Albert retains a concept of the generic bad as something that can be done well.

It seems unlikely that Albert's commitment to the stages theory would not be affected by his second method for morally evaluating actions: the Dionysian principle, which is first stated in the SDB, developed in the *Sentences* commentary, and reaffirmed in *Summa Theologiae*. Both accounts make use of the concepts of moral circumstances and moral virtue, and an early formulation of the Dionysian principle even includes generic goodness, which plays an essential role in the stages theory. Albert himself never explicitly compares the two methods. Doing so will thus require paying careful attention to the various formulations of both of them. In what follows I will first compare the accounts of each method given in SDB, arguing that they are in tension with one another. I will then proceed to the developments in the *Sentences* commentary, where both methods undergo important modifications. Then I will discuss the post-Paris works, in particular the commentaries, which give less systematic attention to these methods; this period culminates in the *Summa Theologiae*, however, which mirrors the *Sentences* commentary in its formulation of the Dionysian principle, but which seems to undercut the stages theory. Finally, I will examine some possible motivations for adopting each method, and draw some historical comparisons, in particular with Stoic ethics.

3.A. Comparing the Stages Theory and the Dionysian Principle

Now it seems that there is a tension between Albert's stages theory as described in the DNB and elaborated on in the SDB, and the SDB version of the Dionysian principle. Before I argue that these two theories don't fit well together, I should note that there is a terminological problem here. The stages theory states that our moral evaluation of action should proceed according to the three levels or stages of 1) the act's generic quality, 2)

the moral circumstances, and finally 3) whether it is done from virtue. According to this theory, a generically good act can be done badly, and a generically bad act can be done well. Now the Dionysian principle mostly does not include an account of acts being done well or badly, instead aiming at an evaluation of an action as being *bonum* or *malum*, tout court. In order to avoid confusion here, I will refer to this final evaluation of an act as good or bad, all things considered, as opposed to the generic good or bad.

One further proviso: as noted in chapter 2, SDB includes two different versions of the Dionysian principle. One states that an act is virtuous just in case all the circumstances are good; the second mentions three conditions for the goodness of an act: 1) the circumstances, 2) the end, and 3) the act upon its appropriate matter -- i.e., generic goodness.³²⁵ The first version appears in the SDB question on circumstances, where Albert is focused on the contribution that circumstances make to a good act. The second is found in a question on the substance and definition of virtue, where he is aiming to describe all of the factors that come together in a virtuous act. The second account thus seems more complete, and I will treat it as Albert's full expression of the principle in SDB.

The problem I see in reconciling the two methods is as follows. Recall that a generically bad act can be done well, if it is clothed with the right circumstances. Now if, according to the SDB formulation of the Dionysian principle, an act must be generically good in order for it to be good, all things considered, then it follows that every generically bad act is bad, all things considered. But if only its generic quality is bad, while all of its circumstances are good, then that same act might be done well, according to the Stages Theory. Thus it is possible that we can perform an act the final or all things

³²⁵ SDB, I.3.1, ad 6, 38, 68-70; SDB I.5.1, ad 22, 74, 22-25.

considered evaluation of which is that it is bad, but which is nevertheless done well. And that seems like an odd result. It is difficult to see what is added by claiming that, in addition to being generically bad, the act is also bad all things considered -- though it is still done well.

Further, it is difficult to see why a generically bad act, as described by the Stages Theory, must be considered bad, all things considered. Giving food to someone who is not hungry, for example, might be generically bad; the act is not brought to bear upon its appropriate matter. Nevertheless, Albert thinks that there are circumstances under which such an act can be done well, and if that's the case, why should the act still be considered bad all things considered, as the Dionysian principle would have it? Generic badness is not intrinsic badness, after all. What is it about generically bad acts that makes it the case that they must have this effect on our overall evaluation of the action?

These problems arise if we attempt to put the two theories together. But they don't seem designed to fit together, despite the fact that they use some of the same terminology (generic goodness, circumstances, etc.). For one thing, they each have a different term for the complete moral evaluation of an action: for the Stages Theory, the question is whether an act is done well or badly (*bene vel male fieri*); for the Dionysian principle, an act is determined to be either good or bad (*bonum vel malum*). Rather than attempting to put these two concepts together, as I did in the preceding paragraphs, it makes more sense to assume that they are roughly equivalent. Since Albert inherits the language of acts being done well or badly from earlier thinkers, it is not necessary to assume that he understood by it anything other than the all things considered moral evaluation of an act.

Albert's use of examples to illustrate the generic good and bad in the DNB provide further evidence that this is what he means by an act's being done well or badly.³²⁶

Let us assume that the concept of an act's being done well or badly (in the Stages Theory) does capture more or less what it means for an act to be good or bad, all things considered according to the Dionysian principle. If that's right, then the conflict between the two theories can be understood like this: according to the Stages Theory, generic goodness is neither a necessary nor a sufficient condition for an act to be done well. Not all generically good acts are done well, and not all acts that are done well are generically good. Similarly, the Stages Theory says that generic badness is neither necessary nor sufficient for an act to be done badly. The Dionysian principle, as laid out in the SDB, gives a quite different result. According to that theory, generic goodness is a necessary but not sufficient condition for an action to be good, all things considered. The Dionysian principle says that certain features must be present for an act to be good, all things considered, and generic goodness is one of those features. However, if another one of those features is missing, for example good circumstances, the act will be bad, all things considered, even if it is generically good. Finally, on the Dionysian principle, generic badness is a sufficient but not necessary condition for an act to be bad, all things considered. Any generically bad act will be bad all things considered, but some acts that are not generically bad will also be bad, all things considered. The differences can be summarized as follows:

³²⁶ See footnote 10 above.

Stages Theory

Generic good is neither necessary nor sufficient for an act to be done well.
 Generic bad is neither necessary nor sufficient for an act to be done badly.

Dionysian Principle

Generic good is necessary but not sufficient for an act to be all things considered good.
 Generic bad is sufficient but not necessary for an act to be all things considered bad.

If I am right to think that being done well (or badly) on the Stages Theory is roughly equivalent to what I've called good (or bad), all things considered on the Dionysian principle, then the two methods for evaluating actions found in the DNB are plainly incompatible. On the other hand, even if there is some nontrivial difference between an act being done well and an act being good, all things considered, trying to put the two methods together leaves us in a theoretical muddle, as I showed above. But why would Albert advance two theories that appear to be in this much tension? Was he merely confused?

If we assume that in the SDB Albert did not have a fully worked out theory, but instead was committed to two quite different doctrines, then we can explain the awkwardness of the result. Albert was committed to evaluating actions in terms of their generic goodness or badness when he wrote the DNB, his earliest known written work, and this continues in his writings in the 1240s. At the same time, he was clearly impressed with the Dionysian principle, and invokes it on two different occasions in the SDB. The Dionysian principle requires that every aspect of an action that can be good must be good in order for the action to be good, all things considered. Since the generic character of an action is one of those aspects, it quite naturally falls under the principle.

As noted above, Albert's *Sentences* commentary contains a crucial change in the account of the Dionysian principle. Generic goodness is not listed, but the form in the will is. That form will usually be the form of a virtue, though it could also be a form of grace. This requirement remains in his much later *Summa Theologiae* II, though expressed explicitly as the form of a virtue. If the second book of the *Summa Theologiae* was in fact written by Albert, then this change became a permanent aspect of Albert's thought on the matter. If it is not an authentic work, the fact that its genuine author followed the *Sentences* commentary and not the SDB formulation is some evidence that the former was seen as his more definitive position. This is sensible if only because the *Sentences* commentary was written later. The evolution of the principle can be summarized as follows:

Dionysian Principle: Conditions to be met for an act to be good, all things considered

<i>Summa de bono</i> I.3	<i>Summa de bono</i> I.5	Sentences Commentary	<i>Summa Theologiae</i> II
	Generic goodness	Form in the will	Form of virtue
Circumstances	Circumstances	Circumstances	Circumstances
	End	End	End + Will

As for the stages theory, we find it expressed in the *Sentences* commentary as well. While there is some doubt as to how strongly Albert is committed to it at this point, since he doesn't refer to it in places where it would be natural for him to do so, he nevertheless clearly and explicitly formulates the position that a) a generically good act can be done badly, b) a generically bad act can be done well, and c) in neither case does the act cease to be generically good or bad. And he presents the basic structure from the DNB and SDB: generic good-- good from circumstance-- good of virtue, though the middle stage now seems to be divided into two, with the good deriving from the external

circumstances distinguished from the good from the end. Whether there are three or four stages, the theory is recognizable from his earlier works.

A large part of the trouble in reconciling the stages theory with the Dionysian principle, as found in the DNB and the SDB, resulted from the role that generic goodness and badness played in each. According to the stages theory, a generically bad act can be done well; according to the Dionysian principle, a generically bad act cannot be good all things considered. Putting those two theories together requires that we accept some odd-sounding propositions; the theories seem to be in tension with each other. But in the *Sentences* commentary, generic goodness plays no role in the Dionysian principle. Does this make it easier to hold both at the same time?

While generic goodness is now absent from the Dionysian principle, the two theories still overlap, since they both include circumstances and moral virtue. Here again is how Albert puts the Dionysian principle in the *Sentences* commentary:

...for the constitution of the good it is necessary to bring together all the circumstances and the end and the form in the acting will. And it is constituted only by all these things together in the mode of an integral whole, which is constituted by all its parts taken at the same time. But the bad, as Dionysius says, is omnifarious, that is, from any particular defect, just as an integral whole is destroyed by any given part taken separately. And thus it is that the good does not exist without a good intention, although it is not good from intention alone; just as a house does not exist without a wall, although it does not exist from the wall alone.³²⁷

³²⁷ *Sentences* II, distinction 41, B, Article 2, solution, p. 643: "Dicendum, quod bonum et malum in opere non causantur uno modo : sed bonum, sicut Dionysius dicit, ex una tota causa est, id est, ad constitutionem

Can this account be more easily reconciled with the stages theory?

Of course it is possible that the different vocabulary indicates that Albert has in mind two different sorts of assessment that are orthogonal to each other; that whether an act is done well or badly has no bearing on whether it is good or bad, all things considered. Perhaps these are two independent ways of looking at actions, and it isn't a problem if they diverge.

It is probably true that Albert began thinking about these theories independently of each other. The stages theory grows out of a long history of thinking about generic goodness; the Dionysian principle likely derives from a reading of Eudes Rigaud. Nevertheless, to the extent that Albert is aiming to articulate and defend a unified moral theory, and not merely describe a number of loosely related ways of evaluating actions, these theories should at least be consistent with each other, and we should be able to say how they relate to each other. Further, for reasons mentioned above, it doesn't seem plausible that being done well or badly (according to the stages theory) is just a different concept from being a good action (according to the Dionysian principle). Both appear to aim to give an all things considered moral assessment of actions, and they both use the concepts of circumstances and moral virtue. The main reason for the different vocabulary seems to be their sources, not any important conceptual difference.

Nevertheless, the fact that generic goodness is no longer included the Dionysian principle means that the stages theory could be telling us something interesting about an act, something not captured by the Dionysian principle. That is, since according to the

boni oportet convenire omnes circumstantias et finem et formam in voluntate agente : et non constituitur nisi ab omnibus his simul per modum totius integralis, quod constituitur ab omnibus suis partibus simul acceptis. Malum autem, ut dicit Dionysius, fit omnifariam, id est, ex quolibet particulari defectu : sicut et totum integrale destruitur qualibet parte divisim destructa. Et ideo est, quod bonum non est sine intentione bona, licet non sit bonum ex sola intentione : sicut domus non est sine pariete, licet non sit ex solo pariete."

latter it is no longer necessary that an act be generically good in order for it to be good all things considered, an act could be generically bad but still fulfill all the requirements for a good action. In such a case, both theories would give the same result – the action is good, or done well – but the stages theory would also give the sort of mixed assessment that is, in this kind of act, not available under the Dionysian principle.

Perhaps it will be objected that this approach, if it does not violate the letter of the Dionysian principle, still seems to violate its spirit. Albert states that a bad action results from any particular defect; and generic badness is a defect, at least insofar as it is closer to vice than to virtue. So shouldn't Albert insist, as he did in the SDB, that an act must be generically good for it to be good, all things considered? Since generic goodness is a moral concept relating to the moral status of actions, isn't the Dionysian principle incomplete if it does not include it?

I think this is a misreading of that principle. When Albert, quoting pseudo-Dionysius, says that the bad is from particular defects, he means only the absence of any one of the necessary elements of a good action. Since an action can be good without being generically good, the Dionysian principle will be silent about it. Albert's house metaphor is relevant here: a good end is like the walls of the house; remove them, and you no longer have a house. Generic goodness, by contrast, is like a wood stove or granite countertops; nice to have, but not essential.

Still, it is important to remember that generic goodness is not *prima facie* goodness; it is a real feature of an action, and an act does not cease to be generically good even if it is done badly. Neither is generic goodness a kind of natural goodness; it is not a metaphysical feature of an action that can be separated from an act's moral standing.

Albert insists that generic goodness is a *moral* good. So holding both the stages theory and the Dionysian principle simultaneously requires that we accept both that a morally good action is an integral whole, composed of the moral goodness of its parts, but nevertheless that it can also be *morally* bad in one respect (i.e., generically bad). And this may seem like an awkward position to hold.

Regardless, it is possible to imagine an act that is good, all things considered, according to the Dionysian principle, but which is nevertheless generically bad – an insight gained from the stages theory. Instead of conflicting with each other, the two theories end up complementing one another. Still, one might wonder whether the stages theory is adding anything useful here. If the Dionysian principle can tell us whether an act is morally good or morally bad without referring to its generic goodness, then what good is generic goodness?

It seems to me that the stages theory can make two contributions to the evaluation of an act, beyond the Dionysian principle. First, recall that generic goodness is more ordered or inclined toward virtue, whereas generic badness is more ordered toward vice.³²⁸ So if we are evaluating an act, be it our own or someone else's, or even deliberating about whether to perform some act, it is useful to consider whether the act is generically good or bad. Indeed, such knowledge may frame the way we think about the surrounding circumstances. If the act is generically good, then we will need to pay attention to whether any circumstances vitiate the basic goodness we know the act possesses. An act like feeding the hungry is good generically; but it is easy to do for the wrong reasons, so we will want to inspect our motivations before concluding that the act was good overall. On the other hand, the fact that an act is generically bad gives us a

³²⁸ SDB I.2.4, solution, p. 29, 49-53.

reason not to do it, and to be suspicious of any justifications for it. Of course, there may be strong reasons to do the act, depending on the circumstances. But in such cases, we do well to examine the circumstances carefully, to make sure that we are really acting well.

A second advantage of the stages theory is that it can explain the regret or remorse an agent might have over performing an act that he is morally required to perform. Take Albert's example of a bad act done well from the DNB: a judge is compelled to put an innocent man to death (a generically bad act) because of allegations and a trial that go against him.³²⁹ This case could be framed in contemporary terms as a resolvable moral dilemma. There is a conflict between two principles: 1) one should never kill an innocent person, and 2) a judge should follow proper procedures. Albert thinks that this conflict can be resolved, since he holds that the judge's obligation to follow proper procedures overrides his duty not to kill someone he knows to be innocent. Nevertheless, we should expect the judge to feel sorrow and remorse over having to sentence this man to death. If the judge were gleeful and relished the opportunity to kill an innocent person, this would surely be a sign of serious flaws in his character. A virtuous judge would be somber and regretful, even if in this case his action is good overall.

The stages theory can explain this regret or "moral residue" in terms of the mismatch between the act at the generic level and the moral circumstances.³³⁰ The act is

³²⁹ DNB II.1, p. 9, lines 15-20. I will discuss this case in more detail in the section on Aquinas. Albert seems to have changed his mind about this sort of case by the time he writes his *Summa theologiae*, where he states flatly that the killing of an innocent cannot be done well (*occisio innocentis non potest bene fieri*) (Pars I, tract.20, q.80, m.2, art.1, q. inc., p.869b).

³³⁰ Williams (1965) and Marcus (1980) give accounts of moral dilemmas involving moral residue. In her (1996), Marcus distinguishes between emotions like guilt, regret, and remorse, and the sorts of situations in which they would be appropriate (pages 32-33). A doctor who is prevented from seeing a patient because of a hurricane might feel regret, although there is nothing she could have done differently to avoid this situation. The man in Sartre's famous example who must choose between joining the Free French forces

generically bad, and this badness is a real feature of the act. On the other hand, the circumstances dictate that it must be done, and so it is done well. The Dionysian principle, on the other hand, seems to have no explanation for the (entirely appropriate) feelings of sorrow and regret that follow up on sentencing the innocent man to death. It states that the act is good in every way necessary for it to be good as an integral whole. So if the act is completely and unqualifiedly good, why should one regret it? Based on the information we have from the Dionysian principle, such an attitude makes little sense. Information about the act's generic badness, on the other hand, helps to fill in the picture, explaining not only what an agent ought to do, but how she ought to feel about doing it.

Given these advantages, we might approach the problem of putting these two theories together from the other direction: why do we need the Dionysian principle? The stages theory seems capable of doing more than that Dionysian principle, but when paired with the former, the latter begins to seem superfluous. What advantages does the Dionysian principle have?

Before answering that question, I will turn to the work of Albert's best-known student, Thomas Aquinas. Aquinas takes the Dionysian principle from Albert, and incorporates it into his own ethics. At the same time, he repudiates the stages theory. Thus considering Aquinas' ethics will help to bring into focus an ethics that accepts the Dionysian principle while rejecting the stages theory.

I should also reiterate here that Albert's commitment to the stages theory becomes increasingly ambivalent in his later works. As I noted in chapter 2, there are passages in

(thereby avenging his brother who had been killed by the Germans) and caring for his elderly mother might feel a stronger emotion, like remorse, whichever option he chooses (see Sartre (1957), 295-298). It seems to me that Albert's judge should also feel remorse, since he would regret not only the situation, but his own action of sentencing an innocent man to death. Guilt would be inappropriate, however, since the dilemma is not self-imposed, and the judge acts well, performing the right action in the circumstances.

both the *Ethica* and the *Summa Theologiae* that seem to suggest that every act which is good with respect to its circumstances must also be generically good. Thus in the *Ethica* Albert says that the generic good is "that under which every moral good is comprehended" (*sub quo omne bonum moris comprehenditur*).³³¹ The wording is hardly clear, but a reasonable interpretation is that every morally good act must be generically good, with generic goodness providing a sort of umbrella under which all good acts are included. Of course, it will also contain bad acts, since generically good acts can be done badly. Perhaps tellingly, Albert does not state in the *Ethica* what he had insisted upon in his earlier works, namely that generically bad acts can also be done well. Of course, this is not incontrovertible evidence that Albert has abandoned his stages theory, but at the very least it suggests that he might have, or that he is no longer confident in advancing it.

The *Summa Theologiae* is likewise unclear. There Albert calls the generic good the first possible subject (*subicibile*) of a good form – that is, of good circumstances and virtuous acts.³³² It is not obvious from the text whether or not the generic bad could also play this role. Albert does discuss the generic bad in *Summa Theologiae*, where it is even defined as that which can be done well or badly; but he attributes this account of generic badness to others, never advancing it in his own voice. And when he assesses it, he simply says that it is "good enough" (*satis bona*).³³³ He appears to see no problem with using this account of generic badness, but he does not endorse it either. At the same time, Albert states the Dionysian principle in both books of the *Summa Theologiae*, and he advances it as his own view. If there is a doubt whether he still accepts the stages theory

³³¹ *Ethica* (ed. Borgnet, 1891), Lib.I, tract.1, cap.6, p.14.

³³² *Summa theologiae* (Editio Coloniensis), Pars I, tract.6, q.26, m.1, art.1, ad 2, p. 170.

³³³ *Summa theologiae* (ed. Borgnet, 1894-5), Pars I, tract.20, q.80, m.2, art.1, q. inc., p.869.

in his later works, there is no doubt that he thinks the Dionysian principle is the right way to morally evaluate actions.

3.B Comparing Albert to Thomas Aquinas

There is a danger involved in discussing both Albert and Aquinas in the same study. We are far removed from Gilson's dismissal of Albert as someone whose writings are largely unoriginal and whose views do not change in any important way over the course of his writings.³³⁴ Nevertheless, contemporary scholarship on Aquinas dwarfs the research done into Albert's writings, particularly outside of Germany. The Albert scholar must thus be careful not to read Albert merely through the lens of his most famous student, as if his writings were merely provisional upon Aquinas completing (or refuting) them. Alain de Libera has gone so far as to say that if we wish to understand Albert, "Il faut enfin, et c'est le plus délicat, tenter d'*oublier Thomas d'Aquin*."³³⁵

It would be a mistake, however, to treat the writings of Albert and Aquinas as though they were unrelated to each other. That Albert influenced Aquinas is beyond dispute³³⁶, and it is not unreasonable to think that Aquinas' writings also influenced his teacher. Certainly Albert was devoted to Aquinas, even after the latter's death.

Bartholomew of Capua, an important though not always reliable source of biographical material on Aquinas, relates that Hugh of Lucca informed him directly of the trip Hugh undertook along with Albert to Paris in 1277. Stephen Tempier, the Bishop of Paris, issued his condemnation of 219 philosophical and theological theses on March 7 of that

³³⁴ Gilson (1955), 278.

³³⁵ De Libera (2005), 17. Italics in the original.

³³⁶ For example, see René-Antoine Gauthier's detailed study of the ways Albert's *Super Ethica* influenced Aquinas' moral thought in Gauthier (1969), 235-257.

year, and positions adopted by both Albert and Aquinas appear to have been condemned.³³⁷ Later that same month, two separate doctrinal inquiries were launched, one against Giles of Rome, the other against Thomas Aquinas.³³⁸ According to Bartholomew, Albert traveled to Paris in order to defend Aquinas' writings.³³⁹ While it is true that, as Zimmerman points out,³⁴⁰ Albert's appearance in Paris would have given him the opportunity to defend his own writings, as well as those of Aquinas, the fact that Albert went with the stated goal of defending Aquinas indicates that he was at least familiar with Aquinas' writings.³⁴¹ It is thus plausible that Albert had Aquinas' views and arguments in mind when composing his own later works.

Even if Albert were not influenced by Aquinas, however, it would still be of interest to compare the two writers. Aquinas is of course familiar with Albert's thought, and is influenced by him. He develops and systematizes ideas found in Albert; at other times, we find him disagreeing with his teacher. A careful reading of Aquinas can even illuminate Albert's thought, insofar as their disagreements shed light on what is at stake in their theorizing.

Aquinas arrived in Paris in 1245, the same year Albert graduated as a master in theology and took up a Dominican chair in the faculty of theology at the University of Paris. When Albert was sent to Cologne in 1248 to establish a Dominican *studium generale*, Aquinas went with him, remaining there until 1252, when Aquinas returned to

³³⁷ On the condemnation of 1277, see Hissette (1977) and Thijssen (2016).

³³⁸ The thesis of a separate investigation launched against Aquinas, which was never completed, was first put forward by Wielockx (1988), and is now generally accepted by scholars. The details are disputed, however. See, among others, Hissette (1998), and Wippel (1995) and (1997).

³³⁹ Hissette (1982), 229; Zimmerman (1980), 474-479.

³⁴⁰ Zimmerman (1980), 469.

³⁴¹ One might question the details of Bartholomew's account, however. Bartholomew was a contemporary of Aquinas and Albert, and is considered a major source for biographical information about his life. But De Libera (2005) suggests that both he and Hugh were too affected by admiration for Aquinas to give an unbiased account of their relationship (p. 16).

Paris. By 1256, Aquinas had completed the requirements to become a master of theology himself, and began teaching at the University of Paris. Thus Aquinas spent a good number of his formative years studying under Albert.

We find Aquinas' earliest account of moral actions in his commentary on the *Sentences* of Peter Lombard, which he likely began in 1252, and completed in 1257.³⁴² He would significantly develop this account later in his life, fleshing out a complex theory of the interrelations between the different aspects of an action in his *Questiones disputatae de malo* (c.1266–1270) as well as his own *Summa theologiae* (c.1265–1273). This theory has received considerable attention in recent decades, and there has been a lively scholarly debate about its precise nature and implications. Contemporary theologians and philosophers have also appealed to Aquinas to defend various positions on the issue whether there are any action types which are bad per se, or whether the badness of an action depends on its "proportion" to an intended end. Aquinas' action theory has also been an important source in debates about the doctrine of double effect, an official teaching of the Catholic Church.

The result is an enormous secondary literature.³⁴³ It would be foolish for me to stake out a position on the various controversies that surround Aquinas on moral action, or even to attempt to summarize them, because it would take me too far afield. I will aim to focus on those areas in which Aquinas' ideas mirror or develop or contradict those found in Albert, specifically as regards the moral evaluation of actions. This will mean zeroing in on Aquinas' accounts of generic goodness and the Dionysian principle, in particular, though it will also require me to examine concepts and distinctions that do not

³⁴² Aquinas' dates are from Davies (2012), 533-535.

³⁴³ Important recent treatments of Aquinas' action theory and its implications for ethics can be found in Brock (1998), Pilsner (2006), Jensen (2010), and Long (2015).

appear in Albert, such as the distinction between the interior and exterior act. I will begin by briefly examining an important passage in Aquinas' *Sentences* commentary, before turning to the mature theory of *De Malo* and *Summa theologiae*. I will argue that Aquinas makes explicit what we find only suggested in Albert: namely, the rejection of the stages theory in favor of the Dionysian principle.

3.C Generic Goodness and the Dionysian Principle in Aquinas' *Sentences* Commentary

Aquinas appears to have begun working on his *Sentences* commentary in 1253, the year after he returned to Paris from Cologne, where he had spent four years studying with Albert. Scholars have noted that Aquinas' first work "bears ample witness to his teacher Albert's influence."³⁴⁴ It is also a useful place to begin comparing Aquinas to Albert, since Albert wrote his own commentary on the *Sentences* the previous decade. I will focus on an article that contains both a careful articulation of Aquinas' views on generic goodness and badness, and a clear assertion of the Dionysian principle.

The article in question concerns the division of goods found in book 2 of Lombard's *Sentences*.³⁴⁵ There Lombard reports on the opinion of certain people, who say that every act, insofar as it is an act, is good -- i.e., an act is good from its essence. These people also argue that an act can be good with respect to its genus, and Lombard gives the example of feeding the hungry; and finally that some acts are "absolutely and perfectly" good, which proceed from a good will and are directed toward a good act.³⁴⁶ In

³⁴⁴ Herdt (2013), 117.

³⁴⁵ *Super Sent.*, lib. 2 d. 36 q. 1 a. 5.

³⁴⁶ Lombard, *In II Sentent.*, dist. XXXVI, K: "Addunt quoque quosdam non tantum essentia, sed etiam genere bonos esse, ut reficere esurientam, qui actus est de genere operum.misericordiae: quosdam vero

his commentary Aquinas uses this text as an opportunity to introduce the three levels of goodness which we find in Albert's stages account, though with an important alteration.

Aquinas approaches the question of the goodness of an action by asking about its *determinatio*, that is, about how an act is specified or particularized. An action's "proper" determination comes from its object. Since the word 'object' takes on a significance in Aquinas' theory that it does not have in Albert's early works, it is worth pointing out that it is a technical term that had only recently become standard.³⁴⁷ In the early 13th century, it was common to use *obiectum* to mean an objection, but not as the object of a power. This latter meaning seems to be a 13th century innovation; two early instances of this usage are Robert Grosseteste's *De anima* (ca. 1208-1210)³⁴⁸, and the anonymous *De potentiis animae et obiectis* (likely written between 1220 and 1230). Grosseteste draws on Aristotle's tripartite distinction between powers, activities, and what is acted upon, translated by James of Venice as *potentiae, actus, and opposita*.³⁴⁹ Instead of *opposita*, however, Grosseteste writes *obiecta*, arguing that powers are distinguished according to their proper acts, and that acts are distinguished according to their objects.³⁵⁰ He supplies three examples: the object of the rational power is truth, the object of the concupiscible power is the good, and the object of the irascible power is the arduous. The later *De potentiis animae et obiectis* states that powers have objects, and gives the example of colour, which is the object of the visual power.³⁵¹

actus absolute ac perfecte bonos dicunt, quos non solum essentia vel genus, sed etiarn causa et finis comendat : ut sunt illi qui ex bona voluntateveniunt, et bonum finem metiuntur."

³⁴⁷ I rely here on Dewan's article "Obiectum", as reprinted in his *Wisdom, Law and, Virtue* (2008).

³⁴⁸ I follow Dewan in treating this work as Grosseteste's, although scholars have doubted its authenticity.

³⁴⁹ *De anima* 2.4, 415a17-23.

³⁵⁰ See the edition published by Bauer (1912), 265, lines 21-26; see also Dewan, "Obiectum", 406.

³⁵¹ Dewan, "Obiectum", 410-411. The author of the *De potentiis animae et obiectis* states that there is a power – the divine power – which does not have an object distinct from itself, and Dewan argues

By the time Albert writes his commentary on the *Sentences* in the 1240s, *obiectum* is increasingly being used to mean that toward which a power or activity is directed. Albert himself uses it liberally: for example, he claims that the good is the object of the theological virtue of charity,³⁵² and that the object of the will is that which is willed (*volito*).³⁵³ But he does not use it to name that which a moral action is directed at, preferring for that purpose the term *materia*, as we have seen. This changes in the *Super Ethica*, however: there Albert claims that an act receives its species from its object.³⁵⁴ Nevertheless, much of the discussion in that work revolves around how moral objects tend to be specified and qualified by circumstances, especially the circumstance *quid*. So when Aquinas begins his inquiry into an act's goodness by focusing on its object, he is following Albert's lead, to a certain extent. But moral objects play a much more central role in specification for Aquinas, particularly in his mature theory.

How does an act's object contribute to its moral goodness, according to Aquinas in his *Sentences* commentary? The most basic "determination" of an object is that which places it in a genus; for this reason, Aquinas says that the first determination of an act according to its object is the "good from the genus", or generic good (*bonum ex genere* -- compare Albert's *bonum in genere*).³⁵⁵ This account is familiar from Albert, and Aquinas cites the traditional example of generic goodness, feeding the hungry. In a generically good act, the object is "proportionate" to the act, which receives from the object a certain "ulterior goodness" (*quamdam ulteriorem bonitatem*). This object can be more fully

convincingly that this does not mean that the divine power does not have an object, but only that the object of the divine power is not distinct from the power itself.

³⁵² Super IV libros Sententiarum (ed. Borgnet, 1893-4), Lib.I, dist.42, art.2, p.359a.

³⁵³ Super IV libros Sententiarum (ed. Borgnet, 1893-4), Lib.I, dist.48, art.2, p.473b.

³⁵⁴ *Super Ethica* III, 1, #167, solution.

³⁵⁵ *Super Sent.*, lib. 2 d. 36 q. 1 a. 5: "Et quia prima determinatio qua aliquid determinatur, est determinatio per formam generis; ideo huiusmodi actus ex determinatione objecti bonitatem habentes, dicuntur boni ex genere."

specified by other circumstances, however, which contribute a further goodness to the act. Finally we arrive at perfect goodness, which comes from a disposition which informs the act -- viz. a virtue.

Thus far, the account is similar to the stages theory found in Albert's DNB and SDB. However, in that account, the generic good could be done badly, and the generic bad could be done well; generic goodness was neither necessary nor sufficient for an act to become virtuous. Aquinas tells a different story, however: an act must be good at each stage in order for it to be good at the next stage. He lists four levels of goodness: 1) essential goodness; 2) generic goodness; 3) good from circumstances; 4) good of virtue. Each is a necessary prerequisite for the next level:

For the first goodness, which is from the essence of an act, is common to all acts. Therefore it stands under all the other goodnesses, among which the goodness which is from the appropriate matter (*debita materia*) supervenes on it first; on which again another goodness is induced, which is from the end, and the other circumstances, and from the form of a disposition; and if the second goodness is removed, there cannot be the third; but nevertheless if the second is present (*posita*), the third will not necessarily be added (*ponitur*). And for this reason it happens that an act has goodness from the matter, and nevertheless it is done badly on account of inappropriate circumstances.³⁵⁶

³⁵⁶ *Ibid.*: "Prima enim bonitas, quae est ex essentia actus, communis est omnibus actibus: unde ipsa substernitur omnibus aliis bonitatibus; inter quas primo supervenit sibi bonitas quae est ex debita materia; super quam iterum inducitur alia bonitas quae est ex fine, et aliis circumstantiis, et ex forma habitus: et secunda bonitate subtracta, non potest esse tertia; sed tamen posita secunda, non necessario tertia ponitur: et ideo contingit actum habere bonitatem ex materia, et tamen eum male fieri propter indebitas circumstantias."

Here we see Aquinas claiming quite explicitly that if the act is not generically good, it cannot be good from the circumstances. This is a position that Albert appears to hold in his later works, though he never states it as clearly as Aquinas does. A generically good act may be done badly, lacking good circumstances, but it cannot be done under the right circumstances if it is not also generically good.³⁵⁷

A corollary of this position is that the generic bad can never be done well. To make this point, Aquinas invokes the Dionysian principle:

To the second it should be said that one defect suffices for something to be said to be bad; but one perfection does not suffice for something to be unqualifiedly (*simpliciter*) good. For the good results from one perfect cause, but the bad is from particular defects, as Dionysius says. And therefore what is generically good is not necessarily unqualifiedly good, but it can be done badly; but what is generically bad is unqualifiedly bad, and cannot be made good.³⁵⁸

Here we find Aquinas identifying the concept of generic badness with *per se* badness -- these are now acts which cannot be done well. He also introduces the notion of *unqualifiedly* good or bad acts. A generically good act remains good, albeit in a limited way, even if it is done badly. It is only unqualifiedly good if it meets all of the specified requirements: it must be generically good, good from circumstances, and done from virtue. By contrast, every generically bad act is unqualifiedly bad, since it is impossible for it to be done in the right circumstances or from virtue.

³⁵⁷ In *Super Sent.*, lib. 2 d. 36 q. 1 a. 5, ad 1, Aquinas clarifies that even when done badly on account of the circumstances, a generic good act does not cease to be generically good.

³⁵⁸ In *Super Sent.*, lib. 2 d. 36 q. 1 a. 5, ad 2: "Ad secundum dicendum, quod unus defectus sufficit ad hoc quod malum aliquid esse dicatur; sed non una perfectio sufficit ad hoc quod simpliciter sit bonum: quia bonum contingit ex una et perfecta causa: sed malum ex particularibus defectibus, ut Dionysius dicit: et ideo illud quod est bonum ex genere, non est necessarium quod simpliciter sit bonum: sed potest male fieri: quod autem est malum ex genere, simpliciter est malum, nec bonum fieri potest."

It is worth pausing here to consider how Albert discusses the same passage in Lombard's *Sentences*. As we saw in chapter 1, Albert reproduces much of the account he gave in SDB on the generic good. He calls it a potentiality toward the good of circumstances, and says that it is that which can be done well or badly.³⁵⁹ Unlike Aquinas, he does not address whether the generic bad can be done well -- though recall that in DNB, he argued at length that generically bad acts *could* be done well, and gave examples. On the one hand, it is not unreasonable to suppose that when Albert says in his *Sentences* commentary that the generic good can be done well or badly, he is using "generic good" as a shorthand to mean "generic good *or* generic bad". On the other hand, as I argued above, the tension between the stages theory and the Dionysian principle does suggest a reason for Albert to deny that the generic bad can be done well, and abandon the stages theory. However, Albert does state in book IV of the *Sentences* commentary that the generic bad can be done well, thus affirming the stages theory.

One place where Aquinas seems to be disagreeing with Albert directly is in the former's insistence that an act must be good generically in order for it also to be good from circumstances. Albert denies this in his *Sentences* commentary, not on the basis that generically bad acts can be done well (the argument he makes in DNB), but rather because some acts have no appropriate matter that can be identified independently of the circumstances.³⁶⁰ This is a claim we also find in the SDB³⁶¹: acts like killing and having sexual intercourse have no matter which is naturally proportionate to them. In order to give an account of such acts in which they turn out to be good, it is necessary to give a rich description of them, including enough circumstances to make them acts of specific

³⁵⁹ *Super IV libros Sententiarum* (ed. Borgnet, 1893-4), Lib.II, dist.36, K, art.6, p.592.

³⁶⁰ *Super IV libros Sententiarum* (ed. Borgnet, 1893-4), Lib.II, dist.36, K, art.7, p.593, solution.

³⁶¹ SDB I.2.4, ad 7, p. 30, lines 42-60.

virtues (such as justice and conjugal continence). Thus some acts can be done in the right circumstances and from virtue, although they are not generically good. Albert underscores this claim when he states that the act which is "an absolute, unqualified good" (*bonum absolutum simpliciter*) is the one which is good according to a good form (i.e., virtue), from the circumstances and the end – but not necessarily good generically.³⁶²

Thus in his first work, Aquinas explicitly denies the claim Albert made in the DNB, that the generic bad can be done well. He also affirms a position that Albert rejects both in the DNB and in the *Sentences* commentary: namely, that it is necessary that an act be good generically in order for it to be good from circumstances. The upshot of this is that he could not and does not accept the stages theory; he does, however, endorse the Dionysian principle. Given the years Aquinas spent studying under Albert, it seems entirely possible that he was aware of Albert's two methods for evaluating actions, and decided in favor of the Dionysian principle, as opposed to the stages theory.

3.D Aquinas' Mature Theory

Although the essential elements from Aquinas' *Sentences* commentary remain in his mature works, Aquinas adds considerable sophistication in his later life. Both the *De Malo* (c.1266–1270) and *Summa theologiae* (c.1265–1273) provide considerable reflection on the nature of moral actions, and his commentary on Aristotle's *Nichomachean Ethics* (1271–1272) is of more limited interest. In what follows I will sketch his theory in broad outlines, in order to examine the role that generic goodness –

³⁶² Super IV libros Sententiarum (ed. Borgnet, 1893-4), Lib.II, dist.36, K, art.7, p.593, ad 2.

now identified with the good in species – plays within it, as well as its appropriation of the Dionysian principle. While Aquinas continues to affirm the Dionysian principle in his later works, he gives a new account of the interrelationships between the conditions for an act's goodness, which leads to a subtler application of the principle.

Aquinas' mature account of moral actions includes many of the same concepts we find in Albert: generic goodness, moral circumstances, and the Dionysian principle. However, Aquinas incorporates these ideas into a broader account of moral action; in order to understand the role they play in this account, it will be necessary to look at the broader structure of moral actions as he describes them. This structure, which provides the framework for moral evaluation of actions, rests in particular on the distinction between interior and exterior acts.

Interior and Exterior Acts

Already in his earliest work, Aquinas distinguishes between the interior act and the exterior act.³⁶³ These are not two different moral actions, but are rather two different aspects of the same action. In the *Sentences* commentary, the distinction corresponds to Lombard's distinction between a sinful will and the sinful action (*actio*) which the will chooses. Aquinas argues there that with respect to sins, every exterior act will have a corresponding interior act, but not vice versa, since some sins occur only in thought, and so consist only in the interior act.³⁶⁴ In all other sins, both the interior act (the formal

³⁶³ *Super Sent.*, lib. 2 d. 42 q. 1 a. 1 co.

³⁶⁴ *Super Sent.*, lib. 2 d. 42 q. 2 a. 2 qc. 1 ad 2.

element) and the exterior act (the material element) have the nature (*ratio*) of sin.³⁶⁵ We even find Aquinas applying this analysis to good acts, arguing that each of the two acts cause the goodness of the other.³⁶⁶ Thus Aquinas has a fairly robust account of the difference between interior and exterior acts in his *Sentences* commentary. The structure of the work prevents him from giving the sort of systematic account that we find him giving later on, however. Further, he does not explore in this early work how the distinction between interior and exterior acts relates to the concepts of generic goodness and moral circumstances. We must turn to his later works for an attempt to unify these ethical concepts into a single theory.

As in the *Sentences*, Aquinas continues to hold in his later theory that there are some moral actions which consist in an interior act alone, without an accompanying exterior act.³⁶⁷ Such actions do not go beyond an agent's thought, however, and Aquinas' focus is on actions that contain both an interior and exterior act. And he insists that both of these are one action, considered morally. For this reason, the exterior and interior acts should be thought of as two components or aspects of a given, single moral action.³⁶⁸ The interior act is an act of the will. Its object is the end at which it is directed. The exterior act, on the other hand, is that which is commanded by the will. Its object is "what it is about" (*id circa quod est*).³⁶⁹ Stephen Brock clarifies that an exterior act is not an act as it might be described by an observer; the point is not to distinguish descriptions that include the agent's internal states from those that don't. Rather, the exterior act is "an action

³⁶⁵ *Super Sent.*, lib. 2 d. 35 q. 1 a. 4 co.

³⁶⁶ *Super Sent.*, lib. 2 d. 40 q. 1 a. 3 co.

³⁶⁷ ST I-II 6.3. See Gallagher (1990), 123, note 15.

³⁶⁸ ST I-II 20.3.

³⁶⁹ ST I-II 17.4 and 18.6.

exercised by some faculty or member other than, but under the command of, the will."³⁷⁰

Thus acts of thinking or imagination will count as exterior acts, insofar as they are not elicited acts of the will. Such acts are caused efficiently by the will, and their goodness is derived from the goodness of the will.³⁷¹

This distinction between interior and exterior acts is essential for understanding how Aquinas conceives of moral specification. Actions are specified by what is intended per se.³⁷² Aquinas uses the word *intentio* in different ways, however. An intention is an act of the will directed toward an end. But ends can be either proximate or remote. If I give money to charity in order that I might be thought well of by others, my proximate end is to give money to charity; my remote end is to be esteemed. As we saw above, Albert usually reserves the word intention for the willing of the remote end-- particularly in his *Sentences* commentary.

Aquinas also uses this terminology at times, but when he says that the intended end gives the moral species, he is referring to the proximate end.³⁷³ What precisely is the will's proximate end? To ask this question is to ask about the will's object: Aquinas identifies the object of the will with its end.³⁷⁴ And he states that the object of the interior act of the will is the exterior act.³⁷⁵ He further clarifies that in a bad action, the interior act is called bad because of the exterior act, which is its object.³⁷⁶ And yet he also says that the exterior act receives its goodness from the act of the will which causes it. Thus far,

³⁷⁰ Brock (1998), 173.

³⁷¹ ST I-II 20.1 ad 3.

³⁷² *De Malo* 1.3 ad 15.

³⁷³ ST II-II 111.3 ad 3, *De Malo* 2.7 ad 8; see Jensen (1993), 78.

³⁷⁴ ST I-II 72.3.

³⁷⁵ *De Malo* 2.3.

³⁷⁶ *De Malo* 2.3 ad 8.

the relation between the interior act, the exterior act, and the object of each is hardly clear.

This muddle is only apparent, however. Aquinas distinguishes between the exterior act insofar as it is apprehended and ordered by reason, and the exterior act "in the order of execution" – i.e., insofar as the act is performed.³⁷⁷ In its execution, the exterior act is subsequent to the act of the will, which causes it efficiently. However, insofar as it is apprehended, the exterior act is prior to the will's intending it. In this way, the exterior act is proposed to the will by reason, and is the object of the will.³⁷⁸

Because exterior acts can be considered in these two different ways, they can also be good or bad in two ways. They can be good or bad "in regard to the genus, and the circumstances connected with them." By genus, Aquinas means the generic good, and he gives the classic example of giving alms.³⁷⁹ By circumstances, he means the so-called "external" circumstances – i.e., those that exclude the intention of the end; Aquinas makes the same distinction Albert does in his *Sentences* commentary, between the circumstances and the end. If an act of giving alms is done at the right time, in the right place, etc., it is good, and this is a goodness the exterior act has "of itself" (*secundum se*). This goodness does not derive from the will, but rather from reason, which apprehends and orders it. So when the will adopts this exterior act as its object, it "receives" from the (apprehended) exterior act the goodness of that act. There is thus a transference of goodness from the exterior act *qua* apprehended to the interior act of the will.³⁸⁰

³⁷⁷ ST I-II 20.1.

³⁷⁸ ST I-II 20.1 ad 1.

³⁷⁹ ST I-II 20.1: "aliqui actus exteriores possunt dici boni vel mali dupliciter. Uno modo, secundum genus suum, et secundum circumstantias in ipsis consideratas, sicut dare eleemosynam, servatis debitis circumstantiis, dicitur esse bonum."

³⁸⁰ *Ibid.*

Exterior acts can also be good or bad on account of their relation to the end, as when someone gives alms in order that he might be more greatly esteemed. Since this is a bad end, the interior act, which aims at that end, will be bad. And since the will chooses the exterior act for the sake of accomplishing this bad end, the exterior act will also be bad. Now giving alms in the right circumstances does not cease to be good; insofar as it is ordered by reason, it remains a good exterior act. In the order of execution, however, it becomes bad on account of the end toward which it is directed. So there is a transference in the other direction: the exterior act *qua* executed or performed receives goodness or badness from the interior act.

So the exterior act derives goodness or badness both 1) from the will which tends to the end, and 2) from the matter (i.e., the act's generic goodness) and circumstances, in which case the exterior act itself constitutes an end for the will.³⁸¹ Now Aquinas thinks that some exterior acts will not be in themselves morally valenced; these are action types that are morally indifferent (discussed further below). If the exterior act is of this sort, that its entire goodness or badness results from its relation to the end: the goodness of the will which aims at the end, and of the external act which is directed toward it, is one and the same. But if the exterior act is of itself good or bad, then the goodness of the exterior act will be distinct from that of the will.³⁸² At the same time, the two acts will influence each other as described above.

The distinction between the interior and exterior act, and the ways in which the goodness or badness of each can affect the other, provide the structure within which the elements of a moral action can be understood. What are those elements? The interior act

³⁸¹ ST I-II 20.4.

³⁸² ST I-II 20.3.

is defined by the will's relation to the end, so that the end is a key ingredient of a moral action. The exterior act is composed of the circumstances and either the *genus* or the *materia* – Aquinas uses these terms interchangeably when describing the exterior act, to describe the generic quality of an act. The end, the generic good, and the circumstances are also essential elements of a moral action in Albert's writings. It will thus be useful to examine in more detail how these factors contribute to the overall evaluation of an action, and to compare them to their treatment in Albert.

Generic Goodness

In a question in his *Summa Theologiae*, Aquinas examines the different sources of the goodness or badness of a moral action.³⁸³ And the first such source is the action's object. Aquinas argues that the "first goodness" of a moral act is derived from the suitable object, and this gives him the opportunity to identify his views about objects with what "certain people" (*quibusdam*) have called the generic good:

... it is also called a generic good (*bonum ex genere*) by some people; for example, to use one's own belongings. ... the first bad in moral actions is what is from the object, such as to take what belongs to another (*accipere aliena*). And it is called the bad from the genus (*malum ex genere*), with genus taken to mean species, in the mode of speaking by which we call the human genus the whole human species.³⁸⁴

³⁸³ ST I-II 18.

³⁸⁴ ST I-II 18.2: "Et ideo sicut prima bonitas rei naturalis attenditur ex sua forma, quae dat speciem ei, ita et prima bonitas actus moralis attenditur ex obiecto convenienti; unde et a quibusdam vocatur bonum ex genere; puta, uti re sua. Et sicut in rebus naturalibus primum malum est, si res generata non consequitur formam specificam, puta si non generetur homo, sed aliquid loco hominis; ita primum malum in actionibus

Here Aquinas identifies the generic good with the specific good, or good in species. In the 1240s, Albert distinguished between these two; the generic good was the first potentiality toward goodness, whereas the good in species was the act of a particular virtue, and it was given this specificity by particular circumstances. These remained separate concepts in Albert's *Super Ethica*, where Albert first proposed that a moral action receives its species from its object. Aquinas makes no such distinction. The generic good just is the good in species, and the generic bad just is the bad in species. In Albert both concepts had referred to action types, though at different levels of description. Aquinas' typology has no such levels or stages.

By this point, *bonum ex genere* is no longer Aquinas' preferred term; he attributes it to others, and more commonly refers to it as the moral *species*. His examples of suitable and unsuitable objects here give us nontraditional examples of generic goods and bads: using what is one's own (*uti re sua*), and taking what belongs to another (*accipere aliena*). And indeed, Aquinas elsewhere gives examples of moral species that go far beyond what Albert accepted as generic goods and bads, such as "knowing one's wife" and "knowing a wife not one's own".³⁸⁵ For Albert, the latter two acts would be good and bad in species, as distinct from generically good. By doing away with this distinction, Aquinas is also effectively ruling out the stages theory, since acts of "knowing a wife not one's own" cannot be done well, but only badly, whereas the stages theory requires that an act at the generic level be capable of being done well or badly.

In the vast literature on Aquinas on moral acts, it has become commonplace to note that he describes the species as deriving from, variously, the object, the end, and the

moralibus est quod est ex obiecto, sicut accipere aliena. Et dicitur malum ex genere, genere pro specie accepto, eo modo loquendi quo dicimus humanum genus totam humanam speciem."

³⁸⁵ *De Malo* 2.4 ad 6.

matter, and to treat each of these in detail. A careful reading of Aquinas helps to clarify the relationship between these terms; he states, for example, that the object of an act just is the proximate end of the will – as distinct from the more remote end, toward which an agent might direct his act.³⁸⁶ If I take money that belongs to another in order to give it to the poor, the proximate end of my act will be the same as the object: to take someone else's money. The act of taking joined with that particular object gives us an action type – a moral species – that is by nature bad, namely theft. The remote end will be to give that money to the poor. This end is distinct from the object, and although it is good, it cannot make the action good. In other passages, Aquinas explicitly identifies the object which gives the species with an act's matter.³⁸⁷

Frequently, however, scholars have become puzzled over the emphasis on matter in accounts of the moral species. Steven Jensen complains that, in Aquinas' account, "'improper material' is a fairly empty term."³⁸⁸ Jensen attempts to give his own account of appropriate matter in Aquinas, but admits that, since Aquinas doesn't offer a direct account of what he means by matter in these texts, he can provide little textual evidence for his account.³⁸⁹ Joseph Pilsner remarks on the terms *debita* and *indebita*, which modify *materia* in accounts of moral species and genus: "These two adjectives, which invoke the language of justice, intimate that matter in this passage has a meaning specially relevant to moral concerns."³⁹⁰ Yet while it is true that *debita* and *indebita* also appear in Aquinas' discussions of justice, it would be wrong to say that Aquinas invokes the language of justice when he uses them to describe the matter of a moral act. Albert makes this point

³⁸⁶ *De Malo* 2.4 ad 9.

³⁸⁷ ST II-II 154.1.

³⁸⁸ Jensen (1993), 186.

³⁸⁹ *Ibid.*, 195.

³⁹⁰ Pilsner (2006), 143.

explicitly in his SDB, where he distinguishes between the *debitum iuris*, which pertains to justice, and the *debitum proportionis*, which pertains to the generic good. While the former concerns what agents owe to each other and to God, the latter implies "the right proportion of the act to the matter according to its own nature."³⁹¹ Here as elsewhere, Albert's works can help to illuminate those of Aquinas.³⁹²

There is a difference in emphasis between Albert and Aquinas when describing the generic good. Albert pointed to the natural proportion between the act and the matter that accounts for generic goodness. Aquinas points instead to reason as the principle that grounds generic goodness. An act like clothing the naked is generically good because it is in accord with reason (*conveniens rationi*), whereas taking what belongs to another is generically bad because it is discordant with reason (*discordans a ratione*).³⁹³ Cashing out what Aquinas means by "in accord with reason" would take us beyond the scope of this dissertation; the requirement that acts, dispositions, and even passions be in accord with reason is enormously important for Aquinas. He states that the "proximate rule" in things done by the will is human reason, which must be measured only against the "supreme rule", God's eternal law.³⁹⁴ Ultimately, reason plays an important role both because it discerns what the ultimate end consists, and because it deliberates about the means to that end.³⁹⁵ Since the goal of human life for Aquinas is to attain the ultimate end

³⁹¹ SDB I.2.4, ad 8, p. 29-30, lines 80-6.

³⁹² Pilsner does acknowledge that *debita materia* is an expression that also appears in Albert, though he cites only secondary sources; see Pilsner (2006), 153.

³⁹³ De malo, q. 2 a. 5 corpus.

³⁹⁴ ST I-II 21.1, corpus.

³⁹⁵ See MacDonald (1991), "Ultimate Ends in Practical Reasoning" and MacDonald (2008).

of our nature, conformity with reason or its absence will determine the goodness or badness of those things directed toward the end – in particular, human actions.³⁹⁶

Moral Circumstances

Aquinas calls circumstances "supervening accidents". He draws an analogy with natural things, which have substantial forms that place them in a particular species, but which are also characterized by accidental characteristics. These accidents also contribute to the goodness of those things. Likewise, moral actions have what is substantial or essential to them – their species. But they also have accidents that make a moral difference.³⁹⁷ Unlike Albert, Aquinas does not provide a systematic account of moral circumstances.

One aspect of Aquinas' account of moral circumstances is particularly important for our purposes. In one passage, Aquinas seems to embrace something like the stages theory – where he appears to say that an action can be bad in its species, but can become good in the right circumstances. This is an article where he argues that circumstances sometimes place a moral action in a good or bad species.³⁹⁸ The reason is that, unlike natural things, whose species are constituted by natural forms, the species of moral actions are constituted by forms *as conceived by reason*. Unlike the natural order, reason is "not determined to any one thing." Aquinas explains:

³⁹⁶ Commentators have contrasted Aquinas' emphasis on the role of reason in determining the goodness of an action with the apparently smaller roles that reason plays in Albert's theory – see Hoffmann (2003), 88. Still, it is important not to overlook Albert's own insistence that ethics be grounded in reason. For instance, in his first work Albert states: "And I call 'right reason' what happens according to law and according to the nature of virtue." ("Et dico 'rectam rationem', quia fit secundum ius et secundum rationem virtutis." DNB p.29, lines 17-19). And in another place: "But this life ought to be in agreement with reason, because all acts are measured by reason with respect to justice and the honourable." ("Debet autem haec vita 'rationi' esse 'consona', quia opera omnia mensurantur ad rationem rectam iuris et honestatis." DNB p.30, lines 68-70).

³⁹⁷ ST I-II 18.3.

³⁹⁸ ST I-II 18.10.

And for this reason, that which, in one action, is taken as a circumstance added to the object that determines the act's species, can again be taken by the directing reason as the principal condition of the object that determines the act's species. ... And in this way, whenever a circumstance relates to a special order of reason, either for or against, it is necessary that the circumstance give the species of the moral act, whether good or bad.³⁹⁹

So there are cases where the usual distinction between the object (or the matter) and the circumstances breaks down – where a circumstance becomes "a principal condition" of an object, and thus specifies the act.

Commenting on this text, Lawrence Dewan writes: "We see here that the change can go either way, and thus a new circumstance can change a bad act to good or a good act to bad. Everything depends on recognition of the order of reason."⁴⁰⁰ Dewan gives the example of the difference between capital punishment and murder: "That the man executed is a criminal adds a circumstance of the sort that constitutes a new and good rational order."⁴⁰¹ Thus we have an example of a bad act which is made good by a circumstance. If this is Aquinas' view, then his theory appears similar to Albert's stages theory, in which a generically bad act can be done well under certain circumstances.

The example distinguishing murder from capital punishment seems to suppose that the moral species for an act of capital punishment is *killing a human being*, which is bad, and that a further circumstance then makes it good. But the act *killing a human being*

³⁹⁹ *Ibid.*: "Sed processus rationis non est determinatus ad aliquid unum, sed quolibet dato, potest ulterius procedere. Et ideo quod in uno actu accipitur ut circumstantia superaddita obiecto quod determinat speciem actus, potest iterum accipi a ratione ordinante ut principalis conditio obiecti determinantis speciem actus... Et per hunc modum, quandocumque aliqua circumstantia respicit specialem ordinem rationis vel pro vel contra, oportet quod circumstantia det speciem actui morali vel bono vel malo."

⁴⁰⁰ Dewan, "St. Thomas and Moral Taxonomy" (2008), 473.

⁴⁰¹ *Ibid.*

is not sufficiently described to be a moral species – is not yet a moral act, but only a natural act.⁴⁰² The act of murder might be defined as the premeditated killing of an innocent person; the object of the act is the innocent person.⁴⁰³ By contrast, the object of an act of capital punishment is a condemned criminal. The circumstance that the person being killed is a criminal is what Aquinas calls "a principal condition of the object", but it does not necessarily imply that there is a prior, morally valenced object to which the circumstance is added, and which can change the act from bad to good.

Consider a different example of a species of moral actions: knowing one's own wife, and knowing a woman who is not one's wife.⁴⁰⁴ Both are examples of the natural act of having sexual intercourse. Yet the object of each of the moral actions – one an act of conjugal continence, the other of adultery – contains an important circumstance, namely, that the woman in question either is or is not the agent's wife. This circumstance is "a condition of the object", one which ceases to function as a circumstance (i.e., as a "mere accident" of the act) and instead contributes to the moral specification of the act.⁴⁰⁵ It is not surprising that circumstances play this role. As I pointed out in chapter 2 regarding Albert, it is impossible to describe a generically good act without referring to at least some circumstances; even the simplest examples require it.

Now when he outlines how a circumstance might place a moral action in a given species, Aquinas gives only one example, and it is *not* of a circumstance specifying a natural act which as a result becomes moral. Rather, it is an act that is already morally bad in species (theft), which, when we add the additional circumstance that it is done in a

⁴⁰² For the distinction between natural acts and moral acts, see e.g. *De Malo* 2.4 ad 6 and ST I-II 18.7 ad 1.

⁴⁰³ See St II-II 64.6. I will not discuss here the conditions under which someone should count as innocent.

⁴⁰⁴ *De Malo* 2.4.

⁴⁰⁵ ST I-II 18.10 ad 1, ad 2.

holy place, takes on an additional species, becoming also an act of sacrilege.⁴⁰⁶ That it is an act of sacrilege does not of course mean that it ceases to be theft; Aquinas sees no reason for thinking that an act could not be in several different moral species.⁴⁰⁷ Because stealing from a holy place is especially contrary to reason, the circumstance of place takes on a specifying role. But nothing about this example indicates that a bad act can become good.

The Dionysian Principle

In the *Summa Theologiae*, Aquinas divides the goodness of a human action into four kinds: 1) the act's essential goodness, which pertains to it in so far as it has being (and every action as being simply qua action); 2) the good from the species (or genus – in this context, Aquinas treats these two terms equivalently), that is, deriving from the suitable object; 3) the good deriving from the circumstances, or the act's "accidents"; and finally 4) the good proceeding from the end.⁴⁰⁸ Having identified these four different ways in which an act can be good, Aquinas provides a succinct formulation of the Dionysian principle:

...nothing prevents an action from having one of the above-mentioned goodnesses, [while] lacking another. And accordingly, it happens that an action which is good according to its own species or according to the circumstances, is ordered to a bad end, and conversely. Nevertheless an action is not good unqualifiedly (*simpliciter*) unless all the goodnesses concur, because a singular defect causes the bad, but the

⁴⁰⁶ ST I-II 18.10, corpus.

⁴⁰⁷ See ST I-II 18.10 ad 3.

⁴⁰⁸ ST I-II 18.4 corpus.

good is caused from the whole (*integra*) cause, as Dionysius says in chapter 4 of *On the divine names*.⁴⁰⁹

Again, Aquinas distinguishes between unqualifiedly good acts and those which are good only in a certain respect: it is possible for an act to be good in species, but done in the wrong circumstances, or done in the right circumstances, but for a bad end. The Dionysian principle does not mean that an act ceases to be good in species if it is done for a bad end. In this way, Aquinas is able to give the sort of mixed assessments Albert could provide with the stages theory – good in one way, bad in another, but bad overall. However, the overall assessment of such actions is that they are bad, all things considered. An act which is good *simpliciter* must be good in every respect.

It might be objected that this point is uninteresting, because it expresses the only thing Aquinas could possibly mean by the unqualifiedly good: of course an act that is good *simpliciter* must be good in every respect. That is simply what *simpliciter* implies! But this does not prevent him from saying that acts can be good in a qualified sense, which is also what the stages theory says. So there is no real difference between the Dionysian principle, as Aquinas presents it here, and Albert's stages theory.

What this objection misses is the stages theory's insistence that generically bad acts can sometimes be done well. In certain circumstances, it is not only permissible but even required that one perform generically bad acts, as Albert makes clear in the DNB. By contrast, Aquinas claims that a human act is either right or sinful (*habeat rationem rectitudinis vel peccati*) just insofar as it is good or bad (ST I-II, 21.1). An act that is bad

⁴⁰⁹ St I-II 18.4 ad 3: "Ad tertium dicendum quod nihil prohibet actioni habenti unam praedictarum bonitatum, deesse aliam. Et secundum hoc, contingit actionem quae est bona secundum speciem suam vel secundum circumstantias, ordinari ad finem malum, et e converso. Non tamen est actio bona simpliciter, nisi omnes bonitates concurrant, quia quilibet singularis defectus causat malum, bonum autem causatur ex integra causa, ut Dionysius dicit, IV cap. de Div. Nom."

in any respect is a bad act, and thus also a sinful act. Since sins are always bad and never permissible, every act which is not good *simpliciter* is blameworthy. And this is simply not true of Albert's stages theory, especially as presented in the DNB. There is a real and important difference between Albert's early stages theory, and Aquinas' mature account of the Dionysian principle.

This is clear in another formulation of the Dionysian principle, from the *De Malo*. This formulation differs in the number of items required, specifying only two: the act and the end. However, there is no significant difference there. Aquinas does not need to mention an act's essential goodness, since this is true of every act, and can never be lacking. It can therefore be assumed in the evaluation of any action. Meanwhile, it is not uncommon for Aquinas to use the word 'act' (*actus*), or more commonly 'exterior act', to encompass both the species (or genus) and the attached circumstances – two elements which are mentioned separately in the *Summa Theologiae*.⁴¹⁰ We can summarize the two accounts as follows:

Summa Theologiae: essential goodness + species + circumstances + end

De Malo: act (i.e. species + circumstances) + end

There is thus no significant difference in the elements mentioned in Aquinas' late-career accounts of the Dionysian principle.

Here is how Aquinas puts it in the *De Malo*:

But the good, as Dionysius says, is from one whole and integral cause, but the bad is from singular defects. And for this reason whichever of these is bad, whether the act or the disordering (*inordinatio*) of the act toward the end, the whole is judged bad. But the whole is not judged good unless both are good; just as a

⁴¹⁰ For example, in *ST I-II* 20.1.

human being is not judged beautiful unless all of his members are seemly, but is judged ugly if even one of his members is unsightly. And it follows that a bad act cannot be done well; for an integral good cannot be from that which is a bad act; but a good act can be done badly, because [for an act to be done badly] it is not necessary that it be in integral bad, but it suffices that it be bad in a particular way.⁴¹¹

This passage makes it clear that Aquinas is not merely interested in distinguishing the unqualifiedly good act from that which is good in a qualified sense; rather, the key judgment is whether an act is good or bad as a whole. The whole good (*bonum totum*) derives from all the relevant factors being good; the whole bad (*malum totum*) from the lack of any one of those factors. By drawing attention to the integral good (*integrum bonum*), Aquinas is using language reminiscent of Albert's *Sentences* commentary, where Albert described the morally good act as an integral whole. The moral act cannot be judged only with respect to each its component parts, noting which are good and which bad; it must be judged as a whole, and if any of those component parts is bad, the act as a whole will be bad. This formulation thus clears up any ambiguity arising from the use of the word *simpliciter* in the *Summa Theologiae* version of the Dionysian principle.

In Aquinas' mature works, therefore, he continues to reject the stages theory while affirming the Dionysian principle. There is an important difference between his earlier and later formulations of the principle, however. In his *Sentences* commentary, the good

⁴¹¹ *De Malo* 2.4 ad 2: "Bonum autem, ut Dionysius dicit, est ex tota et integra causa, malum autem ex singularibus defectibus. Et ideo quidquid horum sit malum, sive actus, sive inordinatio actus in finem, totum iudicatur malum. Non autem totum iudicatur bonum nisi utrumque fuerit bonum; sicut nec iudicatur homo pulcher, nisi omnia eius membra fuerint decora; turpis autem iudicatur etiam si unum eius membrum fuerit deforme. Et inde est quod actus malus non potest bene fieri; ex quo enim actus malus est, non potest esse integrum bonum; sed actus bonus potest male fieri, quia non requiritur quod sit integrum malum, sed sufficit quod sit particulariter malum."

of virtue is one of the elements that must be present for an act to be good. This requirement disappears in his later works. We can summarize the different accounts as follows:

Dionysian Principle: Conditions to be met for an act to be good (Aquinas)

<i>Sentences Commentary</i>	<i>Summa Theologiae</i>	<i>De Malo</i>
Essential goodness	Essential goodness	
Generic goodness	Species	Act
Circumstances (including end)	Circumstances	
Virtue	End	End

As we have seen, *actus* in the *De Malo* account likely includes both the species or genus and the circumstances. Further, the act's essential goodness can be taken for granted, since no act will lack it. The reference to generic goodness in the *Sentences Commentary* correlates with the (good) moral species in the *Summa Theologiae*, since Aquinas treats these concepts as equivalent. All three accounts include the circumstances and the end. The key difference, then, is the *Sentences Commentary* requirement that an act to be virtuous, which the later works lack.

In this respect, Aquinas' early account is closer to Albert's. In his own *Sentences Commentary*, Albert includes the "form in the will" as one of the elements of the Dionysian principle; in his later *Summa Theologiae*, he specifies this form as a form of virtue. Why does Aquinas include this element in his earliest work, but omit it in his later works? He does not answer this question explicitly, but it seems that he is attempting to distinguish the moral goodness of an *action* from that of morally good *dispositions*. It is possible to perform a good action even though one lacks the virtue that will allow one to perform those actions regularly, easily, and with pleasure.

This happens in the case of continent actions. Aquinas, following Aristotle, calls continence "that by which someone resists wicked desires, which are vehement in him."⁴¹² Unlike the virtuous person, whose desires have been trained so that they are in harmony with reason, the continent person must fight against strong desires to perform bad actions. But, importantly, she resists them, and does what is right. Her actions are praiseworthy, and may even be called virtuous, broadly speaking.⁴¹³

By omitting virtue in his later formulations of the Dionysian principle, Aquinas appears to affirm that we can assess actions without referring to the moral character of the agents who perform them. If an action is good in species, done in the right circumstances, and for a good end, then it can be evaluated as an integral or whole good. The agent may be virtuous, performing the action from a stable disposition in harmony with reason; or the agent may be continent, doing it in spite of vehement desires to the contrary. But this is irrelevant to the assessment of the act itself.

On the other hand, Albert in both his *Sentences Commentary* and his *Summa Theologiae*, and Aquinas in his own *Sentences Commentary*, make it a requirement for a good action that it be done from a virtuous character. Indeed, Albert refers to this requirement as the form of virtue; the disposition from which it is done in some way informs the action. The trouble with this view is that any act which is not so informed is bad, all things considered. This would have the consequence that continent acts are, when judged as a whole, bad acts. And this seems like a difficult position to defend. Even if

⁴¹² ST II-II 155.1: "Alii vero dicunt continentiam esse per quam aliquis resistit concupiscentiis pravis, quae in eo vehementes existunt. Et hoc modo accipit philosophus continentiam, VII Ethic." Aquinas recognizes another common meaning of *continentia*, as complete abstinence from sexual pleasures, but this is not his focus in question 155.

⁴¹³ *Ibid.*: "Largius tamen accipiendo nomen virtutis pro quolibet principio laudabilium operum, possumus dicere continentiam esse virtutem."

one accepts that the virtuous act, which is done without significant opposition from the passions, is more praiseworthy than the continent act, which is done in the face of opposition from the passions, it still seems wrong to say that the latter is a bad act.⁴¹⁴ It is not clear whether Albert ever considered this problem with his view, but Aquinas avoids this problem by separating the assessment of actions from that of moral dispositions.

Moral Indifference in Albert and Aquinas

We have seen Aquinas holding that an action must be good in species (or generically good) in order for it to be good as a whole. He puts this most starkly in his *Sentences Commentary*, where he states that an act cannot be good from the circumstances unless it is also generically good. His more mature theory qualifies this claim: while he continues to maintain that a generically bad act cannot be done well, he now denies that an act must be generically good in order for it to be done well. The reason is that some action types are indifferent. These are acts which are neither in accord with reason, nor discordant from reason; Aquinas gives the examples of picking up a straw from the ground and going for a walk in the fields.⁴¹⁵ But while there are action types that are indifferent, no individual action can be indifferent, because there will always be a circumstance that makes it either good or bad – if nothing else, the intention

⁴¹⁴ The question whether it is more admirable to do what is right in spite of the fact that it is difficult to do so, or to do it from virtue which makes it easy to do, is typically framed as a dichotomy between Kant, who claimed that the action having genuine moral worth was one done from duty and not inclination, and Aristotle, who privileged virtue over continence. Nevertheless, Foot (2002), 8-18, and Hursthouse (1999), 91-107, among others, have argued that these two accounts complement each other more than a conflict.

⁴¹⁵ *De malo*, q. 2 a. 5; ST I-II 18.8.

(something every human action has) will either be directed toward a due end, in which case it is in accord with reason, or not, in which case it is contrary to reason.⁴¹⁶

This is an issue Albert discusses at length, both in his SDB and his *Sentences* commentary. As noted in chapter 2, Albert argues that the ethicist (*ethicus*) will give a different answer from the theologian as to whether some acts can be indifferent.⁴¹⁷ Both can accept that there are acts which are indifferent generically or specifically -- that is, that there are action types which are neither good nor bad. The ethicist, however, can also accept that there are individual actions that are indifferent, whereas the theologian cannot. The reason is that the ethicist will have no virtue which acts as a "general mover" covering all voluntary actions. Rather, each virtue will have its own "matter" -- courage will be about dangers of death, chastity will be about sexual pleasures, etc. Since acts that are indifferent in species have no virtue to cover them, it is possible for them to remain indifferent when performed in concrete circumstances. Of course, it is also possible to perform them well or badly: for example, picking up a straw will be done badly if that is the signal I have arranged with my fellow brigands to attack travelers on the road.

The theologian, on the other hand, recognizes the theological virtue of charity as a general mover in relation to all voluntary acts. So the theologian will hold that any act performed by a baptized Christian which is not also a charitable act is blameworthy. So no individual act can be indifferent, since every act either expresses love for God, in which case it is good, or it will not, making it bad. This sounds like an unreasonably demanding position for a theological ethics, and Albert immediately moves to soften it. The theologian will condemn everything indifferent as idle (*otiosum*), but a great many

⁴¹⁶ ST I-II 18.9.

⁴¹⁷ SDB 1.2.7, p.34-35; *In II Sentent.* Dist. XL, B, Art. 2, P. 627.

seemingly idle acts will turn out to be permissible. Following Gregory's definition of idleness as "what lacks the character of just necessity or pious usefulness", Albert goes on to list numerous apparently indifferent acts which are in fact necessary or useful for oneself or others, and thus not idle.⁴¹⁸ These include activities which respond to our need for rest by alleviating weariness or sadness, such as physical exercise, conversations, singing, and games which are not illicit. So although charity must be at the root of all our actions, many different types of actions (including those which the ethicist would call indifferent) can become charitable.

When Aquinas approaches this question, he rejects Albert's distinction between what the theologian should say, and what the ethicist should say. He points out that every act aims at some end. But that end will always be good or bad, thus making the act either good or bad, even according to the moral philosopher:

But that end is the good suitable to a human being either with respect to the soul or with respect to his body, or also with respect to external things, which are ordered toward both. And this good, unless it is contrary to that good which is the good of a human being in accordance with reason, has the rightness of civil virtue. ... And for this reason it should be said differently from others, that no act proceeding from a deliberative will can exist which is not good or bad, not only according to the theologian, but also according to the moral philosopher.⁴¹⁹

⁴¹⁸ Gregory, *Moralia*, liber 7, cap. 17, n. 68 (PL 75, 800C).

⁴¹⁹ *Super Sent.*, lib. 2 d. 40 q. 1 a. 5 co.: "Finis autem ille est bonum conveniens homini vel secundum animam vel secundum corpus, vel secundum etiam res exteriores, quae ad utrumque ordinantur; et hoc quidem bonum nisi sit contrarium illi bono quod est hominis bonum secundum rationem, rectitudinem virtutis civilis habet: ... Et ideo aliter secundum alios dicendum est, quod nullus actus a voluntate deliberata progrediens potest esse qui non sit bonus vel malus, non tantum secundum theologum, sed etiam secundum moralem philosophum."

The "others" with whom Aquinas is disagreeing here clearly include Albert. Aquinas has a more expansive conception of civil virtue (the sort of virtue that we can attain naturally, without a special infusion of grace). Civil virtue regards the good of a human being in accordance with reason; any end we aim at that is not contrary to that good as the rightness (*rectitudo*) associated with civil virtue.

What might Aquinas say in response to Albert's contention that unlike the theologian, the ethicist can point to no "general mover" in morals, because in moral philosophy each virtue is restricted to its own special "matter"? Take the example of picking up a straw; if that could be an act of civil virtue, which virtue would it be associated with?

We do not find Aquinas addressing this argument directly. Nevertheless, we can imagine how he might respond: first we would need to know why the agent picked up the straw: what is my aim in picking it up? It is possible, if not likely, that my reason for picking up the straw is related to one of the standard virtues; perhaps picking up random objects helps to distract me from my desire to drink in excess, in which case the action would be associated with the virtue of temperance. Suppose, on the other hand, that I picked it up simply with the aim of throwing it in the air and watching the wind take it. Such an act does not seem to have a connection with any particular virtue. Nevertheless, Aquinas could subsume it under the virtue of prudence, the special matter of which is *agibilia* – "things that can be done".⁴²⁰ This is a virtue so universal as to pertain to any human act, since human acts are those that involve reason and will, and prudence

⁴²⁰ ST II-II q. 47 a. 5 co.

involves reasoning about how to reach the end in our actions.⁴²¹ So Aquinas can hold that, even from the point of view of the moral philosopher, every act is done for the sake of some end, that end will be either good or bad, and if the act is ordered toward a good end, it has the potential to be an act of civil prudence. Of course, it may not be, if the agent has not yet acquired the virtue of prudence; in that case, the act will still have the *rectitudo* associated with prudence, and will still be good as a whole.

Given that Aquinas accepts that there are indifferent acts at the level of the moral species (though not at the level of individual actions), he can accept that some acts need not be good in species, though they can be good as a whole. It is even possible that an act can be good neither in species nor from the so-called external circumstances, but still good as a whole. It is necessary, however, that it not be bad in either of these respects, and badness in either case would make the act bad as a whole. But if an exterior act is indifferent both with respect to its species, and with respect to its circumstances, then Aquinas will say that the exterior act derives goodness or badness only from its relation to the end, not having any goodness or badness of itself.⁴²²

So the Dionysian principle must be qualified, both for Albert and for Aquinas. For Aquinas, the qualification is limited. While it is true that an act that is bad in any of the

⁴²¹ It may be objected here that Albert could say the same thing. After all, he says in the SDB that the matter of prudence is "that which can be chosen for a right act" (*eligibile ad opus rectum*) (SDB IV.1.3, solution, page 230, lines 3-4). So prudence has the same universal reach for Albert that it does for Aquinas, which makes it seem odd that Albert would claim that for the ethicist, there are some morally indifferent acts which do not fall under the matter of any civil or political virtue. However, the *eligibile ad opus rectum* counts as the matter of prudence only in a secondary sense; primarily, it is about pleasures and pains, the special matter of courage and temperance. Albert reasons that, since prudence and justice play the role of ruling and ordering the virtues of the lower powers, they must be about the same matter as those other virtues. Prudence and justice establish reason in the matter of courage and temperance: they determine what we ought to do when faced with various passions. So prudence and justice are also about pleasures and pains: they concern pleasures and pains "universally", whereas courage and temperance concern them "particularly" (SDB I.4.1 ad 2 pg. 45, 33-55). It would seem, then, that when Albert claims that some acts are indifferent for the ethicist because there is no virtue that pertains to them, he means that there is no virtue that pertains to them *in particular*.

⁴²² ST I-II 20.3.

relevant respects is bad of the whole, it can fail to be good in one of those respects and still be good as a whole. Nevertheless, every act must be either good as a whole, or bad as a whole; if nothing else, one's act will be good or bad in virtue of its end.

Albert's conceptions of the morally indifferent has a further implication. Not only is it true that an act can fail to be good or bad generically or specifically, but even individual actions can be indifferent, from the perspective of the ethicist. Since the Dionysian principle only concerns good or bad acts, these acts will fall outside of its purview altogether. Or one could add another clause to the principle: for an act to be morally indifferent, all things considered, it must be indifferent in every respect. Adding this clause would enable us to capture those actions which the principle otherwise does not catch. Of course, this is all only true from the perspective of the ethicist; from the perspective of the theologian, Albert and Aquinas are in agreement that every act must be either good or bad, all things considered, even if it is indifferent with respect to its genus or species.

3.E Revisiting the Judge who Condemns an Innocent Man

We have seen that in his earliest work, Albert advances what I have called the stages theory, according to which actions that are good or bad at the first stage (the generic level) can be done well or badly at the second stage (moral circumstances). In subsequent works, he also puts forward a different method for evaluating actions, the Dionysian principle, which seems to be in tension with the stages theory. And while in those later works he appears to move away from the stages theory, he never rejects it explicitly. Aquinas, on the other hand, rejects the stages theory outright, arguing that a

generically bad act (which he also identifies as an act bad in species) can never be done well. Instead, he makes the Dionysian principle his own, using it throughout his works.

Given this disagreement between (at least) the early Albert and Aquinas, it would be worthwhile examining an example that could help illuminate the primary point of contention between them: is it possible for an act to be bad in kind, but nevertheless the right act given the circumstances? In chapter 1, we saw that Albert in his DNB provides two examples of generically bad acts being done well. The first is rather obscure. Albert states that the generic bad is done well "when one gives to someone to whom there should be no giving in the name of a prophet, and in order that nature be preserved for penance."⁴²³ The generically bad act in this example is "giving to the one to whom there should be no giving." This is not very clear; giving what? And why would it be bad to give to this person, except in the name of a prophet? A lot of detail would need to be added for this example to shed any light on the stages theory.

Happily, Albert's second example contains more specifics. A generic bad is done well, he writes, in the case of:

... killing someone who should not be killed because allegations and a trial which goes against him demand it. For a judge is compelled to proceed according to allegations, and therefore even knowing in his own conscience alone that [the accused] is innocent, he is compelled to kill an innocent person, whom the allegations and testimony of witnesses, according to the order of the law, have found guilty.⁴²⁴

⁴²³ DNB II.1, p. 9, lines 12-15: "malum in genere bene fit, ut dare, cui non dandum est, in nomine prophetae, et ut natura servetur ad paenitentiam."

⁴²⁴ DNB II.1, p. 9, lines 15-20: "occidere non-occidendum, quia sic poscunt allegata et probatio, quae est contra eum; iudex enim secundum allegata procedere cogitur, et ideo etiam conscientia sua sola sciente

The generic bad in this case is *occidere non-occidendum*, killing the one who should not be killed. It is formulated using the method I criticized in chapter 1, joining an infinitive to the (negated) accusative gerund of the same verb. But if *non-occidendum* is not particularly descriptive, it could easily be replaced with "killing an innocent person". The judge in this case sentences the innocent person to death because he is obliged to by law; the circumstances make it the case that this is in fact the right thing to do. So the judge acts well, despite the fact that his act is generically bad.

When Aquinas considers this example in his *Summa Theologiae*, he frames it as an act of killing an innocent person (*occidere innocentem*). Since Aquinas thinks that one is never justified in killing an innocent person, this seems to be a counterexample to his view, and he puts it thus in an objection:

But sometimes someone is compelled to kill an innocent person in accordance with the order of justice, for example, when a judge who must judge according to the allegations condemns to death a man whom he knows to be innocent, [but] is convicted by false witnesses; and it is similar with the executioner who kills the unjustly condemned man in obedience to the judge.⁴²⁵

The similarities between the objection given here, and the positive point Albert makes in the DNB, are striking. Both describe the judge as compelled (*cogitur*) to give a judgment against the innocent man. They also characterize the case as depending on allegations (*allegata*) given by witnesses (*testes*), which require the death of an innocent person

innocentiam occidere compellitur eum quem allegata et testimonia testium secundum iuris ordinem nocentem comprobaverunt." This case is found in Abelard (*Scito te ipsum* 81), though he uses it for different reasons. For Abelard, this example shows that (earthly) punishments and sin can come apart, and that we should not be surprised to see someone punished who committed no sin.

⁴²⁵ ST II-II 64.6, obj. 3.: "Sed quandoque cogitur aliquis secundum ordinem iustitiae occidere innocentem, puta cum iudex, qui debet secundum allegata iudicare, condemnat ad mortem eum quem scit innocentem, per falsos testes convictum; et similiter minister qui iniuste condemnatum occidit obediens iudici. Ergo absque peccato potest aliquis occidere innocentem."

(*innocentem*). The objector in Aquinas' text adds that the executioner (*minister*), since he is acting in obedience to the judge, also performs the act of killing without sin.

Since Aquinas is committed to the view that killing an innocent is the sort of act that is bad in kind, and therefore which can never be done well, he cannot accept Albert's solution from the DNB. It might seem reasonable for him to hold that the judge ought *not* to condemn the innocent man, regardless of what the witnesses say. Perhaps he could recuse himself, and request that another judge preside over the trial. Aquinas thinks that this will not always be practical, and is willing to say with Albert that in some cases the judge should condemn the innocent man to death. However, his analysis of this action differs in crucial respects from Albert's.

Here is Aquinas' response to the above objection (emphasis mine):

... a judge, if he knows that someone is innocent who is convicted with false witnesses, ought to very diligently examine the witnesses, in order that he may find an opportunity to liberate the innocent person, just as Daniel did. But if he cannot do this, he should send him to a higher [judge] to be judged. If he cannot do this either, he does not sin by bringing a judgment according to the allegations, because he does not himself kill the innocent person, but those who assert that he is guilty [kill him]. If the judgment contains an intolerable error, then the executioner (*minister*) under the judge who has condemned the innocent person should not obey; otherwise the executioners (*carnifices*) who killed the martyrs would be excused. But if it does not contain a clear injustice, he does not sin by carrying out the order, because he himself is not permitted (*non habet*) to

scrutinize the judgment of a superior; nor does he himself kill the innocent person, but the judge to whom he renders his services does.⁴²⁶

Aquinas stresses (and Albert would surely agree with this much) that giving the death sentence in such a case should be an absolute last resort. The judge ought first to examine the witnesses, seeking ways to discredit their testimony (which he knows to be false) that will allow him to free the accused. If this fails, he should pass the case on to another judge, should this be possible. Only if these other avenues have been exhausted should the judge proceed to give the sentence of death. If he has done all he can to cast doubt on the witnesses, and if there is no option of recusing himself, the judge does not sin by giving the sentence.

Thus far, there is no conflict with (early) Albert. Nevertheless, their descriptions of the judge's act are very different. According to Albert, the judge commits a bad action. Killing an innocent person is generically bad, and remains so regardless of the circumstances. In these circumstances, however, the act is done well, because the circumstances require the judge to proceed according to the allegations. The stages theory allows him to describe the act as bad in one respect, but nevertheless done well. Aquinas rejects the stages theory, and so does not have that option. Instead, he claims that the judge does not kill the innocent person; even more strikingly, he maintains that the executioner does not kill him either. How might Aquinas defend these counterintuitive claims?

⁴²⁶ ST II-II 64.6 ad 3: "Ad tertium dicendum quod iudex, si scit aliquem esse innocentem qui falsis testibus convincitur, debet diligentius examinare testes, ut inveniatur occasio liberandi innocentem, sicut Daniel fecit. Si autem hoc non potest, debet eum ad superiorem remittere iudicandum. Si autem nec hoc potest, non peccat secundum allegata sententiam ferens, quia non ipse occidit innocentem, sed illi qui eum asserunt nocentem. Minister autem iudicis condemnantis innocentem, si sententia intolerabilem errorem contineat, non debet obedire, alias excusarentur carnifices qui martyres occiderunt. Si vero non contineat manifestam iniustitiam, non peccat praeceptum exequendo, quia ipse non habet discutere superioris sententiam; nec ipse occidit innocentem, sed iudex, cui ministerium adhibet."

The answer is actually simpler in the case of the executioner. In a previous article in the same question, Aquinas argues that it is licit for persons having public authority to kill an evildoer (*malefactor*), when doing so is necessary to preserve the common good of the whole community.⁴²⁷ Given that those in authority usually delegate such killing, should we hold the executioners morally responsible? Aquinas cites pseudo-Dionysius to the effect that "he does something under whose authority it is done."⁴²⁸ And he quotes Augustine's *City of God*: "he does not kill who is obliged to obey the one who commands, just as a sword is an instrument of its user."⁴²⁹ So when a soldier kills an enemy under the authority of a *princeps*, or the executioner kills a criminal under the authority of a judge, they are not morally responsible for it, and in an important way the killing is not their act.

This does not mean that those acting under authority do no wrong so long as they obey orders. Their intentions still matter; if the executioner kills a condemned criminal from a desire for vengeance, or because he gets a perverse pleasure from killing, his action would be blameworthy. Further, Aquinas allows that there are some circumstances in which the executioner is morally obligated to disobey the judge's order: if the judgment contains an "intolerable error", then he ought not to obey it. While Aquinas doesn't spell out what would make a judge's error intolerable, it would have to be obvious, and such that someone without legal training could notice it. Ordinarily, the executioner does not have the right to scrutinize (*discutere*) the judge's decisions. But the fact that in some situations, the executioner not only can but must disobey the judge's

⁴²⁷ ST II-II 64.3 corpus.

⁴²⁸ ST II-II 64.3 ad 1: "ille aliquid facit cuius auctoritate fit".

⁴²⁹ *De civitate dei* I, cap. 21: "non ipse occidit qui ministerium debet iubenti sicut adminiculum gladius utenti." Quoted in *ibid.*

orders indicates that being under authority does not absolve one of all responsibility for what one does. Still, in the case where there is no intolerable error in the judge's decision, the answer to the question, "who killed this man?", where we are seeking to know who is *morally* responsible for killing him, is: not the executioner, but the judge.

But in the case quoted above, the judge does not kill the innocent man either. If he has carefully examined the witnesses, and is unable to pass the case on to another judge, the judge who condemns to death a man he knows to be innocent based on the allegations of false witnesses does not kill him. Rather, the witnesses who testify that the innocent man is in fact guilty do so. The explanation here cannot be that the judge is subject to authority, because he is the authority. Instead, the judge seems bound to follow proper procedures. A legal system that is broadly perceived to be fair and impartial is a public good; a judge who frees an accused man in spite of the evidence against him endangers that good. So the judge is bound to follow these procedures which preserve the common good, even though he knows that they result in the death of an innocent man. Thus, the executioner cannot be held responsible because he is bound, most of the time, to follow the judge's orders, and the judge cannot be held responsible because he is bound to follow the procedures that govern trials. Those who kill the man are the false witnesses, whose testimony against him send him to his death.

So Aquinas can conclude that the judge does not perform a bad act – killing an innocent man – because he does not perform that action at all. Aquinas does not clarify, however, precisely how we should describe the judge's action, or the executioner's action. Albert in the DNB describes the judge as performing a generically bad act, under the right circumstances, for the right end, with the overall judgment that he acts well. How

should Aquinas characterize it? If the moral act is not "killing an innocent person", then what is it?

It is tempting to analyze this case using the doctrine of double effect. Aquinas explains that killing in self-defense is sometimes licit. In such cases, one's act has two effects: saving one's own life, and the death of the aggressor. In a legitimate act of self-defense, the intention is to save one's own life, whereas the killing of the aggressor is "beyond the intention" (*praeter intentionem*). Since moral acts take their species from the agent's intention, the object of the act will be *saving one's own life*, whereas *killing the aggressor* will be a mere unintended side effect.⁴³⁰ Might the judge's act be similar? Perhaps he does not intend the death of the innocent person, but rather to follow proper judicial procedures. So his act would not be an act of killing, though it has the unintended side effect that an innocent person is killed.

While this looks like a tidy way to explain the judge's action, it is doubtful whether it is Aquinas'. Gareth Matthews has argued convincingly that Aquinas' limited claims about self-defense do not amount to the "doctrine of double effect" in the modern sense, though they did lead Thomistic philosophers to formulate versions of that doctrine.⁴³¹ And Aquinas makes no mention of the double effect in his discussion of that judge, despite the fact that it comes one article before his account of self-defense. If he conceives of the judge as acting in such a way that the death of the innocent man is *praeter intentionem*, then why would he not describe it in this way?

On the other hand, it seems true in some sense that the judge does not aim at killing the innocent man. In cases where a public authority puts a criminal to death in

⁴³⁰ ST II-II 64.7.

⁴³¹ Matthews (1998).

order to safeguard the common good, Aquinas holds that the public authority (or an agent of the authority) licitly intends the killing of the criminal. In the case where the judge knows the man to be condemned as innocent, however, he does not believe the accused to be a threat to the common good, so he cannot order his death in order to protect the common good. But the judge may also believe that following proper procedures is necessary to safeguard the common good, such that that is his primary aim, even though he knows that doing so requires sentencing an innocent man to death. So the judge's action might be fittingly described as *judging according to the evidence and allegations presented at the trial*. It can also be described as sentencing an innocent man to death, but when we take into account the judge's intention, this is not the primary moral description of the act. And of course, this holds true only in so far as the judge is motivated as we have supposed: desiring to follow proper procedures so that faith in the judicial system might be maintained, which is necessary for the common good. If the judge follows all the correct judicial procedures, but is also motivated by the desire to take revenge on the innocent man over a property dispute, his act will be bad, and blameworthy.

In describing the judge's act in this way, we can also make sense of Aquinas' claim that the witnesses who put forward the accusations against the innocent man are the ones who kill him. In making their false accusations, they intend the man's death. Thus their act is not only one of bearing false witness, but also of murder. Since the end gives the species, it is possible to describe the witnesses as killing the innocent person, even though they neither performed nor ordered the execution.

Above I argued that Albert's account of this case in the DNB can be characterized as a resolvable moral dilemma. On Albert's telling, the judge must either refrain from

killing an innocent person, or follow proper judicial procedures, but he cannot do both. If he lets the accused go free, he has failed in his obligations as a judge. If he sentences the accused to death, following the allegations made at the trial, then he kills someone who should not be killed. So he has two significant moral obligations here, but he cannot fulfill both of them. This dilemma is resolvable because for Albert, one obligation overrides the other: the circumstances make it the case that the judge ought to perform the generically bad act of killing the innocent man. Nevertheless, it is not a self-imposed or prior fault dilemma, in that it does not arise because of some misdeed the judge previously committed. The judge finds himself in an unenviable position through no fault of his own, and some moral residue will be appropriate regardless of which option he chooses.⁴³²

For Aquinas, on the other hand, the judge is not in a moral dilemma. As long as he has done everything he can to avoid having to send the innocent man to death, his act will not be described as killing him. There is thus no conflict between principles or obligations; the judge does not violate the precept not to kill; rather, it is those putting forth the allegations who kill the accused. This is consistent with Aquinas' denial that there are any non-prior-fault dilemmas.⁴³³

⁴³² In describing this case as a moral dilemma, I should note that Albert himself does not describe it as a case of *perplexitas*, the medieval term that best approximates the concept of a moral dilemma. While Albert does not describe the judge as *perplexus*, his account of the case is such that it can be fairly described as a moral dilemma, where an agent has two moral obligations but cannot fulfill them both.

⁴³³ Aquinas distinguishes between perplexity *simpliciter* and perplexity *secundum quid*. The latter refers to cases in which a conflict of obligations arises from a prior morally bad act performed by the agent, whereas the former results from no prior fault. While some scholars (notably Mann (1991)) have argued that both sorts of perplexity are possible for Aquinas, Dougherty (2011) has shown that this position is untenable (pages 136-141). While Aquinas allows that there are cases of perplexity *secundum quid*, he rules out definitively perplexity *simpliciter*. Dougherty points to two texts in which Aquinas denies that there can be cases of perplexity *simpliciter*: *Super Sent.*, lib. 2 d. 39 q. 3 a. 3 ad 5, and *Super Romanos*, cap. 14, 2, §1120.

3.F. Stoic Connections

In his *Sentences* commentary, Albert argues that the specific moral virtues are not connected; there, his primary foil is the Stoic doctrine of the unity of the virtues, as summarized by Augustine and as found in sources like Seneca and Cicero.⁴³⁴ Later, in *Ethica*, the situation is reversed. There, Albert sets out to defend a (limited) connection of the virtues, and he presents the Stoics as *denying* that the virtues are connected. This is the result of a misreading of Aristotle in *Nicomachean Ethics* VI.13, where Aristotle describes Socrates' view of the virtues as rational principles (*rationes* in Grosseteste's translation), then sets out to refute a dialectical argument to the effect that the virtues can exist in separation from each other. In his commentary, Albert calls Socrates the foremost among the Stoics (*Stoicorum princeps*), and then attributes to Socrates (and by extension the Stoics) the dialectical argument against the unity of the virtues, which Aristotle aimed to refute.⁴³⁵

These confusions notwithstanding, Albert was clearly interested in the Stoics, even if he often disagreed with what he took to be their views, seeing them as the opponents of Aristotle and Augustine, his intellectual heroes. Given this background, I wish to briefly explore in this last section some other connections between Stoic ethics and Albert's and Aquinas' views. In particular, there is a Stoic antecedent to each of the stages theory and the Dionysian principle. I do not wish to claim that Albert was influenced by or even aware of these Stoic views (although his familiarity with some of

⁴³⁴ *Super IV libros Sententiarum*, Lib.III, dist.36, art.1, p. 665.

⁴³⁵ *Ethica*, Lib.VI, cap.4, p. 460-461.

Cicero's texts leaves open both possibilities). But the comparison is interesting in its own right, and should help to shed light on Albert's theories.⁴³⁶

I will take the stages theory first. This theory, as presented in DNB and SDB, proposes that we examine an act morally in three stages:

- 1) generic goodness or badness;
- 2) moral circumstances;
- 3) virtue.

An act can be generically good, but performed in the wrong circumstances, with the result that it is a bad act; for example, an act of feeding the hungry could be done from vainglory. An act can also be generically bad, but nevertheless the right action in the circumstances, as in the example of the judge who puts an innocent man to death because the allegations at the trial require it. Further, an act can be performed in the right circumstances, but fail to be virtuous, if it does not proceed from a stable disposition. Note that each of these levels involves genuine moral goodness or badness. And this goodness or badness cannot be removed or canceled out at a later stage: a generically good act does not cease to be good, in that respect, even if it is done in the wrong circumstances; a generically bad act does not cease to be bad, even if in the circumstances it is the right thing to do. Nevertheless, full moral evaluation of any action will require considering all three stages.

The Stoics also distinguish three levels on which an act can be evaluated.⁴³⁷ These are:

⁴³⁶ I owe the idea for comparing Albert to the Stoics, as well as many of the details, to Charles Brittain. Any errors in the depiction of Stoic views here are of course my own.

⁴³⁷ My presentation of this theory depends mostly on its presentation in Cicero, in particular *De finibus* III, and also *De officiis* I.

- 1) value (*aestimatio*, Greek *axia*), also translated as 'worth';
- 2) *officia* (Greek *kathekonta*), often translated as 'duties', but I will use Raphael Woolf's translation of *officia* as 'appropriate actions';
- 3) right actions (*recta*, *recte facta*; also *honeste facta*; Greek *katorthômata*).

The superficial similarity with Albert here is the threefold evaluation of actions. How do the elements of the Stoic distinction compare to Albert's three stages? To answer this question, it will be necessary to consider each of these elements in turn.

In *De finibus* III, Cicero gives the defense of Stoic ethics to Marcus Cato, who describes what is valuable (*aestimabile*) as what is in accordance with nature, or what brings about something that is in accordance with nature.⁴³⁸ An act will have value, then, if it is in accordance with nature. This requires a fit between the action type and the overall order of the universe. In Stoic cosmology, the world is composed of two principles: a passive principle, matter (*hule*), and an active principle, reason, which is identified with God.⁴³⁹ As the active principle, reason pervades the cosmos, giving it order and unity. For an act to be in accordance with nature, in the sense required for it to have value, is for it to be of the sort that in general fits into the overall, rational order of the world. Health is an example of something that generally accords of nature and so has value, with the result that actions that tend to bring about health, like eating vegetables and getting exercise, are valuable.⁴⁴⁰ By contrast, action types that tend to bring about pain or sickness are non-valuable (*inaestimabile*); these acts are in general not according to nature. Finally, there are action types which are neutral, being neither valuable nor non-valuable.

⁴³⁸ *De finibus* 3.20.

⁴³⁹ Sauv  Meyer (2008), 138-139.

⁴⁴⁰ *De finibus* 3.51.

Now actions that have value are in general worth performing.⁴⁴¹ In the Ciceronian technical language, they are to be selected, whereas non-valuable actions should be rejected. An act's worthiness of selection or rejection, however, does not mean that it is worth performing for its own sake. At the level of value, all actions, whether they be valuable, non-valuable, or neither, are morally indifferent. The goodness of selected actions, then, as well as the badness of rejected actions, is merely *prima facie*.⁴⁴² They are neither good nor bad.

Valuable actions are thus similar to Albert's generically good actions in that they are action types of the sort that we have good reason to perform. But they differ in that they are not in themselves morally good. Albert is clear that generic goodness is a kind of moral goodness; a generically good act is good in a moral respect, even when it is done badly. For the Stoics, on the other hand, a valuable action has no moral valence. If it is also a right action, then it is altogether good; if it is also a bad action, then it is altogether bad. Like Aquinas, the Stoics reject the possibility that a good action might be bad in some respect.

The second element of the Stoic theory is appropriate actions (*officia*). These are determined in part by an act's value; they "originate from natural principles."⁴⁴³ In Cicero, these actions are defined as those such that a reasonable explanation can be given of their performance.⁴⁴⁴ "Reasonable" here is not meant to leave open the possibility that various alternatives might be defended, and so appropriate. Rather, the reasonable action is the

⁴⁴¹ Sauv  Meyer (2008), 147.

⁴⁴² I take this to be a plausible reading of the Stoics on selected and rejected actions, though I recognize that it is controversial.

⁴⁴³ *De finibus* 3.23.

⁴⁴⁴ *De finibus* 3.58.

one the Sage – the fully virtuous agent – would perform.⁴⁴⁵ This will depend, as the act's value does not depend, on the circumstances. Taking care of one's health is valuable, and will also often be appropriate. But there are circumstances in which mutilating oneself, or even committing suicide, is the appropriate action. Thus there can be valuable actions that are not appropriate, and non-valuable actions that are appropriate. Analogously, Albert holds that there are generically good actions that are done badly due to the circumstances, and generically bad actions that are done well.

A valuable action for the Stoics is in general worth selecting; and appropriate action is the one that should be selected in the circumstances. Nevertheless, not all appropriate actions are morally good. Cicero divides appropriate actions into middle and complete. Complete appropriate actions are right actions (*recta*); they are done honorably and from virtue. The middle appropriate actions, on the other hand, are "shared", because they can be performed both by the Sage and the non-Sage.⁴⁴⁶ It is possible to perform appropriate actions for the wrong reasons, for example, for the glory that accompanies them.⁴⁴⁷ In themselves, appropriate actions are, like valuable actions, neither good nor bad. Here again, the contrast with Albert is obvious: for Albert, an action done in the right circumstances is genuinely, morally good. This is not the case for the Stoics; although the Sage consistently performs appropriate actions, one need not be a Sage to perform them, and only the Sage is morally good.

The third part of the Stoic theory leads us to right actions – those which are honorable and virtuous, and which alone are good. Only the Sage performs such actions; and only the Sage is virtuous and good. What action is right, in this sense? It must be the

⁴⁴⁵ Brennan (2005), 170.

⁴⁴⁶ *De officiis*, 1.8, *De finibus* 3.59.

⁴⁴⁷ Graver (2016), 137.

appropriate action in the circumstances. But the agent who performs it must also be fully virtuous, so that she selects the appropriate action in a way that is continuous, stable, and "in agreement with nature".⁴⁴⁸ It must also be performed from a perfect motivation; for example, the right action is always honourable (*honestum*), but is never undertaken for the sake of false glory, which is acclaim from anyone who is not completely reliable as a judge of character. Anyone who performs appropriate actions for this reason is not acting rightly or virtuously.⁴⁴⁹

Like Albert, then, the Stoics hold that an action that is right in the circumstances can fail to be virtuous. They also have in common that a virtuous action must be done from a stable disposition. As for the way the Stoics tend to consider appropriate actions independently from motivations, which are the key factor in determining whether the act is a right action, Albert is of two minds about this. In his earlier works, Albert treats an agent's intentions as one of the circumstances of the act; an act good from the circumstances will be done with the right intentions, though it may not be virtuous. But beginning with his *Sentences* commentary, we see Albert distinguishing the "external" circumstances from intentions. So Albert's views tend to converge on the Stoics' views on this matter over time.

The differences between the Stoics and Albert on this point are also instructive. The Stoics hold that appropriate actions are morally indifferent. Only virtuous, right actions are good actions, and no moral goodness attaches to appropriate actions *qua* appropriate actions. For Albert, on the other hand, the goodness that derives from circumstances is, like generic goodness, a genuinely moral goodness. Even if an act fails

⁴⁴⁸ *De finibus* 3.20.

⁴⁴⁹ Graver (2016), 135-138.

to be virtuous, it does not thereby cease to be good from its circumstances. The Stoics set a much higher bar for moral goodness; only the Sage, who is perfectly virtuous, can perform actions that are morally good in any way. While Albert would agree that only the virtuous agent can perform virtuous actions, he holds that a non-virtuous acts can still be *morally* good in some respect.

According to Albert's stages theory, a generically bad act can be done well in the circumstances. Since generic badness is moral badness, Albert's position is that an act might be morally bad in some respect, but still right overall. As I argued above, such acts may leave moral residue, in the form of remorse or regret. The Stoics, on the other hand, do not seem to allow for such mixtures of moral goodness and badness in a single action. They hold that an act can be non-valuable, and still appropriate in the circumstances. But since value is morally indifferent, this claim is quite different from Albert's.

There are thus some interesting parallels between the stages theory and the Stoics' threefold account of action, along with some important differences. The Dionysian principle also has a parallel in Stoic theory, in the form of the Stoic claim that right actions (*recta*) are those which "contain all the numbers of virtue" (*omnes numeros virtutis continent*).⁴⁵⁰ A.A. Long traces this claim to the Stoic idea that happiness consists in living harmoniously, which in turn suggests an analogy with music.⁴⁵¹ Long presents evidence that when the Stoics speak of a harmonious life, they choose language that refers to Greek musical theory, which leads him to propose that the Stoics "regarded a

⁴⁵⁰ *De finibus* 3.24.

⁴⁵¹ Long (1991). As will be obvious, Long's paper is the main source for my account of the Stoics in this section.

harmonious mental disposition as exactly analogous to the well tempered constituents of a musical scale."⁴⁵²

How does this analogy work? The Stoic Sage is the one who possesses right reason (*orthos logos*). For the Stoics, right reason involves "precise, numerical or quantitative discriminations", of the sort found (in the opinion of the ancient Greeks) in music, as well as in mathematics, sculpture, etc.⁴⁵³ Further, the Stoics claimed that the Sage possesses a particular craft, which Stobaeus compares to that of the flute-player or the lyre-player.⁴⁵⁴ Both the Sage and the lyre-player possess expertise in imposing a particular rational structure: the lyre player on musical sounds, and the Sage on moral action.⁴⁵⁵ The Sage's right reason is similar to the musician's craft in that both deal in the exact quantities and proportions. Since the Stoics sought an exact moral science, musical harmony provided a useful analogy with harmonious living. Long contrasts the Stoic approach to that of Aristotle, who famously cautioned against seeking too much precision in ethics. Aristotle's comparison of ethics to medicine, drawing parallels between health of the body and health of the soul, is particularly apt for him; it would be odd to see Aristotle comparing ethics to music, since the latter has a strong numerical basis. Not so for the Stoics.⁴⁵⁶

Various Stoic writers use tension (*tonos*) as an ethical descriptor to describe states of a human being. Chrysippus said that the virtuous agents soul have good tension (*eutonia*), whereas the soul of the vicious agent is characterized by a lack of tension

⁴⁵² *Ibid.*, 100.

⁴⁵³ *Ibid.*, 102.

⁴⁵⁴ Stobaeus 2.66.14-67 = Long and Sedley (1987), 61B.

⁴⁵⁵ Long (1991), 103.

⁴⁵⁶ *Ibid.*, 104. Of course the Stoics also compared ethics to medicine, as Long himself points out.

(*atonia*).⁴⁵⁷ In music, *tonos* can refer to a raised or lowered pitch. It can also refer to "the character of a structure (e.g. a tetrachord) in which some crucial element has been raised or lowered."⁴⁵⁸ For the ancient Greeks, tetrachords are four-note series in which the first and last note are separated by a perfect fourth; putting two tetrachords together gives one a musical scale. A scale which has good *tonos*, which we may also describe as being well tempered, is one characterized by a consonance or harmony between numbers (i.e., the intervals between the notes). If the human soul's tension is like that of a tetrachord or scale, then we would expect it to somehow also have the right numbers.

This brings us to the claim about virtuous actions having "all the numbers". This claim is standard among Stoic writers,⁴⁵⁹ and is explained by the Stoic Cato in Cicero's *De finibus*:

Just as actors and dancers are not assigned arbitrary roles or steps but certain fixed ones, so too life is to be led in a certain fixed way, not in any way one pleases. This is the way we refer to as consistent and concordant. We do not think that wisdom is like navigation or medicine. Rather it is like acting or dancing that I just mentioned. Here the end, namely the performance of the art, is contained within the art itself, not sought outside it. Yet even these latter arts are in another way different from wisdom. In their case, when something is rightly done it does not include all the parts (*omnes partes*) of which the art consists. But what we might call – if you approve – either "right actions" or "rightly performed actions"

⁴⁵⁷ Galen, *On Hippocrates' and Plato's Doctrines* 4.6.2-3 = Long and Sedley (1987), 65T.

⁴⁵⁸ Long (1991), 107.

⁴⁵⁹ *Ibid.*, 105. Long notes that "no other school that adopted the inter-entailment of all the virtues appears to have used it."

(the Stoics call them *katorthômata*) contain all the numbers of virtue. Only wisdom is directed at itself in its entirety; this is not the case with other arts.⁴⁶⁰ Wisdom, on this account, is similar to acting or dancing in that their end is not distinct from their performance. Unlike navigation or medicine, which aim at goals beyond themselves, wisdom has no external goal beyond itself. At the same time, those things which are "rightly done" (*recte facta*) in acting or dancing do not contain all the "parts" of those arts, and this is not true of wisdom. The actions associated with wisdom – that is to say, virtuous actions, Cato's "right actions, or rightly done actions" (*recta aut recte facta*) – contain (*continent*) all the parts of wisdom. What are these parts? The somewhat obscure "numbers of virtue".

The number in question might be the number four. There are four cardinal virtues, and every right action in some sense "contains" all of them. But why then refer to "numbers" in the plural? Long points out that the Stoics specified subordinate virtues for each of the four cardinal virtues, and speculates that these are what the Stoics have in mind as the numbers of virtue.⁴⁶¹ Stobaeus provides lists of subordinate virtues for each of the cardinal virtues; for example, the virtue subordinate to prudence are good sense, good calculation, quick-wittedness, discretion, and resourcefulness. Further, the number of subordinate virtues listed by Stobaeus differs from one cardinal virtue to another: prudence and courage both have five, while temperance and justice have four.⁴⁶² So the claim that right actions contain all the parts of wisdom, or all the numbers of virtue, amounts to the claim that they express all the cardinal virtues, along with all of their

⁴⁶⁰ *De finibus* 3.24. The translation is from Woolf, but with some changes.

⁴⁶¹ Long (1991), 110-111.

⁴⁶² Stobaeus 2.60.18 = Long and Sedley (1987), 61H.

respective subordinate virtues. While a given virtuous action will instantiate one virtue primarily, it will include all the other virtues in a secondary way.⁴⁶³

On the analogy with music, a right action is like a scale in which all the intervals between notes (i.e., all the "numbers") are correct. Commenting on a quotation from Aristides Quintilianus on the role of numbers and ratios in music, Long comments that he passage

...shows the supreme appropriateness of music as the craft to characterize a system in which numerical completeness is an all-or-nothing matter. A verse with a false quantity or a musical scale with one interval defective is not marred by merely one blemish, while having everything else in order. The single numerical error is enough to wreck the whole harmony.⁴⁶⁴

Both actions and musical scales must be perfect in every way, or they are completely bad.

The parallel between this Stoic account of action and the Dionysian principle should now be clear. The Dionysian principle specifies the ways in which an action can be morally good or bad, and then requires that the action be good in all of those ways in order for it to be good overall; if it is bad in any respect, it is bad overall. The Stoic claim that a right action "contains all the numbers of virtue" requires that it be consonant with all of the virtues. Like a musical scale ruined by a single wrong note, an act that is inconsistent with any virtue at all is bad and vicious. Both the Dionysian principle and the

⁴⁶³ Long and Sedley (1987), p. 384, explain that all the virtues are sciences, or forms of knowledge, which are constituted in part by their appearance. The virtues have their appearance in common, with the result that every right action will in some way be the act of all the virtues. However, virtues have different "perspectives". The primary perspective of courage is the appearance governing courageous action. However, courage also has a secondary perspective: the theorems governing action specific to the other virtues. The unity of moral knowledge guarantees that each virtue requires more than simply the wisdom specific to that virtue.

⁴⁶⁴ Long (1991), 110.

Stoic theory states that an act must be good in every morally relevant respect in order for it to be good as a whole.

The Stoic account also brings together the two separate strains in Aquinas which I argued above reflect a more fundamental approach to ethics: evaluation of actions using an all-or-nothing principle, and the connection of the virtues. Like Aquinas, the Stoics hold that the presence of one moral virtue entails all of the other moral virtues. This inter-entailment is illuminated by the claim that right actions fill all the numbers. Stoic theory holds that every right action is a virtuous action. It also requires that every action which instantiates a particular virtue also be consistent with every other virtue. So no virtue can exist in isolation from the others; they are all involved in every right action.

Unlike Aquinas, the Stoics defend the unity of the virtues by arguing that the virtues are all moral sciences. On the Stoic picture, every moral virtue is a form of knowledge. That knowledge forms a unity, such that the theorems of any given virtue make reference to the theorems of the other virtues, at least in a secondary way. So one virtue could not exist independently of the others. For both Albert and Aquinas, on the other hand, only prudence is a form of knowledge, while the other virtues are "with knowledge" insofar as they are all accompanied by prudence. Aquinas' defense of the connection of the virtues rests on different arguments and assumptions, as we have seen.

When Aquinas formulates the Dionysian principle, virtue is not one of the conditions that must be met for an act to be good. He treats the evaluation of actions as distinct from the evaluation of agents; a continent person can perform a genuinely good action, even if he lacks the virtuous dispositions necessary to perform such an action readily, with pleasure, etc. Nevertheless, we could imagine Aquinas including as one of

the conditions for the Dionysian principle that an act be virtuous, and then arguing that, because the virtues are connected, every good action must be consistent with all the moral virtues.

At least, it is easy to imagine Aquinas including virtue within the Dionysian principle, because Albert does it. In his *Sentences* commentary, Albert holds that a "form in the will" is a necessary condition for a good action. In his *Summa theologiae*, he specifies that this form is the form of a virtue. Since Albert denies that all of the moral virtues entail each other, his account of the Dionysian principle does not extend to the Stoic claim that a right action contains all the numbers of the virtues; although he holds that a good action must also be a virtuous action, he thinks that it is possible to possess one moral virtue without possessing all of them.

To summarize: both the Dionysian principle and the Stoic requirement that right actions contain all the numbers are all-or-nothing principles. They both provide list of conditions to be met for an act to be good (or right); if any of those conditions is not met, action as a whole will be bad. As for the specifics, the differences between Albert and Aquinas reflect the way each agrees or disagrees with the Stoics. Like the Stoics, Albert holds that for an act to be good, it must also be virtuous; unlike the Stoics, he denies that each of the moral virtues entails the others. It is the reverse for Aquinas: he does not require that an act be virtuous in order that it be good, but he does hold that the moral virtues entail each other.⁴⁶⁵

⁴⁶⁵ I am simplifying both Albert and Aquinas for the sake of clarity here. The reader should keep in mind the distinctions from the previous section distinguishing general and specific virtue, perfect and imperfect virtue, etc., along with Albert's peculiar account of perfect prudence as a unifier of the virtues.

Conclusion

This dissertation began by considering an interpretive problem in Albert: how might we reconcile two different methods for morally evaluating actions which, while not inconsistent with each other, at least appear to be in tension? Answering this question required exploring different formulations of the two methods over the course of Albert's career, embedded as they are in his understanding of the key moral concepts of generic goodness and moral circumstances. It also led me to consider Aquinas, who rejects one of Albert's methods while embracing the other. Aquinas denies the key insight of Albert's stages theory: that an act can be bad in kind and nevertheless done well. This disagreement between Albert and Aquinas leads them to characterize particular examples of actions in starkly different ways. What is at stake is not merely an argument over which philosophical or theological sources should be privileged, or which method is more congenial for arriving at predetermined results. Rather, it is a question about more fundamental approaches to ethics.

The stages theory is introduced in the *De natura boni*, Albert's earliest work. There he outlines the basics of the account: an act should be evaluated in three stages, beginning with its generic quality, continuing to the moral circumstances, and ending with virtue or vice. At the generic level, Albert describes action types that are morally valenced – they are either good or bad, and this goodness or badness is not merely *prima facie*. Nevertheless, these actions can be done well or badly, depending on the circumstances. Feeding the hungry is generically good, but it could be done in the wrong place – in such a way as to humiliate the hungry person, for example – or for the wrong reasons. Conversely, killing an innocent person is generically bad, but even this act can

be done well, as in the case of the judge who is compelled to sentence a man he knows to be innocent to death because the evidence presented at trial goes against him. The final stage involves considering the moral disposition from which the act arises. An act might be done well, but not from virtue, if it is not done with ease, readily, and with pleasure, the characteristic marks of a virtuous act.

While Albert would add considerable complexity to this account in his later works, refining his understanding of generic goodness, describing a category of morally indifferent acts, and adding the concept of goodness in species, the *De natura boni* provides the clearest version of the stages theory to be found in his works. The important idea is not that generically good acts can be done badly; this is uncontroversial. The claim that generically bad acts can be done well is much more significant. From this it follows that even an act that is done well, and which is the right act in the circumstances, might nevertheless be *morally* bad in a certain respect. At least some such acts can be analyzed as resolvable, non-self-imposed moral dilemmas. The judge who sentences the innocent man to death has an obligation not to kill an innocent person, but he cannot fulfill this obligation in the circumstances. For this reason, a kind of moral residue will be appropriate for him, in the form of remorse or regret. The stages theory thus allows for complex evaluation of difficult cases.

The other method for evaluating actions is the Dionysian principle, which states that an act must be good in every one of a number of ways, or it is bad as a whole. Albert introduces this principle in the *Summa de bono*, and one of his formulations of it there includes an act's generic quality as one of the ways in which it must be good in order for it to be good as a whole. Formulated in that way, the Dionysian principle looks

inconsistent with the stages theory, which allows that an act can be generically bad but still done well. Later versions of the Dionysian principle, however, do not include generic goodness, leaving open the possibility that the two methods can be reconciled, as I discussed in chapter three. Albert himself never explains how these methods relate to each other, which is odd, given that they use some of the same terms. Later in his career, Albert appears ambivalent about the stages theory in two of his last works. That appearance may not reflect Albert's actual views, however; the works in question are *Ethica*, which is a paraphrase of Aristotle's *Nicomachean ethics*, thus making it difficult to separate Albert's own views from what he takes to be Aristotle's,⁴⁶⁶ and *Summa theologiae*, the authenticity of which has been called into question. But at the very least, it is unclear how Albert thought the two methods should be harmonized.

Aquinas, on the other hand, is quite clear. He rejects the stages theory, and embraces the Dionysian principle. Doing away with Albert's distinction between the generic good and the good in species, Aquinas identifies the two terms, and states that goodness in species (or genus) is a necessary condition for an act to be considered good as a whole. Aquinas incorporates the Dionysian principle into a more elaborate framework of interactions between the interior and exterior act. These two acts, which should be understood as two different aspects of a single moral act, affect each other, each contributing to the moral goodness or badness of the other. This makes Aquinas' more theory more complex than Albert's. Nevertheless, Aquinas describes the exterior act in terms of an act's genus and circumstances, and the interior act in terms of its end, and these are the three essential ingredients of the Dionysian principle, as formulated in his

⁴⁶⁶ On this problem in the Aristotelian paraphrases more generally, see Weisheipl's classic (1980), *Albert's Disclaimers in the Aristotelian Paraphrases*. A more recent, useful contribution is Moulin's (2009).

Summa theologiae.⁴⁶⁷ Notably, Aquinas rejects Albert's claim that a generically bad act can be done well.

This theoretical disagreement with Albert leads Aquinas to describe the case of the judge who sentences an innocent man to death quite differently from Albert. Although he agrees with Albert that such an act, in extreme circumstances, may be required of the judge, Aquinas does not describe it as a generically bad act that is done well. Instead, he states that neither the judge nor the executioner can be said to kill the man. The judge does not perform a bad act, since if he did, it could not be morally required.

I have argued that the divergence between Albert in his defense of the stages theory, and Aquinas in his rejection of it, is significant. This is not only true with respect to its consequences (e.g., for the way we describe actions); it also reflects a deeper chasm in their respective approaches to ethics. We can see this in their views on the inter-entailment, or connection, of the virtues. Aquinas argues that the specific virtues, insofar as they are perfect or complete, are connected: we cannot possess one without all the others. Albert denies the connection of the virtues in his early works. Later, even when he is commenting on Aristotle's explicit position in favor of that connection, he still manages to allow that one can possess one of the moral virtues other than prudence without possessing the others. For Aquinas, a virtuous agent must be virtuous in every way it is possible for an agent to be virtuous, just as a good action must be good in every way it is possible for an action to be good. For Albert, a courageous agent might not possess temperance, just as an act done well in the circumstances might be generically

⁴⁶⁷ *ST I-II* 18.4 also mentions the good an act derives from its genus, as distinct from its species; but "genus" here refers to the genus of actions, not to specific action types. Every action has this goodness simply in virtue of being an action.

bad. For Aquinas, both good agents and good actions must be good in every respect; for Albert, a mostly good agent might still possess a vice or two, and a good action might be bad in its generic quality. This disagreement does not look superficial.

This dissertation focused on developments within Albert and Aquinas. I have not undertaken to trace the development of the stages theory or the Dionysian principle in their successors. How do these ideas appear in later medieval thinkers? Does the Dionysian principle dominate, or is the stages theory still viable after Albert's death? The methods I have identified provide avenues for further research.

The contrast between Albert and Aquinas discussed in this dissertation should not obscure the deeper harmony between them. Aquinas is obviously indebted to Albert for his account of the Dionysian principle. Moreover, the disagreement between is clearest with respect to Albert's early works (*De natura boni*, *De bono*, the *Sentences* commentary). Albert may have been moving away from the stages theory in his later life, and though the evidence is not conclusive, it is possible that Albert himself recognized the tension between the two methods, and was committed to keeping the Dionysian principle at the expense of the stages theory. If this is true, then Albert and Aquinas may have held similar positions by the late 1260s. Their dispute would thus lead, eventually, to a convergence of views.

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