

REVIEW ESSAY

Acts Amid Precepts

Bernardo J. Cantens and Mary Jo Iozzio

Kevin L. Flannery. *Acts Amid Precepts: The Aristotelian Logical Structure of Thomas Aquinas's Moral Theory*. Edinburgh: T. & T. Clark, 2001. xxiv + 327 pp.; £39.99. ISBN 0-567-08815-4.

In *Acts Amid Precepts*, Kevin Flannery presents an interesting and provocative look at the often complex business of analyzing, for the purposes of determining and evaluating, human action. The text is interesting in that he explores and defends the Aristotelian philosophical roots and foundations of Aquinas' moral theory. The text is provocative in that he raises important questions over how moral agents judge the true and the good in their following of the first principle of practical reason, that "good is to be done and pursued and evil avoided."¹ However, at times the writing labors under the weight of minutiae and the distraction of peripheral concerns. At other times, seemingly central claims either for or against certain propositions made by others are scarcely supported.

The key quarrel Flannery entertains in this text hinges on the implications of a particular interpretation of Aquinas' *De malo* 6.² Retrieving the historical-critical work of the Belgian Benedictine Odon Lottin (1880-1965) on this important article, Flannery argues the interdependence of the will and intellect. Additionally, Flannery assumes the very ambitious goal of explaining the fundamental structure and workings of Aquinas' natural law theory as it is found in the *Summa theologiae*, *Prima secundae* 94 and *Secunda secundae* 64, especially as they may be recast by *De malo* 6. Flannery is concerned with providing Aquinas' appropriation of an Aristotelian practical science that, parallel to theoretical reason and its science, explains the relation and interaction between practical judgment and choice, between intention and acts. This relation, he suggests, resolves the paradox of the Principle of Double Effect, where both a

1. Thomas Aquinas, *Summa theologiae*, I.II.94.2c.

2. We are aware of only two English translations: one translation has been available since 1994-95 by Jean T. Oesterle, Thomas Aquinas, *On Evil* (Notre Dame, IN: University of Notre Dame Press, 1995), available also on CDROM; and the other translation, newly available, by Richard Regan, Thomas Aquinas, *On Evil* (New York: Oxford University Press, 2003).

right intention and subsequently/consequently evil “side effects” coexist. He suggests that this relation is informed by a spiritual, i.e., intellectual, radius, which considers the culturally contextualized precepts (i.e., starting points of practical reason) of the natural moral law. In many ways Flannery’s single agenda in this text is to defend the fundamental and thoroughly Aristotelian roots of Aquinas’ moral theory even as Aquinas considers the causes of human good- and evil-doing evocative of the Principle of Double Effect.

The text is divided into two parts and includes four appendices; perhaps the most important of these appendices is the Latin text facing Flannery’s own literal translation of *De malo* 6.² The first part of the book explores precepts. Here Flannery considers the characteristics of the practical syllogism, the first principles of practical reason, the precepts of the natural law, the Aristotelianism of Aquinas’ first and secondary or derivative common principles, and, since Aquinas has little on the subject, Aristotle on commensurability. The second part explores acts. Here Flannery considers the critical issue of an act in which the agent intends a morally permissible end but which includes a morally questionable effect, by examining the metaphysical contours of the relationship between the intellect and the will, free choice, the Principle of Double Effect, and a practical application of particular acts and their place in the schema of his Aristotelian-Thomist logic.

The first view that Flannery challenges arises from his consideration of Martha Nussbaum’s claims that Aquinas uses deductive reasoning in determining the relationship between the spiritual radius/precepts and their subsequent acts. In Chapter 1 he engages an exegesis of Aristotle’s conception of practical reason in order to refute Nussbaum’s claim that Aristotle’s ethics does not transcend to the Divine nor admit to some objective standard of human morality. Flannery’s argument has various stages. He begins by analyzing Aristotle’s understanding of practical syllogisms. His discussion of the logic of syllogisms is one of the weakest sections of the book. His explanations and arguments are incomplete and leave many questions unanswered. For instance, he argues that there are two features that distinguish practical syllogisms from theoretical syllogisms: 1) their peculiar direction and 2) their defeasibility. With respect to the latter, he argues that conclusions of practical reason are not necessary, and are thereby defeasible. His argument relies on illustration by one example: “covering meets my need; a cloak gives me covering; I get a cloak.” Flannery then argues, “practically speaking, one is not bound to get a cloak. One can, if one wants, get a blanket (presuming that the blankets are not contaminated). This characteristic of the practical syllogism is often referred to as its ‘defeasibility’: the conclusion of a practical syllogism is ‘defeasible’ by extraneous factors. This cannot happen in theoretical reason (10).” A primary concern with this analysis is that the example Flannery uses is not a valid argument: the second premise is a sufficient condition and not a necessary condition of validity. Thus, given the premises of his argument, it is not necessary that one get a cloak, regardless of whether one gets a blanket.

In the remainder of this first chapter, Flannery reconciles the features of looseness with fixity in Aristotle’s ethics. He does this through an insightful analysis of the structure of practical reason. This view establishes the foundation for the main thesis of the book. On the one hand, Flannery argues that a proper interpretation of Aristotle’s ethics requires that we emphasize the indeterminacy

of the discipline of ethical inquiry and subsequent choices (parallel to that of medicine). On the other hand, the structure of practical reason should be understood as parallel to that of theoretical reason and thus the fixity of practical reason's first principle must also be emphasized. Flannery argues, "But practical reason's actual structure is the same as theoretical reason's: the whole edifice depends on the first principles – which are the ends, i.e., the goods that humans seek" (17). The question then becomes whether first principles are revisable or absolutely fixed? Flannery believes that, according to Aristotle, first principles of particular disciplines are revisable; however, the first principle of practical reason is not. The first principle of practical reason is "the limit" or "that for the sake of which" the soul is moved, namely, the first principle of the practical reason is about the good. Flannery argues not only that "the first principles of practical reason are also, in a certain sense, the first principles of metaphysics" (21-22) but also, because these principles are linked to the supreme good, the first principles of the practical reason "are in some sense divine" (22). Thus, Flannery concludes, contra Nussbaum, that Aristotle regarded the first principles of practical reasoning as unrevisable and absolutely fixed.

Next Flannery investigates, for support of the work in the previous chapter, Aquinas' consideration of *ST* I-II, q. 94, a. 2, "Whether natural law contains many precepts or only one." Flannery argues that previous interpretations of *ST* I-II, q. 94, a. 2 have emphasized certain epistemological aspects concerning the self-evident nature of ethical precepts.³ Flannery claims that the importance of this epistemological aspect has a much wider and deeper purpose, namely, "to depict natural law as possessing the same general structure as an Aristotelian science" (26). Flannery argues that placing emphasis on the scheme itself (as opposed to the content) is crucial for properly understanding Aquinas' natural law theory. He gives a detailed analysis of Aquinas' objections and replies to q. 94 and, while this analysis becomes muddled at times, he argues that each of the three objections points to the conclusion that natural law can (be reduced to or) have one precept. The three replies demonstrate how it is possible that there is only one natural law, one human nature, and one form of human reason, respectively, and yet there are many precepts referable to a single first precept of the natural law.

Flannery's discussion of the body of *ST* I-II, q. 94, a. 2 commits some grave mistakes. Flannery misreads Aquinas when he writes that "there are two ways of being *known* [my emphasis] *per se*" (31). What Aquinas argues is that "a thing is self-evident in two ways." The first way a thing can be said to be self-evident is in itself (*secundum se*) or metaphysically; the second way a thing can be said to be self-evident is in relation to us (*quoad nos*) or epistemologically. The first notion of self-evident is founded on the metaphysical principle of identity (similar to Suarez's notion of truth)⁴ and the second notion

3. For example this thinking is found in the work of Germain Grisez, Joseph Boyle, John Finnis, William May, Robert George, and Patrick Lee, among others. See Flannery, p. 25, n. 2.

4. See Francisco Suárez, *Disputationes Metaphysicae*, in *Opera Omnia*, ed. Vives (Paris, 1856-77) vol. 26, disp. 31, sec. 12, no. 45, p. 297. See also Norman J. Wells, *On the Essence of Finite Being as Such, On the Existence of That Essence and Their Distinction* (Milwaukee, WI: Marquette University Press, 1983) 205; id., "Suárez on Eternal Truths," *The Modern Schoolman* 58 (1981) 73-104, 159-174; John P. Doyle, "Suárez on Beings of Reason and

relies on our coming to know that something is self-evident. Thus, there are many metaphysical self-evident truths (*secundum se*) that are not known by us (*quoad nos*) as self-evident. Unfortunately, providing only an academic distraction, these distinctions are not essential to Flannery's main point and both betray an untoward agenda and leave the reader bogged down with details more than enlightened on the importance the distinctions may hold for the thesis.

Returning to the main thesis, Flannery provides a sketch of the order of practical reason in Aquinas. To do this, he emphasizes the parallel that Aquinas draws between theoretical reason and practical reason, making the precepts of the former analogous to the principles of the latter. He notes Aquinas' claims that "just as being is the first thing that falls within the apprehension *simpliciter*, so good is the first thing that falls within the apprehension of the practical reason..." (42). Thus, just as theoretical reason has its first principle within being, namely, the principle of non-contradiction (PNC), practical reason has its first principle within the good, namely, "good is to be done and pursued, and evil avoided" (42), the first principle of practical reason (FPPR). It is important to recognize that the FPPR does not fall within the scope of the PNC (as do the first principles of other disciplines), rather the FPPR is at a par with the PNC. Below the FPPR there are the common precepts and below these precepts even "less common common precepts" (45). Flannery, however, fails to present a lucid explanation of how the hierarchy should be structured or under what criteria it should be ordered. Despite the shortcomings of the distractions in this analysis, Flannery explicates a scheme that is crucial in properly understanding Aquinas' natural law theory. He shows how Aquinas' ethical system can have many precepts with one foundational (fixed) source, the FPPR.

Following the discussion on the reduction of the precepts of the natural law to derivatives of the FPPR, Flannery asks two questions: "first, whether or in what sense Thomas regarded the proper principles of the various sciences and disciplines as derived from metaphysics ("first philosophy"); secondly, whether or in what sense [Aquinas] regarded the lower precepts of natural law as derived from the higher" (50). With respect to the first question, Flannery diverges, again, with the traditional interpretation of the relationship between metaphysics and the proper principles of other disciplines.⁵ The traditional view argues a deductive link between the proper principles of all disciplines as they are derived from metaphysics – the disciplines are dependent on metaphysics. Instead, Flannery argues that "[metaphysics] does not prove the principles of mathematics for [mathematics], as if mathematics depended on metaphysics" (59). Metaphysics has its own proper subject matter, namely, being *qua* being, rather than the principles of the other disciplines themselves. Each discipline is autonomous in making sense on its own. Flannery also claims that the discussion of the proper principles of other disciplines nevertheless belongs to the realm of metaphysics and not to the discipline themselves – insofar as the proper principles

Truth," *Vivarium* 25 (1987) 47-75; 26 (1987) 51-72; Bernardo J. Cantens, "The Relationship between God and Essences and the Notion of Eternal Truths According to Francisco Suárez," *The Modern Schoolman* 72 (2000) 127-142; id., "Suárez y Descartes sobre la noción de las verdades eternas y su relación con Dios," *Sapientia* 55 (2000) 25-36.

5. Mignucci, Mansion, Zabarella, Gómez-Lobo, Robinson, Dodds, *et al.* See Flannery, pp. 52-53 and nn. 5, 6, 7, 8, 9.

of the lower disciplines are “proved” by metaphysics. However, Flannery argues a weak interpretation of the notion of “proving.” There seems to be some tension between the two views Flannery espouses. He is aware of this tension but seems unable to provide a clear explanation of how to avoid the inevitable contradiction: “If metaphysics did not exist, geometry would not lack one ounce of rigor. Of course, it is also true that did the subject matter of metaphysics – being *qua* being – not exist, geometry would not exist at all and in that sense geometry is dependent on metaphysics” (57). Instead of purposeful clarity the reader is subjected to what appears to be another concern peripheral to the argument of the importance of a metaphysical foundation to the principle of practical reason.

With respect to the second question, Flannery explores interpretations of *ST* I-II, q. 95, a. 2, “Whether every human law is derived from the natural law?” or “whether or in what sense Thomas regarded the lower precepts of the natural law as derived from the higher” (60). He is concerned with two issues: (1) the distinction between precepts that involve no arbitrariness and precepts that do; and (2) precepts that do not allow for exceptions and precepts that do. With respect to (1), Flannery fails to understand the central point Aquinas is attempting to convey: that arbitrary and non-arbitrary precepts differ in force but not necessarily in kind. He concludes that Aquinas’ understanding of the distinction between arbitrary and non-arbitrary precepts can be referred to the natural law: “both ways are positings – just as both are in some sense derivations” (75). While this may be true to some extent and Flannery presents interesting arguments in defense of this position, it is not the central distinctive aspect of these two kinds of precepts. What is distinctive is that the force of non-arbitrary precepts is derived from natural law while the force of arbitrary precepts depends on human law alone. The consequences of this distinction are substantial since the promulgation of arbitrary laws does not carry the same weight as do non-arbitrary laws. Moreover, it is this distinction which serves as the criterion for separating the laws of nations (international laws) and civil laws (see *ST* I-II, q. 95, a. 4).

In describing the difference between precepts that do not allow for exceptions and precepts that do, Flannery relies on the example of returning deposits. He refers to the latter as “deposit-type precepts” and to the former as “basic-inclination precepts.” He curiously avoids Aquinas’ recognition that “the more one descends to matters of detail, the more one encounters defects” (*ST* I-II, q. 94, a. 4c). Rather, he argues that “a deposit-type precept has the same moral force (derived from FPPR) as a basic-inclination precept. The difference is that because basic-inclination precepts are closer to the first principles of practical reason, they do not admit of the morally significant conditions that deposit-type precepts do” (82). By not recognizing the probability of failure that Aquinas allows, Flannery’s view falters as ambiguous partly because it is not clear what he means by “moral force.” He seems to suggest that a precept that is closer to the FPPR allows few exceptions and has greater moral force than one that is further removed from the FPPR and that allows for more exceptions by virtue of the additions of admittedly morally significant conditions.

In the final chapter of the first part of the text Flannery discusses how commensurability and incommensurability affect the use of Aquinas’ precepts. In light of the ordered scheme of precepts pertaining to being, life, and rationality set out in Aquinas’ notion of the common precepts of the

natural law (discussed in Chapter 2), Flannery addresses the legitimacy of consequentialist commensuration. The two specific issues he addresses are: "If the precepts mentioned by Thomas in *ST* I-II, q. 95, a. 2, <7>, <8>, <9> are ordered, does this not suggest that one can or even should weigh the different prospects there related, one against the other, when deciding what to do? Or, conversely, are not people who take into consideration hierarchies, such as one finds in *ST* I-II, q. 94, a. 2, commensurating" (84)? According to Flannery, since Aquinas has no extant theory of commensurability, the bulk of the chapter deals with Aristotle's idea of commensurability as found especially in *Metaphysics* Book xiii and in the *Categories* that would imply Aquinas' position. The purpose is to apply Aristotle's theory of commensurability to Aquinas' hierarchy of precepts in *ST* I-II, q. 94, a. 2 to argue Aquinas does not commensurate as a consequentialist.

Flannery begins by discussing two "axioms" in Aristotle: (1) that an ordered series cannot have a common idea that holds to all members of that series; and (2) indivisibles (i.e., mutual indistinguishables) do not admit to a before and after or to being put into an ordered series. He also presents two further axioms involving the transliteral term *sumbletos*, which he reckons cannot be translated accurately into English. For our purposes, what is important is that if something is *sumbletos* it is indistinguishable and thus does not admit to an ordered series. Flannery's final axiom is that if and only if something is *sumbletos*, then it is a common idea. He explains these axioms by recourse to Aristotle's discussion of the paradoxes in Platonic number theory. Here he emphasizes the distinction between counting and ordering so that when he returns to the ethical he will have an account of the commensurable, the incommensurable, and the orderable. Thus, counting presupposes a group and, as such, indistinguishables. Ordering, on the other hand, presupposes the existence of no common idea. "If one is counting, one is not ordering since counting, qua counting, is done with (relative) indistinguishables while ordering – again, by its very nature – involves distinguishing. The two procedures are irreducibly different" (94). How then to reconcile the counting of one good (or evil) against another over the ordering/hierarchy of goods to be pursued or evil avoided? "It may very well be that there are real reasons [...] why a certain order is posited; but the *ordering* is not something found in the world: it is something we do. And this is enough to exclude most consequentialist theories, for they usually involve a confusion of two distinct procedures: counting and ordering" (107). For Flannery, the critical question deals not necessarily with goods pursued but whether a good is under attack. This question returns to Flannery's concern with the paradoxes inherent in the Principle of Double Effect, where he finds the consequentialist concern with commensurability comes to the fore.

When Flannery turns to acts, he focuses on Aquinas' treatment of the will in relation to the then (1270) newly-condemned positions of intellectual determinism.⁶ He argues that Lottin's discovery of a shift in Aquinas' thought is ill-founded and, Flannery continues, that neither in his earlier writings nor in

6. In 1270 Étienne Tempiers, bishop of Paris, issued a list condemning thirteen propositions popular among the Latin Averroists. The condemnations relative to this argument concern the will's passivity and the necessity of the will's choice. See Flannery, p. 112 notes 1 and 2.

the later is Aquinas guilty of the charges of determinism. Lottin posits that between 1268 and 1270 Aquinas shifted his thinking on the way the will moves: in the earlier writings (*De veritate*, *Summa contra gentiles*, *Summa theologiae I*) Aquinas reckons that the will responds to reason's initiative to act as both formal and final cause in human action, whereas in the later writings (*De malo* 6, *Summa theologiae I.11.9*) the reckoning is that the will assumes both efficient and final causality in human action, responding with a free choice to reason's formal causality only in the will's movement *quantum ad specificationem*. Many authors have accepted Lottin's assertion of this shift in Aquinas' thought and have used the implications of the shift to argue the foundations of freedom, the unity of human action, morality and the virtues.⁷ Certainly Lottin's claims have been challenged before. Yet Flannery seems to have missed the insight that arises from this understanding of the will's movements on the fundamental freedom proper to human beings – an example of the minutiae and distraction of peripheral concerns that plagues this text. While wanting to hold onto a notion of the will as an active principle, Flannery wrongly interprets Lottin's insight as involving the will's complete passivity before reason's determinacy of any object. For Lottin, Aquinas has reasoned that the will reduces itself from its role as an active power and as efficient cause to a passive potency in order to in fact will this or that object that has been presented to it by the reason, the formal cause, as a specific end to intend.⁸ Lottin's insight points not to a disassociation from Aristotle nor toward a 'modern' nominalist notion of the will (140). Rather, his insight integrates the convertibility of being free with free acting through an interde-

7. See Bernard Lonergan, *Grace and Freedom* (New York: Herder and Herder, 1971); George Klubertanz, "The Root of Freedom in St. Thomas's Later Works," *Gregorianum* 42 (1961) 701-724 and "The Unity of Human Activity," *The Modern Schoolman* 27 (1950) 75-103; Klaus Riesenhuber, *Die Transzendenz der Freiheit zum Guten: Der Wille in der Anthropologie und Metaphysik des Thomas von Aquin* (München: Berchmanskolleg Verlag, 1971) and "The Bases and Meaning of Freedom in Thomas Aquinas," *American Catholic Philosophical Quarterly* 48 (1974) 99-111; James F. Keenan, *Goodness and Rightness in Thomas Aquinas's Summa Theologiae* (Washington, DC: Georgetown University Press, 1992); Mary Jo Iozzio, *Self-determination and the Moral Act: A Study of the Contributions of Odon Lottin, OSB* (Leuven: Peeters Press, 1995); and Clifford G. Kossel, "Thomistic Moral Philosophy in the Twentieth Century," *The Ethics of Aquinas*, ed. Stephen J. Pope (Washington, DC: Georgetown University Press, 2002).

8. See Odon Lottin, "La date de la question disputée *De malo* de saint Thomas d'Aquin," *Revue d'histoire ecclésiastique* 24 (1928) 373-388, "Le libre arbitre chez saint Thomas d'Aquin," *Revue thomiste* 34 (1929) 400-430, and *Psychologie et morale aux XII^e et XIII^e siècles* (Louvain/Gembloux: Abbaye du Mont César/Duculot, 1942-1957). "Thomas asserts with significant regularity the fact that the will moves itself, *voluntas movet seipsam*. He uses, in fact, even more significant forms of expression to highlight the independence of the will's efficiency: his forms are reflexive ... Thus, the importance of these reflexive forms is precisely the expression *se reducere*, which is the metaphysical possibility for *se movere*. The newness of the contribution rests in the fact that prescind- ing from whether or not *se movere* existed in earlier writings, the possibility of understanding the expression as indicative of the will's autonomy is only found insofar as the will is able *se reducere de potentia in actum*." Keenan, *Goodness and Rightness in Thomas Aquinas's Summa Theologiae*, 45-46. See also the works by Lonergan, Klubertanz, Riesenhuber, Iozzio, and Kossel, mentioned in n. 7.

pendency of the will and reason that makes action both humanly intelligible and meaningful.

Having argued that Aquinas remains true to his Aristotelian philosophical roots, Flannery returns to one of the main projects of the text: to demonstrate the parallel structure between the theoretical and practical reason, especially as this parallel pertains to the self-evident claims of the question on the natural moral law (*ST* I.II.94.2). With recourse to the Principle of Non-Contradiction (PNC) and the First Principle of the Practical Reason (FPPR), Flannery considers concrete acts. He explores at length Aquinas' appropriation of Aristotle's demonstration of the PNC and the implications of the PNC for the FPPR. He concludes that "the fact that we cannot conceive of what it would be like to both pursue and avoid the right theory [FPPR] at the same time in the same respect [PNC] shows that the practical world cannot be like that" (156); self-evident claims, whether those of the theoretical or practical reason, are *de facto* indemonstrable. With this conclusion Flannery is able to parse the matter of an act from the form of an act. He identifies the determination of the form of an act, the object of the intention, as one of the details of the *voluntas* following the FPPR, the 'good' which all desire. The matter of an act, correctly identified as that which arises in the exterior act of the will, is another of the details following the desired good. As such, the *voluntas* is the key to the *prosequenda* considerations of something, some very specific 'good', to intend and choose.

In the penultimate chapter, Flannery considers the Principle of Double Effect (PDE), certain cases that are unsatisfactorily explained by the PDE, the balancing of goods, and the relationship between the PDE and the FPPR. That a discussion of the PDE would follow an exploration of both the freedom to act and the intentions of specific acts through the lens of the philosophical principles of non-contradiction and of practical reason provides an understanding of the basic values the whole of Aquinas' moral theory attempts to uphold. The crux of the PDE is the determination of the intention, vs. the consideration of things *praeter intentionem* of the act as well as the choice indicative of the act. Flannery introduces the importance of including analysis of the context of an act as the key to interpreting the PDE correctly. Flannery cautions, however, that context alone does not permit a contra-value that may stand beside an intention; side effects must be clearly distinct from the choice or matter of an act. As part of the continuing discussion of the previous chapter, Flannery recognizes the matter and form distinction and the influence of circumstances on the evaluation of the act as a whole. No one factor can legitimate an act. Rather, the fourfold goodness of an act (*ST* I.II.18) as well as the affect of an act on the moral agent (Aristotle's concern with practices, Aquinas' concern with immanent actions) must be measured in order to determine either the legitimacy or permissibility of engaging an act with two seemingly opposed effects. Without having considered previously in the text the influence of practices as immanent activities, Flannery seems to advocate the practice of the virtues constitutive of the moral good to be determinative of the legitimacy of proceeding with an act that is composed of a double effect. In contradistinction to part one of the text, where he argued a principle/precept-based theory, here he intimates an agent-centered approach to moral analysis. Nevertheless, not wanting to devolve into a moral relativism, he is careful to remind the reader that the natural moral law has a fixed path that does not allow just any reference to the form or the

matter of an act but to those forms and that matter which are lawful, i.e., reflecting the contours of human nature, according to the FPPR. This chapter could have integrated a good deal of part one, especially the relevance of Flannery's discussion of *per se quoad nos/per se secundum se*, the deposit-type/basic inclination precepts, and *sumbletos* distinctions. Clearly these distinctions are important. Explicit attention to the connection between them and the PDE would have provided a demonstration of the logical force of Aquinas' natural law theory.

In the concluding chapter, Flannery returns to the themes of the first chapter, assuming the fulfillment of his earlier arguments. He takes up again the nature of the practical syllogism, providing this time a clearer explanation of the issue – that the logic of practical syllogisms advances in a manner correspondingly opposite to the logic of theoretical syllogisms. He considers more thoroughly the notion of Aristotelian practices or crafts as definitive of right or good actions. Using the example of medicine, he provides a series of eight practical syllogisms that are instructive of the craft of medicine. Here, in three tables, Flannery constructs a chain of syllogisms which, in effect, outline the deliberations of medical reasoning (215). In the previous chapter he chastised the deductivist thinking of contemporary bioethics; his proposed structure of the medical craft on the other hand includes both perfect/perfectible and contingent syllogisms, all referable to the medical good of physical health as an end, the good of the FPPR, to be pursued. With this exploration of the syllogisms instructive of the medical craft, he compares the acts of the craft with the precepts of the natural law finding therein “a system of natural deduction” (219), from axiomatic precepts to the localized determination of an act. At last, Flannery reveals his hand; he has set out to defend prohibitions of particular acts that have been reasoned licit by others by recourse to the PDE. From the perspective of the physician, he examines the case of a medically appropriate hysterectomy in which womb a fetus is present over and against a non-contextualized case of fetal craniotomy (a presumably different analysis might result from the perspective of the woman whose health is compromised by a particular pregnancy). Using the PDE in light of the PNC and FPPR, he argues against the craniotomy as an act that is opposed to common medical practice and is contrary to the medical good of the physical health of the fetus-patient; and he argues for the hysterectomy as indicative of a common medical practice in response to uterine cancerous growth and as contributing to the physical health of the woman-patient.

Flannery has gone to great lengths to present a fairly straightforward argument on the use and abuse of the PDE. He admits that he has been interested for a long time in “the idea that, in certain circumstances, an act can be morally upright, even if the agent knows that it will be accompanied by an unwelcome and (in some sense) evil effect” (xiii). He asks, “How does this work?” To answer the question, he investigates many nooks and crannies of the philosophical underpinnings of Aquinas' moral theory in the hopes that doing so will illumine the apparent incommensurability of doing good and evil in one and the same act. His conclusion returns to metaphysics, causality, and an understanding of the nature of human acts as the necessarily interdependent dance between the cooperative acts of reason and the will.

This text presents a very difficult read. The chapters labor under the weight of minutiae. The author goes to excessive lengths to demonstrate fairly well-rehearsed conclusions of some finer points in the translation and interpretation

of Aquinas' work. Formulas presented with algebraic nomenclature hinder a ready appraisal of an argument and obfuscate to the point of desperation. Nevertheless, Aquinas scholars will find the appendices of *ST* I-II, q. 94, a. 2, the exegesis of the *per se* in Aquinas, and the *De malo* 6 helpful.

Bernardo J. Cantens, Ph.D., is Associate Professor of Philosophy. M. J. Iozzio, Ph.D., is Associate Professor of Moral Theology. Both teach at Barry University, 11300 NE 2nd Avenue, Miami Shores, FL 33161-6695, U.S.A.

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