

Hume's Law, Moore's Open Question and Aquinas' Human Intellect

Augusto Trujillo Werner

University of Malaga

Abstract

This article concerns Aquinas' practical doctrine on two philosophical difficulties underlying much contemporary ethical debate. One is Hume's *Is-ought thesis* and the other is its radical consequence, Moore's *Open-question argument*. These ethical paradoxes appear to have their roots in epistemological scepticism and in a deficient anthropology. A possible response to them can be found in that a) Aquinas defends the substantial unity and rationality of the human being; b) Thomistic natural law is a natural consequence of the rational being; c) Thomistic human intellect is essentially theoretical and practical at the same time; d) Aquinas' human reason naturally performs three main operations. First, to apprehend the *intellecta* and universal notions *ens*, *verum* and *bonum*. Second, to formulate the first theoretical and practical principles. Third, to order that the *intellectum* and universal good be done and the opposite avoided. For these reasons, Thomistic philosophical response to both predicaments will not be exclusively ethical, but will embrace ontology, anthropology and epistemology. Aquinas' moral philosophy is fundamentally different from ethics that qualifies actions as good either by mere social consensus (*contractualism*) or just by calculating its consequences (*consequentialism*).

Keywords: ontology, anthropology, epistemology, ethics.

1. Hume's Law and Moore's Open Question

The first part of this article will study Aquinas' possible response to *Hume's law*. According to shared interpretation, David Hume sought to reform philosophy (Mackie 1980) and this paper will focus on his moral philosophy, by arguing against his famous *Is-ought thesis* or *Hume's Law*.¹ It may be briefly defined as being unlawful to derive *ought* (what ought to be) from *is* (what is). That means, between *is* and *ought* there is such a dichotomy and separation that it is impossible to derive (*ought*) values from (*is*) facts, (*ought*) norms from (*is*) beings (Hudson 1969). In

¹ Cf. Hume 1739-40: Vol. 3, Part 1, Sect. 1: "In every system of morality [...] I am surpriz'd to find, that instead of the usual copulations of propositions, is, and is not, I meet with no proposition that is not connected with an ought, or an ought not".

particular, this article will dispute the illegacy of deriving (*ought*) universal rules from (*is*) persons.

The second part of this article will examine Aquinas' possible riposte to Moore's *open-question argument*. George Edward Moore sharpened *Hume's law* taking it to its final consequences with his *Open-question argument* (Baldwin 1990). Moore already supported in his youth work *The Metaphysical Basis of Ethics* (Moore 1897) the argument that any attempt to define good is a *naturalistic fallacy*, hence it is recognized as a precursor to *Principia Ethica* (Moore 1903). This book is considered as a revolutionary ethical work (Hutchinson 2001). Fundamentally, his thesis maintains that the possibility of defining good must be denied, since it is indefinable (Butchvarov 1982); to confuse good with something temporary or with any natural property would result in a *naturalistic fallacy*.² If you want to avoid this fallacy, you cannot identify or confuse good or evil with anything (Moore 1903: *Preface*: 3).

2. Hume's Law and Aquinas' Human Intellect

This section will analyze Thomas Aquinas' possible solution to *Hume's law*. It seems that Thomistic moral philosophy, based on ontology and anthropology, could have already satisfactorily addressed the *Is-ought thesis*; since in his doctrine it is possible (using Humean language) to derive *ought* (universal norms) from *is* (person), without falling into *Hume's law* (Lichacz 2008).

The argument must begin with two small though fundamental premises. Firstly, in Aquinas' ethical doctrine good *per se* is good, not because it is a result of mere social consensus, or just a calculus of consequences (Chalmers 2002). The good is good because the human intellect—in its practical aspect—apprehends and understands it as an ontological and *intellectum* good; analogously to how the human intellect—in its theoretical aspect—apprehends and understands the *intellectum* being (*ens*) and the ontological truth. As a consequence, the human intellect naturally understands and formulates the first theoretical principles and the first practical principles or natural law (Dewan 1990). Secondly, Aquinas defends the substantial unity and rationality of the human being; hence, the natural law (ethics) is a natural consequence of the rational being (anthropology) (Gilson 2002). Thomistic natural law does not refer to the countless number of inclinations that each person could feel toward particular and concrete goods. It exclusively refers to the natural universal inclinations, of man as man, towards the ontological and *intellecta* goods *per se* (Brock 2015).

The human intellect apprehends the ontological and *intellecta* notions of being (*ens*), good and truth; and their respective opposites, non-being (*non ens*), non-truth (false, illogical) and non-good (evil). As a consequence, the human intellect naturally understands and formulates the first theoretical principles (the principle of non-contradiction, of identity, etc.); and the first practical principles or natural law (the natural universal inclinations to seek the universal goods

² Cf. Moore 1903: Ch. I, § 10. "Ethics aims at discovering what are those other properties belonging to all things which are good. But far too many philosophers have thought that when they named those other properties they were actually defining good; that these properties, in fact, were simply not other, but absolutely and entirely the same with goodness. This view I propose to call the naturalistic fallacy".

avoiding the contraries).³ In the human intellect or reason (Anscombe 1973) there is a full analogy between its two speculative and practical aspects, one focused more on truth the other focused more on good and operation (Vanni 2007). In consequence, the human reason naturally understands and formulates *per se et quoad nos* the first universal theoretical and practical principles. The universal precepts refer to seek the ontological and *intellecta* goods and to avoid the contrary. All *intellecta* and ontological concepts are abstracted by the reason from the senses and the sensible experience; because in Aquinas' doctrine, there is nothing in the intellect that has not been in the senses before.⁴ The abstraction occurs in two phases. Firstly, the cogitative prepares the phantasm (from the impressions of the senses) for the active intellect. Secondly, the active intellect abstracts from the phantasm the intelligible species, which presents it to the passive intellect that finally, expresses the *intellectum* notion. The passive intellect makes explicit the ontological and *intellectum* good, which is good *per se*; thus, the will (*voluntas ut natura*) desires it. For that reason, the impressions of the senses and the sensible experiences pass to another ontological level, from the sensible one to the intellectual one (Lobato 1991).

The universal norms are naturally understood and formulated by the intellect and desired by the will; as a consequence, these superior faculties naturally order that the person inclines towards the *intellecta* and universal goods seeking them and avoiding the contrary, evil (Stump 2008) or defect of good.⁵ That is to say, the whole person naturally seeks and persecutes the *intellecta* goods *per se* avoiding the opposite. For instance, to preserve your life, to raise your children, to avoid killing yourself, to avoid killing your children (filicide),⁶ etc.⁷ Therefore, the order essentially is a rational act; it is the superior faculty (intellect and will) (Dewan 2008) which orders the natural universal inclination towards the *intellectum* good

³ Cf. *Summa theol.* I-II, q. 94, a. 2, co. "Illud quod primo cadit in apprehensione, est ens, cuius intellectus includitur in omnibus quaecumque quis apprehendit. Et ideo primum principium indemonstrabile est quod non est simul affirmare et negare, quod *fundatur supra rationem entis et non entis*, et super hoc principio omnia alia fundantur, ut dicitur in *IV Metaphys.* Sicut autem ens est primum quod cadit in apprehensione simpliciter, ita bonum est primum quod cadit in apprehensione practicae rationis, quae ordinatur ad opus, omne enim agens agit propter finem, qui habet rationem boni. Et ideo primum principium in ratione practica est *quod fundatur supra rationem boni*, quae est [...] bonum est faciendum et prosequendum, et malum vitandum. Et super hoc fundantur omnia alia praecepta legis naturae". My italics.

⁴ Cf. *De veritate* q. 18, a. 7, co. "Intellectus humanus *in sui principio est sicut tabula in qua nihil est scriptum*, sed postmodum in eo scientia per sensus acquiritur virtute intellectus agentis". My italics.

⁵ Cf. *Summa theol.* I, q. 49 a. 1 co. "Malum enim est defectus boni".

⁶ Aquinas talk about filicide that is, killing the son or daughter already born; not about aborting the fetus before birth, inside the womb. His teachings about abortion, fetus and human being are controversial. Cf. *Summa theol.* I, q. 76, a. 3, ad 3; *Summa theol.* I, q. 118 a.2 ad 2; *Summa theol.* II-II, q. 64, a. 8, ad 2.

⁷ Cf. *Summa theol.* I-II, q. 94, a. 2, co. "Omnia alia praecepta legis naturae [...]. Vita hominis conservatur, et contrarium impeditur [...]. Coniunctio maris et feminae, et educatio liberorum, et similia [...]. Naturalem inclinationem ad hoc quod veritatem cognoscat [...], et ad hoc quod in societate vivat. Et secundum hoc, ad legem naturalem pertinent ea quae ad huiusmodi inclinationem spectant, utpote quod homo ignorantiam vitet, quod alios non offendat cum quibus debet conversari, et cetera huiusmodi quae ad hoc spectant".

per se, not in the opposite way. The sensible experience does not make the practical intellect apprehends the object as ontological good *per se*; therefore the intellect and will (*voluntas ut natura*) do not command the universal inclination to seek the object avoiding the contrary (Pizzorni 2000). The universal inclinations exclusively occur as a consequence of an intellectual process which orders that persons incline towards the universal goods.⁸ It can happen that a particular man chooses to act against an ontological good, this is because persons are naturally free and responsible for their actions (McCluskey 2017). Even so, human beings always have to seek good under any aspect, *sub specie boni* (Henle 2012); because if not, they would not prosecute it neither voluntarily nor guiltily. For example, someone who commits suicide to stop suffering or a particular man who kills his own daughter (filicide)⁹ to satisfy his hatred against her mother.

Just as the practical intellect and the will (*voluntas ut natura*) the first thing that respectively apprehend and desire is the ontological and *intellectum* good, (abstracted from the sensible experience) and with it the human reason formulates the first practical principle; analogously, it occurs with the rest of the *intellecta* goods of natural law. The practical intellect intentionally apprehends that the object is good *per se*, thus it presents it to the will (*voluntas ut natura*) that desires it *simpliciter*; in consequence, the practical reason naturally formulates the universal precept of preserving your own life. As a result, the reason and the will naturally order that the whole person inclines towards the *intellectum* and universal good *per se* by pursuing it and avoiding the opposite. The same happens with the good of natural law of caring for and raising your own children. The intellect apprehends the notion as ontological and *intellectum* good *per se*, thus, the intellect presents it to the will that naturally desires it (*voluntas ut natura*); in consequence, the reason naturally formulates the universal precept of caring and raising your own children. As a result, the reason and the will naturally order that the whole person inclines towards the *intellectum* and ontological good by seeking it and avoiding the opposite. Aquinas' natural law (ethics) is a natural consequence of the rational being (anthropology) (Henle 2012).

In order to understand and formulate the universal precept of raising your own children avoiding the contrary, or preserving your life avoiding the contrary; the boy or girl must have felt some experiences; therefore he or she must have lived some years of life (Artigas 2003). Aquinas does not enter into details of age, nevertheless it is clearly stated in his texts that it is only from a certain period of life that you can properly speak of use of reason. The use of reason properly means having the capability to intellectualize (intellect) and to will (will) in act (Tonello 2009). Although the intellect *per se* does not use any corporeal organ, nevertheless, it receives the sensible species from the sensible faculties that do use corporeal organs. According to Aquinas, it is impossible for our intellect, which is united to a body, to understand in act anything without using the images received by the bodily organs. Therefore, the person cannot intellectualize, nor formulate

⁸ Cf. *Summa theol.* I-II, q. 10, a. 1, co “Similiter etiam principium motuum voluntariorum oportet esse aliquid naturaliter volitum [*voluntas ut natura*]. Hoc autem est *bonum in communi* [ontological good *per se*], in quod voluntas naturaliter tendit”. My italics and brackets.

⁹ Cf. <http://www.therichest.com/rich-list/most-shocking/10-horrific-cases-of-parents-who-killed-their-children> [accessed July 2017].

judgments, nor will in act because of defect in the corporeal organs.¹⁰ If children's organs (particularly the brain) are still evolving, the use of reason (intellect and will) will be hindered, too. The internal senses, because of the malfunction of the bodily organs, are not able to provide any sensible species to the active intellect. Consequently, it cannot present any intelligible species to the passive intellect, which as a result cannot express any *intellectum* and ontological concept, with which the reason formulates the first theoretical and practical judgments (Vanni 2007). Therefore, to use the reason (use of reason) properly means to intellectualize and to will in act, which implies, being morally free and responsible of own actions (free will).¹¹

The natural inclinations that conform to natural law, tending to the ontological and universal goods and avoiding the opposite are exclusively the universal natural inclinations proper to man as man. Not the particular natural inclinations, that someone could feel, even if the inclinations subjectively look more or less good to us. The nature of each thing is primarily the form, according to which each being (*ens*) belongs to a species (Pincemin 1997); thus, persons are constituted in their species by their form, a rational form.¹² Therefore, the human nature impels persons to act rationally, that is, to act according to the natural law; consequently, what is against the order of reason is against the nature of man as man. Aquinas' natural law presupposes rationality;¹³ hence, non-rational animals cannot follow the natural law; they are just following their non-rational needs toward or against objects (Artigas 2003). The natural universal inclinations towards the *intellecta*, ontological and universal goods are a result of the judgment of the practical intellect, desired by the will (*voluntas ut natura*) and rationally ordered; as a result persons naturally tend to seek the *intellectum* good avoiding the contrary (Cunningham 2013). For instance, the natural universal inclination to preserve your life, to raise your children, to know the truth; as well as the natural universal inclination to avoid the opposite, like committing suicide, committing filicide or living in ignorance.¹⁴

Thomas Aquinas sometimes uses the expression *natural inclination (inclinatio naturalis)* to refer to non-universal or particular natural inclinations. The natural non-universal inclinations are countless and may tend towards particular good goods (such as caring for sick people), towards particular less good goods (such as drinking alcohol), or towards particular bad goods¹⁵ (like raping). Therefore, in Aquinas' texts, there are two completely different senses of *natural inclinations*.

¹⁰ Cf. *De Veritate*, q. 18, a. 8, ad 2. "Quamvis intellectus non utatur organo, tamen accipit a potentiis quae organo utuntur".

¹¹ Cf. *Summa theol.* I q.83 a.1, co. Over the minimum age of criminal responsibility. Cf. Corriero 2006: 111.

¹² Cf. *Summa theol.* I-II q.71 a.2, co. "Natura uniuscuiusque rei potissime est forma secundum quam res speciem sortitur. Homo autem in specie constituitur per animam rationalem".

¹³ Cf. *Summa theol.* I-II, q. 94, a. 3, co. "Ad legem naturae pertinet omne illud ad quod homo inclinatur secundum suam naturam. Inclinatur autem unumquodque naturaliter ad operationem sibi convenientem secundum suam formam".

¹⁴ Cf. *De veritate*, q. 22, a. 5, co. "Homini convenit non solum ratione uti, quod ei competit secundum propriam differentiam, quae est rationale, sed etiam uti sensu vel alimento, quod etiam ei competit secundum genus suum, quod est animal vel vivum".

¹⁵ Cf. *De veritate*, q. 24 a. 8 co. "Voluntas enim naturaliter tendit in bonum sicut in suum obiectum [...]; quando in malum tendat, [...] *sub specie boni* proponitur". My italics.

However, some famous Thomistic scholars (Finnis and Grisez 1981) confuse the two senses. They consider the universal natural inclinations of man as man toward *intellecta* goods *per se*, or natural law; just like non-universal inclinations or instincts toward non-universal or particular objects (Finnis 1980; 1988; 2011). Nevertheless, according to Aquinas, the particular natural inclinations are neither universal nor of man as man, hence do not conform to natural law (McInerny 1997).

Following this introduction, it is argued that Aquinas, with his vision of moral philosophy, which harmonically embraces ontology and anthropology, seems to have satisfactorily addressed the *Is-ought problem*. This is because in his integral ethics it is possible (using Humean language) to derive universal norms (*ought, what ought to be*) from persons (*is, what is*) without falling into *Hume's law*, using two arguments.

Firstly, the human intellect, in its theoretical aspect, apprehends the notion of ontological being (*ens*) and formulates the first theoretical principles (founded on *ens* and *non ens*). Analogously, the human intellect, in its practical aspect, apprehends the notion of ontological and *intellectum* good and formulates the natural universal inclinations of man as human toward the *intellecta* and universal goods *per se*, or natural law (founded on *bonum* and *non bonum*). Aquinas' natural law does not start from the sensible experiences, and as a result, persons pursue or avoid the sensible objects. The process is radically the opposite; we could represent it (although in Aquinas' doctrine the person with all his faculties is substantially one being) (Goyette 2009) from top to bottom not from bottom to top. This means, the natural universal inclinations of man as human, or natural law, have been formulated and ordered after a judgment, from above, from the rational faculty; as a consequence the person with his faculties naturally inclines towards the goods *per se* avoiding the contrary (Brock 1988). Aquinas maintains the substantial unity and rationality of the human being (McInerny 1997), this is why persons are free and responsible for their actions; and this is why persons are praiseworthy or guilty for their actions (Pizzorni 2000). If the process were from bottom to up, meaning, if actions were directed by sensibility; persons would not be praiseworthy or guilty for their actions, since these actions would not be human as human, they would be like actions of non-rational animals¹⁶ (Dewan 1990).

Secondly, the ontological and *intellectum* being (*ens*) and the ontological and *intellectum* good are real and ethically one in human beings. The ontological and *intellectum* good is totally real and normative; although, as so many things in philosophy are real while abstract. In Aquinas' doctrine, there is no dichotomical derivation from *is* to *ought* in the human being, because being (*ens*) and *ought to be* (*ought*) are harmonically apprehended and understood by the human intellect, both theoretical and practical at the same time. That means, any person for being human, naturally inclines to the ontological and *intellectum* good. There is no dichotomy, but harmony, between *is* (*what is*) and *ought* (*what ought to be*); because every human being who understands that he is a person naturally understands

¹⁶ Cf. *Summa theol.* I-II, q. 1, a. 1, co. "Actionum quae ab homine aguntur, illae solae proprie dicuntur humanae, quae sunt propriae hominis in quantum est homo. Differt autem homo ab aliis irrationalibus creaturis in hoc, quod est suorum actuum dominus. Unde illae solae actiones vocantur proprie humanae, quarum homo est dominus. Est autem homo dominus suorum actuum per rationem et voluntatem, unde et liberum arbitrium esse dicitur facultas voluntatis et rationis". My italics.

that he must be, behave and act as a rational being. Hence, the natural law (ethics) is a natural consequence of the rational being (anthropology); this is because Aquinas defends the substantial unity and rationality of the human being (Mondin 1992). In Thomistic ethics *ought* (*what ought to be*) that are derived from *is* (*what is*) are only and exclusively the universal natural inclinations of man as man or the natural law. Any rational being (anthropology) naturally inclines to seek the ontological and universal goods avoiding the contrary (ethics). However, there are some individuals who choose not to obey this rational mandate or natural law. This is because, as said before, persons are essentially rational beings free and responsible for their actions (Palma 2009).

The natural particular inclinations towards particular goods are countless, such as taking care of old people, drinking alcohol, raping, and so on. Hence, as said before, they will never conform to natural law, since they are mere natural particular inclinations towards non-ontological goods. Namely, the human reason apprehends these goods as what they are; particular, non-ontological and non-universal goods. Therefore, neither the intellect naturally apprehends these goods as goods *per se*, nor the will naturally desires (*voluntas ut natura*) these goods as goods *per se* (Dewan 2008). The first practical precept is to seek the *intellectum* and ontological good avoiding the opposite, evil or defect of good;¹⁷ all other universal precepts are based on this first. The other precepts of natural law refer to pursue the other *intellecta* and ontological goods; such as preserving your own life, caring for your own child or knowing the truth; avoiding the opposite, such as killing yourself, committing filicide or living in ignorance. Essentially, what Aquinas maintains is that our intellect apprehends the ontological and *intellecta* goods intentionally, in an intentional way; therefore, not as a concrete concept but as an *intellectum* one (Rojo 2005). Aquinas' natural law exclusively refers to the universal natural inclinations of man as man to seek the *intellecta* and ontological goods avoiding the contrary. All *intellecta* concepts are abstracted from the senses and the sensible experience by the reason; since there is nothing in the intellect that has not been in the senses before. Therefore, it can be said that according to Aquinas' ethics, from *is* (*what is*, man) derives *ought* (*what ought to be*, natural law) without falling into *Hume's law* (Brock 2005).

3. Moore's Open Question and Aquinas' Human Intellect

This section will study Aquinas' possible response to *Moore's open-question argument*, which is a radical consequence of *Hume's law* (Baldwin 1990). Aquinas seems to have satisfactorily addressed this ethical problem, since in his doctrine the *intellecta* and ontological notions being (*ens*), truth and good are intentionally apprehended by the human intellect both theoretical and practical. In consequence, the first theoretical and practical principles are naturally understood and formulated by the human intellect, as said before, theoretical and practical at the same time.

¹⁷ Cf. *Contra Gentiles*, 3, Ch. 71 "Defectus boni malum est".

Moore's *open question* sagaciously questions the ultimate foundations of ethics.¹⁸ Why is good good? Why is evil evil?¹⁹ Why is suicide bad *per se*, or bad? Why is preserving one's life good *per se*, or good? Why is raising your own child good *per se*, or good? Why is killing your own child (filicide) bad *per se*, or bad? Is good good? Is evil evil?²⁰ Although Moore admits that, he does not know how to answer why some realities are good and others the opposite, evil; he maintains that this is still an *open question* for moral philosophy.²¹ Moreover, anyone who tries to define good would fall into his *naturalistic fallacy*.²² However, the answer may be that Thomistic ethics is fundamentally different from ethics that qualify an action as good by mere social consensus (*contractualism*) or just calculating its consequences (*consequentialism*). Good is both abstract, because it includes all the problematics about the foundations of moral philosophy, and at the same time it is real, as real as being (*ens*). Good *per se* is good because the human intellect apprehends it as ontological good: as such. The human reason apprehends also being (*ens*) as being (*ens*) and truth as truth; because of that, these concepts are called *intellecta* and ontological notions. As a consequence, from the *intellecta* and ontological notions and their opposites, non-being (*non ens*), non-true or false, non-good or evil, the human intellect naturally formulates the first theoretical and practical principles.

The answer has been simplified as a syllogism.

Just as being (*ens*) is being because it is, and the human intellect apprehends the ontological being (*ens*) as what it is: real; and the human intellect apprehends the contrary as what it is: non-being (lack of being or *non ens*). Just as truth is truth because it is, and the human intellect understands the ontological truth as what it is: true; and the human intellect apprehends the contrary as what it is: false (defect of truth or non-true). Just as logic is logical because it is, and the human intellect apprehends logic as what it is: logical; and the human intellect apprehends the contrary as what it is: illogical (lack of logic or non-logical). Thus, good is good because it is, and the human intellect apprehends the ontological good as what it is: good; and the human intellect apprehends the contrary as what it is: evil (defect of good or non-good). For this reason, the first theoretical and practical principles are first principles; because the human intellect apprehends and understands the first theoretical principles (principle of non-contradiction, of identity, of excluded middle) and practical ones (to seek the ontological and *intellecta* goods avoiding the contraries, or natural law) as real, true, logical and good. Similarly, the human intellect understands the opposite of these principles as lack of reality, truth, logic and good. The first theoretical and practical principles cannot be demonstrated,

¹⁸ Cf. Moore 1903: Ch. I, § 10-11. "Let us consider what it is such philosophers say. And first it is to be noticed that they do not agree among themselves. They not only say that they are right as to what *good* is, but they endeavour to prove that other people who say that it is something else, are *wrong*". My italics.

¹⁹ Cf. Moore 1903, *Preface*: 4 "What is good in itself? [...] good and evil in themselves".

²⁰ Cf. Moore 1993: Ch. I, § 13. "When we think that A is good [...]. The original question [should be], 'Is A good?'. My brackets.

²¹ Cf. Moore 1993: Ch. II, § 27. "I myself am not prepared to dispute that health [either to preserve the own life, or not to commit filicide] is good. What I contend is that this must not be taken to be obvious; that it must be regarded as an open question". My brackets.

²² Cf. Moore 1903: Ch. I, § 10.

because they are first principles of human knowledge.²³ Therefore, the answer will always be the same, the first principles are true because they are first principles of any knowledge²⁴ and deny or questioning them is an *petitio principii*.²⁵

Thomas Aquinas affirms that the first thing that apprehends the intellect, abstracting from the sensible experience, is being (*ens*) as being (*ens*), not as a concrete notion but as an intentional one. The second thing that it understands is itself understanding being (*ens*) as theoretical truth, not as a particular but as an intentional concept. The third thing that it wants is being (*ens*) as practical truth, not as a particular but as an intentional notion. For that reason, firstly the intellect apprehends the notion of *intellectum* being; then that of ontological truth; finally, that of *intellectum* good (Dewan 2008). Therefore, when Moore is questioning whether good is good, he is also questioning if being is being and if truth is truth.²⁶ Because, it is the human intellect (theoretical and practical at the same time) that apprehends, in an intentional way, the *intellecta* and ontological notions. Subsequently, the human intellect formulates the first theoretical and practical principles. Aquinas' natural law (ethics) is a natural consequence of the rational being (anthropology); for the reason that, he defends the substantial unity and rationality of the human being. Hence, in Thomistic ethics good is definable without falling into *Moore's open-question argument* (Henle 2012).

Aquinas response to *Moore's naturalistic fallacy* is similar to *Hume's Is-ought thesis*. When the human reason apprehends the ontological and *intellectum* good *per se*, the intellect presents it to the will (*voluntas ut natura*), which desires it *simpliciter*. As a result, the intellect naturally formulates the practical principle and orders the whole person to seek the ontological and *intellectum* good avoiding the opposite. Therefore, the natural universal inclinations or precepts of the natural law are naturally formulated and ordered from top to bottom, not from bottom to top. This is because; Aquinas maintains the substantial unity and rationality of the human being (Pizzorni 1962). In addition, when Aquinas writes about the natural law does not refer to the multitude of non-universal and particular natural inclinations toward the countless number of particular and concrete goods. For example, the natural inclination to take care of old or ill people, the natural inclination to drink alcohol or the natural inclination to rape. Thomistic natural law exclusively refers to the universal natural inclinations of man as man toward the ontological and *intellecta* goods *per se*; such as preserving one's life, not suicide, caring for your children, not committing filicide. The innumerable particular goods (taking care of old or ill people, drinking alcohol or raping) are not

²³ Cf. Aristotle, *Metaphysics*, 4, c. 4. "Some indeed demand that even this shall be demonstrated, but this they do through want of education, for not to know of what things one should demand demonstration, and of what one should not, argues want of education. For it is impossible that there should be demonstration of absolutely everything (there would be an infinite regress, so that there would still be no demonstration)".

²⁴ Cf. Aristotle, *Metaphysics*, 11, c. 6. "For those [...] is not easy to solve the difficulties to their satisfaction, unless they will posit something and no longer demand a reason for it; for it is only thus that all reasoning and all proof is accomplished; if they posit nothing, they destroy discussion and all reasoning. Therefore with such men there is no reasoning".

²⁵ Cf. Aristotle, *Metaphysics*, 4, c. 4. "Begging the question".

²⁶ Cf. Aristotle, *Metaphysics*, 11, c. 6. "Protagoras [...] said that man is the measure of all things, meaning simply that that which seems to each man also assuredly is. If this is so, it follows that the same thing both is and is not, and is bad and good, and that the contents of all other opposite statements are true". My italics.

apprehended by the reason as *intellecta* and ontological goods; consequently, they will never conform to natural law. They are apprehended by the intellect as what they are; particular and non-ontological goods. Therefore, Aquinas' ethics does not fall into *Moore's naturalistic fallacy* (Pizzorni 2000).

The human intellect, theoretical and practical at the same time, apprehends *ens*, *verum* and *bonum* not as mere concrete notions, but instead apprehends being, truth, good and its contraries intentionally, in an intentional way. As a consequence, the human intellect intentionally formulates the first theoretical and practical principles (Llano 2003). That means, for a person to understand that murder is evil; he does not need to have assisted one or committed it. Simply the human intellect intentionally understanding what "person" and "own child" means, naturally knows what that entails: human nature, life, love, family, and so on. In the same way, the reason intentionally knowing what "murder" means, naturally understands what it entails. In consequence, the human intellect naturally formulates that to murder a person is evil and that it must be avoided; and that even worse would be to kill your son. According to Aquinas, for the intellect to formulate the first theoretical and practical principles, the person should have lived a certain period (some years of life) of sensible and intellectual experience. For the reason that, the human intellect cannot understand, nor formulate judgments, nor reasoning in act without the body (Bergamino 2002). Although the intellect *per se* does not use any bodily organ, it receives the sensible species from the sensible faculties that do use a corporal organ. Therefore, Thomistic ethics does not fall into *Moore's naturalistic fallacy* (Lichacz 2008).

Regarding Moore radical scepticism, it can be said that ultimately, all knowledge and science relies on infallibility of human intellect in understanding the ontological and *intellecta* concepts being, truth, and good, and in formulating the first theoretical and practical principles formed by the *intellecta* concepts and their contraries. This truth has been blurred over the centuries due to a misunderstanding scepticism and relativism (Llano 2003). May be because the human intellect exclusively is infallible with respect to the ontological and *intellecta* concepts and the first universal principles. However, with respect to the reasonings from the first principles and, especially, with respect to all other reasoning, the human intellect is fallible (Hoffmann and Michon 2017), very fallible.

Professor Moore questions if the human intellect could apprehend (know) being (*ens*) and its contrary (*non ens*), or the capability to apprehend truth and its contrary (false),²⁷ or the capability to apprehend good and its contrary (evil).²⁸ Therefore, he is not only questioning the capability to apprehend (know) the *intellecta* and ontological notions, ultimately, he is questioning the capability of the human intellect to apprehend (know) anything.²⁹ (Regarding his radical

²⁷ Cf. Aristotle, *Metaphysics*, 4, c. 7. "To say of what is that it is not, or of what is not that it is, *is false*, while to say of what is that it is, and of what is not that it is not, *is true*". My italics.

²⁸ Cf. Aristotle, *Metaphysics*, 4, c. 4. "Why does he not walk [...] over a precipice [committing suicide]? [...] *Evidently because he does not think that falling in is alike good and not good?* Evidently, then, he judges one thing to be better and another worse". My italics and brackets.

²⁹ Cf. Aristotle, *Metaphysics*, 4, c. 4. "*If all are alike both wrong and right, one who is in this condition will not be able either to speak or to say anything intelligible*; for he says at the same

scepticism, I recommend his articles: *Proof of an external world; Being certain that one is in pain and Sense-data.*)³⁰ Moore seems to doubt about the principle of the principle, that is, the capability of the human intellect of understanding. (Regarding his epistemological *Open question*, I recommend his articles: *A defence of common sense and Certainty.*)³¹ In fact, he has doubts about everything because he wants to demonstrate everything by building an universe of absolute certainties. This radical scepticism is not an intellectual virtue but an intellectual defect;³² that if carried to the end, would finish in an absolute subjectivism, falling in chaos and mental confusion.³³

4. Conclusion

In Aquinas' doctrine, the human intellect, which is at once theoretical and practical, apprehends the ontological and *intellecta* notions of being (*ens*), good and truth; and their respective opposites, non-being (*non ens*), non-truth (false, illogical) and non-good (evil), in an intentional way. As a consequence, the human intellect naturally understands and formulates the first theoretical principles (the principle of non-contradiction, of identity, etc.); and the first practical principles or natural law (the natural universal inclinations to seek the universal goods avoiding the opposite). Persons naturally tend to behave as human beings, because of that; rational beings (anthropology) naturally follow natural law's precepts (ethics). Thomistic moral philosophy is a natural value of ontology and anthropology not a result of mere social consensus (*contractualism*) or mere calculus of consequences (*consequentialism*).

This article tried to argue that Aquinas' ethical doctrine could have already satisfactorily addressed both *Hume's law* and its radical consequent *Moore's open-question argument*; since Aquinas' natural law refers exclusively to the natural universal inclinations of man as man, to seek the ontological and *intellecta* goods and to avoid the contrary. All the *intellecta* and ontological concepts are abstracted by the reason from the sensible experience, since there is nothing in the intellect that has not been in the senses before. Regarding *Hume's law* Aquinas would argue that human beings (anthropology) naturally tend to seek the *intellecta* goods *per se* (ethics); therefore in Thomistic ethics (using Humean language) from *is* (*what is*, man) derives *ought* (*what ought to be*, natural law) without falling into *Hume's law*. Regarding *Moore's open question* and his *natural fallacy*. Aquinas would similarly argue that the natural law is a natural consequence of the rational being; this is because Aquinas defends the substantial unity and rationality of the human being. The natural law does not refer to the multitude of non-universal and particular natural inclinations toward particular and concrete goods. Nonetheless, the

time both 'yes' and 'no'. And if he makes no judgement but 'thinks' and 'does not think', indifferently, what difference will there be between him and a vegetable?". My italics.

³⁰ Cf. Moore 2006.

³¹ Cf. Ibidem.

³² Cf. *Sent. metaphysicae*, lib. 41. 15. "Sed istae dubitationes stultae sunt".

³³ Cf. Aristotle, *Metaphysics*, 4, c. 4. "It is impossible that there should be demonstration of absolutely everything [*there would be an infinite regress, so that there would still be no demonstration*] [...]. It is absurd to seek to give an account of our views to one who cannot give an account of anything, in so far as he cannot do so. For such a man, as such, is from the start no better than a vegetable [...] will not be capable of reasoning, either with himself or with another". My italics.

natural law refers solely and exclusively to the natural universal inclinations towards the *intellecta* and universal and goods, which are intentionally abstracted by the intellect from the senses and the sensible experience. Therefore, in Thomistic ethics good is definable without falling into *Moore's open question* or in his *naturalistic fallacy*.

References

- Anscombe, G.E.M. and Geach, P.T. 1973, *Three Philosophers: Aristotle, Aquinas, Frege*, Oxford: Blackwell.
- Artigas, M. 2003. *Filosofía de la naturaleza*. Pamplona: Editorial Universidad de Navarra.
- Baldwin, T.G.E. 1990, *Moore*, London: Routledge.
- Bergamino, F. 2002. *La razionalità e la libertà della scelta in Tommaso d'Aquino*. Roma: PhD Thesis: Pontificia Università della Santa Croce.
- Butchvarov, P. 1982, "That Simple, Indefinable, Non-Natural Property Good", *Review of Metaphysics*, 36, 51-75.
- Brock, S.L. 1988, *The Legal Character of Natural Law According to St Thomas Aquinas*, PhD Thesis: University of Toronto.
- Brock, S.L. 2005, "Natural Inclination and the Intelligibility of the Good in Thomistic Natural Law", *Vera Lex*, VI, 61-70.
- Brock, S.L. 2015, *The Philosophy of Saint Thomas Aquinas. A Sketch*, Oregon: Cascade Books.
- Chalmeta, G. 2002, *La justicia política en Tomás de Aquino*. Pamplona: Editorial Universidad de Navarra.
- Corriero, M.A. 2006, *Judging Children as Children: A Proposal for a Juvenile Justice System*, Philadelphia: Temple University Press.
- Cunningham, S.B. 2013, *Natural Inclination in Aquinas*, PhD Thesis: The Catholic University of America.
- Dewan, L. 1990, "St. Thomas, Our Natural Lights, and the Moral Order", *Angelicum*, 67, 283-307.
- Dewan, L. 2008, *Wisdom, law and virtue, essays on thomistic ethics*, New York: Fordham University Press.
- Finnis, J.M. 1980, *Natural Law and Natural Rights*, Oxford: Oxford University Press.
- Finnis, J.M. 1988, *Aquinas. Moral, Political and Legal Theory*, Oxford: Oxford University Press.
- Finnis, J.M. 2011, *Reason in Action*. Oxford: Oxford University Press.
- Finnis, J.M and Grisez, G. 1981, "The basic principles of natural law: a reply to Ralph McInerney", *American journal of jurisprudence*, 26, 21-31.
- Gilson, E. 2002, *Thomism. The Philosophy of Thomas Aquinas*, Toronto: Pontifical Institute of Mediaeval Studies.
- Goyette, J. 2009, "St. Thomas on the Unity of Substantial Form", *Nova et Vetera*, 7, 4, 781-790.
- Henle, R. 2012. *The treatise on law. Saint Thomas Aquinas, "Summa theologiae", I-II, qq. 90-97*. Notre Dame, University of Notre Dame Press.
- Hoffmann, T. and Michon, C. 2017, "Aquinas on Free Will and Intellectual Determinism", *Philosophers' Imprint*, 17, 10, 1-36.

- Hudson, W.D. (ed.), 1969, *The Is/Ought Question*, New York: Macmillan.
- Hume, D. 1748, *Enquiry Concerning Human Understanding*, Section XII. <http://www.davidhume.org/texts/ehu.html> (accessed March 2017).
- Hume, D. 1739-40, *A Treatise of Human Nature*, vol. 3. <http://www.davidhume.org/texts/thn.html> (accessed March 2017).
- Hutchinson, B.G.E. 2001, *Moore's Ethical Theory: Resistance and Reconciliation*, Cambridge: Cambridge University Press.
- Lichacz, P. 2008, *Did St. Thomas Aquinas Justify the Transition from "Is" to "Ought"?*, PhD Thesis: Université de Fribourg.
- Lobato, A. 1991, "Fundamento y desarrollo de los trascendentales en santo Tomás de Aquino", *Aquinas*, 34, 203-21.
- Llano, A. 2003, *Gnoseología*, Pamplona: Editorial Universidad de Navarra.
- Mackie, J.L. 1980, *Hume's Moral Theory*, London: Routledge and Kegan Paul.
- McCluskey, C. 2017, *Thomas Aquinas on Moral Wrongdoing*, Cambridge: Cambridge University Press.
- McInerny, R. 1997, *Ethica thomistica: the moral philosophy of Thomas Aquinas*, Washington: Catholic University of America Press.
- Mondin, B. 1992, *Il sistema filosofico di Tommaso d'Aquino*, Milano: Editrice Massimo.
- Moore, G.E. 1897, *The Metaphysical Basis of Ethics*, Cambridge: Cambridge University Press.
- Moore, G.E. 1903, *Principia Ethica*, Cambridge: Cambridge University Press.
- Moore, G.E. 2006, *Selected Writings*, London: Routledge.
- Palma, I. 2009. *Pasión y habito en Tomás de Aquino. El orden de la tendencia y disposición orgánica*. Roma: PhD Thesis: Pontificia Università della Santa Croce.
- Pincemin, J.M. 1997, *La antropología de santo Tomás en la QD "De spiritualibus creaturis"*. Roma: PhD Thesis: Pontificia Università San Tommaso d'Aquino.
- Pizzorni, R. 1962, "Il diritto naturale come *naturalis conceptio* e *naturalis inclinatio*", *Angelicum*, 39, 150-72.
- Pizzorni, R. 2000, *Il diritto naturale. Dalle origini a san Tommaso d'Aquino*. Bologna: Edizioni studio domenicano.
- Royo, C. 2005. *El concepto de felicidad en santo Tomás de Aquino*. Roma: PhD Thesis: Pontificia Università della Santa Croce.
- Stump, E. 2008, *Aquinas*, New York: Routledge.
- Tonello, A.J. 2009, *La racionalidad de las inclinaciones naturales en Santo Tomás de Aquino*, Roma: PhD Thesis: Pontificia Università della Santa Croce.
- Vanni, S. 2007. *Filosofia della conoscenza*, Bologna: Edizioni studio domenicano.