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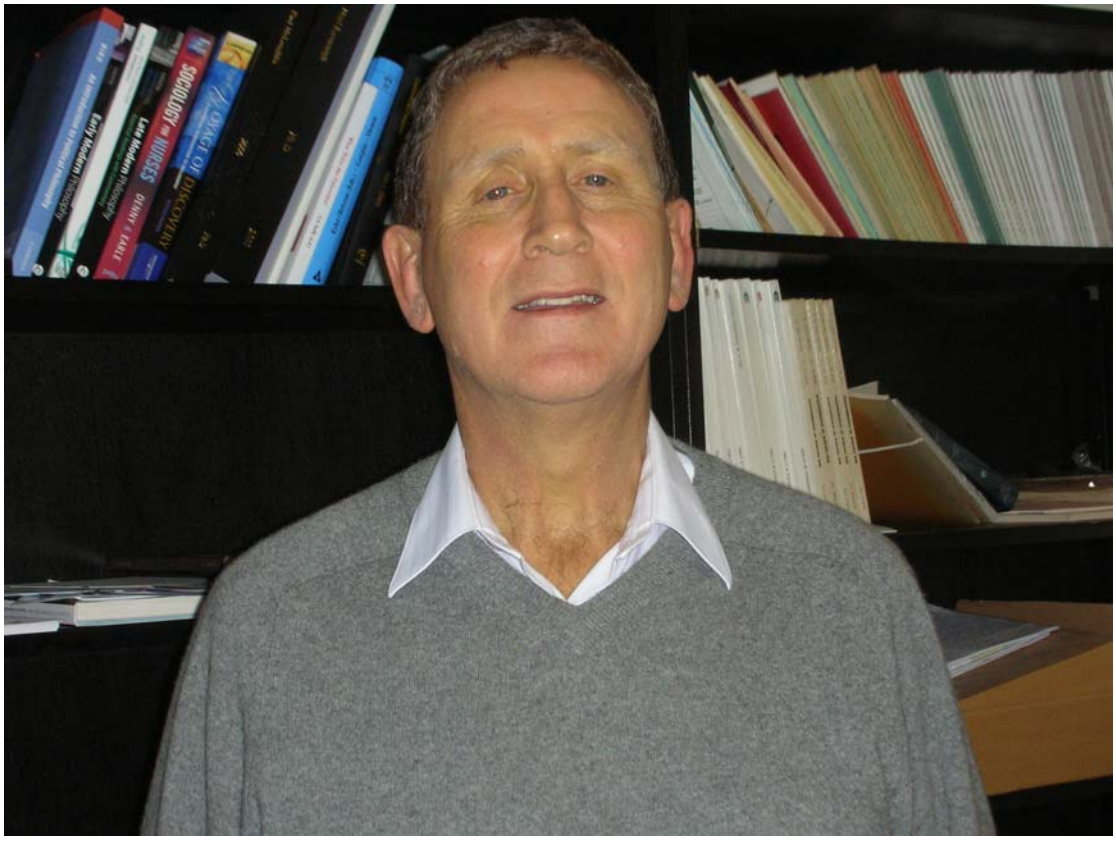

This issue of
Maynooth Philosophical Papers
is dedicated to the memory of

Professor John Cleary, MRIA

Associate Professor of Philosophy
at NUI, Maynooth
who died on April 12th, 2009.

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Foreword

It is my great pleasure as general editor of the *Maynooth Philosophical Papers* to write the foreword to this year's edition of our journal which is the fifth volume in the series. My heartfelt thanks and warmest congratulations to all of the contributors, both staff and students, and especially to the volume editor, Fr Simon Nolan, for doing such a wonderful job in bringing together this valuable collection of papers. *Maynooth Philosophical Papers* remains a showcase of a vital aspect of the Department, namely its research activity, which it makes known to a wider public. It also serves to encourage and publicise the emerging scholarship of our postgraduate students.

The journal was originally started by Professor Thomas Kelly and is indeed one of a number of journals which he founded. While the last journal was being prepared by Dr Cyril MacDonnell we learnt of the sad death of Professor Kelly in February 2008. In the quick succession of events which followed, the task of directing the Department was taken up by Professpr John Cleary. Then in June, only a few months after becoming Acting-Head of the Department, Professor Cleary discovered that he was seriously ill and in urgent need of a transplant. He then began a long and drawn out course of treatment as preparation for a transplant operation which was sadly unsuccessful. In April 2009 the Department of Philosophy was struck by the sad news of the death of another colleague and friend. Those who encountered John during his long illness will testify to his great stoicism, his courage and dry sense of humour. His passing is a great loss to us all and so to commemorate him we have decided to dedicate this issue of the *Maynooth Philosophical Papers* to Professor John Cleary.

As I come to the end of my first year in as acting head, I wish to thank all of those who have helped the Department to continue its important work over the last year - the students, tutors, the lecturing and administrative staff. We look forward to next year and to new challenges.

Dr Michael Dunne,
General Editor, *Maynooth Philosophical Papers*
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July 08, 2009

Issue Editor's Introduction

This fifth issue of *Maynooth Philosophical Papers* gives witness once again to the vibrant research culture within the Department of Philosophy at NUI, Maynooth. Its publication provides an opportunity to showcase the work of faculty members and also to encourage research students to bring their work to the notice of a wider audience.

I wish to thank all the contributors to this volume and all those anonymous readers who undertook the task of peer review. Most especially I would like to thank the Acting Head of Department, Dr Michael Dunne, under whose able stewardship the Department continues to flourish, for his support and encouragement. Sincere gratitude is due also to Ann Gleeson, Administrative Officer of the Department of Philosophy, for her invaluable assistance in producing this volume.

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Aodh Mac Aingil (Hugo Cavellus, 1571–1626) on Doubt, Evidence and Certitude

Michael Dunne

ABSTRACT

When John Duns Scotus died at the young age of 42, seven centuries ago in 1308, he did not leave behind a completed body of work which would present his mature philosophical thought. Thus, the followers of Scotus were faced with the challenging task of interpreting the texts of the Subtle Docotr. Since Scotism became one of the most important schools of thought by the early modern period, the synthesis elaborated by the most famous of the commentators on Scotus's philosophy Hugo Cavellus (1571-1626), Irish Franciscan and Archbishop of Armagh is of capital importance. Cavellus dedicated a considerable part of his commentary on the *De Anima* of Duns Scotus to the problems relating to the theory of the knowledge. Because of Cavellus's central importance in seventeenth-century Scotism, his writings on doubt, evidence and certitude are noteworthy in terms of developments in modern thought .

Hugo Cavellus [1] was born at Downpatrick, County Down, in 1571. His name as transliterated into English became Hugh MacCaghwell (or 'Caughwell') but he was also known as Aodh Mac Aingil. He entered the Franciscan order at Salamanca in 1603 or at the beginning of 1604, at the age of 33. At Salamanca he would have encountered important theologians such as Andrés de la Vega, Alfonso de Castro and Juan Lobera, who had taken part in the Council of Trent. Among his teachers in philosophy and theology were Francisco de Herrera and Juan de Ovando, who are among the best known Spanish Scotists of the seventeenth century. They would not have had much difficulty encouraging Cavellus to study Scotism, since it was believed by many, and especially the Irish friars, that the birthplace of John Duns Scotus (ca. 1266-1308) was Downpatrick (lat.: *Dunensis*), the same as Cavellus. Thus, it should be remembered that in editing and publishing the works of Duns Scotus, Irish Franciscans such as McCaughwell, Wadding and Hickey were promoting the glory of their order and the honour of Ireland at a time when it seemed to them that the survival of the nation was in doubt. For McCaughwell in particular Duns Scotus was one of his own people from Down. When he published his edition of the *Sentences* in 1620, the title page gave the name of the editor as *Hugo Cavellus Hibernus Dunensis.*

In June 1607 Hugo Cavellus was among the founders of the College of Saint Anthony, the college of the Irish Franciscans at Louvain, where he was rector for many years. Here he taught theology for fourteen years, handing on to his many students an enthusiastic and lasting admiration for Duns Scotus and his doctrine; these then carried Scotism to many parts of Europe. Indeed, the majority of the exponents of Scotism in the seventeenth century, quoted in their works from the *Vita Scoti* and the *Apologia* of Hugo Cavellus.

In July 1623 Cavellus arrived in Rome where he taught theology at the convent of Aracoeli. Having become professor emeritus, he was then *definitor generalis* and finally in

[1] A useful (if somewhat brief) source on Cavellus' life is the entry in the *Oxford Dictionary of National Biography* written by T. Clavin. The reader should note that our author is commonly known by three names, Hugh MacCaghwell, Hugo Cavellus, and Aodh Mac Aingil. The first is the anglicised version of his birth name Aodh Mac Cathmhaoil, the second the latinised version which he used in his published Latin works, and finally the name by which he is best known among Irish scholars, 'Mac Aingil', literally 'the son of an angel'. A more extensive examination of his life is to be found in C. Giblin, "Hugh McCaghwell, O.F.M., Archbishop of Armagh (+1626): Aspects of his Life"; originally published in *Seanchas Ard Mhaca*, xi, (1983-5), 259-90; reprinted in *Dún Mhuire Killiney 1945-95. Léann agus Seanchas.* Edited by Benignus Millett and Anthony Lynch. The Lilliput Press: Dublin 1995: pp. 63-94.

1626, by the decision of Pope Urban VIII, he became Archbishop of Armagh and Primate of All Ireland. Cavellus died six months after being consecrated bishop and before being able to return to Ireland. He is buried in the College of St Isidore's,[2] near to Luke Wadding and Antony Hickey.

Duns Scotus is known as the *Doctor Subtilis* and for good reason since he is one of the most difficult medieval authors to master. Not only that but the transmission of his writings present more than the usual problems of mistakes due to copying, etc. Like Richard FitzRalph (1300-60) a generation later (an Irishman but no friend of the Franciscans), Duns Scotus' approach to his writings seems to have been one of continual revision of a work in progress. As the editors of the 2006 edition of the *Quaestiones de Anima* write:

> It is a striking fact that John Duns Scotus never achieved what in medieval terms was called an edition of any of his works … Scotus' writings rather survived his death in multiple stages of revision; as he moved from one teaching assignment to another he typically continued to rework his expression, transfer materials from one work into another, rearrange parts of the text and arguments, devise new or extra arguments perhaps meant to be interpolated into a final version and which were written in the margins of surviving manuscripts, etc.[3]

His subtlety consists in a microanalysis of arguments, the listing of authorities for and against, the adoption of provisional positions and conclusions deferred. Scotus's early death from plague (he was roughly 43 years of age) in the middle of a very successful academic career, which had seen him lecturing at Cambridge, Oxford and Paris, his papers were put together in a somewhat haphazard fashion by his companions and this included notes for revision but also passages which Scotus had himself deleted.

McCaughwell had to make editorial decisions and this involved cutting through a Gordian knot of textual incongruities and so deleting, adding, selecting. The result, together with the work of Hickey and Wadding was the edition of the *Opera Omnia* of Duns Scotus which became the *textus vulgatus* and which still nearly 400 years later is the only complete edition available, although admittedly given the pace at which recent critical editions are appearing this may not be the case for much longer. Indeed, only last year a modern edition came out of the *Quaestiones De Anima*.[4]

But Cavellus' aims went beyond mere editing. He realised that the thought of Scotus is one of the most difficult or subtle of the main scholastic thinkers and so he provided commentaries where the Scotist tradition was represented and expounded. As Martin McNamara puts it:

> He went to great pains, especially in his edition of *Opus Oxoniense*, to help the student to understand Scotus more easily. Much of what he did in this respect deserves the highest commendation, and must have caused him very many hours of exacting work. Before each *Quaestio* he cites the places in which other theologians treated of the same subject: at the beginning of the *Quaestiones* and often in the margins he referred the reader to those places in which Scotus dealt with a matter of a similar kind; he divided up the text and inserted summaries in italics of the matter immediately following; he had the scriptural references cited

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[2] 'In hoc collegio': the reference is to the Irish College of S. Isidoro dei Frati Minori, at Rome, (via degli Artisti, n. 41).

[3] B. Ioannis Duns Scoti, *Quaestiones super Secundum et Tertium De anima.* Edd. C. Bazán, K. Emery, R. Green, T. Noone, R. Plevano, A. Traver. Opera Philosophica V. Washington, 2006; p. 96*.

[4] B. Ioannis Duns Scoti, *Quaestiones super Secundum et Tertium De anima.* Edd. C. Bazán, K. Emery, R. Green, T. Noone, R. Plevano, A. Traver. Opera Philosophica V. Washington, 2006. The judgement of the editors on the work of Cavellus and Wadding is rather negative: 'The result of the editors' procedures is probably the most contaminated redaction of the *Quaestiones De anima* in the whole textual tradition' p. 84*.

> by Scotus printed in a type different from that in the text; he complied exhaustive indexes of matters of note, of scriptural references, of the distinctions, and of the principal controversies treated of by Scotus.[5]

Again to quote Mauritius de Portu: *movit enim nos, et Doctoris Scoti conterranei mei singularis benevolentia, et eius doctrina, cujus lacte ab incunabulis sum nutritus, amor non mediocris.*[6] In particular Cavellus transmitted the thoughts of the great writers from the previous generation in the sixteenth century. Since he had studied at Salamanca he was imbued in that tradition and brought it with him to his teaching and writing. As a result he is more than an exponent of Duns Scotus' thought. The Thomist tradition as mediated through Suarez also is treated by him with respect. Underneath all of this structure is the personal thought of an acute philosopher and theologian who has been taken somewhat for granted and yet is there at the elbow of those who read Scotus in the centuries which followed.

The *Quaestiones Scoti De Anima*:

The theme of certitude in dealt with by Cavellus in his supplement to the *Quaestiones Scoti De Anima*. My attention was directed to this through reading an article by Cathaldus Giblin who repeated the view of a 19th century author to the effect that there were ideas in Cavellus which anticipated Descartes:

> An authoritative study of McCaghwell as a theologian has yet to be done and there is at least one aspect of his writings as a philosopher which would be interesting to investigate more fully. I refer to his alleged influence on Descartes.[7] In McCaghwell's edition of the *De anima* of Duns Scotus which came from the printers in 1625 there is to be found a treatise by McCaghwell dealing with psychology and especially with ideology. In the chapter of evidence (*De Evidentia*) in this work it has been stated that some of the ideas expressed by Descartes, especially as regards dreams, sleep and the certitude of the senses.[8]

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[5] Máirtín Mac Conmara, "Mac Aingil agus an Scotachas Éireannach", in *An Léann Eaglasta in Eireann 1200-1900*, (Dublin 1988). pp. 61-101; p. 82: Thóg Mac Aingil de dhua air féin téacs áirithe de Scotus a bhí á chur in eagar aige ar leagan amach i slí go mbeadh ord an téacs féin mar chabhair don léitheoir agus don mhac léinn. Rinne sé é sin ach go háirithe leis an eagrán de na *Sententiae* san *Opus Oxoniense*. Roimh gach *Quaestio* tugann sé na háiteanna ina ndéanann diagairí eile cur síos ar an ábhar céanna. Ag tús an *Quaestio*, agus go minic sna himill, tugann sé tagairtí do áiteanna eile in ndéanann Scotus ceist ghaolmhar a phlé. Bhris sé suas an téacs i ranna agus chuir sé insteach i gló iodálach achoimrithe de ábhar na roinne a bhí díreach le teacht. Chuir sé téacsanna na Scrioptúir ar bhain Scotus úsáid astu i gló eile a bhí éagsúil ó chló an téacs féin. Ag deireadh eagrán na nAbairtí chuir sé insteach innéacs de phríomhábhair thráchtaireacht Scotuis ar na *Sententiae* agus innéacs (*Indiculus*) de na háibhair sna himleabhair a bhfuil baint acu le rúndiamhra an chreidimh agus leis na conspóidí a bhfuil trácht ag Scotus orthu.

[6] R.P.F. Joannis Duns Scoti Doctoris Subtilis, Ordinis Minorum, Quaestiones subtilissimae super libros Metaphysicorum Aristotelis [Venetiis 1497]. Epistola proemalis Mauritii. Mauritius Hibernicus Ordinis minorum Antonio Trombetae maximo eiusdem Ordinis, cum obseruantia salutem. Reprinted in Wadding [1639], Vol. IV.

[7] M. F. Morin in *Dictionaire de philosophie et de théologie scholastiques* (Migne, Paris 1856), col. 800 and repeated by Marie-Léon Patrem OFM, *Tableau Synoptique de l'Histoire de tout l'Ordre Séraphique de 1208 à 1878* (Paris 1879) and by Ephrem Longpré in 1931, 'The Psychology of Duns Scotus and its Modernity' and 1932 'Psychologie scotiste et psychologie moderne'. Patrem (p. 130) writes as follows: Il est très remarquable, dit M.F. Morin, que dans H. Cavellus (*Disp. de Anima* opuscule qui sert de commentaire au *De anima* de Scot, *Scoti Opera*, t. iii) nous trouvions un essai complet de psychologie et même specialment d'ideologie. Dans le chapitre *De evidentia,* il y a des idées qui rappellent, en les devançant, celles de Descartes, notamment sur les songes, le sommeil, la certitude des sens; on dirait, en lisant cet auteur, que Descartes a pris dans ces prédésseurs une foule de théories particulières, sans les modifier, sinon par la place même qu'il leur donne dans la vaste organisation de la philosophie.

[8] C. Giblin, "Hugh McCaghwell, O.F.M., Archbishop of Armagh (+1626): Aspects of his Life"; originally published in *Seanchas Ard Mhaca*, xi, (1983-5), 259-90; reprinted in *Dún Mhuire Killiney 1945-95. Léann agus*

I do not subscribe to this view, although possible, of a direct influence of McCaghwell upon Descartes as being very likely one, especially after an examination of the text.

In order to shed some light on what Cavellus has to say on certitude, I will examine what he has to say in at some of the questions presented in *Disputatio III De Intellectu et Voluntate,* namely, Sections 6 and 10 (pp. 635-641 in the Wadding edition of 1639)[9]. Section 6 is entitled "On evidence and certitude", and in it Cavellus begins by stating that the intellect clearly and evidently knows its object when it clearly sees the connection between the subject and the predicate, either immediately through the terms themselves, or through a middle term, or by means of something better known (*notius*). He continues that evidence is something essential to, or at least a proper attribute of a clear act of the understanding.[10] Evidence is threefold: moral; physical; and, metaphysical.

Moral evidence, he states, is when some eminent people, who are trustworthy, assert something which should be believed in accordance with the rules of prudence. The mysteries of faith obtain the highest level of this evidence because these are asserted by holy men who agree among themselves and are confirmed by many miracles. However, one can only speak of 'evidence' here in a qualified sense (*secundum quid*) because the revelation which it leads to, is, taken in itself, not evident but unclear (*obscura*). Physical evidence is when something is clearly known from physical principles, such as when there is great heat fire is known to be there. However, sometimes what appears physically evident is not always so, as is clear in the case of the sacrament of the Eucharist. Metaphysical evidence is when, by means of metaphysical principles, a thing is seen so clearly, or known, that it is impossible for things to be otherwise and it is impossible for something false to be concealed under this evidence.

Cavellus continues that some people are of the view that the evidence by which it is believed in far-off lands that 'Rome exists'[11], is not moral evidence but physical evidence, since it is not any less evident that 'fire produces heat'. However, this is foolishly asserted (*inepte dicitur*), for it is impossible for fire not to produce heat, and if a miracle does not impede it, when fire is applied it necessarily produces heat. Again, without any miracle fire can reduce Rome to ashes and then for Rome not to exist. Moreover, it would be foolish to deny that the act by which Rome is known to exist, is human faith but to say instead that it is certain knowledge (*scientificum*). Those who do not see Rome believe that it exists only through human witnesses and not through any middle term or combination of terms.

In his answer (*Dico primo*) Cavellus states 'our intellect through its own powers evidently knows first principles and the conclusions which can be demonstrated from these, and the truths known through experience … as Aristotle states (Metaphysics II,

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Seanchas. Edited by Benignus Millett and Anthony Lynch. The Lilliput Press: Dublin 1995: pp. 63-94; p. 91.

[9] I wish to acknowledge the help that I received from the librarians of the Russell Library, St. Patrick's College, Maynooth, Penny Woods and Celia Kehoe who provided me with digital copies from the Wadding edition.

[10] Nota primo, tunc intellectum clare, et evidenter cognoscere obiectum, qunado tendit in illud instar oculi in lucem, vel colorem: ita vt manifeste videat connexionem praedicati cum subiecto, vel immediate per ipsos terminus, vel per medium notius. [p. 635a] ... Ex quibus patet euidentiam esse quid essentiale, vel saltem propriam passionem actus clari; et idem est de obscuritate respectu obscure. [p. 635b]

[11] The origin of the example would seem to go back to Avicenna ('Mecca exists'), but the immediate historical antecedent was possibly F. Suarez, *Tractatus de gratia pars tertia. De habitu justitiae seu gratiae gratum facientis*, lib. Ix, cap. xi, §§ 2-3. See M.W.F. Stone, "Moral Philosophy and the Conditions of Certainty: Descartes's Morale in Context", in R. Salles (ed.), *Metaphysics, Soul and Ethics in Ancient Thought. Themes from the work of Richard Sorabji* (Oxford: Clarendon Press, 2005) pp. 507-550; p. 524. Stone also notes that Suarez argues that moral certainty admits of degrees, e.g., high (*maior*) and low (*minor*) which is also followed here by Cavellus.

text 1) "the first principles are known to all like the doorway in a house"'.[12] The knowledge of the conclusion depends upon the evidence of the principle together with a good inference depends and this is obtained naturally and evidently. Concerning what is known through experience, Cavellus states 'that which always or nearly always happens is a natural effect from a cause which is not free and this cause can only produce the effect determined by nature. Since, therefore, we always experience that fire heats, we infer that what it does has been imposed on it by nature; and thus this truth is known evidently.'[13]

Cavellus continues: note that whenever the conclusion is known through experience, such as 'The moon is frequently eclipsed' (an example taken from the *Posterior Analytics*), this is recognised through a principle which is known in itself and which is the cause, namely, 'An opaque body when placed in front of a luminous body darkens the transparent medium'. This method is termed the analytical method (*modus resolutivus*) and it aims at a principle which is known in itself and which enables the conclusion to be demonstrated.[14] Sometimes this resolution is not possible and the mind remains at the level of experiential knowledge only so that no cause is clear. The example given is 'a certain kind of plant is always spicy' which cannot be metaphysically evident since it does not exclude the possibility of an underlying falsity.[15]

A number of objections and responses now follow:
1. That by which the truth is represented, namely the species, is changeable since it comes from a changeable object. Again, the subject, namely the soul, is capable of error. Therefore, there is no evident or immutable truth in them. Cavellus replies: The species even if it is changeable in its being, represents in an unchanging way, just as a painted image, even though it can be destroyed, still unchangingly represents its prototype. As regards the changeability of the soul, he replies that it is not changeable as regards error, or regarding the information from terms, or the conclusions which can be drawn from them when the evidence is gained through a syllogistic inference.
2. A species can represent itself, as itself, or as an object; the latter is something which happens in dreams. Therefore, there is no evidence or certitude because if the species represents itself as an object this is incorrect and we are unable to discern when it is so or when it does so. Cavellus replies: it is not the species but the phantasm which represents itself as an object in dreams. However, he continues, it may be objected that the intellect can err because of the representation in the imagination, as is clear in dreams and delirium. For this reason cognition is not evident. His reply is that the intellect evidently knows that a lower power does not err regarding its object when the power is correctly used, unless the power is indisposed, and the intellect knows when it is indisposed, such as in the examples given. For, he says, I do not state that the aforementioned truths are always known without error because it can happen that in dreams the opposite of a first principle will appear; and yet it is not thus that this is not known per se.

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[12] Dico primo, intellectus noster euidenter suis viribus cognoscit prima principia, & conclusiones ex eis demonstrabiles, & veritates per experientiam notas. Ita Scot. 1. dist. 3. quest. 4. num. 5. contra Academicos, est Henricus in summ. art. 1. quaest. 2. Est Aristoteles 2. Metaph. Textu 1. Vbi ait *prima principia esse omnibus nota sicut ianua in domo.*

[13] De cognitis per experientiam, patet; quia quod semper, aut fere simper contingit fieri, & non a causa libera, est effectus naturalis illius a quo fit, quia causa non libera, non potest in pluribus effectum producere, nisi ad quem natura sua determinata est: cum ergo semper experimur ignem calefacere, colligimus hoc esse illi a natura inditum; & sic veritas haec euidenter cognoscitur. [p. 635b]

[14] The discussion would seem to refer to the Posterior Analytics and the ideal of analysing problems back to principles which are *per se notum.*

[15] Aliquando vero sistitur in ipsa cognitione experimentali, ita vt non appareat vlla causa ipsius, verbi gratia: sed neutra experientia est euidens Metaphysice, quia non repugnat hic subesse falsum, vt dixi *notabili* 3. & et docet Scotus supra §. *Quandoque autem*, num. 9.

3. The third objection is that the species of the terms of the first principles depends upon the senses and these are often deceived; therefore so also is the assent of the intellect concerning first principles. Cavellus replies: if the intellect depends upon the services and functions of the senses in the acquiring of species, it does, however, make use of the senses through its own power when it composes and divides. So it is that an error of the senses does not impede the intellect, such as when, for example, sight when deceived judges that which is the whole to be less than that which is a part; but the intellect is not deceived on this account in stating that the whole is greater than the part.

Cavellus continues: I state that we have evident and certain information (*notitia*) concerning our acts; for example, that we are awake, that we are seeing, etc. and given that it is possible for there to be an illusion due to the object, or to the medium, or to an organ, this does not prevent us from knowing certainly and evidently that such acts are in us.[16] In reply to Augustine's statement that 'no real truth is to be expected from the senses because they change unceasingly' Cavellus answers that indeed truth is not be had from the senses but rather from the intellect regarding their operations. An objection then followed based upon the sceptical argument of the apparently broken stick in water, to which Cavellus replies that the intellect clearly knows that sight is wrong here by means of the proposition 'no hard thing is broken by something which is soft and yielding to its touch'. Similarly, through the proposition 'when one quantity matches up to another they are equal', the same quantity can be applied to a seen quantity both near and far-off and so what is seen at a distance is not less than something near. Thus the intellect evidently judges by means of the species of the terms of the proposition, even if the species are taken from an erring sense.

He continues and notes that certainty is twofold:
a) the first which arises from the evidence of the object and from it reaches the highest point in understanding;
b) the second arises from the infallibility or veracity of the witness.
The latter if it derives from the testimony of God, is more certain in itself than the former because it is more perfect knowledge; the former, however, because it is clearer permits the subject in which it is to hesitate less concerning the truth.

He notes that certitude like evidence can be either moral, physical, or metaphysical. Thus, different levels of certainty can be assigned. For inasmuch as the act is more evident in natural things, the more certain it is. However, whereas faith may be the one thing most certain to the believer in this life because of the assent which is given, because of its lack of clarity, it does not exclude doubt from the point of view of the understanding. It is in this way, says Cavellus, that Aquinas is to be understood when he states that the assent of faith in itself is more certain that the act of knowledge, but not from our perspective (*quoad nos*).[17]

Section 10 is entitled: "Concerning opinion, faith, doubt, suspicion and apprehension – how do they differ?" Cavellus begins by stating that opinion is an act of the intellect which is deduced from intrinsic principles which do not evidently show what is the truth or falsity, such as this conclusion: 'Quantity is distinct from the size of a thing'. The intellect can assent or dissent from this. It differs from faith since this relies upon the testimony of the speaker even when this is divine faith, under which it is impossible for falsity to lie concealed

[16] Dico secundo, euidentiam, & certam habemus notitiam de nostris actibus; verbi gratia, quod vigilamus, videmus, &c. et esto illusio contingere posit, ratione obiecti, medij, vel organi, non tamen obstat quo minus certo, & euidenter cognoscamus tales actus nobis inesse. Ita Scot. *loco citato, num.* 10. est Aristotelis 4. *Metaph.* [p. 636a]
[17] *Summa theologiae*, 2a2ae, q. 4, a. 4.

He divides opinion is into probable and improbable; the latter relies upon sufficient reasons so that following them is not judged to be acting imprudently; the former, on the contrary, because it relies upon many and more efficacious arguments, is a more probable opinion.[18] However, Cavellus states 'in conscience it is sufficient to follow the probable (convincing), nor are you bound to follow the more probable (*probabilior*) nor the safer (*tutior*)'.[19] He continues: it can happen that the less safe is the more probable, such as if there were many reasons excusing someone from making restitution, yet it would be safer (*tutius*) to make restitution. He concludes: 'you can follow the probable opinion of others against your own opinion, but then you are more properly following human faith.'

Human faith is assent on the account of the testimony of a man, and it barely differs from opinion because both rely upon an unclear fallible middle term (*medio obscuro fallibili*). In order to be able to follow this in conscience, the witnesses must be worthy of trust (*fide digni*); for the person who believes swiftly, is credulous. However, it differs from opinion in firmness, because it often excludes all apprehensiveness (*formido*), such as when I believe that the world existed before me, or that Rome exists. And thus faith is in between knowledge and opinion, because faith has apprehension with it, opinion does not.

Doubt or hesitation is an act by which it is judged that neither side can be definitively adhered to, because the intellect does not find a greater link between the terms (*connexio extremorum*) on this side rather than on the other. If no act is forthcoming, the doubt will be a negative one, (i.e., because there is an absence of sufficient evidence). It differs from apprehensiveness because this is a reflexive act, by means of which one judges that the opposite is perhaps more likely (*verius*) and does not exclude assent to one side. Thus, when there is apprehension regarding the opposite, it is right and permitted to do something, but not in the case of doubt.

If, however, one is doubtful because of intrinsic principles, one can follow the other side through extrinsic principles, for example, through the judgments of others. If it is legitimate to follow the opinion of others against ones own opinion, then so much more will it be permissible when you only doubt. Cavellus says that here again you are

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[18] Diuiditur in probabilem, & improbabilem; illa nititur ita sufficientibus rationibus, vt sequens eam non censeatur imprudenter agree; haec e contra, quo efficaciores, & plures sunt rationes, eo probabilior est opinion. & e contra. [p. 640b] See, M. Stone, "The Origins of Probabilism in Later Scholastic Moral Thought" in Recherches de Théologie et Philosophie Médiévales 67 (2000), pp. 114–157; p. 116n: 'Probabilism is a doctrine that states that in a case of moral perplexity an agent can act on 'either' horn of the dilemma provided that it can be shown that the opinion selected is 'probable', i.e., supported by authoritative arguments and judgments of reputable authorities. A further implication of the thesis is the view, so often the object of criticism, that in doing so an agent can reject the requirements of the more probable alternative and simply act on the probable opinion.' The doctrine seems to derive ultimately from derived from the *endoxa* of Aristotle in *Topica* I, i: Generally accepted opinions are those which commend themselves to all or to the majority of the wise – that is, to all of the wise or to the majority or to the most famous and distinguished of them.

[19] Diuiditur in probabilem et improbabilem; illa nititur ita sufficientibus rationibus, vt sequens eam non censeatur imprudenter agree; haec e contra, quo efficaciores, & plures sunt rationes, eo probabilior est opinion. & e contra. Sed in conscientia sufficit sequi probabilem nec teneris ad probabiliorem, neque ad tutiorem ... . [p. 640b]. It is interesting that Cavellus in subscribing to probabilism is following the views of some of the Jesuit theologians which he often likes to quote, namely Vasquez, Sancius, Azor and Suarez and departs from what will be the position of other Irish Franciscans at Louvain. The doctrine was not an uncontroversial one as M. Stone points out in "Moral Philosophy and the Conditions of Certainty: Descartes's Morale in Context", pp. 522-23: In 1655 the Louvain theologians condemned probabilism; and the followers of Jansenius adopted tutiorism or rigorism (a doctrine traced back to Innocent III 'in dubiis via est tutior eligenda') and rejected here also by Cavellus. In the eighteenth century, Franciscans tended to be probabiliorists, again rejected here by Cavellus.

not required to follow the safer course; just as you are not when you follow someone else's opinion against your own.

Cavellus makes a further distinction between speculative and practical doubt. As an example of speculative doubt he gives the following: someone doubts whether a thing found among inherited things is theirs. An example of practical doubt follows: Is it permissible to keep such a thing? Cavellus states that it is permissible to act with a speculative but not with a practical doubt. Finally, Cavellus writes that suspicion is an act by which someone conjectures that someone else has attempted or done this or that, but it seems it does differ from opinion. So it is that it is probable or improbable, such as when an opinion is said to be unadvised when based upon a weak foundation.

Conclusion

To date Aodh Mac Aingil the poet is better known than Hugo Cavellus, philosopher and theologian, editor of Duns Scotus. For someone who began his university education in his early 30s Cavellus achieved a considerable amount in his twenty years or so as a teacher and writer. I have merely touched upon one theme here and there are many others still to be explored in the other *disputationes* on the substance of the soul, the corporeal powers of the soul and on the separated soul. For example in Disputatio II, Sect. 9 De visu, there are a number of *dubia* on the nature of light, colour and vision. From the initial study here something has emerged of Cavellus' own positions such as his support for the moral doctrine of probabilism.

A large number of Mac Aingil's former pupils went out to lecture in philosophy and theology throughout Europe. Thomas Fleming was a lecturer in philosophy in Aachen and in Cologne, Patrick Fleming who began as a lecturer in St Isodore's College in Rome, returned to Louvain, and then went on to Prague. Didacus Gray who was professor in Cologne; and the person who of them all was the most influential and ablest of them, Anthony O'Hickey was lecturer in Louvain, in Aachen, in Cologne and then eventually a professor in theology in St Isodore's College in Rome. Throughout the centuries which followed, whenever scholars read the works of Duns Scotus in Wadding's edition of the *Opera Omnia*, they also read Cavellus.

It is fair to say that a more balanced assessment of Cavellus' contribution is now becoming more common among scholars. Rather than merely supplying some helpful notes to reading Scotus, the importance of Cavellus's contribution to the Scotist school is becoming clearer as we begin to appreciate the context in which he worked. Scholars are beginning to recognize the importance of later Scholasticism, its concern with analysis and technical sophistication which as University philosophy formed the background for the popular presentation of similar themes in writers such as Descartes. Although Mac Aingil is not an easy author to approach at first but he is, unlike some others thinkers of the modern age, someone who more than repays time spent in his company.

Philippa Foot's 'Natural Goodness'

Patrick Gorevan

ABSTRACT

Philippa Foot, with the help of her friend and colleague Elizabeth Anscombe, discovered that *Summa Theologiae*, II-II of Thomas Aquinas was a powerful resource in seeking objectivism in ethics. Foot's aim was to produce an ethics of natural goodness, in which moral evil, for example, came to be seen as a 'natural defect' rather than the expression of a taste or preference. This brought her to develop a concrete ethics of virtue with a broad sweep, dealing with the individual and communal needs and goods of human beings, and particularly with their central moral quality of acting for a reason, with a practical rationality. This has helped her to return to an Aristotelian meaning of virtue, as simply one kind of excellence among others.

The general topic of the seminar for which this paper was written was 'Analytic Thomism': Thomistic thinking which is carried out in an analytic way.[1] Perhaps it is closer to the point to call Philippa Foot a Thomistically influenced analytic philosopher. Fergus Kerr's recent assessment puts it well:

> For many years now, a small number of philosophers in the analytic tradition have been reading Aristotle, but also Thomas Aquinas, more or less obviously, in ways which enable them to resist, criticise and reshape the agenda in ethics. Few as these philosophers are, they have exercised an influence far beyond their tiny number. Through them, Thomas has long been an important resource, with some of his key ideas incorporated, anonymously or obliquely, into mainstream philosophy.[2]

This is a good description of Philippa Foot's achievement.

I will begin by mentioning Foot's early development in moral philosophy, particularly her contact with Elizabeth Anscombe, with special mention of Anscombe's suggestion that she investigate the virtues in Aquinas. I then turn to her critique of subjectivism, the need to turn to the subject's emotions or commitment in order to turn 'facts' into 'values'; and finally to her positive theory of natural, species-based goodness and the practical rationality which responds adequately to this.

Philippa Foot and Elizabeth Anscombe

It is clear that Philippa owed a philosophical debt to Elizabeth Anscombe, and that debt could be summed up in the word 'influence'. Or perhaps we also need the word 'friendship' to do justice to it. As a philosopher from a rather different tradition put it in 1997:

> It must not be forgotten that reason too needs to be sustained in all its searching by trusting dialogue and sincere friendship. A climate of suspicion and distrust, which can beset speculative research, ignores the teaching of the ancient

[1] 'Analytic Thomism' Seminar organised by Cairde Thomais Naofa in National University of Ireland, Maynooth, 12 April 2008.

[2] Fergus Kerr, 'Aquinas and Analytic Philosophy: Natural Allies?' in *Aquinas in Dialogue*, J. Fodor and F.C. Bauerschmidt eds. (Oxford: Blackwell, 2004), p. 124.

> philosophers who proposed friendship as one of the most appropriate contexts for sound philosophical enquiry.[3]

These words from *Fides et Ratio* underline John Paul II's conviction that every man is seeking the answers to the important questions in life, but that he does not undertake this search alone. Philippa Foot's friendship with Elizabeth Anscombe and their conversations on ethics and other areas have marked her thinking.

Philippa Foot (originally Bosanquet) was born in 1920, grand-daughter of US President Grover Cleveland. She was one of the founders of Oxfam, and a contemporary, friend and disciple of Elizabeth Anscombe at Oxford in the 40s, from whom she received a spur to her subsequent development from Anscombe, whom she always cites as a major influence, and in a recent interview declared one of the very best philosophers of our time.[4] Foot had come from a non-bookish environment, indeed had no formal education as a child, simply a series of governesses. One of these finally suggested to her that she would be able to get to university, and so she put in for some correspondence courses and ended up being accepted by Somerville College Oxford, where she was a contemporary of the philosopher-novelist Iris Murdoch, who has written a memoir of her from those years.

Mary Midgely's recent autobiography, *The Owl of Minerva*, describes the lifestyle of the postwar Somerville College and the dedication to philosophical conversation which marked the group around Elizabeth Anscombe and Iris Murdoch there.[5] Issues like rudeness, talkativeness, promise-making, and the like came to the fore. Foot herself speaks of her lunch-time conversations with Anscombe, in which 'she'd propound some topic, and, and though she hardly ever agreed with what I said, she was always willing to consider my objection, and to wonder why I had made it.'[6]

In her recollections of those times, particularly of her return to Oxford after World War II, she points to the revelations of the concentration camps and other unprecedented acts of evil in the war as an incentive to get involved in moral philosophy in particular, even though she had been more interested in the philosophy of mind. It began to sound rather hollow when she read Ayer, Stevenson and Hare claiming that 'good' and 'evil' were merely expressions of 'emotion' or 'attitude' rather than objective judgements on human actions.

On a number of occasions she has spoken of the spur which she received from the horrific photographs and films of concentration camps came out in the forties:

> [I]t's really not possible to convey to people who are younger what it was like. One would have said such a thing on such a scale could not happen, human beings couldn't do this. That was what was behind my refusing to accept subjectivism even when I couldn't see any way out. It took a long time and it was only in the last fifteen or twenty years that I managed it. But I was certain that it could not be right that the Nazis were convinced and that there was no way that they were wrong. It just could not be…
>
> That is what has driven all my moral philosophy.[7]

Aquinas, Aristotle and the virtues

The way to objectivism in moral theory came when Anscombe suggested that she read

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[3] John Paul II, *Fides et Ratio*, 33.

[4] 'The Grammar of Goodness', interview with Alex Voorhoeve in *The Harvard Review of Philosophy* XI (2003), p. 34.

[5] *The Owl of Minerva* (London: Routledge, 2006)

[6] 'The Grammar of Goodness', interview with Alex Voorhoeve in *The Harvard Review of Philosophy* XI (2003), p. 34.

[7] 'The Natural', Interview with Julian Baggini in *The Philosophers' Magazine*, issue 21 2003, p. 43.

Aquinas, and this brought her to the Second Part of the *Summa Theologica*, dealing with specific virtues and vices, later reflected in her *Virtues and Vices* (1978).[8] She found that 'the *Summa Theologica* is one of the best sources we have for moral philosophy, and moreover that St Thomas's ethical writings are as useful to the atheist [Foot has always declared herself to be a 'card-carrying atheist'] as to the Catholic or other Christian believer'.[9] This brought her to say that there are good reasons, not just to say that behaviour is vicious or virtuous in general, but that specifically, particular virtues and vices connect with key aspects of human welfare, and human appetite as controllable by will is probably involved.

This means *all* of the main virtues, however, as traditional thinkers believed. In *Natural Goodness*, Foot complains that most philosophers in modern times see their subject as having to do exclusively with the virtue of *justice*:

> [R]elations between individuals or between an individual and society, and so with such things as obligations, duties, and charitable acts. It is for this reason that, of the four ancient cardinal virtues of justice, courage, temperance and wisdom**,** only the first now seems to belong wholly to 'morality'. The other three virtues are recognised as necessary for the practice of 'morality' but are now thought of has having part of their exercise outside 'morality' in 'self-regarding' pursuits, 'moral' and prudential considerations being contrasted in a way that was alien to Plato or Aristotle.[10]

Foot believes that when we speak of courage, temperance and wisdom we are making evaluations of the rational human will also, just as surely as when we speak of matters of justice. She claims that folly, obstinacy and rashness, not to mention churlishness, ingratitude and despair can also deserve classification as 'wicked' or 'evil' even though no-one else is hurt by them.

This is the approach of all of her work, right down to *Natural Goodness* (2001), in which she situates morality within a theory of natural norms and species-based criteria of evaluation, as well as bringing to a new level her account of practical rationality which shows that *human* choice is based on i) rational grounds ('acting on a reason') rather than causal antecedents à la Hume, whom she often criticises in this regard, and ii) a description of properly *human* goodness and happiness**.**

Objectivism in ethics

What is Philippa Foot trying to achieve? She tells us, at the beginning of her key work, the culmination of her thought, *Natural Goodness*:

> I have in this book the overt aim of setting out a view of moral judgement very different from that of most moral philosophers writing today. For I believe that evaluations of human will and action share a conceptual structure with evaluations of characteristics and operations of other living things, and can only be understood in these terms. I want to show moral evil as 'a kind of natural defect'.[11]

This is a far cry from G.E. Moore's anti-naturalism and from the subjectivism of Hare, Ayer and Stevenson. The latter had felt that they could now identify Moore's strange 'non-natural' qualities among which 'good' and 'evil' were to be found: they were simply 'attitudes' (emotional, expressive, or prescriptive) of the speaker, and reflected his or her commitment and views rather than a description of the event, person or action

[8] *Virtues and Vices* (Oxford: Blackwell, 1978).
[9] *Ibid*., p. 2.
[10] *Natural Goodness*, (Oxford: Clarendon Press, 2001), p. 68.
[11] *Ibid*., p. 5.

referred to.

According to Foot, subjectivism in values means that the making of a sincere moral judgement requires the presence of individual feeling, and goes beyond description or assertion of fact, in such a way that the descriptive content of moral-sounding words never reached all the way to moral evaluation – the speaker's emotion or command to action would always need to be added. Someone convinced of the utility of certain kinds of action would not – indeed could not – straightforwardly make the judgement about their moral goodness unless he found in himself the right feelings and attitudes, or was ready to take the step of committing himself to act in a particular way. Fact had been clearly distinguished from value, is from ought.[12]

In this connection, Foot recounts an exchange she had with Elizabeth Anscombe in one of their early philosophical lunches. She had remarked of some sentence that it must have a mix of descriptive (factual) and evaluative meaning. 'And [Anscombe] said: 'Of what? *what*?' And I thought, "my God, so one doesn't have to accept that distinction! One can say *what*?"'[13] This was crucial for Foot, and became a key question in her thought.

In later years Foot would deal with this, in her 1995 lecture: 'Does Moral Subjectivism Rest on a Mistake?' she claimed that it is the mistake of 'so construing what is "special" about moral judgements that the grounds of a moral judgement do not reach all the way to it'.[14] Whatever factual grounds have been given, the person may not be ready to make the moral judgement because he or she has not got the attitude, feeling or conation which would be commensurate with such a judgement.

Why is this 'non-cognitivism' so prevalent? In an early essay on Hume on moral judgement she points to his definition of morality as essentially practical, serving to produce or prevent action. She quotes from the *Treatise*:

> Take any action allowed to be vicious: wilful murder for instance. Examine it in all its lights, and see if you can find in that matter of fact, or real existence, which you call *vice*. In whichever way you take it, you find only certain passions, motives, volitions and thoughts. There is no other matter of fact in the case. The vice entirely escapes you, as long as you consider the object. You can never find it, till you turn your reflection into your own breast, and find a sentiment of disapprobation, which arises in you, towards this action. here is a matter of fact; but 'tis the object of feeling, not of reason. It lies in yourself, not in the object.[15]

Reason is useless in this connection; it is 'calm and indolent' for Hume: between these calm and indolent judgements and the assertion that something should be done, there is, for Hume, the famous gap between *is* and *ought*.

Foot believes that theories based on this gap are traceable back to an *interpretation* of Hume's 'crucial' (and correct) premise: morality is necessarily practical. This can lead one to too close a connection between moral judgment and the will of the person judging, rather than focusing on the goods which the person has identified in the situation or action being assessed:

> [M]oral virtues are qualities necessary if men are to get on well in [the] world …This general connexion between such things as courage, temperance, and justice and human good is quite enough to explain why people are often influenced by considerations of morality. They are not *necessarily* influenced, as

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[12] *Ibid*., p. 8.

[13] 'The Grammar of Goodness', interview with Alex Voorhoeve in *The Harvard Review of Philosophy* XI (2003), p. 34.

[14] 'Does Moral Subjectivism Rest on a Mistake?' in *Moral Dilemmas* (Oxford: Clarendon Press, 2002), p. 192.

[15] *A Treatise of Human Nature*, II I 2, cit. in 'Hume and Moral Judgement', in *Virtues and Vices*. p. 77.

> Hume must have known; but they are concerned to teach and practise virtue in so far as they have taken this thought for their own and the common good. It is therefore unnecessary to posit a special sentiment to explain why observations about virtue have an influence on will, and the *raison d'être* of Hume's subjectivist theory of ethics disappears[16]

Practical Rationality

Philippa Foot says that Hume's demand for a practical morality is met by a most un-Humean thought: that 'acting morally is part of practical reasoning'.[17] It does not require some kind of introspective sentiment or desire on the subject's part. It simply means that we know how to do good things and want to do them. She quotes Aquinas here: 'wisdom is a power under direction of the will'. This is what adds up to the role of prudence in perfecting the practical intellect.[18]

So what makes a person morally say, just? For Foot, it is the fact that for him certain considerations count as *reasons* for action**,** and as reasons of a given weight. People who possess certain virtues possess them insofar as they recognise certain considerations, such as the fact of a promise or of a neighbour's need, or the helplessness of his or her child or aged relative, as powerful. The root notion, the common thread linking different parts of practical rationality is the goodness of the human beings in respect of their actions, which means goodness of the will, rather than simple gifts or skills of sight, dexterity or memory. Kant was right to say that moral goodness was goodness of the will; but he was wrong to think that an *abstract* idea of practical reason applicable to 'rational beings' as such could take us all the way to anything like our own moral code. For the evaluation of human action depends also on essential features of *specifically human life* – educating children, helping those in need, telling the truth, practising chastity, etc.

Gavin Laurence adds that Foot's approach to practical rationality has been developing over the years.[19] In her early thinking, even when she had sloughed off Humean determinism in order to develop a theory of real and free practical rationality, prudence or practical rationality was still bound up with the agent's desires and interests, rather than with the practicable good – target of the traditional theory.

In the traditional theory, however, this is not enough: the mere fact that the end is desired by the agent is not sufficient for it to be a reason for him to act, either ever, or in these particular circumstances. Ends as well as means are assessable. Agents can make mistakes over their ends on this theory.[20] The 'formal object', as he puts it – the 'point' of practical rationality – is the practicable good. He believes that this is the direction in which Foot has been moving with her notion of species-based 'natural goodness'.

Foot has been particularly influenced in this direction, away that is from the neo-Humean approach, which still felt that the subject's desires were somehow the key, even if not in a determinist way, by Warren Quinn's question: *what would be so important about practical rationality if that was all that it did*? and, if it were simply the relation of means to ends, *whatever* the ends might be. Why should practical rationality, with such a narrow focus, be able to dictate the terms of goodness? Reflecting on this, she realised that people take it for granted that practical rationality is not mere cunning, which is its caricature, but 'has the status of a kind of master-virtue', always to be found when things

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[16] '*Hume on Moral Judgement,* p. 80.
[17] *Natural Goodness*, p. 9.
[18] 'Virtues and Vices' in *Virtues and Vices*, p. 6, referring to *Summa Theologica* I-II q.56, 3.
[19] Gavin Lawrence, 'The Rationality of Morality' in *Virtues and Reasons*, (Oxford: Clarendon Press, 1995), pp. 89-148.
[20] Gavin Lawrence, op. cit., p. 128.

like goodness and evil are involved.

This brought her to 'the change of direction that Quinn suggested: seeing goodness as setting a necessary condition of practical rationality.'[21] Most people, she claims, reject a 'present-desire' theory of reasons for action and judge that someone who knowingly puts (say) his future health at risk for a trivial pleasure is behaving foolishly, and therefore not well.'[22]

This means that prudence, for Foot, is not simply a technical virtue for achieving our ends more ably, it is itself bound up with the end, with the good. As Herbert McCabe put it, it is much more importantly thinking what sort of action follows from the kind of person I am. To quote Aristotle, you have to have a character in order to make a decision, because how we interpret the world depends on the kind of person one is, the kind of virtues or vices you have developed.[23] The induction which brings us to know the first principles of action would be mistaken without the experience which proceeds from the presence of virtue.

Foot remarks that this insight permitted Quinn to develop his neo-Aristotelian account of human goods, and it certainly helped her to write *Natural Goodness*, in which we find that the life of our species and 'Aristotelian necessities', like habitat, education of young, care for the old and vulnerable, play a part in moral decision-making. Virtues such as chastity, temperance, courage find their fulfilment in the protection of goods such as these.

> Life [is] at the centre of my discussion, and the fact that a human action or disposition is good of its kind [is] taken to be simply a fact about a given feature of a certain kind of living thing.[24]

Alasdair MacIntyre and practical rationality

Alasdair MacIntyre, in a recent review article about Philippa Foot and Peter Geach, has suggested that Philippa Foot's argument would gain by being pushed a little further. He is impressed (how could the author of *Dependent Rational Animals* not be?) by Foot's interest in species-based natural goodness, but he is not convinced that Foot has found the formula for identifying what a *natural* good is, claiming that many of the virtues which she singles out are indeed good and productive of good but that it is 'not proven' (as a Scot might say) that they are *naturally* so (and he instances the issue of making promises), leading to a situation that to judge an action personally immoral does not necessarily mean that it is naturally evil.

MacIntyre suggests a way out: change the definition of 'goods-specific-to-human-beings' by playing up the role of practical rationality, the specifically human quality of 'acting for a reason'. To say of something that it is 'good' should mean simply *that it gives some class of agents a reason for action*. Nothing other than a good can do this: give us reasons for action. Since we are by our specific nature reason-givers, and reason evaluators, to act against reason or without considering adequately what reasons there are for acting, when one is capable of acting rationally, will certainly involve acting immorally, but it will, crucially, also be to suffer from a natural defect, for 'by failing to accord with reason it exhibits defective humanity'.[25]

Conclusion

For Philippa Foot, beyond all questions of perspective to be applied to human beings in

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[21] *Natural Goodness*, p. 63.
[22] *Ibid.*
[23] Herbert McCabe, 'Teaching Morals', in *God Still Matters* (London: Continuum , 2003), p. 197.
[24] *Natural Goodness*, p. 5.
[25] Alasdair MacIntyre, 'Virtues in Foot and Geach' in *The Philosophical Quarterly* 52 (2002), 621-631.

differing circumstances and cultures, there are some basic human needs and goods, and the practical rationality involved in recognising and achieving the practical good is the place where virtue is found for human beings.

Returning to Fergus Kerr's assessment of analytic Thomism and its ability to reshape the agenda in ethics, alluding to Elizabeth Anscombe's starting point:

> [T]he project of getting the word 'moral' out of ethical discourse and returning to something like Aristotle's account of what we call 'virtue' as one kind of excellence among others was not advanced very far by Anscombe. It has been brilliantly achieved by Philippa Foot.[26]

[26] Fergus Kerr, 'Aquinas and Analytic Philosophy: Natural Allies?' in *Aquinas in Dialogue*, J. Fodor and F.C. Bauerschmidt eds. (Oxford: Blackwell 2004), p. 128.

Stein's Phenomenology of the Body: The constitution of the human being between description of experience and social construction[1]

Mette Lebech

ABSTRACT

Stein's phenomenology is one that is particularly sensitive to intersubjective constitution, and thus her constitutional analysis of the body is one that allows for an analysis of the body as 'socially constructed' (in so far as one understands this term to mean the same as 'inter-subjectively constituted'). The purpose of this paper is to give an account of Stein's phenomenology of the body as it appears in *On the Problem of Empathy*, her constitutional analysis being explicitly articulated in this work as including both subjective and intersubjective layers.

Edith Stein, Husserl's first assistant after the First World War and editor of *Ideas* II and III, attempted to underpin Husserl's understanding that empathy was foundational for intersubjectivity by writing her doctoral dissertation on the problem. *On the Problem of Empathy* (1917)[2] originally comprised a hermeneutic analysis (now lost) of various occurrences of the theme in authors influencing the early stirrings of phenomenology such as Theodor Lipps, Max Scheler and Wilhelm Dilthey. This led up to an eidetic analysis of the essence of empathy (which is now the first chapter) and two constitutional analyses pertaining to what empathy contributes to the constitution of – the psycho-physical individual (Chapter Three) and the person (Chapter Four). Stein follows in these analyses what she understands to be standard phenomenological practice, and models her work on what she already knows of the entire project of Husserl's *Ideas*. She thus begins with a historical/empirical analysis of how the concept has been formed by others before her (the chapter now lost), proceeds to an analysis of essential structures (like *Ideas* I), moves on to constitutional issues (like *Ideas* II) before turning towards the sciences consequent upon the things thus constituted (as does *Ideas* III).

The problem of empathy, because it allows us to accede to intersubjective experience, is at the heart of the phenomenological project spearheaded by Husserl, and Stein understood her dissertation as a contribution towards the same. *On the Problem of Empathy* is therefore a kind of addition to *Ideas* I: something Stein understood to be missing in this work for the work to be complete. Later, when her attempt to edit *Ideas* II and III to publishable standards had left her convinced that Husserl was not acknowledging the necessity of this addition, she wrote her own contribution to the phenomenological project of founding the sciences, focusing on

[1] This paper was first given at the conference 'Perspectives on Intercorporeality and Intersubjectivity' held in UCD 6-7 June 2008, and given again at the NUIM Invited Speakers' Seminar 27 November 2008.

[2] Edith Stein: *On the Problem of Empathy*, transl. by W. Stein, *Collected Works of Edith Stein III,* ICS Publications, Washington D.C., 1989; translation from *Zum Problem der Einfühlung*, Buchdrukerei des Waisenhauses, Halle, 1917 (to appear in *Edith Stein Gesamtausgabe*, Bd. V., Herder)

Psychology and the Humanities[3] the objects of which (psyche and spirit) she knew to be most affected in their constitution by the lack of an appropriate analysis of empathy.[4] Already the analyses of the constitution of psyche and spirit in *On the Problem of Empathy* are superior in their systematic precision to the analyses of *Ideas* II. The two lines of enquiry, however, are further pursued in the two treatises post-dating her editorial work, with *Sentient Causality* exploring the constitution of the psyche and *Individual and Community* the foundation of the humanities. Together these two treatises form what has been translated as *Philosophy of Psychology and the Humanities*.

To Stein constitutional analysis is part and parcel of the phenomenological method: it is an analysis of how something is brought together or coming together, how it is identified in experience from various elements or sources. A cup is constituted from various acts of seeing, touching, remembering, using, comparing etc.; it comes together on the background of other experiences (e.g. green, textured, heavy, moody, etc.) which recede to the background or become qualities of the cup when the cup is constituted as such. Furthermore, the cup is constituted as objective in the field of tension between subjective experience and inter-subjective experience accessed by the means of empathy: You see a cup - I think 'there probably is a cup' - you point it out - I see a cup. It is easy for me to identify a cup because I have learnt to do it in a community that sees no reason to take cups to be controversial. In a society where cups were controversial (say great value were attached to any object, which could obtain the denomination 'cup') the identification or constitution of a cup would be more difficult, it might involve attestation by experts, the possibility of fraud and pretension, and even danger (if one, say, identified one in the possession of someone who did not have a licence for possessing one). My experience, in other words, comes to me as something that can be challenged by the experience of others, so that *our* experience does not necessarily coincide with *mine*. The articulation of the different types of interdependence of subjective experience that structures inter-subjectivity are discussed by Stein in her treatise *Individual and Community*. Here she shows how sheer togetherness, sentient contagion, association and community allow for different types of collective experience, which I may identify as 'our' experience depending on how I identify myself in relation to them. The constitution of my personal self (as member of this community, influenced by that person, determined by that value) thus defines the type of intersubjective experience I will contribute to the 'social construction' (the inter-subjective constitution) of the world experienced as objective by others as well as myself. The understanding of how constitution and experience is motivated is the proper object of the sciences of the humanities,[5] and Stein therefore envisages motivated constitution as something that can be explored in them, in e.g. anthropology, sociology, politics, history, literature and art. The body and its constitution as influenced by culture is indeed often addressed by these sciences. What they are investigating is the motivation behind particular types of constitution.

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[3] *Philosophy of Psychology and the Humanities*, transl. M. C. Baseheart and M. Sawicki, *Collected Works of Edith Stein VII*, ICS Publications, Washington D.C., 2000; translation from *Beiträge zur philosophischen Begründung der Psychologie und der Geisteswissenschaften*, Max Niemeyer, Tübingen, 1970 (to appear in *Edith Stein Gesamtausgabe* Bd. 6).

[4] Sawicki, Marianne: 'Making up Husserl's Mind about Constitution', in *Yearbook of the Irish Philosophical Society* 2007, ed. Will Desmond, pp. 191-216, and *Body Text and Science*, Kluwer, 2000.

[5] 'The Humanities' are called *Geisteswissenschaften* in German: 'Geist' means 'spirit', and Stein understands spirit as motivatedness.

On the Problem of Empathy is not primarily analysing how the act of empathy is constituted (although Chapter II on the essence of empathy implicitly does that). It is rather analysing how *those entities that could not be constituted without the contribution of the act of empathy* (because they are subjective in nature) are constituted: i.e. the psycho-physical individual (including its parts: body, soul, psyche, emotions, character) and the person (in its spiritual space defined by motivation and concretised by a personality relative to chosen values). Stein is in other words analysing how the body, the soul, the psyche and the spirit is 'coming together' for us, how it comes about that we experience ourselves as we do. We cannot really say that this presupposes that we in fact have body, soul and spirit – Stein is rather showing what the experiences are that contribute to us identifying ourselves in terms of these. Constitution cannot be forced (although it can be conditioned – 'that is not a cup, otherwise your children will suffer'); identification is essentially motivated. Thus our understanding of our body is motivated by our experience in its entirety.

So what is this experience that allows us to identify ourselves and our bodies?

'I', the pure I, constitutes itself from experience as the qualityless pole or subject of all experience. That is, the I is always there, essentially related to experience. But that is the only thing that is essentially related to experience. The other and the body is not quite that, they are only essentially related to the type of experience which is recognisable as ours:

> In various authors, such as Lipps, we have found the interpretation that this is not an 'individual "I"' but first becomes individual in contrast with 'you' and 'he'. What does this individuality mean? First of all, it means only that it is 'itself' and no other. This 'selfness' is experienced and is the basis of all that is 'mine'. Naturally it is first brought into relief in contrast with another when another is given. This other is at first not qualitatively distinguished from it, since both are qualityless, but only distinguished simply as an 'other'. This otherness is apparent in the type of givenness; it is other than 'I' because it is given to me in another way than 'I'. Therefore it is 'you'. But since it experiences itself as I experience myself, the 'you' is another 'I'. Thus the 'I' does not become individualised because another faces it, but its individuality, or as we should rather say (because we must reserve the term 'individuality' for something else), its selfness is brought into relief in contrast with the otherness of the other.

I quote this passage in full to show that Stein does not think that the body is the principle of individuation of the I (as does for example Aquinas, whom she later will criticise for this), nor that it is 'before' constitution as Marianne Sawicki claims it is in her otherwise brilliant analysis of Stein's editorial work on *Ideas* II (*Body, Text and Science*). The latter would have compromised Stein's adherence to the phenomenological method. The body is constituted, for Stein, because it is the best way of making sense of what we in fact experience, but this is a matter of fact, not of necessity. Also, the body could not be prior to constitution as nothing can be, given that constitution is identification.

When this is said, I do experience my I, not only as experiencing a stream of experiences that seems organised according to patterns such that fields of experience can be distinguished according to what I must identify as different senses: the fields of vision, hearing, touch etc. These patterns, Stein affirms, is the material from which the

soul is constituted as the substantive root of that specific set of abilities, inclusive of the ability to place things into categories, which is mine. Not only do I experience my experience as peculiarly structured, but I also experience my I as embodied. It is persistently there when I experience myself, and that in different ways. It is given in outer perception to be sure, but not in that alone. If it were, we would have

> the strangest object. This would be a real thing, a physical body, whose motivated successive appearances exhibit striking gaps. It would withhold its rear side with more stubbornness than the moon.[6]

Besides exhibiting these gaps, some of which I might be able to touch (the back of my head) but not see, although I can see everything else that I can touch, it also has this peculiarity that I cannot walk away from it:

> I can approach and withdraw from any other thing, can turn toward or away from it. [.. It is ..] given to me in an infinitely variable multiplicity of appearances and of changing positions, and there are also times when it is not given to me. But this one object (my physical body) is given to me in successive appearances only variable within very narrow limits. As long as I have my eyes open at all, it is continually there with a steadfast obtrusiveness, always having the same tangible nearness as no other object has. It is always 'here' while other objects are always 'there.'[7]

Moreover, I sense my body in all its parts, so that this 'here' where I am (my zero point of orientation), is extended in space: the sensations arising from all the entities making up my body are amalgamated into a unity, so that the unity of my living body is constituted as taking up space from the sensations of all these places. And this unity is constituted as the same as the outwardly perceived body:

> I not only see my hand and bodily perceive it as sensing, but I also 'see' its fields of sensation constituted for me in bodily perception. […] This is exactly analogous to the province of outer perception. We not only see the table and feel its hardness, we also 'see' its hardness. […] The seen living body does not remind us it can be the scene of manifold sensations. Neither is it merely a physical thing taking up the same space as the living body given as sensitive in bodily perception. It is given as a sensing, living body.[8]

Movement, sensations (*Empfindungen*) like pain and pleasure, moods and spiritual feelings (*Gefühle*) are all experienced in the body; they are constituted from bodily experience. The body is thus as a whole a sophisticated sense organ that allows me to interact as a constituting I with a material world that makes sense. I find myself experiencing in my body and by means of it.

But if I had only my own experience to sample from it is quite possible I would never get to constitute this world as meaningful or as separate from my body. I

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[6] *Empathy* p. 41, III, 4, a.
[7] *Empathy* p. 41-2.
[8] *Empathy* p. 44-5.

would not identify what is experienced in the body as something dependent on *my* bodily nature rather than on the world as it is. Without empathy, I would think that the world is as I feel it is. But in fact (again not by necessity) I have the experience of the other to sample from by the means of empathy. Like I 'see' my own fields of sensation (the sensitivity of the hand), I see those of the other, whose body I have learnt to constitute according to the same type as my own:

> The hand resting on the table does not lie there like the book beside it. It 'presses' against the table more or less strongly; it lies there limpid or stretched; and I 'see' these sensations of pressure and tension in a con-primordial way.[9]

Sensual empathy, which I also have with animals and to a limited extent with plants, is the type of empathy that allows me to 'feel into' what the other is feeling (sluggish, content, threatened) although this feeling is motivated by a value only a spiritual I can identify as such (the good, the pleasant, the threatening as such). I would only know this, however, when I have learnt to spiritually empathise and therefore is capable of spiritual empathy. Spiritual empathy, in contrast with sensual empathy, is what enables me to identify and understand spiritual persons, i.e. I's who consciously perform one mental act because of another. It involves understanding the other's motivations (why he thinks he does what he does as distinct from why he does it – I can also know the latter of animals and plants), and these motivations can be followed in so far as what is felt gets expressed in a glance, an attitude, in language or in art.

I do not necessarily constitute myself as a spiritual person, i.e. I do not necessarily know that I am motivated. Were I to be raised among wolves, it seems as if I would constitute myself on the type of the wolf, and consequently not learn language and categorisation, although I might well be capable of it for a while as a very young 'cub'. I might attempt to use my limbs as does the wolf, and not constitute the pain we would expect a child using its hands and knees for running at speed would feel as important. Education in a human community enables me to observe in others what I can find in myself, and it is indeed pointed out to me with great attention and care so that I would learn to identify myself as a person and consequently be able to take my place in society and be capable of what we call responsibility.

Stein's constitutional analysis of the body thus shows how empathy, the act in which we relate to foreign experience, enables us to constitute our own body in parallel with that of the other on a type that can be varied (e.g. wolf, Marsian, Irish, woman, human person). The body is not fixed but allows for a continuum of interpretations characteristic of different communities. Stein's analysis in this way incorporates an aspect of social construction as it explores the significance of empathy for the constitution of the being that we are.

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[9] *Empathy* p. 58.

Why Punish the Guilty? Towards a Philosophical Analysis of the State's Justification of Punishment[1]

Cyril McDonnell

ABSTRACT

There is general acceptance that those who break the law must be punished; however, not all agree as to why this is necessary. Some argue punishment is necessary to reform criminals, others to deter criminals, and others because you deserve it, whether punishment reforms or deters. Stripped of metaphors, this paper argues that punishment is retribution, but that a distinction must be made between the definition of punishment as retribution and its justification, if a case is to be made for its moral justification. Thus the most important question the paper raises relates to the justification of punishment as retribution.

I
Introduction

The law takes the form of imperatives, of commands and orders, of 'do's' and 'don'ts'. It is possible, however, to disobey the law. Freedom is thus left to individuals either to obey or not to obey the law, to do what is legally required or not to do what is legally required. The law, therefore, seeks compliance in free choice. The law itself, then, does not bring along enforcement and it does not have any automatic in-built enforcement system of its own that it can use either to coerce or to encourage people to obey the law.[2] What, then, happens when people do not obey the law, break the law? What about crime? In response to this matter, it is generally taken for granted that those who break the law ought to be punished.[3]

[1] This is a slightly revised and expanded version of a lecture I gave to the Philosophy Society at NUI Maynooth on 'The State's Justification of Punishment', on Thursday 20th November, 2008. I wish to thank the President of the Philosophy Society, Joseph Feely, for the invitation to talk to the Maynooth students' Philosophy Society and the students present at the lecture for their lively engagement and questioning of the issues, both during and after the lecture. I also wish to dedicate this article to the memory of my former teacher and Professor of Philosophy, Professor Matthew O'Donnell, who delivered an insightful public lecture on 'The Morality of Punishment' to the Maynooth students' Philosophy Society in 1986, if my memory serves me well. Any errors in my analysis are, of course, entirely my own. I would also like to thank Oliver O'Donovan for his critical remarks of an earlier draft of this paper, and which made me clarify further some points made in this final version.

[2] Thus J. D. Mabbott's point: 'Punishment is a corollary not of law but of law-breaking', 'Punishment', *Mind* 48 (1939), 152–167 (p. 161).

[3] Of course, governments do and could take alternative measures to encourage law-abiding, e.g., they offer inducements, such as tax amnesties, to those who have already broken the law in order to encourage those law-breakers to conform to existing law without impunity, or governments engage in psychological advertisement campaigns (e.g. "speeding kills" with vivid images of those seriously hurt or killed) in order to make people aware of the importance of keeping speed-limits and obeying laws etc. The morality or effectiveness of these measures, however, is not the concern of this article because if you are caught driving over the speed limit, or if you are found not to be paying the requisite amount of tax, after the tax amnesty is over, you are to be punished. The law, then, in the end, needs 'teeth', so it is believed, in order to ensure conformity, and so, resorts to the threat and actual infliction of punishment, of pain or depravation of freedom. This

There is, then, general acceptance that those who break the law must be punished. People, however, are not in agreement as to why punishment is necessary. Some argue that punishment is necessary in order to reform the law-breaker. Others argue that punishment is necessary in order to deter potential law-breaking. Others again argue that whether the person who commits a crime is reformed through the infliction of punishment, or not, and whether potential law-breakers are deterred from committing crime through knowing about the punishment of offenders, or not, you deserve to be punished for the crime that you committed.[4] 'One fact and one fact only can justify the punishment of this man, and that is a *past* fact, that he has committed a crime.'[5] This, as Mabbot argues, is what punishment means: punishment *is* retribution.[6] There is no other way in which *punishment* can be understood. For the retributivist, then, concerns that related to reform and deterrence are entirely extraneous matters to the point and purpose of punishment, and so, irrelevant to the question of its moral justification. As Mabbott again succinctly puts it:

The truth is that while punishing a man and punishing him justly, it is possible to deter others, and also to attempt to reform him, and if these additional goods are achieved the total state of affairs is better than it would be with the just punishment alone. But reform and deterrence are not modifications of the punishment, still less reasons for it. […] But the punishment [*qua* retribution] would be no less just were reporters excluded and deterrence not achieved. […] (P)unishment *itself* seldom reforms the criminal and never deters others. It is only "extra" [outside of punishment] arrangements which have any chance of achieving either result.[7]

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is the topic of this paper, namely, the necessity of punishment as such. The moral evaluation of the content of the law, therefore, is not the focus of this paper. Thus the issue of obeying or not obeying a law as a matter of conscientious objection, for instance, the boxer Mohammed Ali's well-known refusal to abide by Military Conscription Laws during the Vietnam War, or kindred moral issues, such as, capital punishment and the right to life, or moral reasons adduced for refusing to pay one's taxes to a government that uses a considerable amount of those taxes to produce more nuclear weapons, etc., or the morality of a school or a parent inflicting corporal punishment on a student or a child is not the concern of this article.

[4] Immanuel Kant is probably one of the most well-known defenders of such a 'just deserts theory', as it is often called, or 'retributive' justification of punishment, but it has had its supporters both before and after Kant. In his famous 1788 *Critique of Practical Reason*, Kant argues that punishment is 'good in itself, even if nothing further results from it'. I. Kant, *Critique of Practical Reason*, trans. by Lewis White Beck (Chicago: University of Chicago Press, 1949), p. 170. James Rachels takes up and supports Kant's thesis (curiously on the back of 'utilitarian' arguments) in his 'Punishment and Desert', in *Ethics and Practice*, ed. by Hugh LaFollette (Oxford: Basil Blackwell, 1997), pp. 470–479.

[5] Mabbott, p. 152.

[6] Oliver O'Donovan notes that '(T)he name "punishment" means "requital" or "return," deriving from an Indo-European root meaning "exchange," and is therefore not very remote semantically form the term "retribution," which means "giving back." O. O'Donovan, *The Ways of Judgment* (Cambridge: Eerdmans, 2005), Chapter 7 'Punishment', p. 101. What exactly is being given back, however, is highly problematical, but one thing is certain that it has to be a harm that is given (back?) to the offender of the crime. Therefore, '(T)he practice [of punishment]', as O'Donovan continues, 'consists in responding to a wrong which somebody had done by inflicting an evil upon the wrong-doer. It is described formally by Hugo Grotius as "suffering harm having done harm."' (ibid.). Far from making sense of, or justifying this practice, '(T)hese words', nevertheless, as O'Donovan correctly concludes, 'name the practice, they do not theorize about it. The task of a theory of punishment [on the other hand] is to make this practice of requiting and returning intelligible' (ibid.).

[7] Mabbott, pp. 152–4. This is why Oliver O'Donovan remarks that '(T)he reason for this, of course, is not simply definitional or philological, but has to do with the nature of the practice of punishment and its conditions of rationality'. (p. 193). This leads O'Donovan , in agreement with Mabbot, to conclude that '(T)heories of punishment cannot therefore be divided into those which see it as backward-looking and those which see it as forward-looking. The latter category [of 'utilitarian' theory] would not be theories *of punishment* at all' (ibid.). In the analysis of the

So, must punishment have all or only some of the four elements in it mentioned above in order for it to be morally justified? Must punishment take place (1) after a crime has been committed, (2) act as a preventative measure for the future law breaking/ crime through deterring potential criminals who have not yet broken the law, (3) reform criminals who have already broken the law, as well as (4) exact retribution for breaking the law? If, on the other hand, it can be demonstrated that punishment is either not entirely or totally ineffective in achieving what it claims to do in relation to the crime committed, that is to say, in exacting retribution, or in reforming the offender, or in preventing and deterring crime, is it still justifiable? Besides these theoretical questions pertaining to the purpose, value, effectiveness and justifications of punishment, there are practical questions which the topic of punishment also raises and that often evoke strong moral debate, such as, for instance, the severity of the punishment in relation to the crime committed, or the kinds of punishments that are acceptable in a given society, e.g., floggings, amputations, methods of capital punishments, (humane/ inhumane) conditions of imprisonment, fines for a person of plenty means versus for a person of few means. These latter concerns relate to the practices of punishment, but they presuppose that punishment, in whatever format it takes, is justified. In this paper, I will not be concerned with these matters pertaining to the practices of punishment, but with the more fundamental and theoretical issue regarding the justification of punishment itself (no matter what practical format the latter may take).[8] Of course, not only the State punishes, so do parents, schools, employers, football managers and so forth. And there are complex and interlocking issues here too, such as, for instance, whether a school or only a parent has the right to punish a child for that child's misbehaviour, or whether the State can legitimately intervene in a parent's particular chastisement of a child, in private or in public, and so forth. All of these presuppose, nevertheless, that punishment as a practice by either a public or private authority is justifiable. For the purposes of this article, however, I will not be concerned with practices of punishment outside of the State, and will confine my attention only to those general features of punishment and its justification that are most relevant to an evaluation of the State's justification of punishment.

Before addressing the issue of the State's justification of punishment, however, one could argue that there is no moral or practical necessity imposed on the State to justify its infliction of punishment on those who infringe State law. 'In a normal exercise of judgement within civil society,' as one commentator notes, 'we have no need to ask whether any given act of punishment will serve the social good or not; it serves it by being a just and consistent

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justification of punishment, nevertheless, O'Donovan believes that we must not fall back into, as someone like Mabbott does, 'the usual confusion of retribution as a [punitive] practice with retributivism as a [moral justificatory] theory of punishment' (p. 105). Whether O'Donovan's own proposal to relinquish both retributive back-ward looking *theories* of punishment and utilitarian forward-looking *theories* of punishment in favor of examining what punishment practices actually does *in concreto*, i.e., in a particular society or social existence (e.g. a family, a school, a work-place, a community etc.,) in terms of a 'judgment' that is offered by that society both to itself and to the offender to legitimate the society's 'truth about itself' (p. 118) still leaves the moral justification of those practices of punishment at least debatable. See, *infra*, n. 8 and n. 10

[8] O'Donovan seeks to situate particular practices of punishment in terms of a '(J)udgment [that] offers society the truth about itself, just as it offers the offender the truth about himself. [In this regard] Each needs to grasp its own truth in order to flourish in relation to the other.' (p. 118). This is true. Punishment tends to re-enforce the values of a given society at a given time, rather than call into question the values of that society. Whether this can be construed as a moral justification for the necessity of such punishment or 'judgment' of society, however, is another matter. See, *infra*, n. 10

application of a practice on which society depends.'[9] From this point of view, then, punishment of criminals is regarded by most to be part and partial of the way society has always operated.[10] It is thus an essential part of the very 'fabric of society' and of the way society actually works and runs. Without punishment, society, as we know it, would disintegrate and disappear, and possibly bring into actual existence that famous Hobbesian-hypothetical 'original state of Nature' wherein human life is imagined to be 'solitary, poor, nasty, brutish and short'.[11] If punishment is a necessary feature for maintaining law and order and for holding society together, as some contend, then perhaps we could be excused from this entire debate and simply maintain that there is neither case nor cause to be made by anyone for moral inquiry into the State's justification of punishment. In other words, the justification of punishment (both in practice and in theory) by the State is, as a matter of fact, self-evident. And yet, such a moral short-cut does not obviate the fact that punishment is damage to people. People are being taken against their will and some form of suffering/ pain is inflicted upon them. Fear and suffering are things that one should try to eliminate from human life. The *deliberate* infliction of pain or suffering on those who break the law and commit crime, therefore, is not self-justifying; rather, it requires justification, as Honderich points out.[12] And so, if whatever we have responsibility for is a matter of morality, then it follows that the question 'what right has the state to inflict punishment on those who infringe the law?' can be legitimately posed. Note here that what is to be addressed in this question is not the issue of the fairness (or otherwise) of infliction of punishment on innocent people and the (alleged) benefits or otherwise of doing so by the State — one calls such acts 'miscarriages of justices', when later discovered — but the question: why *punish* the *guilty*?[13]

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[9] O'Donovan, p. 118.

[10] 'There is no point in discussing punishment as though it were an optional extra, something which human societies may choose to do or not to do — in general terms, that is, for they are always in a position either to punish or not to punish in a particular case. All theories must accept that human communities do punish and always have punished, for that is what they are required explain.' O'Donovan, p. 103. Punishment, as matter of fact, nevertheless, does not make it a matter of right, and it is the latter that a moral theory of punishment is supposed to provide the justification. It seems to me that retributivist theories, in whatever guise they take, cannot do this. Nor do utilitarian-consequentialist theories fare better. Viewing punishment as a society's judgment does help us to understand better what punishment is doing, as O'Donovan argues, but that does not make the practice(s) of punishment (any more) acceptable, from a moral point of view. *That* human communities do punish is not an adequate answer to the moral question *should* human communities punish, and it is the latter moral question that this paper seeks to address. This, of course, would mean that neither public (e.g., the State) nor private (e.g., a parent) authorities are morally *justified* in their punitive practices just because it is they who engage in such practices.

[11] See, Rachels, pp. 475–476.

[12] See, Ted Honderich, *Punishment: The Supposed Justifications* (Hutchinson & Harcourt Brace, 1969), esp., Chapter One Problem, 'Section 1 The Need for Justification', p.11. As Honderich also remarks: 'The general claim, that one cannot but regard punishment as in need of justification, is itself a judgment of a moral nature' (p. 12).

[13] It is often argued *against* the utilitarian justification of punishment that the latter could proffer good reasons for punishing an innocent person. This attack, of course, avoids the real issue of the debate, and that is the morality of punishing the *guilty*. This attack, however, is usually deployed by supporters of the retributive theory of punishment who assume 'punishing the guilty' to be a self-evident moral truth. This latter assumption is the issue that mostly concerns us here.

II
Punishment as Spoken of in Metaphors

The human being is the only animal that punishes some of its own members. Punishment, therefore, is quite a human institution, but in this very fact the institution of punishment, like any of our other social institutions, is amenable to moral evaluation. A complicating factor in both understanding and assessing the State's justification of punishment, however, is that punishment is often talked about in metaphors, such as, for instance: (1) 'balancing the scales of justice'; (2) 'wiping the slate clean'; (3) 'paying a due (or a debt) back to society'; (4) 'removing a cancer from society', and so forth. Such metaphors, alas, are, at best, darkening metaphors that cast much obscurity on the topic of the debate from the outset. They do not help matters. As such, they need to be dealt with briefly and dispelled, before any intelligible discussion of punishment and its justification can unfold.[14]

(1) Balancing the Scales of Justice

In inflicting punishment on the perpetrator of a crime, what, exactly, is being balanced by the punishment? Firstly, the crime committed and the punishment inflicted by the State are clearly not similar units of comparison. They thus cannot be balanced. Secondly, if 'balancing the scales of justice' means 'restoring law and order' or 'restoring the unfair advantage gained through crime' (as it is often put) through punishment this is clearly not the case. The infliction of punishment on the offender for the crime perpetrated cannot *a priori* restore the status of 'law and order' before the crime took place, nor act as a support ('back-up') to 'law and order', or prevent law-breaking precisely because you are punished *because* you broke the law. Punishment steps in *after* the crime has been committed. Nothing is 'restored' or 'balanced' through the punishment. If one still wishes to look at punishment in terms of balancing the scales of justice, it can only mean revenge; that is to say, you deserve to be harmed because your actions harmed society, and that 'balances' things.[15] Whether punishment, as a formal institutional revenge-system of the State, is morally justifiable, or not, is an issue that would require much more in-depth analysis than I can presently give in this paper.[16] It is, nevertheless, of relevance to note about any alleged link between the infliction of punishment on an offender and the offender's crime that nothing whatsoever, in reality, is being 'weighed', 'balanced', 'rectified' or 'restored' through the punishment (as the metaphor would suggest).[17] Any alleged real connection between the

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[14] In relation to the metaphorical depiction of 'punishment' as a natural reflex action of society, 'like that of a living body to injury', Honderich remarks, this is 'at best darkening metaphor' (p. 11). This evaluation can be extended to most (if not all) of the metaphors deployed in the depiction of punishment as 'balancing the scales of justice', 'wiping the slate clean', 'paying a debt back to society', 'removing a cancer from society' and so forth.

[15] This is the main point of Rachel's paper regarding the justification of the retributive theory of punishment, which in that author's view, falls under 'the general idea of desert'.

[16] Even if one argues that the State, through its punitive systems, is an impartial and disinterested party, and so, not personally revengeful, this, of course, does not prohibit or preclude a person bringing a court action against another individual(s) from a motive of personal revenge.

[17] Rachels, for instance, believes that 'Punishment corrects things in the direction of greater equality. That is why it is commonly said that crime "upsets the scales of justice" and that punishing wrongdoers "restores the balance".' (p. 475, ff.) That crime causes hurt, harm, damage, sometimes death, and unfair advantage over others is undeniable, but punishment does not make amends for such hurt, harm, damage, death, or unfair advantage gained. Punishment does not and cannot *restore* the initial 'wrong-doing'. Other non-punitive measures that seek to 'restore', 'recompense', 'rehabilitate', 'restrain', would appear to be more appropriate

inflictions of punishment and the crimes committed is mythical because in such cases one is comparing the incomparable.[18] 'No punishment, [then,] however fitting, can restore the world to an equivalent condition to that obtaining before the crime.'[19] This is because, as O'Donovan also notes, 'There is no "equality" between how things were before the offense and how they are after the punishment.'[20]

(2) 'Wiping the Slate Clean'

What exactly is being 'wiped clean' through the punishment? The crime committed is a historical event. What is done cannot be undone. Punishment cannot wipe out the historicity of the crime. What is wiped clean through punishment in the eyes of the State, of course, is one's liability to be punished again for the same crime ('I *did* my time'). This does not do anything for the crime, however. In this sense, nevertheless, it is no doubt true to say that punishment does something, it removes legal guilt; but the crime committed is not being 'annulled' by the punishment.[21] Furthermore, legal guilt and moral guilt are two different things. Legal guilt can be removed upon completion of the punishment (e.g., the sentence), but this does not mean that moral guilt (if one was sorry for the crime committed, for example,) will be removed on completion of the punishment. Punishment is not the kind of thing that removes moral guilt. Forgiveness does this; but forgiveness is not permissible in a court of law. If the person in the 'dock' is found guilty of committing a crime, and is sorry, the person still must be punished. It is not the State's (or the judge's) function in a court of law either to choose or not to choose to inflict punishment on the offender; nor is it the offender's choice either to receive or not to receive the punishment meted out by the state. Punishment is inflicted against the will of the individual.[22] Punishment involves no negotiation; it is domination.[23] In sum, nothing is being wiped clean by the punishment, as

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responses to the wrong-doing involved. O'Donovan, for example, notes that 'If you take what the thief stole and return it to its rightful owner, that is not punishment, merely restitution; if you take the life of the murderer who took your brother's life, that is not punishment, but vengeance (p. 111). Given that O'Donovan seeks to defend the practice of punishment in terms of society's 'judgment', such remedies as restitution are therefore 'merely' restitution, and personal acts of vengeance not 'punishment' because personal. See our conclusion.

[18] Even if we take it to be literally the case that punishment 'must fit' the crime — as in 'an eye for an eye' etc. — the pain inflicted by the criminal and the pain inflicted by the state are not identical units. If a person, for example, murders (= unjustly kills) another person, and forfeits one's life through capital punishment, the State does not believe that it is murdering (= unjustly killing) its citizens. This is borne out in Rachels own remarks, towards the end of his paper in a section entitled '*Proportionality*: The punishment should be proportional to the crime', when he declares (self-defeatingly in my view): 'Sometimes it is not easy to say what punishment "fits" crime; nevertheless, the basic idea is clear enough'. O'Donovan also notes that '(I)n fact, the only practical application of the *lex talionis* ever advocated is the death penalty for murder' (p. 120), but even in this case our comment above holds — the state does not believe it is doing the same thing as the murder, murdering (unjustly killing) a fellow citizen.

[19] O'Donovan, p. 112.

[20] O'Donovan, pp. 111-112. Thus no '*status quo ante*' is being 'restored' or 'given back' or 'annulled' through such punishment, as Hegel and others suggest (ibid.). See also *supra*, n. 17.

[21] See previous n. 20 and n. 17.

[22] This is what Lucas refers to when he says punishments are 'unwelcomed'. See J.R. Lucas, *Responsibility* (Oxford: Clarendon Press, 1995), Chapter 6 Punishment, pp. 86–123 (p. 86).

[23] In 'Section 2. Why People Should Be Treated as They Deserve', Rachels argues that 'those who treat others badly provoke ill treatment in return. That is why, when a criminal is punished, it may be said that "He brought it on himself".' This, however, is a largely metaphorical expression. The convicted criminal does not choose the punishment for the crime he committed and the law broken; rather, punishment is inflicted against the will of

the metaphor would suggest, neither the crime committed nor the moral guilt that the offender may have regarding the crime committed.

(3) 'Paying a Due (or a Debt) Back to Society'

What 'due' (or 'debt') exactly is being paid back (or owed) to society by way of the infliction of the actual punishment on the offender (whatever format the punishment takes, e.g., incarceration, fines, floggings, amputations, capital punishment)? When it is said that punishment is *for* the crime, this does not mean that it is in support of the crime (as when one says 'John is for Manchester United'), nor does it mean that punishment cancels the crime (as in when one says an aspirin is *for* a headache, i.e., it cancels the headache); rather, it identifies whom it is that is to be punished — punishment is for the person who perpetrated the crime, and not for the person who did not commit the crime. Only the guilty are to be punished. But this identifies the person who did the crime and does nothing for the crime perpetrated.[24] Punishment *for* the crime might mean that this amount of punishment is to be meted out against that person for the crime that that person has been found guilty of. Again, it is the commensurability of the severity of punishment to be allotted that is being captured here, and nothing about the crime itself — the severity of the punishment does not remove or cancel or fix the crime done.[25] What actual 'due' (or 'debt') then, is being paid back to society (or 'being collected by society') through the punishment? [26]

(4) 'Removing a Cancer from Society'

If punishment cannot do anything about the crime that actually has been committed, but is, nevertheless, to be allotted to the person who is guilty of committing the crime, then is this what is captured by the metaphor of punishment as necessary in order to remove such 'a cancer from society'? This way of talking about punishment, however, is entirely misleading. Surgery does something with cancerous cells, and if successful the individual is able to live. Surgery improves things. Punishment, on the other hand, does nothing about the crime committed. Punishment does not improve things that were originally wrong or requiring fixing. What, then, exactly is being done to 'fix' the crime through the deliberate infliction of pain/ suffering on a person who committed the crime? If punishment as 'removing a cancer from society' refers to detaining the person who committed the crime in prison, what is

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the (caught and prosecuted and found guilty) individual. See *infra* n. 30 and corresponding definition of punishment given by Hart.

[24] 'Punishment singles *the offender* out for especially disfavorable treatment, and is thus coercive in a way other forms of judgment are not. Punishment excludes the offender from some elementary form of respect for person, property, and liberty that citizens customarily accord to one another.' (O'Donovan, pp. 109–10, my emphasis).

[25] And, of course, this asserted commensurability or 'fittingness' or 'proportionality' between the crime and the punishment is *mythological* because, in reality, '(T)he relation between them cannot be an exchange, which only occurs between commensurables' (O'Donovan, p. 110).

[26] Stripped of metaphor, then, 'in reality what is at stake in this question is the relation of retributive practice to the goods it secures' (O'Donovan, p. 115). In reality, however, punishment does not benefit 'the victim', nor 'the offender', nor 'society at large', which are the 'three possible beneficiaries of punishment' or 'goods' that traditional-classical discussion on punishment, as O'Donovan comments, identified (pp. 115–16). The question what is punishment good for is an intelligible question, and so, requires an answer of some sort. If the answer to this question is that punishment, as a practice, is not good for what it claims to rectify or to resolve in relation to the crime, then that is of utmost significance to its evaluation.

removed is the person who committed the crime, and not the crime, the crime remains in place. And if this person is removed from life altogether, through State inflicted capital punishment, such still does not remove the crime.[27]

If it is the case that punishment cannot, as a matter of fact, do anything afterwards to remedy the initial crime that has taken place precisely because the crime has taken place, what about the victim of the crime? Has not the victim the right to have grievance satisfied? Is the satisfaction of grievance not a justification of punishment?

That punishment of the offender satisfies grievance in some cases cannot be doubted, but in many cases punishment of the offender does not (and cannot) alleviate grievance or irreparable harm endured by those upon whom the crime was perpetrated or upon whom it had a detrimental affect.[28] Even if Kant is right to note that 'when someone who delights in annoying and vexing peace-loving folk receives at last a right good beating, it certainly is an ill, but everyone approves of it and considers it good in itself, even if nothing further results from it',[29] we can still raise the question is delight in seeing someone suffer, even a scoundrel, and the satisfaction of grievance experienced therein, a legitimate moral basis for the justification of inflicting punishment on the perpetrator? That is the moral question that needs to be addressed, and any answer to this question has to be argued for and reasons supplied, and not just asserted. Statements of fact do not make statements of right. Feelings do not win arguments. Nor do feelings loose arguments. Feelings, simply, cannot be substituted for argument.[30] Again, it is outside the limits of this article to address this complex issue, but it is of relevance to note in relation to the case put forward for the necessity of punishment to alleviate grievance that many victims of crime, or those close to a victim of crime, hold the view that punishment of the offender(s) does not and cannot alleviate grief suffered or damage done simply because punishing the perpetrator(s) cannot undo the crime done and the consequent grief for the victim(s), if alive, or for those

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[27] According to one commentator, 'retributive punishment is designed to restore the status *quo ante*. It advocates hold that "evil calls and cries for obliteration," and he [the retributivist] will not surrender the hope that, in some sense, the wrong can be annulled and set right by some vigorous counteraction of a penal character'. Walter Moberly, 'Expiation', excerpt from his *The Ethics of Punishment* (1968), in *Contemporary Punishment, Views, Explanations, and Justifications*, eds, by R. J. Gerber and P.D. McAnnay (Indiana: University of Notre Dame Press, 1972), pp. 73–82 (p. 81). Appealing to such injunctions that 'evil calls and cries for obliteration,' or 'evil doing must be stamped out,' or there must be 'zero tolerance of crime' do not explain what punishment does or is supposed to do about the crime done.

[28] This is why O'Donovan remarks that 'The justice manifest in punishment is not exchange-justice, but is correctly understood as attributive' (p. 113). This, nevertheless, cannot be construed, *ipso facto*, as a moral justification for such attribution.

[29] Kant, *Critique of Practical Reason*, p. 170. The remark is quoted by many supporters of the retributive theory of punishment, e.g., it prefaces Rachels' paper 'Punishment and Desert'.

[30] Feelings tell us other things, of course. Note, however, Nietzsche's observation (and admonition) regarding the psychological motives behind punishment: 'But thus do I counsel you, my friends: distrust all in whom the impulse to punish is powerful'. Whatever about the psychological origins whence the feelings of revenge that may arise, say, from resentment, for any individual, O'Donovan is correct to note that '[Moral] Intuitions are not dismissible, but neither are they self-sufficient; they are open to correlation with each other and with other elements of moral experience.' (p. 115). And our moral experience has taught us, for example, that 'informal vendettas', outside of the law, lead to more and not less social disintegration (ibid., p. 123). Whether resolutions once 'sorted' via vendettas is to be de-personalized into institutionalized revenge systems in a given society, through, e.g. state capital punishment) by a government is an entirely different matter and a highly debatable matter. Other non-punitive responses are possible. O'Donovan does note that 'The paradigm case of exchange-justice for Thomas is not punishment, but restitution (II-2.62)' (p. 112–113, n. 13). Of course, one cannot bring a person murdered back to life, but killing the offender is not a necessary response, other measures are possible e.g. non-punitive restraint.

aggrieved by the crime. This is another way of saying that there is no real connection between the crime committed and the punishment meted out afterwards. If punishment, therefore, does nothing either for the crime, or for the perpetrator of the crime, or for the victim of the crime, then why is punishment necessary?

III
Defining the Concept of Punishment

In the previous section we noted that metaphors such as 'balancing the scales of justice', 'wiping the slate clean', 'paying a debt back to society', and 'removing a cancer for society' that are used in describing punishment are not helpful at all in the debate about the justification of punishment. Far from resolving the problem, they cast obstinate obscurity on the issue at hand. Once these metaphors are dispelled from the debate, however, we are still left with the question that we raised at the end of the previous section, why the necessity of punishment? In order to address this question, we need to figure out what punishment is first, without appeal to metaphors but to the concept and the reality of punishment itself, and then address the issue of its justification. Again, it is of importance to note that though related, these questions of 'What is punishment?' and 'what justifies punishment?', nonetheless, are distinct questions. They are also intelligible questions, and intelligible questions require some kind of answers. The first question seeks a definition of the concept of punishment. The second question addresses the justification of punishment. This section deals with the definition of punishment.

Drawing on previous attempts (by Kurt Baier, Anthony Flew, and S. F. Benn) to define punishment, H.L.A Hart notes that 'the standard or central case of "punishment"' contains five main components: '(i) It must involve pain or other consequences normally considered unpleasant. (ii) It must be for an offence against legal rules. (iii) It must be of an actual or supposed offender for his offence [= the crime]. (iv) It must be intentionally administered by human beings other than the offender. (v) It must be imposed and administered by an authority constituted by a legal system against which the offence is committed.'[31] Honderich thinks this definition of punishment can be equally captured in the definition of 'an authority's infliction of a penalty on an offender'.[32] This definition, however, is incomplete, as it leaves out an essential ingredient in punishment, namely, 'for the crime (at least allegedly) done'. To punish, then, is a relational verb, it necessarily involving three inter-related components, that is: the punishment 'x' [= whatever format that takes] in inflicted on 'y' [= the person] for 'z' [= the crime]. All of these three items are needed in order to make any sense or reference to punishment. That we also require an acceptable authority to inflict the punishment to complete the definition of punishment is of crucial significance too because without an acceptable dispenser of punishment, other things which are not, strictly speaking punishment, can go by the name of punishment. Lynch mobs or vigilante groups who 'take punishment into their own hands' deviate, both in theory and in practice, from the concept of punishment. This is why 'punishment beatings' and 'punishment killings' that take place outside of the law are called 'so-called punishment beatings' and 'so-called punishment killings' precisely because the authority that meted the 'punishment' is not a legitimate authority. Thus in the State's justification of punishment, we can define punishment in full as: an acceptable public authority inflicts harm (physical pain,

[31] H.L.A. Hart, *Punishment and Responsibility* (Oxford: Oxford University Press, 1968; 2008), pp. 4–5.
[32] Honderich, p. 11.

loss of freedom, fine, death etc.) on a person for something done, that is, for the crime committed that infringes state law. This definition rules out many misuses of the term, such as, for instance: 'the Irish football team were punished 2–0 by Italy in the World Cup Semi-final for the Irish team manager's decision to play three and not four defenders'; or, 'the rock-star had a head-ache in the morning which was punishment for over-indulgence in alcohol the night before'; or 'the rabid dog was put in quarantine (solitary confinement) as punishment for having a contagious disease'; or, 'tax payers are being punished by a levy which the government is implementing on pension schemes in order to recoup bad debts incurred on account of unscrupulous practices among some bankers', or 'tax payers are been punished too for having to pay for those who are kept in prison' and so forth. All of these are *mis*uses of the term 'punishment'. All of these examples play on either reducing or focusing on only one the components of punishment mentioned above in Hart's definition, e.g., unpleasantness. Most medicines, for instance, are unpleasant, but they are not, therefore, punishments. And one cannot be punished for nothing.[33] In sum, punishment is an acceptable public authority's infliction of harm on an offender for a crime (at least allegedly) done.

IV
Justifying Punishment

Given that we know what punishment is, namely, an acceptable public authority's infliction of harm (physical pain, loss of freedom, fine, death etc.) on a person for the crime committed, what justifies such a practice? Or, perhaps, more simply put, what is punishment good for? This is a different question to defining what punishment is, but it is, nonetheless, an intelligible question, and it is one that brings us to the question of the morality of punishment, its justification.

In response to this question, three justifications of punishment, also referred to as three 'theories' of punishment, have been put forward, and which we have already briefly met in section one of this paper. These justifications are: (1) you deserve punishment for breaking the law and committing the crime (the theory of retribution); (2) punishment deters future law-breaking (the deterrent theory); (3) punishment reforms the law-breaker (the reformative theory). Justifications (2) and (3) are usually referred to as 'utilitarian justifications/ theories' since they emphasise the point that part of punishment is the good consequences (i.e. deterrence and/ or reform) that punishment can produce for society, i.e., punishment encourages law-abiding through threat of pain — and the actual infliction of pain, if one does not keep the law — among less than perfectly legally obeying human beings.[34] Punishment as a deterrent or as a reformative measure is viewed from this perspective, then, as something useful for the 'smooth functioning', as it were, of society. The retributive theory, however, offers quite a different conceptual justification for punishment. It does not look to the future, but simply and purely to the past, and more particularly to the past fact that the crime has been committed. That is to say, the only justification for inflicting pain on the offender is the fact that the crime was committed. It is

[33] 'Either you punish someone *for* something, or you do not punish at all.' O'Donovan, p. 103.

[34] Thus the three theories become two theories of punishment, the 'utilitarian' and the 'retributivist' types. See, Michael Moore, *Placing Blame: A Theory of Criminal Law* (Oxford: Oxford University Press, Press, 1997), pp. 91, and ff.

thus usually characterised as a 'backward looking' theory of punishment. It should not be overlooked, nevertheless, that both retributive and the utilitarian justifications of punishment are, from *conceptual* points of view, *essentially different* kinds of justifications put forward for punishment. This has not prevented, alas, some contemporary philosophers from trying to combine the best features of both utilitarian and retributive justifications, but such compounds rather than solves the problem.[35] And such philosophers cannot but be unsuccessful precisely because, as Mabbot clearly noted, deterrence and reform are not part of the definition of punishment at all; hence, they cannot feature in the justifications of punishment — even if these added goods of deterrence and reform were to be and are to be achieved by the punishment, and that, of course, is highly debatable.[36] At any rate, deterrence and reform is not the *raison d'être* for punishment. Punishment, by definition, *is* retribution, there is no other way to understand it, but therein resides the main problem. An essential part of the meaning of the concept of punishment is that it entails that you are being punished because you committed a crime — but this assertion of the definition of punishment as retribution cannot be cashed in as a moral justification of punishment.[37] If punishment is to be justified, it has to be capable of being justified, nevertheless, in terms of what it is, that is to say, in terms of retribution. This is the most difficult but the most important ethical question in the debate. In Mabbott's own paper, it is not clear whether he is arguing that (1) retribution is logically bound up with punishment, in that pain deliberately inflicted on a person who did not break the law and commit a crime is not, by definition, punishment, or that (2) it is morally permissible (or morally obligatory) to punish the guilty. Legal justification and moral justification are two separate issues. Mabbott, then, does not address this matter in his paper, but falls back in re-asserting the definition of punishment as retribution. This enables him to exclude from *moral* considerations, nevertheless, the feasibility of all utilitarian justifications of punishment as the latter justifications are not necessarily based upon the meaning of punishment itself, which is retribution. This leaves the moral justification of punishment as retribution *itself* unaddressed, however. It seems to me that Mabbott, nevertheless, gives us a hint in his paper about where a possible correct

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[35] Cf., Hugo Adam Bedau's attempt to do this, however, in his article on 'Punishment' (2005), esp. '5 Conclusion', in the on-line Stanford Encyclopedia of Philosophy at http://plato.stanford.edu/. O'Donovan likens the debate between the three, irreconcilable and competing theories of punishment as retribution, reform and deterrence to 'a race of hobbled horses. None of the beasts are capable of finishing the course, so the victory goes to the jockey who knocks his rivals over' (p. 102). Combining features of both type of justification, therefore, adds another horse in the race that is not capable of finishing the race.

[36] Other non-punitive measures may have much better effect in deterring law breaking (e.g., video cameras in buses to prevent vandalism). Deterrence is a laudable objective of punishment, but whether *punishment* can achieve this is highly dubious. 70% recidivism in Irish prisons would suggest otherwise. The actual extent of law-breaking is difficult to assess, nevertheless, because crime reported is a proportion of actual crime taking place, and crime going to court is a small proportion of crime reported, and crime convicted in court is a small proportion of the crimes prosecuted. Hence reports in 'rise in crime' may mean either (a) rise in reported instances of crime, or (b) rise in conviction. Whether one can deduce from this that law-breaking is increasing in society is, of course, impossible.

[37] This, I take it, is what Bedau means when he remarks and emphasizes the point: '*Defining* the concept of punishment must be kept distinct from *justifying* punishment. A definition of punishment is, or ought to be, value-neutral, at least to the extent of not incorporating any norms or principles that surreptitiously tend to justify whatever falls under the definition itself. To put this another way, punishment is not supposed to be justified, or even partly justified, by packing its definition in a manner that virtually guarantees that whatever counts as punishment is automatically justified. (Conversely, its definition ought not to preclude its justification.)' (p. 5). If, however, punishment, by definition, *is* retribution, then its moral justification as retribution stands or falls together.

answer to this question may lie, in relation to an analogous situation that he recounts that arose for him when he was 'disciplinary officer of a college whose rules included a rule compelling attendance at chapel'.[38] Some students broke this rule and he believed that he, therefore, had to punish them. It is worth relaying this story.

Many of those who broke this rule broke it on principle. I punished them. I certainly did not want to reform them; I respected their characters and their views. I certainly did not want to drive others into chapel through fear of penalties. Nor did I think there had been a [moral] wrong done which merited [morally] retribution. I wish I could have believed that I would have done the same myself. My position was clear. They had broken a rule: they knew it and I knew it. Nothing more was necessary to make punishment proper.[39]

If we look carefully at the above story we can deduce at least some things of relevance to the issue of the moral justification of punishment. Firstly, it is not necessarily true to maintain that we treat human beings as (more) responsible agents by punishing them.[40] There are other ways of treating people who break the law as responsible agents without recourse to punitive measures. In fact, Mabbott would have liked to have believed that he too would do the same as these students, as a matter of moral principle, and that the threat or actual infliction of the penalty would not be the reason for his either obeying or disobeying the particular rule.[41] In other words, we do not treat human beings as more responsible agents by *punishing* them. Secondly, it is only because the students broke the rule that they 'must' or 'should' legally be punished, as Mabbott argues. In other words, the students did not, in Mabbott's opinion, deserve a harm done to them on moral grounds, but on legal grounds only. Mabbot himself, however, says that he, as disciplinary officer, had no moral reason to justify the infliction of punitive action on the individuals. If he had no moral reasons, then clearly he is not and cannot be justifying the retributive theory of punishment from a moral point of view, but implementing, without moral legitimating reasons, the practice of punishment. In other words, his proposed defence of the retributive theory of punishment in his paper is not a defence, but a re-assertion of the meaning of the concept of punishment: you are to be punished, by definition, if you break a rule and commit a crime, but this, as his own story as a disciplinary officer indicates, *cannot be held as a legitimate moral argument for the justification of punishment.*

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[38] Mabbott, p. 155.

[39] Ibid.

[40] Herbert Morris aggress with Moberly that punishment is retribution. See, H. Morris, 'Persons and Punishment', *The Monist* , 52 No. 4 (Oct. 1968) 475–501. He attacks the view that the therapeutic-reform approach, as an alternative to punishment, is justifiable because this approach assumes that the person is sick, and so, the danger here is to take people and treat them and deny their responsibility. Thus Morris argues that by punishing people we are treating them as responsible agents. The question we can raise, however, is: can we treat those who break the law as responsible agents without punishing them?

[41] J.R. Lucas makes the interesting argument that the purpose or justification of punishment cannot be taken in isolation from the purpose and justification of law, and so, the actual threat of punishment has to be tied to the enforcement of the law — keep the law, or else you will be punished. See J.R. Lucas, *Responsibility* (Oxford: Clarendon Press, 1995), Chapter 6 Punishment, pp. 86–123. This argument, however, can be disputed. First, it is difficult to see how the actual infliction of punishment, the validation of the threat of punishment, makes the law prevail when one is punished because one has broken the law. Even if the threat of punishment prevents most people from breaking the law, and this serves some sort of reformatory (or deterrent) function on people to obey and keep the law, one can still ask is this a morally justifiable position to adopt in regulating human conduct.

V
Conclusion

Punishment is often talked about in (misleading) metaphors and defended by recourse to qualitatively different and mutually exclusive retributivist or utilitarian-consequentialist moral justifications, and even features of both of these justifications held by the same person as essential to its justification. This, however, should not deflect one's attention from the fact that stripped of metaphors, such as, 'balancing the scales of justice', 'wiping the slate clean' or 'paying a debt back to society', punishment is revenge, and that retributivist and utilitarian-consequentialist justifications of punishment as an institutionalized revenge system are incompatible justifications of that institution. The pertinent moral question regarding punishment, therefore, would appear to be whether revenge is morally justifiable, or not. Addressing this matter would take much more time and detailed treatment than at hand for me at the moment, but it is suffice to say that when social order breaks down and revenge is the measured response to that break down in social order, the order is not restored through acts of revenge but further disintegration of the order happens.[42] This is well illustrated in the films on the *Mafia* and in 'real life' 'turf wars' among organised criminals e.g., 'drug barons' and their 'competing groups' — their forms of 'justice' leads to more and not less death and destruction in its wake. Whether the deliberate infliction of harm on the perpetrator of a crime for the initial harm done through punishment that is legitimated through the institution of retributive-punishment practice of the State fares any better from a moral point of view at least questionable and debatable.[43] So, does the utilitarian justification for State punishment fair better? Reform and deterrence are laudable objectives, but can the State achieve these through *punishment*? Punishment steps in after the law has been broken, and so, from this point of view, punishment cannot be justified in 'maintaining' or 'supporting' law and order. Punishment, as a reformative measure, is highly suspect too. Infliction of harm could lead to deeper resentment. Harsher sentencing could lead to more intelligent criminal behaviour on others to avoid detection. Non-punitive measures of reform and rehabilitation are better suited to achieve the objectives of reform and rehabilitation which the State seeks.

If punishment, therefore, can do nothing for the crime that had been done, and cannot do anything for the perpetrator of the crime, or anything for the victim of the crime, is it still a valuable social institution? If punishment is not capable of doing what it claims it can do in relation to the crime, and if it does not effectively reform or deter the criminal, or exact retribution, then what can we put in its place? This question concerns the phasing-out of the punitive dimension of punishment, and the putting in its place *alternative* responses, but this takes us beyond the question of the justification of punishment and requires thinking differently about more appropriate ways of responding to crime committed and to

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[42] It is often argued that punishment by the State is not personal, and hence cannot be understood, correctly, as personal vengeance; however, see *surpa* n. 12.

[43] 'We are all mortal, and our life has a limited expectancy. That fact gives all crime and punishment its meaning. Two years in prison are "two good years of my life"; if we were immortal, they would could for nothing. A heavy fine is a drain on resources needed for food, clothing, and shelter. Corporal punishment weakens the bodily constitution. Every serious crime is an assault, directly or indirectly, on the victim's life; so every punishment, too, is an assault on the offender's life.' O'Donovan, p. 122. We can still ask, what is the latter, the assault, i.e., punishment, good for? What justifies this?

those who break the law.[44] This means, however, that a certain amount of crime will have to be tolerated, but *non-punitive* remedies that are focused on recompense, restitution, rehabilitation, reform and restraint are all measures designed to make things better. It is hard, however, to get people to think non-punitively because, like revenge, the desire for punishment is a natural reaction. There is, nevertheless, growing dissatisfaction with the effectiveness punishment as a social institution. Recent choices, for instance, offered to drug addicts who are found guilty of stealing to feed their habit, to go to jail or to attend rehabilitation clinics, point against the argument for the necessity and effectiveness, and so, value of punitive systems. Punishment steps in *after* the crime has taken place; it bolts the door when the horse has fled. That *punishment* by the State, therefore, does something about *the crime* committed in the State and that the State through *punishment* is addressing *crime* would appear to be a noble lie of the State. Part of the way society is, nevertheless, is the way *we want* it to be. If we wanted to address crime differently through non-punitive practises that would change the way society works and social existence develops. Punishment is, nevertheless, a fact of society but it is worth noting in closing that only a very select few people receive punishment for crimes actually committed. Of actual crime taking place, a lot of crime goes undetected and a lot of crime detected is not reported. A certain amount of reported crime is not (and cannot) be seriously investigated. Much crime investigated does not lead to detection. Much of such detection of crime does not lead to prosecution (e.g., insufficient evidence). A lot of crimes prosecuted in courts do not lead to conviction (e.g., reasonable doubt has to be respected). A lot of crimes convicted in court do not lead to punishment (e.g., 'probation act', appeals court, squashed convictions on technicalities).[45] Only a very select few of those who break the law are punished by the State for the actual crime taking place in society. If justice, therefore, is so selective, is this justice at all? Or, is this not part of the scapegoat phenomenon?

[44] This would apply, therefore, in analogous situations of punishment too, such as, e.g. by schools, parents, employers, clubs etc.

[45] Increase/ decrease in crime reported or in crime convicted, therefore, do not imply increase/ decrease in actual crimes being committed in a given society. It is thus difficult to assess the extent of actual law-breaking in society and on whether crime is on the increase or decrease by focusing on increase/ decrease of statistics relating to crime reported or to crime punished. See, *supra*, n. 36.

Teaching and Learning in the *Summa theologiae* of Gerard of Bologna (d. 1317)

Simon F. Nolan

ABSTRACT

Gerard of Bologna (d. 1317) was the first Carmelite master at the University of Paris in the Middle Ages. In *Quaestio* 6, article 1 of his incomplete *Summa theologiae*, Gerard discusses the issue of teaching and learning. During the course of his discussion he summarises his understanding of the process of cognition in human beings and he considers God, angels and human beings as teachers. Gerard insists on the necessity of the teacher-student *relationship* in the handing on of human knowledge.

I
Introduction

Gerard of Bologna (c. 1240/1250-1317) was the first master of the Carmelite order at the University of Paris in the Middle Ages.[1] A student at Paris in the period associated with Henry of Ghent and Godfrey of Fontaines, he incepted as master there in 1295. In 1297 Gerard was elected Prior General of the Carmelites but continued to pursue his academic career while at the head of his order, combining both roles effectively until his death at Avignon in April 1317.

Gerard's authenticated works comprise one set of *Quaestiones ordinariae* (c.1305-1308), four sets of *Quaestiones quodlibetales* (c.1305-1308) and a *Summa theologiae* (c.1310-1317) which remained incomplete at the time of his death.[2] In his works the Carmelite master reveals himself to be a frequent opponent of Thomas Aquinas. He is also an early critic of John Duns Scotus.[3] Doctrinally Gerard is strongly influenced by Dominican authors such as James of Metz (fl. 1300) and Durand of Saint-Pourçain (c.1270-1334) and has strong affinities with Franciscan authors such as Peter John Olivi (c.1248-1298) and Walter Burley (c.1274-1344). Gerard is a frequent *opponens* of Hervaeus Natalis (1250/60-1323), Master General of the Dominican Order and strongest early defender of the teachings of Thomas Aquinas.[4]

II
Summa, Quaestio 6, article 1

Gerard's *Summa*, *Quaestio* 6 addresses the question of who, properly speaking, is the teacher of the science of theology.[5] Article 1 addresses the specific question of whether

[1] For an account of the life and works of Gerard of Bologna see Bartomeu Xiberta, *De scriptoribus scholasticis saeculi XIV ex ordine Carmelitarum* (Louvain: 1931), pp. 74-110.

[2] For an excellent summary of the latest thinking concerning the dating of the works of Gerard of Bologna see Christopher Schabel, 'Carmelite *Quodlibeta*' in Christopher Schabel, ed., *Theological Quodlibeta in the Middle Ages: The Fourteenth Century* (Leiden: Brill, 2007), pp. 493-543.

[3] For a discussion of Gerard as an early critic of Scotus's philosophy of being see Stephen Brown, 'Gerard of Bologna's *Quodlibet* I, *Quaestio* 1: On the Analogy of Being' in *Carmelus* 31 (1984), pp. 143-170.

[4] See Xiberta, *De scriptoribus*, p. 91 for a discussion of the relationship between Gerard and Hervaeus. See also Schabel, 'Carmelite *Quodlibeta*', pp. 511-512.

[5] At his death in 1317 the Carmelite master had completed forty-four questions of his *Summa*. *Quaestio* 45 ends part of the way through article 5. For a general account of Gerard's *Summa* (together with an *index quaestionum*) see Bartomeu Xiberta 'De *Summa theologiae* Magistri Gerardi Bononiensis ex ordine Carmelitarum' in *Analecta Ordinis Carmelitarum*, 5 (1923), pp. 3-54. The edition of the text employed in this

God alone is such a teacher. The Carmelite master places his discussion firmly within the tradition of Augustine's *De magistro* opening with a quotation from that authoritative text.[6] In general terms Gerard's discussion is clearly patterned on the *Summa quaestionum ordinariarum* of Henry of Ghent.[7] After having considered a number of opinions Gerard begins his *responsio* noting that while to teach is in a way to cause knowledge in another not everything which causes knowledge is said to teach but only that which has knowledge 'in act' (*actu*). Dividing the article into sections, Gerard proposes a three-part discussion: 1) a general consideration of how knowledge is caused in the human soul; 2) how God, angels and human beings differ in the way they teach; 3) the teacher of the science of theology in particular.[8]

III
The Process of Cognition in Human Beings

Gerard begins his general discussion of how knowledge is caused in the soul of the individual by setting out his understanding of the process of cognition. The summary he provides here is immensely important since it is the only example we have in Gerard's surviving work of anything like a complete account of cognition; elsewhere he confines himself to specific issues. According to the Carmelite master the following are the 'elements' of human cognition: the possible intellect, the light of the agent intellect, the phantasms (or 'objects') and first principles.[9] First principles, Gerard says, are like instruments of the intellect (*quasi instrumenta intellectus*) in acquiring knowledge. As a kind of afterthought Gerard acknowledges that, according to some (*secundum quosdam*), there are species in the intellect. We know that Gerard vehemently rejected any role for mediating species (sensible or intelligible) in the process of human cognition in his earlier *Quodlibeta*.[10] There he always insisted on the phantasm and the agent intellect as being fit

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article is taken from Paul de Vooght, *Les sources de la doctrine chrétienne d'après les théologiens du XIV^e avec le texte integral des XII premières questions de la Summa inedited de Gérard de Bologne (†1317)* (Versailles: 1954). *Quaestio* 6, article 1 is to be found on pp. 364-359. All references to the text of Gerard's *Summa* in this article note the *Quaestio* number, article number and page number in the de Vooght edition.

[6] Primo utrum solus deus sit doctor huius sciencie? Et videtur quod sic, quia Augustinus dicit in libro DE MAGISTRO: *solus deus docet interius, qui cathedram habet intellectus*. (Gerard, *Summa*, 6, 1: p. 364).

[7] See Henry of Ghent, *Summa quaestionum ordinariarum* (Paris: 1520), XI, 1, f. 76v, the title of which is identical to Gerard's *Summa*, *Quaestio* 6, article 1: utrum solus deus sit doctor huius scientiae.

[8] Respondeo dicendum quod quamquam docere est scienciam in alio causare, non tamen omne quod scienciam causat docere dicitur, sed ille tantum qui actu habet scienciam. Ideo, primo, aliqualiter uidendum in generali quomodo sciencia causatur in anima; secundo, ex hoc ostendetur quomodo differenter deus doceat, et creatura intellectualis uel racionalis. Tercio, descendetur ad doctorem huius sciencie in speciali. (Gerard, *Summa*, 6, 1; p. 364)

[9] Circa primum, sciendum quod ad scienciam acquirendam requiruntur ista, scilicet intellectus possibilis, lumen intellectus agentis, fantasmata siue obiecta et prima principia, que sunt quasi instrumenta intellectus in acquisicione sciencie et, secundum quosdam, species existentes in intellectu sunt. (Gerardus, *Summa*, 6, 1; pp. 364-365)

[10] For a long time commentators have considered the denial of the role of the *species intelligibilis* to be a defining characteristic of the cognitional theory of Gerard of Bologna. It was what most incurred the disapproval of Gerard's main academic opponent during his lifetime, the Dominican Hervaeus Natalis. The Franciscan Peter Auriol (c. 1280-1322) was an early critic of the Carmelite master's noetic on this point, arguing *for* mediating species in the process of cognition. For an account of Peter Auriol on the species doctrine see Leen Spruit, *Species Intelligibilis: From Perception to Knowledge*, I (Leiden: 1994), pp. 286-290. Later on, in 1880, Gerard won the approbation of French historian and publicist, Barthélemy Hauréau, precisely for the daring way in which he states his position. Hauréau comments: 'Félicitons Gérard de Bologne d'une telle initiative. Elle lui fait beaucoup d'honneur.' Barthélemy Hauréau, *Histoire de la philosophie scolastique*, II, 2 (Paris: 1880) p. 272. More recently Katherine Tachau sees Gerard as a pioneering figure who, with his elimination of the species, anticipates some of the tendencies that were to become important in later medieval thought: 'Gerard's position is historically interesting not least as the step for which among

for purpose, without the aid of intermediate species. Here, in his *Summa*, Gerard is perhaps sounding a conciliatory note, acknowledging the opinion of others, without committing himself to the species doctrine.

Having set out the 'elements' Gerard proceeds to explain the dynamics of human knowing. How is human knowledge in general *caused*?[11] Pride of place is accorded by Gerard to first principles. Once the possible intellect has knowledge of first principles it proceeds by means of this knowledge inwardly and moved by the light of the agent intellect and by the phantasm, it proceeds to know in an actual way what was already contained virtually (*virtute*) in the first principles. Gerard is at pains to insist that these first principles are known in a certain sense innately (*innata non acquista*), that they are known immediately, non-discursively and without the need for investigation (*statim sine decursu et investigacione*). Gerard informs the reader that he intends addressing the issue of first principles later in his *Summa*. Unfortunately this plan remains unrealised in the sections he managed to complete.

Moving on to address the question of how God and rational creatures differ in the way they teach, Gerard considers for a moment the possibility of teaching oneself. The Carmelite master recognises someone may acquire knowledge by means of their own inventiveness and application but, strictly speaking, such a person cannot be said to teach himself or herself.[12] Such a person does not have actual but only virtual knowledge before them, such knowledge as is contained in first principles and in the light of the agent intellect. However, such a person could never be said to have been *taught* in such a situation. One who teaches, Gerard insists, is one who has actual knowledge or knowledge 'in act' (*actu*). Here, the Carmelite master cites Aristotle. At the beginning of the *Metaphysics* Aristotle claims a sign or mark of those who actively know is that they can teach. For Aristotle (and Gerard who follows him) there is, therefore, an intimate connection between knowledge and the ability to teach. The latter gives witness to the former.[13] Gerard continues by noting that God, angels and human beings all have knowledge in act. Accordingly, each of them, in different ways, is able to teach those human beings who do not yet know.

IV
Teachers: Divine, Angelic and Human

Gerard considers divine, angelic and human teaching in turn. God teaches *per se* and interiorly (*interius*).[14] God, therefore, is the total cause (*tota causa*) even of the possible

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succeeding scholastics Ockham would receive almost exclusive credit'. Katherine Tachau, *Vision and Certitude in the Age of Ockham: Optics, Epistemology and the Foundations of Semantics*, 1250-1345 (Leiden: E. J. Brill, 1988) pp. 99-100.

[11] Causatur autem ex hiis sciencia in generali loquendo in hunc modum. Nam intellectus possibilis, habita noticia primorum principiorum que statim sine decursu et inuestigacione habetur, propter quod dicitur innata non acquisita, ut infra patebit, cum de habitibus intellectus agetur, procedit, mediante illa noticia, ad intus, lumine intellectus agentis et motus a phantasmatibus, raciocinando et discurrendo ad noticiam posteriorem que continetur uirtute in noticia primorum principiorum. Et sic acquiritur sciencia, ex notis ad ignota procedens, ut in sequentibus clarius exponetur, et hoc est primum. (Gerard, *Summa*, 6, 1; p. 365)

[12] Circa secundum, sciendum quod, quia ille qui acquirit scienciam per seipsum, uia inuencionis, non prehabet scienciam actu sed uirtute tantum, contentam scilicet in principiis primis et in lumine intellectus agentis, non dicitur docere seipsum, quia, ut supra dicebatur, ille docere dicitur qui scienciam habet actu. Vnde dicit Philosophus, primo METAPHYSICE, quod signum scientis est posse docere. Scienciam autem actu habet deus, angelus et homo. Et ideo quilibet istorum potest docere hominem ignorantem, diuersimode tamen. (Gerard, *Summa*, 6, 1; p. 365)

[13] Aristotle, *Metaphysica* 981b5.

[14] Nam deus docet per se et interius. Ipse enim tota causa est intellectus possibilis et luminis naturalis agentis, supposito quod hoc sit aliquid anime, ut communiter dicitur. Quod pro tanto dico quode quidam posuerunt intellectum agentem esse deum, et tunc deus non esset causa eius, quia non est causa sui ipsius. Ipse eciam est principalis causa fantasmatum et specierum intelligibilium, si alique tales sint, et noticie

intellect and of the natural light of the agent intellect in the human being. Gerard recognises that some hold the different opinion that the agent intellect is God himself and not, therefore, the cause of the agent intellect. God is also the principal causes of the phantasms and also of intelligible species. Once again, however, the Carmelite master distances himself from the species doctrine with the qualifying remark 'if there are such' (*si alique tales sint*). God is also the principal cause of knowledge of first principles and of all deduction which follows.

Turning briefly to the issue of angelic cognition, Gerard recognises that angels teach human beings interiorly in a certain way (*quodammado*).[15] One can use metaphors of light in this connection. As the human being moves towards knowledge, he or she may be said to move towards illumination but, the Carmelite master insists, only God illumines the human intellect (or is, at least, the cause of the natural light of the agent intellect); angels do not illumine the human intellect even as they bring human beings to know. Angelic teaching of humanity is effective 'by approximation' (*per approximacionem*), says Gerard. Once again Gerard tantalisingly declares his intention to provide a lengthy discussion of angelology, an intention sadly never realised.

V
The Relationship between Teacher and Student

Gerard now turns to human teaching and offers his own philosophy of human education.[16] In contrast to God, the human being teaches exteriorly (*exterius*) by means of the spoken or written word, introducing new and unfamiliar ideas other than first principles, giving illustrative examples and leading the student 'by the hand' (*manu*) to new understanding. Such teaching does not proceed interiorly. The teacher engages the student from the outside, seeking to impart knowledge. Gerard seeks to give weight to his assertions with several quotations from Augustine, insisting that Augustine was well aware that his assertion that God is the principal teacher and that only God teaches interiorly in no way precludes the possibility of the human being teaching exteriorly.

At this point in his discussion Gerard signals a controversy among scholars (*inter doctores*).[17] Scholars agree that human beings do not teach interiorly. Only God so teaches. However, scholarly opinion divides concerning the issue of whether the human being teaches *per se* or not. Gerard notes the opinion of some (*aliqui*) who insist that the human being teaches *per se* and that, therefore, the teacher is the cause of knowledge in the student *per se* and not merely accidentally (*per accidens*). Gerard summarises some of the proofs from Aristotle advanced by proponents of this view.

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primorum principiorum et tocius deduccionis que sit ad scienciam acquirendam et ipsius sciencie iam adepte. Ideoque per se principaliter et interius docere dicitur, quod sibi soli conuenit. (Gerard, *Summa*, 6, 1; p. 365)

[15] Angelus autem docet, ut quidam dicunt, quodammodo interius, attingendo ad lumen, non quidem sicut deus, quia deus lumen infundit ipsum creando, angelus autem non infundit lumen intellectus humani, sed confortat per approximacionem, sicut carbo ignitus confortatur ex apposicione alterius carbonis, uel alio modo consimili. De quo non plus ad presens, quia de hoc habet tractari, cum agetur de angelis. (Gerard, *Summa*, 6, 1; p. 365)

[16] Homo autem docet exterius uerbo uel scripto, per signa proponendo discipulo alicas proposiciones minus communes, subordinatas primis concepcionibus iam precognitis, quas ex prehabitis concipere potest, uel proponendo alica exempla sensibilia uel alica similia uel communia, ex quibus intellectus addiscentis manu ducitur ad scienciam capessendam. Nullo modo autem docet interius, quia ad principia interiora per que acquiritur sciencia, nullo modo attingit. Et quia sic docet exterius non interius, ideo inuenitur dictum a sanctis quod solus deus docet. (Gerard, *Summa*, 6, 1; p. 366)

[17] Sed utrum homo per se doceat, uidetur esse controuersia inter doctores. Nam aliqui dicunt quod homo per se docet, ita quod per se non per accidens est causa sciencie in discipulo. (Gerard, *Summa*, 6, 1; p. 366)

A second group of scholars identified by Gerard adopt a complex position. Opposing the first group they insist that the human being does not teach *per se*. However, they also believe that it is not enough to counter the first opinion by stating simply that the human being teaches accidentally (*per accidens*).[18] Proponents of this second view insist that the human being teaches 'accidentally *per accidens*' (*accidentaliter per accidens*). Furthermore, they insist that the human teacher teaches his or her students neither by placing objects before their intellective powers, nor by causing interior concepts (*conceptus interiores*) within them, but by means of 'verbal signs' (*signa verborum*). Such 'signs' neither cause the student to see the truth *per se* nor do they lead to the formation of concepts in the mind of those on the receiving end of a master's teaching.

Gerard recognises that this second opinion is rather obscure (*hoc est aliqualiter obscurum*) and that the *accidentaliter per accidens* formulation is difficult to grasp.[19] By way of clarification the Carmelite master repeats for the benefit of the reader an example given by proponents of this second opinion. One human being can point out a star to another with his or her finger. Putting this another way, one makes the other see the star accidentally (*per accidens*). The *star* causes the vision in the one seeing it *per se*. The one who points with his or her finger to the star does not *per se* make the other see but brings about the conditions under which the star may be seen; he or she brings it about (*per accidens*) that the other may see the star. Again, the *per se* seeing of the star is caused by the star. For their part, according to proponents of the second opinion, verbal signs neither cause knowledge *per se* nor are they the *per se* cause of interior concepts which cause knowledge. They are mere accidental causes. And they are in a sense doubly accidental because they do not signify things naturally (*naturaliter*) but by setting things in place (*per institucionem*) for the student to form concepts in their minds. In this sense verbal signs, by means of which human beings teach, cause accidentally *per accidens*. Proponents of this second opinion are (as Gerard reminds us) fond of quoting Aristotle's *Sense and Sensibilia* which declares that hearing is the faculty that contributes most to growth in intelligence.[20] Words cause instruction because they are audible but they do so accidentally since every word is a sign or symbol. Claiming to follow Aristotle, proponents of the second opinion insist, therefore, that verbal signs are key to teaching and learning. They cannot cause knowledge in the student *per se* since they are merely indicative. In this sense they cause accidentally. But verbal signs are also accidental as signs or symbols. The Carmelite master has done his best to give justice to an academic position he will now proceed to reject.[21]

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[18] Aliis autem uidetur quod homo doctor non solum sit causa per se sciencie discipuli, sed nec per accidens tantum, immo accidentaliter causa per accidens. (Gerard, *Summa*, 6, 1; p. 367)

[19] Et quia hoc est aliqualiter obscurum, ponunt isti exemplum tale. Aliquis digito ostendit alicui astrum in celo. Iste facit istum uidere astrum per accidens, quia nichil imprimit uisui, sed astrum facit per se quod iste uideat ipsum, quia imprimit ei uisionem sui. Licet autem ille qui digito ostendit astrum alteri non faciat illum per se uidere, per se tamen ducit oculum ad rectam posicionemc sub qua astrum uidetur; ideo facit astrum ab illo uideri per accidens. Sed signa uerborum nec per se causant scienciam, nec per se faciunt ad ordinacionem conceptuum interiorum qui per se sunt causa sciencie, sed solum per accidens, in quantum sermo est signatiuus rerum, non naturaliter, sed per institucionem, de quibus rebus formantur conceptus, et sic sunt causa doctrine accidentaliter per accidens. Et ideo dicit Philosophus, in libro DE SENSU ET SENSATO quod auditus, secundum accidens, ad scienciam plurimam confert partem. Sermo enim audibilis existens causa est discipline, non secundum se sed secundum accidens. Ex nominibus enim constat. Nominum uero unumquodque symbolum est. (Gerard, *Summa*, 6, 1; p. 367-368)

[20] Aristotle, *De sensu et sensibili* 437a10-15.

[21] Commenting on this passage from Gerard, de Vooght has the following to say: 'Gérard de Bologne hésite à longeur de colonnes entre *per se* et *accidentaliter per accidens*. La question est oiseuse. On le qulifiera comme on voudra – plutôt *per se* - , de toutes façons l'enseignement d'un maître est nécessaire. Sans un maître on ne sort pas du labyrinthe'. Paul de Vooght, *Les sources*, p. 44.

Gerard proceeds to declare his preference of the first opinion: that the human being teaches exteriorly *per se*.[22] Yet again the Carmelite master proposes to return to the topic later in his *Summa* when he hopes to address the issue of how a human being is taught by another human being. For the moment he offers a succinct 'determination' of his own, revealing himself to be a skilful philosopher. While Gerard agrees that the human being teaches another human being *per se*, he readily recognises that this does not mean that the teacher causes knowledge in the mind of the student immediately and directly (*immediate et directe*). The Carmelite master insists that knowledge is not a mere quality such as coldness or hotness. A teacher orientates (*per direccionem*) a student by means of *sensible* signs, putting order on concepts from which knowledge may be acquired. Gerard is convinced that if the teacher were the mere accidental cause which accidentally caused knowledge in the student, then there would be no particular relationship (*relacio vel habitudo*) between teacher and student.[23] Without the relationship between master and disciple (or teacher and student) there can be no bridging of the supposed gap between words and concepts, between the names standing for the concepts of human knowing and those concepts themselves. Returning to the second opinion Gerard states his firm conviction that Aristotle himself never intended to speak of the causality of rational discourse (*sermo*) as causing *accidentaliter per accidens*; such, according to the Carmelite master, is neither Aristotle's phraseology nor his intention.[24] Furthermore, Gerard asserts, Aristotle considers such words as used by a teacher to instruct his or her student as more than mere audible sounds. A word so employed is something audible but it is more than that: it is a name with meaning (*nomen significatiuum*) and is a *per se* cause of knowing.

In the final part of *Quaestio* 6 Gerard considers those theological truths which cannot be known without the infusion of supernatural light into the human mind. In this area God may be said to be the only teacher.[25]

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[22] Que autem istarum opinionum sit uerior, habet enucleatius infra uideri, ubi tractabitur qualiter homo ab homine doceri possit. Sed ad presens potest breuiter dici quod prima opinio uerior est, non tamen sic intelligendo quod doctor per suam scienciam immediate et directe causaret scienciam in mentem discipuli, quia nec mentem eius attingit, nec sciencia est qualitas actiua sicut caliditas uel frigiditas, sed per direccionem, mediantibus signis sensibilibus, ordinando conceptus ex quibus acquiritur sciencia. (Gerard, *Summa*, 6, 1; p. 368)

[23] Si enim doctor accidentaliter per accidens esset causa sciencie in discipulo, tunc nulla specialis relacio uel habitudo esset inter discipulum et doctorem, quia omnis homo, immo forte quelibet res posset sic esse causa sciencie. Quilibet enim homo et quelibet res posset dare occasionem alicam alicui quod ad scienciam pertingeret, quod est esse causam accidentaliter per accidens. Et tunc eciam inter nomina significatiua conceptuum sciencialium et ipsos conceptus non esset alica determinata habitudo, nec alica sciencia de hiis tractans, quia nec habitudo determinata nec sciencia est de his que se respiciunt per accidens, et multo magis si accidentaliter per accidens. (Gerard, *Summa*, 6, 1; p. 368)

[24] Nec Aristoteles dicit quod sermo audibilis sit causa discipline accidentaliter per accidens, sed solum dicit quod per accidens. Et iterum non dicit quod per accidens, nisi secundum quod audibilis, id est secundum quod est differencia soni qui per se est audibilis et auditus obiectum, sed secundum quod est significatiuus conceptus mentis. Innuit ibi Philosophus quod per se sit causa discipline, cum subdit: *ex nominibus enim constat*, et cetera. Quasi dicat: ipse sermo, ut mere audibilis est et auditus corporalis, obiectum per accidens confert ad disciplinam; ut uero est nomen significatiuum, sic non per accidens sed per se confert. (Gerard, *Summa*, 6, 1; p. 368)

[25] Circa tercium, est sciencium quod ad supernaturalia et credibilia cognoscenda, de quibus principaliter est ista sciencia, non sufficit lumen naturale, sed requiritur aliquod lumen supernaturale a deo menti infusum. Et quantum ad hoc, huius sciencie solus doctor est deus, pro quanto ipse solus tale lumen infundit. (Gerard, *Summa*, 6, 1; p. 368)

VI
Conclusion

It is disappointing that Gerard of Bologna left his *Summa theologiae* incomplete at the time of his death. In *Quaestio* 6, article 1 he addresses a number of issues in a preliminary manner. His account of the process of cognition in human beings represents an intriguing attempt to avoid both an illuminationist account and some version of the doctrine of intentional species. Gerard highlights the role of the *natural* light of the agent intellect working with the phantasm in the human process of coming to know while, of course, acknowledging God as the principal cause of all knowledge and principal teacher of the science of theology. Gerard's account offers a fascinating insight into philosophical controversy of his day. His own solution to the question of whether one human being may teach another *per se* insists on the dynamic relationship that obtains between teacher and student. In an interesting take on the medieval nominalist controversy, Gerard might also be seen to remind thinkers in all ages that even the most abstract or technical philosophical discussion of language and meaning is best rooted in the reality of person-to-person encounter and communication. For him there is much to be learnt from reflecting upon the teaching and learning dynamic itself.

Universality and the Analytic Unity of Apperception in Kant: a reading of CPR B133-4n

Wayne Waxman

ABSTRACT

I situate historically, analyze, and examine some of the implications of Kant's thesis that the analytic unity of apperception – the representation of the identity of the I think – is what transforms any representation to which it is attached into a universal (*conceptus communis*).

Kant's most revolutionary innovation in the theory of understanding was to treat self-consciousness – the unity of apperception – as more fundamental to the nature of understanding than any discursive operation such as conception, judgment, or reasoning. As such, the understanding not only underlies the possibility of cognitive experience and its objects but the possibility of thought itself – discursivity, representations by means of universals, be it cognitive or non-cognitive – and even the unity of the manifold in pure space and time. If interpreters have all but completely ignored these non-cognitive – or, better, pre-cognitive – roles of apperception/understanding, it is, in my view, because they mistakenly regard the categories as necessary conditions for unity of apperception. For being necessary conditions of the possibility of experience and its objects does not make the categories necessary conditions of apperception itself, and, on more than one occasion, Kant explicitly asserted the opposite: that the unity of apperception is presupposed both by the categories and the logical functions from which these concepts derive (B131, A401).[1]

In this essay, I shall explore one of the pre-categorial roles of the unity of apperception in Kant's theory of understanding: its grounding of the possibility of understanding even in its general logical employment. I will show how the unity of apperception serves to extend the unrestrictedly universal scope of the logician's notion of logical universality from language to prelinguistic mentation, and does so without introducing the kind of abstraction to which Empiricists like Berkeley and Hume objected, or reverting to the kind of Platonistic intellectualism characteristic of the innatism of Descartes and Leibniz or the illuminationism of Malebranche. And, finally, I will consider how this innovation, when coupled with innate logical functions of judgment, opens the way to non-linguistic propositional thought, including, not least, synthetic a priori judgment.

A. Rationalist and Empiricist conceptions of universals

Prior to Kant, early modern exponents of the theory of ideas anchored linguistic universality in consciousness in either of two ways. According to the first, favored by Rationalists and modeled after Plato, there exist ideas of universal natures related to their instances as archetypes to ectypes. In the world outside our minds, the archetypes are ideas in the divine intellect and the ectypes created things. Within the mind, the archetypes, be they the divine ideas themselves (Spinoza, Malebranche) or innate ideas endowed by the creator in the image of the creator's own ideas (Descartes, Arnauld, Leibniz), are accessible to consciousness only non-sensibly, by means

[1]In this essay, I shall abbreviate as AA volumes from the Prussian Academy edition of the *Gesammelte Schriften,* begun in 1901 but still ongoing. In addition, I shall employ the following abbreviations for particular works: A--/B-- *(Critique of Pure Reason*), *PFM (Prolegomena to any Future Metaphysics*), Logic (the Jäsche text), and THN (*A Treatise of Human Nature*) with pagination from the Selby-Bigge/Nidditch and the David Fate Norton editions separated by '/'.

of pure intellect, which employs them as patterns for molding sense experience into recognizable objects.

Descartes, for example, held that ideas innate to intellect are in one respect ectypes and in another archetypes. They are ectypal insofar as they are images of true and immutable natures in the divine intellect and archetypal insofar as they enable us to recognize, say, a piece of beeswax from one concatenation of sensory data (and any that resemble it), men in hats and coats crossing the square below from another, a circle from still another, and so on. Thus, ontological meaning (termed 'objective reality' by Descartes) can be accorded to linguistic universals only insofar as they correspond to images in the intellect of true and immutable natures in the divine mind. Otherwise, however indispensable to discourse, they are ontologically null – as arbitrary and convention-bound as rules of etiquette.

The second way of elucidating the mental underpinnings of linguistic universality, favored by Empiricists, is psychological. One begins by distinguishing one idea from another by discernment, comparing them with an eye to their differences, and finally abstracting from those differences (including individuating circumstances) so as to leave only that feature or features in which they resemble, be it in quality, structure, relation, cause, effect, or co-occurrence. The resulting abstract idea is then ready to be used as a universal to designate anything that resembles it in the relevant respect(s), however different otherwise; and this potential is actualized when the resemblance association is reinforced with sufficient frequency and constancy to ingrain a habit which thereafter lies ready to be triggered by any appropriately resembling stimulus. In this way, even a creature without language can, for example, recognize an apple as *an* apple by means of the habit triggered by sensing it, at least in the sense that it forms beliefs about what it perceives on the basis of its past experience of the resembling objects originally responsible for instilling the habit: that it is edible, how ripe it is, how it would taste, how it would behave if hurled, and so on.

Though Rationalists sometimes employed elements of the psychological account of universality to explain how we *perceive* and *operate* with the universal ideas of pure intellect, its attraction to Empiricists was that it offered a way to explain *universality itself* without having recourse to such ideas.[2] Instead of a special kind of idea, in itself universal and accessible only to pure intellect, they held universality to consist in a certain kind of significative *use* to which ordinary sensibly-derived ideas may be put. An idea, individual in itself, can be used to designate many resembling things indifferently, without singling any out, by supervening on a customary resemblance association; and by supervening on different such customs the very same idea can be used to designate different things that resemble it in different ways.[3]

This psychologizing of universality does, to be sure, create a gulf between linguistic universality and its mental correspondent. Linguistic universality, considered formally, without regard to content or context, is unrestricted in scope. That indeed is why it lends itself so well to quantificational analysis. It certainly does not, either implicitly or explicitly, limit the scope of a general term to all and only what speakers with a certain psychological endowment are capable of

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[2]One could argue, however, that theists like Locke and Berkeley could not entirely escape the Platonic archetype model of universality since the intellect of God must know things as they really are, including universals such as essences and laws, without in any way relying on resemblance relations and habit, sensation (passive affection), or anything else specific to the psychology of finite minds.

[3]As Hume put it: 'If ideas be particular in their nature, and at the same time finite in their number, 'tis only by custom they can become general in their representation, and contain an infinite number in their representation... Nay so entire is the custom, that the very same idea may be annext to several different words, and may be employ'd in different reasonings, without any danger of mistake. Thus the idea of an equilateral triangle of an inch perpendicular may serve us in talking of a figure, of a rectilinear figure, of a regular figure, of a triangle, and of an equilateral triangle. All these terms, therefore, are in this case attended with the same idea; but as they are wont to be apply'd in a greater or lesser compass, they excite their particular habits, and thereby keep the mind in a readiness to observe, that no conclusion be form'd contrary to any ideas, which are usually compriz'd under them' (THN 24/21 and 21/20).

producing in their minds. Consequently, insofar as Empiricists accorded at most semantic but never ontological meaning to whatever in language cannot be underwritten by the acts and affects present to the conscious mind, linguistic universality is not so much explained as explained away on conceptions of mental universality like theirs. Kinds, laws, and other universals in language, to the extent they can be accorded any extra-linguistic significance at all, are reduced to mere psychological affairs of resemblance, abstraction from individuating circumstances, and customary association. Otherwise, they are just conventional contrivances, useful or even indispensable to human communication, but with nothing to anchor them in what, for Empiricists, is the only reality that can ever present itself to us: our own ideas.[4]

B. Kant's account of universals

At first sight, Kant's view of how language is anchored in consciousness may not seem very different from those of the Empiricists, at least when considered from the vantage of pure general logic. Like them, Kant held that 'we can understand nothing except what carries with it a correspondent in intuition to our words' (A277/B333). How one advances from sensible intuitions to general representations (discursivity) he explained in similar fashion. Concepts have both a matter – the object (contents) thought in them – and a form, universality, understood as the representation of what is common to things that may otherwise be quite different. From the standpoint of what he termed 'pure general logic,' where the matter of concepts is disregarded and only their form as universals considered, Kant explained the acquisition of concepts from intuitions as follows:

> In order to make concepts from representations, one thus has to be able to *compare, reflect,* and *abstract;* for these three logical operations of the understanding are the essential and universal conditions for the generation of any concept whatsoever. – I see, e.g., a spruce, a willow, and a linden. By first of all comparing these objects to one another, I observe that they differ from one another in respect of their trunk, the branches, the leaves, and such like; but next I reflect on what they have in common, trunk, branches, and leaves themselves, and abstract from their size, shape, etc.; thus do I obtain the concept of a tree. (L 94-5)

Comparison consists in discerning the distinguishable features of each sensible object and noting how they differ from those of other objects; reflection detects those features in which the objects compared resemble; and finally, when abstraction is made from the differences, the resemblances that remain are ready for employment as a concept.

Also in common with the Empiricists, Kant conceived of abstraction as leaving out of consideration. The representation considered retains its character as an individual apprehended in intuition – its myriad qualities, relations, and everything else about it are unaffected by abstraction. The abstracting subject simply attends to certain features while ignoring others, and then uses the contents thus isolated as a standard to sort through its other representations, ranking under it those that resemble it in all and only those features it considers (regardless of how they otherwise differ), while excluding all the rest. Other concepts can be produced from the same sensible individual simply by considering different features and leaving others out of consideration. And, in principle, the reflecting subject can derive as many concepts from a given intuition as there are features to consider and leave out of consideration.

Up to this point, then, the only noteworthy difference between Kant's account of universality and the sort advanced by Berkeley and Hume is the exclusion of custom. Custom closes a gap that arises because comparisons with an eye to resemblances have to be performed one at a time and so cannot explain how universals come to represent *all* ideas that resemble

[4]The discussion in this section is based on my book, *Kant and the Empiricists,* New York: Oxford University Press, 2005.

them, actual or possible, whether comparisons are performed or not.[5] The solution advanced by Berkeley and adapted by Hume was to explicate the idea of logical universality in terms not of actual but possible comparisons by tracing it to the idea of the *power* to perform them. The power to perform comparisons with a given abstract idea extends to every possible idea, and so permits one to conceive the scope of the abstracted idea as extending to all, some, or none of the infinite totality of possible ideas. And 'power', in this context, Berkeley and Hume explicated in terms of customary association in relations of resemblance: habits that lie in readiness to be triggered by any perception that possesses all the features represented in the idea employed as a standard of comparison, however much it may differ otherwise.

Kant, however, obviated the need for customary association by proposing a revolutionary new account of the mental underpinnings of logical universality. Its clearest and most developed statement is a footnote in §16 of the B edition Transcendental Deduction of the Categories according to which the I think, *qua* analytic unity of apperception, is constitutive of logical universality. The reasoning that leads to this conclusion starts from the premise, first, that 'The *I think* must be *able* to accompany all my representations, for otherwise something would be represented in me that could not be thought at all, which is as much as to say the representations would either be impossible or at least be nothing for me,' and, second, that this requires that the manifold of all possible sensible intuitions, 'ahead of all thought,' have 'a necessary relation to the *I think* in the same subject in which this manifold is found' (B131-2). On this basis, Kant advanced what is perhaps the most fundamental and important thesis of his critical philosophy: 'it is only because I can combine a manifold of given representations *in one consciousness* that it is possible for me to represent to myself the *identity of the consciousness in these representations,* that is, the *analytic* unity of apperception is possible only on the presupposition of some such *synthetic* unity' (B133). To be able to represent the *identity* of consciousness in respect of all the manifold, and so represent *one and the same* I think as able to accompany each and every one of my possible representations – the analytic unity of apperception – I must already have united, by synthetic combination, all sensible representations in one and the same consciousness – synthetic unity of apperception. Any representations that cannot be brought within the unity of this consciousness, even if they are not impossible, can be nothing to *me,* and so, as far as my thinking and action are concerned, may as well be nothing.

Having determined the a priori relation of the unity of consciousness to the representation of its identity, Kant appended the following footnote:

> The analytic unity of consciousness attaches to all common concepts as such, e.g., if I think *red* in general, then I represent thereby a feature that, as a characteristic mark, can be met with in something or combined with other representations; hence, only by means of a pre-thought possible synthetic unity can I represent the analytic unity. A representation that is to be thought as common to *differing* representations is regarded as belonging to such as have, besides it, something *different* in them; consequently, it must be thought previously in synthetic unity with other (albeit only possible representations), before I can think in it the analytic unity of consciousness that makes it into a *conceptus communis.* And thus the synthetic unity of apperception is the highest point to which all employment of the understanding, even the whole of logic, and in accordance with it, transcendental philosophy, must be attached, indeed this capacity is the understanding itself. (B133-4n)

[5]Rationalists avoided the difficulty because, on their view, logically universal ideas can be directly apprehended by the intellect and employed as standards in individual acts of comparison, and among these ideas, presumably, is the idea of logical universality itself. The whole point of an Empiricist account, by contrast, is to explain how our minds can acquire an idea of logical universality, or at least of something that approximates it, by means of the senses and imagination alone, without recourse to anything supposed to be accessible only to pure intellect (e.g. THN 72/52 and 638/39).

Among the many things that makes this inexplicably neglected footnote of special importance for comprehending Kant's theory of understanding is that its focus is on apperception as the ground of pure general logic and not, as nearly everywhere else in the *Critique of Pure Reason,* its role in the transcendental theory of cognitive experience.[6] This means that it is not concerned with concepts as representations of cognizable objects, where 'object' is understood as 'that in the concept of which the manifold of given intuition is *united*' (B137; also A104-8, A190-1/B235-6, and A494/B522). Instead, it abstracts completely from all content of concepts (the determinations thought in the categories not excepted) and focuses solely on their logical form as universals capable of being met with in, and so as common to (*conceptus communis*), representations that may otherwise differ. In short, the purely general logical context of the role accorded to the analytic unity of apperception in the B133-4 footnote makes it a matter of complete indifference whether a concept is objective or subjective, cognitive or non-cognitive, whether it represents a determination of space or time, a number, a color, a dread, a desire, a duty, freedom, God, a something in general, a nothing, or even whether or not it is internally self-contradictory.

The crux of Kant's explication of logical universality is that the analytic unity of the I think, in being able to *accompany* all possible representations a priori, is ipso facto *common* to them all, and so is aptly described as the pure form of logical universality as such. It is also purely mental because nothing is at issue here except the representation of the identity of consciousness – the analytic unity of the I think – made possible by the synthetic unity of the manifold of intuition in one consciousness *ahead of all thought,* and so prior to and independently of all concepts and, *a fortiori,* all judgments, whether linguistic or not. This is what makes the I think 'the vehicle of all concepts' (A341B399-4100): anything sensible representation that I think, simply by virtue of its being *me* thinking it, partakes of the universality of the the analytic unity of apperception and so ceases to count as individual and instead takes on the value of a universal, that is, a representation whose scope, like that of the I think, extends to all possible representations and, again like the I think, is, potentially at least, common to them all possible.

I say 'potentially' because, like Kant's example of the concept of red that results when the I think attaches to the sensation of red, few if any representations, other than the I think itself, are, *in truth*, common to every possible representation. Yet, from a purely general logical point of view, what is or is not true is of no concern since it relates to the content of concepts and not just their form. Instead, all that matters is that representations, simply by virtue of being thought by *me,* acquire the logical *form* of universality proper to the analytic unity of apperception.

There is, to be sure, a sense in which the scope of the universality constituted by the analytic unity of the I think is not unqualifiedly universal. The synthetic unity of apperception it presupposes encompasses only representations, not things in themselves; and Kant did not quite preclude the possibility that representations can occur that do not belong to this unity, insisting only that such representations, like things in themselves, could be nothing to *me* (B131). Yet, for precisely this reason, these restrictions on its scope are not really restrictions at all. For how would understanding be handicapped if what is nothing to it, and to which it is condemned by the conditions of its possibility to be forever oblivious, is excluded from the scope of its thought? And does the scope of linguistic universality extend farther? Even in respect of language any such distinction in scope would seem to be a distinction without a difference. Since everything that can be anything to me is included within the scope of the analytic unity of consciousness, it thus seems sufficient to ground linguistic universality.

What then is the synthetic unity of apperception that precedes and makes possible the analytic unity of the I think? Because the latter is essential to all concepts, and so to all judgment (propositional thought) as well, it can consist of nothing but sensible representations. Since the only a priori unity of sensible representations that is in place 'ahead of all thought' (B132) is that

[6]The part of transcendental philosophy that goes deeper even than general logic coincides with the subjective transcendental deduction of the categories, while the transcendental theory of cognition is the topic of the less fundamental objective deduction: see Axvi-xvii.

of the manifold in pure space and time, the manifold contained in these intuitions, and united in the consciousness of them, seems to be the only candidate. Moreover, while Kant did not explicitly equate the synthetic unity presupposed by the analytic unity of apperception with that of pure space and time in the B133-4 footnote, it is probably no coincidence that he took the occasion in the very next footnote to make explicit that the unity of consciousness met with in the pure space and time of the Transcendental Aesthetic is 'synthetic yet also original' (B136n; see also A99-10, A107, B140, and B160n). And one cannot help being struck by how well their equation dovetails with the argument of §16 (B131-5) since it would mean that the only representations that could not be anything for *me* would be precisely those that, by failing to conform to pure space and time, cannot be given in intuition – cannot appear, cannot be apprehended – at all.

C. The I think as copula of possible judgments

With logical universality extended from language to mind, the way was opened for Kant to posit purely mental propositional thought (judgment) as well. All that is needed is a means of relating one concept to another, and thereby combining them to form a single, conjoint representation. For if distinct universals were isolated from one another, incapable of being united, attaching the analytic unity of the I think to anything would bring no representational gain, and in particular nothing to affirm or deny, and so too nothing to which truth or falsity could be ascribed. Accordingly, the analytic unity of the I think must be supplemented by innate logical functions that enable representations to which the I think is attached to be united in judgments in much the same way the innate sensible forms posited in the Transcendental Aesthetic meet the need to bring together the manifold data of the senses in intuitions.[7]

In beings constituted like ourselves, the form that enables distinct, otherwise unrelatable concepts to be united is that of *categorical judgment,* where one concept is related to another as predicate to subject. This relation also has quantitative and qualitative logical components, that determine the predication a*s universal, particular,* or *singular,* and as *affirmative, negative,* or *infinite.* The addition of these forms transforms the I think from merely being the form of logical universality to being the *copula* of judgments (B141-2, AA 22 91 and 96). For it is only insofar as the I think attaches to representations that they can be united as subjective and predicate of variously quantified and qualified categorical judgments. (B141-2).[8] Other logical forms transform it further. For once judgments are formed, some means of relating them must exist as well, since otherwise not only would it be impossible to form complex judgments (judgments that relate judgments rather than merely concepts), inference from one judgment to another could not take place. Accordingly, Kant posited logical functions of judgment that permit not only concepts but the judgments formed from them to be combined: the logical form of hypothetical judgment, in which judgments are combined as ground and consequent, and disjunctive logical form, in which they are combined insofar as their subjects (or predicates) divide up the sphere of the subject (or predicate) of another judgment. And since it is only insofar as the analytic unity of the I think confers its universal scope on judgments that they are fit to enter into these relations, the l think plays the same mediating role in complex judgment and inferences that it does as the copula of categorical judgments ('What the *copula* is for categorical judgments, the *consequentia* is for hypotheticals,' L 105).

Whether or not logical functions other than those characteristic of our understanding are possible Kant did not think could be known (B145-6, A230/B283, *Progress* 272). Nor,

[7]Indeed, Kant drew this very analogy: 'Logical form is to the intellectual representation of things precisely what space and time are for the appearances of a thing: namely, they contain the places for ordering them' (AA 17 §4629 [early 1770s]).

[8]This, I believe, underlies Kant's claim that the 'is' of predication can itself be understood as a predicate: '[T]he little word "is" is not still another predicate on top of these, but only what sets the predicate in *relation* (*beziehungsweise*) to the subject' (A598-9/B626-7).

presumably, would he have claimed to know whether there are still higher level logical functions that combine complex judgments to form an entirely new kind of logical unity, quite beyond our ken (whereas, with the present constitution of our minds, we must instead content ourselves with the capacity of reason to represent judgments of a certain kind as a totality by means of ideas). In any case, what is essential is not *which* logical forms characterize the constitution of the understanding but only its possession of *some* such forms by which to relate concepts and judgments that would otherwise be unrelatable and of no representational worth whatsoever.

Conclusion

Until the capacity to represent universality by accompanying representations with the analytic unity of the I think is realized, all representations in the mind are aesthetic in character: impressions of sense (sensations, self-affections), outer and inner appearances, and their reproductions in imagination. Their manifoldness (pure and empirical synthesis of apprehension) and all relation of that manifold, be it a priori (productive synthesis) or a posteriori (association), is exclusively the work of imagination. The universal scope of the I think as analytic unity of apperception can thus play no representational role here since only intuitions, not concepts, are relatable by means of imagination. It therefore needs to be understood as a strictly logical I, not an aesthetic one: the analytic unity of apperception can merely accompany, not relate, aesthetic representations; a copula only of judgments, not syntheses of imagination.[9]

Yet, for precisely this reason, the advent of judgments marks a fundamental transformation in our representation. Sensibility is oblivious to what is represented in judgments; their objects do not appear and cannot be apprehended in intuition. Insofar as experience, as Kant understood it, consists of judgments (PFM 304, AA 18 §§ 5661 and 5923), its objects are not sensible, immediately intuitable appearances at all, but rather phenomena cognized *through* appearances by means of universals, and so objects that exist only in and through discursive understanding.

How this enables the understanding to become the author of nature itself (B127, A114, A125-8, B163-5, PFM 318-20) lies beyond scope of this paper. For present purposes it suffices to recognize the logical significance of the transformation Kant wrought by extending propositional form from language to mentation. The mental propositions of the Empiricists differ fundamentally from verbal ones: not only do they exclude 'rules of propriety' (conventions) but grammatical and logical form as well, and so fall well within the capacity of imagination (i.e. aesthetic representation for Kant), including the powers of animal minds. By contrast, Kant's ability to account for genuine universals in the mind by means of the analytic unity of apperception enabled him to ascribe logical form to mental propositions, so that they can be conceived to be both isomorphic with language and beyond the capacity of animals ('Animals too have *apprehensiones* but not *apperceptiones;* hence, they cannot make their representations universal,' AA 15 §411 [early 1770s]). Thus, in a manner fully consistent with the commitment to the sensible origin of all representational content that he shared with the Empiricists, Kant was able to explain the mental underpinnings of pure general logic that open the way for a solution to the problem of transcendental philosophy: how is the *mind* capable of forming synthetic a priori judgments and applying them to perceptible realities?

[9]This is why 'The identity of the consciousness of myself in distinct times is thus only a formal condition of my thoughts and their interrelation (*Zusammenhanges*) but in no way proves the numerical identity of my subject in which, notwithstanding the logical identity of the I, change of such a kind can be present that does not allow its identity to be maintained. Despite this, we can still always ascribe to it the same-sounding I which, in each distinct state and even one involving a change of subject, could yet keep the thoughts of the preceding subject going and thus carry them over to the succeeding one' (A363). The I would be a being in time if it related intuitions as well as concepts.

Remarks on Ludwig Wittgenstein and Behaviourism

Susan Byrne

ABSTRACT

Ludwig Wittgenstein's systematic rejection of cognitive analysis undoubtedly leads one to interpret his work as being fundamentally influenced by behaviourism. However, despite his private language argument, his views on ostensive definition, and his investigation into psychological concepts and psychology as an empirical science, this paper will show that Wittgenstein's behaviourist influences were both relevant and limited and thus his tentative link to methodological behaviourism should not facilitate any distortion or misrepresentation of his philosophy or be confused with his own assertions as a logical behaviourist.

Ludwig Wittgenstein is considered by many to be the most influential philosopher of the twentieth century. A mathematician and an original and revolutionary philosopher of extraordinary genius, he proposed two philosophies that were equally influential yet diametrically opposed, one expressed in *Tractatus Logico Philosophicus* (1926), and the other in *Philosophical Investigations* (1953). Although distinct in origin and argument there is clear evidence of Wittgenstein's continuity in thought with regard to language and to his on-going investigation in to ontology, semantics and syntax. Although a calculus view of language is presented in the *Tractatus* and not in the *Investigations,* his analogy of a game of chess is used both in his earlier and later works to describe the workings of language, and thus, as Glock argues, it should be considered that the *Investigations* transforms rather than abandons the *Tractatus's* methodological ideas[1]. Testimony to this is Wittgenstein's return to philosophy and his abandonment of not only logical atomism - the idea that the possibility of representation rests on the existence of sempiternal objects - but also the idea that representation presupposes an agreement in form between a proposition and a possible state of affairs. He continued to discuss the relationship between propositions and facts, but now as a special case of intentionality, the 'harmony between thought and reality' which obtains equally between beliefs, expectations, desires, etc., and what verifies or fulfils them[2]:

> 'The agreement, the harmony, of thought and reality consists in this:
> if I say falsely that something is *red,* even the *red* is what it isn't.
> And when I want to explain the word 'red' to someone, in the sentence
> 'That is not red', I do it by pointing to something red'[3].

However although Wittgenstein's conception of two language systems are separate and distinct, the systems are nonetheless unified in sharing several features of commonality.

The term 'family resemblance' is an influential and significant concept across the domains of both philosophy and psychology but for Wittgenstein it characterises the conception of language (rather than only language), proposition and rules. He argues that there is no one defining feature to the meaning of a word:

> 'I can think of no better expression to characterise these similarities
> than 'family resemblance; for the various resemblances between

[1] Glock, H. *A Wittgenstein Dictionary*, Oxford: Blackwell Publishing, 1996: 27.
[2] Glock, H. *A Wittgenstein Dictionary*, Oxford: Blackwell Publishing, 1996: 185.
[3] Wittgenstein, Ludwig *Philosophical Investigations*, Oxford: Blackwell, 1953: #429.

> members of a family: build, features, colour of eyes; gait, temperament, etc. overlap and criss-cross in the same way'[4].

Wittgenstein applies the term family resemblance to all language-games, and in so doing avoids the possibility of any dissimulation arising in language use. However, he does not deny that identical words have different meanings (homographs) and separates this issue from the notion of ambiguity. His concept of family resemblance, and his arguments that there are no defining features or fundamental essence in order that we may define concepts, are an attack on essentialism, i.e. all concepts appropriately used refer to a common underlying essence that make the thing what it is. But how does Wittgenstein form the concept family resemblance? Arguably, the formation of this concept is fuelled by his anti-dogmatic approach to both language and philosophy (in contrast to his logical, analytical and quasi-realist approach in *Tractatus Logico Philosophicus*) which is further compounded by his attack on essentialism. Furthermore, it can be argued that Wittgenstein's anti-essentialist approach is also a rejection of Plato's Forms.

A further extension of Wittgenstein's notion of family resemblance is clearly exemplified in his key concept language-game. The term language-game appeared first in a Cambridge lecture (1932) which was then later, amongst other lectures, dictated to two of Wittgenstein's pupils (Francis Skinner and Alice Ambrose)[5]. In *The Brown Book* language-games are first explained as 'ways of using signs' and a system of communication. For Wittgenstein a language-game is not a doctrine or a theory of language, and to consider it as a theoretical notion or as a key constituent part of a theory to explain language is a further misconception of his work. But one must question whether it is possible to give an accurate description of a language-game at all? Here one is reminded of when Wittgenstein asks:

> 'What does it mean to know what a game is? What does it mean, to know it and not be able to say it? Is this knowledge somehow equivalent to an unformulated definition? So that if it were formulated I should be able to recognise it as the expression of my knowledge? Isn't my knowledge, my concept of a game, completely expressed in the explanations that I could give? That is, in my describing examples of various kinds of game; shewing how all sorts of other games can be constructed on the analogy of these; saying that I should scarcely include this or this among games; and so on'[6]

For Wittgenstein, the technique of language-games was to break the tendency, and thus the expectation, of being able to answer questions such as: 'What is time?', 'What is meaning?', 'What is thought?' and 'What are numbers?' Connected with the inclination to look for a substance corresponding to a substantive is the idea that, for any given concept, there is an 'essence' – something that is common to all the things subsumed under a general term. In the *Blue Book* one can see clearly how Wittgenstein seeks to replace this notion of essence with the more flexible idea of family resemblances. The search for essences is an example of the 'craving for generality' that springs from our preoccupation with the method of science[7]. Furthermore, language

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[4]Ibid.: #67

[5] R.R., cited in: Wittgenstein, L. *The Blue and Brown Books – Preliminary Studies for the 'Philosophical Investigations'*, Oxford: Blackwell, 1958: v.

[6] Wittgenstein, Ludwig *Philosophical Investigations*, Oxford: Blackwell, 1953: #75.

[7] Monk, R. *Ludwig Wittgenstein – The Duty of Genius,* London: Vintage, 1991: 336

functions in life, and so his term 'form of life' or a 'life-form' evolves[8]: words acquire meaning as part of an activity or as part of a form. What is interesting to acknowledge here is that his term 'form of life' appears a mere five times in the *Investigations*[9] and yet here again one can see how Wittgenstein has been misrepresented as a behaviourist rather than a philosopher describing a form of behaviour – such as 'language' or 'ostension', and similarly often the language-game itself is seen as a 'game' and thus a tool for examining and understanding 'behaviour'.

Wittgenstein's interest in psychology as a philosopher has fuelled many debates about his behavioural viewpoints. His interest in this discipline is exemplified clearly in many of his works, such as : *The Blue and Brown Books, Remarks on the Philosophy of Psychology Volumes 1 & 2,* and Part II of the *Investigations*. However, despite his significant and relentless attention in this area, Wittgenstein rejects all cognitive analysis and asserts that philosophy is not a cognitive discipline (thus his failure to address the biological aspect of language development[10]). Glock maintains that there are no propositions expressing philosophical knowledge – and cannot emulate the methods of science…..Wittgenstein's methodological views are based on the conviction that, unlike science, philosophy is concerned not with truth, or matters of fact, but with meaning[11]. Wittgenstein's main concern in the *Investigations* can be found in language and behaviour, a language system that is essentially a theory of language, that is, a language-game view of life. Ray Monk describes the language-game as 'a (usually fictitious) primitive form of language in which one particular aspect of our language – say, the role of names – is highlighted by being separated from the complicated contexts in which it is usually embedded. The idea is that we will be able to 'see the connection' between this simplified case and language as it is used in real life'[12]. For Wittgenstein philosophical problems evince conceptual confusions which arise out of the distortion or misapprehension of words with which we are perfectly familiar outside philosophy. These problems should not be answered by constructing theories, but dissolved by describing the rules for the use of the words concerned[13].

Wittgenstein clearly understands the role of context in an account of linguistic interaction; nonetheless, he uses the term 'context' sparingly. Yet again, in the *Investigations* this term 'context' appears only six times and always in the ordinary rather than the technical sense. This is so because he idiosyncratically reconceptualises linguistic interaction in terms of language-games and forms of life. Thus, according to Wittgenstein, a hierarchy of embedding consists of words and expressions embedded in language-games, which in turn, are embedded in a variety of forms of life (for instance, biological, social or cultural)[14]. In the *Investigations* he is concerned with how the role of language is involved in human behaviour, thus the *Investigations* becomes his investigation into the workings of language and grammar, rather than an investigation into behaviour despite the argument that in order to ascertain whether one understands a concept or word one is directed towards another's behaviour for the answer. Fundamentally, knowledge of language and language use are seen not only in linguistic terms but also in the behaviour of the individual: to fully grasp and understand a word is to be able to use

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[8] Wittgenstein, Ludwig *Philosophical Investigations*, Oxford: Blackwell, 1953: #19

[9] Curry, Michael R.: in Orang, M., Thrift, N., (eds) *Thinking Space*, London: Routledge, 2000: 89.

[10] Hathcock, D. *Wittgenstein, Behaviourism, and Language Acquisition;* http://www.drury.edu/multinl/story.cfm?ID=2435&NLID=166, 2000.

[11] Glock, H. *A Wittgenstein Dictionary*, Oxford: Blackwell Publishing, 1996: 27.

[12] Monk, R., *How to Read Wittgenstein*, London: Granta Books, 2005: 74.

[13] Glock, H. *A Wittgenstein Dictionary*, Oxford: Blackwell Publishing, 1996: 27.

[14] Kopytko, R. *Philosophy and Pragmatics: A Language-game with Ludwig Wittgenstein,* Journal of Pragmatics, 39 (2007) 792-812.

it; the ability to use is actualised and shown in the using and thus this use is reflected in behaviour.

Analytical or logical behaviourism, with its historical roots in logical positivism as exemplified in the earlier work of Wittgenstein, is a theory within philosophy about the meaning or semantics of mental terms or concepts. It states that the very idea of a mental state or condition is the idea of a behavioural disposition or family of behavioural tendencies (could this term be aligned to Wittgenstein's concept 'family resemblance'?). For example, when a belief is attributed to someone, one is not saying that he or she is in a particular internal state or condition. Instead one is characterising the person in terms of what he or she might do in particular situations or environmental interactions. This type of behaviourism – analytical – can be seen clearly in the work of Gilbert Ryle (1900 – 1976) and arguably a version of this type of behaviourism can also be traced in the work of Daniel Dennett on the ascription of states of consciousness via a method he calls 'heterophenomenology'. Similarly, Willard Van Orman Quine took a behaviourist approach to the study of language. He claimed that the notion of psychological or mental activity has no place in a scientific account in either the origins or the meaning of speech. To talk in a scientifically disciplined manner about the meaning of an utterance is to talk about stimuli for the utterance, its so-called 'stimulus meaning'[15]. However, this interpretation of analytic or logical behaviourism raises the question of whether Wittgenstein actually fitted this category? Would it be more accurate to suggest that Wittgenstein has been misinterpreted as a behaviourist in the psychological sense rather than any philosophical one? Furthermore, according to behaviourism, mental state descriptions are really disguised or shorthand versions of behavioural descriptions. Thus, they cannot be invoked to explain the same chunks of behaviour. Aside from providing a rich description of mental phenomena throughout the *Investigations,* Wittgenstein himself explicitly rejects the accusation[16]:

> 'Are you not really a behaviourist in disguise? Aren't you at bottom really saying that everything except human behaviour is a fiction? – If I do speak of a fiction, then it is of a *grammatical* fiction'[17]

Furthermore, Wittgenstein asks how does the philosophical problem – even if it is only conceptual - about mental processes and states, and about behaviourism arise?

> The first step is he one that altogether escapes notice. We talk of processes and states and leave their nature undecided. Sometimes perhaps we shall know more about them – we think. But that is just what commits us to a particular way of looking at the matter. For we have a definite concept of what it means to learn to know a process better…..So we have to deny the yet uncomprehended process in the yet unexplored medium. And now it looks as if we had denied mental processes. And naturally we don't want to deny them[18].

Here Wittgenstein acknowledges – to an extent – that there is more to know

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[15] Stanford Encyclopedia of Philosophy: Behaviourism: http://plato.stanford.edu/entries/behaviourism/, 2007.

[16] Thornton, T. *Wittgenstein on Language and Thought: The Philosophy of Content,* ,Edinburgh: Edinburgh University Press: 1988: 120.

[17] Wittgenstein, Ludwig *Philosophical Investigations*, Oxford: Blackwell, 1953: #307.

[18] Ibid. # 308.

about the nature, and perhaps arguably 'essence', of mental processes and states even if for now one must deny the 'uncomprehended process' in the 'unexplored medium'. One could reasonably suggest here that in light of the developments within cognitive psychology as a science that the then 'uncomprehended process' is now considered to be mental processes such as attention, perception, memory, knowledge, reasoning and language, and that the 'unexplored medium' refers to the mind?

Wittgenstein's later philosophy of psychology retains points of contact with logical behaviourism. It rejects the dualist account of the mental as inalienable and epistemically private. It accepts, albeit as an empirical fact, that language-learning (and thereby the possession of a complex mental life) is founded on brute 'training' (*Abrichtung*), rather than genuine EXPLANATION, and presupposes natural patterns of behaviour and reaction, to be activated by certain stimuli. And it claims that the ascription of psychological predicates to other people is *logically* connected with behaviour[19]. However, Wittgenstein's connection in his later philosophy to logical behaviourism is not sufficient to assert that he was a behaviourist – indeed methodological behaviourism and logical behaviourism are sufficiently distinct, and similarly even though he systematically rejects cognitive analysis he does not deny the existence of a complex mental life, particularly when he refers to mentalistic concepts:

> 'We are tempted to think that the action of language consists of two parts: an inorganic part, the handling of signs, and an organic part, which we may call understanding these signs, meaning them, interpreting them, thinking. These latter activities seem to take place in a queer kind of medium, the mind; and the mechanism of the mind, the nature of which, it seems, we don't quite understand, can bring about effects which no material mechanism could'[20].

One of the best ways to understand language-games is to see them as a network of connections, or at least producing an understanding that allows one to see connections. Furthermore, while language-games are primitive forms of language they are supposed to be 'complete'. Teaching practices, by contrast, are fragments of language:

> 'They are more or less akin to what in ordinary language we call games……We are not, however, regarding the language-games which we describe as incomplete parts of a language, but as languages complete in themselves, as complete systems of human communication…'[21].

Wittgenstein tried to show that not all meaningful uses of language are meaningful in the *same* way; for example, names derive their meaning from a definite association or correlation with a specific object or person; however, not all words are names - the thing or person that is the *bearer* of the name is not itself or herself the *meaning* of the name[22].

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[19] Glock, H. *A Wittgenstein Dictionary*, Oxford: Blackwell Publishing, 1996: 57.
[20] Wittgenstein, L. cited in: Monk, R., *How to Read Wittgenstein*, London: Granta Books, 2005: 74
[21] Wittgenstein, L. *The Blue Book,* London: Blackwell Publishing, 1958: 81.
[22] Monk, R. *How to Read Wittgenstein,* London: Granta Books, 2005: 73.

Was Wittgenstein a behaviourist? is undoubtedly a contentious question and one that has been asked by not only many eminent psychologists but also by philosophers, scholars and critics. It is a factious area of enquiry with many complex matters to consider before any judgement can be made. In psychology, behaviourism is the view that human activity is accounted for by descriptions of one's behaviour. For example, Mary Jo is visibly upset. The description of her behaviour includes using the terms crying, anxious and sobbing; it is from observing Mary Jo's behaviour - crying, anxious and sobbing – that one can give an account or description of her behaviour. However, in philosophy, and in particular with reference to the philosophy of mind, logical behaviourism argues that one's mental concepts can be defined in terms of one's behaviour, in the sense that statements about one's mind can be translated into statements about one's behaviour, thus there is an interconnection between concepts and behaviour, and mind and behaviour. The general term 'behaviourist' has been applied to Wittgenstein, perhaps only because he places an emphasis on meaning and 'meaning as use' within a social context (how one is using language), and yet no detailed examination and specific definition of the type of behaviourism he is supposed to have held is available. Thornton argues that there are close ties between mental states and behaviour. Because mental states content depends on linguistic content, being able to form mental states requires underlying practical abilities to use and explain signs. These practical abilities pay a constitutive role in the formation of mental states. Thus, there is an a-priori and analytic connection between mental states and behaviour. However, one has to ask whether that connection is sufficient to warrant the generality of Wittgenstein being labelled a behaviourist?[23]

Behaviourism, as a prominent paradigm in the 1940s and 50s, placed an emphasis on the study of learning rather than focusing on psychological functioning; behaviourists were interested in seeing and understanding the effects of stimulus-response reactions – that which is considered to be 'observable' and 'objective' as opposed to that which is 'inward' or a form of introspection both of which are neither observable or objective. When Wittgenstein was working on the *Investigations,* behaviourism was at the same time concerned with attempting to put forward a 'theory of behaviour'. (One could arguably align this with the assertion that Wittgenstein's language-game, as explicated in the *Investigations,* similarly constitutes a 'theory of language'.) The proposed theory of behaviour was based on the principles of conditioning, S-R reactions, and on environmental determinants of behaviour. (However, some problems that have been associated with behaviourism include the issue that environmental stimuli are accounted for while internal factors such as past knowledge and experience are ignored. It is because of dissatisfaction with behaviourism that the development of the cognitive approach was born.)

Without exception, logic would have played an important role without Wittgenstein, due mainly to Frege, Russell and Carnap but it was Wittgenstein who provided a powerful methodological rationale for its role, and who brought language into the equation[24]. He characterises logical truths not in terms of form or structure, but by reference to linguistic behaviour. He views language as essentially guided by norms. It is this normativist conception of language which allows him to make sense of, rather than to reject, the notion of logical necessity[25]. The *Investigations* shows clearly how Wittgenstein abandoned logical atomism but retained the idea of a 'phenomenological'

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[23] Thornton, T. *Wittgenstein on Language and Thought: The Philosophy of Content,* ,Edinburgh: Edinburgh University Press: 1988: 120.
[24] Glock, H. *A Wittgenstein Dictionary*, Oxford: Blackwell Publishing, 1996: 28
[25] Ibid.: 135

primary language hidden beneath the surface of ordinary language [26]. Wittgenstein wanted to write a book to continue, and later to correct, his earlier work (The *Tractatus*). For many, as Bryan Magee states, to understand Wittgenstein is to understand his 'matter' and thus it is no surprise to observe how often he has been misunderstood and misinterpreted, by both scholars and critics. The *Investigations* is exemplary of this: Wittgenstein never suggests that language is a 'game' but that language is similar to games in terms of its network of connections and family resemblances. Furthermore, because of the structure and terseness of the *Investigations,* the complex nature of the language-game can be difficult to access and understand; nonetheless the *Investigations* is a continuation of his ideas about language and its constituent parts: ontology, semantics and syntax. It is questionable whether Wittgenstein ever abandoned the calculus view of language. However, by the time the *Blue and Brown Books* were circulating he had replaced the term 'calculus' with 'language-game' and thus this would indicate a definite shift in his conception of language. However, both the calculus and language-game are rule-governed but it is Wittgenstein's conception of these rules, and their application, that has altered: 'if anyone utters a sentence and *means* or *understands* it he is operating a calculus according to definite rules'[27]. Wittgenstein claims that the calculus view of language does not reflect the essential nature of reality but is autonomous. For him, the 'meaning' of a mathematical sign, like that of a chess piece, is the sum of the rules that determine its possible moves[28]. What differentiates applied mathematics and language from chess and pure mathematics is merely their 'application', the way in which they engage with other (linguistics and non linguistic) activities[29]. Just as the calculus view of language highlights similarities between language and formal systems, the term language-game highlights the similarities between language and games, and thus the link to behaviour can be seen yet again.

A further anomaly in Wittgenstein's alleged allegiance to behaviourism can be identified when he suggests that language is impossible to transcend and that it can never be explained from an 'outside' perspective but is only explicable from within the workings of language itself: language is obscured when 'instead of looking at the *whole language-game,* we only look at the contexts, the phrases of language in which the word is used'[30]. (One could argue here that when he denies the explanation of language from an outside perspective he is in fact disclaiming a form of behaviourism.) The language-game is language in action, and for Wittgenstein as a logical behaviourist it is also language as behaviour. Speaking a language and using words is an analogy to playing games, also behavioural: both (using words and playing games) are human activities, social and shared communal processes that are systematic and are rule-governed. However, although he did not abandon the idea that language is rule-governed, he clarified it, comparing language no longer to a calculus but to a game. Unlike these analogies, the idea that language is rule-governed is not just a heuristic device; understanding a language involves mastery of techniques concerning the application of rules. Wittgenstein continues to stress the link between language, meaning and rules (ontology, semantics and syntax)[31]: 'following according to rule is FUNDAMENTAL to our language-game'[32].

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[26] Ibid.: 23.

[27] Wittgenstein, Ludwig *Philosophical Investigations*, Oxford: Blackwell, 1953: #81.

[28] Glock, H. *A Wittgenstein Dictionary*, Oxford: Blackwell Publishing, 1996: 23.

[29] Wittgenstein, Ludwig in *Ludwig Wittgenstein and the Vienna Circle* (1929-1932) 103-5, 124, 150-1, 163, 170; MS 166 28-9; Laws II #88; cited in Glock, H. *A Wittgenstein Dictionary*, Oxford: Blackwell Publishing, 1996: 193.

[30] Wittgenstein, L. *The Brown Book,* London: Blackwell Publishing, 1958: 108.

[31] Glock, H. *A Wittgenstein Dictionary*, Oxford: Blackwell Publishing, 1996: 151

[32]Wittgenstein, L. *Remarks on the Foundations of Mathematics* [1937-44], ed. G.H. von Wright, R. Rhees & G. E. M. Anscombe, tr. G.E.M. Anscombe, re. edn, Oxford: Blackwell, 1978:330.

Both language and games are contextual and share several features rather than one defining characteristic that suggest how they should be categorised. However, although the language-game is rule-driven, the rules are applied loosely as opposed to strict and rigorous rules that one might apply to science. A language-game does not always follow strict rules:

> 'It is not everywhere circumscribed by rules; but no more are
> there any rules for how high one throws the ball in tennis, or how hard;
> yet tennis is a game for all that and has rules too.'[33]

A language-game refers to a social based context where human beings relate to, engage with and understand one another. As in games, a language-game will have (or develop) its own rules for understanding and interpreting the many and varied aspects of its use of language. However, this does not prevent contradictions or some confusion arising when aspects of one language-game may be set aside with similar aspects to another language-game.

Wittgenstein's philosophy of mind has often been interpreted – or arguably misinterpreted - as a form of behaviourism. However, as a behaviourist, or perhaps a philosopher with behaviourist viewpoints, he introduced language in a broader context and with no specific link to cognitive processing. Wittgenstein asks how does language function in life and what roles does language play in human thinking and in human behaviour, and it is these fundamental questions that separate him from a behaviourist stance and anchor him firmly in logic and language. Similarly, his interest in establishing broader descriptions as opposed to concrete definitions distinguishes his language-game as innovative and impossible to describe. Furthermore describing or labelling Wittgenstein as a behaviourist is arguably a profound misconception of his work and distorts any potential appreciation and understanding of his philosophy. Perhaps all one can conclude is that while he was open to some vague behaviourist assumptions within the paradigm of psychology at the time of the *Investigations,* he was without doubt and exception, a logical behaviourist in the fullest sense, and remained so even as he undermined positivism in his later works.

Perhaps, at best, we are left asking the more relevant and integral question: would Wittgenstein have clarified his position in his psychological writings in philosophy if he knew how much he was going to be misinterpreted and misunderstood, particularly in relation to behaviourism?

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[33] Wittgenstein, L. *Philosophical Investigations,* Oxford: Blackwell, 1953: #68.

A Bibliography of English Language Commentaries on the Philosophy of Edith Stein

John Haydn Gurmin

In recent years a great deal of secondary literature has been published in relation to the works of Edith Stein. The literature spans a number of languages and covers many disciplines of study. [1] What is undertaken here is to make available a bibliography of secondary literature in English - this bibliography focuses on publications that emphasise the *philosophical* nature of Stein's writings in particular. Sarah Borden and Kevin Jones have compiled a more complete and thorough account of the extant secondary literature (spanning a variety of languages) on the writings of Stein which is available online.[2] What we find below is taken in principle from Borden and Jones' compilation. However, there have been a number of additions made to the bibliography; (i) in terms of articles and books which have just recently been published, such as Mette Lebech's *On the Problem of Dignity* (2009) and (ii) those that are forthcoming, such as Sarah Borden's, *Thine Own Self: Individuality in Edith Stein's Later Writings* (late 2009) etc. Further additions have been made to take account of the following important philosophical commentaries on the works of Stein: Marianne Sawicki's article - 'Making-Up-Husserl's Mind about Constitution' (2007), Evan Thompson's book *Mind in Life: Biology, Phenomenology, and the Sciences* (2007), and Wilk's article, 'On Human Being: A Dispute between Edith Stein and Martin Heidegger' (2007).

It is evident from this bibliography (and in particular from the date of publications) that Stein's works are valuable resources for modern thinkers. In terms of promoting the *philosophy* of Edith Stein further – it is our desire to establish an *Association for the Promotion and Study of the Philosophy of Edith Stein*. Anyone wishing to receive further information with regard to this *Association* can do so by contacting mette.lebech@nuim.ie or john.h.gurmin@nuim.ie.

Ales Bello, Angela

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[1] Stein's writings have influenced a great array of disciplines including feminism, political philosophy, psychology, theology, and not least philosophy.

[2] See http://www.baltimorecarmel.org/ - go to 'carmelite saints' and select Edith Stein. For secondary literature A-C consult: http://www.baltimorecarmel.org/saints/Stein/borden%20bibliography%20a-c.htm, D-G consult: http://www.baltimorecarmel.org/saints/Stein/borden%20bibliography%20d-g.htm … H-L consult: http://www.baltimorecarmel.org/saints/Stein/borden%20bibliography%20h-l.htm … M-R consult: http://www.baltimorecarmel.org/saints/Stein/borden%20bibliography%20m-r.htm … and S-Z consult: http://www.baltimorecarmel.org/saints/Stein/borden%20bibliography%20s-z.htm … Accessed 5/05/2009. This website was compiled by Sarah Borden and Kevin Jones and was last updated in December 2008. Anyone noticing omissions in the secondary literature on the Baltimore website are welcome to contact the adminstrators with the relevant bibliographical details.

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The *De mixtione elementorum* of Thomas Aquinas

Conleth Loonan

ABSTRACT

In this article Aquinas's three accounts of how the elements combine – those of Avicenna, Averroës and Aquinas himself – are considered. An attempt is then made to reinterpret these accounts in the light of our contemporary understanding of the manner in which the modern elements behave in combination. This follows Bobik's lead in restating Aquinas's own account of how the Aristotelian elements combine, using present-day insights into the behaviour of the modern elements.

I
Introduction

De Mixtione Elementorum is a short work by St Thomas Aquinas. McDermott[1] states that its date of composition is uncertain, Bobik[2] gives 1273, and Larkin[3] quotes Mandonnet as giving it at about 1273, and Eschmann as 1270/71. Larkin goes on to say that in this work Aquinas takes up the problem of Aristotle's *De Generatione et Corruptione*, book 1, chapter 10, and considers two viewpoints on the question of how the forms of the elements remain in compounds. The first position he takes up, according to Larkin[4] is that these forms persist actually in the compound. After refuting it, he presents an opinion that tries to avoid the difficulties inherent in the preceding position, and those also that are entailed in the contention that the forms of the elements do not exist in the compound at all. Aquinas rejects this second opinion also and then reaffirms the Aristotelian solution.

McDermott[5] says that the philosophical questions asked by Aquinas would still have to be asked today by an Aristotelian philosophy of substance: in a compound what is the substance, only the elements, or both the elements and the compound, or only the compound? It is the intention of this essay to give an account of both *De Mixtione Elementorum* itself and of Grant's commentary on it, and to discuss Bobik's interpretation of the work.

II
De Mixtione Elementorum

2.1 Avicenna's Theory

The substantial forms remain, but active and passive qualities of the elements are somehow placed, by being altered, in an intermediate state, the reason being that if they did not remain, there would be a kind of corruption of the elements, rather than a combination. As Grant[6] says this topic was discussed by Avicenna in his *Sufficientia*.

[1] Timothy McDermott (Trans.) *Thomas Aquinas Selected Philosophical Writings*, Oxford (1993) p. 117.
[2] Joseph Bobik, *Aquinas on Matter and Form and the Elements*, Notre Dame (1998) p. xvii.
[3] V.R. Larkin 'St Thomas Aquinas: "On the Combining of the Elements",' *Isis*, Vol. 51, No. 1, (Mar., 1960), p. 67.
[4] *Ibid*, p. 68.
[5] McDermott, *op. cit.*, p. 117.
[6] Edward Grant, (ed.) *A Source Book in Medieval Science*, Harvard University Press (1974) p. 607.

According to Grant, Avicenna argued that the substantial or essential forms of the combining elements persist, unaltered, in a compound. With only their qualities altering and weakening, contrary qualities blend into a *complexio*, or mean quality. But the new complexions, or mean qualities, do not produce a new substantial form in the newly forming compound. Rather, they prepare the matter of the compound to receive a new substantial form that is infused directly by the '*dator formarum*', namely the agent intellect. This new substantial form is simply added to the four substantial forms of the elements already present in the compound. The properties or accidents of the compound are then finally determined by the new substantial form. Grant goes on to say that Avicenna's theory was almost without influence in the Latin west.

Aquinas[7] continues that if the substantial form of the compound is the act of matter, without presupposing the forms of the simple bodies, then the simple bodies would lose the nature of the elements, for an element is that out of which something is in the first instance formed, which remains in it, and which is by its nature indivisible, for if the substantial forms are withdrawn, the compound will not be formed from the elements in such a way that they remain in it. [This argument is drawn from Aristotle's *Metaphysics*, according to Grant,[8] who gives Aristotle's definition of an element as: 'the primary component immanent in a thing, and indivisible in kind into other kinds' (*Meta.* V. 3. 1014a 26-27).]. Aquinas[9] says that this cannot be the case, in that it is impossible for the same portion of matter to receive the forms of the different elements. He argues that if the substantial forms of the elements are preserved in the compound they must be in different parts of matter. But it is impossible for different parts of matter to receive them, unless it is assumed that quality is present in matter, for if quality is not presupposed, the substance would still be indivisible, as is made clear in the first book of the *Physics*, which Grant[10] gives as:

> 'If, then, being is both substance and quality, it is two, not one: if only substance, it is not infinite and has no magnitude; for to have that it will have to be a quality'.
>
> (*Physics*, 1.2. 185b. 2-4)

Thus, according to Grant, if being is substance only, it will have no magnitude and will consequently be indivisible.

Aquinas[11] continues that a physical body is composed of matter that is subject to dimensions, and of a substantial form united to it, and therefore the different parts of the matter, that support the forms of the elements, receive the natures of several bodies. But he says: '*multa autem corpora impossibile est esse simul*'. The four elements will not then be in each part of the mixture, and hence there will not be a true mixture, but only an apparent one, as is the case when bodies, which are invisible or imperceptible due to their minuteness, are clustered together. Grant[12] explains that under the circumstances described here, if four elements constitute a given compound, each element will fully retain its identity and represent a part of the compound in complete isolation from the other three elements. Thus a compound would consist of four elements each occupying a different part of the compound, but unmixed in any matter. Hence it is not a true

[7] *Ibid.*, p. 603.
[8] *Ibid.,* p. 603.
[9] *Ibid.,* p. 603.
[10] *Ibid.*, p. 603.
[11] *Ibid.*, p. 603.
[12] *Ibid.*, p. 604.

mixture or compound. Grant[13] goes on to explain that in *De Generatione et Corruptione* book 1, chapter 10, Aristotle has distinguished between what the scholastics were to call a *mixtio ad sensum*, which corresponds to a physical mixture, and a *mixtio secundum veritatem*, which corresponds more closely to our notion of a chemical compound. Grant goes on to say that how elements were contained in a compound was answered by Aristotle only very briefly and sketchily, and explained that: 'since, however, some things *are-potentially* while others *are-actually* the constituents, combined in a compound can 'be' in a sense and yet 'not-be'.' The compound may *be-actually* other than the constituents from which it has resulted, nevertheless each of them may still *be-potentially* what it was before they were combined, and both of them may survive undestroyed. The constituents, therefore, neither:

a. persist actually, as 'body' and 'white' persist, nor
b. are they destroyed (either one of them or both) for their 'power of action' is preserved (*De Generatione et Corruptione* 1.10. 327b. 24-31).

Grant[14] says that it was left to the scholastics to explain the mechanism by means of which an element could be said to have its power preserved in a compound and yet not actually persist. A number of solutions were proposed, the most important of which are discussed by Aquinas in the work under consideration.

Aquinas[15] continues that every substantial form demands a special disposition (*propriam dispositionem*) in matter, without which it cannot exist, as a result, alteration precedes generation and corruption. He states that it is impossible that the special disposition which is demanded by the form of water should be found in the same portion of matter, because it is on account of such dispositions that fire and water are contraries. It is impossible for contraries to be entirely present in the same thing at the same time, he argues, and therefore it is impossible for the substantial forms of fire and water to be in the same part of a compound (*in eadem parte mixti*). If then a compound is formed while the substantial forms of the elements remain, it follows that it is not a true compound, but only an apparent one, as when parts, indiscernible because of their smallness, are placed next to one another.

2.2 Averroës's Theory

Aquinas[16] then says that some men wishing to escape both arguments, have fallen into a greater difficulty, and goes on to give Averroës's account. In order to distinguish the combinations of elements from their corruption, they said the substantial forms of the elements indeed remain somehow in the compound, but lest they should be forced to admit that it is an apparent combination, and not a true one, they maintain that the forms of the elements do not remain in the compound in their entirely, but are reduced to some intermediary state, for they say that the forms of the elements admit of more or less, and are related to one another as contraries. But because this plainly contradicts the common opinion of men and of Aristotle in his *Praedicamenta* [According to Grant[17] the *Categories*, 5.3b. 24) 'another characteristic of substances is that there is nothing contrary to them', and 5.3b. 33: 'For example, white, which is in a subject (the body), is predicated of the subject; for a body is called white. But the definition will never be predicated of the body'] that substance has no contrary and that it does not admit of more or less, they go

[13] *Ibid.*, p. 605.
[14] *Ibid.*, p. 606.
[15] *Ibid.*, p. 604.
[16] *Ibid.*, p. 604.
[17] *Ibid.*, p. 604.

further, and say that the forms of the elements are the least perfect of all (*imperfectissimae*) as they are closer than others to prime matter, hence they stand midway between substantial and accidental forms (*mediae inter formas substantiales et accidentals*), and thus, inasmuch as they approximate the nature of accidental forms, they can admit of more or less, even though they are related to one another as contraries. But Aquinas dismisses this position for a number of reasons. First, because it is impossible for something to stand midway between substance and accident, as then there would be a mean between affirmation and negation. It is in the nature of the accident that it be in a subject, but in the nature of substance that it not be in a subject. And substantial forms are indeed in matter (*materia*) but not in a subject, for a subject is something individual. A substantial form is that which causes the individual subject. It does not presuppose it. Likewise, it is ridiculous to say that there is something midway between things which do not belong to the same genus, for the means and the extremes must belong to the same genus, as proved in Book 10 of Aristotle's *Metaphysics*, in which he says: 'for all intermediates are in the same genus as the things between which they stand'. Therefore there can be no mean between substance and accident.

Aquinas[18] gives another example in which he states that it is impossible for the substantial form of the element to admit of more or less. He elaborates on this by saying that every form that admits of more or less is accidentally divisible inasmuch as the subject can participate in it more or less. Now, he says, one finds continuous motion in that which is divisible essentially or accidentally, as is made clear in Aristotle's *Physics*, which Grant[19] gives as *Physics* VI.2. 233b. 15, 31 in which Aristotle says: '… neither a line nor a surface nor in fact, anything continuous, can be indivisible' and 'it is evident, therefore, that nothing continuous is without parts', respectively.

Aquinas says that one has as examples change of place, and growth and decay with respect to space and quality which are essentially divisible, and alteration with respect to qualities, such as hot and white, that admit or more or less, there will be continuous motion in both the generation and corruption of the elements, but that this is impossible, for continuous motion exists in three genera, namely quantity, quality and place, as is proved in Aristotle's *Physics* Book 5, given by Grant as *Physics* V.1. 225b. 9, in which Aristotle says 'There are three kinds of motion – qualitative, quantitative and local'.

Furthermore, even difference in substantial form results in a change of species, and what admits of more or less, and is in some way contrary to it, as in the case of the more white and the less white. If then the substantial form of fire admits of more or less, it will result in a change of species, according as it is more or less realised, and it will not be the same form but another one. Aquinas[20] then quotes Aristotle in the eighth book of the *Metaphysics*, that just as the species is changed in the case of numbers by addition and subtraction, so also is it changed in the case of substances. He concludes that some other explanation must be found by which the truth that a combination is effected and that the elements are not wholly destroyed but remain in some way in the compound may be safeguarded. He then goes on to state his own solution to the problem.

[18] *Ibid.*, p. 604.
[19] *Ibid.*, p. 604.
[20] *Ibid.*, p. 605.

2.3 Aquinas's own Theory

Aquinas[21] first considers that the active and passive qualities of the elements are related to one another as contraries, and admit of more or less. From these contrary qualities there can be formed a mediant quality which partakes of the nature of each extreme, and he gives as examples grey which lies between white and black and warm which lies between hot and cold. Thus, when the perfections of the qualities of the elements are modified, there is formed from them some kind of mediant quality which is the quality characteristic of the compound and which differs in different compounds according to the different proportions of the combinations, and the quality is, in fact, the disposition that belongs to the form of the compound, just as the elementary quality is the disposition that belongs to the form of an element. He argues that the quality of an element is indeed distinct from its substantial form. However, it acts by virtue of the substantial form, otherwise, heat would merely warm, and not by its power would a substantial form be brought to actual existence, for a thing's activity cannot transcend its nature.

Aquinas[22] argues that in this way the powers of the substantial forms of the elements are retained in compounds. As Grant[23] explains, that is, through the elemental qualities which united to form the mediant quality, which becomes the characteristic quality of the compound. Aquinas concludes that the forms of the elements are present in compounds not actually but virtually, and that this is what Aristotle says in the first book of *De Generatione et Corruptione*, given by Grant[24] as 1.10. 327b. 30-32.

> 'The elements do not remain actually in the compound, as body and white do, and neither one of them nor both of them are destroyed or altered; for their power is preserved.'

III
Discussion

3.1 Avicenna's Theory

In Bobik's[25] analysis of this theory the elements remain with their substantial forms, but their active and passive forms have been changed into some sort of mean. He says that Aquinas points out that the active and passive qualities of a mixed body are different from, and are some sort of mean between, those of each of its constituent elements, for if they were not different, it would be impossible to differentiate the mixed body from its elements. For a thing acts, and is itself acted upon, according to what it is. But the elements themselves, in a mixed body, must remain unchanged, must retain their substantial forms. Because, if this were not the case, the elements would have been corrupted and, just as it is impossible for a whole to be made up of constituents which no longer exist, so too is it impossible to have a mixing of elements out of elements which no longer exist.

Bobik[26] says that they (the Avicenneans) argue secondly, as Aquinas notes, that if the substantial form of a mixed body were to inform prime matter directly, so that the forms of the now-constituting simple bodies had perished, then the simple bodies would not

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[21] *Ibid.*, p. 605.
[22] *Ibid.*, p. 605.
[23] *Ibid.*, p. 605.
[24] *Ibid.*, p. 605.
[25] Joseph Bobik, *Aquinas on Matter and Form and the Elements*, Notre Dame (1998) p. 106.
[26] *Ibid*, p. 106.

fulfil the definition of an element. For, whatever else an element is, it is something which remains in a mixed body.

Both of these argument, Bobik[27] says, begins by supposing that the substantial forms of the simple bodies do not survive in the mixed body. But, whereas the first argument notes that, in that case, there would not be a mixing of simple bodies, but a corruption of them, the second argument notes that, if that were the case, the simple bodies could not be elements, because they would not remain in the mixed body. To have a mixing out of simple bodies, urges the first argument, one must have the simple bodies, but the second argument insists that for the simple bodies to be elements, they must remain in the mixed body as its ingredients.

Bobik[28] employs Aquinas's reasoning to consider the matter in a contemporary context, and considers the case of water, taking water as a mixed body, and oxygen and hydrogen as it elements. Do oxygen and hydrogen 'remain intact' in water? It seem that they do, in some way at least, for they can be retrieved. Bobik[29] ponders whether their active and passive qualities have been altered, or changed into some sort of mean. And indeed, what are the active and passive qualities of hydrogen and oxygen, i.e. before they become constituents of water? What is the mean, i.e. what are the active and passive qualities of water, in terms of which water is to be differentiated from oxygen and hydrogen? And what is it that oxygen does to hydrogen, and *vice versa*, to produce this mean quality (or qualities) which is the mean quality (or qualities) proper to water?

Bobik[30] argues that, if the substantial forms of hydrogen and oxygen remained in water, then water would be water throughout, yet simultaneously hydrogen in certain of its parts, and oxygen in certain other of its parts, which is quite clearly impossible, he says. It must be the case then that, when hydrogen and oxygen become constituents of water, they cease being hydrogen and oxygen respectively, because water is water, and just water. Nonetheless, both oxygen and hydrogen must remain in some way in the water. For both are retrievable. But how exactly do they remain? Whatever the way in which they remain, they cannot remain precisely as hydrogen and oxygen, each with its appropriate substantial form. Could it be that they remain by reason of their active and passive qualities, but as altered somehow into some sort of mean qualities, which are the qualities appropriate to water?

Bobik[31] examines the difference between a true mixing (*vera mixtio*) and a mixing only to sense (*mixtio ad sensum, secundum sensum, solum*). He asks whether Aquinas is suggesting, by implication at least, that in a true mixing the four elements (or however many of them are required by the substantial form of the mixed body) are found in any and every part (*in qualibet parte*) of the mixed body. For he writes:

> '*Non igitur in* ***qualibet parte*** *corporis mixti erunt quatuor elementa. Et sic non erit vera, mixtio, sed secundum sensum …*'

If this is indeed what Aquinas is suggesting, then it is clear that the elements cannot be in the mixed body with their respective substantial forms. For a mixed body is just whatever it is, and throughout. It is certainly true, Bobik[32] argues, that water (taking water as a mixed body) is water throughout, that every part of water is just water, and that no part of water is either hydrogen or oxygen (taking these as the constituting elements). And this clearly implies that, however it is that the elements survive in a mixed body, they cannot survive with their respective substantial forms. In a mixing

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[27] *Ibid*, p. 106.
[28] *Ibid*, p. 107.
[29] *Ibid*, p. 107.
[30] *Ibid*, p. 108.
[31] *Ibid*, p. 111.
[32] *Ibid*, p. 111.

which is a mixing to sense only, on the other hand, the parts which make up the resulting body remain, each of them, with their respective substantial forms. So that, if water were a mixing only to sense, some parts of the water would be oxygen, other parts would by hydrogen, and the water itself would not be water at all, let alone throughout. Water would only be a collection of juxtaposed atoms of hydrogen and oxygen. Furthermore, it would not have the qualities which we know to be proper to water. Rather, some parts of it would have the qualities of hydrogen, other parts, the qualities of oxygen. So how then are the elements hydrogen and oxygen present in the mixed body, water?, Bobik[33] asks. Not actually – this is clear. Potentially then? This seems the correct thing to say, for what other alternative is there? But what exactly does this mean? Are we to say, as it seems Aquinas would (if he had taken water to be a mixed body) that what this means is that it is their active and passive qualities which remain but as altered into water's appropriate mean qualities by their water-constituting interaction? And are we to take this to mean, as it seems Aquinas would, that the substantial form of water is both brought into existence, and having been brought into existence, acts through these mean qualities, until such time as some external agent (or agents) 're-alters' water's mean qualities, i.e. nullifies the prior water-constituting interaction between oxygen and hydrogen, releasing thereby their extreme elemental qualities, and in turn bringing about their re-generation as actual, and separately existing and acting, physical entities?

In a true mixing thus, Bobik[34] argues, the elements do not survive with their respective substantial forms. What survives is their active and passive qualities, appropriately changed by alternation into a set of mean qualities. These mean qualities serve as:

i. the disposition by which the mixed body is brought into existence,
ii. as that by which the mixed body acts, and
iii. as that by the removal of which the elements are released to exist again as actual, separate and free physical realities.

In a mixing to sense only Bobik[35] says, the ingredients survive with their respective substantial forms. Such a mixing is just a collection or gathering of juxtaposed things – not mixed, since they have not altered one another by some appropriate interaction – each of which is so small that neither they nor their juxtaposition is perceptible to sense, but to sense only, such a mixing may, in some cases, appear to be a true mixing.

Bobik makes a clever argument in drawing attention to the shortcomings of Avicenna's analysis of the problem of how the elements blend by using as examples hydrogen and oxygen and how, if these two element retain their substantial forms as elemental hydrogen and elemental oxygen, they will not form water. It could be argued, however, on Avicenna's behalf, that if one were to consider some solutions of water soluble materials, one might see some justification for Avicenna's position.

One might take as examples the two crystalline materials, copper sulphate and common salt (taking these as 'earth') which are perfectly water soluble (at least up to their limit of solubility). Copper sulphate is a blue crystalline solid, which dissolves in water to form a blue solution. The higher the concentration of copper sulphate the bluer the solution. It could be argued that copper sulphate solutions satisfy the scholastic's criterion of a *mixtio secundum veritatem* as there is no doubting the completeness of the mixing process as the solutions are perfectly clear under every scrutiny, demonstrating that the copper sulphate has indeed dissolved completely in the water. Yet the solutions

[33] *Ibid*, p. 112.
[34] *Ibid*, p. 112.
[35] *Ibid*, p. 112.

are both blue and aqueous, proving that they really are composed of blends of copper sulphate and water. But the strength of the blue colour of a given solution is in direct proportion to the amount of copper sulphate in that solution, the higher the proportion of copper sulphate the bluer the solution. An Avicennean might well argue that this is a consequence of the copper sulphate and the water each preserving its substantial form in the solution but blending its accidental properties with the other material. There is no doubting that both water and copper sulphate are present in the solutions, and an obvious property of each – water-whiteness in the case of water, and blueness in the case of copper sulphate – are also present, but in proportion to the amount of each one. Reduce the amount of water and the solution is bluer, showing the greater influence of the copper sulphate, increase the amount of water and the colour becomes less blue (or more water-like). In each case the presence of the substantial forms of the two materials is still evident, all of the solutions under consideration are composed of copper sulphate and water, but the accidental properties of each material, water-whiteness and blueness, vary as the relative proportions of the two materials vary. As the concentrations of the water and the copper sulphate vary, their accidental properties also vary. The colour of a given solution is simply an averaging out of the colours of the two materials from which the solution is made. An Avicennean might argue that the two elements, water and 'earth' (copper sulphate) retain their substantial forms in solution, but that they average their accidental properties, in this case their colours, when they form a solution.

A similar case could be made in the case of solutions of common salt in water, only this time the solutions are colourness. However, the presence of the salt is indicated by the saline taste of the solution. Here again the Avicennean might argue that the accidental properties of the salt solutions, taken in this case to be represented by the saline taste of the solutions, are in direct proportion to the relative amounts of salt and water present in the solutions. A high proportion of salt in solution gives a very saline taste, a low proportion of salt gives a less saline, or more aqueous taste. An Avicennean might argue that the substantial forms of the two elements, water and 'earth' (common salt) are retained in solution, but that their accidental properties, in this case their taste, are averaged out.

3.2 Averroës's Theory

The elements remain with their substantial forms, but the substantial forms themselves have been changed into some sort of mean. Bobik[36] says that according to this argument the substantial forms do indeed survive in the mixed bodies, in some way, and for the same reason, i.e., in order to be able to claim that mixed bodies come into existence by a mixing of elements, not by a corruption of them. But unlike those other thinkers, who hold that the active and passive qualities of the elements take on degrees of more and less, these thinkers maintain that it is the substantial forms themselves of the elements that take on degrees of more and less, and they do this in order to avoid having to say that the mixing is a mixing only to sense. The mixing, they say, is a true mixing, because the substantial forms of the elements survive, though not in their fullness. These forms have been reduced by alteration to a kind of mean, since they can take on degrees of more and less, and this mean is the form appropriate to the mixed body which has come into existence.

However, Bobik[37] states that Aquinas points out that these thinkers go further and argue that the substantial forms of the elements are of a most imperfect sort, since they are so close to prime matter, so close that nothing can be closer. (This is contrary to the common opinion, Aquinas states, and to Aristotle in the *Categories*, that a substance

[36] *Ibid*, p. 114.
[37] *Ibid*, p. 115.

has no contraries, nor does it take on degrees of more and less). From which they conclude that these substantial forms are in some sense midway, a kind of mean, between substantial forms generally and accidental forms. They are less perfect than other substantial forms, and so can take on degrees of more and less, and have contraries. But they are more perfect than accidental forms, and so can account for the existence of substances.

Bobik[38] says that Aquinas dismisses this position as unacceptable in many ways, for it is altogether impossible that there can be something midway, a mean, between substance and accident. For in that case, there would be a mean between affirmation and negation, since it belongs to an accident to exist in a subject, and to a substance not to exist in a subject. A thing either is, or is not, there is no in-between. If there were, then there would be something which neither is nor is not. There cannot be something which is, but is neither a substance nor an accident, nor can something be a substance up to a point, and simultaneously an accident up to a point. If something exists, it is either a substance or an accident. It cannot be, and not be either.

Substantial forms are in matter, but they are not in a subject, i.e. not in an actually existing subject. For an actually existing subject is a substance – a *hoc aliquid* – some actual individual thing. An accident presupposes the existence of a subject. A substantial form, on the other hand, does not. By way of significant difference, a substantial form is precisely what accounts for the existence of the subject. Besides, the means and the extremes must belong to the same genus, as is proved in book ten of the *Metaphysics*. If there were a mean between substance and accident, it would follow that substances, accidents and substantial forms, all three, would be substances, or that all three would be substantial forms. All of which suppositions are unacceptable, and so to be rejected.

Bobik[39] goes on to say that Aquinas states that it is impossible for the substantial forms of the elements to take on degrees of more and less. For if they did, then both the generation and the corruption of the elements would be a motion which is a continuous one. But this is impossible, because the generation and corruption of the elements are motions in the genus of substance. Motion is continuous, Aquinas notes, if it is divisible, whether divisible *per se* or *per accidens*, as is clear in book six of the *Physics*. Now, change in place, and increase and decrease in size, i.e. growth and its opposite, diminution, are motions which are divisible *per se*, since both place and quantity are divisible *per se*. Alteration, on the other hand, is a motion which is divisible *per accidens*, i.e. because of qualities which take on degrees of more and less, like hot and white. So that, if the substantial forms of the elements were to change so as to take on degrees of more and less, the change would be a substantial change, and at the same time a motion which is divisible *per accidens*. And so, the substantial forms of the elements would be undergoing a motion which is continuous, and which is in the genus of substance. But this is impossible, because motion is continuous in three genera only, i.e. in quantity and quality and where, as is proved in book five of the *Physics*.

Moreover, Aquinas adds, every difference in substantial form varies, or changes, the species. It is clear that what takes on degrees of more and less is different from what is less, and is in some way contrary to it. For example, a thing A, which becomes even *more* white than something else, B, which was already less white than A; or a thing, A, which becomes *less* white than something else, B, which was previously less white than A. In both cases, A differs from B, and is in some way contrary to B. So that, if the substantial form of fire, takes on degrees of more and less, then, whether it becomes more firey than it was, or less firey. In either case it will not be the same form, but another. That is, the more firey fire will not be fire, or, not fire of the same species. The

[38] *Ibid*, p. 118.
[39] *Ibid*, p. 119.

less firey fire too, will not be fire, or, not fire of the same species. For, in either case, there would have been a substantial change. And this is what Aristotle had in mind when he wrote, in book eight of the *Metaphysics*, that just as numbers differ in species because of degrees of more, i.e. addition (of units), and degrees of less, i.e. subtraction (of units), so, too, do substances differ in species, but by the addition and subtraction of *differences* (rather than units).

Bobik offers no discussion on Averroës's argument. This may simply be due to the difficulty of applying contemporary insights into the nature of the elements to construct a model in which the substantial forms of the elements might somehow be averaged out. For example, just how the substantial forms of H_2 and O_2 might be made to form an average is not easy to visualise. However, a second way of considering how two distinct substantial forms might combine, blend or mix to give a product a new substantial form, which could genuinely be regarded as their average, could be rationalised by examining the case of hybrids. Although no mention of hybrids is made by Aristotle in his *De Generatione et Corruptione*, nevertheless the principles of animal hybridisation were well understood by ancient peoples, if for no other reason simply because of the breeding of mules.

A mule is sired by a donkey, with a horse as dam, and is bred specifically because it embodies useful characteristics, both asinine and equine in origin. These characteristics include the strength and stamina of a horse, and the sure-footedness and manoeuvrability of a donkey. This means that strength and stamina, obvious equine characteristics, are possessed of an animal not belonging to the species *equus*, and similarly, asinine characteristics of sure-footedness and manoeuvrability are possessed of an animal not belonging to the species *asinus*. A mule is neither a horse nor a donkey, but somehow combines qualities of both species, and in appearance seems to resemble both of its parents. The *virtutes* of a horse are present in an animal which is clearly not of the species *equus*, and those of a donkey are present in an animal not of the species *asinus*. The species *mulus* exists in its own right, but with *virtutes* inherited from both its equine and asinine parents.

An Averroean might argue that the existence of hybrids could be taken as evidence that the substantial forms of two substances can be mixed or blended to give a new substance, distinct from, yet obviously related to both. He might also argue that the principle of hybridisation demonstrates that when substances are hybridised some of the characteristics of each are transmitted in their entirety to the new substance. He could also argue that a principle active in biological systems could have wider applications in nature, perhaps extending to the behaviour of the elements. He could reason that the elements must somehow be present in the various substances found in the world, and, in addition, their accidental qualities must somehow be transferred to the new substances formed when those elements combine. Hybridisation of the blending elements, combined with the conservation of some of the characteristics of each individual element, might provide a mechanism by which this could occur.

3.3 Aquinas's own Theory

The elements remain with their powers and with retrievability, but not with their substantial forms.

Bobik[40] says that Aquinas begins to give what he takes to be the proper answer to the question: how are elements in a mixed body?, an answer which will both:

a. safeguard that the mixing is a true one, rather than to sense only, and

[40] *Ibid*, p. 120.

b. make certain that the elements have become, and remain, ingredients of the mixed body, and so have not been totally corrupted.

A true mixing requires that the elements have interacted and have changed one another in some way, but the change cannot be so radical as to have been their total corruption. Still, the elements must have been corrupted – at least in some way – otherwise the mixed body could not have been generated. Nonetheless, the elements must remain – at least in some way – otherwise the elements cannot be ingredients of the mixed body. And so, the generation of a mixed body out of elements requires that these elements be both corrupted and not corrupted.

Bobik[41] says that Aquinas begins by pointing out that it is the *active and passive qualities* of the elements, and not their substantial forms, which are contrary to one another, and take on degrees of more and less. And one can add to this that the elements change, and are changed by, one another, precisely by means of, and with respect to, their active and passive qualities. Thus, when the *excellentia* – the hottest, the coldest, the driest, the wettest – which is the proper degree of some elemental quality, meets with the most which is the proper degree of some other elemental quality, there results an interaction which tempers or diminishes both extremes, the result being some sort of more or less, some sort of in-between, mean quality. Now, this mean quality is the proper or distinguishing quality of some mixed body, different mixed bodies having appropriately different mean qualities, some closer to one extreme, some closer to the other extreme. And it is through this *mean* quality, as though the required proper disposition, that alteration, as the way to the *generation* of a mixed body, brings the mixed body into existence out of the required elements, mixed according to an appropriate proportion, just as it is through the *extreme* quality, as through the required proper disposition, that alteration, this time as the way to the *corruption* of a mixed body, retrieves, and thereby brings back into existence, the elements which had been the required ingredients of the now-corrupted mixed body.

Bobik[42] says that Aquinas notes that the qualities of the simple bodies, i.e. of the elements, are found in the proper quality of a mixed body in a way which is similar to the way in which extremes are found in a mean which participates in the nature of each of them. Bobik exemplifies this with water, hydrogen and oxygen (taking water as a mixed body, and hydrogen and oxygen as its elements). One can say that the active and passive qualities of water are a mean of some sort, which participates in some way, in the extremes which are the active and passive qualities of hydrogen and oxygen. And it is not at all necessary for this mean quality to be anything at all like either of the extreme qualities, and it may even turn out to be a surprise of some sort, even a complete surprise – oxygen supports burning, whereas water quenches it.

Bobik[43] states that Aquinas comments on the relation between the qualities of the elements and their substantial forms. He begins by emphasising the fact that the quality of a simple body, or element, is other than its substantial form. Then he makes his main point, namely that the quality of an element acts under the influence, guidance (*in virtute*) of its substantial form. In other words, the element acts as it does because of the qualities which it has, and the qualities which it has are due to its substantial form. The substantial form of an element, once brought into existence, is not only continuously productive, and receptive, of the proper or distinguishing quality of that element, but performs its proper acts through that quality. Otherwise, the heat of fire would do nothing but make things hot, and the substantial form of fire would not be brought to a

[41] *Ibid*, p. 123.
[42] *Ibid*, p. 123.
[43] *Ibid*, p. 124.

state of actuality through fire's heating action on a combustible material. For nothing can produce that which is beyond its kind. Fire produces fire, its own kind, through its proper quality or power, i.e. heat, but *in virtute* of its substantial form. Neither, Bobik adds, would the substantial form of water, taking water to be a mixed body, be brought to a state of actuality via the interaction between the proper qualities of hydrogen and oxygen, unless this interaction took place *in virtute* of their substantial forms, as well as of the substantial forms of other things, to be discovered by careful investigation, which might be required to bring about the substantial change in which water is generated.

Bobik[44] says that Aquinas concludes that it is *in this way* that the *virtutes* of the substantial forms of the simple bodies survive in mixed bodies. But in what way?, since Aquinas does not make this explicit. It seems that he is making a reference to his earlier statement that the qualities of simple bodies are found in the proper quality of a mixed body in a way which is much like the way in which extremes are found in a mean which participates to some extent in the nature of each of them. Accepting this, one can say that the *virtutes* of the substantial forms of the elements survive in mixed bodies, but not the substantial forms themselves. And so, the elements have been corrupted with respect to their substantial forms, but they have not been corrupted with respect to their qualities. These elemental qualities survive in the mixed body as tempered mean qualities.

Bobik[45] gives as an example the case of hydrogen and oxygen becoming water, what *is there*, he says, is neither hydrogen nor oxygen, but water. That is, hydrogen and oxygen are not there actually, though they are there potentially, and in two senses of 'potentiality':

i. virtually (by their power), and
ii. retrievably.

Water, nonetheless, does what water does, through its appropriate mean qualities, which are nothing but the now-tempered qualities of what were earlier, i.e. before the water came into existence, the 'excelling' qualities of hydrogen and of oxygen, as separately existing entities. It is the now-tempered (formerly excelling) qualities which actually survive, and actually remain, in the mixed body, and now under the influence or guidance, *in virtute*, of the substantial form of that mixed body.

According to Bobik[46] Aquinas gives a summary of how elements are in a mixed body. They survive, and are there, not by reason of their substantial forms, but by reason of their powers, i.e. qualities. The forms of elements are in mixed bodies not actually, but virtually (by their power). None of the elements is completely corrupted, neither is any of them completely preserved. As Aristotle puts it: 'What is preserved is their power.'[47] And their power, precisely because it is preserved, is retrievable. So are their substantial forms retrievable, and again via their power, functioning as the appropriate disposition? Thus, the substantial forms of the elements are not actually present in mixed bodies. Each mixed body has its own, single, substantial form, and it is this substantial form which manifests *its* proper activities through its proper qualities, which had been the extreme, or excelling, qualities now brought, or tempered, to a mean, of the formerly separately existing elements. The mixed body, like any corporeal substance, can have actually *but one* substantial form, its own. Potentially, however, i.e. both virtually, in their power, and retrievably, it has as many substantial forms, in number and in kind, as the elements which are required as its ingredients.

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[44] *Ibid*, p. 124.
[45] *Ibid*, p. 125.
[46] *Ibid*, p. 125.
[47] *Ibid*, p. 122.

On considering the three arguments presented by Aquinas, it could be argued that he himself gave the account of how elements are present in compounds most easily reconciled with contemporary scientific understanding of the matter. In his analysis of the question under consideration he is anxious to state that the elements in combination are not totally corrupted (*non totaliter corrumpantur*) but remain in some way in the blend. In addition, the qualities (*virtutes*) of the substantial forms of the simple bodies are preserved in the blend.

Continuing with Bobik's example of water, composed of the elements hydrogen and oxygen, and taking elemental hydrogen as consisting of two hydrogen atoms in combination to form a hydrogen molecule, and similarly elemental oxygen as two atoms of oxygen combined with each other to form an oxygen molecule, one could say that a molecule of the element hydrogen is split or 'corrupted' into its two constituent atoms, and that these atoms combine with an atom of oxygen, likewise formed from the splitting or 'corrupting' of a molecule of oxygen, to form a molecule of water. Of course the 'corrupting' of hydrogen and oxygen molecules, understood in this way, really refers to the splitting of these molecules into atoms, which then react together to form molecules of water. When the molecules of hydrogen and oxygen split and then reacted to form water, a genuine compound was formed, water, ensuring Aquinas's requirement of the preservation of the truth of the blend (*veritas mixtionis salvetur*) and also his requirement that the elements are not totally corrupted (*non totaliter corrumpantur*), as elemental hydrogen and oxygen simply change from their molecular- to their atomic-state, and retain their properties as hydrogen and oxygen.

In addition, Aquinas posited that the specific properties of the constituent elements of a compound would be averaged out (or to give his own example, *sicut pallidum inter album et nigrum*) as between the two elements. And this is borne out, for example, in the case of water, of which the molecular weight (18) is simply equal to the atomic weight of an oxygen atom (16) added to that of two atoms of hydrogen (2).

His insistence that the virtues of the substantial form (*virtutes formarum*) be preserved in the blended bodies holds true for water, as both elemental hydrogen and oxygen can be reconstituted from water – demonstrating that their 'corruption' is indeed reversible. And a point made by Aristotle[48] though not alluded to either by Aquinas or Bobik, is also fulfilled in the case of water. For when Aristotle says that 'things that are mixed manifestly come together from having formerly been separate, and are capable of being separated again' he may have been referring to the fact that whatever transformations elements undergo in forming compounds can be reversed in some way, so that the original elements can be reconstituted from their compounds. Presumably Aristotle believed that the elements reconstituted in this way would retain their special active and passive qualities.

In considering Aquinas's analysis of how elements are present in compounds, it is possible to attempt an understanding of the problem in terms of the medieval concepts of how the elements are constituted and behave, but it is also possible to understand the matter in terms of the insights brought to bear on the matter by modern scientific theory. Of the three arguments presented by Aquinas, his own seems best to accord with contemporary insights on the nature and behaviour of the elements. Why this should be may simply be due to his ability as a logical thinker to think the problem through, and to realise that if the elements were to form a true compound (*mixtio secundum veritatem*) the elements themselves would have to change or transform in some way so as to allow their true combining. But their specific properties would somehow have to average out with

[48] *De Generatione et Corruptione*, 1.10. 327b 28-29.

those of the other elements in order to permit the formation of a compound having properties influenced by each of its constituent elements.

IV
Conclusion

At the centre of the subject under discussion by Aquinas is the question of taking elements, each with its own nature and active and passive qualities, and creating a logical system which could account for the way in which these elements might combine with one another, but in such a way that they did not violate the rules of how substances behave, as laid down by Aristotle. This question imposes real demands on the thinker as the elements are substances and have forms. As well as having active and passive qualities, they may exist actually or potentially. If these elements are to combine so as to give a true mixing (*vera mixtio*) and not just a mixing to sense (*mixtio ad sensum*) surely they will have to change somehow in order to fulfil this requirement?, and do this without losing their identities as substances, or remitting their qualities. But how can they do so without losing their identities as substances, or compromising their properties in some way? Avicenna, Averroës and Aquinas all attempted to deal with the question and offer a satisfactory account of this matter.

Aquinas skilfully employs arguments put forward by Aristotle to disprove the theories of Avicenna and Averroës and to validate his own theory. Maier[49] says that in his analysis Aquinas offers a '*tertio opinio*' which stands beside those of Averroës and Avicenna, and together with which provided the point of departure (*Ausgangspunkt*) for the discussion of the problem in the late thirteenth and fourteenth centuries.

[49] Anneliese Maier, *An der Grenze von Scholastik und Naturwissenschaft*, Rome (1952) p. 35.