

# 'Circumstantia' and 'Conditiones' in Aquinas<sup>1</sup>

© Duarte Sousa-Lara

In this paper we will study the concepts of *circumstantia* and of *conditiones* in Thomas Aquinas theory of action.

## 1. THE IMPORTANT TEXTS

The circumstances of human acts are accidental aspects of the acts, because they are related to the acts in some way, but not as a substantial form. “[W]e call things surrounding acts, things considered as if extrinsic to the substance of the acts, circumstances.”<sup>2</sup> All those aspects that are morally relevant, without however forming part of the object of the human act, are called circumstances, because they are accidents that are “around” (*circum stare*) the act and characterize it, increasing or decreasing its moral goodness accidentally. Along these lines, St. Thomas says that “whatever conditions are outside the substance of an act, and yet in some way touch the human act, are called circumstances.”<sup>3</sup> And, given that they are outside the substance, “the circumstances of human acts should be called their accidents.”<sup>4</sup>

Theologians must consider the circumstances of human acts for three basic reasons. First, because the theologian considers the ordering of human acts to eternal life, and given that “acts are made proportionate to an end by means of a certain commensurateness, which results from the due circumstances,”<sup>5</sup> he must consider the circumstances of human acts and not only the objects of the *intentio* and the *electio*. Secondly, inasmuch as circumstances increase or decrease the goodness or malice of human acts, they are also of interest to the theologian. Being accidents of the human act, circumstances attenuate or aggravate the morality of the act, which depends fundamentally on the object deliberately chosen by the will. Thirdly, the circumstances of human acts must be considered

---

<sup>1</sup> This essay was originally the ninth chapter of my doctoral dissertation, *A especificação moral dos actos humanos segundo são Tomás de Aquino*, (Rome: Edizioni Università Santa Croce, 2008). I offer special thanks to Dr. Joseph T. Papa for his excellent translation, and to Dr. William F. Murphy, Jr., who arranged for the translation.

<sup>2</sup> *De malo*, q. 2, a. 6, c.: “Dicitur autem circumstantia quod circumstat actum, quasi extrinsecus extra actus substantiam consideratum.”

<sup>3</sup> *Summa theologiae*, I-II, q. 7, a. 1, c.: “quaecumque conditiones sunt extra substantiam actus, et tamen attingunt aliquo modo actum humanum, circumstantiae dicuntur.”

<sup>4</sup> *Ibidem*: “circumstantiae actuum humanorum accidentia eorum dicenda sunt.”

<sup>5</sup> *Ibidem*, a. 2, c.: “Actus autem proportionantur fini secundum commensurationem quandam, quae fit per debitas circumstantias.”

“because the theologian considers human acts under the aspect of merit and demerit,”<sup>6</sup> which requires that they be voluntary acts, and given that “a human act is deemed to be voluntary or involuntary, according to knowledge or ignorance of circumstances,”<sup>7</sup> it is important that the theologian take them into account. At the same time, we must remember that not all accidents of a given act have the nature of circumstances. If some accidents are circumstances of the human act it is because “[they] are in a kind of contact with it, by being related to it.”<sup>8</sup> When John deliberately kills his neighbor, the fact that it is raining or that the pistol he uses is Japanese are not circumstances, morally speaking; on the other hand the fact, for example, that he is a policeman, or that he carries out the crime in the town square, would be morally relevant circumstances. Circumstances, then, are those morally relevant aspects that further characterize a given human act. Along these lines St. Thomas says that “a circumstance is described as something outside the substance of the act, and yet in a way touching it.”<sup>9</sup> It is the theologian’s task to discern which circumstances must be taken into account for a given human act, and which accidents of the act are not morally relevant and thus are not properly called circumstances in the moral sense.

Aquinas’s idea could seem surprising at first sight that, if we consider the end in view of which the moral subject acts *from the point of view of the object of the electio*, if that end is extrinsic to the object of the *electio*, it functions as a circumstance that accidentally characterizes the object of the *electio*,<sup>10</sup> increasing or decreasing its morality, without however altering its moral species. When John deliberately kills his neighbor, for example, the reason for which he does so – in this

<sup>6</sup> *Ibidem*: “quia theologus considerat actus humanos secundum quod sunt meritorii vel demeritorii.”

<sup>7</sup> *Ibidem*: “Actus autem humanus iudicatur voluntarius vel involuntarius, secundum cognitionem vel ignorantiam circumstantiarum.”

<sup>8</sup> *Ibidem*, ad 2: “aliquo modo contingunt, ordinatae ad ipsum.”

<sup>9</sup> *Ibidem*, a. 3, c.: “circumstantia dicitur quod, extra substantiam actus existens, aliquo modo attingit ipsum.”

<sup>10</sup> Cf. *ibidem*: “circumstantia dicitur quod, extra substantiam actus existens, aliquo modo attingit ipsum. Contingit autem hoc fieri tripliciter, uno modo, in quantum attingit ipsum actum; alio modo, in quantum attingit causam actus; tertio modo, in quantum attingit effectum. Ipsum autem actum attingit, vel per modum mensurae, sicut tempus et locus; vel per modum qualitatis actus, sicut modus agendi. Ex parte autem effectus, ut cum consideratur quid aliquis fecerit. Ex parte vero causae actus, quantum ad causam finalem, accipitur propter quid; ex parte autem causae materialis, sive obiecti, accipitur circa quid; ex parte vero causae agentis principalis, accipitur quis egerit; ex parte vero causae agentis instrumentalis, accipitur quibus auxiliis” (a circumstance is described as something outside the substance of the act, and yet in a way touching it. Now this happens in three ways: first, inasmuch as it touches the act itself; secondly, inasmuch as it touches the cause of the act; thirdly, inasmuch as it touches the effect. It touches the act itself, either by way of measure, as “time” and “place”; or by qualifying the act as the “mode of acting.” It touches the effect when we consider “what” is done. It touches the cause of the act, as to the final cause, by the circumstance “why”; as to the material cause, or object, in the circumstance “about what”; as to the principal efficient cause, in the circumstance “who”; and as to the instrumental efficient cause, in the circumstance “by what aids”); *De malo*, q. 2, a. 4, ad 9: “ex fine autem remoto [actus humanus] non habet speciem sed ordo ad talem finem est circumstantia actus” (acts do not take their species from the remote end; rather, the ordination to such an end is a circumstance of the acts); S. RAMÍREZ, *De actibus humanis*, in V. Rodríguez (ed.), “Edición de las Obras Completas di Santiago Ramírez, O.P.”, t. 4, Consejo Superior de Investigaciones Científicas, Madrid 1972, p. 546: “actus vero exterior accidentaliter et individualiter constituitur ex circumstantiis, inter quas est ipse finis operantis” (the exterior act is accidentally and individually formed from circumstances among which is the *finis operantis* itself); O. LOTTIN, *Morale fondamentale*, Desclée, Paris 1954, p. 268: “le *finis operantis* est identifié à la circonstance *cur*” (the *finis operantis* is identified with the circumstance *cur*).

case let us suppose that he does so to be able to live in peace – does not determine the species of his act of willing to kill the neighbor, but only characterizes it accidentally.<sup>11</sup> This is true only if we consider the object of the *intentio* from the point of view of the object of the *electio*. *If we put ourselves in the perspective of the moral subject*, we cannot say that John's "wanting to live in peace" would accidentally specify his *intentio* – rather, it qualifies it essentially; but if we consider the *intentio* from the point of view of the object of the *electio*, it presents itself as a circumstance of the latter. Conversely, if we consider the *electio* from the point of view of the object of the *intentio*, it presents itself as "matter" that is informed by the object of the *intentio*.<sup>12</sup>

St. Thomas also notes that there are aspects that could at first sight seem to be circumstances, but are in fact part of the substance of the act, and for this reason are properly called conditions of the object. Thus he says that "any circumstance that causes a species of sin in the act belongs to the act as moral, and for this reason it no longer has the nature of a circumstance of the sin, even if it 'is around' the substance of the act."<sup>13</sup> It follows that "[a] condition of the cause, on which the substance of the act depends, is not a circumstance; it must be an additional condition. Thus, in regard to the object, it is not a circumstance of theft that the object is another's property, for this belongs to the substance of the act,"<sup>14</sup> as the fact that a person is married is not a circumstance of adultery, given that the being married characterizes the object of the will specifically, and not merely accidentally. For this reason St. Thomas says that whatever in the circumstance is desired as an end, is not in fact a circumstance – because "the end that specifies the act is not a circumstance"<sup>15</sup> – but a condition that forms part of the object.<sup>16</sup> In more complex actions in which various goods are at stake, it can be difficult to discern between circumstances and conditions, i.e., which aspects form part of the substantial content of the object of the will.<sup>17</sup> In summary, it can be said that "a circum-

<sup>11</sup> Cf. *Summa theologiae*, I-II, q. 7, a. 3, ad 3: "quod fortis fortiter agat propter bonum fortitudinis, non est circumstantia; sed si fortiter agat propter liberationem civitatis" (that a valiant man act "valiantly for the sake of" the good of the virtue of fortitude, is not a circumstance; but if he act valiantly for the sake of the delivery of the state).

<sup>12</sup> Cf. *Super Sent.*, lib. 2, d. 38, q. 1, a. 4, ad 1: "finis et id quod est ad finem, in quantum huiusmodi consideratum, non sunt diversa obiecta, sed unum obiectum in quo finis sicut formale est, quasi ratio quaedam volendi; sed id quod est ad finem, est sicut materiale, sicut etiam lumen et color sunt unum obiectum" (the end and what is for the end are not different objects, but form a single object in which the end is like the form, and the reason of wanting something, and what is for the end is like the matter, as the light and color form one single object).

<sup>13</sup> *Ibidem*, lib. 6, d. 16, q. 3, a. 2, ql. 3, ad 1: "quaecumque circumstantia aliquam speciem peccati in actu causat, ad speciem actus, in quantum est moralis, pertinet; unde non habet jam rationem circumstantiae peccati, quamvis circumstet substantiam actus."

<sup>14</sup> *Summa theologiae*, I-II, q. 7, a. 3, ad 3: "conditio causae ex qua substantia actus dependet, non dicitur circumstantia; sed aliqua conditio adiuncta. Sicut in obiecto non dicitur circumstantia furti quod sit alienum, hoc enim pertinet ad substantiam furti."

<sup>15</sup> *Ibidem*: "Non enim finis qui dat speciem actus, est circumstantia."

<sup>16</sup> Cf. CAJETAN (Cardinal), *Commentary on the "Summa theologiae"*, q. 7, cit., t. 6, p. 67: "si religiosus fornicetur, in sacrilegium transit" (if a religious fornicates, in sacrilegious passes).

<sup>17</sup> Cf. E. COLOM - A. RODRÍGUEZ LUÑO, *Scelti in Cristo*, cit., p. 192: "nelle azioni più complesse, in cui ci sono diversi beni in gioco, può emergere il dubbio su quali siano gli elementi che entrano nell'essenza dell'azione imperata, e quindi su quali siano gli elementi da considerare oggetto che dà alla scelta la sua specie morale" (in the more complex actions,

stance that changes the species is no longer considered to be a circumstance,"<sup>18</sup> but a condition of the object.

The presence or absence of a particular condition results in a specifically distinct action.<sup>19</sup> This is how one must interpret St. Thomas when he says that "if something be wanting that is requisite as a due circumstance the action will be evil";<sup>20</sup> here he essentially uses "circumstance" as a synonym of "condition".<sup>21</sup> Thus, if the sexual act lacks the condition of the conjugal bond between the couple, we are in fact not dealing with a conjugal act but with a specifically distinct act, morally speaking, which we call fornication. In this case "[a] circumstance, when it changes a good act into an evil one, constitutes a new species of sin and so transfers the act into another moral genus."<sup>22</sup>

Can the circumstances determine the moral species of the object? As we have already mentioned more than once, circumstances of themselves, in principle, are not capable of altering the moral species of the object, but can only increase or decrease its goodness or malice. Given, however, that "the species of moral actions are constituted by forms as conceived by the reason,"<sup>23</sup> what at first sight could seem to be an accident could in fact be part of the moral object that is grasped and ordered by the practical reason. When this occurs, it is more correct to cease using the term "accident" in the strict sense, and to substitute the term "condition" of the moral object, given that it specifically determines the latter. In fact, "beyond the universal nature of the object, which gives the act its species, there can be considered in the object special conditions that cause the act to vary in goodness and evil."<sup>24</sup>

For example, when someone steals a gold sacred object "[a]lthough the will of the thief is

---

where there are many goods at stake, the doubt can arise about which elements came into the essence of the commanded action, and therefore which are the elements that should be considered the object that gives to choice its moral species).

<sup>18</sup> *Super Sent.*, lib. 6, d. 16, q. 3, a. 2, ql. 4, c.: "circumstantia quae speciem mutat, non est jam ut circumstantia computanda."

<sup>19</sup> Cf. *Summa theologiae*, I-II, q. 18, a. 5, ad 4: "circumstantia quandoque sumitur ut differentia essentialis obiecti, secundum quod ad rationem comparatur, et tunc potest dare speciem actui morali. Et hoc oportet esse, quodcumque circumstantia transmutat actum de bonitate in malitiam, non enim circumstantia faceret actum malum, nisi per hoc quod rationi repugnat" ([a] circumstance is sometimes taken as the essential difference of the object, as compared to reason; and then it can specify a moral act. And it must needs be so whenever a circumstance transforms an action from good to evil; for a circumstance would not make an action evil, except through being repugnant to reason).

<sup>20</sup> *Ibidem*, a. 3, c.: "si aliquid desit quod requiratur ad debitas circumstantias, erit actio mala."

<sup>21</sup> If this were not so we would be forced to admit a contradiction in his thought, which is obviously not the case. It is true, however, that in St. Thomas, with all the conceptual depth and precision of his thought, we at times encounter texts in which the formulation is not without a certain ambiguity, a fact that can be explained by the sobriety of his argumentation and the rapidity with which he wrote the text. St. Thomas does not explain himself very thoroughly at times. In these more difficult passages, it is necessary to bear in mind the whole of his writings for the resolution of any hermeneutical problems that may arise, something we have tried to do throughout this study.

<sup>22</sup> *De malo*, q. 7, a. 4, ad 3: "circumstantia quando transfert bonum actum in malum, constituit novam speciem peccati, et sic transfert in aliud genus moris."

<sup>23</sup> *Summa theologiae*, I-II, q. 18, a. 10, c.: "moral speciesium actuum constituuntur ex formis prout sunt a ratione conceptae." Trad. corrigida.

<sup>24</sup> *Super Sent.*, lib. 6, d. 16, q. 3, a. 1, ql. 2, ad 5: "praeter universalem rationem obiecti, quae dat speciem actui, possunt in obiecto considerari speciales conditiones, quae diversificant actum in bonitate et malitia."

chiefly directed to the gold, not to the sacred object, the thief's will is still directed to the sacred object by implication, since the thief prefers to steal the sacred object than to lack the gold,"<sup>25</sup> and thus "one who takes another's *consecrated* possession, incurs an additional deformity [beyond the injustice of theft], because any irreverence with respect to sacred things has a special character of sin, and thus it is said that that circumstance changes the species";<sup>26</sup> i.e., it is a condition of the object that makes such a theft not only a theft, but a sacrilegious theft because it includes irreverence for sacred objects. "As acts in general take their species from their object, so moral acts take their species from their moral object. But moral acts are not precluded on that account from taking on species from circumstances, since we can consider the object of an act to have a new condition by reason of a circumstance, and the circumstance specifies the act because of the object's new condition."<sup>27</sup>

Unlike with nature, "the process of [practical] reason is not fixed to one particular term [...]. And consequently that which, in one action, is taken as a circumstance added to the object that specifies the action, can again be taken by the directing reason, as the principal condition of the object that determines the action's species."<sup>28</sup> This occurs, for example, when we distinguish between fornication and adultery according to their moral species. The existence of the conjugal bond in this type of object is not an accident, but a condition that specifically determines it. The fact that one of the fornicators is married "has an additional repugnance to the order of reason,"<sup>29</sup> since it involves the violation of his conjugal covenant, constituting an extremely grave injustice with respect to the rights of his spouse. According to Aquinas "fornication is the intercourse of a man with one who is not his wife: but if to this be added the circumstance that the latter is the wife of another, the sin is drawn to another kind of sin, viz. injustice, insofar as he usurps another's property."<sup>30</sup> In fact "a circumstance, as such, is an accident of the moral act: and yet a circumstance may happen to be taken as the specific difference of a moral act, and then it loses its nature of circumstance, and constitutes the species of the moral act. This happens in sins when a circumstance adds the defor-

<sup>25</sup> *De malo*, q. 2, a. 6, ad 6: "licet principaliter voluntas furantis non feratur ad rem sacram, sed ad aurum, fertur tamen super rem sacram ex consequenti; magis enim vult rem sacram accipere quam auro carere."

<sup>26</sup> *Super Sent.*, lib. 6, d. 16, q. 3, a. 2, ql. 3, c.: "Quod autem rem alienam consecratam accipiat, aliam deformitatem importat: quia quaecumque irreverentia circa res sacras adhibita, specialem rationem peccati habet; et ideo talis circumstantia dicitur speciem mutare."

<sup>27</sup> *De malo*, q. 2, a. 6, ad 2: "sicut actus in communi recipit speciem ab obiecto, ita actus moralis recipit speciem ab obiecto morali; non tamen propter hoc excluditur quin recipiat speciem per circumstantias; quia ex circumstantia potest considerari in obiecto aliqua nova conditio per quam dat speciem actui."

<sup>28</sup> *Summa theologiae*, I-II, q. 18, a. 10, c.: "processus rationis non est determinatus ad aliquid unum, sed quolibet dato, potest ulterius procedere. Et ideo quod in uno actu accipitur ut circumstantia superaddita obiecto quod determinat speciem actus, potest iterum accipi a ratione ordinante ut principalis conditio obiecti determinantis speciem actus."

<sup>29</sup> *Ibidem*: "addit specialem repugnantiam ad ordinem rationis."

<sup>30</sup> *Ibidem*, q. 73, a. 7, c.: "peccatum fornicationis consistit in hoc quod homo accedit ad non suam, si autem addatur haec circumstantia, ut illa ad quam accedit sit alterius uxor, transfertur iam in aliud genus peccati, scilicet in iniustitiam, in quantum homo usurpat rem alterius. Et secundum hoc, adulterium est gravius peccatum quam fornicatio."

mity of another genus; thus when a man has knowledge of another woman than his wife, the deformity of his act is opposed to chastity; but if this other be another man's wife, there is an additional deformity opposed to justice which forbids one to take what belongs to another; and accordingly this circumstance constitutes a new species of sin known as adultery."<sup>31</sup>

If this is so, then the circumstance of "being married" can assume *three different levels of moral relevance with respect to the moral object one is considering*. It could be morally irrelevant, if the object in question is "to steal a chocolate bar"; it could be an accident that increases the goodness of the object but does not determine its moral species<sup>32</sup> if the moral object is "to treat the health of my husband's sick father"; and finally it could be a condition that is contained within the moral object, as we have just seen in the case of adultery.<sup>33</sup> Speaking of sin, St. Thomas expresses the same idea when he says that "[c]ircumstances are related to sinful acts in three ways. For circumstances sometimes neither alter the species of sin nor make sins more serious, as, for example, striking a human being wearing a white or a red garment. And circumstances sometimes constitute species of sin. The act to which a circumstance is added may belong to a morally indifferent genus (as when a person picks up straw from the ground to show contempt for another). Or the act to which a circumstance is added may be generically good (as when a person gives alms to gain human praise). Or the act to which a circumstance is added may be generically evil, and the circumstance adds a species of malice to the act (as when a person steals a sacred object). And added circumstances sometimes indeed make sins more serious but do not constitute species of sin (as when a person steals a large amount of money). And the reason for this diversity is because if the circumstance added to an act is morally indifferent in relation to reason, such a circumstance neither specifies a sin nor makes it more serious. For example, it is irrelevant in relation to reason whether the one who strikes a blow is clothed in this or that garment. But if a circumstance added to an act makes a moral difference in relation to reason, the circumstance either does or does not introduce something primarily and intrinsically contrary to reason. If the circumstance does, then it specifies a

<sup>31</sup> *Ibidem*, q. 88, a. 5, c.: "circumstantia, in quantum huiusmodi, est accidens actus moralis, contingit tamen circumstantiam accipi ut differentiam specificam actus moralis, et tunc amittit rationem circumstantiae, et constituit speciem moralis actus. Hoc autem contingit in peccatis quando circumstantia addit deformitatem alterius generis sicut cum aliquis accedit ad non suam, est actus deformis deformitate opposita castitati; sed si accedat ad non suam quae est alterius uxor, additur deformitas opposita iustitiae, contra quam est ut aliquis usurpet rem alienam; et secundum hoc huiusmodi circumstantia constituit novam speciem peccati, quae dicitur adulterium."

<sup>32</sup> Cf. *ibidem*, q. 18, a. 10, ad 2: "circumstantia manens in ratione circumstantiae, cum habeat rationem accidentis, non dat speciem, sed in quantum mutatur in principalem conditionem obiecti, secundum hoc dat speciem" ([a] circumstance, so long as it is but a circumstance, does not specify an action, since thus it is a mere accident: but when it becomes a principal condition of the object, then it does specify the action); *ibidem*, q. 18, a. 11, c.: "non omnis circumstantia addens in bonitate vel malitia, variat speciem moralis actus" (not every circumstance that makes a moral action better or worse, changes its species).

<sup>33</sup> Cf. *ibidem*, a. 10, ad 1: "circumstantia secundum quod dat speciem actui, consideratur ut quaedam conditio obiecti, sicut dictum est, et quasi quaedam specifica differentia eius" ([a] circumstance, insofar as it specifies an action, is considered as a condition of the object, as stated above, and as being, as it were, a specific difference thereof).

sin, for example, taking what belongs to another. If the circumstance does not, it is contrary to reason because of its relation to what is primarily and intrinsically contrary to reason. For example, taking a great amount of something describes nothing contrary to reason. But taking a great amount of someone else's property describes something more contrary to reason than taking a small amount, and so the circumstance of quantity makes the sin of theft more serious inasmuch as quantity determines the extent of the circumstance that specifies the sin. And the fourth category, that a circumstance specify a sin but not make it more serious, is impossible."<sup>34</sup>

It is also clear that "a circumstance [...] at times aggravates the sin and changes the species, and at other times aggravates [the sin] but does not change the species. When it does not change, but aggravates, the species, it still retains the nature of a circumstance and cannot infinitely increase the quantity of the sin, such that a venial sin becomes mortal [...]. If on the other hand it changes the species, then it can aggravate [the gravity of the sin] infinitely, but does not always do so, since when the special deformity that the circumstance increases has a direct opposition to charity, which is manifest by the fact that it is directly opposed to a precept of the law, the end of which is charity, then it infinitely increases the gravity, that is [the gravity] of the mortal sin,"<sup>35</sup> but "[w]hen we say that a circumstance alters the species of a sin or transfers the sin into another genus, we do not understand that an act previously existing in one species is repeated and becomes the act of another species. Rather, we understand that an act that would not belong to such a species of sin unless we consider a particular circumstance has that species of sin when the circumstance is added."<sup>36</sup>

<sup>34</sup> *De malo*, q. 2, a. 7, c.: "circumstantia tripliciter se habet ad actum peccati. Quandoque enim neque variat speciem neque aggravat, sicut percutere hominem indutum veste alba vel rubea. Quandoque vero speciem peccati constituit, sive actus cui advenit circumstantia ex suo genere indifferens sit, sicut cum aliquis levat festucam de terra in contemptu alterius, sive sit bonus ex genere, sicut cum aliquis dat eleemosynam propter laudem humanam, sive sit malus ex genere et addatur sibi alias species malitiae ex circumstantia, sicut cum aliquis furatur rem sacram. Aliquando vero aggravat quidem peccatum, non tamen constituit peccati speciem, sicut cum aliquis furatur multum. Et huius diversitatis ratio est, quia si circumstantia adveniens actui indifferenter se habeat quantum ad rationem, talis circumstantia nec dat speciem peccato, nec aggravat: nihil enim ad rationem pertinet, utrum ille qui percutitur, tali vel tali veste induatur. Si vero differentiam aliquam habeat per comparisonem ad rationem: aut importat aliquid repugnans rationi primo et per se, et tunc dat peccato speciem, sicut accipere alienum; aut primo et per se non importat aliquid rationi repugnans, sed per comparisonem ad id quod primo et per se rationi repugnat, aliquam repugnantiam habet ad rationem; sicut accipere aliquid in magna quantitate, nihil repugnans rationi potest dici; sed accipere alienum in magna quantitate, dicit maiorem repugnantiam ad rationem. Unde ista circumstantia aggravat peccatum, in quantum est determinativa illius circumstantiae quae dabit speciem peccato. Quartum autem membrum non potest esse, ut circumstantia det speciem peccato et non aggravet."

<sup>35</sup> *Super Sent.*, lib. 6, d. 16, q. 3, a. 2, ql. 4, c.: "circumstantia, ut ex dictis patet, quandoque aggravat peccatum et speciem mutat; quandoque autem aggravat, sed speciem non mutat. Quando autem speciem non mutat, sed aggravat; adhuc manet in ratione circumstantiae, et non potest in infinitum quantitatem peccati augere, ut ex veniali mortale fiat: quia, ut dictum est, circumstantia taliter aggravans ex suppositione praecedentis deformitatis habet rationem majoris deformitatis ex ejus virtute; unde si etiam illa sit infinita, non potest infinitam deformitatem addere. Si autem speciem mutet, tunc potest in infinitum aggravare; sed non semper hoc facit: quia quando ex deformitate speciali, quam circumstantia addit, habet directe oppositionem ad caritatem, quod ostenditur ex hoc quod est directe contra praeceptum legis, cujus finis est caritas; tunc in infinitum gravitatem addit, scilicet peccati mortalis."

<sup>36</sup> *De malo*, q. 2, a. 6, ad 7: "cum dicitur quod circumstantia mutat speciem peccati, aut transfert in aliud genus, non intelligitur quod actus prius existens in una specie iterum resumatur, et fiat alterius speciei; sed quia actus qui absque circumstantia consideratur non in tali specie peccati, circumstantia superveniente illam speciem peccati habet."

There are some texts in which Aquinas uses “circumstance,” but considering the act, not according to the *genus moris*, but according to the *genus naturae*: in these cases he considers the act according to its transitive or poietic dimension. From this perspective, which could raise questions for a less-informed reader, the fact that the object and the end would be associated with the circumstances *quid* and *cur*, which according to the *genus moris* form the essence of the moral act. Aquinas says that “there is a twofold end, final and proximate. The final [end] certainly cannot be considered to be a circumstance, because all the circumstances are assumed in proportion to it. The proximate [end] is also twofold: one that is the end of the act (*finis operis*) [...] and this end gives the act its species, and for which reason it is not a circumstance if one considers only the moral genus (*genus moris*), or, referring it to the substance proper of the act it is included in the circumstance ‘what’ (*quid*). The other, for its part, is the end of the agent (*finis agentis*), which at times in an evil act can tend to a good or vice versa, and this constitutes the circumstance ‘why’ (*cur*). From this however it does not receive the proper species, but a generic one, according to which the commanded acts take on the species of the virtue or vice that commands them.”<sup>37</sup> In this sense “the most important circumstances are those in which is the *operatio*, i.e., the object or matter of the act, and *that in view of which*, i.e., the end. This is because acts are specified according to their objects, and just as the matter is the object of the external act, so also the end is the object of the internal act of the will.”<sup>38</sup> In this passage, therefore, the objects of the *electio* and the *intentio* are called the most important circumstances, though, obviously, according to the *genus moris* it would be incorrect to call them circumstances of the act, given that they are two essential elements of it. From this perspective “a circumstance, as such, does not specify a moral act, whose species is derived from its object which is also its matter.”<sup>39</sup>

## 2. INTERPRETATION

Cardinal Cajetan, in substantial continuity with St. Thomas, distinguishes between circum-

<sup>37</sup> *Super Sent.*, lib. 6, d. 16, q. 3, a. 1, ql. 2, ad 3: “est duplex finis, scilicet ultimus et propinquus. Ultimus quidem non potest poni circumstantia, quia omnes circumstantiae sumuntur in proportione ad ipsum. Propinquus etiam est duplex. Quidam qui est finis operis, secundum quod philosophus dicit in 2 Eth., quod quaedam conjuncta sunt malo fini; et iste finis dat speciem actui; unde vel non est circumstantia, si consideretur tantum genus moris; vel referendo ad ipsam substantiam actus, includitur in hac circumstantia quid. Alius vero est finis agentis, qui quandoque ex malo actu bonum intendit, vel e converso; et hic finis dicitur haec circumstantia cur. Ab hoc autem actus non recipit speciem propriam, sed quasi communem, secundum quod actus imperati induunt speciem virtutis vel vitii imperantis supra speciem quam habent ex habitu elicente.”

<sup>38</sup> *Sententia Ethic.*, lib. 3, lect. 3, n. 18: “principalissimae circumstantiae esse videntur in quibus est operatio, idest obiectum sive materia actus. Et cuius gratia, idest finis. Quia actus specificantur secundum obiecta. Sicut autem materia est obiectum exterioris actus, ita finis est obiectum interioris actus voluntatis.”

<sup>39</sup> *Summa theologiae*, II-II, q. 154, a. 1, c.: “circumstantia, in quantum huiusmodi, non dat speciem actui morali, sed eius species sumitur ab obiecto, quod est materia actus.”



stances that do not change the moral species of the object and those that change the species, i.e. the conditions of the object. These latter, according to him, have their own object which of itself possesses a special relation with the order of reason. He says:

“in moral things there are two kinds of circumstances, some which of themselves imply goodness or malice, as with all of the acts of the virtues and the vices, and others which are only conditions of the subject of the virtues or the vices, as greater or smaller, more or less, and the like.

The difference between these circumstances is obvious. The latter never make an act good or evil, though they increase or decrease its goodness or malice, unlike the former, which make the act good or bad. The reason is clear, because the former *of themselves* increase the goodness or malice, whereas the latter do not. On the one hand the difference between them is that the former already possess a specific moral species, having an agreement or disagreement with reason, as for example in the case of theft in a holy place. To the act of theft is added damage to the holy place, which receives its proper species from the holy place, an object of reason as suffering damage, and this object is of itself contrary to reason. Conversely the latter do not have a moral species of themselves, nor a proper object. From this it follows that the former give the species to the act to which they pertain, when the act refers to the object of the circumstance. Thus they are almost two acts, one concerning the object of the act and the other concerning the object of the circumstances, like theft in a holy place. And because of these, in the text (cf. *S. Th.*, I-II, q. 18, a. 10, ad 2) it says that circumstances that change, or give, the species, become principle conditions or differences of the object. In fact (*ibidem*, a. 2) it was established that the species of the goodness or evil of the moral act derives from the object.”<sup>40</sup>

<sup>40</sup> CAJETAN (Cardinal), *Commentary on the “Summa theologiae”*, I-II, q. 18, aa. 10-11, cit., t. 6, p. 140: “in moralibus circumstantiae duplices, quaedam secundum se bonitates vel malitiae, ut sunt omnes actus virtutum et vitiorum; quaedam conditiones tantum suppositarum virtutum vel malitiarum, ut maius et minus, magis et minus, et his similia.

Diferentia inter istas circumstantias manifesta est. Quia istae secundae nunquam faciunt actum bonum vel malum, quamvis augeant vel minuant bonitatem vel malitiam: primae autem faciunt actum bonum vel malum. Et ratio est in promptu: quia primae apponunt ex se bonitatem vel malitiam; secundae, non. – Diferentia rursus inter eas est, quod primae secundum se sunt species quaedam moralium, habentes propria obiecta convenientia vel disconvenientia rationi: ut patet de furto in loco sacro. Actui namque furti adiungitur iniuria loci sacri, quae habet propriam speciem ex loco sacro obiecto rationi ut iniuriam patiente: est namque obiectum hoc secundum se rationi dissonans. Secundae autem non sunt secundum se moral speciesium, nec habent propria obiecta. – Et ex hoc sequitur quod primae dant speciem actui quem circumstant, quando actus est circa illud circumstantiae obiectum. Ita quod sunt quasi duo actus, unus circa obiectum actus, et alter circa obiectum circumstantiae, ut in furto ex loco sacro irrogata. Et propterea in littera (cf. *Summa theologiae*, I-II, q. 18, a. 10, ad 2) dicitur quod circumstantiae mutantur seu dantes speciem, transeunt in conditiones prin-

John of St. Thomas emphasizes that “the circumstance is constitutive of the moral species, when it has a special relation with the order of reason, whether for or against,”<sup>41</sup> that is, “that a given circumstance become a condition of the object, or not, must not be deduced from a relation to the tendency of the will which directly desires, but by the relation with the reason that regulates and orders.”<sup>42</sup> But what exactly does it mean to be against or for the order of reason? John of St. Thomas, consistent with Aquinas, seems to identify the order of reason with the order of virtue. He says that “if [a given circumstance] of itself and by its nature is opposed to some special virtue, and thus it is said that there is a special opposition with respect to the order of reason, that circumstance constitutes a special malice, or a particular species of evil.”<sup>43</sup> Thus any accident of a human act that involves a special relationship of opposition or agreement with a particular moral virtue further determines the moral species of the object.

The Portuguese Dominican frequently seems to treat the *finis operantis* as an accident of the object,<sup>44</sup> as Aquinas does at times, but he seems not to bear in mind that in evaluating the morality of the action of a concrete person, the *finis operantis* and the *obiectum* form a single object of the will, since they are two co-principles of the act. It is a different thing, in fact, to evaluate the morality of the action of a concrete person, who makes a specific *electio* in view of a specific *intentio* – as in the example of one who gives alms out of vainglory –, than to abstractly consider the morality of a particular type of action, considering only its object and prescinding from the other relevant elements – as for example when one considers the moral goodness that the human act “to give alms” has in itself. In this latter perspective it is legitimate to treat the *finis operantis* as an accidental element, in the sense that a given object can be ordered to different *finis operantis*, and from this perspective one can perfectly well say that it is accidental that “to give alms” be ordered to vainglory. Nevertheless, having made this important distinction, it seems to us that when John of St. Thomas adopts the perspective of the moral evaluation of the act of a concrete person, as is clear in the example just cited, he considers the *finis operantis* to be an accidental element.

---

cipales, seu differentias obiecti: iam enim (*ibidem*, a. 2) stabilitum est ex obiecto haberi speciem bonitatis et malitiae moralis actus.”

<sup>41</sup> J. DE ST. THOMAS, *Cursus theologicus*, t. 5, cit., p. 628: “circumstantia est constitutiva speciei moralis, quando respicit specialem ordinem rationis, vel pro, vel contra.”

<sup>42</sup> *Ibidem*, p. 516: “quod circumstantiam aliquam transire in condicionem obiecti, vel non transire, non debet desumi per respectum ad voluntatem intendentem et directe volentem, sed per ordinem ad rationem regulantem et ordinantem.”

<sup>43</sup> *Ibidem*, p. 647: “Ut si ex se et ex propria ratione [aliqua circumstantia] opponitur alicui speciali virtuti, et sic dicit specialem ordinem et respectum oppositionis ad rationem: talis circumstantia constituit specialem malitiam, seu speciem aliquam mali.”

<sup>44</sup> Cf. *ibidem*, p. 585: “ut cum quis dat eleemosynam propter vanam gloriam; tunc enim vanam gloria, quae est finis operantis, transit in condicionem obiecti: quia facit illam eleemosynam esse materiam inanis gloriae” (like when one who gives alms for vanity, then the vanity which is the *finis operantis* becomes a condition of the object because he is making that giving alms the matter of vanity).

John of St. Thomas seems to hold that the species of the act derives exclusively from the object of the *electio*, and normally the object of the *intentio* has only an accidental role. For him, if the object of the *intentio* determines the species of the act it is because it has passed to being a condition of the object of the *electio*.<sup>45</sup> His position here seems to distance itself from Thomas's proposal, complicating the question unnecessarily. The *finis operantis*, or if we prefer the object of the *intentio*, according to the *genus moris* does not have a simply accidental relationship with the object of the *electio*. Quite to the contrary, as Aquinas repeats continually and as we have already seen above, the relation between these two ends of the will is of a hylomorphic kind, i.e. one of matter/form. They are thus united substantially, and not accidentally, which is why they can be said to form a single object of the will. When someone gives alms out of vainglory, it is not necessary to admit that the *finis operantis transit in conditione obiecti* to be able to say that the act has a vicious moral species. It is enough to bear in mind that this is one of the essential co-principles of that concrete act. John of St. Thomas strangely seems to ignore this fact.

For Billuart "a circumstance, considered as a circumstance and as an accident in the *genere moris*, does not confer the species except when it becomes a condition of the object, and has the character of an essential difference in the *genere moris*."<sup>46</sup> Thus "some circumstances change the species, others only aggravate within the same species. [...] The morality derives from the ordering with reason, that is, from the moral rules, just as with some circumstances that in themselves, separately and independently of the moral species derived from the object, bear a special and distinct order of conformity or deformity with reason or with the moral rules."<sup>47</sup> For this author it is clear that opposition with the order of reason is seen as opposition with the moral rules, and no longer as opposition with the moral virtues, as for the previous authors.

Pilsner notes that St. Thomas uses the term *circumstantia* and *conditio* with much liberty, which can at times give rise to apparent contradictions. He says that "[i]f Thomas doesn't think that

<sup>45</sup> Cf. *ibidem*, p. 586: "solum in duabus casibus [...] circumstantia transit in condicionem obiecti, ita quod praeberet essentialem speciem in genere moris. – Primo, quando circumstantiae istae morales et finis adveniunt actui ex objecto suo indifferenti. – Secundo, quando circumstantia, vel finis malus, advenit objecto alio bono: tunc enim bonitatem eius destruit. – Ratio hujus est: quia, ut circumstantia transeat in condicionem obiecti, necesse est quod det actui primam specificationem in genere moris" (only in two cases [...] the circumstances can change into a condition of the object, and therefore can cause an essential determination in the *genere moris*. First, when these morally good circumstances and end of the act concern a in an indifferent object. Second, when a bad circumstance, or bad end concern a good object and destroy its goodness. The reason for this is because to make a circumstance change into a condition of the object is necessary that it gives to the act its first specification in the *genere moris*).

<sup>46</sup> C.-R. BILLUART, *Summa Sancti Thomae hodiernis academiarum moribus accommodata*, cit., t. 2, p. 294: "circumstantiam, ut circumstantia est et accidens in genere moris, non conferre speciem sed quatenus transit in condicionem obiecti, et habet rationem differentiae essentialis in genere moris."

<sup>47</sup> *Ibidem*, p. 293: "quaedam circumstantiae sunt mutantur speciem, quaedam tantum aggravantes intra eandem speciem. [...] Moralitas desumitur ex ordine ad rationem seu regulas morum; sicut autem quaedam circumstantiae quae secundum se, seorsim et independentem a specie morali petita ab objecto, importat specialem et distinctum ordinem conformitatis vel difformitatis ad rationem seu regulas morum."

circumstances (as such) give species, then why does he sometimes assert in his writings that they do? The answer to this question is that Thomas, on some occasions, speaks about properties of actions strictly and, on other occasions, loosely. When he is speaking strictly, circumstances do not specify human actions [...]. But when Aquinas is speaking loosely, however [sic], circumstances can (after a fashion) be said to specify."<sup>48</sup> Elsewhere the American philosopher addresses the question of knowing what constitutes a given circumstance as a condition of the object. Parting from the example that Aquinas himself uses of the theft of a sacred object, Pilsner asserts that "the fact that an item being stolen happens to be 'consecrated' is just one circumstance among many until the action is compared to right reason; then, this property 'consecrated' is recognized as essential for defining the act as sacrilege, since sacrilege concerns a disrespect towards something 'sacred'. When speaking with greater precision, Thomas says that a quality or property that is essential with respect to right reason, such as 'consecrated', even deserves a new name: instead of a 'circumstance' it should be called a 'condition of the object'."<sup>49</sup>

Rodríguez Luño also claims that "in a strict sense, moral circumstances behave as accidents of the moral act, whose substantial morality is given by the object and by the end; as such, they increase or decrease the goodness or malice of the act, without however ever making an evil act good, or a good act evil, and also without changing the moral or theological species."<sup>50</sup> However "at times it is not easy to distinguish, from the moral perspective, whether something is a circumstance of the action or forms part of the action's object."<sup>51</sup>

### 3. FINAL CONSIDERATIONS

The Thomistic concepts of circumstance of the human act and condition of the object do not seem to raise major interpretive problems. Moreover, it seems to us that there is substantial agreement among the various interpretive proposals.

This observation does not, however, eliminate all possible ambiguity and confusion. Take, for example, when Aquinas speaks of the human act according to the *genus naturae* and associates the object of the *electio* and that of the *intentio* with the accidents *quid* and *cur*, respectively. A certain prudence is needed to identify Aquinas's viewpoint and the implicit presuppositions of his thought.

<sup>48</sup> J. PILSNER, *The Specification of Human Actions in St. Thomas Aquinas*, cit., p. 197.

<sup>49</sup> *Ibidem*, p. 243.

<sup>50</sup> E. COLOM - A. RODRÍGUEZ LUÑO, *Scelti in Cristo per essere santi*, cit., p. 204: "in senso stretto, le circostanze morali si comportano come accidenti dell'atto morale, la cui moralità sostanziale viene data dall'oggetto e dal fine; così esse accrescono o diminuiscono la bontà o malizia dell'atto, senza però mai rendere buono un atto cattivo né cattivo un atto buono, e senza cambiarne nemmeno la specie morale o teologica."

<sup>51</sup> A. RODRÍGUEZ LUÑO, *Ética General*, cit., p. 190: "A veces no es fácil distinguir si, desde el punto de vista moral, algo es una circunstancia de la acción o forma parte del objeto de la acción."

Moreover, even in moral discourse (*genus moris*), Aquinas in some cases uses the terms *circumstantia* and *conditio* in a generic sense, and in practice as synonyms. Prudence is also needed to avoid the temptation to think that he always uses these terms in the strict sense, which in fact he does not.

The most interesting question that remains open is that of how to determine/discern, based on the degree of agreement or disagreement of a given circumstance with the *ordo virtutis*, whether it has become a new condition of the object. The question is apt, because in some cases the opposition of a given circumstance with a given moral virtue does admit of degree. For example, in the case of the homicide of one's own mother, there is a clear opposition to the virtue of filial piety. This opposition constitutes a condition of the object and therefore we are not dealing with a simple homicide, but with a matricide. But what about the homicide of a distant cousin? Does that family tie constitute a condition of the object, or is it only an aggravating circumstance? It seems to us that only with difficulty can elements be found in Aquinas's texts pointing to a way of solution for these questions.