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WORKS OF MERCY AND THE PRINCIPLE OF FAMILIAL PREFERENCE

Stanley Vodraska

The principle of familial preference (FPF) that's found in traditional moral philosophy has a specific role in practices of mercy. I trace the descent of the PFP from its origin in the order of charity to its operation in "natural" familial practices of mercy. After showing that the PFP has two distinct uses, I show how they govern extensions of mercy beyond the family, and I provide a central-equilibrium matrix to illustrate this. I consider how the PFP functions in the Parable of the Good Samaritan and I conclude that human persons have a natural right of familial preference.

As friendship or charity regards, in a benefit bestowed, the common aspect of good, so justice regards there the aspect of due. And mercy regards there the aspect of relieving distress or need. Thomas Aquinas, *Summa Theologica* II.II.31.1. ad 3.

1. *The Principle of Familial Preference.*

Suppose the conclusion of traditional morality that, within the order of charity, one is ordinarily required to love one's family-members more than one's extra-familial neighbors both in regard to inner affection and in regard to outward effect (*Summa Theologica* II.II.26.6-8).¹ This means that in ordinary circumstances one is not morally permitted to love one's extra-familial neighbors more than, or as much as, the members of one's family either in terms of inner affection or in terms of outward effect. I call this conclusion "the principle of familial preference". It refers not only to the preferential treatment of members of one's consanguine and conjugal families but also to the preferential treatment of members of quasi-familial groups of which one is a member. For example, if the relation of an abbot to monks of his abbey is like my relation to members of my family, then to the extent my relation to members of my family comes under the principle so does the abbot's relation to monks of his abbey. The abbot would ordinarily be required out of charity to love monks of his abbey more than he loves persons outside the abbey both in regard to inner affection and in regard to outward effect. In ordinary circumstances he would not be morally permitted to love persons outside the abbey more than, or as much as, monks of his abbey either in terms of inner affection or in terms of outward effect. Perhaps I should



have called this principle “the principle of familial and quasi-familial preference”, but that would have been more than usually pedantic.

The principle of familial preference seems incompatible with some apparent principles of modern moral theories influenced by deontology. In them an equal or similar treatment of all persons is the default justification for one’s actions and omissions, and preferential treatment of members of one’s familial or quasi-familial communities requires special justification. Other things being equal, one should treat all persons equally or similarly. But in traditional morality a preferential treatment of members of one’s familial and quasi-familial communities is the default justification for one’s actions and omissions, and equal or similar treatment of all persons requires special justification. In one’s actions and omissions one should prefer one’s family-members and associates, other things being equal.

Theorists influenced by deontology obtain the principle, that one should treat all persons equally or similarly, in part by declining to consider the force of “natural inclinations”. Then they construct a theory in which, since inclinations are beside the point, every person is merely, as it were, a rational being. But traditional moral theorists begin with an order of natural inclinations. They examine how the inclinations to self-preservation, to family life, and to the pursuits of truth and society, are governed by practical reason. Then they construct a moral theory that incorporates these inclinations. The principle of familial preference mirrors morally both the inclination to preserve family life and the inclination to life in society. Since the principle reflects these inclinations theorists influenced by deontology simply disregard it. Since it reflects these inclinations traditional theorists welcome it as useful in their enterprise.

The principle of familial preference seems pretty useless in modern moral theories of a utilitarian kind. In them “the greater good of the greater number” trumps the family. The family is seldom very large in relation to the state or to “society”. The family’s good, from the viewpoint of the state or of “society”, seems to be a lesser good. Utilitarianism turns out to be a principle of public policy in the guise of a moral theory. But in traditional morality an agent is sometimes permitted to do the lesser of two goods. So no one is morally obliged to always do the greater of two goods. What an agent is morally obliged to do will depend upon the agent’s circumstances. Having a family, or belonging to one, is a morally relevant circumstance.

Utilitarians proceed by defining moral issues as public policy issues. If an issue isn’t a public policy issue then it isn’t a moral issue at all; it’s a private matter merely. Utilitarians break the “moral world” into fragments two in number: (1) the world of public policy and politics guided by the greatest happiness principle and (2) the private world of personal life guided by the greatest happiness principle to the extent that the private or personal spills over to the public or political. But traditional moral theorists consider their work to have three parts, not two. They aim to elucidate three distinct moral “areas”: (1) the ethical, where a person seeks his own personal goods, (2) the familial or domestic, where a person seeks the goods of his family, and (3) the political, where a per-

son seeks the goods of his city or state or “society”. They analyze the personal and the political, but they also analyze the familial as something different from both the personal and the political. The principle of familial preference is not at home among utilitarians, for it doesn’t clearly belong to either the private or the public, to either the personal or the political. But the principle of familial preference finds a home among the areas of traditional moral analysis; there it finds good work to do. That is what I want to show.²

The principle of familial preference plays several roles in the traditional moral philosophy of Thomas Aquinas. He positions the principle among the basic moral principles, and he works out some of the consequences of the position he assigns to it. I’m not a Thomist. Yet in recent decades I’ve returned from time to time to Brother Thomas. I found there both a moral theory in which love plays the starring role and a moral theory in which a corollary of love’s intensities, the principle of familial preference, finds a major part to play.³ I’ll suggest here the ways in which Brother Thomas uses the principle to elaborate a doctrine about the moral virtue of mercy. I’ll be silent here about the ways in which he uses it to elaborate doctrines about prudence and justice. I’ll also be silent here about assumptions he has to make when he undertakes to use it. Should life and mind allow it, I’ll elsewhere try to talk these matters through.

First I’ll trace the descent of the principle of familial preference from its origin in the order of charity to its operation in the acts of charity that we call works of mercy (§2). Then I’ll claim that works of mercy are natural familial practices (§3). In practices of mercy the principle of familial preference has a *person-object use* by which a moral agent determines *who* is to be the object of her works of mercy (§4.1). And it has an *agent-resource use* by which a moral agent determines *what resources* she may rightly employ in extra-familial practices of her works of mercy (§4.2). I’ll consider briefly the needs of recipients of works of mercy (§4.3), and then offer a central-equilibrium model of the prior considerations (§4.4.1, §4.4.2, §4.4.3). I’ll review how the Parable of the Good Samaritan supports the principle of familial preference (§5). I’ll conclude by claiming that persons have a natural right or a human right of familial preference (§6.0). In §2, §4.2, and §4.3 I’ll follow Thomas in large part, although always with an eye to my own concerns. In §3, §4.1, §5, and §6 I’ll work mostly on my own. I have no words to describe the interconnections in §4.4.1, §4.4.2 and §4.4.3.

2. *From Charity to Mercy: The Descent of The Principle of Familial Preference.*

In several places Thomas Aquinas describes what he takes to be the proper order of charity. In Article 9 of his *Disputed Question on Charity*, for example, he aims to answer affirmatively the question whether there is some order in charity. He describes the order this way:

. . . for those who will tend toward God as to an end, what is especially needed is that there be divine help; secondly, that there be some self-help; and thirdly, that there be cooperation with fellow-

men. *And in this [latter] we see a gradation, for some [men] cooperate only in a general way, while others who are more closely united cooperate in a special way. Not all are able to cooperate in a special way. Our body and those things which are necessary for the body also help us tend toward God, but only instrumentally.*

Thus it is necessary that the affection of man be so inclined through charity that, first and foremost, each one loves God; secondly, that he love himself; and thirdly, that he love his neighbor. *And among the fellow-men, he ought to give mutual help to those who are more closely united to him or who are more closely related to him.*

But whoever there is that is a hindrance to this [order of] love, should be hated, . . .⁴

This order of charity requires that one love one's God more than one's self, one's self more than one's neighbors, and among one's neighbors those who are closely united to one's self, including one's family and associates, more than those who are not (*Summa Theologica* II.II.26.3, 4, 6, 8). This order is essential to the virtue of charity (II.II.44.8). Charity is the form of all the moral virtues; it gives them their proper end (II.II.23.7-8). So this order of charity determines in some way the practice of all the moral virtues.⁵

Given that the order of charity informs all the moral virtues, I'd expect features of the order of charity to appear again in the proper practice of the moral virtues. For example, since the order of charity embodies the principle of familial preference, I'd expect that in the practice of some of the moral virtues I'd be able to distinguish between my family-members and my extra-familial neighbors in such a way as to rightly prefer my family-members to my extra-familial neighbors. It's no surprise, then, that the principle of familial preference appears in proper practices of beneficence and of almsdeeds or works of mercy, two of the "outward acts or effects of charity".

Beneficence is doing good to someone. ". . . [S]ince the love of charity extends to all, beneficence [as an outward effect of charity] also should extend to all, but according as time and place require: because all acts of virtue must be modified with a view to their due circumstances" (II.II.31.2; cf. 33.2). This qualification means, among other things, that "we ought to be most beneficent towards those who are most closely connected to us" (II.II.31.3), including those who are connected to us by ties of kinship. So the principle of familial preference carries over from its origin in the order of charity to practices of beneficence. Beneficence "inherits" familial preference from the order of charity.

Almsdeeds are otherwise known as the spiritual and corporal works of mercy (II.II.32.2). The seven spiritual works of mercy are to instruct the ignorant, to counsel the doubtful, to comfort the sorrowful, to reprove the sinner, to forgive injuries, to bear patiently those who are troublesome, and to pray for the living and the dead. The seven corporal works of mercy are to feed the hungry, to give drink to the thirsty, to clothe the naked, to provide home to the homeless, to visit the sick, to ransom the captive, and to bury the dead (cf. Matthew 25:34-45). These

fourteen works of mercy are the classical almsdeeds, though of course there may be other almsdeeds too.

An almsdeed differs from an act of beneficence; it is not an act of beneficence merely, but an act of beneficence that's a compassionate response to the need of another, a response undertaken ultimately out of the agent's love of his or her God. An almsdeed is "a deed whereby something is given to the needy, out of compassion and for God's sake". ". . . [A]msgiving is, properly speaking, an act of mercy . . . And since mercy is an [outward] effect of charity, . . . it follows that almsgiving is an act of charity through the medium of mercy" (II.II.32.1).

Mercy is a moral virtue subordinate to the virtue of charity; it is not a theological virtue, for God is not its object. One's God has no needs, so the object of one's mercy will not be one's God. One's neighbor has needs, so the object of one's mercy will be one's neighbor. Because of this difference mercy cannot be simply the greatest virtue. "Hence, as regards man, who has God above him, charity which unites him to God, is greater than mercy, whereby he supplies the defects of his neighbour. But *of all the virtues which relate to our neighbour, mercy is the greatest*, even as its act surpasses all others, since it belongs to one who is higher and better to supply the defect of another, in so far as the latter is deficient" (II.II.30.4, my italics). So ". . . mercy is accounted as being proper to God: and therein His omnipotence is declared to be chiefly manifested" (II.II.30.4).

Suppose that works of mercy are acts of charity through the medium of mercy. Does the principle of familial preference carry over from the order of charity to the works of mercy? Many persons now believe, or have been led to believe, that almsdeeds or works of mercy are not properly directed to family members but only to extra-familial neighbors. Traditional moral philosophers would have disputed this. Thomas poses the question, whether one ought to give alms, that is, whether one ought to perform works of mercy, to those rather who are more closely united to us (II.II.32.9). The assumption of his answer reveals the tradition.

I answer that, as Augustine says (De Doctr. Christ. i.28), it falls to us by lot, as it were, to have to look to the welfare of those who are more closely united to us. Nevertheless in this matter we must employ discretion, according to the various degrees of connexion, holiness and utility. For we ought to give alms [i.e. perform works of mercy] to one who is much holier and in greater want, and to one who is more useful to the common weal, rather than one who is more closely united to us, especially if the latter be not very closely united, and has no special claim on our care then and there, and who is not in very urgent need . . . Almsdeeds . . . are rooted in charity, and in this respect an almsdeed is meritorious in so far as it observes the order of charity, which requires that, other things being equal, we should, in preference, help those who are more closely connected with us. Wherefore Ambrose says (De officiis, i.30): It is with commendable liberality that you forget not your kindred, if you know them to be in need, for it is better that you should yourself help your own family, . . .

Thomas claims here and elsewhere that, other things being equal, one must by preference do almsdeeds or works of mercy for those of one's own family and for those to whom one is connected by membership in community. So the principle of familial preference embodied in the order of charity carries over to the moral virtue of mercy and to the practice of all the works of mercy. Through beneficence every work of mercy "inherits" familial preference from the order of charity.

3. *The Natural Familial Practice of Works of Mercy.*

The practical result of this reasoning is perfectly clear. *The works of mercy are to be performed by preference toward the members of one's own family or toward those to whom one is connected by membership in community, other things being equal.* This precept looks at two things, at one's practice of works of mercy toward the members of one's own family or community when things are equal and, when things are not equal, at one's practice of works of mercy toward one's extra-familial neighbors. In the natural order of things, one's familial and quasi-familial practice is prior, one's extra-familial practice posterior. I'll look first at the familial and quasi-familial practice and then at conditions under which persons may rightly move from familial and quasi-familial practice to extra-familial practice of the works of mercy.⁶

In a morally sound family the members naturally practice the works of mercy toward one another. The parents instruct their children, who are naturally ignorant in countless ways, and children sometimes instruct their parents. Parents counsel the doubts of their children about companions, about careers, and about the values of life; they counsel the doubts of one another about children, about work, and about death and virtue. Members of a family, even its children, comfort those of them who sorrow. They eagerly or they reluctantly undertake to reprove those of them who sin. Parents tend to forgive the injuries they suffer from their children, from one another, or from their own parents. All the members of a family learn to bear patiently those other members who trouble or annoy them. And of course they pray for the safe return of all the family members who've gone away or live in danger. To feed the hungry and to give drink to the thirsty—these the morally sound family does daily for its members: consider the mother who nurses her child, or the husband who fasts that his wife may have food. Consider too the child diapered, or the adolescent boy who tends his coat and shoes that they may pass handsomely to the little brother whom he loves. To provide a familiar place for one another, a "haven in a heartless world", is a familial response to human needs; indeed we sometimes understand a family to be those who make a home together for one another. In a loving family the members not only visit those of them that sicken, but also care for them in their sickness: consider the young woman who gives her kidney to her brother, or the parents who during their lives together care for a handicapped child. Is not the crime of kidnapping exactly a crime against a family? And who but the members of one's own family will see to one's burial?

When I claimed that one “naturally” performs works of mercy towards the members of one’s own family I didn’t mean to say that these performances are easy. Few things in human life are as difficult as raising a child is—instructing, counseling, comforting, reproving, forgiving, enduring, promoting, feeding, quenching, clothing, housing, tending, ransoming, burying a child—and getting all of it right. And similarly for other members of one’s family. I meant to say that one’s performance of works of mercy in one’s family begins with one’s “natural inclinations”, some of which seem parallel to primate inclinations, and then, out of love, one adjusts and modifies and corrects one’s inclinations by means of equally natural practical reason and experience and study until one engages habitually in the practices that make up the moral virtue called “mercy”.⁷

“The family,” said Aristotle, “is the association established by nature for the supply of men’s every-day wants, . . .”⁸ One’s natural practice of works of mercy toward the members of one’s family shows that Aristotle’s “supply of every-day wants” must be more than supply of food, clothing, and shelter. Natural human needs include needs for instruction, counsel, comfort, reproof, forgiveness, patience, and prayer, as well as for food, drink, clothing, shelter, care, being valued, and being buried.⁹ To satisfy all these needs, and others like them, seems to be a function of familial communities, and seems to be a good with a view to which familial communities are established. For “every community,” as Aristotle said, “is established with a view to some good.”¹⁰

One’s love for the members of one’s family, the love that these works of mercy make manifest, is properly a *holy*, a *righteous*, and a *true* love (II.II.44.7). These things are not difficult. If one loves one’s family for one’s God’s sake, then one’s love for them is *holy*. And one loves one’s family for one’s God’s sake when from time to time one wills one’s own familial life to be, or consents to one’s God that it be, an element in an order of nature that’s established out of divine wisdom. If one loves one’s family in such a way that one gives way to spouse, to children, to parents, to siblings, not in evil things but in good things only, then one’s love for them is *righteous*. And if one loves one’s family for the reason that one wishes them well, but not for the reason of one’s own pleasure or profit, then one’s love for them is *true*.

The conclusion has to be that the ordinary or daily life of a morally sound family is for its members a steady practice of virtually all the works of mercy; it’s an unceasing exercise of the virtue of charity. Charity, of course, is more than this or is greater than this, but, even so, this is an outward effect or continuation of charity. “The sum total of the Christian religion,” said Thomas, “consists in mercy, as regards external works: but the inward love of charity, whereby we are united to God, preponderates over both love and mercy for our neighbour” (II.II.30.4, ad 2). So also in a morally sound quasi-familial group the ordinary or daily life of its members can be for them a steady practice of many of the works of mercy; it can be an exercise of the virtue of charity. The monks of the abbey practice many of the works of mercy toward one another. Their abbey serves them as family in a sense that is some-

what different from “natural” family but sufficiently similar to it in the practices of mercy to justify their persistent use of the principle of familial preference in their lives.¹¹

4. *From Family to Stranger: Uses of The Principle of Familial Preference.*

For some persons in some circumstances it’s enough in life that they properly love their God, themselves, and their families and associates. For some persons in some circumstances it’s not enough; sometimes they may and sometimes they must extend their practices of mercy beyond the limits of their homes and associations and attend to the needs of extra-familial neighbors. To work this out, and to show it clearly, I need to distinguish two uses of the principle of familial preference (“the PFP”). I call these two uses the “person-object use” and the “agent-resource use”. I’ll look first at the person-object use of the PFP; by means of it a moral agent determines *who* is to be the “material cause” or object of her work of mercy (§4.1). I’ll look next at the agent-resource use of the PFP; by means of it a moral agent determines *what resources* she rightly commands in her practices of mercy (§4.2). I’ll look briefly at the needs of recipients (§4.3), and then I’ll offer a central-equilibrium model that helps to harmonize these notions (§4.4.1, §4.4.2, §4.4.3).

4.1. *The Person-Object Use of the Principle of Familial Preference.*

If I use an Aristotelian or scholastic “four cause doctrine” to analyze a work of mercy then I’ll be able to show more clearly the person-object use of the PFP. Suppose there is a person who is “in charge” of her family and who is the agent cause, or *efficient cause*, of the works of mercy that she practices toward them. Suppose that her love for her family is a holy love, so that she loves them, and is motivated to do the works of mercy for them, not for her own sake but ultimately for her God’s sake. Her God serves her as the ultimate *final cause* of her merciful actions toward her family. Suppose that her virtue of mercy, her habit of compassionate response to needs of others by beneficent actions, counts as the exemplary *formal cause* of the works of mercy that she performs. Then, in this case as in other cases, the formal cause may be embodied in several different “materials” or material causes. When she cares for a sick spouse and then for a sick son, she exercises the same habit or virtue of mercy upon two distinct persons or, rather, upon the distinct needs of two persons. So in general the *material cause* of her works of mercy, even within her own family, is somewhat indefinite; it may be the relevant needs of any member of her family. Suppose now that she undertakes to practice a work of mercy toward a stranger. To say that her treatment of the stranger is the “same” as her treatment of the members of her family would be true in a specifiable sense. Her treatment would have the same efficient, the same final, and the same formal causes, but it would not have, in the very expression of the issue, the same material cause.

The PFP says little about the agent or efficient cause of merciful action; it says only that she is a point in terms of which a measure of

moral distance may be taken. It says nothing about the ultimate final cause, the agent's God. It says nothing about the formal cause, the agent's habit of merciful action. It says rather a lot about the material cause of works of mercy. It says by implication that, other things being equal, one must prefer to practice works of mercy toward one's family-members or associates rather than toward one's extra-familial neighbors. So the PFP articulates the priority of one category of material cause above another category of material cause. The principle of familial preference, then, is a principle that in one of its uses applies to material causes of virtuous actions; I call this use the "person-object use".

Suppose a person who is "in charge" of her family and who now is to practice a work of mercy toward one of two needy persons about whom, for the moment, we know very little. To decide which one of the two is to be the object of her work of mercy, she may consider, under the person-object use of the PFP, three sets of circumstances. If the two persons are both connected to her in the same familial or quasi-familial community, and if other things are equal, then ordinarily she is to act mercifully toward the person more closely connected to her. If one of the two persons is connected to her in a familial or quasi-familial community and the other person is not connected to her in any community, and if other things are equal, then ordinarily she is to act mercifully toward the person connected to her in community. If the two persons are both connected to her but in different communities, and if other things are equal, then ordinarily she is to act mercifully toward the person connected to her in the community that is most conducive to "the common good"; this requires her to possess a reasoned ordering of the various "common goods".¹²

4.2. *The Agent-Resource Use of the Principle of Familial Preference.*

Yet she cannot give what she does not have; she cannot nurse her hungry child when she has no milk. She must have rightful control of resources necessary to her practices of mercy. She no longer needs to determine, by the person-object use of the PFP, which one of two persons she should rightly practice works of mercy toward; she needs to determine, by the agent-resource use of the PFP, whether she rightly controls the resources necessary to the practice. Under the agent-resource use of the PFP she calculates or determines, not only in terms of her personal or individual resources but also in terms of the resources of her family or associates, the resources she can rightly command for her works of mercy.

To practice works of mercy properly the agent must command resources of time, of place, of mind, of body, and of possession. She must have occasion, opportunity, knowledge and skill, judgment, sympathy, tact, generosity, patience, devotion, strength and health, access to food, drink, clothes, a home, and so on. We understand the necessity for these resources in the paradigm case in which the agent practices works of mercy toward members of her family. Suppose she considers whether to perform a work of mercy toward a stranger. Then she will

fall into one of three groups according to the resources available both to her and to those to whom she is connected in familial and quasi-familial groups.

In the *first resource group* she finds that both she and her family or associates command *insufficient resources* of time, of place, of mind, of body, or of possession to supply necessities of life *both for herself and for members of her familial or quasi-familial communities*. Necessities of life, or basic necessities, are those without which her spiritual or corporal nature, or the spiritual or corporal nature of her family-members or associates, is likely to fail. Were she to attempt to practice some work of mercy toward a stranger she would probably be unable to supply some necessity of spiritual or corporal life either for herself or for those connected to her in familial or quasi-familial communities. In this case she would ordinarily be *forbidden* to practice the work of mercy toward the stranger (II.II.32.6).

"[T]he members of the family originally had all things in common; . . ."¹³ Similarly the members of every community have certain things in common. Those persons who are responsible for a familial or quasi-familial community may not rightly diminish the common resources of the community so far as to endanger either its spiritual life or its corporal life. They may not rightly diminish the common resources of the community so far as to make it difficult or impossible for its members to practice the spiritual and corporal works of mercy toward one another. So when an individual sets about to use resources to help a stranger she must without fail employ the PFP in its agent-resource use, and in ordinary circumstances secure first the resources necessary to the spiritual and corporal lives of her family-members or associates.

In the *second resource group* she finds that she and her family or associates together command *sufficient resources* to supply not only necessities of life *both for herself and for her family or dependent associates* but also some necessities of station *both for herself and for her family or dependent associates*. Necessities of station are those without which she cannot live in keeping with her social station and maintain the social station of her family-members or dependent associates. Were she to practice some work of mercy toward a stranger she would not be unable to supply either herself or her family-members or dependent associates necessities of spiritual or corporal life, though she may be unable to supply herself or them some necessity of station. In this case she would ordinarily be *permitted* either to practice the work of mercy toward the stranger or to refrain from practicing it. To do it or to refrain from doing it would be a matter of counsel; it would not be either a prohibition or an obligation. Even in this case Thomas hesitates. "Yet it would be inordinate to deprive oneself of one's own, in order to give to others to such an extent that the residue would be insufficient for one to live in keeping with one's station and the ordinary occurrences of life: for no man ought to live unbecomingly" (II.II.32.6).

In the *third resource group* she finds that she and her family or associates together command secure resources beyond those sufficient for both the necessities of life and the necessities of station appropriate *both to herself and to her family or dependent associates*. She commands a *surplus* of

resources, and were she to practice some work of mercy toward a stranger she would probably not be unable to supply either necessities of spiritual or corporal life or necessities of station either for herself or for her family-members or dependent associates. In this case she would be *obliged* to practice the work of mercy toward the stranger *provided that* the stranger's spiritual or corporal need is urgent and is unlikely to be satisfied by another agent. To practice this work of mercy would be for her a matter of precept or obligation, not a matter of counsel (II.II.32.5).

4.3. *The Recipient of a Work of Mercy.*

An agent determines to perform or not to perform a work of mercy in part according to the recipient's needs, whether the recipient be a family-member, a dependent associate, or a stranger. Corresponding to the spiritual and corporal works of mercy, the recipient's needs as to kind may be either spiritual or corporal (II.II.32.2). As to degree they may be, on the one hand, extreme or urgent or, on the other hand, not so. Recipients would be in extreme or urgent need "if they be in danger of death through hunger or thirst, or suffer some like distress, unless this be according to the order of justice" (II.II.31.2 ad 3). Urgency is a matter of nature; a person's spiritual or corporal needs are urgent if, when they are not satisfied, his spiritual or corporal nature is likely to fail. Correspondingly a person's spiritual or corporal needs are not urgent if, when they are not satisfied, his spiritual or corporal nature is not likely to fail even though things not belonging to his nature may fail. Furthermore the giver or agent should consider, beyond the kind and degree of the recipient's needs, the likelihood that the recipient's needs may be satisfied by another agent (II.II.32.5).

4.4.1. *The Central Equilibrium Model: Its General Structure.*

I'll offer now a matrix-model of the considerations I've reviewed in §4.1, §4.2, and §4.3. I intend it to summarize; I do not intend it to serve as a decision device. Some of the rows of the model below represent things I've already argued. Row 1 embodies the person-object use of the PFP. Row 2 embodies the agent-resource use of the PFP. Rows 3 and 4 embody considerations regarding the recipient's need. Rows 5, 6, and 7 severally represent special considerations.

I need to clarify the three columns. Thomas claimed that law does one of three things: it either forbids that something be done, or it permits that something either be done or not be done, or it commands that something be done (I.II.92.2). And if law permits that something either be done or not be done, then that something may be subject to counsel; an agent may be counseled to do it or she may be counseled not to do it, where in the first case she is not obliged to do it, and in the second not forbidden from doing it. These three functions of law, the prohibitive, the permissive, and the imperative, provide the three columns of the CEM.

I might also have used a four-column CEM. Then I would have

offered in the left column the prohibition, in the present central column to the left the suberogatory, in the present central column to the right the supererogatory, and in the right column the obligatory. These terms I define very simply in this table:

A <i>prohibited</i> act	earns praise for not doing it and blame for doing it.
A <i>suberogatory</i> act	earns praise for not doing it and no blame for doing it.
A <i>supererogatory</i> act	earns praise for doing it and no blame for not doing it.
An <i>obligatory</i> act	earns praise for doing it and blame for not doing it.

Together the supererogatory and the suberogatory would form the central column of a three-column CEM; together they are what traditional moral philosophy called "matters of counsel".¹⁴

Central Equilibrium Model

	Tending to prohibition of a work of mercy	Permissible either to do or not to do a work of mercy	Tending to obligation to do a work of mercy
	← ←	← →	→ →
1. Degree of giver's connection to proposed recipient is	distant	moderate	close
2. Resources of giver and her family and dependents in regard to necessities of life or station are	insufficient	sufficient	superfluous
3. Degree of proposed recipient's need is	slight	moderate	urgent
4. Likelihood that proposed recipient will be helped by another is	high	moderate	low
5. Degree of proposed recipient's moral superiority or holiness is	low	moderate	high

6. Degree of proposed recipient's public utility, political, ecclesiastical, or otherwise is	low	moderate	high
7. Degree of strength of proposed recipient's special claim upon the giver's resources is	low	moderate	high

4.4.2. *The Central Equilibrium Model: Using Its Rows.*

Consider now the sentence that I quoted toward the end of §2.

For we ought to give alms [i.e. perform works of mercy] to one who is much holier and in greater want, and to one who is more useful to the common weal, rather than one who is more closely united to us, especially if the latter be not very closely united, and has no special claim on our care then and there, and who is not in very urgent need (II.II.32.9).

An agent considers which of two persons, x or y , she may rightly perform a work of mercy for. She's concerned with the central column of the CEM and with five of its rows. On the one hand, person x tends to the right side of the central column in rows 5, 3, and 6; perhaps I can suggest this in the expression " $x = \rightarrow_3 \ \& \ \rightarrow_5 \ \& \ \rightarrow_6$ ". On the other hand, person y tends to the left side of the central column in rows 1, 7, and 3; in short, " $y = \leftarrow_1 \ \& \ \leftarrow_3 \ \& \ \leftarrow_7$ ". This is what the agent knows of x and y . Brother Thomas would have counseled her to make person x the material cause of her work of mercy, and he would have counseled her not to make person y the material cause. If she makes x the object of her work of mercy her act will be supererogatory and merit praise, although if she doesn't make x the object of her work of mercy her omission would not merit blame. Correspondingly, if she makes y the object of her work of mercy her act will be suberogatory and not merit blame, although if she doesn't make y the object of her work of mercy her omission would merit praise.

Or consider a case that the CEM illuminates but doesn't resolve.

It is better to give to one who is in greater want, other things being equal, but if he who is less needy is [morally] better, and is in want of [morally] better things, it is better to give to him: . . . (II.II.32.3 ad 1).

An agent is concerned to satisfy either the need of x or the need of y . Here x tends to the right side of the central column in row 3 and to the left side of the central column in row 5 ($x = \rightarrow_3 \ \& \ \leftarrow_5$) whereas, in reverse, y tends to the left side of the central column in row 3 and to the right side of the central column in row 5 ($y = \leftarrow_3 \ \& \ \rightarrow_5$). Thomas escapes the difficulty of this equilibrium by supposing that x is in need of corpo-

ral things and that y is in need of spiritual things, so that in this case, other things being equal, he recommends the agent satisfy the need of y and not the need of x . If she satisfies the need of y her action would be supererogatory, praiseworthy if done but not blameworthy if not done, and if she satisfies the need of x her action would be suberogatory, praiseworthy if not done but not blameworthy if done.

Sometimes Thomas concedes that no general rule can be found.

. . . [O]ther things being equal, one ought to succor those rather who are most closely connected with us. And if of two, one be more closely connected, and the other in greater want, it is not possible to decide, by any general rule, which of them we ought to help rather than the other, since there are various degrees of want as well as of connexion: and the matter requires the judgment of a prudent man (II.II.31.3 ad 1).

Here in the first sentence the PFP appears in its person-object use. The second sentence presents a difficult case in which other things are not equal. The agent is to decide whether person x or person y is to be the object of her work of mercy. In this case person x tends to the right side of the central column in row 1 ($x = \rightarrow_1$), whereas person y tends to the right side of the central column in row 3 ($y = \rightarrow_3$). Thomas suggests that in this case the agent has no general rule and needs to rely upon her prudential judgment.

4.4.3. *The Central Equilibrium Model: Considering the Columns.*

The rows of the central equilibrium model seem to have clarified some difficult cases. But the columns of the CEM seem also to clarify the issue of moral obligation toward strangers.

Since, however, precepts are about acts of virtue, it follows that all almsgiving [i.e., all works of mercy] must be a matter of precept, in so far as it is necessary to virtue, namely, in so far as it is demanded by right reason. Now right reason demands that we should take into consideration something on the part of the giver, and something on the part of the recipient. On the part of the giver, it must be noted that he should give of his surplus, according to Luke xi.41: [of] *that which remaineth, give alms*. This surplus is to be taken in reference not only to himself, so as to denote what is unnecessary to the individual, but also in reference to those of whom he has charge. . . . Because each one must first of all look after himself and then after those over whom he has charge, and afterwards with what remains relieve the needs of others. . . . On the part of the recipient it is requisite that he should be in need, else there would be no reason for giving him alms: yet since it is not possible for one individual to relieve the needs of all, we are not bound [i.e., morally obliged] to relieve all who are in need, but only those who could not be succored if we did not succor them. . .

. Accordingly we are bound [i.e., morally obliged] to give alms of our surplus, as also to give alms to one whose need is extreme: otherwise almsgiving, like any other greater good, is a matter of counsel [and not of either prohibition or command]. . . . There is a time when we sin mortally if we omit to give alms; on the part of the recipient when we see that his need is evident and urgent, and that he is not likely to be succored otherwise—on the part of the giver, when he has superfluous goods, which he does not need for the time being, so far as he can judge with probability. Nor need he consider every case that may possibly occur in the future, for this would be to think about the morrow, which Our Lord forbade us to do (Matth. vi.34), but he should judge what is superfluous and what necessary, according as things probably and generally occur (II.II.32.5).

In this discussion Thomas articulates the varied circumstances that I represent in rows 1, 2, 3, and 4 of the CEM. He also articulates a relation between what I represent by the central column of the CEM, that is, matters of counsel, and what I represent by the right column of the CEM, that is, matters of command or precept. In these ways he establishes conditions of any moral obligation to do works of mercy toward strangers. This obligation arises if and only if *both* the resources of the giver and her family or dependent associates in regard to both necessities of life and of station are in surplus *and* the need of the proposed recipient is both “evident and urgent” and will not be fulfilled by another.¹⁵

To perform a work of mercy can be sometimes forbidden, sometimes suberogatory, sometimes supererogatory, and sometimes obligatory. Which of these it will be depends upon the circumstances of the recipient and the circumstances of the moral agent. In practices of mercy toward strangers the spiritual and corporal needs of the moral agent’s family are always to be morally relevant circumstances. The complex conceptual structure that determines proper practices of mercy has this effect at least, that the moral agent’s family will not be neglected. So a moral agent may practice works of mercy toward strangers, but if this practice prevents or disturbs her practice of mercy toward members of her family, then her practice of mercy toward strangers has become disordered and sinful; it will have violated the principle of familial preference.

5. *The Parable of the Good Samaritan and the Principle of Familial Preference.*

A moral agent ordinarily stands under no *obligation* to perform a work of mercy toward a stranger if the resources that she rightly commands are not in surplus to her needs both as an individual and as a person responsible for her familial or quasi-familial communities. This claim is not undone by the Parable of the Good Samaritan in the Gospel of Luke (10:25-37). The parable turns out to be completely compatible with the principle of familial preference.

A certain lawyer asked Jesus what he should do to inherit eternal life,

and Jesus asked in return what the law was. In response the lawyer cited the two great commandments of love, and Jesus approved it, and declared that the lawyer, if he loved this way, would obtain life. But then, in regard to "Love thy neighbour as thyself!", the lawyer responded with another question: "Who is my neighbour?" To answer it Jesus told him the parable. A man fell among thieves, who robbed him and wounded him and left him half-dead. A priest who came that way saw him and avoided him, and likewise a Levite. But then came a Samaritan, who "... had compassion on him. And went to him, and bound up his wounds, pouring in oil and wine, and set him on his own beast, and brought him to an inn, and took care of him. And on the morrow when he departed, he took out two pence [denarii], and gave them to the host [of the inn], and said unto him, Take care of him: and whatsoever thou spendest more, when I come again, I will repay thee." Jesus and the lawyer agreed that the Samaritan was the true neighbor of the man who fell among thieves and that the priest and the Levite were not his true neighbors. The lawyer described the Samaritan as "he that showed mercy", and Jesus "commanded" the lawyer to go and do likewise.¹⁶

I suppose that the man who fell among thieves had needs that were "evident and urgent". I suppose that neither the priest nor the Levite had met his needs. The Samaritan, who met his needs, had resources of time, of skill, of strength, and of relevant possessions—bandages, oil, wine, a beast of burden, and money. His two "pence" or "denarii" were worth about two day's labor at a fair wage, and the Samaritan indicated to the innkeeper that he possessed many more denarii. Both Jesus and the lawyer supposed that both the priest and the Levite had substantial resources too, or else the parable could not have marked the required contrast. The parable tends to support a claim, that *if* someone has substantial unneeded resources *then* she may be obliged to perform works of mercy toward strangers whose needs are both evident and urgent and will not be fulfilled by another. When Jesus said to the lawyer, "Go and do thou likewise!", he seemed to have meant that the lawyer should make himself the true neighbor of those in serious need by showing them mercy within the bounds of the resources he rightly possessed. But the parable certainly fails to support any claim that moral agents, *no matter their rightful resources or obligations to family*, are obliged to practice works of mercy toward strangers.

This is so evident that some interpreters circumvent the issue by producing an argument something like this: "The command is for me to love my neighbor; the parable establishes that every man is my neighbor; so the command is for me to love every man equally and without distinction." They seek less a Good Samaritan and more a Deontological Samaritan. But their interpretation is clearly unsound.

The parable's "conclusion" in its context is that every man who practices mercy toward me in my need is my neighbor and I should love him as I love myself. The clear implication is that any man who shows me no mercy, who is careless of my needs, is not my neighbor. But some there are who show no mercy: consider the priest and the Levite. So some men, those who are merciless toward me in my need, are not truly

my neighbors. So the claim of the interpreters, that the parable establishes every man to be my neighbor, seems to be untrue.

The point of moral interest in the parable is that Jesus directs the lawyer's attention to a new and "true" criterion in terms of which a man in need may rightly distinguish those who are his neighbors from those who are not; Jesus, after all, did answer the lawyer's famous question. The new criterion is the practice of works of mercy. Jesus apparently intends it to replace other criteria—tribal memberships, shared histories, cultures, ethnicities, or beliefs, and proximities in space or time. He who shows me mercy in my need is always my true neighbor whether he belongs to or does not belong to my tribe, or my religion, or my ethnic group, or my age or country or neighborhood. God is merciful, and he who is god-like so far as he shows me mercy is my true neighbor. Now if "every man is my neighbor" were true, then the parable loses this point of moral interest. If it were true, why should Jesus, or anyone else, develop criteria to distinguish those who are my neighbors from those who are not? If it were true, then there would be no need for a distinguishing criterion at all, and the important moral teaching of Jesus would become simply empty.¹⁷

The Parable of the Good Samaritan seems compatible with the principle of familial preference. And indeed the principle may be derived from the parable. We have this command: "Love thy neighbor as thyself!" The parable teaches that my neighbor is the one who rightly shows me mercy in my need. So the command means that I should love as I love myself those who rightly show me mercy in my need. I've described, in §3 above, how those who rightly show me mercy in my need are ordinarily more the members of my family than extra-familial persons. It follows that, were I to obey the command, I should ordinarily love as I love myself more the members of my family than extra-familial persons. Of course the parable reminds us that the principle of familial preference in certain circumstances permits us to practice mercy toward strangers; but the parable never suggests or implies that the principle of familial preference may be rightly abandoned.

6. *The Moral Duty and the Natural Right of Familial Preference.*

It seems then that persons who have families have a moral duty ordinarily to love their family-members more than their extra-familial neighbors both in regard to inner affection and in regard to outward effect. These persons have a moral duty ordinarily to practice the spiritual and corporal works of mercy toward their family-members more than toward their extra-familial neighbors, and to employ in this practice the resources of time, of place, of mind, of body, and of possession that they and their families rightly command. These two obligations, if properly expressed, would be precepts of the natural law. One recognized set of precepts of the natural law has to do with self-preservation. The principle of familial preference is to family life what the principle of self-preservation is to individual life.

Natural rights or human rights apparently rise from duties like these.

Persons who have families have a natural right or a human right ordinarily to love their family-members more than their extra-familial neighbors both in regard to inner affection and in regard to outward effect. These persons have a natural right or a human right ordinarily to practice the spiritual and corporal works of mercy toward their family-members more than toward their extra-familial neighbors, and to employ in this practice such resources of time, of place, of mind, of body, and of possession as they and their families rightly command.¹⁸ The existence of these natural rights or human rights will pose certain difficulties for modern moral theories influenced by deontology and utilitarianism. If these theories are unable to accommodate the underlying principle of familial preference then perhaps we have one reason to think them profoundly flawed.

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NOTES

1. When I cite the *Summa Theologica* I'll ordinarily place references in parentheses in my text and use the translation found in *The "Summa Theologica" of St. Thomas Aquinas*, Literally Translated by Fathers of the English Dominican Province, Vols. 8 and 9 (London: Burns Oates & Washbourne Ltd., 1915 and 1916 respectively). I'll sometimes alter the translation a little to conform it better to the Latin.

2. Peripatetic philosophers divided moral philosophy into ethics, economics, and politics. By "economics" they did not mean "economics" in the modern sense that derives from 18th century political economy. By "economics" they meant "domestic economy" or "household management". The subject of "economics" in this sense was the family or household (*oikos*) just as the subject of politics was the city-state (*polis*). The older meaning of "economics" comes out in Xenophon's dialogue *Oikonomikos*, Household Manager, and in the first book of the pseudo-Aristotelian peripatetic work included among the writings of Aristotle, *Oikonomika*, Household Management. This peripatetic division of moral philosophy was already firm by the second century BCE; it endured steadily in the West through the end of the eighteenth century. It deserves to be called, I think, the traditional division of moral philosophy. In traditional moral philosophy, then, familial philosophy is distinct from and coordinate to political philosophy. The present essay is not an essay in either ethics or political philosophy; it's an essay in familial philosophy.

3. "To do philosophy is to explore one's own temperament, and yet at the same time to attempt to discover the truth. It seems to me that there is a void in present-day moral philosophy . . . We need a moral philosophy in which the concept of love, so rarely mentioned now by philosophers, can once again be made central." Iris Murdoch, "On 'God' and 'Good'", in Iris Murdoch, *Existentialists and Mystics: Writings on Philosophy and Literature* (New York: Allen Lane The Penguin Press, 1998) 337.

4. Saint Thomas Aquinas, *On Charity (De Caritate)*, tr. Lottie H. Kendzierski, Mediaeval Philosophical Texts in Translation No. 10 (Milwaukee, Wisconsin: Marquette University Press, 1960) 77, my italics. Cf. *Summa Theologica* II.II.26.1-13, II.II.44.8. On the obligation in certain cases

to hate what is evil in our neighbors, see II.II.26.2, II.II.34.3, II.II.107.4, etc.

5. The order of charity seems sometimes to the few Thomists who consider it something of a puzzle. Thus Jean Porter finds it to be “startling”, “surprising”, “disconcerting”, and “remarkable”, and in the end she’s unable to fully accept it. See Jean Porter, “*De ordine caritatis: Charity, Friendship and Justice in Thomas Aquinas’ Summa Theologiae*”, *Thomist* 53.2 (1989) 197-213. And although John Finnis rightly understands the concept of “order” to be fundamental to “what he [Aquinas] thinks a theory of human action and society is about”, and although he rightly distinguishes the orders of nature, of logic, of deliberation, and of technique or production, he provides almost no place for an order of charity in his analysis of the social theory of Thomas Aquinas. See John Finnis, *Aquinas: Moral, Political, and Legal Theory* (Oxford: Oxford University Press, 1998) 20-23, and *passim*.

6. “Extra-familial neighbors” is ambiguous. It may be taken strictly, and then all one’s associates in communities other than one’s familial community will be “extra-familial neighbors”. Then one has two classes, one’s familial neighbors and one’s extra-familial neighbors, and the principle of familial preference relates the first to the second. Or it may be taken loosely, as here, and then all one’s associates need not be “extra-familial neighbors” but some may form what I’ve called “quasi-familial groups” standing somewhere between one’s family members and one’s “extra-familial neighbors”. Then one has three classes, one’s familial neighbors, one’s quasi-familial neighbors, and one’s extra-familial neighbors, and the principle of familial preference relates the first and second to the third. I think the ambiguity can be managed.

7. “. . . [N]o virtue has such an inclination to its act as charity [has], nor in any way works so sweetly” (II.II.32.2: . . . nulla virtus habet tantum inclinationem ad suum actum sicut caritas, nec aliqua ita delectabiliter operatur.) Acts of charity include works of mercy. Strong the inclination to the acts may be; sweet the works may be; but difficult it is to rightly love. Family life is by nature both sweet and anxious.

8. Aristotle, *Politics* I.2 (1252b13), in *The Complete Works of Aristotle* (The Revised Oxford Translation), ed. Jonathan Barnes, 2 vols., Bollingen Series LXXI (Princeton: Princeton University Press, 1984) 1987.

9. See Michael Ignatieff, *The Needs of Strangers* (New York: Elisabeth Sifton Books: Viking, 1985) *passim*.

10. Aristotle, *Politics* I.1 (1252a1) in *Complete Works* 1986.

11. The abbatial moral order follows the familial moral order, and not the other way around. Suppose that the sum total of the Christian religion as regards external works consists in mercy, as Thomas said it did (*summa religionis christianae in misericordia consistit quantum ad exteriora opera*). Then when the members of a family practice the works of mercy toward one another, they form by their daily practices a “naturally christian society”, a *societas naturaliter christiana*, no matter what institutional religion, if any, they belong to. Their society will be christian in conduct if not in creed or in cult. The practice of works of mercy in a morally sound family seems to be an achievement of nature or of nature and grace, but it is not, except *per accidens*, an achievement of any specifically Christian creed or cult. The conduct that Christianity seems to specifically require of its adherents is not familial practices of works of mercy, which indeed it merely assumes as prior, but “familial” practices of works of mercy “writ large” in society at large. Specifically Christian conduct, then, is posterior to and dependent upon natural familial conduct, and not the other way around. Every Christian who, as Christian, disdains the natural family, or who disturbs or endangers it,

displays thereby an inexcusable ingratitude. And every form of religion that by its doctrines or its deeds denies the principle of familial preference becomes thereby morally unacceptable.

12. Various forms of the person-object use of the PFP are ancient. See Cicero, *De finibus* V.xxiii (65) and the famous concentric circles passage in Hierocles the Stoic, conveniently in Abraham J. Malherbe, ed., *Moral Exhortation: A Greco-Roman Sourcebook*, Library of Early Christianity (Philadelphia: The Westminster Press, 1986) 96-97.

13. Aristotle, *Politics* I.9 (1257a21) in *Complete Works* 1994.

14. The tabular definition is one representation of a logical template and is closely related to the Meinong-Schwarz proposal as Chisholm described it; see Roderick M. Chisholm, "Supererogation and Offence: A Conceptual Scheme for Ethics" in *Ratio* 5 (1963) 1-14, especially 6-7. I note that "reward" may substitute for "praise", and "punishment" for "blame", and the new definitions would more or less continue to distinguish the terms from one another. In the cited article Chisholm developed the concept of an inverse to the traditional supererogatory; he called the acts that fall under the new concept "offensive". The more felicitous term "suberogatory" was introduced in the fine essay by Julia Driver, "The Suberogatory", *Australasian Journal of Philosophy* Vol. 7 No. 3 (September 1992) 286-95. More than a hundred recent articles on supererogation and subrogation testify to the vitality of an analytic version of traditional moral theory. Two large-scale works are David Heyd, *Supererogation: Its Status in Ethical Theory* (Cambridge: Cambridge University Press, 1982) and Gregory Mellema, *Beyond the Call of Duty: Supererogation, Obligation, and Offence* (Albany, New York: State University of New York Press, 1991). My own understanding of subrogation may differ somewhat from the understandings that now form a tentative "standard view".

15. Michael Cronin, "The Moral, Social, and Political Philosophy of St. Thomas", in C. Lattey, S.J., ed., *St. Thomas Aquinas: Papers from the Summer School of Catholic Studies held at Cambridge, August 4-9, 1924* (London: Burns Oates & Washbourne Limited, 1924) 132-203, and especially 183-86.

16. Details are in *The Interpreter's Bible . . . in Twelve Volumes* (New York and Nashville: Abingdon Press, 1952) VIII.192-97. A better commentary is in *The New Interpreter's Bible . . . in Twelve Volumes* (Nashville: Abingdon Press, 1995) IX.226-30; it concludes this way: "Eternal life—the life of the age to come—is that quality of life characterized by showing mercy for those in need, regardless of their race, religion, or region—and with no thought of reward. Mercy sees only need and responds with compassion." I note that the Samaritans still exist and claim descent from the ancient Israelite tribes of Ephraim and Manasseh.

17. The "conceptual move" that Jesus practiced here is what I call "criterion replacement". Consider another instance. "There came then his brethren and his mother, and, standing without, sent unto him, calling him. And the multitude sat about him, and they said unto him, Behold, thy mother and thy brethren without seek for thee. And he answered them, saying, Who is my mother, or my brethren? And he looked round about on them which sat about him, and said, Behold my mother and my brethren! For whosoever shall do the will of God, the same is my brother, and my sister, and mother" (Mark 3:31-35; cf. Matthew 12:46-50, Luke 8:19-21). Here he directs the attention of his congregation to a new and "true" criterion in terms of which each of them may rightly distinguish those who are brethren from those who are not. The new criterion is "those who do the will of God"; it replaces the old criterion "those who share with me a common

ancestor". Jesus clearly does not consider that his new criterion allows everyone to be one of his "brothers", for he clearly does not consider everyone to be doing the will of God. Furthermore, if all persons were his "brothers", what would be the point of his offering the new criterion? If all persons were his "brothers", then there would be no point to a criterion that distinguishes "brethren" from "non-brethren", and his moral teaching here would be simply empty. I suppose that the brothers and the sisters and the mother of Jesus were doing the will of God; they are therefore both members of his "natural" family and members of the new holy family that Jesus defines by his new criterion. And so if a pair of parents, say, carefully tends the needs of their family by practices of mercy, then to that extent they would ordinarily stand among those who do the will of God, and in the distinctive terms of Christian belief, they should be counted, on that ground, among the brothers and the sisters of the Lord.

18. The natural right of familial preference seems to be related in part to rights that the U.S. Supreme Court has found to be protected as "liberty rights" under the due process clause of the 14th Amendment to the U.S. Constitution. See *Meyer v. Nebraska* (1923), *Pierce v. Society of Sisters* (1925), *Stanley v. Illinois* (1972), *Wisconsin v. Yoder* (1972), *Parham v. J.R.* (1979), *Santosky v. Kramer* (1982), *Washington v. Glucksberg* (1997), and *Troxel v. Granville* (2000). Justice Harlan, concurring in *Griswold v. Connecticut* (1965) put it this way: "The home derives its pre-eminence as the seat of family life. And the integrity of that life is something so fundamental that it has been found to draw to its protection the principles of more than one explicitly granted Constitutional right."