

SUMMA THEOLOGIÆ, 1a. 103, 1

POSTQUAM PRÆMISSUM EST de creatione rerum et distinctione earum, restat nunc tertio considerandum de rerum gubernatione:

et primo, in communi; secundo, in speciali: de effectibus gubernationis.

Quæstio 103. de gubernatione rerum in communi

Circa primum quæruntur octo:

- 1. utrum mundus ab aliquo gubernetur;
- 2. quis sit finis gubernationis ipsius;
- 3. utrum gubernetur ab uno;

1cf 1a. 2, 3; 44, 4. De veritate v, 2. CG III, 64

- 4. de effectibus gubernationis;
- 5. utrum omnia divinæ gubernationi subsint;
- 6. utrum omnia immediate gubernentur a Deo;
- 7. utrum divina gubernatio cassetur ab aliquo;
- 8. utrum aliquid divinæ providentiæ contranitatur

articulus 1. utrum mundus gubernetur ab aliquo

AD PRIMUM sic proceditur: 1 1. Videtur quod mundus non gubernetur ab aliquo. Illorum enim est gubernari, quæ moventur vel operantur propter

*In keeping with the specific unity and scope of sacra doctrina as determined in

see M. D. Chenu, Towards Understanding St Thomas, pp. 301-8; cf P. E. Persson, Sacra Doctrina, tr. J. A. R. Mackenzie (Oxford & Philadelphia, 1970) pp. 250-66. bThe word præmissum is likely not haphazard; the preceding Questions, 44-102, are in a sense a preliminary to the strongest interests of sacra doctrina. See

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¹a. 1, 3 & 7, the Foreword of 1a. 2 organizes the *Prima pars* into considerations of God in his unity of essence and trinity of persons (1a. 2-43) and of God as source and end of all things. This second comes under the rubric of the *processio*, the going forth (see Vol. 8, ed. T. Gilby, p. 2, note a) of creatures from God. The Foreword of 1a. 44 indicates that this going forth includes God's creating, diversifying and governing his creatures. The inclusion of governing under the general heading recalls the inseparable link in Neoplatonic thought and especially in Dionysius (see Appendix 3) between *proodos* and *epistrophē*, as governing implies the return of creatures to God; (on *exitus-reditus* as organizational in the *Summa*,

Introduction. ^cThe meaning of gubernatio (from gubernium, a ship's helm or rudder, whence gubernator, a pilot; gubernare and gubernatio, the act of steering) is, of course, the burden of Question 103. The term has already occurred in the Summa, first to designate the theme of the last of the five ways to prove that God exists, 1a. 2, 3; then it is described in 1a. 22, 1 ad 2 as the carrying out, the execution of divine



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THE STUDY OF GOD'S CREATING THINGS and diversifying them^a once set forth,^b there remains a third inquiry on his governing them;^c and under two main headings:

first, God's government in general (103); secondly, in detail: its effects (104–19).

Question 103. God's government taken as a whole

There are eight points of inquiry for an overall view of God's government:

- 1. whether the world is governed by anyone at all;
- 2. what the end of this governance is;
- 3. whether the world is ruled by one being;
- 4. the effects of God's governing;
- 5. whether it extends to everything that is;
- 6. whether all things are governed by God immediately;
- 7. whether God's governance is frustrated in any way;
- 8. whether anything conflicts with God's providence.a

article I. whether the world is governed by anyone at all

THE FIRST POINT: 1. The world appears not to be governed by anyone at all. Those realities alone are governable which are either moved or act^b

providence, which is the plan it puts into effect. As a preliminary it is helpful to recall from GG III, 64, elements that enter into St Thomas's conception of God's governing: it is an active direction towards the end and the good; a direction that is not the unfolding of a necessary emanationism, but one of mind and free will; a direction that imposes a definite order or pattern upon the beings governed, both towards their proper, individual perfections and to a cosmic order, immanent in the universe; through these the creation becomes likened to God and thus has its ultimate direction, namely towards the divine good, as ultimate, transcending end. The emphasis here continues to be on the divine active, efficient causality (Persson, op cit, notwithstanding) but as perfective, bettering, bringing to fulfilment the beings God has created. For the Dionysian influence on the Questions, see Appendix 3.

*At art. 8 gubernatio is used; the interchange is explained by the fact that government is the execution of divine providence; and by the way art. 8 sets the problem. *bmoveri* is a passive term, meaning first and properly a process of transition from potentiality to actuality, as the subject acquires some new being or way of being under the influence of a mover as active cause (see 1a. 2, 3. In Physic. 111, lect. 1-5); here it is transferred to mean being affected, attracted, drawn by an end (see 1a. 82, 4); operari is deponent, an active term, referring to a being's exercising its own kind of activity.



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finem. Sed res naturales, quæ sunt magna pars mundi, non moventur aut operantur propter finem, quia non cognoscunt finem. Ergo mundus non gubernatur.

- 2. Præterea, eorum est proprie gubernari quæ ad aliquid moventur. Sed mundus non videtur ad aliquid moveri sed in se stabilitatem habet. Ergo non gubernatur.
- 3. Præterea, id quod in se habet necessitatem qua determinatur ad unum non indiget exteriori gubernante. Sed principaliores mundi partes quadam necessitate determinantur ad unum in suis actibus et motibus. Ergo mundus gubernatione non indiget.

SED CONTRA est quod dicitur. Sap., Tu autem, Pater, gubernas omnia providentia.² Et Boëthius dicit in libro De consol., O qui perpetua mundum ratione gubernas.³

RESPONSIO: Dicendum quod quidam¹ antiqui philosophi gubernationem mundo subtraxerunt, dicentes omnia fortuito agi. Sed hæc positio ostenditur esse impossibilis ex duobus.

Primo quidem, ex eo quod apparet in ipsis rebus. Videmus enim in rebus naturalibus provenire quod melius est aut semper aut in pluribus; quod non contingeret nisi per aliquam providentiam res naturales dirigerentur ad finem boni, quod est gubernare. Unde ipse ordo certus rerum manifeste demonstrat gubernationem mundi, sicut si quis intraret domum bene ordinatam, ex ipsa domus ordinatione ordinatoris rationem perpenderet, ut ab Aristotele dictum Tullius introducit in libro *De natura deorum*.⁵

Secundo autem apparet idem ex consideratione divinæ bonitatis, per

²Wisdom 14, 3

³De consolatione philosophiæ III, 9. PL 63, 758. Anicius Manlius Torquatus Severinus Boethius (c. 480-c. 524), statesman of the late Roman Empire; through his translations of Greek, especially Aristotelean, works a father of Scholasticism and its language; the present work was universally read in the Middle Ages.
⁴See note e

⁵De natura deorum, II, 5. Marcus Tullius Cicero (106-43 B.C.) was an important author to the medievals because of his moral writings, e.g. the *Rhetorica* and *De officiis*

^{&#}x27;sfinis, end, that good for the sake of which something is done, the final cause; the good is the perfection of a being, and so desirable; the end is the good as setting the desire in motion; see 1a. 5, 4. Vol. 16, ed. T. Gilby, Appendix 1.

dres naturales, in contradistinction to knowing beings, sensate or rational; see 1a. 21, 1; 48, 5; 49, 1; 80, 1 ad 3; 82, 1; 1a2æ. 9, 1 & ad 1, ad 2; 31, 7; 41, 3.

eThe term *philosophi* in its general use referred to non-Christian authors, as distinct from the *sancti* (see Chenu, op cit, p. 138). Here the *antiqui philosophi* are the Ionian *phusikoi* (see Aristotle, *Physics* II, 4); they were materialists (see I *Sent.* 39, 2, 2. CG III, 64. Ia. 22, 2, which mentions Democritus and the Epicureans as denying divine providence; see also *De potentia* III, 17).

^{*}positio in the terminology of dialectics denotes an opinion, especially one to be



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for the sake of some end.^c Now beings of nature^d—and these make up the larger part of the universe—are neither moved by an end nor do they act for the sake of one, since they have no knowledge of an end. The world, then, is not governed.

- 2. Further, it is characteristic of the governed to be in process towards something. The universe, however, is not in process towards anything, but is itself the stable reality. Thus it is not something governed.
- 3. Further, anything that has within itself a necessity fixing it on the one course has no need for anyone to direct it from without. Now in their acts and processes the main parts of the universe are set with a kind of necessity upon functioning only in one way. The universe, therefore, does not need to be governed.

ON THE OTHER HAND, we read in the Book of Wisdom, But thou, O Father, governest all things by thy providence;² and in Boethius, You who govern the world from an eternal plan. . . .³

REPLY: Some⁴ of the earliest philosophers,^e in maintaining that everything happens by chance, excluded any sort of government from the world. But this opinion^f is proved impossible on two counts.

The first is the evidence present in the world itself. For we observe among beings of nature that what is best comes to pass either always or most of the time. This would not be the case were not there some providence guiding such beings to an end, the good. Such guidance is what government means. Therefore this regular pattern in things clearly points to the world's being governed. An example from Cicero, quoting Aristotle: if you were to go into a well-laid out home, from its arrangement you would get a good idea of the arranger's plan.

The same point becomes evident, secondly, from reflecting on God's

rejected; see 1a. 10, 5; 49, 3; 104, 3. De potentia III, 17 & ad 15. De malo VI, 1 refers to opinions subverting philosophical principles as positiones extraneæ, i.e. outlandish. As a more general logical term it covers both definition and propositions as principles of argumentation; see In Periherm. 1, lect. 1. In Poster. 1, lect. 5. The first argument was a posteriori, from effect to cause, and is substantially the same as the fifth of the quinque viæ (1a. 2, 3); the second proceeds a priori, from cause to effect, but it is tempered—an argument from what is consonant (convenit) with or appropriate to (pertinet) God's goodness in view of a point made earlier: 'Clearly the whole reason for an arrangement set up by a wise man in the things he does is drawn from his end. When an end is proportionate to the things made in order to achieve it, then the maker's wisdom is committed to a determinate pattern. Now the divine goodness is an end immeasurably surpassing created things; hence divine wisdom is not limited to one fixed system in such a manner that no other course of things could flow from it. In consequence we should declare quite simply that God can make other things than the things he does make.' 1a. 25, 5, Vol. 5, ed. T. Gilby.



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quam res in esse productæ sunt, ut ex supra dictis patet.⁶ Cum enim optimi sit optima producere, non convenit summæ Dei bonitati quod res productas ad perfectum non perducat. Ultima autem perfectio est uniuscujusque in consecutione finis. Unde ad divinam bonitatem pertinet ut, sicut produxit res in esse, ita etiam eas ad finem perducat. Quod est gubernare.

- r. Ad primum ergo dicendum quod aliquid movetur vel operatur propter finem dupliciter. Uno modo, sicut agens seipsum in finem, ut homo et aliæ creaturæ rationales; et talium est cognoscere rationem finis et eorum quæ sunt ad finem. Aliquid autem dicitur moveri vel operari propter finem quasi ab alio actum vei directum in finem; sicut sagitta movetur directa ad signum a sagittante, qui cognoscit finem, non autem sagitta. Unde sicut motus sagittæ ad determinatum finem demonstrat aperte quod sagitta dirigitur ab aliquo cognoscente, ita certus cursus naturalium rerum cognitione carentium, manifeste declarat mundum ratione aliqua gubernari.
- 2. Ad secundum dicendum quod in omnibus rebus creatis est aliquid stabile, ad minus prima materia, et aliquid ad motum pertinens, ut sub motu etiam operationem comprehendamus. Et quantum ad utrumque res indiget gubernatione, quia hoc ipsum quod in rebus est stabile in nihilum decideret, quia ex nihilo est, nisi manu gubernatoris servaretur, ut infra patebit.⁷
- 3. Ad tertium dicendum quod necessitas naturalis inhærens rebus quæ determinantur ad unum, est impressio quædam Dei dirigentis ad finem; sicut necessitas qua sagitta agitur ut ad certum signum tendat est impressio sagittantis et non sagittæ. Sed in hoc differt, quia id quod creaturæ a Deo recipiunt est earum natura; quod autem ab homine rebus naturalibus imprimitur præter earum naturam ad violentiam pertinet. Unde sicut

⁶1a. 6, 4; 44, 4; 65, 2

⁷104, I

^hSee 1a. 5, 1 ad 1; 6, 3 on the real distinction in the creature between its being and its full goodness.

¹On esse, see 104, 1, note a & 4, note l; Appendix 1.

lagens seipsum connotes a self-directing, intended action on the part of the one who acts, rather than just an action that de facto has an end; see 1a. 2, 3; 44, 4 ad 3 and esp. 1a2æ. 1, 2.

^kThe knowledge is an awareness of the end as end, and thereby an evaluation of what is conducive to the end, i.e. of means (ea quæ sunt ad finem in St Thomas's phrase, connoting a recognition of intrinsic values as well as a reference to some further purpose).

¹prima materia designates, not some primordial stuff, but the potential substrate or subject actuated by form, and the abiding component of all things that come to be and cease to be through physical substantial change, according to Aristotle's hylomorphic theory; *Physics* I, 6–9. *In Physic.* I, *lect*, II-15. Primary matter



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goodness, whereby, as is clear from earlier determination,⁶ things are brought into existence. Because it belongs to the best sort of being to achieve the best sort of effects, failure to direct the beings created to their full perfection is not consonant with God's absolute goodness. Now the highest perfection of any being consists in the attaining of its end.^h Hence it is appropriate to God's goodness that, as he has brought things into being,ⁱ he also guide them towards their end. This is what governing them means.

Hence: I. Something is moved or acts for an end in one of two ways. The first consists in a self-direction towards the end, i characteristic of man and other intelligent creatures; it is their nature to know the meaning of end and of what is related to the end. In a second way something is said to be moved or to act for an end in the sense that it is pointed or directed by another towards the end; for example an arrow flies towards a target as it is aimed by the archer; he, not the arrow, knows the end. Thus just as the arrow's flight towards a fixed point clearly indicates that it is aimed by one having knowledge, so too the regular course of the beings of nature that lack knowledge plainly declares that the world is ruled by some intelligent plan.

- 2. In all created realities there is a stable element, primary matter¹ at least, and an element involving movement, this term being taken to include action.^m In both respects things need governing; even the permanent element would dissolve into nothingness, because it is from nothingness, unless it were sustained by the hand of God who governs; we will show why later on.⁷
- 3. The natural necessity n inherent in things that are fixed on one set course is itself an imprint, as it were, from God's guidance of them to their end, even as the trueness of the arrow's flight towards the target is an impetus from the archer and not from the arrow itself. Note this difference, however, that what creatures receive from God constitutes their natures; what a man imposes artificially on the beings of nature is

is so designated in distinction from this or that particular matter, materia signata; see 1a. 3, 3; 75, 4.

mmotus (kinēsis in Aristotle's Physics) in its literal sense is the imperfect act of an imperfect being (see note b), and in this volume is always translated as 'movement' ('motion' is used for the active term, motio). From 1a. 18, 3 we have the explanation of the extension of motus to signify the act exercised by a being because of its actuality, its operation; (see Aristotle De anima, III, 7. 43/a1-7). It is important to notice from the context which of the two senses is used; cf, e.g., 1a2æ. 111, 2. "necessitas designates the condition of something that cannot be other than it is, either because of its components, necessitas naturalis; or because of some outer influence, either that of an agent cause, necessitas coactionis, violence, or that of its end, necessitas finis; 1a. 82, 1 clearly outlines these meanings.



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necessitas violentiæ in motu sagittæ demonstrat sagittantis directionem, ita necessitas naturalis creaturarum demonstrat divinæ providentiæ gubernationem.

articulus 2. utrum finis gubernationis mundi sit aliquid extra mundum

AD SECUNDUM sic proceditur: 1 I. Videtur quod finis gubernationis mundi non sit aliquid extra mundum existens. Illud enim est finis gubernationis rei ad quod res gubernata perducitur. Sed illud ad quod res aliqua perducitur est aliquod bonum in ipsa re, sicut infirmus perducitur ad sanitatem, quæ est aliquod bonum in ipso. Ergo finis gubernationis rerum non est aliquod bonum extrinsecum, sed aliquod bonum in ipsis rebus existens.

- 2. Præterea, Philosophus dicit, I Ethic., quod finium quidam sunt operationes, quidam opera,² idest operata. Sed nihil extrinsecum a toto universo potest esse operatum; operatio autem est in ipsis operantibus. Ergo nihil extrinsecum potest esse finis gubernationis rerum.
- 3. Præterea, bonum multitudinis videtur esse ordo et pax, quæ est tranquillitas ordinis, ut Augustinus dicit.³ Sed mundus in quadam rerum multitudine consistit. Ergo finis gubernationis mundi est pacificus ordo qui est in ipsis rebus. Non ergo finis gubernationis rerum est quoddam bonum extrinsecum.

SED CONTRA est quod dicitur *Prov.*, *Universa propter se operatus est Dominus*.⁴ Ipse autem est extra totum ordinem universi. Ergo finis rerum est quoddam bonum extrinsecum.

RESPONSIO: Dicendum quod, cum finis respondeat principio, non potest fieri ut, principio cognito, quid sit rerum finis ignoretur. Cum igitur principium rerum sit aliquid extrinsecum a toto universo, scilicet Deus, ut ex supra dictis patet,⁵ necesse est quod etiam finis rerum sit quoddam bonum extrinsecum.

¹cf CG III, 17. In Meta. XII, lect. 12

²Nicomachean Ethics 1, 1. 1094a4. For the medievals *Philosophus*, the philosopher par excellence, was Aristotle.

^aThe phrasing of the problem is controlled by Aristotle's *Metaphysics* XII, 10 (see ad 3), and especially by lines 1075a10-25, which begin, 'We must consider also in which of the two ways the nature of the universe contains the good and the highest good, whether as something separate and by itself, or as the order of parts.' (Ross translation). St Thomas's *In Meta*. XII, *lect*. 12, with which his commentary ends, is a mine of expressions about the elements and relationships in the cosmic order. ^bThe logic of the argument (as well as St Thomas's style) indicates that *a toto*



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a coercion. The comparison then is this: a necessity of propulsion in the arrow's flight is a sign of the archer's aiming it; a necessity of nature in creatures is a sign of the provident God's governing them.º

article 2. whether the goal of the world's being governed is something existing beyond the world

THE SECOND POINT: 1. The end of the world's being governed is not, it seems, something existing outside the world. a The purpose of government over anything is some term to which the reality governed is guided. Now such a term is some good in the thing itself; a sick person is nursed back to health, a good that exists in him. The end of the governance of things, then, is not some good existing apart, but one within the things themselves.

- 2. Further, Aristotle says that among ends some are actions, some are accomplishments,² i.e. the products of action. There can, however, be nothing produced that is outside the whole universe,^b and an action exists within the one acting. Thus the end of the government of things cannot be anything outside them.
- 3. Further, the good for any grouping of people seems to consist in orderliness and peace, the tranquillity of order, in Augustine's phrase.³ Now the world is made up of a kind of grouping of many things. The end of its being governed, then, is the peaceful order that exists among the things themselves; not, then, some good apart.

ON THE OTHER HAND, The Lord hath made all things for himself.⁴ Since, then, God is beyond the whole order of the universe, its end is also a good beyond it.

REPLY: Since there is a correspondence between ends and origins,^c it is not possible that, the origin of the world being known, its end remain unknown. Since, as earlier discussion makes clear,⁵ its origin is a reality beyond the whole universe, namely God himself, its end also necessarily is some transcendent good.^d

universo be governed by extrinsecum, not by the words following, as in earlier English translations.

^eThis is a variation of the principle, implicit in the argument below, that 'the order of agents and the order of ends match each other'; it is developed in cognate discussions in CG III, 17. De malo 1, 1. De potentia 7, 3 ad 10 (see also 1a2æ. 109, 6) and is involved in much of the present treatise (see, e.g., 105, 4 & 5; there is a more flimsy use in 104, 1, obj. 1).

^aThe use of 'transcendent' may be anachronous; the discussion, however, directly addresses one aspect of later theology's problem of God's transcendence and immanence; see below, note h.



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Et hoc ratione apparet. Manifestum est enim quod bonum habet rationem finis. Unde finis particularis alicujus rei est quoddam bonum particulare; finis autem universalis rerum omnium est quoddam bonum universale. Bonum autem universale est quod est per se et per suam essentiam bonum, quod est ipsa essentia* bonitatis; bonum autem particulare est quod est participative bonum. Manifestum est autem quod in tota universitate creaturarum nullum est bonum quod non sit participative bonum. Unde illud bonum quod est finis totius universi oportet quod sit extrinsecum a toto universo.

- 1. Ad primum ergo dicendum quod bonum aliquod consequimur multipliciter: uno modo, sicut formam in nobis existentem, ut sanitatem aut scientiam; alio modo, ut aliquid per nos operatum, sicut ædificator consequitur finem faciendo domum; alio modo, sicut aliquod bonum habitum vel possessum, ut ille qui emit, consequitur finem possidendo agrum. Unde nihil prohibet illud ad quod perducitur universum esse quoddam bonum extrinsecum.
- 2. Ad secundum dicendum quod Philosophus loquitur⁶ de finibus artium, quarum quædam habent pro finibus operationes ipsas, sicut citharistæ finis est citharizare; quædam vero habent pro fine quoddam operatum, sicut ædificatoris finis non est ædificare sed domus. Contingit autem aliquid extrinsecum esse finem non solum sicut operatum, sed etiam sicut possessum seu habitum vel etiam sicut repræsentatum,† sicut si dicamus quod Hercules est finis imaginis quæ fit ad eum repræsentandum. Sic igitur potest dici quod bonum extrinsecum a toto universo est finis gubernationis rerum sicut habitum et repræsentatum, quia ad hoc

^{*}Piana: in ipsa essentia †Piana: seu repræsentatum

⁶See note 2.

eratione is used here, not for the faculty of reasoning, but to mean a proof or argument; see F. A. Blanche, 'Le Vocabulaire de l'argumentation et la structure de l'article dans les ouvrages de Saint Thomas' RSPT xiv (1925) pp. 175-87. The statement in which it occurs does indicate that the first part of the Reply relies on faith's acceptance of God as creator; but the argument that follows in the Reply is not a logically tight 'proof from reason'; it needs to be completed by the implications of ad 1, 2 & 3.

The spirit of the argument is Dionysian (see Appendix 3) rather than Aristotelean. The extrinsic or separated good of the universe in Aristotle's Metaphysics is a required element in his system of an eternal universe (see loc cit, 1076b30; Appendix 2), the first mover, causing as the object of desire. St Thomas In Meta., loc. cit, states, 'There is a separated good, the first mover, on which the heavens and all nature depend as on their end and desirable good, and because all things whose end is one must conspire in an order to that end, there is necessarily also an order in the parts of the universe and in this way the universe has both a separated good and the



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This becomes evident, as well, from the following argument.^e Clearly the good has the quality of being an end. Thus the particular end of any single thing is some particular good; the universal end of all things is some universal good. The universal good, however, is the good of itself and by essence, the good that is goodness in its purest form; a particular good is a good by participation. In the whole sphere of creation there is no good that is not a good participatively; that good, then, that is the end of the whole universe must be a good transcending the whole universe.^f

Hence: I. We gain a good in many ways. One is by its becoming a quality inhering in us, as in the case of health or knowledge. A second is by the good's being something produced by us, as in the case where a builder achieves his end by constructing a house. A third way is by the good's being held or owned by us, as is the case when a buyer gains his end by acquiring a plot of land. Thus there is no contradiction in the fact that the term to which the universe is being guided is a good outside of it.g

2. That passage of Aristotle⁶ is about the ends of the arts: some have as end the exercise of their own activity—e.g. the end of the lyrist is to play the lyre; but others have as end some product—e.g. the end of the builder is not the work of building but the house built. That some separate thing be an end is true, however, not only in the case of a product made, but also in the case of something owned, i.e. had, or something represented—e.g. if we say that Hercules is the end of a statue carved to represent him. A good transcending the whole universe can, then, be the end of the governance of things as it is a good possessed and represented: for the striving of everything that exists is towards

good of order.' Here, intending to express the Christian view of the transcendence of God as final cause, he uses the categories of essential and participated good (see also De potentia I, 2 ad I). There is some equivocation with 'universal good': the universal good proportioned to the universe is the 'common good' of cosmic order; that intermediate step is left for the ad 3. The reason why the universal good that is the divine, absolute goodness is the good or end of the universe is not, as in Aristotle, to cap the system, but because the tendency of every being to its own good, and to the cosmic order is in fact under the divine, active causality, which does have as its only proportionate end the divine goodness (see Ia. 19, I & 2; 44, 4; 47, 3 with notes Vol. 8, ed. T. Gilby; 105, 5. CG III, 64. De substantiis separatis 14).

*Implicit here is the explanation of Aristotle's categories of being or predicaments (see Categories. In Physic. III, lect. 5. In Meta. v, lect. 9). The first example here is a quality, an accident or predicate that is in a subject per se and absolutely; the second two are accidents attributed to a subject from something outside it, action in the case of the builder, having or habit in the case of the buyer.