

Evaluating Joseph Fletcher's Affirmation that Agapeic Love is Justice

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This paper has five parts: (1) A First Defense of Fletcher's Thesis that Agapeic Love is Justice: This section considers the almost immediate objection to this claim since justice demands punishment whereas love might not punish but forgive a criminal. In response, the paper notes that Fletcher begins with Augustine's important affirmation that agapeic love needs a high degree of thoughtfulness and prudence, thereby distinguishing between emotional love and agapeic love such that whereas emotional love, for example, by a parent might be willing to forgive an adult child for a felony crime, agapeic love for a convicted felon can recognize that punishment is needed both for the felon to recognize the seriousness of one's crime and for society to be protected against such a felon returning too easily to the repetition of such crimes. This section also explores the acceptance of the Aristotelian Principle noted by John Rawls which is crucial in helping to determine how an adult criminal is to be treated in response to that person's responsibility. (2) A Fuller Development of Fletcher's Thesis that Agapeic Love is Justice: Fletcher strongly agrees with Augustine's important affirmation that agapeic love needs to be diligent love, love that is identical with practical wisdom. Consequently, even if we were to grant the approach of Augustine and Aquinas that justice is giving to each person what is their due, Fletcher points out that agapeic love needs to involve practical wisdom, that is, prudence, for a proper understanding of the many rights and obligations of individuals and groups in society. This prudent, agapeic love loves one's neighbor as one loves oneself by not offending against the commandments, noted by Paul in Romans 13, 8-20, not committing adultery, not committing murder, not stealing, not giving false witness and not coveting. Such love is noted by Paul to be the fulfilment of the law. (3) Reflections on Korsgaard, Outka, Confucius, and Mencius: First, we examine Korsgaard's argument that even familial love for one's child necessarily implies that the parent should have justice for all children, indeed, for all persons. Consequently, this section shall argue all the more so that agapeic love, which involves at least love of all others such that their life, rationality, freedom, and dignity need to be affirmed and respected, necessarily asserts the intrinsic dignity of all others who can be loved as the self loves itself. Second, we examine the analysis of Gene Outka who agrees with Fletcher's reading of Romans 13: 8-10 that love of neighbor involves not harming one's neighbor by violating any of ten commandments condemning actions against one's neighbor. Third, we consider the different approaches of Confucius and Mencius to justice and love and favor the approach of Mencius that great evils can only be overcome and transformed by great love. (4) Reflections on Frankena, Outka, Haring, Augustine, and Aquinas: This section evaluates the argument of Frankena that both the affirmation of persons through love towards them as having dignity and the affirmation of equal treatment of all through justice are two principles of moral philosophy irreducible to each other. This section further uses the analysis of Outka to support our evaluation of Frankena. Finally, in section (5), the paper considers agapeic love

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as a potential in all natural loves and uses the analyses of Haring, Augustine, and Aquinas to evaluate the overemphasis in Christian thought that agapeic love is especially to be commended in love as self-sacrifice. This section will argue, instead, that in all forms of human love noted by C. S. Lewis, whether affection, friendship, eros, or charity, we can find a realistic potential for agapeic love even if a person does not believe in God. There is no need to conceive of all human action as reducible to selfish action. Human action can take the generous form of loving one's neighbor, even one's enemy, as one loves oneself. For Augustine and Aquinas, such love comes first before explicit love of God in the order of psychological learning. Loving another self-sacrificially does not mean that one loves another more than oneself, rather one is loving the moral good of both the self and the other.

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A First Defense of Fletcher's Thesis that Love is Justice

In Chapter V of *Situation Ethics*, Joseph Fletcher argues that "Love and justice are the same, for justice is love distributed, nothing else" (Fletcher, 87). The immediate doubt arises in the reader's mind that justice and love are especially distinct since the judge in a criminal conviction needs to punish the felon in accord with law even though the parents of the adult felon wish that the judge would have mercy and forgiveness for their adult child. This objection to the claim that love and justice are the same can be quickly answered by Fletcher since he is not talking about emotional love but about agapeic love. For when the gospels quote the Greek Septuagint about the two greatest commandments about love of God being the First and love of neighbor as oneself being the Second, what is being commanded is not emotional love such as filial love between friends and not erotic love of another based on the desire to be one with the beauty of another, but rather agapeic love, that is, the general will of one person for another and for others generally that wishes and wills to do that which benefits the other or others (Greek Septuagint, Internet Archive). Human agapeic love of another should be like God's love since the Gospel according to Luke has Jesus affirm that we should be compassionate for others as God is compassionate for them:

If you love those who love you, why should you be commended? Even sinners love those who love them. If you do good to those who do good to you, why should you be commended? Even sinners do that. If you lend to those from whom you expect repayment, why should you be commended? Even sinners lend to sinners expecting to be paid back in full. Instead, love your enemies, do good, and lend expecting nothing in return. If you do, you will have a great reward. You will be acting the way children of the Most High act, for he is kind to ungrateful and wicked people. Be compassionate just as your Father is compassionate (Luke, 6:32-36) (Common English Bible biblegateway.com).

A person is commanded to love another as oneself not because that love will be returned, bringing benefit back to one's own self, but because this is the way that

God wills the good of another. Consequently, Fletcher in his acceptance of his religious understanding of agapeic love can affirm that agapeic love of the felon does not simply forgive the felon because a person who commits a felony crime will much too easily return to committing felony crimes unless the felon receives an appropriate punishment such as imprisonment.

Willing the good of another is dependent upon the acceptance of the Aristotelian Principle noted by Rawls (1971, p. 427). The good of any adult person first and foremost must be dependent upon the full responsibility of that adult not to be dependent upon others as a child would be but to take appropriate responsibility for one's actions insofar as their actions are the result of their own knowledge and free choice. So, for example, an adult who cheats at winning a lottery is not to be rewarded with the unfairly won riches of that lottery but rather is to be punished by the required return of those unfairly won benefits and by being restrained from easily corrupting a lottery again. Willing the good of another who has corruptly won a lottery means that the one who loves with agapeic love the good of this felon ought to will that the felon learn to take responsibility for one's criminal actions and to accept full responsibility for one's felony in accord with the laws of one's state. Willing with agapeic love the good of another requires that one will the proper development of the felon, that is, the development of moral responsibility for one's actions, including both true knowledge and habitual voluntary choice of what is morally good and avoidance of what is morally evil. Mere forgiveness of another's felony crimes would actually corrupt in our society the good habits of true knowledge and responsible choice of what is truly good.

A Fuller Development of Fletcher's Thesis that Agapeic Love is Justice

In his key chapter which claims that love is justice, Fletcher invokes the need for practical wisdom to be fully involved with agapeic love (Fletcher, 87). We remember the general thesis of Aristotle that virtue is "the habit of acting according to the mean between too much and too little, relative to the individual, as the person of practical wisdom would decide" (Aristotle 2009, Bk. 6, Ch. 2). The practice of every virtue necessarily includes the virtue of practical wisdom. For example, the practice of temperance involves the practical wisdom of neither indulging in excessive fulfillment of one's appetites nor in the foolish neglecting of eating in such a way that one neglects to nourish the healthy development of one's physical health, and the virtue of courage involves the practical wisdom of neither being too rash nor of being too pusillanimous in defending one's life or honor. When I teach about Aristotle's ethics and its development in the history of philosophy, I have always mentioned to my students that Augustine and Aquinas can be understood to add the following understanding to Aristotle's famous definition, "as the person of generous [agapeic] love would decide" so that the resulting definition becomes "the habit of acting according to the mean between too much and too little, relative to the individual, as the person of practical wisdom and general [agapeic] love would decide." The deeper connection that Fletcher offers really makes me think: agapeic love necessarily involves practical wisdom. For it is precisely because one loves

one's neighbor as one loves oneself, that is, with agapeic love that one needs to be practically wise in understanding the rich and complicated effects both upon one's neighbor as well as upon oneself. For example, if one's good friend has deeply offended me, it actually might be premature for the self who has been injured to assume that forgiveness should be immediately given to one's best friend. It could very well be that the friend who has done the strong offense and the person who has been deeply offended both need time to reflect upon the serious harm that has been done in order that when the agapeic forgiveness is offered and received, it occurs neither too easily nor too soon. If forgiveness is offered too easily or too soon, the one who has committed the offense against the friend may not realize the profound harm that has been done. When and how forgiveness should be offered must be most prudently calculated for the individuals involved so that both may grow in proper love of each other and of themselves.

An objection might be raised against Fletcher's strong connection between love and practical wisdom, namely that a person can be practically wise about the appropriate means to a chosen end without a general agapeic love. For example, a person can be practically wise about making a careful plan to commit a bank robbery to attain the goal of getting a big cash payout. The answer to this objection is to admit that, yes, a person does not need agapeic love as their goal of life in order to plan a practically wise way of robbing a bank. However, a would-be bank robber does need a keen interest in and commitment to one's goal. In a similar manner, if a person's general goal of life is to live with agapeic love others as one loves oneself, then it still follows that one needs to be practically wise both about self and the others in order to fulfill that goal of agapeic love of others and self. If a person did not have such love of others as they love themselves, it would be most difficult to pay attention to all the details of the life of another or even to one's own life. Without such sustaining love, a person would not be properly motivated to pay attention to self and others in the complexity of our lives.

Fletcher can be understood to be making that very point when he comments on Augustine's affirmation that the practice of love requires "more than good will, and can only be done by a high degree of thoughtfulness and prudence" (Fletcher, 87). We may note the famous quotation, "Love, and do what you like" (Augustine). Augustine is not saying, "Ama, et quod vis fac," but rather "Dilige, et quod vis fac." Of course, we get the English word 'diligent' from the Latin 'diligo,' but the Latin root is quite rich, meaning "I esteem, prize, love, have regard for" (<https://en.wikipedia.org/wiki/diligo>). Furthermore, verb forms of the Latin word 'diligo' are used in the Last Supper discourse of Jesus to his disciples: "Ut diligatis invicem, sicut dilexi vos. ↔ Love one another, as I have loved you" (*diligo in English - Latin-English Dictionary | Glosbe* <https://glosbe.com/la/en/diligo>). Of course, the Greek word for 'love' here is a form of *agapao* (John 13 Greek interlinear, parsed and per word translation, free online (abaram-publications.com)). Agapeic love is diligent love, paying significant practical attention to both the other and self so that love is truly realized. One cannot esteem highly either the other or oneself unless one is attentively and practically wise in responding to the needs of the other and oneself. Consequently, Fletcher affirms, "Christian love and Christian prudence are one and the same, since they both go out to others" (Fletcher, 87-88).

Consequently, even if we were to grant the approach of Augustine and Aquinas that justice is giving to each person what is their due, Fletcher points out that agapeic love needs to involve practical wisdom, that is, prudence, for a proper understanding of the many rights and obligations of individuals and groups in society, writing:

Agapeic love is not a one-to-one affair. (That would be *philia* or *eros*.) Love uses a shotgun, not a rifle. Faced as we always are in the social complex with a web of duties, that is, giving what is “due” to others, love is compelled to be calculating, careful, prudent, distributive (Fletcher, 89).

Furthermore, Fletcher affirms that what is due to each person whether neighbor or self is agapeic love, citing Romans 13:8 (Fletcher, 89). However, Fletcher only uses the one verse, but it is worthwhile to quote the whole passage:

⁸Owe no man anything, but to love one another, for he that loveth another hath fulfilled the law. ⁹For this, “Thou shalt not commit adultery,” “Thou shalt not kill,” “Thou shalt not steal,” “Thou shalt not bear false witness,” “Thou shalt not covet,” and if there be any other commandment, all are briefly comprehended in this saying, namely: “Thou shalt love thy neighbor as thyself.” ¹⁰Love worketh no ill to his neighbor; therefore love is the fulfillment of the law.

Agapeic love is first to be understood as not doing to your neighbor what you would not want done to yourself, namely, namely avoiding harms such as adultery, murder, stealing, and bearing false witness. Quite simply, agapeic love is justice as we usually understand it since justice first and foremost involves not harming the life, dignity, capabilities, and wellbeing of others. But even more so, justice helps the others when the others cannot help themselves. Since children cannot teach themselves the complex education needed to be fully functioning adults, since drowning persons cannot save themselves, and since people in Vermont can neither rescue themselves from a torrential flood nor repair the damages from that flood by themselves, we all have a positive duty in justice so far as we are able to help these people when they cannot do it by themselves. Agapeic love does not include the positive obligation to give benefits to others when those others are fully capable of providing for themselves. Agapeic love is not filial love which can go above and beyond what would be required in justice, for example, in helping to provide benefits to one’s children and grandchildren for college education and even beyond that in graduate and professional education.

It would be correct to affirm that filial love and erotic love are not justice since such loves can freely take on obligations above and beyond mere justice unto others, but it is not correct to affirm that agapeic love is not justice. For agapeic love is, as Fletcher has argued and this paper has developed his thought, both not harming the others as the self would not want to be harmed and both helping the others when the others cannot help themselves. Agapeic love is not meant to turn the others into children who are dependent upon others, rather agapeic love both avoids harming others and assists others in becoming fully functioning adults when they cannot do so by themselves. Agapeic love is justice.

We must return to the matter of felony criminals and raise the strong objection that retributive justice goes beyond agapeic love since such justice broadly involves punishment first before any consideration of an agapeic love that might lead to forgiveness. This is a most difficult issue, but we may argue that agapeic love prohibits any punishment that would degrade the felon or even make the felon into a person who would lose the power both to repent oneself for one's wrong-doing and to turn from destructive moral behavior and towards reconstructive moral behavior. Fletcher is holding that agapeic love is justice. Such agapeic love creates the broad categories within which felony actions against society are to be judged. Such love, that is, such justice, first and foremost rules out an unjust prosecutor, an unjust judge, an unjust jury, and unjust laws such as slavery and discrimination. Such agapeic love, such justice, must respect any person accused of a crime as innocent until proven guilty and must respect the capability of the convicted felon to undergo moral transformation if it is possible. Excessive punishments such as solitary isolation, for example, must be avoided precisely because the punishment is so degrading. Whether agapeic love which is justice should rule out the death penalty is a most serious issue, but it does not need to be decided within the broad considerations of this paper. We can at least say agapeic love prohibits an unjust prosecutor who hides evidence, prohibits an unjust judge whose decisions always favor the prosecutor, prohibits an unjust jury which is corrupted by bribes, prohibits unjust laws which are prejudiced against any minority, and prohibits unjust punishments which far exceed the damage involved in any crime. Whether the death penalty is an unjust punishment is an important key issue, but the broad principle of agapeic love is that unjust punishments must be avoided, and capital punishment is a matter for another paper.

Reflections on Korsgaard, Outka, Confucius and Mencius

Korsgaard has a most interesting analysis of whether or not familial love should exist without justice being involved. She considers the case of whether a parent whose child needs an organ transplant should be guided by the parent's love for the child to consider profound harm to another child by harvesting the needed organ. Korsgaard argues that even familial love for one's child necessarily implies that the parent should have justice for all children, indeed, for all persons. She writes;

[I]f I were prepared to kill other people's children to get their organs in order to save the life of my child, that would reveal something amiss, not merely with my general moral character and my attitude towards the other children, but with my attitude toward my own child. (...) it would be as if I felt that my child's right to her own organs derived from my love for her, and that would be the wrong way of caring about *her* (Korsgaard 2006, p. 73).

If Korsgaard is correct in her argument that true familial love for another necessarily must value the humanity, that is, the life, rationality, freedom and dignity of that other, then all the more so must we argue that agapeic love, which involves at least love of all others such that their life, rationality, freedom, and dignity need

to be affirmed and respected, necessarily asserts the intrinsic dignity of all others who can be loved as the self loves itself. That is to say, one would not want to harm others in their life, rationality, freedom and dignity just as one would not want others or even oneself to harm one's own life, rationality, freedom and dignity. Furthermore, a person should not want to neglect to help other persons in desperate need and who cannot help themselves just as that person should never will that the other persons should neglect the original person in desperate need and who cannot help themselves. Agapeic love is justice.

Gene Outka offers us analyses of agapeic love as universal and therefore including justice in his important essay, "Universal Love and Impartiality" (Outka, 1992). He begins by considering the two great commandments as Fletcher also does, love of God with all one's being and love of neighbor as oneself and immediately affirms, "To love one's neighbor is to aid a person or persons in distress" (Outka, 1). He notes immediately that love of neighbor involves not harming one's neighbor by violating any of ten commandments which condemn actions against one's neighbor. However, Fletcher more importantly quotes *Romans* 13:8 which we gave in full above in *Romans* 13, 8-10, in order to emphasize that agapeic love avoids harming others. Outka, however, emphasizes agapeic love as aiding persons in distress. In contrast with Outka who assumes that only the human commitment to God's love of all created beings requires a person to come to aid of people in desperate need, this paper has argued that love of neighbor as oneself requires us to come to aid of such people in distress. For any person who was in desperate need such as a person who is drowning would reasonably will that others should help them survive the danger. Consequently, as one loves oneself, one should also love others, thereby being willing to help them when they are in distress and cannot help themselves. Outka especially views the parable of the Good Samaritan (Luke 10: 28-37) and the command of Jesus that people love their enemies (Matthew 5:43) as the agapeic, that is, universal, love that is commanded by Jesus. The words of Jesus are clear:

⁴³ "You have heard that it was said, 'Love your neighbor^[1] and hate your enemy.' ⁴⁴ But I tell you, love your enemies and pray for those who persecute you, ⁴⁵ that you may be children of your Father in heaven. He causes his sun to rise on the evil and the good, and sends rain on the righteous and the unrighteous. ⁴⁶ If you love those who love you, what reward will you get? Are not even the tax collectors doing that? ⁴⁷ And if you greet only your own people, what are you doing more than others? Do not even pagans do that? ⁴⁸ Be perfect, therefore, as your heavenly Father is perfect (Matt 5:43-48).

The command of Jesus that people be perfect as God is perfect is not an imperative that people need to reach an impossible perfection in behavior that only God is capable of. The scholarly analysis of "be perfect" is quite clear in avoiding perfectionism as Fred B. Craddock, professor of preaching and New Testament at Candler School of Theology in Atlanta, comments:

It helps to attend more carefully to the word "perfect." The word does not mean morally flawless but rather mature, complete, full grown, not partial. Luke uses the word to speak of fruit maturing (8:14) and a course being finished (13:32). John uses it to describe the fully realized unity of Jesus' followers (17:23) and James employs the

same word to characterize works as the completion of faith (2:22). Paul's favorite use of the word is to portray the quality of maturity among Christians (1 Cor. 2:6; Eph. 4:13; Phil. 3:12, 15). However, this command to be perfect comes most clearly into focus and into the realm of reasonable expectation when viewed within its context. First, the call to perfection comes within a discussion of relationships. Second, Jesus rejects for his followers relationships that are based on the double standard of love for the neighbor and hatred for the enemy. . . . God does not react, but acts out of love toward the just and unjust, the good and the evil. God is thus portrayed as perfect in relationships, that is, complete: not partial but impartial. God's perfection in this context is, therefore, love offered without partiality (Craddock, 1990, p. 123).

God's agapeic love for humanity is impartial, universal, and human agape for fellow humans, including oneself, should also be impartial, universal, even for one's enemies. The problem immediately deepens now for Fletcher's affirmation that agapeic love is justice. We have previously argued in these pages that agapeic love does not require that the person who has been grievously harmed by a felony crime needs to let go of retributive justice. For the felon may need punishment precisely because society needs to protect itself against further terrible needs that might be committed by the convicted felon. Also, the felon may not even be capable of accepting universal love or even forgiveness when the felon is first convicted. But we have argued that agapeic love of universal respect needs to be involved in the whole process of arrest, trial, conviction, and punishment.

Nevertheless, there seems to be a profound tension between justice and agapeic love which we can highlight by focusing upon the different responses of Confucius and his great commentator, Mencius, in how they advise us to respond to evil. Confucius advises responding to evil with justice whereas Mencius advice responding to evil with love. Here is a key question to Confucius and his reply:

Someone inquired: "What do you think of 'requiting injury with kindness'?" Confucius said: "How will you then requite kindness? Requite injury with justice and kindness with kindness" (DeBary and Bloom 2000, pp. 28-29).

In contrast with Confucius, here is the approach of Mencius:

Mencius said, "Benevolence subdues its opposite just as water subdues fire. Those, however, who now-a-days practise benevolence do it as if with one cup of water they could save a whole waggon-load of fuel which was on fire, and when the flames were not extinguished, were to say that water cannot subdue fire. This conduct, moreover, greatly encourages those who are not benevolent. 'The final issue will simply be this - the loss of that small amount of benevolence (Mencius, ch. 22).'

It is clear that both Confucius and Mencius have distinguished love from justice, Confucius recommending responding to evil with justice and Mencius recommending responding to evil with a lot of love. Nevertheless, it is the argument of this paper that agapeic love and justice are the same. For if the criminal has offended against society and is not ready to repent of their criminal actions and to transform both their heart and actions into behaviors that fully respect others, agapeic love requires that society should not out of love simply forgive the actions of the criminal, but out of

love administer justice in the form of punishment since society itself needs to be loved and protected. However, if the criminal has offended against society and is ready to repent sincerely of their criminal misdeeds and to transform their heart and actions, then it is not irrational to offer the criminal agapeic love that forgives the criminal and welcomes the criminal gradually back into full community with society. Agapeic love should not be irrationally foolish but practically wise, as Fletcher has argued. Agapeic love should be diligent, not careless. However, if some in society would argue that criminal need only be responded to with justice by society and never with agapeic love, then Fletcher and Augustine would respond that such an interpretation of justice does not recognize that the fundamental moral responsibility is that people should never will to harm others or themselves. Rather people should be willing to advance the good of others and themselves when people themselves cannot lift themselves up from their terrible moral misdeeds. We can certainly understand that people and their families who have been tremendously harmed by horrible crimes need not to be directly involved in either the punishment or the rehabilitation of criminals, but the attitude of society does not have to coincide with the attitude of those who have been terribly harmed by criminals. As Mencius has affirmed, great evils can only be overcome and transformed by great love. If greater and lesser crimes are only to be responded to with harsher or lesser penalties, then the resulting society would be a society in which retributive justice has gone to an extreme. However, when agapeic love informs the heart and soul of justice, then such diligent, practically wise agapeic love avoids the extremes of too mild justice and too harsh justice.

Reflections on Frankena, Outka, Haring, Augustine, and Aquinas

William Frankena has argued that the formation of the value of persons is insufficient to give a foundation to moral philosophy. Ethics needs, he argues, both the affirmation of the need to value persons and of the need to value impartial consideration of all persons. He states that his theory of obligation “takes as basic the principle of beneficence . . . and the principle of justice, now identified as equal treatment” (Frankena 1963, p. 52). He argues that both principles are needed, writing:

For the principle of beneficence does not tell us how we are to distribute goods and evils; it only tells us to produce the one and prevent the other. When conflicting claims are made upon us, the most it could do . . . is to instruct us to promote the greatest balance of good over evil, and . . . we need something more. This is where a principle of justice must come in (Frankena (1963, p. 48).

By justice here Frankena means distributive justice in “treating human beings as *equals* in the sense of distributing good and evil among them, excepting perhaps in the case of punishment . . .” (Frankena 1963, p. 49). He qualifies this principle as only a *prima facie* one by noting that the principle of benevolence may require us to overrule it sometimes. Hence, in order to avoid harming handicapped children by spending only an equal amount of money for them that a school district would spend upon able-bodied children, the school district should spend a higher amount of

money upon handicapped children towards the goal of giving them similar benefits from their education insofar as it is possible, "helping them according to need" (Frankena 1963, p. 51). Most importantly, Frankena notes that what distributive justice needs is "good will, clarity of thought, and knowledge of the relevant facts" (Frankena 1963, p. 52).

It is clear that Frankena here is insisting upon the virtue of practical wisdom in the practice of distributive justice, and this paper will now use the importance of practical wisdom in the practice of agapeic love as a basis for critiquing Frankena. We may take his principle of beneficence as roughly equivalent to the principle of loving one's neighbor as one loves oneself since loving necessarily involves both avoiding harm to any persons and helping them seeking goods in their lives when they cannot achieve them through their own actions as mature adults. Consequently, we can evaluate Frankena's position on the foundations of moral philosophy through the emphasis in this paper on Fletcher's and Augustine's recognition that the Christian command to love persons, whether in self or others needs to be a diligent, practically wise loving. If a person were to love oneself more than others, such a love would be unwise in neglecting the needs of others. Likewise, if a person were to love others more than oneself, such a love would be unwise in neglecting the needs of self. We are, of course, considering ordinary interactions between self and others. In extraordinary circumstances, we all can understand and approve the love of parents for their children when the children are starving. It is not an unreasonable choice for parents to deny themselves what they need in order for them to help their children to survive. In a similar manner, we can affirm that it is practically wise to spend more money upon the education of handicapped children because their needs can be so great. But even here, a school district is not to neglect the normal education endeavor to educate able-bodied children according to their needs.

The evaluation of Frankena, therefore, in this paper is that practical wisdom involved in beneficence leads to fair treatment of persons, allowing at times unequal treatment of persons based upon detailed knowledge of people and their needs so that equality of results can be aimed for. We are to strive out of benevolence to bring about equal opportunity of children's abilities even if it at times requires more educational dollars and effort to educate handicapped children, for example. As Outka has argued, the principle of equality of justice is fundamentally an uplifting of the dignity of persons. He writes:

Most fundamentally, the priority of equal regard elevates the dignity of persons. Persons are made in the image of God. That is to say, all human persons have irreducible value independent of assessment of their beliefs or actions. Their "worth and dignity" is always enjoined; it is "independent and unalterable" (Outka 1977, p. 13).

Frankena would object to my evaluation, writing:

[T]hat justice is built into the law of love [of God and neighbor], since, in its second clause, it requires us to love our neighbor as ourselves or equally with ourselves. However, if we so construe the law of love, it is really a twofold principle, telling us to

be benevolent to all and to be so equally in all cases. Then, the ethics of love is not purely agapistic and it identical with the view that I have been proposing (Frankena 1963, p. 58).

While some Christian authors present agapeic love as a special revelation available only to those gifted with religious belief, Frankena notes that some lower, more basic form of morality must be available to those outside this revelation. For Paul writes in *Romans* 2:14 that Gentiles who do not have such a revelation nevertheless have a fundamental moral law in their hearts. It is precisely here that this paper further evaluates the analysis of Frankena. As Fletcher himself has pointed out, Paul also writes in *Romans* which we have already quoted fully but need to repeat:

⁸Owe no man anything, but to love one another, for he that loveth another hath fulfilled the law. ⁹For this, “Thou shalt not commit adultery,” “Thou shalt not kill,” “Thou shalt not steal,” “Thou shalt not bear false witness,” “Thou shalt not covet,” and if there be any other commandment, all are briefly comprehended in this saying, namely: “Thou shalt love thy neighbor as thyself.” ¹⁰Love worketh no ill to his neighbor; therefore love is the fulfillment of the law (*Romans* 13:8-10).

This quotation from Paul is quite clear in affirming that the first obligation of agapeic love is to avoid doing harm to others as we would will that others not do harm to us and also that this obligation includes the requirement that we should will to help and benefit others when they are incapable of helping and benefiting themselves just as we would will that others help us as adults when we cannot help and benefit ourselves, for example, in a natural disaster whether it is the others or even ourselves who are in desperate need of help and benefit.

In support of interpreting the law written in the hearts of Gentiles as the law of love, we may turn to Bernhard Haring, a 20th century Catholic moral theologian, who offers us the commentary from Augustine and Aquinas on this important passage from 1 John, chapter 4:

⁶We have known and have believed the love that God has for us. God is love, and those who remain in love remain in God and God remains in them. ¹⁷This is how love has been perfected in us, so that we can have confidence on the Judgment Day, because we are exactly the same as God is in this world. ¹⁸There is no fear in love, but perfect love drives out fear, because fear expects punishment. The person who is afraid has not been made perfect in love. ¹⁹We love because God first loved us. ²⁰Those who say, “I love God” and hate their brothers or sisters are liars. After all, those who don’t love their brothers or sisters whom they have seen can hardly love God whom they have not seen! ²¹This commandment we have from him: Those who claim to love God ought to love their brother and sister also (1 Jn 4:16-21).

Verse 19 clearly says that people can love because God loved people first. He notes that Aquinas calls this love referred to in verse 19, which God first gives, the metaphysical priority of God’s love. God’s love is the original source which enables people to love. However, in the learning of how we come to receive and give love, both Augustine and Aquinas say that there must first be in our human development some experience of true love of neighbor whom we do see before we can love the God whom we do not see. Augustine affirms this point most clearly:

The love of God is first in the order of precept but the love of brother is the first in the order of action. ... Love, therefore, your neighbor, and look into yourself to see where this love of neighbor comes from. There you will see God insofar as you are capable. Begin, therefore, by loving your neighbour, share your bread with the hungry, open your house to the roofless, clothe the naked and despise no one of the same human race (Augustine, Tract. XVII in Jo. Ev.6ff, PL35, 1531).¹⁰ Thomas Aquinas is equally clear: "In the order of perfection and dignity, love of God comes first before love of neighbor. But in the order of origin and disposition, love of neighbor precedes the act of loving God" (Summa Theologica I II, q 68, a 8 ad 2) (Haring 1982, p. 427).

Augustine and Aquinas have both affirmed that we first psychologically learn to love our neighbor before we love God, the metaphysical origin of all created love. Augustine is quite emphatic that this love of neighbor is a generous, agapeic love through which a person shares one's bread with the hungry, shares one's shelter with the homeless, and gives clothing to the naked. This agapeic love of neighbor is meant to be universal, not partial and restricted only to one's family or people, but to anyone of the human species.

Agapeic Love as a Potential in All Natural Loves

Despite this paper's defense of agapeic love, especially despite Augustine's and Aquinas's understanding of agapeic love as psychologically learned first through receiving and giving love of neighbor there is the problem that arises from conceptualizing agapeic love as a love through self-sacrifice. For example, here is such an emphasis upon self-sacrifice in agapeic love:

Agape – is a very well-known word that is commonly translated as love. However, it is more specific than our word love because it means a very specific aspect of love that involves preferring and/or esteeming another above oneself or in contrast to another or above all else depending on context. In light of this, it is often associated with selfless or self-sacrificing love both of which are results of preferring or esteeming another above one's self.

. . . When Agape is used as love that denotes preference of someone over your own wants and needs (self sacrificially) it gets an even fuller description by Paul in 1 Corinthians 13 (The Logos of Agape, 1).

In defense of Augustine's and Aquinas's analysis of neighbor love as psychologically learned prior to learning about God's self-sacrificial love, we need a closer analysis of the four kinds of natural love through which we can find therein elements of self-sacrifice. C. S. Lewis has five key chapters in his book, *The Four Loves: Likings and Loves for the Sub-Human, Affection, Friendship, Eros, and Charity* (Lewis 1960, iii).

In all five forms of love, despite the title of *The Four Loves*, we can find elements of agapeic love. In likings of people for the subhuman, we can find the example of a human who would risk their life in order to rescue a pet from danger. In the love rooted even in mere affection for each other, it is not inconceivable that

those who have affection for each other might, indeed, risk their lives for each other. In the love rooted in deep friendship for each, it is commonplace that such friends would be willing to risk their lives for each other. Even in the love rooted in eros for the attainment of something beautiful, it is also apparent that the lover of a great work of art could risk their life to preserve and protect such a beautiful reality so that others could also appreciate it and treasure it. Finally, of course, in love rooted in charity, for example, in love for one's enemies, we have seen the affirmation of Mencius that it takes a great deal of generous love of enemies to extinguish hatred just as it takes a great deal of water to put out a raging fire of a wagonload of wood.

In all forms of human love, whether affection, friendship, eros, or charity, we can find agapeic love even without explicit love of God. All moral choices involve the setting aside of one impulse, such as the impulse to be lazy or selfish, for the sake of a better impulse such as the impulse to be industrious or generous. There is no need to conceive of all human action as reducible to selfish action. Human action can take the generous form of loving one's neighbor, even one's enemy, as one loves oneself. For Augustine and Aquinas, such love comes first in the order of psychological learning. Loving another self-sacrificially does not mean that one loves another more than oneself, rather one is loving the moral good of both the self and the other. To risk giving one's physical life for the sake of preserving the physical life of another does not mean that one hates one's own moral self but rather is working for the highest stages of becoming the ideal moral self that one wishes to become. As humans we are mortal beings, and it is not unnatural for a person to risk their life for the sake of saving the physical life of another. Such an action is action of the highest moral level.

Conclusion

In Part (1), the paper considered the objection to the claim that agapeic love is justice since justice demands punishment whereas love might not punish but forgive a criminal. In response, the paper noted that Fletcher begins with Augustine's important affirmation that agapeic love needs a high degree of thoughtfulness and prudence, thereby distinguishing between emotional love and agapeic love such that whereas emotional love, for example, by a parent might be willing to forgive an adult child for a felony crime, agapeic love for a convicted felon can recognize that punishment is needed both for the felon to recognize the seriousness of one's crime and for society to be protected against such a felon returning too easily to the repetition of such crimes. This section also uses the acceptance of the Aristotelian Principle noted by John Rawls which is crucial in helping to determine how an adult criminal is to be treated in response to that person's responsibility. Willing with agapeic love the good of another requires that one will the proper development of the felon, that is, the development of moral responsibility for one's actions, including both true knowledge and habitual voluntary choice of what is morally good and avoidance of what is morally evil. Mere forgiveness of another's felony crimes would actually corrupt in our society the good habits of true knowledge and responsible choice of what is truly good.

(2) A Fuller Development of Fletcher's Thesis that Agapeic Love is Justice: Fletcher strongly agrees with Augustine's important affirmation that agapeic love needs to be diligent love, love that is identical with practical wisdom. Consequently, even if we were to grant the approach of Augustine and Aquinas that justice is giving to each person what is their due, Fletcher points out that agapeic love needs to involve practical wisdom, that is, prudence, for a proper understanding of the many rights and obligations of individuals and groups in society. This prudent, agapeic love loves one's neighbor as one loves oneself by not offending against the commandments, noted by Paul in Romans 13, 8-20, not committing adultery, not committing murder, not stealing, not giving false witness and not coveting. Such love is noted by Paul to be the fulfilment of the law.

(3) Reflections on Korsgaard, Outka, Confucius, and Mencius: First, we accepted Korsgaard's argument that even familial love for one's child necessarily implies that the parent should have justice for all children, indeed, for all persons. Consequently, this section argued all the more so that agapeic love, which involves at least love of all others such that their life, rationality, freedom, and dignity need to be affirmed and respected, necessarily asserts the intrinsic dignity of all others who can be loved as the self loves itself. Second, we examine the analysis of Gene Outka who agrees with Fletcher's reading of Romans 13: 8-10 that love of neighbor involves not harming one's neighbor by violating any of ten commandments condemning actions against one's neighbor. Third, we considered the different approaches of Confucius and Mencius to justice and love and favored the approach of Mencius that great evils can only be overcome and transformed by great love.

(4) Evaluation of Frankena via Outka: This section has evaluated the argument of Frankena as incorrect when he argues that both the affirmation of persons through love towards them as having dignity and the affirmation of equal treatment of all through justice are two principles of moral philosophy irreducible to each other. The paper used Fletcher's and Augustine's recognition that the command to love persons, whether in self or others needs to be a diligent, practically wise loving. If a person were to love oneself more than others, such a love would be unwise in neglecting the needs of others. Likewise, if a person were to love others more than oneself, such a love would be unwise in neglecting the needs of self. Consequently, love of self and others and similar treatment of self and others come together in one commandment of love rather than, as Frankena has argued, in two distinct principles.

Finally, section (5) has used the analyses of Haring, Augustine, and Aquinas to evaluate the overemphasis in Christian thought that agapeic love is especially to be commended in love as self-sacrifice. This section has argued, instead, that in all forms of human love noted by C. S. Lewis, whether affection, friendship, eros, or charity, we can find a realistic potential for agapeic love even if a person does not believe in God. There is no need to conceive of all human action as reducible to selfish action. Human action can take the generous form of loving one's neighbor, even one's enemy, as one loves oneself. For Augustine and Aquinas, such love comes first before explicit love of God in the order of psychological learning. Loving another self-sacrificially does not mean that one loves another more than oneself, rather one is loving the moral good of both the self and the other.

References

- Agapao*. John 13 Greek interlinear, parsed and per word translation, free online (abaram-publications.com).
- Aristotle (2009) *The Nicomachean Ethics*. Translated by David Ross; revised with an introduction and notes Lesley Brown. Oxford, New York: Oxford University Press.
- Augustine. *Homily 7 on the First Epistle of John*. Available at: www.newadvent.org/fathers/170207.htm.
- Common English Bible. <https://www.biblegateway.com/versions/Common-English-Bible-CEB/>.
- Craddock FB (1990) You Must Be Perfect as Your Heavenly Father is Perfect. In *Christian Century*. Available at: <http://www.religion-online.org/showarticle.asp?title=712>.
- DeBary WT, Bloom I (2000) *Sources of Chinese Tradition: From Earliest Times to 160*. 2nd Edition. New York: Columbia University Press.
- Diligo. <https://en.wiktionary.org/wiki/diligo>.
- Frankena WK (1963) *Ethics*. Englewood Cliffs, N.J.: Prentice Hall.
- Greek Septuagint Greek English Interlinear. <https://archive.org/details/septuagint-interline-ar-greek-english>.
- Haring B (1982) *Free and Faithful in Christ: Moral Theology for Clergy and Laity* Volumes I and II. New York: The Crossroad Publishing Company.
- Korsgaard C (2006) Morality and the Logic of Caring. In H Frankfurt (ed.), *Taking Ourselves Seriously & Getting It Right*. Stanford University Press.
- Lewis CS (1960) *The Four Loves*. Berkely, University of California.
- Love. *Diligo in English - Latin-English Dictionary Glosbe* <https://glosbe.com/la/en/diligo>.
- Mencius (1895) James Legge, Translator, Chinese Classics, Vol. 2, ch. 22. <https://www.sacred-texts.com/cfu/menc/menc22.htm>.
- Outka G (1977) *Agape: An Ethical Analysis*. New Haven, CT: Yale University Press.
- Outka G (1992) Universal Love and Impartiality. In Edmund N. Santurri, William Werpehowski (eds.), *The Love Commandments: Essays in Christian Ethics and Moral Philosophy*. Eugene, Oregon: Wipf and Stock.
- Rawls J (1971) *A Theory of Justice*. Cambridge, Mass.: Harvard University Press.
- The Logos of Agape. <https://thelogosofagape.wordpress.com/2018/07/11/agape-the-preferential-and-sacrificial-love>.

