Vignettes of insight

Grégoire Webber*

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I. *The young child's questions*

'As children, we ask questions …'. With these words, John Finnis sets out to illustrate how, by advancing from the elementary experience of asking questions, anyone—from a child to his reader—may come to have the insight that knowledge is a basic good, is a basic reason for action, is an end pursuit-worthy for its own sake. Finnis first appealed to a young child's questions in a 2008 essay,[1] but it was not until a decade later that his engagement with those questions facilitated in me the understanding that knowledge is a basic good. It was then that I re-read Finnis' exploration of the foundations of human understanding in the Introduction to *Reason in Action.*[2] In clarifying for his reader how '[w]e do not understand without prior experiences of the world we can see, hear, touch, smell and correspondingly imagine it' and how, 'when we do understand, we go beyond those data of experience', Finnis there invites his reader to assume the point of view of a young child who asks questions.[3] Those questions will ask after data to supplement the child's own experiences, as when the child asks 'What happens if you …?' or 'What's a …?'. The questions will include asking after 'names' and 'for the understanding that comes by location of the named in types and the typical, and in relationships such as the causal in any of its varieties'.[4] The young child will ask for 'assurance about what is real and true as opposed to what is just a picture or a story'.[5] Before long, the child will notice 'that questions can get answers' and 'that answers—at any rate those which make sense and do not contradict other answers and the data of its senses—hang together'.[6]

It is at this stage in his reporting of a young child's questions that Finnis introduces his reader to an arresting series of thoughts: 'By an act of insight—of understanding

* Canada Research Chair in Public Law and Philosophy of Law, Queen's University, and Senior Visiting Fellow, London School of Economics and Political Science. Email: gregoire.webber@queensu.ca. I express sincere thanks to Richard Ekins and Jeff Pojanowski for wise counsel on a previous draft.

[1] John Finnis, "Reason, Revelation, Universality and Particularity in Ethics," *American Journal of Jurisprudence* 53 (2008) 23, 30, republished as "Bernard Williams on Truth's Values," in *Reason in Action: Collected Essays, vol I* (Oxford: Oxford University Press, 2011), 98.

[2] John Finnis, "Introduction," in *Reason in Action* 2.

[3] Finnis, "Introduction," 2.

[4] Finnis, "Introduction," 2.

[5] Finnis, "Introduction," 2. On the relationship between a picture and what is real, I recall the first time I was confronted with René Magritte's celebrated oil painting *La Trahison des images* (1928-1929) in which the realist depiction of a pipe is accompanied with the artist's declaration '*Ceci n'est pas une pipe*' ('This is not a pipe').

[6] Finnis, "Introduction," 2.

which is not reasoned to—the child (you or me) gets the idea (concept) of *knowledge*', being 'a whole set, indeed *the* whole set, of correct answers to all the questions that could be asked, of a possible access to all that is real and not just a picture or a story'.[7] 'More precisely', adds Finnis, 'the child gains, more or less clearly and explicitly, the proposition that *knowledge is possible*'.[8] From the elementary experience of asking questions and receiving answers, to the more-than-elementary experience of noticing how answers can hang together, the child may come to understand that there is a possible set of all answers to all questions, a set that can be formulated as 'knowledge'. That coming-to-understand is not 'an inference' or 'a deduction from premises, or even a conclusion from data or experience';[9] it is, rather, the acquisition of a new idea or concept, an acquisition by insight that is 'not reasoned to'. That non-practical understanding is needed before the child can acquire, by way of 'another simple, original, and foundational act of insight', the practical understanding that knowledge is not only possible but an opportunity, an advantage, a benefit, 'a good *to be pursued*'.[10]

I recall how Finnis's reconstruction of the series of steps by which a child may move from the everyday experience of asking questions to the practical insight that knowledge is a basic good had facilitated in me—alas, no longer a child—the very insight that Finnis attributes to the child. This recollection at having been struck by the young child's questions is paired with another recollection, namely that in four paragraphs spanning two pages Finnis had facilitated in me, his reader, an act of insight that had not been facilitated by my reading many years earlier (and several times since) of the chapter in *Natural Law and Natural Rights* devoted to knowledge as a basic form of good. Spanning a great many more paragraphs and pages, the discussion in that chapter is, like the short story that begins with the young child's questions, 'an invitation to reflect on one form of human activity, the activity of trying to find out, to understand, and to judge matters correctly'.[11] But, for my part, such reflection was not much aided by the chapter's more analytical method or by its report that one 'finds oneself reflecting that ignorance and muddle are to be avoided' and that one 'begins to consider the well-informed and clear-headed person as, to that extent, well-off'.[12]

It is not that I had any reason to doubt that finding out about anything at all is pursuit-worthy; it is instead that it was far less 'clear' to me, as reader, than it was for Finnis, as author, that there are 'no sufficient reasons for doubting' that knowledge 'really is a good, an aspect of authentic human flourishing'.[13] I was, perhaps, searching for a demonstration of that which I was being told 'cannot be demonstrated' and I did not find the necessary assurance in the chapter's seemingly confident assertions that the basic good of knowledge is 'self-evident' and 'obvious'.[14] Unlike the story of the young child's questions, Finnis in that chapter did not organise the 'clues' or point to 'hints' to cajole 'attention' in a way that facilitated in me the insight that knowledge is to be pursued.[15]

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[7] Finnis, "Introduction," 2 (emphasis in original).
[8] Finnis, "Introduction," 2 (emphasis in original).
[9] Finnis, "Introduction," 2 (emphasis omitted).
[10] Finnis, "Introduction," 3 (emphasis in original).
[11] John Finnis, *Natural Law and Natural Rights*, 2nd ed. (Oxford: Oxford University Press, 2011), 60.
[12] Finnis, *Natural Law and Natural Rights*, 61.
[13] Finnis, *Natural Law and Natural Rights*, 64.
[14] Finnis, *Natural Law and Natural Rights*, 65.
[15] Bernard Lonergan, *Insight: A Study of Human Understanding* (Toronto: University of Toronto Press, 1992), 315.

As Finnis recognises in that chapter, it is not the case that 'everyone actually does recognize the value of knowledge'.[16] Not being 'innate' or 'inscribed on the mind at birth', the good of knowledge 'becomes obvious only to one who has experienced the urge to question', 'who has grasped the connection between question and answer', and 'who understands that knowledge is constituted by correct answers to particular questions'.[17] These thoughts come close to the story of the young child's questions, as does the report that, in one's coming to recognise the good of knowledge, 'one certainly will be assisted if one also knows such facts as that answers tend to hang together'.[18] But these thoughts were not organised in a progression from everyday experiences to a non-practical insight that knowledge is possible and then from that insight to the practical insight that knowledge is a good to be pursued. Although the chapter traces a progression from an inclination ('[c]uriosity is a name for the desire or inclination or felt want that we have when, just for the sake of knowing, we want to find out about something') to a grasp of a good ('knowledge is something good to have') and to the formulation of a corresponding practical principle ('knowledge is a good to be pursued and ignorance is to be avoided'),[19] it moved too quickly (for me) in inviting the reader to admit 'willy-nilly' that knowledge is better than ignorance.[20]

In my failure after reading that chapter to grasp the insight that knowledge is a basic good, I take some comfort in Finnis' reflections in the Postscript to the second edition of *Natural Law and Natural Rights*, published some thirty years after the 1980 publication of that chapter, that the discussion therein offered 'a not very perspicuous account of the key, non-inferential insight by which one moves from having the urge/inclination of curiosity, via non-practical insight into the possibility of knowledge' and then 'to practical understanding of knowledge's worth as an intrinsic intelligible good'.[21] For 'a better, more detailed account' of the progression from experience to the non-practical insight into knowledge's possibility and then to the practical insight into the good of knowledge, Finnis refers his reader instead to the discussion of the young child's questions.[22]

What is it about the story of the young child's questions that, for Finnis and for me, offers a perspicuous account of a basic good? It is, I think, the organising, pointing, and cajoling of clues, hints, and attention that draws on everyday experiences. To illustrate how such a vignette of insight, as I shall call it, can facilitate one's coming to understand that which cannot be demonstrated or reasoned to, I return to and expand upon Finnis' account of the young child's questions with a view to identifying a sequence of steps in a vignette of insight that culminates in a practical insight into the good of knowledge (sec. II).

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[16] Finnis, *Natural Law and Natural Rights*, 65.
[17] Finnis, *Natural Law and Natural Rights*, 65.
[18] Finnis, *Natural Law and Natural Rights*, 66.
[19] Finnis, *Natural Law and Natural Rights*, 60 and 63.
[20] Finnis, *Natural Law and Natural Rights*, 72.
[21] Finnis, *Natural Law and Natural Rights*, 443.
[22] Finnis, *Natural Law and Natural Rights*, 443. The discussion of the young child's questions in the "Introduction" to *Reason in Action* secures a second reference in the Postscript to the second edition of *Natural Law and Natural Rights*, where it is highlighted as 'an example of the way in which non-practical knowledge and experience constitutes the matrix in which our insights into the first principles of practical understanding occur' (439).

I then attempt to deploy this method with respect to the good of play (sec. III) and the good of beauty's appreciation and creation (sec. IV), in each case seeking to facilitate in my reading a practical insight. I have selected these two basic goods for two reasons.[23] The first is that neither good is accompanied with an equivalent of the young child's questions in Finnis' writings. In *Natural Law and Natural Rights*, each good secures a targeted paragraph, which report on what 'each one of us can see' and which draw analytical distinctions between each good.[24] A second reason is that neither play nor beauty survived, just as such, as basic goods after Finnis revised his list of goods in the years that followed the publication of that most important book. The good of play is now framed as excellence in activity, the good of beauty's appreciation is now absorbed into the good of knowledge, and the good of beauty's creation is now absorbed into the good of excellence in activity.[25] By relying on the methodology of a vignette of insight, I explore whether Finnis' revisions are best understood to communicate a change in insight or, instead, to communicate a change in the formulation of an insight that has otherwise remained stable over the years (sec. V).

II. *Organising the clues*

When it comes to grasping a basic human good, one is, Finnis tells his reader, 'alone with one's own intelligent grasp of the indemonstrable (because self-evident) first principles of one's own practical reasoning'.[26] It is a thought that he shares with Bernard Lonergan who, in his own interrogations into the human phenomenon of insight, was also of the view that the personal experience of insight is one that '[n]o one else, no matter what his knowledge or his eloquence, no matter what his logical rigor or his persuasiveness, can do … for you'.[27] Insight is the understanding that supervenes over what is given, be it given by one's sight or touch or other sense experience or memory of or imagination about such experiences. It is a 'personal appropriation',[28] a wholly personal act: no matter how well understood something is within the wider community, understanding is always a personal intellectual achievement.

The challenge for an author seeking to elicit a reader's understanding of a basic good is therefore great. If a good is basic, it is to be discerned without demonstration, for any demonstration would appeal to propositions more basic than the good and so deny the good its basic character. So how then is an author to elicit understanding in the reader of that which cannot be demonstrated? One way is the way favoured by Finnis' appeal to the young child's questions. By retracing the experiences and observations and appeals to imagination that a child—any child—may have, and then by exploring

[23] There is a third reason, namely that part of the power of the discussion devoted to knowledge as a basic form of good in the relevant chapter of *Natural Law and Natural Rights* draws on the relevance of self-refutation, viz. that one cannot reject knowledge as a good without asserting as true, and thus as a proposition worth making and knowing, that knowledge is not a good: see 73-5. Such risk of self-contradiction or self-refutation is not so neatly applicable in relation to other goods. If the vignette of insight methodology that is attempted in relation to the goods of play and beauty succeeds in part in communicating how one may discern that which is indemonstrable, it may help ground those basic goods where some measure of demonstration—as with the negative demonstration by self-refutation (on which see Aristotle, *Metaphysics*, book IV, part 4)—is unavailable or only imperfectly so.

[24] Finnis, *Natural Law and Natural Rights*, 87-88.

[25] By 'absorbed', I mean 'an instance of participation in' or 'way of participating in'.

[26] Finnis, *Natural Law and Natural Rights*, 85.

[27] Lonergan, *Insight*, 13.

[28] Lonergan, *Insight*, 11, 17, 29.

with his reader how that child could come to understand something that reaches beyond those experiences and observations and appeals to imagination, Finnis invites his reader to re-enact one's coming to understand. With the working through of the example of the young child's questions, an author allows his reader to follow along an imaginary re-enactment of the experiences, the inquiries, and the non-practical insights that, together, facilitate the cognitive achievement that is a practical insight that grasps the basic good of knowledge and its corresponding first practical principle that knowledge is to be pursued.

By appealing to everyday experiences and observations and by organising the 'clues' and pointing to 'hints', a vignette of insight may vastly accelerate another's coming-to-understanding. Even though each one of us is alone when it comes to the personal intellectual appropriation of each basic good, the re-enactment and re-tracing of the steps in potentially anyone's theoretical and practical reasoning—steps that begin with the data of experience and observation and imagination and continue to more or less modest insights into what is possible and then to a practical insight into what is a good to be pursued and its formulation—will offer the reader an opportunity to share in the grasping of a basic human good. By proceeding in this way, an author may reinforce the truth that each basic good is self-evident, not in the sense of being cognitively obvious or certain or conspicuous, but in the sense that no basic good is derived or inferred or deduced from yet more basic propositions. A reader's own act of insight will illustrate for that reader the truth that the good is self-evident.

So let us return to the young child's questions to re-explore and expand upon Finnis' vignette of insight. The questions asked by the child are possible because there is something that is already given to the child, and that something is the starting point for the child's inquiring. By inquiring, the child is 'pulled beyond merely experiencing towards something that lies beyond experiencing'.[29] The 'alertness of mind', 'intellectual curiosity', and 'active intelligence' disclosed by the child's questions are prior to any insights, for insights have to do with answers and, 'before we look for answers, we want them'.[30] Absent an inquiring mind, one will not proceed beyond what is given. Faced with the same set of givens, one who asks one question may come to understand something altogether different than another who asks a different question, and one who asks no questions at all will not proceed beyond what is given to understand anything at all.[31] To understand is to answer a question about what is given.

A child will ask questions about the colour of the sky or why it snows or rains or why the sun rises in the east and sets in the west. To these and other questions, the child may receive any number of replies. Some may appeal to scientific answers beyond the child's grasp ('The sun's light is scattered by the atmosphere …'). Others may organise the child's memories so as to encourage the child's own understanding ('Do you recall how the sky is not always blue, but sometimes black or grey and sometimes red and yellow and pink and orange …'). Yet other replies may deflect the question ('Not now') or deny its point ('Who cares?') or deny that there is anything to be understood ('Just because') or acknowledge that ready answers are out of the parent's reach ('I don't know the answer').

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[29] Patrick H. Byrne, *The Ethics of Discernment: Lonergan's Foundations for Ethics* (Toronto: University of Toronto Press 2016), 46.
[30] Lonergan, *Insight*, 9.
[31] R.G. Collingwood, *An Autobiography* (Oxford: Oxford University Press, 1978), 24-25.

Some of the answers offer to the child will 'suggest further questions'.[32] A scientific answer may prompt the child to seek the understanding that will allow the child to understand the answer just given: 'What is the atmosphere?', 'What is a spectrum of visible light?'. Other answers may invite a reformulation of the initial question. To the answers 'It is snowing because it is winter' or 'It is raining because of the rain clouds', the child may further specify the original question: 'Why does it snow in the winter?', 'Why do rain clouds form?'. Other answers will suggest to the child that the parent's answer is a deflection ('Not now') or a failure by the parent to understand the question or to care for the answer ('Just because'). Some replies ('Who cares?') will be received by the child to be, in truth, no answers at all to the question, for no attempt will have been made to relieve the tension of inquiry. Yet other replies ('I don't know the answer') will highlight that the tension of inquiry is not merely a passing phenomenon in one's early life but a continuing reality throughout one's life.

Such elementary experiences of asking questions and receiving answers will suggest to the child that questions can be or fail to be answered and that some answers suggest further questions. In addition, and as intimated above, the child will come to have the elementary experience that answers can 'hang together'. The answer why the sun rises in the east and the answer why the sun sets in the west will, unless the answers are confused or wrong, 'hang together'. The first answer may appeal to the Earth's rotation towards the east, which will explain why the sun is seen to rise in the east. And the second answer will explain that the sun is said to set in the west because, on account of the Earth's eastward rotation, the sun makes its way westward across the sky. Other answers to questions—say about the child's family history or the name of neighbourhood streets—will not 'hang together' in the same way that answers appealing to the rotation of the Earth will complement and build on each other. But all answers will 'hang together' at least insofar as they are not in tension with each other.

In noticing that answers 'hang together', the child has had a modest insight, for the child's intelligence is already supervening over the bare experience of questions asked and answers received as a series of individual question-and-answer pairings. The child may confront the reality that some answers, though communicated with great confidence and though apparently true, are false and require revision so that all answers may 'hang together'. And this reality, though prompted by the realisation that some answers are out of step with others, highlights how all answers that now remain unchallenged may themselves later be called into question. This insight, despite its modesty, allows the child to access what Lonergan calls a 'higher viewpoint', a viewpoint made higher by the accumulation of insights like this one and from which more significant insights are made possible.[33] The child is here developing the 'inner conditions' favourable to more profound insights.[34]

What is more, with each question asked, the child is aware that an answer is not now in the child's possession and so the child is aware of ignorance, of not understanding, of confusion, mystery, and muddle. This awareness opens up the scope of the child's elementary experiences. To the data of asking questions and receiving answers, some of which fail to satisfy the question and so leave the child's inquiry open, is added the

[32] Finnis, "Introduction", 2.
[33] Lonergan, *Insight*, 14.
[34] Lonergan, *Insight*, 28.

awareness of a pair of possibilities with respect to each one of the subject-matters the child asks about: understanding why the sky is blue or *not finding out*, understanding why the sun rises in the east and sets in the west or *remaining in a muddle*, understanding why it rains in the summer and snows in the winter or *being ignorant of such matters.*

These are but three illustrations of pairs of possibilities, to which the child can add countless others. In contemplating those countless others, the child will observe that other children and siblings and parents and teachers ask other questions and seek out answers. By reflecting on the vast range of the child's own questions and those of others, the child will come to grasp that the very idea of a question is not exhausted by this or that question that the child has asked or observed others asking or can imagine asking in future. The child will come to understand that the pairs of possibilities associated with any one question are but instances of something more general. These more-than-modest insights into the elementary and more-than-elementary experiences of asking questions and getting answers give rise to the organising idea or concept of 'understanding'—being 'a whole set, indeed *the* whole set, of … answers to all the questions that could be asked'[35]—and its opposite: 'not understanding', remaining in a muddle and in ignorance, being confused. It is a small but further step to add to the idea or concept of 'understanding' the idea or concept of 'knowledge', being *correct* or *true* understanding, that is 'a whole set, indeed *the* whole set, of *correct* answers to all the questions that could be asked'. Insofar as the child has had the experience of correcting an understanding, of coming to realise that what the child understood was not so, was a mistake or deception or a mere picture or story, the child will draw a distinction between understanding and knowledge, being *true* understanding. Of course, one's understanding is superior to another's insofar as one's understanding is true and another's false, but the distinction between 'understanding' and 'knowledge' helps to communicate the difference between coming-to-understand, relieving the tension of inquiry, and then asking oneself whether one's understanding is true, is an instance of knowledge.[36]

These more than modest insights help the child to 'see' again the various pairs of possibilities experienced by the child—namely, the pairs of possibilities that are understanding *this* or not, understanding *that* or not, grasping *this* or not, knowing *that* or not—as instances of a more universal, general *pair* (singular) of possibilities: understanding or not, knowing or not. This is the insight that 'understanding and knowledge are possible', as are their opposites. This insight now organises the uncertain world that lies ahead, and it pivots from the experience of *this* and *that* question and answer to something more general, namely the set of possible 'future answers to future possible questions' in the open-ended field of understanding and knowledge.[37] To some extent, the child's elementary experiences will have confirmed the possibilities: some questions will have been answered, and other questions will not have been answered or will have been answered in a way that does not relieve the tension of inquiry. But the insight supervenes over such experiences, identifying a whole horizon of past and future experiences, pivoting 'between the concrete and the abstract',[38] from what is given (the experience of asking questions and receiving

[35] Finnis, "Introduction," 2.
[36] See Lonergan, *Insight*, 295: 'among the more conspicuous properties of understanding is its liability to incompleteness, inadequacy, error'. Lonergan describes as 'judgment' the act of evaluating whether our understanding 'is so' or not.
[37] Finnis, "Bernard Williams on Truth's Values," 98.
[38] Lonergan, *Insight*, 30.

answers) to what is not (the concepts of understanding and knowledge and of their opposites). The child will not have experienced—indeed no one has ever experienced—'understanding' and 'knowledge' as such; the experience is always of asking this or that question, pursuing this or that answer, participating in this or that instance of understanding and knowledge. The child's insight into 'understanding' and 'knowledge' is thus a grasp of what lies beyond experience and of ideas or concepts that help to organise one's bounded experiences, past and future.

Now, this insight into the possibility of understanding and knowledge and the possibility of their opposites is not yet practical and no practical insight may be inferred or derived from it. Neither the 'inclination' of curiosity (where it is present) nor any anthropological data about what '[h]umans across all cultures tend to devote significant time, effort and resources to seeking'[39] (if available and accurate) can supply a missing link from the 'can' of 'understanding and knowledge' to the 'ought' of 'ought to be pursued'. Any such 'ought' is practical: it is 'not predictive but normative, not future indicative but gerundive, action-guiding by making sense of action by making it intelligible as the means to an intelligible purpose'.[40] Acquiring practical insight into which, if any, half of the pair of possibilities is pursuit-worthy — knowledge or ignorance, finding out or remaining in a muddle, understanding or being confused—is new, original, creative: like the acquisition of the insight that knowledge is possible, it is to be discerned without demonstration. And so, with the higher viewpoint achieved by the series of more or less modest insights traced above in recounting the child's intellectual journey, the child may inquire into the pair of possibilities and ask: 'Which, if any, of these two possibilities is an opportunity?' 'Which provides point and purpose to my questions if my questions have any point and purpose?' 'Which shall I, the child, pursue?'

The answer to these questions is the most difficult of the steps in a vignette of insight for an author to capture. Even allowing that what one sees and senses is not inert or passive and even allowing that questions require an active mind and may be misdirected, there is something sudden and unexpected in an insight that is unlike what is given and unlike one's questioning. The accumulation of data may facilitate one's insights, just as one's questions—the right questions asked in the right order—may facilitate one's insights, but no manner how much one's methods facilitate one's coming to understand, no matter how diligently one pursues the quest to find out, the experience of insight cannot be generated or produced. Each new insight is creative for one who experiences it. It marks a new beginning, the crossing of a divide between not understanding and understanding. No matter how unoriginal or how unexceptional, no matter how well understood something is within the wider community, one's own understanding is never 'already out there now'.[41]

And yet, it is at this stage in the child's intellectual journey that the child may discern, by way of a practical insight, that knowledge is pursuit- and choice-worthy, that being knowledgeable is an advantage, a benefit, a good way to be, an aspect of well-being, flourishing, fulfilment, and perfection. To be sure, the contributions to well-being and fulfilment may be modest and of no great moment in relation to any one question that

[39] Jonathan Crowe, *Natural Law and the Nature of Law* (Cambridge: Cambridge University Press, 2019), 51. Crowe's corresponding basic good is not 'knowledge', but the more demarcated category of 'self-knowledge', being understanding by persons about 'themselves, their history and their environment' (51).
[40] Finnis, "Introduction," 3.
[41] Byrne, *The Ethics of Discernment*, 7.

the child answers, but they are no less real for their modesty. An action's end has purpose, has a point by virtue of being judged good because its realisation will realise a benefit or advantage and so presents an opportunity worthy of choosing and pursuit.

III. *A vignette of insight into play*

There is a sequence of steps in a vignette of insight by which an author seeks to elicit the reader's coming to understand. The sequence begins with what is given by everyday experiences and observations and more and proceeds to questions about such data, the answers to which are one's understanding. One's understanding begins with a non-practical insight into what is possible—say, understanding and knowledge and their opposites—which in turn enables a practical insight into which of these possibilities, if any, is an opportunity, a good, a reason for action. A vignette's appeals to experiences and more thus provides the data for two insights: a theoretical insight about pairs of possibilities that are open to one to choose from and a closely related practical insight into which of the two possibilities, if any, is choice-worthy and so more than a possibility: an opportunity, an aspect of well-being, a good and reason for action.

I here attempt a vignette of insight into the good of play. As Finnis remarks in his brief discussion of this basic good in *Natural Law and Natural Rights*, play is a good that a 'certain sort of moralist analysing human goods may overlook', whereas 'an anthropologist will not fail to observe this large and irreducible element in human culture'.[42] If we are to avoid any overlooking and are not to rest our investigations only on reports of human activity across human cultures, how are we to elicit in a reader, if indeed there is a case for so eliciting, the understanding that there is purpose, opportunity, a basic reason for 'engaging in performances which have no point beyond the performance itself, enjoyed for its own sake'?[43] One way to do so is to begin with human experience.

Included, perhaps, among one's first memories is the memory of one's favourite toy or place or imaginary world. In one's early years up to about the time one begins school, much of one's days may be consumed by throwing a ball or flying a kite or venturing onto the water in a canoe or for a swim with one's siblings and parents.[44] Some of one's friendships may be centred on such activities and one may get together with one or more others for a game of tag or football or hockey or basketball or otherwise.

In addition to one's elementary experiences of individual or group games and sports that are more or less structured will be observations of others engaging in these same activities. One will observe that some others have a skill and ability that one cannot yet replicate, as when one observes another throw a frisbee or hit a ball just so. One will observe that some have a skill and ability vastly more developed than one's own amateur attempts, as when one watches the Olympics or any professional sport. And one will observe that some others, aged no more than oneself, have different levels of ability in different sports and games and devote themselves to practicing their skills and techniques with varying degrees of commitment.

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[42] Finnis, *Natural Law and Natural Rights*, 87.
[43] Finnis, *Natural Law and Natural Rights*, 87.
[44] The need to affirm in Article 3(1) of the UN Convention on the Rights of the Child (1989) that every child has the right 'to rest and leisure, to engage in play and recreational activities' is a sorrowful reminder that the re-enactment explored in this vignette is not a reflection of the lives of all of the world's children.

As one reflects on how some activities are physically trying and tiring and others more intellectual, one may come to realise that the time allocated to such activity diminishes as one grows in age. In addition to experiencing how school crowds out much of the time previously reserved for sport and games and imaginary worlds, one observes how one's parents and neighbours and teachers devote much of their days and weeks and years to what they and others call 'work'. When one asks them why, one may receive the reply: 'Because I have to if we are to be housed and clothed and eat and …'. And one may come to understand that, for many, the week is for the sake of the weekend and the year for the sake of the summer, for these are the times when one participates in free activity, in performances that have no point beyond the performances themselves. In recalling one's own experiences of such activities, one may reflect that one engages in various sports and games and more not out of a sense of obligation or duty or 'material or moral compulsion'[45] or any like '… in order to …' chain of reasoning, but rather for the sake of the activity or performance itself. Indeed, if asked why one is practicing one's ability to shoot a basketball or kick a football or hit a tennis ball just so, one may find oneself responding, simply, with: 'For no other reason than to get it right' or, at the very least, 'to do it better'.

This series of modest insights allows one to accede to a higher viewpoint that expands the scope of one's experiences and observations. For one may now imagine that any activity or performance pursued for its own sake, with no further purpose or end, shares at least this much in common with all other like activities and performances. That shared property makes any activity of *play* a 'free' activity in the sense that, though it 'may have rules of its own, and it may be played with energy and require effort', it is 'emancipated from the seriousness, the purposefulness, and the alleged "importance" of "work"'.[46] Thus, though chess is not swimming and football is not canoeing, these are activities that can be engaged in freely, for no point or purpose other than the activities themselves. Internal to some, perhaps many (but not all) of these activities is the development of skills and abilities: the learning of strategies for the opening, middlegame, and endgame in chess; the development of techniques for moving one's body through the water; the mastery of ball control and accuracy in kicking; the command of the J-stroke to keep the canoe on a settled path. Though some of these skills are transferable from one activity to another, the point and purpose of perfecting one's strategy or strokes or control can be accounted for by the goal of 'getting it right' or 'better' for the activity or performance itself and for no other or ulterior purpose.

From one's higher viewpoint, one may reflect that those in professional sport may have a different or more complex or burdened relationship to their sport than does one for whom the activity is fully 'emancipated' from any further purpose or point. For unlike one's own free activity, the professional athlete may be duty-bound to 'play'. This thought may give rise to another, somewhat related thought. One may reflect that insofar as even the professional athlete will develop the skills internal to the sport even if the athlete's participation is not unqualifiedly free activity, then so too might any activity invite the development of skills internal to that activity. For example, one may reflect that a physician may 'seek excellence in her art and then practice the art for the sake of its excellent performance' in addition to any need to do

[45] John Tasioulas, "Games and the Good," *Proceedings of the Aristotelian Society* 80 (2006): 237, 244.
[46] Michael Oakeshott, "Work and Play" in *What is History? and other essays* (Luke O'Sullivan ed, Exeter: Imprint Academic, 2004), 310.

so for the purpose of healing the sick, and so too with the cabinet maker and legislative drafter and others whose activities may otherwise be considered 'work' rather than 'play'.[47] The relevant standards for measuring the skill of the physician and cabinet maker and drafter are, to be sure, not 'entirely internal to the performance', as they are for play, since the physician aims to heal, the maker aims to build, the drafter aims to set out legal propositions, each of which is an end that lies beyond the performance itself. But one may reflect that each skill can be developed *as a skill for its own sake* and not only instrumentally for the accomplishment of the ends of the various 'work' activities. And one may reflect that each of the physician and maker and drafter may practice their skillset for no other reason than 'to get it right' or 'better' even though they do have many other reasons to perfect their skills.

With these thoughts, one may grasp what Finnis was reporting in saying that an 'element of play can enter into any human activity, *even the drafting of enactments*'.[48] There can be free activity even *within work*. Such free activity, such aim to 'get it right' for no reason other than to 'get it right' or 'better' is, to be sure, a bounded experience insofar as one is not here experiencing an activity that takes place 'outside the routine of "ordinary" life'.[49] Nonetheless, one may reflect that insofar as the development of one's skill is valued as a performance for its own sake and not for some further point or purpose, then one is, so far forth, playing.

These insights all pivot between the delimited number of experiences and observations of play that are one's own and the more abstract reflections that play is free activity undertaken for its own sake and that the skillset for such activity may be mastered for the sake of that activity and for no other purpose. From this higher viewpoint, one may bring unity to manifold activities that may each be undertaken for no reason other than the activity itself. One may reflect, for example, that in choosing to go for a swim one may do so in order to get exercise (for the good of health) or in order to spend time with another (for the good of friendship) or, simply, in order to swim—to engage in the free activity of swimming.

The possibility of such free activity may be contrasted with its opposite: activity undertaken for a purpose other than the activity itself, be it health or friendship or otherwise. By pivoting to a yet more abstract *pair* of possibilities, one may hold in view the following: the possibility of free activity, of play, of performance for no purpose other than itself, and the absence of such possibility, whereby all activity is otherwise purposeful, where all skills and every performance are ordered to an end beyond the activity itself. To some extent, one's early experiences will have introduced one to instances of this pair of possibilities, when school and homework crowded out time that might otherwise have been devoted to play. One need not deny the opportunities for knowledge and friendship and more that are pursued through school and homework in order also to inquire whether play is its own opportunity, whether 'getting it right' or 'better' is a self-sufficient reason for action, whether free activity is pursuit-worthy.

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[47] Christopher Tollefsen, "The good of play in John Finnis's *Natural Law and Natural Rights*," *Persona y derecho* 83 (2020): 571, 575.
[48] Finnis, *Natural Law and Natural Rights*, 87 (emphasis added).
[49] Tasioulas, "Games and the Good," 245. Tasioulas is here speaking to 'games' rather than more generally to 'play', but the thought holds more generally.

For one who has the practical insight that play is an advantage, a benefit, a good way to be, an aspect of one's well-being, flourishing, fulfilment, and perfection, the possibility of play will be grasped as an opportunity. This practical insight will bring unity to a great many activities undertaken for no purpose other than the activity itself, ranging from games and sports and theatrical and musical performances and rock-climbing and more. For one who has grasped that the pursuit of play is a first practical principle, one will 'see' again how 'the point of engaging in performances which have no point beyond the performance itself' can be participated in by way of performances that are 'solitary or social, intellectual or physical, strenuous or relaxed, highly structured or relatively informal, conventional or *ad hoc*'.[50] In addition to the vast breadth of the good of play, which can be pursued even in what is otherwise considered one's 'work', one may recall one's observations of those with skills vastly superior to one's own and 'see' again how the good of play admits of great depth, for one can make a deep commitment to 'getting it right' or 'better' by mastering the skills involved in any one performance or activity.

Such activities may indeed be 'enjoyed for their own sake', as says Finnis.[51] Indeed, the reason why some play chess and others rock-climb and some practice the piano and others swim can be explained, it seems, by what each 'enjoys' or 'takes pleasure' in doing. Yet, in each case, it is the 'doing' that is the source of the enjoyment and the 'doing' is the 'playing' and not the 'enjoying'. That 'doing' is of the *same activity* even when it is accompanied with much frustration and exertion and thus very little enjoyment in the moment, as will witness anyone who has ever attempted to 'get it right' or 'better' after getting it wrong for so long.

How, then, to express, to conceptualise, to formulate this practical insight? Our vignette has reviewed free activity and, as a part of some such activity, the mastering of skills and techniques involved in that activity and its performance. Yet, as the discussion has sought to illustrate, the mastery of skills and techniques has point and purpose as free activity only where it is pursued for the sake of that performance and not for some ulterior purpose. The 'mastery' here explored is not the expert skill of the physician or maker or drafter pursued in order to heal or build or set out propositions. There is mastery of skills involved in these pursuits, no doubt, but it is mastery that is instrumental to the further ends of health and artefacts and legal regulation. The 'mastery' here appealed to is otherwise: it is the development of skills for 'getting it right' or 'better' for its own sake, for the more fulsome participation in an activity or performance that has no point beyond itself. Such 'mastery' is integral to play, as opposed to any other purpose for which it may be instrumentally advantageous and beneficial. It is not, to be sure, integral to all play, as when a child partakes in the joy of jumping into the water with no discernible or desired skill or when plays a game of chance for the delight of the activity alone. But where skill is pursued as a part of play, play is the end for which the excellence in performance is sought.

So here is an attempted formulation of one's practical insight: 'Play is a basic human good to be pursued.' This attempted formulation is general, for it does not limit play to games or sport or to what is physically trying or requiring skill and technique. The attempted conceptualisation is open to every performance that is 'free', that is pursued for no point beyond the very performance itself, be it a highly competitive sport or a

[50] Finnis, *Natural Law and Natural Rights*, 87.
[51] Finnis, *Natural Law and Natural Rights*, 87.

musical instrument picked-up infrequently as a hobby or a game of chance played for no end other than a good laugh.

IV. *A vignette of insight into beauty*

'Many forms of play', says Finnis in *Natural Law and Natural Rights*, 'are the matrix or occasion of aesthetic experience', but 'beauty is not an indispensable element of play'. What is more, 'beautiful form can be found and enjoyed in nature' and 'need not involve an action of one's own'. So beauty—including 'active appreciation' and the creation of beauty—is a good distinct from that of play.[52] How is a reader to be invited to share in this understanding? How is the good of beauty to be discerned? One way is, again, to begin with everyday experience in a vignette of insight.

It does not take long into one's early years before one has been exposed to the sights and sounds of nature. Some of these will be more arresting than others, holding one's gaze as one takes in the colours of a sunrise or of a cardinal or blue jay or as one concentrates one's ear on their calls. One may chance upon a clearance among the trees and see the valley below or catch the sun's reflections off the waves of the lake or awake early one morning to find that undisturbed snow has covered the neighbourhood's streets and trees and rooftops. One may look up to the night sky and see the bright moon and stars and then look down to find the flicker of fireflies. In addition to these chance encounters with the natural environment, one may see pictures of white sand beaches and mountain ranges reaching into the clouds and a school of clownfish and a flamboyance of flamingos. Each one of these more or less fortuitous encounters with the deliverances of nature may prompt one to share, to invite another to see the sight and to hear the sound. And it may prompt one to seek out the experience again, returning to the mountain top or lake or field or picture.

In addition to nature's offerings, one will be exposed to human creations in architecture and dance and dress and painting and more. One may be consumed by the human voice of song on one occasion and then struck by the elegance of human dress on another. One may note how the appeal of the homes in this neighbourhood is absent in this other and one may be taken by the colours of a single stain glass window and then again by the cathedral in which it is housed. One may pause upon hearing Beethoven's Ode to Joy for the first time and pause again when one hears the Queen of the Night aria in Mozart's Magic Flute. One may wonder at the human form in contemporary dance and then again at the expression of that form in sculpture. In addition to these more or less proximate encounters with human artefacts and expression and song and dance, one may see pictures of great architectural landmarks and comparatively modest interior design and watch recordings of ballet and jazz and other forms of dance.

These elementary experiences will suggest that one's aesthetic appreciation of nature and aesthetic appreciation of various fields of human endeavour differ in many ways, but are alike in at least one way: one may appreciate and take delight in the attraction of colour or form or design or pattern or harmony or expression. That aesthetic appreciation is the appreciation of beauty and the beautiful, which can be found in dance and dress and song and sunsets. One may have the modest insight that, though the form of a rose is not the formlessness of fire and the human voice is unlike bird song even if both sing the same melody, they are all alike in being beautiful. And that

[52] Finnis, *Natural Law and Natural Rights*, 87-88.

alikeness brings unity to the experience of seeing the peacock's train and hearing the searching melody of Bach's Cello Suite. With this insight, one discerns that the province of the beautiful is not limited to one's elementary experiences of aesthetic appreciation in nature and human endeavour, no matter how generous those experiences have been. One grasps that there is beauty not only in the eagle's flight and in the playing of the piano, but also that beauty is realised in different ways across the horizons of human dress and natural forms and architectural designs and painting styles and more.

Alongside one's many experiences perceiving and appreciating beauty will be one's own experiences in its creation. In one's early years, one may have attempted to create beauty by painting or drawing or sketching or crafting or dancing, at times comparing one's humble attempts with the evident skill of one's siblings or classmates or others. In time, one may devote oneself more fully to one's instrument or painting or singing or dance. These experiences of what one sets out to do and to achieve take one beyond the offerings of nature and the aesthetic achievements of others; they deepen one's grasp of the beautiful as something that one can choose to create by appealing to colour and form and design and pattern and harmony and expression. One's intelligence is here supervening again over the bare experience of things seen and attempted by abstracting away from these experiences to something that lies beyond experience: the endless possibilities of beauty's creation.

By pivoting between one's concrete aesthetic appreciations and attempts at creation and the more abstract idea of beauty and the beautiful, one's understanding allows one to achieve a higher viewpoint from which to 'see' again one's past and uncertain future experiences. From the various pairs of possibilities one has experienced and can imagine oneself experiencing—pausing to take in the rainbow or not caring to appreciate the wonder of colours in the sky, achieving greater harmony in one's melody or leaving unwanted discord uncorrected—one may pivot to a yet more abstract pair of possibilities: the possibility of beauty and the possibility of deprivations of the beautiful in one's perceptions and appreciations and creations. Those deprivations may range from what is flat and plain to what is unpleasant and even ugly to the eye and the ear and more. Of course, no one has ever experienced or created beauty or its deprivations as such; one's aesthetic appreciation or creation and their absence and deprivations are always in relation to this or that instantiation or instance in song or form or art or dance or dress or otherwise. But the abstraction nonetheless brings unity to the various pairs of possibilities that one has experienced, each of which can now be 'seen' again as participating in a more general, all-encompassing pair of possibilities: beauty and its privations.

This more general 'description' of one's perceptions and creations encompasses within it great breadth across the deliverances of nature and human endeavour. One's theoretical insight into this general pair of possibilities is not yet a practical insight and no practical insight may be inferred or derived from it. But the development of inner conditions secured by the accumulation of more and less modest theoretical insights readies one to offer a reply when asked: 'Why are you sketching or painting or pausing to observe or listen or planning to travel to this or that destination?' The question 'Why?' asks after the 'what for', the point or purpose of perceiving and appreciating or creating beauty. It is at this point that one may discern, by way of a practical insight, that beauty—its appreciation and creation—is choice- and pursuit-worthy and gives point and purpose to one's sketching and painting and observing and listening and travelling. With this practical insight, one discerns that the

appreciation and creation of beauty is an advantage, a benefit, a good way to be and that appreciating and creating beauty are aspects of human well-being, flourishing, fulfilment, and perfection.

To be sure, the instantiation of beauty may be small and simple, as with a child's artwork, but it is no less real for its simplicity and imperfections. The beautiful may in turn be profound and command veneration, as when one is in awe of the wonders of nature and the creations by the giants of the visual and performing and musical arts. This grasp of the great depth of participation in the beautiful opens before one an inexhaustible range of opportunities for one to devote effort to appreciate and to create beauty.

How, then, to formulate, to conceptualise, to express one's practical insight? Here is an attempt: 'Beauty (its creation and appreciation) is a basic human good to be pursued.' This attempted conceptualisation is general, for it does not limit the beautiful to appreciation or creation or to nature or human endeavour or to the natural wonders of the world or great cultural sites or to a selection of colours or forms or designs or patterns or harmonies or expressions. The attempted conceptualisation is open to encompassing the beauty of literature and poetry that appeal to one's intelligence rather than to the senses.

V. *Revisiting the insight or its formulation?*

The preceding vignettes of insight into the goods of play and beauty have sought to elicit in my reader the practical insight that these are goods to be pursued, are basic reasons for action. These vignettes attempted, with much imperfection, to replicate Finnis' account of the young child's questions that so facilitated in me a grasp of the good of knowledge. In attempting to follow a sequence of steps from everyday experiences and observations and more to questions about such data and then to a non-practical insight into what is possible before the practical insight into what is an opportunity, I hope that the vignettes above are sufficiently transparent in their method so as to be clear about where they go wrong if they go wrong. Does each vignette adequately capture human experience? Does it correctly grasp the pair of possibilities formed around the idea (concept) of play and beauty? Does it, in turn, correctly formulate the practical insight that one half of that pair of possibilities is an opportunity?

I hope that this endeavour to be transparent can help us better understand Finnis' revisions to his list of basic goods as it first appeared in *Natural Law and Natural Rights*.[53] As early as 1987, the good of play was revised and became 'excellence' or 'skilful performance' in 'work and play, for its own sake' and the good of beauty, in turn, was omitted just as such and in its place was to be found a reference to 'aesthetic

[53] The list as it appears in *Natural Law and Natural Rights* is repeated in John Finnis, *Fundamentals of Ethics* (Washington, D.C.: Georgetown University Press, 1983), 50-51, but undergoes a first modification in Germain Grisez, Joseph Boyle, and John Finnis, "Practical Principles, Moral Truth, and Ultimate Ends," *American Journal of Jurisprudence* 32 (1987): 99, 107-8 where 'knowledge and esthetic experience' are paired together as a good and 'some degree of excellence in work and play' takes the place of the good of play. See also, to the same effect, *Nuclear Deterrence, Morality, and Realism* (Oxford: Oxford University Press, 1987), 278-280, published the same year by the same authors. I leave to one side other modifications to the list of basic goods and here focus only on those relevant to play and beauty.

appreciation' within the good of 'knowledge of reality'.[54] The reasons for these revisions came some years later as Finnis explained that 'excellence-in-performance, for its own sake, whether in "work" or "play"' is a 'more adequate and accurate characterization of the good' he previously formulated as 'play'.[55] With respect to the good of beauty, Finnis explained that he now understands 'aesthetic appreciation as a kind of knowledge' and, in turn, understands that 'artistic creation belongs with work and play as mastery of materials for its own sake'.[56]

How should these revisions be understood? They could signal a change in insight, in understanding, which in turn is reflected by a change in formulation or they could, instead, signal only a change in the same originating insight's formulation, as when one concludes that the same idea can be better be expressed otherwise. To explore these possibilities, I begin with the revision to the good of play, which Finnis now formulates as the good of excellence-in-performance or skilful performance for its own sake, be it in play or in work. Leaving to one side for the moment the reference to 'work', the revision is on Finnis' own explanation at the level of the 'characterization of the good', suggesting a shift in formulation rather than a shift in understanding. This appears to be confirmed by Finnis' willingness to entertain the possibility that '*accomplishment* can do quite well as a term for the distinct basic human good of excellence (for its own sake) in performance'.[57] The emphasis here appears to be on differences in formulation, not understanding.

To say this is not to diminish the importance of the revision, for some formulations obscure and others help communicate the practical principle that is in question. The experience of insight is an achievement, but there is a further achievement in expressing the insight, in formulating it, in its conceptualisation. That the pursuit of this further achievement takes one beyond insight itself has been experienced by all who have struggled to express, to formulate into words the understanding that one has. Such struggle may reveal that one understands less fully or securely than one initially thought, but it may also reveal the difficulties inherent in expressing what one has come to understand.[58] Two persons who similarly come to understand something may differently express what have come to understand, employing different words and concepts to think through and communicate their understanding. Along these same lines, and true to my reading of Finnis' revisions regarding the good of play, one may revise one's formulation of one's insight any number of times, refining

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[54] See John Finnis, "Natural Law and Legal Reasoning" in *Natural Law Theory: Contemporary Essays*, ed. Robert P George (Oxford: Oxford University Press, 1992), 135, reprinted as "Legal Reasoning as Practical Reason" in *Reason in Action*, 213 (emphasis omitted), and "Commensuration and Public Reason" in *Incommensurability, Comparability and Practical Reasoning*, ed. Ruth Chang (Cambridge, Mass.: Harvard University Press, 1997) 286-7, n25, reprinted under the same title in *Reason in Action*, 244 n25 (emphasis omitted).

[55] Finnis, *Natural Law and Natural Rights*, 448.

[56] Finnis, *Natural Law and Natural Rights*, 448.

[57] John Finnis, "Reflections and Responses," in *Reason, Morality, and Law: The Philosophy of John Finnis*, eds. John Keown and Robert P. George (Oxford: Oxford University Press, 2013), 466 (emphasis in original). Finnis is here responding to Roger Crisp, "Finnis on Well-being" in *Reason, Morality, and Law: The Philosophy of John Finnis*, 29, wherein Crisp appeals to James Griffin's value of accomplishment in *Well-Being: Its Meaning, Measurement and Moral Importance* (Oxford: Oxford University Press, 1986), 64.

[58] See Bernard Lonergan, *Understanding and Being* (Toronto: University of Toronto Press 1990) 37: 'you have to do some further thinking if you want a conception, an expression, a general formulation, of that insight.'

its expression, communicating it differently in different contexts and for different audiences, all without revisiting or doubting the originating insight itself.

In coming to favour 'excellence in performance' and 'skilful performance for its own sake' over 'play' as the formulation of his insight, Finnis is in good company. In addition to Germain Grisez and Joseph Boyle, with whom Finnis first reported the shift in formulation,[59] Mark Murphy also favours 'excellence in play and work' as the formulation of a basic good, and Jonathan Crowe's basic good of 'structured engagement', which he equates with 'play', is described as 'structured opportunities for developing excellence in a particular restricted domain'.[60]

Yet, despite such good company, I raise some reasons for thinking Finnis' original appeal to 'play' to be a truer expression of the human good in question. One reason for thinking so is that the emphasis on 'excellence' and 'skilful performance' risks invading play with 'the spirit of the work ethic'.[61] The spirit of the work ethic has its place, no doubt, as our review of the role of mastery and of 'getting it right' in play, but to showcase this ethic as the frontline formulation of the good in question risks qualifying the 'free' in free activity. To favour 'excellence' and 'skill' in performance in the formulation of this basic good may render it less 'distinguishable' from what Finnis had originally insisted on distinguishing, namely the '"serious" context' from the element of play that may enter into any human activity.[62] What is more, the emphasis on skill and excellence may render less intelligible one's participation in a game of chance or luck where little or no skill is called for. One may engage in such free activity 'with the thrill of surrendering to fate and delight in good fortune', but neither skill nor excellence in performance seem able to capture this aspect of human activity otherwise captured by 'play'.[63]

For similar reasons, 'accomplishment' may not do quite well as an alternative formulation. There is no doubt that accomplishment in play—making the shot, winning the game, delivering the perfect performance (even if only to oneself)—are pursuit-worthy opportunities. But so too is accomplishment in relation to the other basic goods: in being a good friend and restoring oneself to health and making a great discovery. Accomplishment may be best conceived as a relational good, a good pursued in relation to each basic human good.[64]

These are, perhaps, minor points of dissent at the level of a shared insight's formulation, a formulation that seeks to communicate an understanding, although Finnis's emphasis on 'excellence' and 'skill' might obscure some elements of the end of free activity that are not lost from view by an appeal to 'play'. With that said, there need be no claim that each insight admits of only one formulation or expression or

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[59] Grisez, Boyle, and Finnis, "Practical Principles, Moral Truth, and Ultimate Ends," 107-8 and *Nuclear Deterrence*, 278-280.
[60] Mark C. Murphy, *Natural Law and Practical Rationality* (Cambridge: Cambridge University Press, 2001), 111 and 113 (emphasis omitted); Crowe, *Natural Law and the Nature of Law*, 48.
[61] Tasioulas, "Games and the Good," 251. See also Josef Pieper, *Leisure: The basis of culture* (San Francisco: Ignatius, 2009), who speaks to 'the prejudice—our prejudice—that comes from overvaluing the sphere or work' (20) and of our 'tendency to overvalue hard work and the effort of doing something *difficult*' (34, emphasis in original).
[62] The distinction was drawn in Finnis, *Natural Law and Natural Rights*, 87.
[63] Tasioulas, "Games and the Good," 240
[64] See Tasioulas, "Games and the Good," 243, 253, 255-6; Sabina Alkire, "The basic dimensions of human flourishing: a comparison of accounts" in *The Revival of Natural Law*, eds. Nigel Bigger and Rufus Black (Abingdon: Routledge, 2000), 91.

conceptualisation, not least because each basic good admits of great breadth and depth and thus of a multifaceted and complex range of instantiations. But each formulation and expression and conceptualisation should communicate the insight, the understanding, the grasp of a human good. And against this standard, I offer a final note of friendly dissent in relation to Finnis' inclusion of the concept of 'work' alongside 'play' to capture the good of 'excellence-in-performance'. There is excellence and skill in 'work', to be sure, but I am minded to think that the excellence and skill that is pursued *in work* is pursued for the end for which the work is undertaken: the physician's patient's health, the maker's artefact, the drafter's legal proposition. Those ends account for the skill and excellence in performance, which when pursued *for work* is not pursued for its own sake. When excellence and skill are pursued for their own sake even in the context of what is otherwise one's work, one's mastery is pursued as free activity and, in that sense, not as part of one's work.

What about Finnis' revisions to the good of beauty? Although Finnis had previously formulated the good of 'aesthetic experience' to encompass 'the creation … of some work of significant and satisfying form',[65] his revised view is 'that artistic creation belongs with work and play as mastery of materials for its own sake'.[66] Murphy is of the same view, reasoning that 'those goods that are involved in the artistic process ought to be distinguished from the goods involved in experiencing the beautiful'; the artistic process should, for Murphy as for Finnis, be encompassed within the basic good of 'excellence in work and play'.[67]

In relation to this revision to the good of beauty's creation, I am less certain whether it is a (mere) change in formulation or instead a change in formulation brought about by a change in insight. Insofar as it is the latter, there are reasons to favour the original understanding. Now, there is no doubt that one can be in awe of the masterful artistry of a sculptor or painter or dancer. Quite independently of the beauty of any sculpture of the human form, one can admire the mastery of the artist's manipulation of marble or bronze into the shape of a human hand. If one were to ask the artist, 'Why are you manipulating the stone or metal just so?', it is possible that the artist would reply: 'To master such manipulation for its own sake.' Yet, if our artist was instead to reply: 'To capture the beauty of the human body in all of its dimensions', the manipulation of the stone or metal would be instrumental to an end beyond such manipulation, an end perhaps best captured as the creation of beauty. The excellence of the strokes of a paint brush and the skilful performance of vocal control and of the violin can each be developed for their own sake, but when these skills are mastered *in order to* create beauty—when that is *the* reason for which the artist acts—I am minded to think that they participate in the good of beauty rather than that of skilful performance or excellence-in-performance or what I have been calling 'play'. So my resistance here to Finnis' revision to the good of artistic creation may be more than a difference in formulation; it may rest on a different understanding of the end being pursued by one who seeks to create beauty.

But what of beauty's appreciation? Finnis now situates the non-creative aspects of aesthetic appreciation 'as a kind of knowledge' encompassed within the good of

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[65] Finnis, *Natural Law and Natural Rights*, 88 (emphasis omitted).
[66] Finnis, *Natural Law and Natural Rights*, 448.
[67] Murphy, *Natural Law and Practical Rationality*, 109, 114. See also Crowe, *Natural Law and the Nature of Law*, 50-51, who reasons that 'the value of artistic creation can … be understood as a mode of pursuing the good of play'.

knowledge.[68] This may also suggest a change in insight rather than only a change in the formulation of an existing and standing insight.

If the basic good of knowledge is to be understood as the vignette of the young child's questions invites us to understand it—as the whole set of (correct and true) answers to the whole set of questions—then my understanding of the good struggles to encompass within it the appreciation of beauty. To say this is not to doubt that one may inquire into the nature of beauty and the beautiful, into whether it is subjective and in the eye of the beholder or objective and measurable by reference to proportionalities and balance and harmony or otherwise. One may inquire why the red of the cardinal is more striking than that of the robin. One may ask oneself what about Bach's Cello Suite is so moving. One may question whether beauty is exhausted by the senses of sight and hearing or is accessible by all of them. These are, I think, ways in which the beautiful may participate in the good of knowledge, ways in which one may *inquire* after the nature of beauty and how and why any one instantiation of beauty is grasped by one's senses or intellect. I raise no doubts with respect to these aspects of beauty's participation in the good of knowledge.

My hesitation in following Finnis' revision in relation to the good of aesthetic appreciation is instead this: the appreciation of beauty may be free of inquiry, free of questions, free of answers and free also of muddle and confusion and ignorance. One may be struck by an arresting sound, one's gaze may be held in suspense at the beauty of a work of art, one may lose oneself in one's appreciation of a sight or a sound or a smell. If these aspects of our vignette of insight into beauty capture ways in which one participates in this good, then I am minded to think that one's appreciation of beauty—including its protection and promotion—does not participate in the good of knowledge unless (and until) one begins to ask questions about the beautiful. Before one asks such questions, one participates in a good, but that good is, so far as I understand it, a good other than knowledge. It is the good of beauty and of the beautiful. One's appreciation may well be augmented by one's knowledge, as when someone knowledgeable in a genre of music can appreciate subtleties lost on one whose ear is not so attuned. But it remains that, even with such knowledge, one sets out to appreciate beauty—I do not think it quite captures one's act to say that one seeks *to know* the beautiful.

VI. *Conclusion*

We are all, each one of us, alone in coming to grasp each one of the basic human goods. On this understanding, one's insights are not about grasping or receiving the concepts that are already out there now. Rather, our concepts are the expression of what we come to understand. It follows that the nature of an insight as a personal intellectual experience of appropriation carries over to the formulation of insights, their expression, their conceptualisation. One may repeat the formulation of another's insight, just the child may repeat the scientific report of why the sky is blue. But unless one has had the insight that is generative of the formulation, one will not grasp what one may learn to report and even to apply.

It was for these reasons that Finnis' appeal to the young child's questions had such an impact on me. It facilitated in me a 'step change' in my understanding of the good of knowledge and, with it, a grasp of the self-evidence of Finnis' formulation of the

[68] Finnis, *Natural Law and Natural Rights*, 448.

practical principle that knowledge is a good to be pursued. In self-appropriating for myself the truth captured by Finnis's formulation of his insight, I went beyond reading the understanding *of another* as that other had formulated it and came to understand *for myself* and to appropriate as my own the very formulation I had read.

I have attempted to elicit such understanding in my reader by appealing to the methodology of a vignette of insight in relation to the goods of play and of beauty. And in raising questions about Finnis' later revisions to these goods and their formulations, I am attempting to do as we have all done from an early age: asking questions and seeking answers, all with a view to understanding.