The Revival of Prudence

Thomas S. Hibbs

In The Setting of the Summa Theologiae of St. Thomas,¹ Leonard Boyle, O.P., argues that Aquinas wrote the Summa Theologiae for the sake of the voluminous secunda pars. Boyle calls the Summa Thomas' sole Dominican work, a work intended to correct certain tendentious features in the most influential Dominican manuals for the care of souls. What Thomas found objectionable in the manuals was the haphazard collation and schematic consideration of moral topics. Thomas' corrective consists in placing moral matters within the context of Christian anthropology, indeed within the whole of speculative theology. A study of the manuscripts of the Summa Theologiae in the century or so after Thomas' death indicates that Thomas' intention was systematically ignored. The secunda pars regularly circulated autonomously, and even that part was often not available in its entirety. Those interested in guidance for confessors found the secunda secundae to be by far the most useful section of the Summa.

A different sort of selectivity and distortion in the reading of Aquinas' ethics occurs in early modern scholasticism, where the focus shifts and narrows to the topic of law. The emphasis upon moral rules led to a neglect of the virtues, especially prudence. That neglect lasted well into the present century. In 1925, Garrigou-Lagrange accuses moral theologians of a "quasi-suppression du traité de la prudence."² Joseph Pieper would echo these sentiments more than thirty years later.³ Disregard for prudence, as Joseph Pieper argues, is likely to make Christian ethics a "science of sins' instead of a doctrine of virtue or a theory of the Christian idea of man."⁴ The retrieval of prudence, conversely, is likely

¹ Toronto: Pontifical Institute of Medieval Studies, 1981.

² "Du caractère métaphysique de la théologie morale de Saint Thomas," *Revue Thomiste* 8 (1925), 345.

³ Prudence, trans. Richard and Clara Winston (London: Faber and Faber, 1959). ⁴ Ibid., 49.

to recover something of the integrity of Thomas' original project, since prudence both applies principles to concrete circumstances and is reciprocally related to all the moral virtues.

The integrity is lost in crude formulations of natural law ethics, which assume that the appraisal of particulars, their classification and their subsumption under rules is not problematic. Yet Thomas makes no such assumption. In the questions on law, he repeatedly refers to concrete circumstances of actions as "variable and uncertain." He simultaneously asserts the immutability of the most common precepts, which can be altered only by addition (Summa Theologiae, I-II, 84F 4). Yet the proximate, detailed principles can be changed by subtraction, as they may fail in certain circumstances (I-II, 94, 5). Thomas does compare practical reasoning to the deductive character of speculative reason. He states, for instance, that human laws can be derived as conclusions from premises of the natural law; for example, the prohibition against killing can be directly derived from the general precept against harming. Yet the relation between human and natural law is not always a matter of deduction. Thomas speaks of an alternative way of moving from one to the other, by means of determinatio, which is more like an artist's realization of a general pattern in concrete reality than it is like deduction (I-II, 95, 20). Even where practical reason operates deductively, it remains at the level of proximate precepts. Thus, Thomas underscores the disparity between the practical and the theoretical orders. While the conclusions of demonstrative syllogisms reach necessary, universal truths, those of practical reason issue in conclusions having to do with particulars, which are true always or for the most part (ut in pluribus): the more we descend to particulars the more defects we find (94, 4). Thomas cites the precept that goods entrusted to another should be returned to their owner. Yet, in certain cases, returning the goods may "be injurious." It might seem that we could solve the difficulty by adding a list of qualifications to the original precept, but, as Thomas puts it, the more conditions we add the more ways there are for the principle to fail (I-II, 94, 4). Facility of moral reasoning cannot occur apart from prudence. Its restoration, then, would have the advantage of helping to specify the scope and limits of natural law.

A second advantage of focusing on prudence is evident in situations where principles appear to conflict. Indeed, a crude natural law view must resort to preposterous measures in order to salvage the coherence of the system of precepts. Indeed, without some basic capacity of discerning what rules are relevant and in what respect, the problem of an infinite regress of rules seems unavoidable. Following Aristotle, Thomas lists synesis and gnome as capacities for recognizing and applying universal and common principles to concrete circumstances, in ordinary situations and in cases where proximate principles

fail (II-II, 52, 3 and 4). Moreover, to state which principles apply and which do not presupposes an appraisal of the circumstances that rules themselves cannot provide. This is the realm of the *visio* of prudence that operates through a certain collation (*per quandam collationem agitur*, II-II, 47, 1). Prudence requires experience, memory, and practice in perception (*experimentum prudentiae non acquiritur ex sola memoria sed ex exercitio recte percipiendi*, IIII, 47, 16, ad 2).

The retrieval of prudence might also help to correct a misunderstanding of the notion of the mean as primarily quantitative. Virtue is indeed a mean between excess and deficiency, but such a description remains at a certain level of generality. According to Thomas, prudence is the capacity for finding the mean in moral virtues (II-II, 47, 7). In particular actions, the mean operates as a sort of metaphor for an action that is correct in every way. As Thomas puts it, virtuous action must take into account the various circumstances of human acts (III, 18, 3). An action observes the mean when it is in accord with the rule of reason, that is, when the action is performed when and where it should be, for the right end and so forth (I-II, 64, 1 ad 2). Thus, the centrality of prudence is not for Thomas a way of weakening obligations; instead, the standard of virtuous action is more rigorous than that of a narrow legalism.

A third advantage of the retrieval of prudence is that it restores the harmony of reason and inclination to its proper place in ethics. The recta ratio agibilium of prudence cannot operate without rectified appetite: "the things to which the moral virtues incline are as the principles of prudence" (I-II, 65, 1-4). To be well-disposed with respect to ends, Thomas writes, "depends on the rectitude of appetite" (I-II, 57, 4). Unlike other intellectual virtues, which are lost primarily through forgetfulness, prudence is destroyed through "vicious passions" (II-II, 47, 16). There is a parallel to the precepts of the natural law which can also be abolished through corrupt customs and bad habits. The proximate ground of the precepts of the natural law is the order of natural inclinations. Thomas sees problems arising primarily at the level of particulars. But problems at the level of the concrete have of way of obstructing our apprehension of prior, more general precepts. The repetitious performance of vicious actions has consequences not only at the level of application but also at the level of proximate principles, since it can undermine principles as fundamental as the one against theft (I-II, 92, 4-6). As Aristotle puts it, to apprehend the starting points in ethics, one must have been well brought up. Of course, Thomas allows that individuals and groups have access to the most general precepts even in the midst of corrupt practices and this helps to explain how it is that individuals and groups can desire, recognize, and implement visions of the good that run counter to that of a corrupt, dominant culture. But

it is unlikely that individuals or groups will make much progress in living in accordance with natural law or the life of virtue without implementing practices to succor the virtues. Practices inculcate habits that rectify the appetitive part of the soul with respect to appropriate ends. The correct ordering of inclination, its harmony with reason, is important not just as a prerequisite to the operation of prudence, but also as a mark of true virtue. On behalf of the thesis that moral virtue cannot exist without passion, Thomas quotes Aristotle: no one is "just who does not rejoice in just deeds" (I-II, 59, 5).

Thomas' emphasis on the indispensable need for experience and training in the moral life has led some recent commentators to shift entirely the balance from natural law to virtue. In a book entitled The Priority of Prudence: Virtue and Natural Law in Thomas Aquinas and the Implications for Modern Ethics, Daniel Mark Nelson goes further than any recent author in repudiating the view that Thomas is a proponent of natural law ethics.⁵ From a reading of various sections of the second part of the Summa Theologiae, Nelson makes a cogent case for seeing virtue rather than law as the fundamental moral category. But his position cuts deeper than this. He relegates natural law to a negligible status in moral deliberation. What does Nelson have to say about the articles on natural law? "Such knowledge serves the explanatory function of accounting for how it happens that we came to reason practically and for the origin of the virtues. Thomas's general point is that we have a created, natural ability to act for the good appropriate to our nature and to develop the habits that perfect that capacity."6 Clearly Nelson is right to think that the function of natural law is explanatory; the question is whether it does not have other functions. On his view, it is difficult to see what, if anything, natural law adds to Aristotle's comment that virtue is natural in the sense that we have the capacity to acquire it. But why call that "natural law"? The notion of law in "natural law," which is admittedly not obvious in Aquinas, would be reduced to mere metaphor. The problem with Nelson's account is that he has allowed polemics against his opponents, especially against those who see natural law as a sufficient guide for the determination of action, to set the terms of the debate. Nelson is right to note that in concrete circumstances natural law cannot "guide action" or "provide a formula" for correct choice.⁷ But to deny these simplistic renderings of natural law does not entail the repudiation of natural law as an important part of moral reasoning.

Alasdair MacIntyre, perhaps the most influential moral philosopher writing on Aquinas today, has also been accused of neglecting the role of natural law

⁵ University Park, Pennsylvania: The Pennsylvania State University Press, 1992.

⁶ *Ibid.*, 103. ⁷ *Ibid.*, 114 and 119.

in Aquinas. He argues that moral reasoning cannot take place apart from a tradition of inquiry and practice. But MacIntyre's opponent is not primarily Thomistic natural law but the modern, liberal view of individualism. Indeed, MacIntyre's current view seems to me not to be identical with the position of After Virtue, in which he rejected altogether the possibility of grounding ethics in nature. In his latest book, he writes that "evaluative judgments are a species of factual judgment concerning final and formal causes of the activity of members of a particular species."8 The "Thomist," he writes, sees "evidence of the work of synderesis" in the "continuous reappropriation" of certain rules and in the recurring resistance to discarding them." These precepts, "to which cultural degeneration can partially or temporally blind us," can "never be obliterated."9 Still, MacIntyre rightly insists that in order for the primary precepts of the natural law to have any efficacious influence on action, we must "engage with others" in such a way that we can become "teachable learners."¹⁰ The pedagogy of virtue, which enables us to act rightly in concrete circumstances, requires a social setting, tradition, and authority.

The account of prudence provides the beginning of a response to certain criticisms of virtue ethics. In his book Character, Joel Kupperman argues that virtue ethics is akin to "genre criticism" in literature, which allows for the classification and appraisal of actions in terms of the standards appropriate to particular virtues.¹¹ The deficiencies of virtue ethics, Kupperman insists, surface when an action "spills out" of a particular category or when "two or more categories arguably are involved in what we are attempting to judge." Character ethics, Kupperman insists, is superior to virtue ethics precisely because it focuses on "what people are like when decisions are called for that involve factors of more than one kind." In his consideration of the resources of virtue ethics in such cases, Kupperman focuses upon justice as the principal and unifying virtue. He fails, however, to consider the role of prudence, which is precisely to appraise all the germane circumstances and determine what ought be done. Once prudence is introduced, the difference between virtue theory and character ethics may well be only verbal. Indeed, the centrality of prudence entails an emphasis upon character in moral education. Thomas embraces Aristotle's statement that as a man is so does the good appear to him.

Virtue theory is sometimes accused of being conservative, of lacking the resources for social critique; according to Habermas, it is susceptible to the

⁸ Three Rival Versions of Moral Enquiry (Notre Dame, Indiana: University of Notre Dame Press, 1990), 134.

⁹ *Ibid.*, 281. ¹⁰ *Ibid.*, 136.

¹¹ Oxford: Oxford University Press, 1991, 106-08.

"dogmatism of life-practices."¹² Since prudence applies universals to particulars, it might seem that criticism could occur only at the level of general precepts. Prudence, on this view, would have the function of securing the goods already apprehended by reason. Thus, it would simply subserve, and not provide grounds for countering, goods already settled upon, for example, those of individual fulfillment or of the maximization of profit and pleasure. Thomas' coupling of natural law with prudence makes his position less vulnerable to such an objection. But it is important to see that prudence, understood Thomistically, is itself the basis of social criticism. Indeed, the parts of prudence and the list of vices opposed to prudence suggest a powerful critique of the practices to which so many American citizens are devoted. In his marvelous little book on prudence, Joseph Pieper begins by lamenting both the neglect of prudence by Catholic moralists and the contemporary misconstrual of prudence. as "timorous, small-minded self-preservation." A prudent person is a "clever tactician," striving to "escape personal commitment."¹³ Thomas' understanding of prudence is sufficiently determinant to put into question a social order that has given itself over to the pursuit of self-actualization, understood in terms of what Saul Bellow calls the quest for "creative, polymorphous pleasure."

Thomas begins his discussion of the parts of prudence by discussing memory. Indeed, Thomas regularly states that prudence arises from memory. As Pieper notes, memory means more than a capacity for recalling facts. Instead, Pieper calls it "true to being" memory, which can be succored only by "a rectitude of the whole human being."15 The distinction between these two sorts of memory is a central motif in Saul Bellow's Bellarosa Connection, the narrator of which is a Jew who runs a financially successful Mnemosyne institute. He instructs corporate America on the pecuniary benefits to be derived from the resources of a capacious and well-organized memory. This sort of memory stands in contrast to the sort of memory his father attempts-with only moderate success-to inculcate in him. His Father likes to tell the story of Harry Fonstein, a relative who spent time in the concentration camps and who was freed through the assistance of Billy Rose, who arranged for his escape and transport to America. Billy Rose, also a Jew, is a huge success in America, with underworld connections and a flair for the theatrical. For example, Billy stages a Hollywood style celebration of Jewish history at Madison Square Garden. After his arrival in America, Harry Fonstein persistently tries to arrange a meeting with Billy to thank him for his assistance. Saying he wants to avoid "entanglements,"¹⁶ Billy

¹² "A Review of Gadamer's Truth and method," in *Understanding and Social Inquiry* (Notre Dame, Indiana: University of Notre Dame Press, 1977). 357.

¹³ Josef Pieper, *Prudence*, 11. ¹⁴ *Ibid.*, 27.

¹⁵ Saul Bellow, Bellarosa Connection (New York: Penguin, 1989). ¹⁶ Ibid., 50.

resists any meeting with those who wish to thank him. Billy and his intermediaries insist that he did what he could for Jews like Harry, but that he has no further obligations to them. What Billy seems to resist is the continuity and determination of the self that another's gratitude presupposes and evokes. Harry, on the other hand, has an abiding desire to meet with Billy and express his gratitude; he wants, as his wife expresses it, to bring his emotions to completion, to round them off. Harry's memory, the narrator notes, is not merely a catalogue of experiences or facts; instead, he was "doing something with his past."

The narrator stands between these two views of memory. While he thinks Harry's preoccupation with his past and his unrelenting desire to express his gratitude border on the obsessive, he finds Billy Rose to be a gaudy and truncated personality. Memory chains, he writes, are connected thematically. Where "themes are lacking there can be little or no recall." Billy Rose has "an unfortunate thinness for purely human themes—as contrasted with business, publicity, or sexual themes."¹⁷ The reference to the themes that displace the purely human themes and hence undermine the kind of memory constitutive of prudence is instructive. The philosophic correlate to Bellow's narrative can be found in Aquinas' assertions that the vices opposed to prudence arise from *luxuria* and *avaritia*.

Among the set of vices that derail the process of deliberation, are *praecipitatio*, *inconsideratio*, and *inconstantia*. These correspond, respectively, to the three stages of practical reasoning: counsel, judgment, and command. Neglect of taking counsel arises from a lack of docility and in its extreme form from pride which opposes submission to the authority of another. Inconsideration condemns or neglects those things from which right judgment proceeds. Inconstancy, finally, signifies an incapacity to hold oneself firmly to a course of action that one judges to be good. Thomas traces these vices of omission to *luxuria*, which fosters division of the soul and duplicity of consciousness. Luxury is evident in the avoidance of making decisions, or more violently, in the frenetic process of making, unmaking, and remaking decisions, especially in circumstances that involve a commitment and definition of the self. This is precisely the sort of character that Bellow's Billy Rose embodies, a character that flourishes in contemporary America.

A second set of vices, opposed to prudence but allied to it by similitude, are the ones we have substituted for prudence. The cunning deployment of false means in the pursuit of real or apparent goods engenders lying and dissimulation. Thomas states that all these vices are rooted in avarice, the vice

17 Ibid., 67.

most damaging to justice. The same sorts of vices, then, are capable of undermining both prudence and justice. The daughters of avarice include not only fraud and illiberality, but also restlessness of soul (inquietudo), for the affections of the grasping are anxious about superfluous matters. Such restlessness was even in Tocqueville's time characteristic of the American soul. Like Tocqueville, Bellow detects in the isolationism characteristic of American individualism the motives for assimilation to the project of self-interest narrowly construed. The result of individualism, of the severing of ties to tradition, history, and local communities, is not a society of Nietzschean supermen. Instead, individuals become absorbed in the pursuit of petty pleasure and the endless accumulation of external goods. Modern America, states the narrator of the Bellarosa Connection, enables Jews to assimilate painlessly without converting: "Your history, too, became one of your options. The very notion of having a history was a 'consideration' totally up to you."18 In such a social context, the memory that nourishes prudence would be eviscerated and the vices opposed to prudence, fostered. As Harry Fonstein's wife puts it at one point: "The Jews could survive Hitler but "then comes the next test-America. Can they hold their ground or will the USA be too much for them?"¹⁹ The narrator comments that America is "so absorbing that one existence was too little for it."20 Again, Bellow's narrative revives Thomistic themes. Thomas speaks of both luxury and avarice as absorbing the soul (II-II, 43, 6). Avarice incites restlessness of soul and thus impedes the contemplative moment that is the necessary prelude to prudent action, a moment involving both self-possession and an apprehension of the way things are in a concrete setting. Thomas speaks of inconsideratio as impeding the "act of understanding the truth of something" (II-II, 53, 4).

The alignment of prudence with liberalism and pluralism—in the writings of Martha Nussbaum, for instance—is problematic. I am not arguing that prudence cannot exist in a pluralistic society, but rather that the pedagogical dominance of notions like tolerance and equal regard tends to flatten the contours of our moral experience. Prudence presupposes moral education in specific practices as well as a fairly determinate conception of the human good. An impediment to the liberal appropriation of prudence is Aristotle's emphasis on the role of law in inculcating prudence. As he puts it at the end of the *Ethics* (X, ix):

We must... by some means secure that the character shall have at the outset a natural affinity for virtue, loving what is noble and hating what is base. It is difficult to obtain a right education in virtue from youth up with being brought up under right laws.... But doubtless it is not enough for

¹⁸ Ibid., 72. ¹⁹ Ibid., 58.

20 Ibid., 87.

people to receive the right nurture . . . they must also practice the lessons they have learnt, and confirm them by habit, when they are grown up. Accordingly, we shall need laws to regulate the discipline of adults as well, and in fact the whole life of the people generally.

The passage does not shift the emphasis from virtue to law; for, law is pedagogically ordered to the inculcation of virtue. As Thomas puts it, laws must be tailored to the customs of a people, ought not to be onerous, and should lead from the imperfect to the perfect. Often cited in discussion of the law's need for prudential application is Aristotle's discussion of equity. The claim needs to be balanced by passages where Aristotle argues that changes in laws are for the most part imprudent, since they erode customs that give rise to the habits that make virtue possible.

Aquinas likewise underscores the pedagogical notion of law. He cites Aristotle's statement that law is for the sake of virtue. The term praeceptum means both command and lesson or instruction. Still, Aquinas goes further than a pragmatic, pedagogical notion of law. In so doing, his view runs counter to certain postmodern revivals of prudence. Martha Nussbaum argues that irreducible particulars have greater "ethical value" than universals because mutability, indeterminacy, and particularity characterize the realm of practical, "non-scientific deliberation."21

While conceding the importance of "ongoing commitments and values," she insists that this "general background" of action is "not immune to revision even at the highest level."22 Aquinas would certainly concur that experience and education enable us to understand better the import and scope of general principles; he would even embrace that statement that "excellent choice cannot be captured in universal rules."23 Much more is required of us than mere conformity to the rule. But, according to Thomas, conformity to certain rules is required of us. At issue here is the relationship of principles to circumstances and the mediating role of prudence. As we have already noted, Thomas holds that principles are known through experience and that even basic principles apply only for the most part. Some want to reason from this that Thomas supposes the basic principles to be revisable. Does he?

The principle that borrowed goods should be returned is one that should not be followed when doing so would be "injurious." The principle is itself a specific rule following from more general principles of justice. In the case in question, the ultimate purpose of the rule would be undermined by following

²¹ The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy (Cambridge: Cambridge University Press, 1986), 301-02. ²² Ibid., 306. ²³ Ibid., 303.

it. Thomas' remarks about the necessity of keeping promises is germane. The evil involved in not fulfilling a promise has to do with altering one's explicitly stated intentions (*animum mutat*). But Thomas allows that there are cases where promises need not be kept, for instance, when what one has promised is something evil. One is also excused from keeping the promise if "*sunt mutatae conditiones personarum*." Thomas thinks that the stability of relevant circumstances is inherent within the practice of promising (II-II, CX, 3, ad 5).

In the discussion of the prohibition against theft, Thomas argues that, in cases of necessity, it is not a sin to take what one needs. One objection to the thesis is taken from Aristotle's statement in *Ethics, II*, 6. that certain names denote acts that are *secundum se malum*, and that theft is among these. Thomas responds that in the case of extreme necessity, taking what one needs does not have the *rationem furti*, properly speaking (II-II, 56, 7, ad 2). In a case of evident and urgent need (*evidens et urgens necessitas*), all things are common. Hence, Thomas does not regard the act of theft in cases of need as exceptions to the prohibition; rather, the conditions constitutive of the prohibition are no longer present. A similar strategy is operative in Thomas' discussion of whether it is permissible to kill sinners. The just and the innocent may never be killed, but those who sin heinously against the community may be slain: "*Homo peccando ab ordine rationis recedit; et ideo decedit a dignitate humana*" (II-II, LXIV, 2 ad 3).

Of course, Thomas' argument on behalf of the inviolability of certain precepts does nothing to minimize the role of prudence. In cases of uncertainty about the applicability of a principle, prudence must intervene. In the appraisal of circumstances, prudence is at work. Nussbaum seems to think that the presence of any non-gainsayable principles reduces ethics to techne and makes the idiosyncratic irrelevant. But, given what we have seen of Thomas' position, it is hard to see the merit of this objection. Indeed, Nussbaum's use of the language of irreducible particulars trades upon an ambiguity. Particulars, admittedly, are not universals and the sensation of a particular can never be reduced to a knowledge of universals. But in order to bring general principles into relationship with particulars there must be something about the particulars that makes them more than mere particulars. The merely particular would not be intelligible to us. Thomas states that the intellectus of prudence, which involves the apprehension of a particular, does not reside in a power of the external senses, but in the interior sense, which operates through a certain collation and judges of particulars (II-II, 47, 1 and 47, 2 ad 3).

Given that a virtue cannot be undermined by a particular vicious act, it seems that the emphasis on absolute rules is misplaced, unwarranted. Indeed, it is not the case that the rules are absolute, if one means by "absolute" equally

applicable always and everywhere. Thomas does not hold that one can never act against any of the precepts; for, in some cases, lower precepts give way to higher ones. What one ought never to do is act against a relevant precept, that is, against the command of prudence. To do so would be to court imprudence and other vices. Thomas' account of the principles that cannot be abrogated is not grounded in a view of others' rights, nor is it grounded exclusively in the goods of others. For Thomas, it is equally a matter of who we are and what we become as moral agents that is involved in fundamental prohibitions. Without adherence to the basic precepts of the natural law, we cannot be virtuous persons. Of course, one vicious act here or there need not erode a virtuous character. But this seems a consideration more appropriate to one who lacks virtue, not to one who possesses, or longs for, virtue and understands with what cost and care virtues are cultivated. Each vicious act is a violation of the very perfection that the virtuous character naturally desires. Thomas' account of prudence. then, does not countenance a merely provisional or solely pedagogical view of moral precepts. On the contrary, it brings out what was missing in the neoscholastic and Kantian emphasis on rules, namely, how these are inextricably bound up with the moral agent's view of his or her good.

All sorts of things put prudence and the other virtues at risk. One of them, as Saul Bellow indicates, is a failure to understand what binds one human being to another. For Thomas we need not start with complete agreement about the highest good but we should at least begin with the view of human life as a quest for the good. In his discussion of the prohibition of lying, Thomas states that "one man owes to another that without which human society is not able to be preserved" (II-II, CIX, 3, ad 1). Clearly, human society can survive without uniform adherence to the precepts of the natural law; indeed, we are tempted to think that it flourishes in contexts where moral rules are subordinate to Machiavellian virtú or prudence. But what Aquinas' account of the virtues. especially prudence, helps us to see is that it is not the mere survival of a group or its material pulchritude that is at issue, but rather the fragile existence of a community committed to a view of human life as a quest for the good. In so far as this is how we understand ourselves and our relationship to others, we will find that the cultivation of certain virtues presupposes and can never do without conformity to certain precepts.