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## *Consilium* and the Foundations of Ethics

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## CONSILIIUM AND THE FOUNDATIONS OF ETHICS

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As often as anything important is to be done in the monastery, the abbot shall call the whole community together and himself explain what the business is; and after hearing the advice of the brothers, let him ponder it and follow what he judges the wiser course. . . . If less important business of the monastery is to be transacted, he shall take counsel with the seniors only, as it is written: *Do everything with counsel and you will not be sorry afterward* (Sir 32:24). (*The Rule of St. Benedict*, §3)<sup>1</sup>

MORAL PHILOSOPHERS have recently grown very interested in practical deliberation as a necessarily social activity. We figure out what to do, at least in part, by taking counsel with others, and this social deliberation requires that we treat one another ethically; only if the virtues characterize our relationship will it be possible for us to learn from one another what we need to learn. Jürgen Habermas, for example, has argued for “discourse ethics,”<sup>2</sup> John Rawls and others for “deliberative democracy,”<sup>3</sup> and, most relevant here, Alasdair MacIntyre for an “ethics of enquiry.”<sup>4</sup> Like MacIntyre,

<sup>1</sup> *The Rule of St. Benedict in English*, ed. Timothy Fry, O.S.B. (Collegeville, Minn.: The Liturgical Press, 1982), 25-26.

<sup>2</sup> *Moral Consciousness and Communicative Action* (Cambridge, Mass.: MIT Press, 1990), especially chap. 3.

<sup>3</sup> For Rawls see “The Idea of Public Reason Revisited,” *The University of Chicago Law Review* 64 (1997), 765-807. For a good overall introduction, see *Deliberative Democracy: Essays on Reason and Politics*, ed. James Bohman and William Rehg (Cambridge, Mass.: MIT Press, 1997).

<sup>4</sup> The best presentation of this is Alasdair MacIntyre, “Intractable Moral Disagreements,” in *Intractable Disputes about the Natural Law*, ed. Lawrence S. Cunningham (Notre Dame: University of Notre Dame Press, 2009), 1-52. MacIntyre’s

I believe that the most promising way to think about ethics is Thomistic, and that Thomists would do well to take to heart the socially conditioned character of human life and thought that so many have found persuasive in the wake of the Enlightenment.<sup>5</sup>

Despite MacIntyre's work, scholars of St. Thomas Aquinas have not yet developed Thomistic ethics in the direction of an ethics of inquiry. My primary purpose here is to develop the foundations for a Thomistic ethics of inquiry by arguing that Thomistic *consilium*, or practical deliberation, is an essentially social activity. Though it is a commonplace that we depend on others in our practical deliberations, the nature and significance of this dependence has not been systematically addressed. I will then argue that this account of *consilium* has three important implications for the foundations of ethics. First, the moral knowledge available to us prior to the workings of *consilium* (and hence of prudence more broadly) is too vague to ground anything approaching substantive moral conclusions (that is, the content of *synderesis* is significantly limited). Second, if the apprehension of all but the very highest moral truths depends on a series of deliberative relationships, the nature and development of those relationships (rather than the formulation of particular abstract moral arguments) must be the central task of Thomistic

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*Dependent Rational Animals: Why Human Beings Need the Virtues* (Chicago, Ill.: Open Court, 1999) is an extended argument that various human dependencies (including our dependence on others in order to learn what to do) are critical for understanding successful human life. An important relevant influence on MacIntyre is Herbert McCabe, *Law, Love, and Language* (London: Sheed and Ward, 1968).

<sup>5</sup> Many have feared that this leads to relativism; see for example Robert P. George, "Moral Particularism, Thomism, and Traditions," *The Review of Metaphysics* 42 (1989): 593-605; and John Haldane, "MacIntyre's Thomist Revival: What Next?" in *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre* (Notre Dame, Ind.: University of Notre Dame Press, 1994), 91-107 (for a brief reply by MacIntyre to Haldane see *ibid.*, 294-97). MacIntyre has argued that accepting a strong account of the historically conditioned nature of human inquiry does not lead to relativism, and I believe his arguments are sound. For a good presentation of his argument, see Alasdair MacIntyre, "Moral Relativism, Truth and Justification," in *Moral Truth and Moral Tradition: Essays in Honour of Peter Geach and Elizabeth Anscombe*, ed. Luke Gormally (Dublin: Four Courts Press, 1994), 6-24.

ethics. Third, the workings of *consilium* itself, pointing us toward a particular kind of moral community, can ground the nature and content of Thomistic ethics as an ethics of inquiry.

My task is therefore to prepare the ground for the development of a Thomistic ethics of inquiry and to show how such an ethics would grow naturally from such ground.

## I. THE SOCIAL NATURE OF *CONSILIIUM*

Even though it is a truism that human beings are by nature social animals, and despite MacIntyre's work on this theme, recent scholarship in Thomistic ethics has not shown sustained interest in the theoretical and practical implications of a social account of Thomistic practical deliberation. Foundational accounts of Thomistic ethics typically begin either from the perspective of natural law or from the perspective of virtue, and authors writing from either perspective rarely say much about the social structure of practical deliberation. John Finnis's *Natural Law and Natural Rights*, for example, stays completely on the level of *synderesis* (through which we naturally know the first principles of the moral life)<sup>6</sup> and prescind from any discussion of the activity of deliberative prudence. Even the basic good of "practical reasonableness" is wholly a part of *synderesis*, and so it is no surprise that Finnis does not discuss social deliberation.<sup>7</sup> He does acknowledge the dependence of moral knowledge on society more generally, but only in the sense that a person must have at least some experience of life in order to recognize the basic goods, goods that "any sane

<sup>6</sup> See *STh* I, q. 79, a. 12. Translations of the *Summa theologiae* will be from St. Thomas Aquinas, *Summa Theologica*, 5 vol., trans. the Fathers of the English Dominican Province (Notre Dame, Ind.: Christian Classics, 1981). I have occasionally modified the translation for the sake of clarity. For an earlier and more extended discussion of *synderesis* see *De veritate*, q. 16.

<sup>7</sup> John Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1980). See chap. 4 for his development of the basic goods and chap. 5 for his more detailed account of the good of practical reasonableness. For his identification of the basic goods with the content of *synderesis* see *ibid.*, 30, 51.

person” can recognize.<sup>8</sup> His more recent *Aquinas: Moral, Political, and Legal Theory*, though less sustained in its treatment, repeats these elements of *Natural Law and Natural Rights*.<sup>9</sup>

On the other hand, Jean Porter’s substantive but limited defense of a Thomistic theory of natural law in *Nature as Reason* takes as a fundamentally important truth the extensive variety and disagreement concerning human morality. Contrary to Finnis, she argues that “the natural law does not provide us with a system of ethical norms which is both detailed enough to be practical and compelling to all rational and well-disposed persons.”<sup>10</sup> This is true in part because of the necessity for communal reflection in the moral life, but besides brief remarks here and there and a short discussion of Pamela Hall’s *Narrative and the Natural Law*,<sup>11</sup> Porter does not develop the foundations of a Thomistic account of the nature of and need for communal reflection.

Martin Rhonheimer, who has developed a Thomistic account of the natural law as well as a Thomistic ethics of virtue, discusses our deliberative dependence on others in somewhat more detail than Finnis and Porter,<sup>12</sup> but he nevertheless concludes that what we learn on our own and what we learn from others differ merely “in the matter of cognitive origin,”<sup>13</sup> a claim that I will dispute in what follows.

<sup>8</sup> Ibid., 30, 65.

<sup>9</sup> John Finnis, *Aquinas: Moral, Political, and Legal Theory* (New York: Oxford University Press, 1998), 79-90. For the identification of the “basic goods” with *synderesis* see 87 n. 124; and 89 n. 138. Though experience is again emphasized as necessary for our knowledge of these first principles, they are “propositions which anyone is likely to have acquired in childhood” (ibid.).

<sup>10</sup> Jean Porter, *Nature as Reason: A Thomistic Theory of the Natural Law* (Grand Rapids, Mich.: Eerdmans, 2005), 5.

<sup>11</sup> Ibid., 49, 266, and 336.

<sup>12</sup> Martin Rhonheimer, *Natural Law and Practical Reason: A Thomist View of Moral Autonomy*, trans. Gerald Malsbary (New York: Fordham University Press, 2000), 267-83; and idem, *The Perspective of Morality: Philosophical Foundations of Thomistic Virtue Ethics*, trans. Gerald Malsbary (Washington, D.C.: The Catholic University of America Press, 2011), 292-93.

<sup>13</sup> Rhonheimer, *Natural Law and Practical Reason*, 283.

Even those focused primarily on the nature and function of prudence have spent little time on *consilium* and almost none on its social dimensions. Daniel Westberg rightly explains that the core of rational action does not require “practical deliberation” (God does not deliberate,<sup>14</sup> for example, and Aquinas also argues that some human actions, like forming the letters of the alphabet, likewise require no deliberation),<sup>15</sup> but he then discusses Thomistic practical deliberation as an occasionally necessary but not particularly fundamental (or, perhaps, very interesting) stage of human action.<sup>16</sup> Daniel Mark Nelson, whose *The Priority of Prudence* takes as its main burden the recovery of an ethics of prudence over against a natural-law ethics, mentions here and there that prudential judgments draw on “the moral resources and experience of a community and a tradition,”<sup>17</sup> but says little more than this. Even Pamela Hall’s *Narrative and the Natural Law*, upon which Jean Porter draws, does not systematically develop deliberation as a social activity. Hall’s purpose is in part to argue that the natural law is socially promulgated: “The promulgation of the *lex naturae* is accomplished as it is learned by individuals and communities.”<sup>18</sup> This learning occurs fundamentally within deliberative communities, but Hall does not develop this assertion beyond reminding us of various ways in which society can help or hinder our moral development.<sup>19</sup>

It is therefore the case that a systematic account of the nature and implications of *consilium* as a social activity has not yet

<sup>14</sup> *STh* I-II, q. 14, a. 1, ad 2.

<sup>15</sup> *STh* I-II, q. 14, a. 4.

<sup>16</sup> Daniel Westberg, *Right Practical Reason: Aristotle, Action, and Prudence in Aquinas* (Oxford: Clarendon Press, 1994), 165-74.

<sup>17</sup> Daniel Mark Nelson, *The Priority of Prudence: Virtue and Natural Law in Thomas Aquinas and the Implications for Modern Ethics* (University Park, Penn.: The Pennsylvania State University Press, 1992), 17. See also the brief similar remarks on *ibid.*, 37-38, 52, 112, 151.

<sup>18</sup> Pamela Hall, *Narrative and the Natural Law: An Interpretation of Thomistic Ethics* (Notre Dame, Ind.: University of Notre Dame Press, 1994), 15.

<sup>19</sup> See *ibid.*, 37, 40, 43, 62, 85 (on *consilium* as a gift of the Holy Spirit), 87, 91, and 104.

been provided and would fill an important need for those who wish to emphasize the social dependence of human agents. I will begin with an overview of the nature of *consilium* according to Aquinas and explain what I mean by claiming that practical deliberation is essentially social. Then, in order to defend this claim, I will turn to the texts of Aquinas and make an argument for my conclusion on the basis of the nature of the Thomistic account of the moral life.

### A) *The Meaning of “consilium” as Social*

*Consilium* (βουλή according to Aristotle)<sup>20</sup> names, for Aquinas, a particular stage in human intentional action.<sup>21</sup> Human action involves the perception of, and rational desire for, some particular good. This is followed by deliberation concerning how to go about achieving that good. Finally, there is the activity of pursuing and, hopefully, achieving the end. *Consilium* therefore names the middle activity of deliberating about how to achieve a particular good,<sup>22</sup> and because of this it is placed under the governance of prudence.<sup>23</sup> It is concerned with “those things that are for the end”<sup>24</sup> (*ea quae sunt ad*

<sup>20</sup> The passage from Aristotle that parallels Aquinas’s discussion of *consilium* (and that Aquinas himself had in mind) is *Nicomachean Ethics* 6.9.1142a31-1142b34.

<sup>21</sup> I will sometimes speak of “human intentional action” and sometimes of merely “human action.” I mean both terms to refer to “human acts,” *actiones humanae*, and never to “acts of a man,” *actiones hominis*, which are in no way my topic here. Aquinas explains the distinction in *STh* I-II, q. 1, a. 1.

<sup>22</sup> Servais Pinckaers identified six stages each for the intellect and will, with *consilium* the intellectual half of one of three central pairs concerned with the “means.” Finnis accepts this general structure but argues that there are seven stages each for the intellect and will. For the sake of simplicity it is sufficient to consider *consilium* simply as a middle stage concerned with identifying appropriate means to our ends. For Pinckaers’s classic discussion, see “La structure de l’acte humain suivant s. Thomas,” *Revue Thomiste* 55 (1955): 393-412; for Finnis, see his *Aquinas*, 62-71.

<sup>23</sup> It is important to remember that Aquinas’s understanding of what counts as “means” includes constituents of the end as well as purely instrumental means to that end; for Aquinas, even virtue itself is something that is “for the end” of happiness and therefore the subject of *consilium*. See *STh* II-II, q. 48, a. 1.

<sup>24</sup> *STh* I-II, q. 14, a. 2.

*finem*), what are sometimes called the “means” to the end.<sup>25</sup> The end itself, about which (as Aristotle said)<sup>26</sup> we do not deliberate, acts as the governing principle, the criterion of whatever we might propose as possible answers to the question of what is to be done. Nevertheless, what in one context is an end (my robbing the bank), and as such cannot be the subject of deliberation, is in another context something that is “for the end” (I rob the bank to fight poverty). The moral life consists of a series of nested actions and ends, with ultimately only one end that can never as such be the subject of *consilium*: the very last end, happiness itself.<sup>27</sup>

*Consilium* about the means to our ends is therefore an inquiry into that about which we are doubtful. It begins with a question (“What is to be done?”), and as inquiry it takes time and is discursive as we consider one possibility after another in the hopes of discovering the answer.<sup>28</sup> It presupposes that there is ignorance or doubt concerning what might realize our end.<sup>29</sup> If there is no doubt, there is no need for inquiry, and so it turns out that, as Westberg emphasizes,<sup>30</sup> *consilium* is not as such a necessary part of human action. When the means are obvious or determined by pre-established rules, there is no inquiry: we perceive a desired end and we do what it takes to achieve it (e.g., we do not deliberate about how to form the letters we put on paper as we write). Sometimes too it does not matter how we achieve a particular end, and here inquiry is unnecessary because the answer to the question, “What is to be done?” is “It does not matter” (e.g., I do not deliberate about which foot to put out first when I cross the street).<sup>31</sup>

<sup>25</sup> *STh* I-II, q. 1, a. 5, ad 1.

<sup>26</sup> Aristotle, *Nic. Ethic.* 3.3.1112b12-16.

<sup>27</sup> Likewise there is at least one principle that is never the subject of deliberation, the principle that expresses this pursuit of happiness, the first principle of practical reason: “Do good and avoid evil.” See *STh* I-II, q. 94, a. 2.

<sup>28</sup> *STh* I-II, q. 14, a. 1.

<sup>29</sup> *STh* I-II, q. 14, a. 4.

<sup>30</sup> Westberg, *Right Practical Reason*, 165-66.

<sup>31</sup> *STh* I-II, q. 14, a. 4.

Although *consilium*, strictly speaking, is not a part of every particular human action, it is still both necessary and deeply important to human life. It is absent precisely when the means are either simple or unimportant. But for any serious end in human life, the things that are “for the end” will be neither obvious nor unimportant; this is true most of all for the greatest of our activities, the identification and pursuit of our final end. Because this is true of our overall end, all other actions, even those that do not themselves require *consilium*, depend for their place in the moral life on *consilium* concerning the larger end of which they are a part. In this way, even though some actions do not require deliberation, all morally good human actions depend at some level on practical deliberation.

By claiming that *consilium* is essentially a social activity I mean the following: (1) practical deliberation is essentially an activity that occurs between persons (all private deliberation is secondary, and we must interpret such private deliberation as derivative from and analogous to social deliberation), and (2) because of this the moral knowledge we acquire through *consilium* is always socially constituted, rather than simply socially derived (that is, its status as knowledge is always dependent on the existence and nature of a series of social relationships). These are connected claims, though the second is stronger than the first.

Few would dispute that the moral life requires social deliberation and that at least some *consilium* is social. But my first claim implies more than merely the existence and importance of social deliberation. It means that we cannot understand what private deliberation “in one’s own head” is except on the model given us by deliberation between persons. This is because practical deliberation, the intellectual activity of identifying those things that are for the sake of our end(s), is essentially an activity between persons that, as such, results in the identification of what we are to do. In other words, we identify those goods that will allow us to achieve our ends as human beings only through an interpersonal activity the purpose of which is mutual identification of those goods.

Private, intrapersonal deliberation is a derivative and always subordinate activity, dependent at every moment of its existence on prior social deliberation that gives force and content to this “inner” *consilium*. This does not imply that human nature itself is essentially relational, but it does imply that at least one element within the structure of human action essentially includes relations between persons and therefore that the actualization of at least one intellectual power is a social actualization (just as I cannot play a symphony alone, so I cannot engage in *consilium* alone). It follows that a human being who never deliberates with others (who is, for example, “raised by wolves”) will be unable to identify and pursue any properly human goods, for these are apprehended only by means of interpersonal deliberation.

This first claim, that *consilium* is essentially a social activity, leads to the second, that the moral knowledge acquired through *consilium* is socially constituted rather than merely socially derived. Rhonheimer offers a contrary explanation of our deliberative dependence on others:

In certain cases there is need for cognitive mediation and the help of instruction, whether this be caused by the complexity of the material itself, by a lack of experience, by the habitual moral dispositions of the individual, by the social/cultural context, or by the weakening of judgment through certain habits and customs. The personal autonomy of the human being is not reduced by such instruction, nor does it involve any contradiction with the concept of natural law. For just like the *inventio per seipsum* [private learning], instruction leads to a more certain knowledge of truth and an explication of the first principles—there is a difference only in the manner of cognitive origin. It cannot be overemphasized that the acquisition of knowledge through teaching is an *authentic cognitive process*.<sup>32</sup>

Rhonheimer insists that social deliberation results in knowledge that differs only in origin from knowledge acquired in other ways (through experience, for example, or through private deliberation). But if knowledge acquired through social deliberation is socially constituted and not merely socially

<sup>32</sup> Rhonheimer, *Natural Law and Practical Reason*, 283.

derived, this is necessarily false. By saying that such knowledge is “socially constituted,” I mean that its certainty as well as its content is directly dependent on the social relationships from which it originates, and this dependence remains a permanent feature of that knowledge. Our deliberative relations with others, instead of a ladder that can be kicked away once we achieve our goal, are instead the permanent supports of our knowledge—without them, all else topples to the earth.

The two parts of my claim that *consilium* is a social activity can be defended as follows. The good of friendship is a central human good, and it is clear that we will not be able to grasp its nature and value other than by means of social deliberation. As one of the constituents of happiness, friendship is one of those goods “for the sake of” our larger, overall good. As such, it must be apprehended as a good through *consilium*. But the process of apprehending friendship as a good and as something therefore to be pursued must be a social process, for I will only recognize the nature and value of friendship if I see friendship before me, either as a relationship emerging between myself and another or as an identifiably good relationship between others who are able to communicate to me the nature and value of their relationship. This means that whatever private deliberation I engage in regarding friendship is derivative from and dependent upon my interaction with those others, and therefore, in this case, at least, *consilium* is an essentially social activity.

The knowledge which I now possess that friendship is a good and a means to my overall good remains forever constituted by those relationships (as well as, perhaps, new relationships subsequently developed). My friendly relationships with others do not merely open the door to a vision of the good of friendship, a vision that once grasped becomes independent of those relationships. My relationships themselves constitute that vision, for they are themselves the thing that is beheld. This means, for example, that if I am to learn later that my “friends” were manipulating me for the sake of private gain, I will discover (assuming I have no other experience of friendship) that I do not know what beforehand I thought I did, for it turns

out that there is no such thing as “friendship.” This might seem too strong, for one could argue that I still have a sense of genuine friendship as a good and merely realize that *this* friendship was a deceit. But if this is indeed my only experience of friendship, I do not yet have any reason for thinking that the various traits I previously thought constituted “friendship” can cohere with one another such that the elements of genuine friendship do not include a contradiction. This is true, on the one hand, because purely theoretical knowledge of friendship and its role in human life will not give us sufficiently practical knowledge, and on the other hand, we cannot learn about the value and role of friendship from examples of nonfriendship. In the case of theoretical knowledge, whatever we know will need to be supplemented with information about our particular character and situation as well as the character and situation of those we might befriend. Even if I have perfect theoretical knowledge of the human form and the role of friendship in the human good, I can only know if I and others are indeed human beings, and that friendship is both possible and good here and now, through immediate and contingent experience.<sup>33</sup> In this way practical knowledge is necessary if we are to identify friendship as a good.

It is likewise true that knowledge of goods other than friendship cannot help us know that friendship itself is a good. This is the case even in terms of the various forms of friendship. Suppose, to use Aristotle’s classification, I have a friendship of utility, although I think (and am told by the other person) that

<sup>33</sup> Here I believe Rhonheimer would agree, for I am arguing that there is a peculiar way in which our practical lives are primary with respect to the theoretical inquiry into our own nature. Even if theoretical knowledge of the human form is possible prior to the workings of practical reason, we cannot know that this theoretical knowledge actually applies to *us* without, as it were, rebuilding an account of our nature based on our practical rationality. This is one way of taking Rhonheimer’s comment that “as paradoxical as this may sound, we first must know ‘what is good for man’ in order to know what ‘human nature’ is at all, or to make an adequate interpretation of it. An understanding of human nature is one of the outcomes of ethics, not the starting point” (Rhonheimer, *The Perspective of Morality*, 184).

we are involved in the highest form of friendship, a friendship of virtue. If my “friend” then reveals the friendship for what it is, a useful business partnership that ends when its utility is exhausted, I no longer have a reason to believe that perfect friendship would be good for me. I do perhaps have some sense of what perfect friendship is, and how it might contribute to the good of persons capable of it, but this is theoretical knowledge, and not knowledge about my own good. Indeed, it might just as easily be true that I am not a creature capable of perfect friendship, or that I am the only living creature capable of it. In order to know that the best form of friendship is indeed good for me, I need experience of the possibility and goodness of this friendship. In this way, my knowledge of the nature and value of friendship consists in my actual relationships with others; to lose those relationships (through, for example, the exposure of manipulative deceit) is to realize that I do not know what before I thought I did, and so my knowledge in this case is socially constituted.

Even if this is a compelling case, it is a stronger claim that these features characterize *consilium* itself. One might suppose that private experience could provide the foundation necessary for our own internal deliberations about a broad range of human goods. As we practice we learn about possible consequences and alternatives, as well as the various ends that might satisfy us. Yet the troubling feature of what we learn by experience alone is that these sorts of goods are not those that contribute to a characteristically human life. Genuinely human goods are never things that can be practiced alone (and therefore things we might learn about through some sort of ideal pure experience unmediated by social deliberation). This is true for friendship, of course, but it is also true for things like “achieving a good death,” just actions, the practice of any craft, and so on. It is one implication of the account I am developing that the goods available through pure experience are of a merely animal sort (that is, there will be nothing particularly *rational* about them). Even those human goods that seem obviously private (the care of one’s body, for example) receive

their rational content from a social context that gives meaning and purpose to these private actions. Our understanding of those goods exhibits in each case the same social dependence described above for the good of friendship.

For example, acts of temperance are especially private, and it might seem that we could identify the temperate act without the social dependencies I have identified above. As Aquinas says,

justice and fortitude regard the good of the many more than temperance does, since justice regards the relations between one man and another, while fortitude regards dangers of battle which are endured for the common weal: whereas temperance moderates only the desires and pleasures which affect man himself.<sup>34</sup>

We can imagine a person who decides to moderate his eating after gorging to the point of sickness, and this deliberate change seems neither socially derived nor socially constituted. But such learning is not what is needed here, for “the principal order of reason is that by which it directs certain things towards their end, and the good of reason consists chiefly in this order,”<sup>35</sup> and “the end and rule of temperance itself is happiness.”<sup>36</sup> My practical deliberation with respect to temperate acts must place those acts within the context of my overall good, and that overall good is necessarily social:

Since man by his nature is a social animal, [the cardinal] virtues, in so far as they are in him according to the condition of his nature, are called social virtues; since it is by reason of them that man behaves himself well in the conduct of human affairs.<sup>37</sup>

If I know how to act temperately, then I know how the proper regulation of my desires leads to my overall good. But the context of that overall good is always social, and so I need to learn how the regulation of my desires fits together with a life

<sup>34</sup> *STh* II-II, q. 141, a. 8.

<sup>35</sup> *STh* II-II, q. 141, a. 6.

<sup>36</sup> *Ibid.*, ad 1.

<sup>37</sup> *STh* I-II, q. 61, a. 5.

lived in common with other persons. We have, then, a structure formally the same as that concerning the example of friendship developed above. I need to know the possibility and goodness of a series of social activities and their relation to my desires. Even if it is possible to learn to control certain desires in order to avoid the pain of overindulgence, this would not be prudence and the actions would not be genuinely temperate unless placed within the context of my overall good. Every act of real human virtue can be analyzed in this way, revealing a series of deliberative dependencies on social *consilium* that, as in the case of friendship above, result in moral knowledge that is socially constituted.

#### B) “*Consilium*” in Aquinas

In question 14, article 3 of the *Prima secundae*, Aquinas says this: “Counsel properly implies a conference held between several; the very word [*consilium*] denotes this, for it means a sitting together [*considium*], from the fact that many sit together in order to confer with one another.”<sup>38</sup> The use of “properly” here should not be taken lightly. A *proprium* is a necessary accident, something that must be present if the thing in question is to be that sort of thing (for example, that human beings are able to laugh),<sup>39</sup> and its use here implies that Aquinas means to connect *consilium* very strongly to the social activity of “conferring with one another.” The *Prima secundae* is a late work (1271),<sup>40</sup> but Aquinas says something similar in his commentary on the book of Isaiah, an early text (ca. 1252) likely contemporaneous with his commentary on Lombard’s *Sentences* (ca. 1256). Commenting on chapter 16 (in which Isaiah exhorts

<sup>38</sup> *STh* I-II, q. 14, a. 3: “*Consilium proprie importat collationem inter plures habitam; quod et ipsum nomen designat. Dicitur enim consilium, quasi considium, eo quod multi consident ad simul conferendum.*”

<sup>39</sup> See Aristotle, *Topics* 1.5.102a18-30.

<sup>40</sup> Here and elsewhere I follow the dating of Torrell: Jean-Pierre Torrell, O.P., *Saint Thomas Aquinas*, vol. 1, *The Person and His Work*, rev. ed., trans. Robert Royal (Washington, D.C.: The Catholic University of America Press, 2005).

Moab to take counsel), Aquinas says, “Counsel is itself an inquiry [*quaestio*] which is turned over among those counseling.”<sup>41</sup> He continues by saying that a council is a gathering of counselors and by reminding us of Proverbs 11 (“There is safety where there are many counselors”) and Sirach 32 (“Do all things with counsel and you shall not repent of having done it”).

As the article in the *Prima secundae* continues, Aquinas explains why counselors are necessary for practical deliberation: there are many conditions and circumstances that must be taken into account, and this cannot be done by one person alone. We can expand this into three distinct reasons: (1) there are too many potentially relevant particulars at any one time; (2) some relevant particulars are known only by others (my participation in common goods involves a dependence on others so that I might know how to achieve our common good); and (3) it is always possible, because of the potentially infinite number of relevant circumstances and the nondemonstrative character of the practical life, that I have made a mistake and that I need to be corrected.

All three of these considerations have at their root the thought that we are dependent on others in order to know what to do because our own powers are in themselves inadequate. Naturally, therefore, the vice that destroys good counsel, precipitation (*praecipitatio*), springs in part from pride.<sup>42</sup> The three biblical texts just mentioned (Isaiah 16, Proverbs 11, and Sirach 32) all describe the painful results of pride, of ignoring the counsel of others, and each exhorts the reader to take good counsel with those others.

Further, no matter how virtuous and intelligent we might be, Aquinas thinks we will always need the counsel of others: “Even the learned should be docile in some respects, since no man is

<sup>41</sup> *Super Isaiah* 16: “Consilium est ipsa quaestio quae vertitur inter consiliantes.”

<sup>42</sup> *STh* II-II, q. 53, a. 3. ad 2.

altogether self-sufficient in matters of prudence.”<sup>43</sup> His reason for thinking this is as follows:

Prudence is concerned with particular matters of action, and since such matters are of infinite variety, no one man can consider them all sufficiently; nor can this be done quickly, for it requires length of time. Hence in matters of prudence man stands in very great need of being taught by others, especially by the old, who have acquired a sane understanding of the ends in practical matters.<sup>44</sup>

Echoing his commentary on Isaiah, the supporting biblical passages in this article are Proverbs (“Lean not on thy own prudence” [Prov 3:5]) and Sirach (“Stand in the multitude of the ancients that are wise, and join thyself from thy heart to their wisdom” [Sir 6:35]); the conclusion is that docility, teachableness, is an integral part of prudence.

Besides this specific textual support, there is circumstantial evidence that Aquinas holds *consilium* to be essentially social. Throughout Aquinas’s texts on *consilium* there is not one sustained example of private, “in the head” deliberation. There are of course remarks here and there implying that there is such a thing as private deliberation.<sup>45</sup> But these are vastly outnumbered by examples such as the following:

The reason for choosing a thing is that it conduces to an end. But what is impossible cannot conduce to an end. A sign of this is that when men in taking counsel together come to something that is impossible to them, they depart, as being unable to proceed with the business.<sup>46</sup>

And when it comes to more developed examples of *consilium*, the examples are all social. These include long discussions of

<sup>43</sup> *STb* II-II, q. 49, a. 3, ad 3.

<sup>44</sup> *STb* II-II, q. 49, a. 3.

<sup>45</sup> I am thinking of passages such as: “Those who require to be guided by the counsel of others, are able, if they have grace, to take counsel for themselves in this point at least, that they require the counsel of others and can discern good from evil counsel” (*STb* II-II, q. 47, a. 14, ad 2). Even here, though, God’s grace works as divine counsel.

<sup>46</sup> *STb* I-II, q. 13, a. 5.

fraternal correction,<sup>47</sup> the evangelical counsels,<sup>48</sup> *consilium* as a gift of the Holy Spirit<sup>49</sup> (and here deliberation is still social, although my interlocutor is one of the divine Persons), and requirements with respect to legal counsel.<sup>50</sup>

C) “*Consilium*” and the Structure of the Moral Life

These passages evidence strong Thomistic grounds for my claim that *consilium* is essentially a social activity, but one still might respond that they are not decisive, particularly regarding the stronger claim that the results of *consilium* are socially constituted rather than merely socially derived. But a substantive argument on behalf of these claims can be drawn from the teaching of Aquinas on *consilium* and the nature of the practical life as a whole.

First, insofar as someone deliberates and acts, that person is also pursuing and in some sense deliberating about “the things that are for” his overall end.<sup>51</sup> Since whatever particular action we perform is intelligible only as a part of the larger whole that is our pursuit of the final end, to perform any particular action is at the same time to be engaged in the pursuit of the final end. Therefore any *consilium* that takes place with respect to any

<sup>47</sup> *De Virtut.*, q. 3; *STh* II-II, q. 33, a. 1; q. 114.

<sup>48</sup> *ScG* III, q. 90; *STh* I-II, q. 108, a. 4.

<sup>49</sup> *STh* II-II, q. 52.

<sup>50</sup> *STh* II-II, q. 71, a. 3.

<sup>51</sup> This must be true if it is the case that whatever we do is done for the sake of our final end. See *STh* I-II, q. 1. There is some significant debate about the nature of Aquinas’s claims in this question. Though I cannot argue for this here, there are excellent reasons for thinking that Aquinas believes that all the human actions of an agent are in some fashion organized around the pursuit of a single final end. One significant alternative to this position is the claim that Aquinas is promoting an *ideal* of rational action towards which the virtuous agent will aspire. See Scott MacDonald, “Ultimate Ends in Practical Reasoning: Aquinas’s Aristotelian Moral Psychology and Anscombe’s Fallacy,” *The Philosophical Review* 100 (1991): 31-66. For a good response to MacDonald, see Peter F. Ryan, S.J., “A Single Ultimate End Only for ‘Fully Rational’ Agents? A Critique of Scott MacDonald’s Interpretation of Aquinas,” *American Catholic Philosophical Quarterly* 75 (2001): 433-38.

particular act (How might I best cross the road here and now?) is successful as *consilium* only when it identifies a course of action that fits appropriately into one's overall end. All practical deliberation, therefore, is subordinate to overall deliberation about "the things that are for" the overall end.<sup>52</sup>

Second, one characteristic feature of our final end is that it consists in common goods: goods that are in themselves shareable and that cannot be possessed unless shared (friendship, for example). This is most clear in the case of our supernatural final end, the Beatific Vision, since this is a particular relationship with the three divine persons of God himself. That is, we achieve perfection by means of a personal relationship, a relationship that is of course impossible for one engaged in a "purely private" life. But this is true even if we consider the natural goods that are possible for us without the gift of grace. Even if theoretical knowledge is granted pride of place and is in some sense an activity possible for the hermit, it must always, for us rational animals, be balanced by the exercise of the moral virtues, by friendships, and by all the social relationships that for Aquinas are a necessary part of whatever earthly human happiness is possible for us.<sup>53</sup> This means that even if only some of those goods that make up human happiness are themselves common goods, the discovery and pursuit of the proper balance between the common goods and, say, private contemplation<sup>54</sup> will itself be a common good; my overall good (made up of a variety of different goods, perhaps

<sup>52</sup> For this reason, a person possesses perfect *prudentia* if he not only correctly performs what is for the sake of some immediate end, but if in turn this immediate end fits appropriately into his final end. If the immediate end does not fit together appropriately with the final end, he merely has *astutia* or cleverness. See *STh* II-II, q. 47, a. 13.

<sup>53</sup> *STh* I-II, q. 3, a. 5.

<sup>54</sup> In one sense, "wisdom," the end of contemplation, is indeed a common good since it can be fully possessed by an infinite number of people. However, we frequently think of speculative knowledge as, at least in its final stages, a private affair, and it is in this sense that I take it to be a potential objection. A complete account of the nature of human contemplation would reveal it to be as fully "common" as friendship.

some of which we can engage in privately) is itself achievable only in community and through social deliberation.

Third, successful *consilium* requires right judgment about practical matters. Aquinas says that we acquire this right judgment in one of two ways: through experience or through teaching.<sup>55</sup> Teaching, on the one hand, just is one kind of the special social deliberation that I am interested in. On the other hand, the only experience useful for right judgment with respect to common goods is experience of the successful identification and pursuit of the relationships with others that constitute common goods. Becoming the kind of person that possesses right judgment about the common good of friendship, for example, involves either learning from those who already possess such judgment or having the experience of what makes friendship possible. In other words, it is only social relationships in which common goods are manifested that in turn make clear what common goods consist in and how they might best be achieved.

Finally, concerning the practical life, Aquinas teaches that “prudence is concerned with particular matters of action, and since such matters are of infinite variety, no one man can consider them all sufficiently; nor can this be done quickly, for it requires length of time.”<sup>56</sup> But if particular matters of action are of infinite variety, then while social deliberation will be more effective than solitary deliberation, neither sort will gain the kind of certainty made possible by going through all of the potentially relevant considerations. Therefore whatever we know now as a result of social deliberation has precisely the same contingent status (in terms of the infinite variety of practical matters) that it had when first offered to us as advice by those who counseled us. In other words, the results of *consilium* are always dependent on the relationships that made those results possible.

My argument, therefore, is simply this: whatever deliberation we engage in is intelligible only as part of our pursuit of

<sup>55</sup> *STh* II-II, q. 49, a. 4.

<sup>56</sup> *STh* II-II, q. 49, a. 3.

and deliberation about our final end; but our final end consists of common goods, and we learn about the goodness and possibility of common goods only through deliberative relationships with others, relationships that are permanently necessary as supplying the content and grounds of our practical knowledge. For these reasons, I think that Aquinas's account of the practical life and human action requires that *consilium* is most properly a social activity resulting in socially constituted practical knowledge. Even more, Aquinas places this activity at the center of the moral life.

## II. THE LIMITS OF *SYNDERESIS*

There are three implications of this account of *consilium*. First, the moral knowledge available to us prior to practical deliberation is too vague to ground anything approaching substantive moral conclusions; the content of *synderesis* is substantively thin. Since *consilium* names a stage of human intentional action, the only knowledge not a part of the social structures described above will be what we can know prior to any intentional action requiring deliberation. That is, our initial apprehension of the end, of the overall final good, which leads to the will's initial and necessary movement towards that end, is the only moral knowledge that precedes *consilium* and that in turn yields the primary indisputable content of *synderesis*.<sup>57</sup> This consists in the characteristics described in the first question of the *Prima secundae* and can be summarized in the claim that a human being necessarily wills his or her perfection, that which "so fills man's appetite, that nothing is left besides it for man to desire."<sup>58</sup> This does not entail that we know any of the constituents of that final end (such as "friendship"), but rather only those formal characteristics that necessarily follow from

<sup>57</sup> Cf. the similar claim made by Nelson, *Priority of Prudence*, 49.

<sup>58</sup> *STh* I-II, q. 1, a. 5. Here Aquinas echoes Aristotle's initial description of the overall good as "final" and "self-sufficient" (*Nic. Ethic.* 1.7.1097a15-1097b23).

the notion of “perfection”—for example, that greater satisfaction of desire is better than less.

Although I am not alone in claiming that the content of *synderesis* is formal and therefore substantively thin,<sup>59</sup> this claim is nevertheless a strong one and invites the objection suggested by Rhonheimer above. Whatever dependence there is on social deliberation, he suggests, must not “reduce” the “personal autonomy of the human being” or “involve any contradiction with the concept of the natural law.”<sup>60</sup> To rephrase this objection, if it is true that all of our practical deliberations rest upon prior social deliberation, it might appear that individuals are socially determined; there is no room within an individual to reject what is suggested by others. But according to Thomistic ethics, individuals must be understood to possess moral autonomy that grounds moral responsibility, the nature of which is accounted for by Aquinas’s development of natural law. The claim that *synderesis* is formal and substantively thin makes this seem a delusion, that no matter how independent we appear, we are nevertheless simply products of the various bits of prior social deliberation that have made up our lives. But since we are each individually morally responsible *for* our own lives and responsible *to* the content of the natural law, what I am claiming must be false.

There are two important responses that must be made to this objection. First, *synderesis* does provide us some guidance in the moral life. Through it we are aware of the overall end toward which we are naturally ordered, and this gives us the starting point for the deliberative processes of *consilium* and prudence more generally. This implies that we possess the independent ability to recognize whether or not particular goods identified through counsel will contribute to or frustrate our progress towards our overall end, and therefore that our dependence on

<sup>59</sup> See, for example, Scott MacDonald, “Foundations in Aquinas’s Ethics,” *Social Philosophy and Policy* 25 (2008): 350–67. Nelson’s view is more extreme, arguing that *synderesis* offers no content at all for our moral deliberations (*Priority of Prudence*, 101). I believe this goes too far.

<sup>60</sup> Rhonheimer, *Natural Law and Practical Reason*, 283.

the counsel of others is never a mere slavish obedience to or acceptance of that counsel. This preserves our autonomy in an important sense: we have the ability to identify whether or not certain goods identified through *consilium* partially or fully satisfy our overall desire for perfection, and therefore we have the ability to reject or accept what is offered. *Synderesis* is as it were a lock for which we must find the key in order to gain access to our final end. We cannot know ahead of time just which key we must use, but the various keys given to us through *consilium* can be tried in the lock, and we will discover which fail and which will turn. But it is also the case that *synderesis* cannot on its own identify what those goods are, even if it can evaluate them once they are identified. We know we are looking for a key (and not a boulder, or a sparrow; we need something that will satisfy our desires and contribute to our perfection), but we cannot open the lock and so trace out ahead of time the perfect structure of the key for which we are looking. *Consilium* is still of primary importance, and therefore we cannot even begin the genuinely rational moral life (by taking the first step towards our overall end) without social deliberation. *Synderesis* gives us an independent ability to say “yes” or “no” to the counsels of prudence (and so the objection fails), but it does not give the content necessary for action (and so social deliberation is still necessary).<sup>61</sup>

<sup>61</sup> It might seem surprising that I do not discuss *conscientia*, or conscience, here as a potential foundation for our autonomy. There is, however, an important reason for omitting it. *Conscientia*, like *consilium*, is concerned with particular matters of action, and differs only from *consilium* in that, whereas *consilium* is a stage of human action as such (and so reveals the character of the agent), *conscientia* is a purely cognitive awareness of right action (and so does not reveal the character of the agent; knowing the content of a person’s conscience does not help one know whether or not the person acts well or badly). Because *conscientia* parallels *consilium* in this close way, it has the same social aspects as *consilium* itself and therefore cannot ground a response to the sort of objection I am considering here. For Aquinas on *conscientia*, see *De Verit.*, q. 17, a. 1. For discussion of the distinction between conscience and prudence in Aquinas, see Ralph McInerny, *Ethica Thomistica* (Washington, D.C.: The Catholic University of America Press, 1997), 103-13.

This is not yet a sufficient response. Aquinas, when responding to the objection that prudence is not necessary for human beings since we can act well by following the good advice of others, claims that genuine human goodness requires that we possess our “own counsel” and do not act merely as “moved by that of another.”<sup>62</sup> We must possess our own counsel such that when we act we do so with our own rational and appetitive powers. This is another way to formulate the autonomy objection suggested by Rhonheimer, and it appears at first to contradict what I have been arguing. But I am not arguing that we do not have “our own counsel.” Instead, our own counsel consists in deliberative interactions with others. It is one thing to claim that *consilium* depends upon and is shaped by interaction with others; it is another to say that whatever counsel results is not my own. We should read Aquinas here as acknowledging that a life lived *merely* according to the advice of others that moves us willy-nilly, advice that I neither critically evaluate nor contribute to shaping, cannot be a fully human life. It is obviously right that we should reject a life lived in this way as seriously deficient, but such a life is certainly not entailed by the account of *consilium* I have been developing here. After all, most of the counsels we should be most interested in are those that are mutually constituted by rational agents engaged in common activities and social deliberation about those activities. Such counsel has no one, exclusive author, is fully possessed by both agents as a common good, and so is “our own counsel” in the fullest sense.

If this suffices as a response to the autonomy objection, it is still possible to object that this conflicts with Aquinas’s conception of the natural law in another way: as the foundation of the natural law, *synderesis* consists in the primary precepts of that law, precepts that in turn give us substantive and action-guiding moral content that is greater than the more narrow content I am describing here. The relations between the precepts of the natural law, the content of those precepts, and

<sup>62</sup> *STh* I-II, q. 57, a. 5, ad 2.

the dependence of our knowledge of their content on deliberative social relations is an important and complex problem that I will not attempt to solve here.<sup>63</sup> Nevertheless, if this account of *consilium* and its implications for *synderesis* are mistaken, then there must be a compelling account of the straightforward substantive moral content of *synderesis* that evades the social dependencies of *consilium*. I do not see how this could be achieved. Finnis's ambitious attempt in *Natural Law and Natural Rights* succeeds in identifying a series of basic human goods but not in showing that our ability to recognize and pursue these goods *as* goods avoids the social dependencies described here.<sup>64</sup> Put another way, Finnis is convinced that this substantive content is accessible to "any sane person" and consists in "propositions which anyone is likely to have acquired in childhood."<sup>65</sup> The social dependencies I am describing imply that there are many ways in which individuals might fail to recognize these goods, ways that have nothing to do with insanity or immaturity. The example of friendship developed above is a partial response to Finnis; a full response would need to uncover the deep social dependencies present in each good, particularly in his primary example, the good of knowledge. I believe these dependencies exist, though it is not my purpose here to develop them.<sup>66</sup>

<sup>63</sup> For a good overview see Nelson, *Priority of Prudence*, 18ff. Scott MacDonald, in arguing for a thin account of the content of *synderesis*, acknowledges in a footnote that he needs to supplement his argument by addressing this issue, but he has not yet done so (see "Foundations in Aquinas's Ethics," 352).

<sup>64</sup> Finnis, *Natural Law and Natural Rights*, 59-99.

<sup>65</sup> *Ibid.*, 30; Finnis, *Aquinas*, 89 n. 138.

<sup>66</sup> Consider as a beginning the recent comment of Thomas Nagel: "My instinctively atheistic perspective implies that if I ever found myself flooded with the conviction that what the Nicene Creed says is true, the most likely explanation would be that I was losing my mind" (Thomas Nagel, "A Philosopher Defends Religion," *The New York Review of Books*, 27 September 2012). Granted that ethics is a science, our ability to identify and accept its primary precepts without constant dependence on social *consilium* cannot be proven merely by the appearance of logical necessity; insanity is always an alternative.

## III. ETHICS AND THE MORAL COMMUNITY

*Consilium* and *synderesis*, as developed above, have a second significant implication for what we understand of the nature, activity, and purpose of ethics. Because *consilium* is fundamental to any account of Thomistic moral epistemology, and because *consilium* is essentially a social activity, ethicists should be directly concerned with the nature, creation, and sustenance of socially deliberative moral communities. Before offering a positive description of what this means, it will be helpful to begin with a criticism.

It might appear that I have attributed a circularity to the moral life that results in the impossibility of achieving our end. Consider this objection in the following form. Aquinas says that we learn about human goods, and therefore how to act, either through personal discovery or through teaching.<sup>67</sup> Teaching must derive from discovery, since the line of teachers cannot extend back infinitely far; someone must have been the first teacher, just as someone must have been the first human being. I have also said that we can learn about common goods through discovery only by actually identifying them and pursuing them. But if we are trying to understand how we achieve the knowledge necessary to identify and pursue certain human common goods, how can we do this without *already* being involved in common goods and therefore *already* being in possession of the requisite knowledge? It seems that in order to learn what needs to be learned we must already know it, and this makes the epistemological structure of the moral life a vicious circle.

The proper response to this is to notice that a certain kind of experience or personal discovery is still possible for us and can provide the original starting point for common goods and social deliberation about them. This initial experience is, necessarily, a *social* experience, an experience had by at least two persons together, and an experience of a common good, of a relationship between the two individuals that itself constitutes a

<sup>67</sup> *STh* II-II, q. 49, a. 4.

genuinely human good, which can be ratified by *synderesis* and leads to the first activity of *consilium*. This initial practical deliberation (whether communicated at once or not) is itself an immediate fruit of a life in common and succeeds as practical deliberation *only* if there is at least unspoken agreement between the persons. My properly human life begins with the spark of shared human existence. Pope John Paul II's examination of the second creation story in Genesis, for example, can be read in precisely this way: "Bone of my bones and flesh of my flesh.' The man uttered these words, as if it were only at the sight of the woman that he was able to identify and call by name what makes them visibly similar to each other, and at the same time what manifests humanity."<sup>68</sup> This is the first recognition of the particular concrete goods that will fill up man's original solitude and answer to the deep desire in his nature for his intended good; here are the primordial workings of *prudentia*. *Consilium* therefore has its roots in a particular kind of personal discovery that must itself be a social activity. Because the discoverers would not know in any particular way what they were looking for (they would have only *synderesis* to guide them), the awareness and delight in the first concrete deliverances of *consilium* would in a deep way be an unexpected surprise (as John Paul II's discussion suggests). In this way the structure of *consilium* does not imply an epistemological circle, though it does imply special circumstances surrounding the initial personal discovery of concrete human goods.

Thomistic ethics should turn its attention to the nature of deliberative communities that make possible genuine *consilium*, primarily because the foundation of the moral life is not the speculative vision of a moral good that can be communicated by impartial theoretical argument. Indeed, those arguments are always grounded in a set of social and deliberative relationships that give those arguments their meaning and persuasive power. Even more, arguments about the nature of the moral life itself

<sup>68</sup> John Paul II, *The Theology of the Body: Human Love in the Divine Plan* (Boston: Pauline Books and Media, 1997), 47.

(as, for example, this essay) depend in turn on the deliberative communities out of which they emerge; therefore, if we believe the arguments worth considering, all the more should we turn our attention to those communities that make possible their proper formulation.

In other words, the deliberative community is the ground, not only of our moral arguments, but even our arguments about the nature of moral arguments as well as our arguments about the nature of the moral life itself. Such a community must provide the resources for individuals to speak openly and truthfully about the goods identified through the community. These resources include items as widely divergent as material sustenance, the appropriate built environment, safety and security, appropriate size, and motivation and opportunity to engage deliberatively with a wide range of people. If Thomistic ethics is structured around *consilium* in the ways I have suggested, it must be a principal task of such an ethics to identify the nature of these communities and how they are best created and sustained.

#### IV. *CONSILIUM* AND AN ETHICS OF INQUIRY

I began by noting that moral philosophers have recently grown very interested in social deliberation as a foundation for ethics. Aside from MacIntyre's efforts, however, Thomists have expressed little interest in developing this kind of approach to the moral life. This is perhaps in part because there has not yet been sustained interest in an account of *consilium* as essentially social. Given the account of *consilium* developed here, and its implications for the limitations of *synderesis* and the importance of the deliberative community, we come to the third natural implication: the need for the development of a Thomistic ethics of inquiry.

A common argumentative strategy of Thomistic ethics, when grounding central ethical precepts, is to turn to those elements of morality that are universal and, therefore, in some way supposed to be knowable by all as natural-law elements of

*synderesis* (this includes most especially the primary precepts of the natural law). The strategy here, and the strategy of philosophers like MacIntyre, is different. If we focus instead on the elements of *prudentia*, and most especially on the social requirements of *consilium*, we can identify a different foundation for and defense of the moral life.

If we accept the socially conditioned character of human life and thought (which character need not lead to relativism, despite the fears of some and the enthusiasm of others), then this Thomistic strategy draws upon the very elements of that social conditioning as providing material for an account of the moral life. Rather than trying to draw concrete moral truths out of the notion of the final end as such, we begin instead with the search for the content of that end, with the common human experience of restlessness that manifests itself in deliberation about the possible goods of human life. This is a somewhat subversive strategy, for it takes seriously criticisms of foundational moral arguments and uses the form of life implied by those criticisms as a way of retrieving the very moral life criticized. That is, those who would criticize the work of Finnis and others are engaged in genuine deliberation about the human good, and if we turn our attention to the form of that disagreement, rather than its content, we can arrive at the same moral truths as Finnis and others, but from a different direction.

Contemporary moral disagreement gives us good reason to focus on deliberation itself rather than beginning with substantive moral claims. There is little agreement today on substantive moral claims (on the claims, for example, of the natural law). The approach I am describing faces this disagreement squarely and turns our focus to the disagreement *itself*. The concept of disagreement presupposes a deeper level of agreement, and so the possibility of genuine deliberation. Ethical reflection today, at least in its Thomistic form, must marshal its resources in opposition to a culture that does not speak its language and that, even if it could, would accept very few of its central moral claims. Thomism needs, therefore, a well-developed, morally charged account of moral disagreement and

deliberation. Here another implication of *consilium* as essentially social is important. Since *consilium* is itself a common good whose existence and content depends on a communal life of a certain sort, our ability to convince others of its structure and content is a function of our shared life together. Abstracted intellectual arguments are always secondary and as such deeply insufficient. The focus on *consilium* directly implies this, whereas an emphasis on *synderesis* seems tone-deaf here, perhaps because with such an emphasis the socially conditioned elements of human life are minimized in favor of an account of the natural law that makes it appear transparent to all those with sufficient education and good will.

The practical normative content of a social account of *consilium* follows from the requirements placed on those who would engage in genuine deliberation with one another in order to learn the truth about what must be done. When I deliberate with another person, our deliberative relationship cannot in any way be conditioned by external fears or desires that would corrupt our honesty or commitment to reaching our goal. If I am afraid that what I say will turn someone against me, resulting in threats to my person or family or property, it is unlikely I will engage in forthright and genuine deliberation with him. Likewise, if I will reap an enormous profit from lying, the integrity of my deliberations with another person is again threatened. We achieve the possibility of real practical deliberation only if we pursue first and foremost the answers to the practical questions of action that we face, regardless of external circumstances. The discovery and communication of the truth must be the primary goal of all those engaged in *consilium*. If we were to follow the implications of these ethical requirements of social deliberation all the way to their conclusions, we would find a wide array of moral demands placed on those who would successfully deliberate with one another about their good. Though MacIntyre has not yet defended *consilium* as essentially social, he has developed the claims of this paragraph in some

detail.<sup>69</sup> Nevertheless, more development is needed.<sup>70</sup> Although it is not my primary purpose here to present a substantial defense of an ethics of inquiry, it is worth considering the following two important and revealing objections to this way of thinking about ethics.

We might think that all we need to do in order to learn from others what we need to learn is to offer them the *appearance* of virtue. If I can succeed in convincing another that, no matter the advice I am given, I will treat him or her ethically, then I can get the information I need and later betray the person. But what this requires of me is a special form of deception: I cannot be open about my deepest intentions and goals if I am to carry off my plan. This might of course work (as indeed it sometimes does) with respect to some particular narrow goal (just as, as Aquinas admits, a vicious man can possess accurate practical knowledge with respect to some narrow plan of action),<sup>71</sup> but it excludes the possibility of deliberation about what is “for the sake of” my final end itself (and so it excludes genuine prudence), since if I am to deliberate about how to achieve my final end I must be honest about what it might consist in, and in this case deception would destroy the possibility of the kind of inquiry needed. What deception always destroys, therefore, is

<sup>69</sup> See MacIntyre, “Intractable Moral Disagreements,” 17-27. MacIntyre has been writing about this for some time, though previous remarks have been less developed. Consider for example this passage: “The natural law is discovered not only as one of the primary objects of practical inquiry but as the presupposition of any effective practical enquiry (compare what Aquinas says about the kind of friendship in which the other wills one’s good, the only kind of friendship through which one could have any confidence of learning what one’s true good is, in the *Commentary upon the Ethics* VIII, lect. 4, and at *S.T. IIa-IIae*, 23, 1 with what he says about the need to be trained in virtue by another at *S.T. I-IIae*, 95, 1, and how *caritas* requires us to participate in the training of others in the *Quaestiones Disputatae de Correctione Fraternali*)” (Alasdair MacIntyre, *Whose Justice? Which Rationality?* [Notre Dame, Ind.: University of Notre Dame Press, 1988], 180).

<sup>70</sup> Jean Porter, for example, commenting on these claims as defended by MacIntyre, argues that they are “at best underdeveloped.” See “Does the Natural Law Provide a Universally Valid Morality?” in Cunningham, ed., *Intractable Disputes about the Natural Law*, 74.

<sup>71</sup> *STh* II-II, q. 47, a. 13.

the possibility of deliberating about my overall good, and insofar as I must deliberate about my overall good (and each more narrow instance of deliberation is a reflection and reminder of my overall good), I require relationships with others that are genuinely characterized by the virtues.

A Thomistic ethics of inquiry, therefore, would center on one's ability to deliberate with others about the content of one's overall final end, the good that is one's perfect fulfillment. This allows a response to a second objection, one raised by those who might see this way of thinking as vulnerable to standard criticisms of discourse ethics. For example, Rhonheimer says:

[According to discourse ethics,] moral norms can only be grounded through a process of intersubjective understanding, and insofar as the morally relevant presuppositions that are always at the basis of all discourses (or of all consensus-oriented action) are analyzed, and thus raised to the level of being conditions for the possibility of normative value claims. Discourse-ethicists attempt in this way to recover moral reason as consensual and communicative reason. But the problem with discourse-ethics consists in the fact that the discourse-participants must already be moral subjects if they are going to fulfill the conditions that would make them competent or acceptable participants in the discourse. . . . Through the discourse as such . . . the agents do not become moral subjects because if they were not already such in the discourse-ethical sense, they would be excluded from the conversation. This is why all discourse-ethics already presupposes what a theory of the "rational by nature," or of the principles of practical reason, really tries to show: the answer to the question about the origin of the moral competence of the acting subject.<sup>72</sup>

Discourse ethics attempts to identify moral norms as the necessary presuppositions of deliberative communication, a claim that is analogous in some ways to MacIntyre's claims. But for discourse ethics, the notion of social deliberation is primary, and from its structures comes a set of moral norms. Rhonheimer rightly recognizes that discourse ethics can yield

<sup>72</sup> Rhonheimer, *Perspective of Morality*, 264-65. Rhonheimer rightly acknowledges elsewhere that "virtue ethics does not in principle need to enter into rivalry with discourse-ethics," although it is not clear if he would agree with my own development of Thomistic ethics towards an ethics of inquiry. See *ibid.*, 12-13.

moral norms only if it has already presupposed some conception of the moral life and of the good. This is why Rhonheimer reminds us that discourse ethics identifies who is suitable for discourse and who is not, an identification that already depends upon moral norms of some sort. Further, the fact that I am required to engage in discourse at all already assumes a series of moral judgments about my own good and the means to its achievement.

A Thomistic ethics of inquiry is grounded, on the contrary, on the initial conception of a unified good for human beings. This good does have some substantive implications. For example, (1) the life of a human agent is unified around an overall end, (2) that end allows the satisfaction of human longing in the fullest possible sense, and (3) human life is in large part a search for that end. Yet even though such an ethics of inquiry depends first on the nature and content of *synderesis*, more specific moral content is discovered only through *consilium*, and therefore the ethical imperatives yielded by the necessity and structure of *consilium* are not vulnerable to Rhonheimer's criticism. Because of the limitations of *synderesis*, they are a serious contribution to our ethical knowledge as well as a promising strategy for defending central Thomistic moral claims. Discourse ethics is primarily about the foundations of normativity itself, whereas a Thomistic ethics of inquiry is primarily concerned with moral epistemology.

Each of these three consequences of *consilium* as essentially social (the limitations of *synderesis*, the nature and importance of the moral community, and a Thomistic ethics of inquiry) requires lengthier, sustained treatment. Nevertheless, we can say at least that they follow from the essentially social account of *consilium* developed above, and that together they point towards a new direction for the development of Thomistic ethics: the study and creation of genuine deliberative communities.