Natural Law, the Moral Imagination, and Prudent Exceptions

Robert C. Koons
University of Texas at Austin

Abstract

Can the classical natural law theory of Aristotle, Cicero, and Thomas Aquinas recognize and cope adequately with exceptional situations? I argue that it can--despite the criticisms of abstract reasoning given by Burke, Babbitt, Croce, and Ryn-- thanks to the pre-eminent role played within that theory by *virtue*, especially the virtue of prudence or practical wisdom. There are indeed a few exceptionless principles (such as the prohibition of the intentional taking of innocent human life), but even these principles must be applied to concrete situations by appropriate acts of judgment, acts that cannot be reduced to the products of a mechanical, algorithmic, or computational process. Natural law theory does not reduce moral judgment to mere ratiocination, since it incorporates the function of the imagination within its conception of *human reason*.

Introduction

The terms *natural law theory* or *natural law ethics* pick out a central tradition in the history of ethics, political theory, and jurisprudence in the West, a tradition that begins with the works of Aristotle, penetrates the consciousness of the Latin world in the works of Cicero, and reaches a paradigmatic expression in the work of Thomas Aquinas. This way of thinking about the moral world and our place in it forms the common foundation for thinking about constitutional issues in the early modern period, from the judicious Richard Hooker and Hugo Grotius to Thomas Hobbes, John Locke, Samuel von Pufendorf, and the American Founders. This tradition emphasizes human reason (as a manifestation of divine reason) and the formulation of general rules and principles that can be applied logically (through the "practical syllogism") to particular cases at all times and in all places. In both its rationality and its pursuit of generality and universality, the classical natural law tradition resembles the ethical rationalism of such modern thinkers as Locke, Kant, Mill, and Rawls.

Claes Ryn, drawing on the work of Edmund Burke and Irving Babbitt, has trenchantly criticized ethical rationalism and generalism, on behalf of an approach that prefers the use of historical memory and the moral imagination over pure reason and that respects the uniqueness of the moral demands of the particular situation over reliance on general rules. Ryn includes both ancient and modern versions of generalizing rationalism within the scope of his critique. He has been especially critical of the Thomistic and scholastic version of natural law theory.

I will argue that the natural law tradition, including Thomas Aquinas, is more balanced and more complex in its epistemology and methodology than Ryn's critique would imply. The tradition does make room for the indispensable role of both experience and imagination in right moral judgment: it does not reduce moral judgment to a mechanical, algorithmic application of general rules to particular situations. Instead, the virtue of prudence (practical wisdom) plays an indispensable role, one that cannot be fully codified in general rules. Although it does include the postulation of exceptionless general prohibitions (always negative in nature), it does not entail that we can completely satisfy the demands of morality by simply following those negative rules, and it includes the recognition that even in the application of exceptionless rules to particular cases, judgment and the use of the imagination are unavoidable.

In section 1, I will sketch an outline of natural law ethics as found in the works of Aristotle, Cicero, and Thomas Aquinas, and I will summarize Ryn's critique of that tradition. In section 2, I will sort out the three issues that Ryn's critique raises: extreme vs. moderate generalism, exceptionless vs. defeasible generalizations, and the role of pure reason vs. experience and the moral imagination. I take up each of these issues in turn in the three succeeding sections (3, 4, and 5), proposing an irenic reconciliation of Ryn's Burkean particularism with the natural law tradition in the concluding section 6.

1. Natural law theory and its conservative critics

I will focus on the works of three seminal figures: Aristotle, Cicero, and Thomas Aquinas. From Aristotle I will draw primarily from *The Nicomachean Ethics*, but also from his *Politics*. The relevant works of Cicero's are *On Obligations* (*De Officiis*) and *On the Laws* (*De Legibus*), and I will take into account Part Two of Thomas Aquinas's *Summa Theologiae*, both the general discussion of happiness, virtues, and the law in the First Part of the Second Part, and the discussion of particular virtues in the Second Part of the Second Part.

This tradition unfolds in three stages. First, it examines the nature of the universal human end: happiness, *eudaemonia*, or *felicitas*. Second, it describes a set of moral and intellectual virtues (excellences of mind and character) that are essential to the actualization of human happiness. Finally, it looks to the institution of the law, both positive and natural, as the social framework needed for the nurturing of virtue. The resulting theory is sometimes described as eudaemonism or teleological perfectionism, sometimes as virtue theory, and sometimes as natural law theory. All three labels are appropriate, since each of the three dimensions is essential. In all three seminal figures (Aristotle, Cicero, and Aquinas), it is the discussion of the virtues that predominates (in terms of the volume of material), and the discussion of happiness invariably takes first place in the order of development. Law in general and the moral and natural law in particular take up an important but clearly subordinate and ancillary position in the theory.

In all three thinkers, the very possibility of morality depends upon human rationality. It is our capacity to think in universal terms that enables us to conceive of an overarching human end. In addition, since rationality is the specific difference that ultimately defines our human essence, the universal human end is to be identified with a life of rationally ordered activity. The virtues that enable us to live this good life are ultimately excellences associated with human reason: either the capacity to make rational judgments about what to think and to do, or the docility and malleability of our sub-rational drives and instincts in relation to the supervising guidance of rational intelligence. Our capacity for reason endows us with the will, which Aquinas defines as the "rational appetite" and which is the fundamental mainspring of all human action.[1]

At the same time, the Aristotelian conception of human reason is not purely a priori, logical, or formalistic. In contrast to Platonism, the Aristotelians suppose that human reason derives its understanding of the world entirely from the data of sensory experience.[2] We grasp universals but we always do so by abstracting them from particular exemplars encountered in sensory experience and in memory. Aristotelian reason is inductive and abductive as well as deductive (*Posterior Analytics* and the *Topics*). It is a capacity for finding the universal element within the sensible world, not through purely formal or introspective cognizing, and not through mystical states of awareness.

For Aristotle and his successors, the highest form of human thought, science, consists in the acquisition and contemplation of universal definitions—which are definitions of things and their essences, and not merely of words or other conventional signs (see Aristotle's *Metaphysics*[3]). Nonetheless, Aristotle,[4] Cicero,[5] and Thomas Aquinas[6] all recognize that science (theoretical wisdom) and understanding do not suffice for right moral action. In addition, practical wisdom (*phronesis* or *prudentia*) is required, and the acquisition and exercise of prudence requires breadth of experience, since it involves the understanding of both universals and particulars.

Aristotelian and Thomistic epistemology has a much richer internal structure than most of its modern counterparts. Unlike, say, the logical empiricism of Hume, Russell, or the Vienna Circle, Aristotelians recognized more fundamental sources of knowledge than just formal logic and sense data. For example, there are a number of cognitive capacities that involve the coordination of information from the senses and from memory. Aristotle and Thomas Aquinas attribute to all of the higher animals a *common sense*, which combines and coordinates information from the various senses and constructs a model of a moving three-dimensional world, and an *estimative sense*, which enables animals to learn from past experience. In human beings, the estimative sense is combined with reason in a *cogitative sense*, which enables us to recognize patterns and which provides the foundation for successful induction to sound scientific theory.[7] The common and cogitative senses play a role similar to that attributed by Kant and Coleridge to the *imagination*. In relation to moral notions, the cogitative sense is a kind of *moral imagination*, to use Edmund Burke's language.

We can find general principles or maxims of a practical nature at four distinct places within the Aristotelian tradition. First, there is that most general maxim that directs us to our ultimate end. Thomas Aquinas identifies this with the "first principle" of the natural law:[8] seek what is good, and avoid what is evil. Second, there are those maxims that prescribe the forms of excellent thought and action that constitute the various virtues: be wise, temperate, courageous, and just. Third, we find rules that exclude certain forms of action as intrinsically evil and contrary to reason: do not intentionally kill the innocent or commit adultery, for example. And, finally, there are all of the derivative principles of the natural law, including principles of commutative and distributive justice, the necessity of respect for parents and for public authorities, the protection of property and respect for contracts, and so on. However, the philosophers in this tradition do not claim that mere acceptance of these maxims is sufficient for the moral life. They provide the indispensable universal dimension to our moral understanding, but moral action also requires good judgment about particular cases, and this good judgment does not consist in merely deducing particular cases from universal generalizations.

However, Ryn has criticized this tradition as failing to understand the central and ubiquitous function of the imagination:

> Good philosophy in the last two centuries has established the primacy of the imagination in constituting our grasp of the world. Today only thinkers who are ignorant of this advance or wearing ideological blinders contemplate a return to the kind of classical-medieval intellectualism that attributes to the imagination a passive and preliminary role in the search for reality.[9]

On the role of our historical knowledge of particulars, Ryn recognizes that it would be "anachronistic to attribute to Plato and (especially) Aristotle a purely ahistorical rationality,"[10] but he does not extend a similar courtesy to medieval thinkers, like Aquinas. He argues that the concept of a universal good (which figures prominently in Aquinas's ethics) that "invests human existence with a higher and enduring significance" is a "highly questionable and potentially pernicious abstraction."[11] Ryn also calls into question the very possibility of ethics and politics as a completed science: "A claim to having captured universality once and for all

is in effect a denial of the historical nature of human existence."[12] Ryn also argues that the moral imagination gives us a "non-conceptual awareness of the universal."[13].

Furthermore, Ryn is also highly skeptical about the role of general maxims in moral life and about the possibility of exceptionless moral rules. Ryn points out, "The individuals who are most qualified to discriminate tend to be the same who incline against categorical, unqualified statements regarding the specific ways in which goodness, truth, and beauty can be manifested."[14] Ryn makes a similar claim about "abstract principles": "Abstract principles can be more or less expressive of universality, but by themselves they are, precisely because of their lack of concreteness, actually without real normative authority."[15]

Finally, Ryn argues that "philosophical reason" does not promulgate "principles," "specific rules," or "goals of conduct."[16] He even suggests that human activities are "dialectical" in such a way that "makes formalistic logic—the alternative of 'is' or 'is not'—inapplicable to them."[17]

We find in Edmund Burke's *Reflections on the Revolution in France* a similar, apparent rejection of the universality of ethical truths as grounded in the metaphysical structure of human nature. Burke writes, "These metaphysic rights entering into common life, like rays of light which pierce into a dense medium, are, by the laws of nature, refracted from their straight line…. It becomes absurd to talk of them as if they continued in the simplicity of their original direction."[18] Burke seems to suggest here a fairly radical modification (by "refraction") of the universal truths or maxims of the natural law by the details of the particular situation, as found in the flux of history.

2. Sorting out the issues

There are three points of apparent conflict between Ryn's Burkeanism and the natural law tradition. First, can moral goodness be reduced to the following of general rules and maxims? Second, are there moral rules or principles that hold in all possible circumstances, without exception? Third, is moral knowledge entirely a matter of pure reason, or are the

faculties of sense perception and the imagination (in particular, a moral imagination) also necessary?

a. Extreme vs. moderate generalism

It is clear that Ryn and the Burkean tradition that Ryn follows (Burke, Babbitt, and Kirk) reject the idea that moral knowledge consists in deriving (by deductive logic alone) particular conclusions from a fixed and finite set of universal principles. However, as we shall see in section 3, the natural law tradition is equally emphatic in its opposition to such a reduction. Let's call the thesis of the reducibility of moral judgment to logical deductions from general principles 'extreme generalism'. Both Burkeans and the natural law tradition reject extreme generalism. There is a weaker form of generalism, which we could call 'moderate generalism'. According to moderate generalism, every moral judgment does involve some reference to at least one general moral principle. However, the moderate generalist does not insist that the relation between general principle and particular judgment be simply one of logical deduction. Instead, the moderate generalist is open to the need for an uncodifiable faculty of judgment (including the use of the moral imagination) in applications of principles to concrete cases. Moderate generalism is a component of the natural law tradition, but it is fully consistent with Burkean particularism.

b. Exceptionless vs. defeasible generalizations

Thomas Aquinas clearly believes in the validity of absolutely universal, exceptionless moral rules, such as the prohibition of the intentional killing of innocent human beings, and Ryn is clearly skeptical, on Burkean grounds, about any such claims to absolute universality. If all the rules and principles of morality were exceptionless in this way, Aquinas's theory would imply the kind of extreme generalism discussed above, since exceptionless general rules can be applied to particular cases by logic alone.

However, Thomas Aquinas taught that these exceptionless generalizations are themselves exceptional. The exceptionless rules are all negative in nature: i.e., absolute prohibitions. There are certain things (like murder and adultery) that are, by virtue of their immediate

object, their end, or their circumstances intrinsically evil and so can never be commanded by a right use of reason.[19]

Aristotle also recognized the existence of such morally forbidden actions:

> But not every action nor every passion admits of a mean; for some have names that already imply badness, e.g. spite, shamelessness, envy, and in the case of actions adultery, theft, and murder; for all of these and suchlike things imply by their names that they are themselves bad, and not the excesses or deficiencies of them. It is not possible, then, ever to be right with regard to them; one must always be wrong. Nor does goodness or badness with regard to such things depend on committing adultery with the right woman, at the right time, and in the right way, but simply to do any of them is to go wrong.[20]

However, the satisfaction of such absolute prohibitions is (according to the natural law tradition) only one part of morality. It is admittedly an important part: one cannot attain to moral excellence while continuing to resort to intrinsically evil actions. However, mere avoidance of evil in this way does not suffice for virtue. There are many positive duties of morality--including respect for parents or love for God and neighbor--that cannot be reduced to a set of negative prohibitions. Any rule or principle that can be derived from such positive duties--such as 'obey your father!' or 'pay your debts!'--admit of many possible exceptions. They are defeasible rather than exceptionless principles, and it is a matter of rational judgment, and not just formal logic, to know whether a defeasible rule really applies in any given situation.

c. Role of experience and the imagination vs. 'pure' reason

The natural law tradition insists that morality and the law are fully rational. Cicero, in particular, was quite explicit in identifying the law with reason:

"Law is the highest reason, inherent in nature… when that reason is fully formed and completed in the human mind, it, too, is law… [The law] is right reason commanding and forbidding…. There is one single justice. It binds together human society and has been established by one, single, law. That law is right reason in commanding and forbidding. A man who does not acknowledge this law is unjust, whether it has been written down anywhere or not…. That original and final law is the intelligence of God, who ordains or forbids everything by reason."[21]

Thomas Aquinas reaffirms Cicero's identification of law with reason. The natural law is nothing more than our participation in divine reason, as Aquinas explains in Question 91 of the *Pars Prima Secundae*: "The rational creature has a share of the Eternal Reason, whereby it has a natural inclination to its proper act and end: and this participation of the eternal law in the rational creature is called the natural law."[22] Aquinas elaborates further in Question 94, article 3 of that same Part: "Wherefore, since the rational soul is the proper form of man, there is in every man a natural inclination to act according to reason: and this is to act according to virtue. Consequently, considered thus, all acts of virtue are prescribed by the natural law: since each one's reason naturally dictates to him to act virtuously."[23]

However, the natural law tradition conceives of reason in this context as encompassing human intelligence in all of its capacities. We must not identify reason with logic or with the intuitive grasp of formal principles. For Aristotelians, human reason is a fully embodied capacity, one anchored in sensory experience and imagination.

For Aristotle, to act virtuously is a matter of obtaining the correct mean between two or more extremes: "Virtue, then, is a state of character concerned with choice, lying in a mean, i.e. the mean relative to us, this being determined by a rational principle, and by that principle by which the man of practical wisdom would determine it."[24] So, for example, courage is a matter of accepting the right degree of personal risk in action, neither too little (cowardice) nor too much (foolhardiness).

Every virtuous action is a particular action in particular circumstances, and the discovery of the right mean for each action requires an exercise of 'perception': "For in everything it is no easy task to find the middle…. But up to what point and to what extent a man must deviate before he becomes blameworthy is not easy to determine by reasoning, and more than anything else that is perceived by the senses; such things depend on particular facts, and the decision rests with perception."[25]

The kind of *perception* involved is not a matter of the use of the exterior senses of sight, hearing, smell, taste, and touch but rather of the interior senses: the common sense and the cogitative sense.[26] These interior senses correspond closely to the notion of the constructive imagination as it is found in Kant,[27] Coleridge,[28] and Burke.[29] The interior senses enable us to recognize and to classify the objects both of sense perception and memory in terms of evaluative concepts, like *wholesome*, *dangerous*, *appropriate*, or *excessive*.[30]

The interior senses of human beings have much in common with the corresponding senses of some of the higher animals (i.e., those capable of learning by experience), but at the same time these senses are transformed by the presence of human rationality. Thus, Aquinas uses the term 'estimative' for the interior sense of recognition as found in animals and the term 'cogitative' for the corresponding sense in human beings. For Aristotelians, there is in human beings no such thing as pure reason or pure sensuality. Human rationality is inseparable from our sensual natures, and our sensuality is profoundly transformed by the presence of rationality.

3. In defense of moderate generalism

The natural law tradition includes a commitment to moderate generalism, in the sense that every moral judgment and every virtuous choice must involve the apprehension of a universal principle. Why is this element of universality necessary?

The answer is primarily one of philosophical anthropology. The essence of a human being is *rational animality*. An action is human only insofar as it is rational, and it is rational only insofar as the human agent apprehends the action as good. But no action is simply good:

goodness is always grounded in and supervenes upon other qualities and properties of the action. Each particular good action is good for some concrete reason: because it advances knowledge or aids one's friend or meets a human need, or for some similar consideration. These considerations correspond to moral rules or generalizations: any action whatsoever, insofar as it advances knowledge or aids one's friend, etc., is good for that same reason. Hence, to choose an action as good is to apprehend a corresponding moral generalization under which the action falls.

However, these generalizations do not have to be exceptionless. In fact, very few of them are. For the most part, moral generalizations hold in most cases—the normal cases—but can fail when the circumstances are abnormal. There are two cases of exceptionless moral rules: those very high level principles that simply tell us to "do what is good" and to "avoid evil", and those negative prohibitions that forbid certain forms of intrinsic evil (murder, adultery, etc.). All positive rules that involve specific descriptions are derivative rules that admit of exceptions, as Thomas Aquinas explains:

> It is therefore evident that, as regards the general principles whether of speculative or of practical reason, truth or rectitude is the same for all, and is equally known by all…. But as to the proper conclusions of the practical reason, neither is the truth or rectitude the same for all, nor, where it is the same, is it equally known by all. Thus it is right and true for all to act according to reason: and from this principle it follows as a proper conclusion, that goods entrusted to another should be restored to their owner. Now this is true for the majority of cases: but it may happen in a particular case that it would be injurious, and therefore unreasonable, to restore goods held in trust; for instance, if they are claimed for the purpose of fighting against one's country. And this principle will be found to fail the more, according as we descend further into detail, e.g. if one were to say that goods held in trust should be restored with such and such a guarantee, or in such and such a way; because the greater the number of conditions added, the greater the number of ways in which the principle may fail, so that it be not right to restore or not to restore.[31]

Aristotle also recognized this lack of perfect generality in the law. In Book V of the *Nicomachean Ethics*, he uses this fact to explain the necessary role of equity in applying the law to particular cases. Although he is speaking here about the positive law, what he says must apply equally to the natural or moral law, since it implies the impossibility of an exceptionless generalization:

> …. all law is universal but about some things it is not possible to make a universal statement which shall be correct. In those cases, then, in which it is necessary to speak universally but not possible to do so correctly, the law takes the usual case, though it is not ignorant of the possibility of error…. In fact this is the reason why all things are not determined by law, viz. that about some things it is impossible to lay down a law, so that a decree is needed. For when the thing is indefinite the rule also is indefinite, like the leaden rule used in making the Lesbian moulding; the rule adapts itself to the shape of the stone and is not rigid, and so too the decree is adapted to the facts.[32]

Notice that Aristotle does not suppose that we can do without rules altogether. Rather, we need flexible rules, like the malleable lead of the Lesbian moulding. The rule must be universal in content, so that it can be rational, and yet it must not be universal in actual application, since we must exercise judgment, based on experience, in order to perceive the existence of exceptions.

4. Role of exceptionless prohibitions

As we've seen, the natural law tradition, beginning with Aristotle, has recognized the existence of absolute prohibitions: certain types of actions that cannot be performed by any virtuous person, no matter what the circumstances or comparative consequences of the act. These prohibitions have typically included idolatry, blasphemy, the intentional killing of innocent human beings, intentional adultery, and lying. The aim of every human being is to act well, and to act well (given our rationality) is to act in accordance with reason. Certain

types of action are in their very essence contrary to reason. Therefore, no morally well-educated and competent human agent will so much as consider choosing such actions.

What makes an act contrary to reason? Take blasphemy, for example. If I believe that God exists, then I must recognize that I owe respect to God above all other considerations, but blasphemy would involve treating the dignity of God as something secondary and optional.

What about lying? Clearly, the essence of speech is the attempted articulation of truth, for the good of oneself and one's audience. So, to articulate falsehood with the intention of harming others is to act contrary to the very nature of speech itself, and so to act irrationally. However, it is obvious that not every intentional expression of a falsehood is a case of lying. One can intentionally express what is false in telling a joke, in creating a fiction, in making a metaphor, or in expressing oneself sarcastically or ironically without thereby lying. At the very least, lying includes an intention to deceive another human being. Suppose that one's hearer is incapable of believing the truth: in such a context, expressing a falsehood, even intentionally, cannot be a lie, since one who is invincibly ignorant of a fact cannot be said to be *deceived* about it. But what does it mean to *believe the truth*? Believing the truth cannot be reduced to merely assigning the right truth-value to this or that sentence, as in a multiple-choice of true-false exam. Rather, it must involve the apprehension in pragmatically relevant ways.

Take the classic problematic example: May one lie about the whereabouts of an intended victim to someone intent on doing murder? In the relevant sense, such a would-be murderer is incapable of believing the truth, since he cannot apprehend, while intending to kill, that a fellow human being, who is undeserving of death, is located in such and such a place. In such a context, expressing a falsehood to the would-be murderer about the potential victim's location is therefore not a case of lying and so does not fall within the scope of the absolute prohibition against lying. To discern whether a particular case of intentionally false assertion is a case of lying may involve an element of judgment or perception, an element that is not codifiable in an exceptionless formula.

Consider also the case of the absolute prohibition of the intentional taking of innocent human life. Much turns on the meaning of *innocent*. Thomas Aquinas (along with Cicero and Augustine) admits the possibility of just war, and in the context of just war, enemy combatants are not *innocent*, however reasonable (even admirable) may be their motivations as patriotic members of their countries.

Jonathan Dancy, who rejects the existence of exceptionless moral rules, is nonetheless open to the possibility of what he calls 'absolute' prohibitions, including the prohibition of killing the innocent:

> Now the choice of innocence here is interesting. It seems to me to encapsulate the thought that only an act of one's own can justify one's being killed. If one has done nothing wrong, one is innocent and there is a complete reason against one's being killed. There are of course (or may be) various ways in which one can undermine one's own immunity against being killed. But to say straight out that one is innocent is to say in advance that none of those ways has been operated in this case. So to kill someone who is innocent is to kill someone of whom we know already that there is no justification for their being killed. It is not surprising that an action of this sort is always wrong; but its wrongness is, as it were, a structural feature, built into the description…. Innocence is merely the absence of a justification for the killing.[33]

Thus, even in the case of absolute prohibitions, the natural law tradition does not reduce morality to the mechanical application of logical formulas to particular cases. An exercise of moral judgment, grounded in experience and imagination (the inner sense) can be required in assessing the applicability of absolute prohibitions in individual cases. This does not make such prohibitions mere tautologies. In order for a human being to lose his innocence, he must actively *do* something that justifies killing him. The justification cannot come from the victim's origin, family, status, or the actions of others. But what exactly must be done for innocence to be lost is not reducible to a rigid formula.

5. Interdependency of reason and the imagination

A reasonable person acts with practical wisdom (*phronesis*, *prudentia*). Practical wisdom does not consist merely in understanding a set of universal truths: there is also an irreducible element of particular knowledge, derived from experience. This is why young people cannot be prudent, no matter how much abstract instruction they have received:

> A young man of practical wisdom cannot be found. The cause is that such wisdom is concerned not only with universals but with particulars, which become familiar from experience, but a young man has no experience, for it is length of time that gives experience…. Practical wisdom is concerned with the ultimate particular, which is the object not of scientific knowledge but of perception.[34]

Thomas Aquinas explains that prudence involves the understanding of both universal truths and particular circumstances:

> …[T]he reasoning of prudence must proceed from a twofold understanding…. The right estimate about a particular end is called both "understanding," in so far as its object is a principle, and "sense," in so far as its object is a particular. This is what the Philosopher means when he says (Ethic. v, 11): "Of such things we need to have the sense, and this is understanding." But this is to be understood as referring, not to the particular sense whereby we know proper sensibles [i.e., sight, hearing, smell, etc.], but to the *interior* sense, whereby we *judge* of a particular.[35] (Emphasis mine)

In Question 51, Article 4 of the same Part, Aquinas discusses the virtue of "gnome," which denotes "a certain discrimination in judgment" needed to discern those cases that are not covered by the "common rules of actions."[36] *Gnome* consists of the capacity to know how one must judge according to a more "general law" (like 'do the just thing') in a case in which the common but particular (like 'return what you've borrowed') does not apply.

This interior perception is that capacity by which we shape the impressions of the five senses into a coherent, three-dimensional world consisting of things that are (in Heidegger's expression) "ready to hand."[37] The gnomic aspect of that capacity enables us to discern when we are confronting an exceptional case to which the ordinary or common rules of morality do not apply. It lights up those aspects of the concrete situation that are morally relevant and enables us to synthesize those aspects in a single moral judgment. These capacities are developed and honed over time: they are acquired skills, and they do not consist in the mere memorization of formulas. Nonetheless, they count as fully rational, in the sense that they enable us to relate particular situations to universal values, something non-rational animals are incapable of.

6. Conclusion: A Reconciliation

When discussing Edmund Burke's account of moral reasoning, Russell Kirk makes a crucial distinction between *principle* and *abstraction*: "Principle is right reason expressed in permanent form; abstraction is its corruption. Expedience is wise application of general knowledge in particular circumstances; opportunism is its degradation."[38]

Among these principles are the natural rights of man: "The rights of men are in a sort of *middle*, incapable of definition, but not impossible to be discerned."[39] By *discernment*, Burke refers to that capacity that Aquinas had labeled 'gnomic': a rational capacity for judgment that is grounded in experience and that applies directly to a concrete situation as experienced. Burke's rejection of *abstraction* is highly qualified: "I do not put abstract ideas wholly out of any question, because I well know that under that name I should dismiss principles; and that without principles, all reasonings in politics, as in everything else, would be only a confused jumble of particular facts and details, without the means of drawing out any sort of theoretical or practical conclusion."[40]

We can, therefore, reconcile ancient and scholastic intellectualism with Burke's rejection of excessive abstraction and with the indispensability of experience-based judgment. Universal principles are essential to human life, and they retain their validity at all times and places,

even though they may not apply to all situations. The discernment of the exceptional case, even if uncodifiable, is nevertheless an expression of essential human rationality.

In *Will, Imagination, and Reason*,[41] Ryn sees one aspect of Aristotle's epistemology that both accords with his own understanding of the primacy of the imagination and that has been overlooked by later interpreters of Aristotle: poetry as a source of knowledge. In fact, in Chapter 22 of the *Poetics*,[42] Aristotle suggests that the right use of metaphor is a "sign of genius," which involves the "intuitive perception of similarity in dissimilars." This poetical source of knowledge is in fact recognized by Thomas Aquinas in the context both of ethics[43] and of theology.[44] This recognition is simply Aquinas's celebrated theory of *analogy*. It is through the intuitive grasp of analogy that we reason from our concrete experience of one form of value to another. As long as reason is understood as an organ of analogy and not simply of calculation, we can assign due weight to the imaginative and concrete aspects of ethics. Thus, the origins of the sort of modern abstractionism against which Burke, Croce, Babbitt, and Ryn warn us must be found in later philosophy, including Duns Scotus's insistence on the univocity of reason (*Ordinatio* 1.3.1.1-2) and Descartes' clear and distinct ideas in the Second and Third Meditation.[45] As Gilson observed,[46] it was Descartes who made mathematical reason the paradigm of rationality, in sharp contrast to the Aristotelian and scholastic traditions, which recognized the inherently rough and precise nature of ethical reality.[47]

Bibliography

Aquinas, Thomas, <u>Commentary on Aristotle's De Anima</u>, trans. K. Foster and S. Humphries (Notre Dame: Dumb Ox Books, 1994).

Aquinas, Thomas, <u>Commentary on Aristotle's Ethics</u>, trans. C. I. Litzinger (Notre Dame: Dumb Ox Books, 1993).

Aquinas, Thomas, <u>Summa Theologiae</u>, http://dhspriory.org/thomas/summa/index.html

Aristotle, <u>On the Soul, Parva Naturalia, On Breath</u>, trans. W. S. Hett (Cambridge, Mass.: Harvard University Press, 1957).

Aristotle, <u>The Nicomachean Ethics</u>, David Ross, trans. (Oxford: Oxford University Press, 1925).

Aristotle, <u>The Politics</u>, trans. T. A. Sinclair and T. J. Saunders (Harmondsworth: Penguin Books, 1962).

Aristotle, <u>The Posterior Analytics</u>, 2nd ed., trans. Jonathan Barnes (Oxford: Clarendon Press, 1994).

Aristotle, <u>The Rhetoric and Poetics of Aristotle</u>, trans. Rhys Roberts and Ingram Bywater (New York: Random House, 1954).

Aristotle, <u>The Topics: Books I and VIII</u>, trans. Robin Smith (Oxford: Clarendon Press, 1997).

Burke, Edmund, <u>Reflections on the Revolution in France</u>, in <u>Works</u>, volume 2 (London: George Bent & Sons, 1882), 277-518.

Burke, Edmund, "Speech on the Petition of the Unitarians," in <u>Works</u>, volume 6 (London: George Bent & Sons, 1882), 113-26.

Cicero, <u>On Obligations</u>, trans. P. G. Walsh (Oxford: Oxford University Press 2000).

Cicero, <u>The Republic and The Laws</u>, trans. Niall Rudd (Oxford: Oxford University Press, 1998).

Coleridge, Samuel Taylor, <u>Biographia Literaria</u> (London: J. M. Dent and Sons, 1975).

Dancy, Jonathan, <u>Moral Reasons</u> (Oxford: Blackwell, 1993).

Descartes, René, <u>Meditations on First Philosophy</u>, trans. Laurence J. Lafleur (Indianapolis: Bobs-Merrlill, 1960).

Gilson, Etienne, <u>Methodical Realism</u>, trans. Philip Trower (Ft. Royal, VA: Christendom Press, 1990).

Heidegger, Martin, <u>Being and Time</u>, trans. J. Macquarrie and E. Robinson (Oxford: Basil Blackwell, 1962).

Kant, Immanuel, <u>Critique of Pure Reason</u>, trans. Norman Kemp Smith (New York: St. Martin's Press, 1781/1787/1929).

Kirk, Russell (1986), <u>The Conservative Mind from Burke to Eliot</u> (Washington: Regnery Publishing).

Ryn, Claes (1991), "Natural Law and the Higher Will," <u>Vera Lex</u> XI(2):17-18.

Ryn, Claes (1992), "Universality and History: The Concrete as Normative," <u>Humanitas</u> VI (1):10-39.

Ryn, Claes (1993), "Philosophical Reason: Historical, Systematic, and Humble," <u>Humanitas</u> VI (2), pp. 81-90.

Ryn, Claes (1997), <u>Will, Imagination, and Reason: Babbitt, Croce, and the Problem of Reality</u>, 2nd ed. (New Brunswick, N.J.: Transaction).

---

[1] Thomas Aquinas, <u>Summa Theologiae</u>, I Q40, A2, http://dhspriory.org/thomas/summa/index.html [2017, Sept. 12]

[2] Aristotle, <u>On the Soul, Parva Naturalia, On Breath</u>, trans. W. S. Hett (Cambridge, Mass.: Harvard University Press, 1957), Book 3, Chapter 4; Thomas Aquinas, <u>Summa Theologiae</u>, Part I Q85.

[3] Aristotle, <u>Metaphysics</u>, Book VII, chapter 11.

[4] Aristotle, <u>The Nicomachean Ethics</u>, trans. David Ross (Oxford: Oxford University Press, 1925), Book 6.

[5] Cicero, <u>On Obligations</u>, trans. P. G. Walsh (Oxford: Oxford University Press), Book I, paragraphs 152-60.

[6] Aquinas, <u>Summa Theologiae</u>, II-II, Q47.

[7] Aristotle, <u>On the Soul</u>, Book III, 425a27-425b4, and Aquinas, <u>Summa Theologiae</u>, I, Q78, A4.

[8] Aquinas, <u>Summa Theologiae</u> I-II, Q94, A2

[9] Claes Ryn, "Philosophical Reason: Historical, Systematic, and Humble," <u>Humanitas</u> VI, no. 2 (1993):86.

[10] Claes Ryn, "Universality and History: The Concrete as Normative," <u>Humanitas</u> VI, no. 1 (1992):15.

[11] Ryn, "Universality and History," 12.

[12] Ryn, "Universality and History," 26.

[13] Claes Ryn, <u>Will, Imagination, and Reason: Babbitt, Croce, and the Problem of Reality</u> 2nd ed. (New Brunswick, N.J.: Transaction), 187.

[14] Ryn, "Universality and History," 37.

[15] Ryn, "Universality and History," 38.

[16] Ryn, "Philosophical Reason," 83, 85.

[17] Ryn, <u>Will, Imagination, and Reason</u>, 186.

[18] Edmund Burke, <u>Reflections on the Revolution in France</u>, vol. 2 of <u>Works</u> (London: George Bent & Sons, 1882), 334-5.

[19] Aquinas, <u>Summa Theologiae</u> I-II, Q18.

[20] Aristotle, <u>The Nicomachean Ethics</u>, trans. David Ross (Oxford: Oxford University Press, 1925), 39 (1109a1-5).

[21] Cicero, <u>The Republic and The Laws</u>, trans. Niall Rudd (Oxford: Oxford University Press, 1998), 103, 105, 112, 124.

[22] Aquinas, <u>Summa Theologiae</u>, I-II Q91, A2.

[23] Aquinas, <u>Summa Theologiae</u>, I-II, Q94, A3.

[24] Aristotle, <u>Nicomachean Ethics</u>, 39 (1106b36-40).

[25] Aristotle, <u>Nicomachean Ethics</u>, 46, 47 (1109b15-22).

[26] Aristotle, <u>On the Soul</u>, Book III, 425a27-425b4, and Aquinas, <u>Summa Theologiae</u> I, Q78, A4.

[27] Immanuel Kant, <u>Critique of Pure </u>Reason, trans. Norman Kemp Smith (New York: St Martin's Press, 1929), 129-75, 180-7, 191-4.

[28] Samuel Coleridge, <u>Biographia Literaria</u>, 161-7 (Chapter XII).

[29] Burke, <u>Reflections</u>, 349.

[30] Aristotle, <u>On the Soul</u>, 161-3, 177-9 (428b10-429a2, 431 b2-9); Thomas Aquinas, <u>Commentary on De Anima</u>, trans. K. Foster and S. Humphries (Notre Dame, Ind.: Dumb Ox Books, 1994), 95-8, 120-3 (Book II, Lectures VI and XII).

[31] Aquinas, <u>Summa Theologiae</u>, I-II, Q94, A4

[32] Aristotle, <u>Nicomachean Ethics</u>, 133 (1137b12-32).

[33] Jonathan Dancy, <u>Moral Reasons</u> (Oxford: Blackwell, 1993), 229-30.

[34] Aristotle, <u>Nicomachean Ethics</u>, 148 (1142a15-20, a27).

[35] Aquinas, <u>Summa Theologiae</u>, II-II, Q49, A2.

[36] Aquinas, <u>Summa Theologiae</u>, II-II, Q51, A4.

[37] Martin Heidegger, <u>Being and Time</u>, trans. J. Macquarrie and E. Robinson (Oxford: Basil Blackwell), 95-107.

[38] Russell Kirk, <u>The Conservative Mind from Burke to Eliot</u> (Washington, D.C.: Regnery Publishing), 40.

[39] Burke, <u>Reflections</u>, 335.

[40] Edmund Burke, "Speech on the Petition of the Unitarians," vol. 6 in <u>Works</u> (London: George Bent & Sons, 1892), 113-4.

[41] Ryn, <u>Will, Imagination, and Reason</u>, 154.

[42] Aristotle, <u>The Rhetoric and Poetics of Aristotle</u>, trans. Rhys Roberts and Ingram Bywater (New York: Random House, 1954), 255 (1459a6).

[43] Thomas Aquinas, <u>Commentary on Aristotle's Ethics</u>, trans C. J. Litzinger (Notre Dame, Ind.: Dumb Ox Books, 1993), 31-2 (Book I, Lesson 7).

[44] Aquinas, <u>Summa Theologiae</u> I, Q13, A5

[45] René Descartes, <u>Meditations on First Philosophy</u>, trans. Laurence J. Lafleur (Indianapolis: Bobs-Merrlill, 1960), 32, 24.

[46] Etienne Gilson, <u>Methodical Realism</u>, trans. Philip Trower (Ft. Royal, VA: Christendom Press, 1990), 84-6.

[47] Aristotle, <u>Nicomachean Ethics</u>, 2-4