

# ETHICAL TRADITION AS LIVED AND REFLECTED UPON

THOMAS DANIEL HOWES

SUMMARY: I. *The Practical Reason in Actu Exercito and in Actu Signato*. II. *Polanyi on Skills*. III. *The Ratio of a Lie*. IV. *Conclusion*.

IN *Three Rival Versions of Moral Enquiry*, Alasdair MacIntyre argues for an approach to moral inquiry considered as a craft.<sup>1</sup> Like other crafts, such a craft would be part of a tradition of practice. From the perspective of a first personal Thomistic ethics,<sup>2</sup> I shall assume this standpoint of moral inquiry as being like a craft, argue for a distinction and mutual interdependence between what I shall call a *lived tradition* and a *tradition of reflection*, and then examine some implications of this distinction.

## I. THE PRACTICAL REASON IN *ACTU EXERCITO* AND IN *ACTU SIGNATO*

In an article in the *Prima Secundae* of the *Summa Theologiae*, Saint Thomas argues that the moral virtues are necessary in order for a person to have the virtue of prudence.<sup>3</sup> The reason being that prudence is the right reason of singular actions to be done; in dealing with particular and concrete actions, the reason must start not only from universal principles, but also from particular principles, which are the ends (goods) to which we are well disposed by the moral virtues. The virtuous person then judges rightly of the virtuousness of the end, for as Aristotle said, as each person is such is the end that presents itself to him.<sup>4</sup> In his

<sup>1</sup> A. MACINTYRE, *Three Rival Versions of Moral Enquiry*, University of Notre Dame Press, Notre Dame 1990, 127.

<sup>2</sup> In a lecture given in Heidelberg in February of 1980, entitled *Antike und moderne Ethik*, Ernst Tugendhat effectively showed the structural difference between classic and modern ethics. The lecture is found in E. TUGENDHAT, *Probleme der Ethik*, Reclam, Stuttgart, 1984. Other authors, such as: S. Pinckaers, A. MacIntyre, J. Porter, E. Schockenhoff, D. M. Nelson, Th. S. Hibbs, M. Rhonheimer, A. Rodríguez Luño, etc. have underlined as the specificity of the approach of classical ethics that of being an ethics of virtue. G. ABBÀ denominated this approach a “first person ethics”, and offered a comprehensive vision of it in his work *Quale impostazione per la filosofia morale? Ricerche di filosofia morale -1*, Las, Roma 1996, 34-74. The structural difference between the classical approach from that of the modern was masterfully illustrated by J. ANNAS, *The Morality of Happiness*, Oxford University Press, New York 1993.

<sup>3</sup> S. Th. I-II, q. 58, a. 5

<sup>4</sup> ARISTOTLE, *Nicomachean Ethics*, Book 3, Ch. 5. Cfr. S. Th. I-II, q. 58, a. 5. The same idea is concisely expressed by Saint Thomas in his comment on the *Nicomachean Ethics*: “Morali autem virtuti coniungitur prudentia intellectualis virtus existens, secundum quamdam affinitatem, et e converso,

commentary on this text, Cajetan makes an important distinction regarding the use of practical reason in a particular choice and its second-level reflection upon that act: between practical reason *in actu exercito* from its *actu signato*,<sup>1</sup> a distinction whose importance has recently been recognized by various authors.<sup>2</sup> The use of practical reason *in actu exercito* would refer to its direct application in the *here and now* of an individual choice in which practical reason operates to choose the correct means for achieving the goods presented to it by the person's appetites, – which would thus be the right ends (goods) if the appetites were formed according to virtue – whereas practical reason *in actu signato* refers to the second-level reflection on such choices.

This distinction made by Cajetan is very illuminating for different reasons. First of all, we see that it is properly in the *actu exercito* that the virtue of prudence is practiced, but the practical reason *in actu signato* is the moment in which the right choice – presuming it is a true act of prudence – is recognized as objective content for the speculative reason to consider.<sup>3</sup> It is this second level in which a person reflects in order to better understand his own action and to form personal maxims of conduct or norms. It is also on this level that philosophical reflection occurs, which is a more systematic and comprehensive form of the reflection performed by all. Furthermore, this distinction is helpful because it helps us to see how norms can fit into a *first personal* approach to ethics, whose fundamental principle is the good of human life as a whole,<sup>4</sup> and whose principles are mastered by the practically wise person, Aristotle's ideal *sage*, who being virtuous and prudent, knows the right choice to make in any particular situation. Reflection on the prudent action of this first level allows a person to recognize maxims or norms of conduct; for the philosopher it allows her to abstract a universal applicability that can help set boundaries for a person

quia principia prudentiae accipiuntur secundum virtutes morales, quarum fines sunt principia prudentiae". *In decem libros Ethicorum Aristotelis ad Nicomachum Expositio*, Marietti, Torino 1949, lib. x, lect. 12, n. 2114.

<sup>1</sup> "Prudentia autem, cum sit recta ratio, cuius est discurrere, utitur duabus praemissis, quae sunt principia conclusionis. Prima praemissa est propositio spectans ad synderesin, verbi gratia: *Bonum rationis tam in passionibus quam operationibus, est prosequendum*. Secunda vero praemissa est particularissima, scilicet: *Bonum rationis nunc, hic, salvatur in tali, tanta, etc., audacia vel ira*. Et tunc sequitur conclusio praeceptiva, non in actu signato, idest, *Ergo hoc est mihi nunc praecipendum, eligendum, prosequendum*: sed in actu exercito, idest, *Ergo actualiter sum in exercitio iudicii, praecepti, electionis, prosecutionis*. Hoc enim est quod multos decipit in hac materia: quoniam propositiones istae tam synderesis quam prudentiae, in actu signato disputantur; et tamen oportet intueri naturam et vim earum in actu exercito". CAJETAN, *In S. Th. II-II*, q. 58, a. 5, Comm. VIII, Ed. Leonina.

<sup>2</sup> Cfr. M. RHONHEIMER, *Natural Law and Practical Reason. A Thomist View of Moral Autonomy*, Fordham University Press, New York 2000, 58-61 (A translation of the German text first published in 1987 as *Natur als Grundlage der Moral*); G. ABBÀ, *Felicità, vita buona e virtù. Saggio di filosofia morale*, Las, Roma 1995, 201-202; A. RODRÍGUEZ LUÑO, *Cultura política y conciencia cristiana. Ensayos de ética política*, Rialp, Madrid 2007, 18-26.

<sup>3</sup> Cfr. G. ABBÀ, *Felicità, vita buona e virtù*, 201.

<sup>4</sup> Cfr. ANNAS, *The Morality of Happiness*, 27-46; RODRÍGUEZ LUÑO, *Cultura política y conciencia cristiana*, 29-31.

being educated in virtue. It also allows both philosopher and non-philosopher alike to better understand the reasoning behind such actions, which is a great help in educating others in the pursuit of virtue. Mastery of this second level, however, is the task of ethical philosophy and while being aided by virtue, is also aided by philosophical skill.<sup>1</sup>

In the ethical approach of a first personal ethics, inspired by Aristotle and Saint Thomas Aquinas, this first level of practical reason *in actu exercito* is where we should expect to find the material for the normative aspect of this ethics. This normative aspect of ethics is, of course, secondary and is at the service of an ethics primarily grounded in the pursuit of the comprehensive good of life as a whole, which includes the pursuit of virtue. Nonetheless, norms are important; for although the perfect *sage* would have no need to formulate them for herself, because universal norms would be superfluous if she already chose correctly in each particular matter, they would still be of service for educating others on the path toward virtue.

Keeping in mind that it is in this first level of the practical reason where the material for ethical norms is to be found, I would like to extend this notion. I shall argue that this distinction between the direct act of the practical reason (*in actu exercito*) and its reflective act (*in actu signato*) can be expanded to apply in an analogous way to ethical traditions. An ethical tradition – we use this in a broad sense to refer to any case in which ethical practice is developed over time from generation to generation – would thus analogously feature a *lived tradition* and a *tradition of reflection*.

For a quick example of this distinction, imagine a young boy who learns much from his parents, teachers, pastor, culture, and older siblings about how to behave, and that part of his education, or his own initiative, has led him to seek advice and the example of others; building on this through experience, trial and error, he may develop in practical wisdom. Though some of this development involves his own reflections on the moral life, which allow him to form personal maxims, he is nonetheless a simple person and the virtue he develops through this, as well as following the advice, norms and examples of others – and from his own experience of trial and error – far exceed his ability to understand these realities at a reflective level. This young boy grows up and then goes on to have a daughter, who is very much influenced by his example, and she develops as a person and becomes quite virtuous herself; furthermore, being more philosophical than her father, she does much reflection on her moral life. She tries to better understand it and thus formulate norms which she can teach to others. Let us say that her reflections further influence others, both in the way they live their lives and in the way they understand the moral life and norms based on it. What one sees here is that the two levels of activity of practical reason: the

<sup>1</sup> This would be why there exist many virtuous persons who are not gifted in philosophical ethics.

direct act and the reflective act, work together. They are present in both of our characters, though the latter character is much more developed in the second level because of her philosophical expertise. The *lived tradition* is passed on from one to the other, partly through example, and partly through a sharing of the results of reflection: and the latter aspect specifically constitutes a continuation of the *tradition of reflection*. We see that in practice these two elements are not separate but they, nonetheless, remain distinct. Keeping in mind this distinction is helpful, as will be seen further on.

In order to better understand some of the implications of my claim, it is important to keep in mind the starting point, that along with MacIntyre I view moral inquiry as something like a craft. One reason this analogy works well is because the practical truth that we seek to understand involves, as I have said, the moral virtues, and the moral virtues can be considered as being like skills developed within the practice of the moral life.<sup>1</sup> A closer look at the nature of skills within a tradition of practice will be quite helpful for drawing out some ethical implications of my claim. Some of the insights of Michael Polanyi in his discussions of skills in his book *Personal Knowledge* will help in this regard.<sup>2</sup>

## II. POLANYI ON SKILLS

In his book *Personal Knowledge*, Michael Polanyi provides some interesting insights regarding skills that can be helpful to us in our analysis, and for further understanding the implications of our claim that there exist within any ethical tradition a *lived tradition* and a *tradition of reflection*.

Near the beginning of his discussion of skills, Polanyi presents the reader with the following thought: "I shall take as my clue for this investigation the well-known fact that the aim of a skillful performance is achieved by the observance of a set of rules which are not known as such to the person following them."<sup>3</sup> Two examples he provides are those of swimming and riding a bicycle. The principles that make a swimmer float or those that allow a bicyclist to keep his balance are generally unknown to the vast majority of swimmers and bicyclists, but this does not seem to impede them from mastering their skills,<sup>4</sup> nor would such aware-

<sup>1</sup> Aristotle strongly emphasizes the distinction between virtues and skills as part of his distinction between production (*poiēsis*) and action (*praxis*): cfr. *Nicomachean Ethics* 1140a 2-6, 16-17, b 3-4. However, Annas notes that it is interesting that Aristotle emphasizes so much their dissimilarity as opposed to their striking formal similarity: ANNAS, *The Morality of Happiness*, 68-69. This could be because Aristotle takes the similarity as something given and wishes to be sure that their dissimilarity is recognized. While acknowledging the differences that Aristotle notes between the two, I am merely making an analogy that emphasizes their similarity, a similarity relevant for my current purpose. The same, of course, can be said for my decision to adopt an understanding of moral inquiry as being like a craft.

<sup>2</sup> M. POLANYI, *Personal Knowledge*, University of Chicago Press, Chicago 1962, 49-65.

<sup>3</sup> *Ibidem*, 49.

<sup>4</sup> *Ibidem*, The explanations for how both are accomplished are fairly interesting. A swimmer is able to float by having, almost always unconsciously, learned to not expend all the air in her lungs when she exhales and by taking in more air than usual when she inhales. The bicyclist is able to keep

ness dispense them from having to learn their skills through practice and the guidance of others; for while this level of explanation would give a new learner an idea of what it is they need to do, actual experience will feature “a number of other factors... which are left out in this rule”;<sup>1</sup> that is, while some aspects of certain skills like these can be formulated in maxims that will aid a person in learning them, the skills themselves cannot generally be replaced by these.<sup>2</sup> Because of this, they “can only be passed on by example from master to apprentice,” and when such a practice stops for a generation they tend to be lost.<sup>3</sup> One example he provides for the importance of this sort of practical passing on of a skill, as opposed to a purely prescriptive passing on of a skill, is in noting how much effort it took using the best of scientific and technological means of his time to produce a violin of the caliber which “the half-literate Stradivarius turned out as a matter of routine more than 200 years ago.”<sup>4</sup>

We see in his examples of skills some analogy with our discussion of ethics. The second-level reflection on moral action depends upon first-level prudent action for its material, which is in turn dependent upon the *skills* of living that are the moral virtues. He states that the skill can only be passed on from master to disciple by a sort of faith of the disciple in the authority of her master, because not all aspects of the skill can be prescribed nor will they always be perfectly explained by their possessor. This would mean that waiting to completely understand the reasoning behind the elements of the skill would be inefficient if one’s primary goal were to learn the skill; though reflecting on the skill as it is developed could be helpful and would not slow a person’s progress. Nevertheless, a perfect understanding of the skill, while being helpful, would not be necessary.<sup>5</sup> This is very similar to our claim that a person can be virtuous without being a good ethical philosopher. One might ask how a skill might be further developed beyond what is learned from one’s master. For this, Polanyi’s discussion of developing skill in the use of a tool is helpful.

In discussing how one comes to develop skill in the use of a tool, he describes a process in which, through trial and error, a person begins to absorb the different elements of a practice into what Polanyi calls the person’s *subsidiary awareness* as being consumed under the aspect of having operational effectiveness in achieving a goal that is a part of the person’s *focal awareness*.<sup>6</sup> For this, he uses

his balance by turning his handlebars in the direction in which he falls so that the direction of the bicycle is deflected along a curve in that direction. This causes a *centrifugal force* throwing him in the offsetting direction, and the process then continues as such.

<sup>1</sup> *Ibidem*, 50.

<sup>2</sup> *Ibidem*.

<sup>3</sup> *Ibidem*, 53.

<sup>4</sup> *Ibidem*.

<sup>5</sup> We can see some connection with what Aristotle says about the *sage* being the measure and rule of practical truth: *Nicomachean Ethics*, Book III, 4: 1113a 28-32. That is, if one wants to grow in practical knowledge of the good life, he should trust what the *sage* has to say about it. As to deciding between different candidates of *sage*, we shall have something to say when we discuss the credibility of an ethical tradition.

<sup>6</sup> *Ibidem*, 61. In this chapter, these terms *subsidiary* and *focal awareness* are used frequently as Polanyi uses insights similar to those of Gestalt Psychology in order to make his points.

the example of using a stick to get around while blind-folded, but also says that it applies to using a hammer, tennis racket, or car.<sup>1</sup> In all these cases he says: "I succeed in absorbing all the elements of the situation of which I might otherwise be aware in themselves, so that I become aware of them now in terms of the operational results achieved through their use." Specifically regarding the blind-folded person with the stick:

When the new interpretation of the shocks in our fingers is achieved in terms of the objects touched by the stick, we may be said to carry out unconsciously the process of interpreting the shocks... we become unconscious of the actions by which we achieve this result. This lapse into unconsciousness is accompanied by a newly acquired consciousness of the experiences in question, on the operational plane.

In the practice of life the operational principle, the final end, is the comprehensive good of life as a whole (*eudaemonia*),<sup>2</sup> and this operational principle is present in all of a person's practical strivings, though not frequently in a conscious way in the way one is *focally* aware of her immediate end. Nonetheless, what interests us in this example is how one comes to a practical knowledge of something through repeated efforts, heuristically, not necessarily understanding how the skill one is developing works. This seems to be the mode in which practical knowledge, as opposed to theoretical knowledge, is developed—even when it is guided by faith in an authority of the practice.<sup>3</sup>

Before returning to Polanyi to complete our analysis, something should be said about the aspect of credibility that both aspects of an ethical tradition have the potential to provide. For if it is noted that the truth about the good life is reached through experience and the building on of experience that constitutes

<sup>1</sup> *Ibidem*.

<sup>2</sup> "Primum autem principium in operativis, quorum est ratio practica, est finis ultimus," S. Th. I-II, q. 90, a. 2.

<sup>3</sup> Here we run into the problem of 'conversion', which was a theme in ancient ethical theory (Cfr. ANNAS, *The Morality of Happiness*, 55: footnote 18. If all persons desire their own good, and all people are continually acting, if what we have said is true, should not this living practice lead all people toward their good? What about the fact that some people actually become less virtuous with time? Leaving aside much of this question for a separate treatment of conversion, which is very much tied into the mystery of human freedom, we shall argue that whatever leads to this movement from moral adolescence to adulthood, from contentedness with one's plan of life to a pursuit of virtue, is initiated with a recognition of one's own ignorance regarding a good life – like Socrates who was the wisest man in Athens, for he knew that he knew nothing. For this, we can modify the scheme of life stages of Kierkegaard (For a summary of Kierkegaard's doctrine regarding this: cfr. F. COPLESTON, *A History of Philosophy*, VII, Image-Double Day, New York 1994, 341–347. So long as a person remains in the first stage, they may always live with the false hope that they do in fact know how to be happy just so long as they overcome all the obstacles they encounter to it. Whatever it is that causes it, this person may come to despair on account of doubting the trajectory of her life; this could then either anticipate a step into the Socratic Stage, or the pursuit of a new illusion. This Socratic stage would be characterized by a humility and openness to learning. And it would be in this stage, i.e. inasmuch as a person has this disposition that this heuristic process of seeking the good life would begin. Beyond the purpose of this paper, this could be complemented theologically by a Pauline stage – a recognition of one's own powerlessness to achieve the known good and one's need for help.



a tradition, while not recognizing the conflict between different ethical traditions, then one could easily be accused of a sort of relativism regarding these traditions. To contrast this, I shall argue that both aspects of an ethical tradition, inasmuch as they reach practical truth or speculative understanding of that truth, are capable of adding credibility to their ethical tradition in contrast to other such traditions.

A *tradition of reflection* can provide credibility to its ethical tradition in different ways. For one, its encounter with other traditions can take the form of dialectic. This can be seen at the beginning of the *Nicomachean Ethics* when Aristotle considers what has been said about the final good of human life by others and provides convincing arguments for why these rival understandings are insufficient.<sup>1</sup> A good example of this in the writings of Aquinas is when he argues that the final end consists in the good itself – the intellectual vision of God – and not its proper accident, delight;<sup>2</sup> and the logic of this argument can be extended against all forms of ethics that equate good with the subjective pleasure/delight that it gives to its possessor: i.e. all types of hedonism. The reflective aspect of the tradition can also help lead a person to recognize the true significance of certain goods, which perhaps evade her recognition; for example, metaphysical or phenomenological reflection on the human person can bring to one's attention the immense goodness and dignity of the human person as a *microcosmos* who should always be treated as an end in herself.<sup>3</sup> Furthermore, since no person comes toward these ethical traditions with a blank slate, but already has certain conceptions of human goods, philosophical reflection may be able to show how certain social goods that are already recognized by the inquiring person can be achieved through certain types of behavior.<sup>4</sup>

The *lived tradition*, moreover, can also provide credibility for an ethical tradition. For one, it is the recognized truth in the practice of such a tradition that confirms its theoretical defense. For those standing outside such a tradition, the *lived tradition* can provide credibility through the evidence of its participants. This could happen in different ways. For instance, a good recognized by the inquiring person, but considered by her to be difficult to achieve, could be seen to be achieved with seeming facility by a person who is part of the ethical tradition in question: this is especially the case with more obvious goods such as integrity and joy. Much more could be said about both of these things, but for our pur-

<sup>1</sup> *Nicomachean Ethics*, Book I, 4-5: 1095a 14 - 1096a 10.

<sup>2</sup> S. Th. I-II, q. 4, a. 2.

<sup>3</sup> Cfr. I. KANT, *Grundlegung zur Metaphysik der Sitten*, Kant's Gesammelte Schriften, Akademieausgabe, IV, 429. Even if one holds, as I do, that the categorical imperative does not add anything to the universally recognized practical principle that has been given different definitions and is normally referred to as the *golden rule*, his use of the categorical imperative is sufficient for showing that justice, following the aforementioned practical principle or the categorical imperative, requires that each person treat each other person as an end in herself.

<sup>4</sup> For this we think of the examples of the arguments in Plato's *Republic*, which attempt to show the social effects of personal behavior, or the insights of René Girard on the social instability caused by certain personal ends.

poses it is enough that this aspect of credibility be acknowledged as being found in both aspects of an ethical tradition.

Now I would like to return to Polanyi's analysis in order to examine some other ways in which reflection on a practice relates with the practice itself, starting with his consideration of what he calls 'destructive analysis'.

An interesting observation made by Polanyi regarding practices and the reflected study of them, which is relevant to our topic, deals with the cases in which destructive analysis has been applied to a practice. He points out that sometimes this has been beneficial, as is the case when a superstition has been refuted or that of a dubious practice like homeopathy.<sup>1</sup> Regarding ethics, this would be analogous to when philosophical reflection has been able to dismiss certain norms as being meaningless taboos. However, a danger that may arise in such destructive analyses is when such analyses dismiss legitimate practices or skills on account of either misunderstanding their true nature, or because what is being debunked is simply a poor explanation of a legitimate practice.

For the first kind of mistake, he provides the example of the skill of what is called the pianist's 'touch', which was thought to be debunked by certain authors by showing that the hammer strikes the chord in the same way no matter how softly the pianist presses the key. However, what they failed to recognize was that it was actually the sound produced by the key itself, and not the chord, which produced the sound recognized as the pianist's 'touch',<sup>2</sup> and the experts and connoisseurs of the practice were thus vindicated.

For an example of the second type of mistaken destructive analysis, he provides an example regarding the tradition of hypnosis starting with Mesmer. Hypnosis was dismissed by its critics on account of the poor explanations given for the practice by Mesmer and his disciples – a fanciful theory of animal magnetism. However, the dismissal of their explanations carried with it a dismissal of the reality of the practice of which its adherents were certain,<sup>3</sup> and which was later validated by a better understanding of how it came about – through hypnotic suggestion.

In these examples are seen potential dangers in the reflective aspect, especially when it is taken to the level of philosophical reflection, of falsely dismissing legitimate ethical norms, either on account of their nature not being fully understood, or on account of assuming that a refutation of the explanations given for the ethical norm constitutes a refutation of the practical truth contained in the norm itself.

Now I would like to move forward to argue, using the example of an ethical tradition regarding the prohibition of lying, that an imperfect understanding of a norm that is passed on through a tradition of ethical reflection can lead to tension with the practical truth recognized in its correspondent lived tradition.

<sup>1</sup> *Ibidem*, 50.

<sup>2</sup> *Ibidem*.

<sup>3</sup> *Ibidem*, 52. Mesmer's disciple Eliotson is quoted as saying, "I have given details of 76 painless operations in the name of common sense and humanity, what else is wanted?"



## III. THE RATIO OF A LIE

In the Western philosophical tradition, which cannot be completely separated from the Christian moral tradition, there is a long history of a universal prohibition against lying.<sup>1</sup> This can be seen in Augustine's work *De Mendacio* where, after discussing the uncertainty as to whether a pair of examples of purported lying would qualify,<sup>2</sup> he offers as a more certain definition of lying, "to proffer a false affirmation with the intention of deceiving."<sup>3</sup> The original Latin does not necessarily imply that the lie must be vocal, and this is more clear in a prior comment in the same work when Augustine says "he lies, who has one thing in his mind and utters another, *whether in words or by signs of whatever kind*."<sup>4</sup> It is also clear that this definition does not come from thin air, but he forms it from a nuanced reflection upon the lived experience of the Christian life as he has adopted and inherited it; and he states at the beginning of this work that he wishes to call lies what are in reality lies and avoid calling lies what are not really lies,<sup>5</sup> in some way appealing to our moral sense. However, after having carefully formed his definition, he holds to a strict and universal prohibition against lying as he defines it,<sup>6</sup> even if admitting of varying degrees of moral gravity.

Saint Thomas has in some ways an even stricter understanding of lying than Augustine. While distinguishing between three parts of a lie, – the false assertion (material falsehood), the conscious will of pronouncing it (formal falsehood), and the intention of deceiving another<sup>7</sup> – he does not consider deception as essential to a lie, but rather its full development; he therefore defines a lie as a *locutio contra mentem*, as a voluntary and conscious contradiction between what one has in one's mind from what one speaks. This is because, for Saint Thomas, the fault in lying is situated in the fact that it contradicts the very nature of language and thus the good of human communication, and not just on account of its being an injustice against one's neighbor or damaging to society.<sup>8</sup>

<sup>1</sup> In what follows we shall adhere loosely to the scheme put forth by A. RODRÍGUEZ LUÑO, *Scelti in Cristo per essere santi III: Morale speciale*, Revised Edition, Edusc, Roma 2003, 92-102. For the sake of brevity, I start with Augustine, not as though Western writers before him, or those not mentioned after him, had nothing interesting to say about lying, but because the modest point I wish to make does not require a comprehensive history of the prohibition against lying.

<sup>2</sup> He questions whether or not a person who tells a falsehood without the intention of deceiving is lying or if a person who tells the truth with the intention of deceiving is lying. AUGUSTINE, *De Mendacio*, 4, 5: NBA 7/2, 319.

<sup>3</sup> *Ibidem*: "quapropter enuntiationem falsam cum voluntate ad fallendum prolatam, manifestum est esse mendacium."

<sup>4</sup> *Ibidem*, 3 "Quapropter ille mentitur, qui aliud habet in animo, et aliud verbis vel quibuslibet significationibus enuntiat" (English translation mine: emphasis is mine).

<sup>5</sup> *Ibidem*, 1,1.

<sup>6</sup> *Ibidem*, 17, 34: NBA 7/2, 373. Cfr. *Contra Mendacium*, 3, 4: NBA 7/2, 415.

<sup>7</sup> Cfr. S. Th. II-II, q. 110, a. 1.

<sup>8</sup> Our explanation of Saint Thomas's position follows very closely to that given in RODRÍGUEZ LUÑO, *Scelti in Cristo per essere santi III*, 93-94. This text also cites D. WAFFELAERT, *Dissertation sur la malice intrinsèque du mensonge*, «Nouvelle Revue Théologique» 13 (1881) 479-497 & 14 (1882) 258-265 &

Like Augustine, he too considers willed non-verbal deception to be lying.<sup>1</sup>

On account of the recognition of the duty to sometimes conceal the truth, another tradition arose in an attempt to maintain the universal prohibition against lying, – either lying as defined by Aquinas or the slightly different definition passed on in the Augustinian tradition – while recognizing certain methods of concealing the truth: the tradition concerning mental reservations. There have been different formulations of this doctrine, but it generally features a distinction between a *restrictio pure mentalis* and a *restrictio late mentalis*. With a mental reservation of the first type, the speaker gives a meaning to his words of which he would only be aware, whose obvious meaning clearly would deceive the listener. There is wide agreement among moralists of the Catholic tradition, and of those who uphold the universal prohibition against lying, that this first type of mental reservation is a lie. A person uses the second type of mental reservation, *restrictio late mentalis* or *restrictio realis*, when there exists an ambiguity in the situation in which he finds himself, and his choice of words takes advantage of that ambiguity. Most moralists of the Catholic tradition consider this second type licit if a situation is serious enough, even normally allowing that a person may use ambiguity in her words in the measure in which the seriousness of the situation renders it necessary.<sup>2</sup>

Most people have probably encountered situations in which common sense would dictate that it would be morally permissible to tell a falsehood, especially if, following Augustine and Aquinas, this were extended to non-verbal communication. Some examples would come from everyday situations: if a woman asks her husband if her dress makes her look obese; if a person is asked how they are doing in a casual encounter and they really do not feel well, but do not believe the other person really wants to hear about it; the deception inherent in certain games, like poker; etc. Other more extreme or unique situations would include the use of spies by a government, leaking false information to an enemy in the midst of a war, the testing of a lie-detector,<sup>3</sup> or the all-too-famous situation of a Gestapo officer coming to the house of a family hiding Jews in the attic and asking them if they know where any Jews are hiding.

Situations like these and others have not only led to some tension between the general public and the strict definitions of lying proposed by Aquinas and Augustine, but it has even led to some tension among those who are consid-

362-375: with these articles showing that the difference between Augustine and Thomas with regard to lying has often been exaggerated. While, according to Thomas, a will to deceive is not essential to the fault of lying, it remains implicit in the act of lying. Nonetheless, the two positions are not exactly the same.

<sup>1</sup> S. Th. II-II, q. 110, a.1, ad. 2.

<sup>2</sup> This discussion of the tradition of mental reservations is dependent on the aforementioned discussion of the moral tradition of lying found in chapter three of RODRÍGUEZ LUÑO, *Scelti in Cristo per essere santi*, III, 95-96.

<sup>3</sup> Example from M. RHONHEIMER, *The Perspective of Morality: Philosophical Foundations of Thomistic Virtue Ethics*, Catholic University of America Press, Washington D.C. 2011, 364.

ered as being persons of eminent virtue within their same tradition. In the 1910 *Catholic Encyclopedia*, the article on lying mentions among the Church Fathers as those who considered it permissible to tell falsehoods in certain situations: Origen, Saint John Chrysostom, and Cassian. It adds that in the Middle Ages Saint Raymund of Pennafort – the patron of canonists – adhered to a doctrine of equivocation in extreme situations that would not be permissible under the definition of lying as understood by Aquinas nor that of Augustine;<sup>1</sup> a similar doctrine was taught by Saint Alphonsus Liguori – the patron of moralists no less.<sup>2</sup> Furthermore, Blessed John Henry Newman allowed that lawyers and priests who had to preserve the secrets they were under oath to hold could justly tell falsehoods if necessary.<sup>3</sup>

On the other hand, these alternative solutions to the problem of lying carried with themselves other issues and never seemed to satisfy the majority of moralists within the Catholic tradition. In particular, Saint Raymund of Pennafort's solution carried with it many problems in its application to situations that this Saint did not foresee: applications that would be considered lying, not only by the most prudent, but even by common sense.<sup>4</sup>

It should not be surprising to sometimes find such a tension between how a norm formed within the *tradition of reflection* is understood and the practical truth recognized by the *lived tradition*. Some of this tension was seen two years ago when a great debate developed in popular articles between Catholic writers in the United States over this problem on the heels of the controversy surrounding a private sting operation performed by a Catholic pro-life group in order to expose certain illegal practices of Planned Parenthood.<sup>5</sup> In the midst of this controversy, it was interesting that appeals were made, without an alternative

<sup>1</sup> T. SLATER, *Lying in The Catholic Encyclopedia*, Robert Appleton Company, New York 1910 (Retrieved November 25, 2012 from New Advent: <http://www.newadvent.org/cathen/09469a.htm>): "It is interesting to read what St. Raymund of Pennafort wrote on the subject in his *Summa*, published before the middle of the thirteenth century. He says that most doctors agree with St. Augustine, but others say that one should tell a lie in such cases. Then he gives his own opinion, speaking with hesitation and under correction. The owner of the house where the man lies concealed, on being asked whether he is there, should as far as possible say nothing. If silence would be equivalent to betrayal of the secret, then he should turn the question aside by asking another — How should I know? — or something of that sort. Or, says St. Raymund, he may make use of an expression with a double meaning, an equivocation such as: *Non est hic, id est, Non comedit hic* — or something like that. An infinite number of examples induced him to permit such equivocations, he says. Jacob, Esau, Abraham, Jehu, and the Archangel Gabriel made use of them. Or, he adds, you may say simply that the owner of the house ought to deny that the man is there, and, if his conscience tells him that this is the proper answer to give, then he will not go against his conscience, and so he will not sin. Nor is this direction contrary to what Augustine teaches, for if he gives that answer he will not lie, for he will not speak against his mind (*Summa*, lib. I, *De Mendacio*)." This way of handling the problem led to many problems, not foreseen by its application in this situation. It does not seem that Augustine's explicit understanding of lying would allow for this.

<sup>2</sup> Cfr. J. H. NEWMAN, *Apologia Pro Vita Sua*, Echo Library, London 2006, 216-220.

<sup>3</sup> *Ibidem*.

<sup>4</sup> Cfr. SLATER, *Lying*.

<sup>5</sup> We shall make no comment on the morality of this operation, but only on the fact that it opened up a debate regarding other ethical situations that are similar to those we shall consider.

solution, for developing a better understanding of the nature of a lying, because the ethically 'safe' solution of Aquinas just does not perfectly correspond to the moral sense of honest people in certain situations, whereas neither had the other alternative solutions that had been offered. Two conservative American Catholic scholars, Peter Kreeft<sup>1</sup> and Janet Smith,<sup>2</sup> made precisely this argument. The appeal to good-sense may strike us as a-philosophical, but without saying more, perhaps this is not the case if we acknowledge the primacy of the practical reason *in actu exercito* and its correspondent *lived tradition*.

A popular attempt to resolve this dilemma was that of Grotius, who in his work *De Jure Belli et Pacis*, formulated a theory of lying that defined a lie as being the speaking of a falsehood to someone who has a right to the truth.<sup>3</sup> This position has been adopted by some moralists and some form of it even found its way into the 1992 version of the *Catechism of the Catholic Church*, before it was removed in the official 1997 version.<sup>4</sup> Many are dissatisfied with it, however, because situations in which a person has a right to the truth are difficult to identify, and in most situations almost all would consider it a lie to willfully deceive another.

A different approach is taken by Günthör who extends the licit mental reservation called *restrictio realis* to situations in which the meaning of the words spoken, though clearly not being understood in their normal use as meaning what is in the mind of the speaker, are clearly understood as having, at least potentially, that sense in a particular situation. An example he gives is when a person is accused of a crime and in the legal process he is asked whether or not he committed the crime and he replies 'no'. Since he is not bound to incriminate himself, his 'no' is understood in that situation as either meaning that he did not commit the crime, or that he is leaving it up to those involved to prove that he committed the crime.<sup>5</sup>

A similar approach to this last one was proposed by Vermeersch. He sustains that language and other analogous signs are the only means of communication between humans and that this communication is necessary for personal and social life and the sharing of its goods. For this reason he considers it inviolable. However, he recognizes that language can only be understood from within its context, and on account of this he states that it is not enough for a person to knowingly speak false words for it to be considered a lie, but rather when this is done in a context in which they are presented and seen as our interior thoughts.

<sup>1</sup> P. KREEFT, *Why Live Action Did Right and Why We All Should Know That*, February 7, 2011, <http://www.catholicvote.org/discuss/index.php?p=14306> (accessed December 5, 2012).

<sup>2</sup> J. SMITH, *Fig Leaves and Falsehoods*, «First Things», June/July 2011, <http://www.firstthings.com/article/2011/05/fig-leaves-and-falsehoods> (accessed December 5, 2012).

<sup>3</sup> Cfr. RODRÍGUEZ LUÑO, *Scelti in Cristo per essere santi*, III, 94-95.

<sup>4</sup> Cfr. C. GARCÍA DEL BARRIO, *El octavo mandamiento en el Catecismo Romano y en el Catecismo de la Iglesia Católica*, Edusc, Roma 2005.

<sup>5</sup> A. GÜNTHÖR, *Chiamata e risposta. Una nuova teologia morale*, vol. III, Paoline, Cinisello Balsamo 1989, 398.

In order for the *locutio* of the *locutio contra mentem* of Aquinas to be formal, according to Vermeersch, it must be uttered in a context in which there is this understanding.<sup>1</sup>

Martin Rhonheimer follows a similar approach to that of Vermeersch, arguing that moral norms must be understood in relation to their ethical context.<sup>2</sup> Following Aquinas, he considers lying to be a fault against the virtue of veracity (or sincerity), which in the Thomistic taxonomy is a potential part of the virtue of Justice. He states that it is not enough to say a false assertion to act against veracity, because a false assertion could happen when one does not speak a language well or simply makes a mistake, but a false assertion willingly made within what he calls a *communicative context*, which is “characterized by a social community that exists in virtue of linguistic communication, in which speech has the function of being a sign of the thoughts, feelings, intentions, and so on of the one who uses the sign.”<sup>3</sup> Now since veracity is a potential part of justice, then a fault against it has something in common with a fault against justice. When a person willingly tells another a falsehood within this communicative context he fails to treat the other members of society as equals, putting himself above them by violating the ‘golden rule’ in acting against the good of the context of mutual trust that societal living requires; furthermore, such a person can also violate the *golden rule* in his relation with the other person, for he expects others to tell him the truth in this *communicative context* and by telling the person a falsehood he puts himself above this other individual as well.

Accordingly, Rhonheimer’s position regarding the ethical context, like that of the other solutions we have seen, attempts to safeguard the practical truth contained in the universal norm opposed to lying. An attempt to reconcile the lived experience of the tradition and the reflective tradition regarding this moral norm can also be seen in the way the *Catholic Encyclopedia* article on lying implies a similar understanding in the way the writer understands the legitimate use of a mental reservation.<sup>4</sup> It is not my purpose here to question the way the

<sup>1</sup> A. VERMEERSCH, *De meandacio et necessitatibus commercii humani*, «Gregorianum» 1 (1920) 11-40 and 425-474.

<sup>2</sup> Cfr. RHONHEIMER, *Natural Law and Practical Reason*, 475. Rhonheimer coins the term ethical context, having been inspired by Robert Spaemann in *La responsabilità personale e il suo fondamento in Etica teleologica o etica deontologica?*, «Documenti CRIS» 49/50, Roma 1983, 19 (Translation mine). Rhonheimer applies the logic of an ethical context to the reality of lying in different works. Cfr. also A. RODRIGUEZ LUÑO, *El acto moral y la existencia de una moralidad intrínseca absoluta*, in G. DEL POZO ABEJÓN (dir.), *Comentarios a la Veritatis Splendor*, Bac, Madrid 1994, 693-712: “En efecto, la cualidad moralmente negativa de este tipo de actos puede quedar determinada esencialmente sólo por el acto o comportamiento elegido, porque el comportamiento contiene en sí mismo un contexto, es decir, una red de relaciones éticas suficientemente definida como para determinar unívoca e invariablemente su moralidad esencial”.

<sup>3</sup> RHONHEIMER, *The Perspective of Morality*, 364.

<sup>4</sup> Cfr. SLATER, *Lying*: “Sometimes a statement receives a special meaning from use and custom, or from the special circumstances in which a man is placed, or from the mere fact that he holds a position of trust. When a man bids the servant say that he is not at home, common use enables any man of sense to interpret the phrase correctly. When a prisoner pleads ‘Not guilty’ in a court of justice, all concerned understand what is meant. When a statesman, or a doctor, or a lawyer is asked

norm has been traditionally formed by Saint Augustine or by Saint Thomas, or to take any sides in how to reconcile the tension between the *tradition of reflection* and the *lived tradition*, but merely to offer it as a further example of the distinction between the two. As Ángel Rodríguez Luño points out, any apparent exception to a true moral prohibition, like that against lying, is on account of the limitations of language and its incapacity to be used to express a fully transparent rationale for a moral prohibition into a concise formula.<sup>1</sup> Ultimately, a true understanding on the reflective level will be in accord with the prudent choice of an ideally prudent person.

## V. CONCLUSION

Starting from an understanding of ethical inquiry as a craft, within the standpoint of a first personal Thomistic ethics, I have argued for a distinction and interdependence within an ethical tradition between a *lived tradition* and a *tradition of reflection*. I then took a closer look at the relation between these two aspects, drawing out some implications of this distinction for moral inquiry. Much more could be said about this topic, but it was my purpose to demonstrate that such a distinction can lead to some helpful insights for the study of ethics.

## ABSTRACT

In this essay, starting from the standpoint of ethics being like a craft, and making use of a helpful distinction made by the Thomistic commentator Cajetan, I argue for a distinction between two different aspects of an ethical tradition: a *lived tradition* and a *tradition of reflection*. After some initial clarifications, I examine this distinction by comparing ethical development and traditions to other traditions of practice, making use of Michael Polanyi's discussion of the development of skills in *Personal Knowledge*. I then close by examining the possibility of tension between a *lived tradition* and a *tradition of reflection* by consideration of the tradition of the moral prohibition against lying in the Catholic moral tradition.

impertinent questions about what he cannot make known without a breach of trust, he simply says, 'I don't know', and the assertion is true, it receives the special meaning from the position of the speaker: 'I have no communicable knowledge on the point.' The same is true of anybody who has secrets to keep, and who is unwarrantably questioned about them. Prudent men only speak about what they should speak about, and what they say should be understood with that reservation. Catholic writers call statements like the foregoing mental reservations, and they qualify them as wide mental reservations in order to distinguish them from strict mental reservations."

<sup>1</sup> Cfr. A. RODRÍGUEZ LUÑO, *The Universality and Immutability of the Precepts of the Natural Law: The Existence of an Intrinsically Absolute Morality* (translated by Kira Howes), <http://eticaepolitica.net/eticafondamentale/Universality.pdf>, 16 (accessed December 24, 2013).