

Three Steps or Three Acts: Deliberating, Judging, and Choosing within the Order of our Moral Cognition according to Aquinas

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Deliberating

As we move from a factual kind of understanding and knowledge into the kind of understanding and knowledge which belongs to the intentionality of our moral cognition, in a replication which recalls how our acts of inquiry must precede our abstractive acts of understanding within the order which belongs to our speculative acts of human reasoning, our moral reasoning must also begin with its own form of inquiry which, traditionally, has been referred to as *consilium*: as “taking counsel”¹ or, in other words, as deliberation.² The infinitive verb is *consiliari*: to take counsel or to deliberate.³ We seek advice about whether to do this or to do that because we must deliberate and think about what we should do and effect in dealing, at times, with difficult problems which present themselves to us as questionable concerns which we have urgently to understand, know, and then decide upon.⁴ Do I do this or that? Do I avoid this or that? The doubtfulness (the prevalence of ambiguity and uncertainty) makes our acts of deliberation necessary: something which we cannot evade or avoid.⁵ In our moral reasoning, this kind of inquiry marks the first stage in a kind of forward, transitive process (which is signified as a *via motionis* or as a “way of moving [or motion]”⁶) where the ultimate issue or object is making a choice or a selection which we are to implement after we have first considered any options which we may have but which we must first discover and know before we can then move into an evaluative act of judgment. The immediate or proximate object is a grasp of where and when we should begin in any deeds which we must do and effect in order to realize the means that will best lead us toward a desired end, objective, or goal.⁷ The object is never an act or an operation which we cannot achieve in some way through, tentatively, what we are able to do as human subjects.

Judging

¹*Summa Theologiae*, 2a2ae, q. 47, a. 8. See also *Summa Theologiae*, 1a2ae, q. 9, a. 4; q. 14, a. 1; 2a2ae, q. 47, a. 1; q. 53, a. 1.

²*Sententia libri Ethicorum*, 3, 6, 457; 3, 8, 473.

³*Summa Theologiae Blackfriars*, 1a2ae, q. 57, a. 6.

⁴*Sententia libri Ethicorum*, 3, 7, 461-467; 475; 1138. See also *De Veritate*, q. 24, a. 1; *Summa Theologiae*, 1a2ae, q. 14, a. 3, ad 3. Aquinas offers a striking example in the *Sententia libri Ethicorum*, 3, 7, 471 when he speaks about a judge who does not need think about how he should pass a sentence on a case that is covered by law. But, when dealing with a case which is not determined by law, he must ponder and think about it. He must deliberate about what he should do before acting in a way which could create a law in terms of “judge made” law. In taking counsel about what is to be done, not only must we sometimes inquire about what is to be done but we must also sometimes ask about how we should execute what has or needs to be done.

⁵*Sententia libri Ethicorum*, 3, 7, 467; *Summa Theologiae*, 1a2ae, q. 14, a. 1; 3a, q. 18, a. 3, ad 1; ad 2.

⁶Frederick E. Crowe, “Practical Knowledge and Its Application,” *Three Thomist Studies*, supplementary issue of *Lonergan Workshop*, vol. 16, ed. Fred Lawrence (Boston: Lonergan Institute, 2000), p. 134.

⁷*Sententia libri Ethicorum*, 3, 8, 474; 480; 483; *Summa Theologiae*, 2a2ae, q. 51, a. 1, ad 3.

But, while in the end of our inquiry, some kind of choice or election must be made with respect to initial actions that should lead us toward a desired end or goal, in making any specific choice, a prior deliberative or speculative component must be clearly distinguished from a subsequent decision or choice which, as the further or ultimate term of our rational desire or rational appetite, is an event which fully commits us to a course of action which we are now putting into effect.⁸ A choice exists as both the term of an act of our reasoning and as the term of an act of our willing (our desire or appetites).⁹ An act of understanding first grasps a rational mean which appositively exists as a “mean of reason”¹⁰ before it concludes this same reasoning with an enabling, facilitating act of judgment which exists as a species of intermediary (between our acts of deliberation and our acts of choosing);¹¹ an act of our willing in our appetites and desires then goes beyond our reasoning and our judgments as, now, more fully, we unite ourselves to that which we have grasped and discovered and which exists for us as a rational mean (or sequence of means) that our acts of understanding know as we experience them within the order and the data of our cognitive human awareness. A traditional way of speaking speaks about acts of understanding which originate from within ourselves, from within our human minds.¹² An intellectual virtue (as it is actualized in a specific act of understanding) is joined to a moral virtue as it is actualized through the making of a prudential choice which perfects us both in terms of our understanding and our willing.¹³ Our judgments bring our prior deliberations of counsel to a satisfactory conclusion which then facilitates and makes for a later specific, concrete choice which specifies a first act that we should do or execute in a chain of likely acts which, hopefully, will lead us toward our union with a desired goal or objective.¹⁴

⁸*De Veritate*, q. 22, a. 15 & ad 2; *Sententia libri Ethicorum*, 3, 8, 483; *Summa Theologiae*, 1a2ae, q. 57, a. 6.

⁹*Summa Theologiae*, 1a2ae, q. 13, a. 1.

¹⁰*Summa Theologiae*, 2a2ae, q. 47, a. 7.

¹¹*Summa Theologiae*, 1a2ae, q. 15, a. 3; 2a2ae, q. 51, a. 2, ad 2; 3a, q. 18, a. 4, ad 2.

¹²*Summa Theologiae*, 1a, q. 14, a. 8; q. 83, a. 3, ad 2; 1a2ae, q. 17, a. 1; q. 58, a. 4; q. 65, a. 1.

Thomas Gilby, in his *St. Thomas Aquinas Philosophical Texts* (New York: Oxford University Press, 1960), summarily translates the gist of Aquinas’s thesis in 1a, q. 14, a. 8 by simply noting that “knowledge does not produce a decision unless [it is] influenced by appetite” (p. 111, n. 316). A more literate reading avers as follows: “the intelligible form does not denote a principle of action in so far as it resides in the one who understands unless there is added to it the inclination to an effect, which inclination is through the will.”

¹³*Summa Theologiae*, 1a2ae, q. 58, aa. 4-5. While Aquinas argues in a. 4 that moral virtue can exist without science, wisdom, and art, understanding and prudence are both needed however within the kind of order which belongs to the acts of our ethical, moral, human life.

¹⁴*Sententia libri Ethicorum*, 3, 9, 484; *Summa Theologiae*, 1a2ae, q. 13, a. 1, ad 2. In “Appendix I The Structure of a Human Act,” *Summa Theologiae Blackfriars*, 1a2ae, v. 17, pp. 211-217, Thomas Gilby tries to illustrate the difference between a judgment and a choice in our moral decision making. If a man decides or wills to attend the evening performance of an opera, he must deliberate about how he will do it. He thinks about a means of transportation. Finally, as his deliberation comes to term, he decides to go by train. He makes a judgment. Then, once he has made this decision, he must select or choose a particular train from the options that are available. After making this choice, his subsequent doing falls within an order of execution which transcends the intentionality of what his mind and heart have been both urging him to do. A concrete choice proximately effects a new chain of causation where means precede ends as causes that lead to ends

In other words, our moral judgment exists as the second stage or step which leads us toward into the kind of human orientation which we bring into being whenever we make specific, concrete choices.¹⁵ When a given judgment grasps a course of action which cannot be differentiated and subdivided into an assemblage of specific options from which we can possibly make a selection or choice, such a judgment will appear to not differ from the more concrete, practicable form of judgment which exists as the making of a specific choice which, as a choice, chooses one preferred option instead of other possible options.¹⁶ In such a situation, our consent or our act of judgment becomes a choice in an act which brings our moral deliberation to a proper close in a transition which moves from something which exists in an inward way to something which exists in an outward way. A goodness which exists in terms of that which we are initially desiring emerges in a manner which can now point to the fullness of its instantiation.

Choosing

Finally, in a third and final step which is particularly characteristic of our acts of practical reasoning in its exercise and application of prudent decision making, as we have been noting, our practical acts of reasoning conclude with an election or a choice although in a manner which exists in terms of *praecipere* or *imperare*. An instructing, demanding, commanding, imperative precept (a *praeceptum*) addresses itself to us with respect to what now should be our consequent acts of human willing and doing although, as we have been noting, it is grounded in an apprehension of choosing and choice that, in some way, is grounded or which is conditioned by our prior acts of understanding and judgment.¹⁷

instead of a converse relationship where ends precede means as causes that lead us toward means which had been the case within the order of our conscious intentionality, prior to the emergence of a consequent order of implementation and execution (*Sententia super Metaphysicam*, 7, 6, 1408; *Sententia libri Ethicorum*, 6, 8, 1231; and *Summa Theologiae*, 1a2ae, q. 1, a. 4; q. 16, a. 4). However, in every concrete human act that we do as human subjects, an inner act of deciding is joined to an outer act of doing through a compound of parts and elements which does not detract from the fundamental unity of our human actions within the order and structure of our different human acts. Cf. *Summa Theologiae*, 1a2ae, q. 17, a. 4. Every human act is willed in a manner which subordinates and which employs other kinds of acts and powers through an application of instrumental causality that eventually leads us toward a form of exterior, outer doing which manifests our actions as human subjects to the observance and notice of other human beings who also exist as subjects. Cf. *De Malo*, q. 2, a. 2, ad 6.

¹⁵*Summa Theologiae*, 2a2ae, q. 47, a. 8; q. 51, a. 2, ad 2. Aquinas refers to this second act as our judging about what we have discovered and he refers to it as a speculative act although, here, the context is a practical act of reasoning which wants to realize a good which, as yet, does not exist.

¹⁶*Summa Theologiae*, 1a2ae, q. 15, a. 3, ad 3. See also David M. Gallagher, “The Will and Its Acts (Ia IIae, qq. 6-17),” *The Ethics of Aquinas*, ed. Stephen J. Pope (Washington, DC: Georgetown University Press, 2002), p. 82.

¹⁷*Summa Theologiae*, 2a2ae, q. 47, a. 8; 1a2ae, q. 17, a. 1. Hence, for Aquinas, it follows that, as known, the moral goodness or the badness of an external action is derived from the acts of our human reasoning and understanding and not from our acts of willing, although, in implementing a moral choice or decision, it is by willing within the order of our execution that the goodness or the badness of external deeds is realized and made present. Cf. *Summa Theologiae*, 1a2ae, q. 20, a. 1 & ad 1. As is noted in ad 1: an exterior action is a human act “inasmuch as it has been presented to the will, by the reason, as a certain good [*quoddam bonum*] comprehended and ordered [*apprehensum et*

This type of judgment or decision, as an actualized specific concrete choice, exists as the actual doing or implementation of a decision which we have just made,¹⁸ and since it brings our acts of practical reasoning toward their final or ultimate term, it can be said that the issuing of commands, directives, or precepts exists as the principle object or act of our practical acts of human reasoning.¹⁹ The practicality of our human cognition points to a practical form of self-transcendence which belongs to us as human agents and subjects in the midst of our activities and receptions and by means of these activities and receptions.

With respect then to something which we must do as a first act that will hopefully lead us toward a desired end or goal, the act of judgment which grounds the issuing or the proceeding of a given directive is, at times, referred to as an act or judgment which belongs to the order or to the reality of our human conscience (our *conscientia*) since one meaning of conscience refers to a process or an application (an *applicatio*) by which we seek to discover what we should do through any actions that we can possibly realize to achieve a particular end and goal or, negatively, to avoid a particular end or an undesired goal.²⁰ We move from generalities to specifics: from a habitual, general knowledge of different things toward a specific choice which allegedly mediates or which expresses the significance or the meaning of some kind of higher law or principle.²¹ If we are thinking rightly and not irrationally, we choose to do something which we know is not impossible for us (as difficult as it might be to put into effect).²² But, is it right or is it wrong to engage in a certain, specific act?

ordinatum] through the reason.” Cf. Martin Rhonheimer, *Natural Law and Practical Reason: A Thomist View of Moral Autonomy*, trans. Gerald Malsbary (New York: Fordham University Press, 2000), p. 429.

18 *Summa Theologiae*, 1a2ae, q. 17, a. 3. See *In 2 Scriptum super libros sententiarum*, d. 40, q. 1, a. 2, ad 1, as cited by Rhonheimer, *Natural Law and Practical Reason*, p. 153, n. 34: “*ex electione immediate sequitur opus.*”

19 *Summa Theologiae*, 1a2ae, q. 17, a. 5; 2a2ae, q. 47, a. 8. See also Rhonheimer, *Natural Law and Practical Reason*, p. 72.

20 *De Veritate*, q. 17, a. 1; *Summa Theologiae*, 1a, q. 79, a. 13. See also Aquinas, *In ad Rom. II*, 15, lect. 3, n. 219, as quoted by Torrell, *Aquinas*, Vol. 2, p. 317, n. 23. Aquinas distinguishes a number of different meanings for conscience where, for instance, one meaning refers to a process of reflection that examines the propriety of an action which has already been done.

21 *Summa Theologiae*, 1a2ae, q. 19, a. 5, ad 2; *In ad Rom. XIV*, 14, lect. 2, n. 1120, quoted by Jean-Pierre Torrell, *Saint Thomas Aquinas Volume 2 Spiritual Master*, trans. Robert Royal (Washington, D.C.: Catholic University of America Press, 2003), p. 317. As Torrell summarizes Aquinas’s position, p. 322: “conscience is only an intermediary of the eternal law; it does not create obligation, but transmits it.” Rhonheimer, in his *Natural Law and Practical Reason*, p. 60, makes essentially the same point when he speaks about conscience as an “*application* of moral science.” On the one hand, moral science and its precepts are to be clearly distinguished from the acts and activity of our practical acts of human reasoning and the specific precepts which belong to our practical acts of human reasoning. Moral science exists as a habit: as a “*habitus* consisting of precepts formulated as normative statements – a normative knowledge” which has been developed as the fruit of our self-reflection with respect to the acts of our practical human reason. But, through conscience, this moral science “*becomes practical* when [it is] applied to [our] concrete willing ([to our] intending, choosing, and doing).” An awareness of higher laws is introduced into our concrete human life through an ordering of our human acts of reasoning which participate “in the eternal law of divine providence.”

22 *Summa Theologiae*, 1a2ae, q. 13, a. 5.

In such a situation thus, a prospective judgment naturally prods, urges, or it binds our actions in terms of what we should do and accept.²³ As our acts of reasoning allegedly guide our acts of human willing to give them a characteristic human orientation, they form and they construct a kind of ordering which belongs to our human conscience or which exists as the functioning of our human conscience;²⁴ hence, in a way which constitutes the kind of human person which we become or happen to be as human subjects.²⁵

To be more specific about how we should speak about these things, while a judgment of choice issues a command which seeks to modify our acts of human willing and to direct them in a certain way, this same act *in its cognitive aspects* is not simply or solely a judgment of choice but, instead, it exists as also a judgment of our conscience because it modifies our thinking and understanding (our human minds) but not our human acts of willing (our human will).²⁶ It exists as a knowledge where our knowledge about what we ought to do in a given case is not something which itself impels or which directly forces us to do what we ought to do.²⁷ We can be open and receptive and we can allow ourselves to be moved by our conscience in a given concrete way. When our conscience is understood to exist thus as only a form of knowledge, our conscience restricts itself to purely cognitive conclusions as these refer to differences which distinguish right acts from wrong acts although, admittedly, this knowing obviously develops and expands as, increasingly, it moves from very general considerations toward specific conclusions that can be drawn when specific moral choices must be made in responding to concrete situations and conditions. From a purely cognitive perspective (prescinding from any form of application or *usus* that comes from a choice which seeks to modify our acts of human willing), we can try to distinguish between a conscience that knows the difference between right and wrong and one that needs to know about how these differences can receive a more specific form when we must address specific issues and problems. In any case, when choices must be made on what we should do to implement any injunctions or precepts that are perhaps being given to us through the mediation of our conscience, additions accrue to the store of our human knowledge in a way which is constitutive of our human conscience about what, in fact, distinguishes what things are right and good from those things which are wrong and evil. And, as this knowledge grows in us in its preciseness and in its specificity, it grows in its depth and breath. Our conscience develops and grows as we make more choices that are specific. Modifications within the order of our understanding accompany modifications within the order of human desiring and willing which are put into effect after a choice has issued an order which moves our acts of willing toward the doing of a particular act or action.²⁸

Throughout, the enabling factor throughout is always an ongoing necessity for new acts of

²³*De Veritate*, q. 17, a. 1.

²⁴*Summa Theologiae*, 1a2ae, q. 19, a. 5.

²⁵*Sententia Libri De anima*, 2, 5, 288.

²⁶*De Veritate*, q. 17, a. 1, ad 4 (1a series). In speaking about this matter, in *Three Thomist Studies*, p. 50, n. 44, Crowe cites an earlier text that is taken from Aquinas in the *Sentences* which makes the same point (*In 2 Scriptum super libros sententiarum*, d. 24, q. 2, a. 4, ad 2): “conscience (is) only a cognitive conclusion, choice is an affective conclusion.” In discussing Aquinas, in *Three Thomist Studies*, p. 53, Crowe distinguishes two senses of application in Aquinas. One is purely cognitive; the other leads to changes in our actions and behavior.

²⁷*Sententia Libri De anima*, 3, 14, 816.

²⁸*Summa Theologiae*, 1a2ae, q. 17, a. 3, ad 1.

understanding which need to be increasingly specific and have always to be generated in applying general principles to concrete situations and contexts. While, as noted, every practical judgment grows in specificity as it moves from general to particular precepts, this specificity only comes to full term for us as, freshly, we must understand how our precepts can be applied to new, unique sets of conditions and circumstances.²⁹ It is only by new acts of understanding that we can determine which precepts should apply in any given case and how they are to be properly applied and used.³⁰ A precept that usually applies might be irrelevant, or its application will have to be modified or changed in some kind of way.³¹ This need for ever new acts of understanding in the functioning of our practical acts of human reasoning accordingly explains why the conclusions which end in our choices necessarily lack the sureness and the certainty that more properly belongs to judgments that are limited to questions of truth and fact.³² The intelligibility of what has yet to exist possesses a tenuousness which the intelligibility of things that already exist lacks.³³ However, even if, necessarily, we must admit and advert to the reality of this tenuousness and uncertainty, it cannot be denied, at the same time, that the reasonableness of a proposed course of action (the greater reasonableness of one course of action instead of another) is a factor which continues to form our conscience since its influence suggests how we should behave in what we are doing in very concrete situations which, in their concreteness, are unique and non-repeatable.³⁴

At the same time, however, as our conscience moves from general apprehensions of values and principles toward a greater specificity which emerges in the wake of the specific choices that we must make, we would have to admit to ourselves that, necessarily, our human conscience exposes itself to larger and greater possibilities of errors occurring. Our operations can occur without fault. They can occur in an infallible, indefectible manner but whether or not this happens depends on whether our acts of cognition are operating according to the laws which are properly constitutive of their being and existence.³⁵ Fidelity with respect to the form or the order of our cognitive performance cannot be simply presumed and supposed. No guarantee exists for us even as we must admit to ourselves that the proximate cause of our conscience is the kind of understanding which belongs to us as human beings where the rule of our conscience is to be identified with the rule of our acts of human reasoning.³⁶

In adverting then to how our conscience can also act and function as a form of self-examination after we have made choices about what we want and should do, since our practical acts of reasoning work from first principles toward specific judgments and concrete choices, the legitimacy of any course of action (either before it is implemented or after it has been implemented) is something which is evaluated by us through the means of our conscience with respect to its constitutive self-reflection, as it

²⁹*Sententia libri Ethicorum*, 2, 2, 259; 6, 2, 1132: “practical intellect begins with universal considerations...but its considerations terminate in a particular work that is to be done,” my translation.

³⁰*Summa Theologiae*, 1a2ae, q. 97, a. 1 & ad 1; *Expositio et Lectura super Epistolas Pauli Apostoli, II Cor.*, lect. 1, n. 372, cited by Crowe, *Three Thomist Studies*, p. 41, n. 16; p. 51.

³¹*Summa Theologiae*, 1a2ae, q. 100, a. 8, ad 3.

³²*Sententia libri Ethicorum*, 1, 3, 32-34; 9, 2, 1779.

³³*In 4 Scriptum super libros sententiarum*, d. 16, q. 3, a. 2, cited by Crowe, *Three Thomist Studies*, p. 60, n. 72; *Summa Theologiae*, 2a2ae, q. 49, a. 5, ad 2.

³⁴*Summa Theologiae*, 1a, q. 79, a. 13.

³⁵Daniel Westberg, “Good and Evil in Human Acts (1a 2ae, qq. 18-21),” *Ethics of Aquinas*, p. 97.

³⁶*Summa Theologiae*, 1a2ae, q. 21, a. 1.

works backwards through a kind of return or reduction to the first principles which are constitutive of the kind of intellect or the kind of understanding which belongs to our practical acts of human reasoning.³⁷ As with our knowledge of facts and truths within the order of our theoretical acts of human reasoning, a reduction to first principles identifies the methodology of our conscience and of the judgments which, through it, we must make as, at times, our conscience must respond to questions that ask about the rightness or the legitimacy of possible courses of action which are meant to transcend a purely intentional order of thought and supposition. As our prudential, concrete decisions must always work from a habit of understanding which already exists with respect to the first principles which are foundational with respect to our practical acts of reason, if developments in our prudence as a principle of order are to occur in the subsequent course of our daily lives, this development will require forms of self-examination which will look back at the truth of first principles in order the better to try and understand them with respect to how they are properly constitutive of the operations which properly belong to us in our practical acts of human reasoning.³⁸ From a better knowledge of first principles which emerges if we should approach them from a standpoint that is defined by the selfless demands and requirements of the good of charity as a saving specification of form and virtue,³⁹ an ensuing better knowledge of first principles better prepares us as we must then make specific judgments which must attend to concrete circumstances and conditions which, in their concreteness, are not grasped by an understanding of first principles which proposes guidelines that need to be applied in some way but whose application requires new acts of understanding that are not already given. If, in a given instance, a bad, imprudent decision is made about a course of action which does not fully respond to the meaning and the truth of a given situation, the explanation is often a proximate or a local failure in our understanding. We have not grasped a form or a meaning imminently exists within a given set of data although, we will probably move toward a better understanding if we can) which can look for any kind of inconsistency which would exist between the meaning and truth of first principles and any later meanings and truths which we have been attempting to grasp within a set of particular conditions and circumstances.⁴⁰ Through a kind of rational analysis, we can advert to our acts of reasoning to see if they have been functioning as they should have since, apart from our acts of reasoning, our willing will come under the influence of our lower passions and appetites,⁴¹ and in the wake of this influence, our acts of willing will be lacking of in the kind of self-control that, ideally, we would prefer to have and to exercise. An overly vivid imagination in us, in its acts, has ceased to operate under a form of governance that is oriented toward the good which can exist if our reasonable acts of decision making were to exist as a fundamental point of departure.

³⁷*Summa Theologiae*, 1a, q. 79, a. 12. See Rhonheimer's quotation of Aquinas in his *Natural Law and Practical Reason*, p. 29, n. 48: *Summa Theologiae*, 1a, q. 87, a. 4: "the act of the will is understood by the intellect, and it does this insofar as someone perceives that he wills, and insofar as he recognizes the nature of this act, and consequently the nature of its principle, which is a habitus or power." As with acts of understanding which exist within our understanding and knowledge of facts, acts of understanding within our human acts of willing already exist in an implicit form of ethical self-knowledge which becomes explicit only as we try to thematize and to put our self-knowledge into the externality of language and words.

³⁸*Summa Theologiae*, 1a2ae, q. 58, a. 4.

³⁹*Summa Theologiae*, 2a2ae, q. 24, a. 7, ad 2.

⁴⁰*Sentencia Libri De anima*, 3, 15, 826; 3, 16, 845.

⁴¹*Sentencia Libri De anima*, 3, 16, 843.