

Aristotelian Ethics and Habermasian Critical Theory: A Conjoined Force for Proportionism in Ethical Discourse and Roman Catholic Moral Theology

Terence J. Lovat

Abstract: *In this “moderately post-scientific age,” a new approach to fundamental moral theology is needed that goes beyond the impasse of secular empirical epistemologies and traditional dogmatic ways of knowledge. Proportionism provides the middle way, especially with its links to the Aristotelian-Thomistic tradition and its method of balancing moral absolute with concrete, worldly experiences. Traditional proportionism here finds rapprochement with the epistemology of Jurgen Habermas, which hints at a way for Catholic moral thought to take the (post)modern world as its dialogue partner once more.*

Key Words: proportionism; Aristotle – ethics; Thomism; Jurgen Habermas – critical theory; ways of knowing; moral epistemology; moral theology – methodology

In an earlier article,¹ I posited proportionism as an ethical and moral theological approach particularly suited to what was described as a ‘moderately post-scientific age.’ The latter was defined as an age “that still relies on science yet is more conscious of its limitations and sceptical about its potential to adequately address all of life’s demands and provide all of its answers.” The thesis behind the article was that ethical thought and dilemma arising from such an age is not served well by either the heavily empirical approaches that have tended to dominate much of the field, especially in bioethics, in the past quarter century nor, least of all, by an attempt to return to more dogmatic, science-denying approaches of the past. I presented proportionism as an approach that balanced the imperatives of both of the above approaches in a way that respected time-honoured ethical principles while incorporating a moderated scientific dimension. Above all, I suggested that proportionism, as derived from Aristotle and Aquinas, impelled a way of knowing ethically that was entirely beyond either of the other approaches and that it was this element that made it a particularly appropriate ethical and moral theological mode for the age in which we find ourselves. In regard to this latter, I made especial reference to Roman Catholic moral theology as belonging to a tradition with particular affinity to the approach. Partly in response to the considerable feedback I have received about these ideas, I am attempting in this article to strengthen the claims of proportionism by conjoining the ancient and medieval thought from whence it came with the epistemology of one of the intellectual architects of this ‘moderately post-scientific age,’ Jurgen

¹ cf. T. Lovat, “The Contribution of Proportionism to Bioethical Deliberation in a Moderately Post-Scientific Age,” *Theology@McAuley* 3 (2003).

Habermas. Before moving to this point, however, it will be wise to re-capture some of the thought in its entirety.

IDENTIFYING STREAMS OF ETHICAL AND MORAL THEOLOGICAL THOUGHT

I have argued elsewhere² that it is possible to assign contemporary positions relative to ethics and moral theology more or less along lines established in the classical Hellenistic period of Western philosophy. For instance, Plato's ethics, which might be described as an anti-scientific mysticism, can be seen to provide the footings for the stream of thought often referred to as deontology, or more simply absolutism.³ In its extreme form, this stream of thought posits ethical absolutes, eternal and unchanging, which can be applied in an unqualified fashion to any number of given instances. Standards of proper morality are fixed in the ideas of the Good, the Just and the Right and must simply be conformed to by members of the human community who wish to live good and proper lives.

As they are conveyed to us by Plato, Protagoras' ethics would seem to represent the obverse of Plato's, and might therefore be described as an anti-mystical scientism.⁴ It would seem to provide philosophical foundations for the stream of thought referred to as teleology, or more simply situationism or consequentialism. This stream of thought denies ethical absolutes, promotes reliability in individual sense-perception and challenges members of the human community to work out their own rights and wrongs, dependent on the particular situation at hand. Unlike the former position, it allows for the end to justify the means.

Aristotle's ethics might then be described as a mystical scientism (or perhaps a scientific mysticism).⁵ As with so much of Aristotle, it provides the practical basis for a compromise, though I will argue later that it should most properly be seen as far more than this. It offers the philosophical basis for the proportionist account of ethical decision-making that attempts to balance the demand to attend to absolutes with the need to trust our sense-perceptions. For Aristotle, there was a supreme good (*eudaemonia*) but just how it should be applied in real situations required a particular type of judgment, one which could take account of ideals as well as address realities.⁶ Aristotle's ethics were replete with this sense of 'proportion.' The contemporarily popular school of ethical thought, titled Virtue Ethics, bases its thought heavily on Aristotle's doctrine of the 'golden mean.' This doctrine proposed that virtue is not an idealized form so much as a practical mean between two extremes. Similarly, the closest he came to a hard definition of justice was in terms that spoke of 'right proportion.'

There is little doubt that almost any ethical perspective proposed since these times can be seen to accord with one or other of the above three positions. In exploring ancient and medieval times, one can detect more than a little of Protagoras in Arius, the particularly intelligent and cultivated theologian whose theology of Christ's essential humanity was declared heretical at the Council of Nicaea (325 C.E.). On the basis of his gnostic theology, one could safely assume that an explicit Arian ethics would have promoted strongly the notion of trust in one's own perceptions and judgments. In contrast

² cf. T. Lovat, "Main Streams of Bioethical Thought," in *Human Reproduction: Current and Future Ethical Issues*, ed. W. Walters (London: Bailliere Tindall, 1991), 511-528; Lovat, "The Contribution of Proportionism."

³ Plato, *The Republic*, trans. D. Lee (Harmondsworth: Penguin, 1987).

⁴ cf. Plato, *Protagoras*, trans. C. Taylor (Oxford: Clarendon, 1989).

⁵ Aristotle, *Nicomachean Ethics*, trans. T. Irwin (Indianapolis: Hackett, 1985).

⁶ cf. J. Urmson, *Aristotle's Ethics* (Oxford: Blackwell, 1988).

to Arius, Augustine re-worked much of Plato's thinking, especially in his *City Of God* theology, to justify the notion that all matters terrestrial, including human senses and intuition, were too corrupt and faulty to be relied upon in discerning truth, including moral truth.⁷ In between these two extremes, and thanks to the Crusades and the bringing to the West of the scholarly Islamic works of the likes of Al Ghazali, Avicenna and Averroes, Aquinas revived Aristotelianism in the West after it had lain dormant for most of the previous 1500 years. Employing Aristotle's natural law theory, Aquinas asserted that, by using our reason to reflect on our own human nature, we could discover truth in this world and much of the truth about the world above. *Synderesis*, he claims, is an inborn faculty that urges us not only to seek truth but to put it into practice.⁸

In the renewed moral theological and broader ethical debates of the past thirty years or so, these three streams of thought can still be detected. Characters like J.J.C. Smart, Joseph Fletcher, Marcus Singer, Peter Singer and Helga Kuhse appeared to rest many of their philosophical assumptions where Protagoras lay his.⁹ One way or another, they eschewed the notion of ethical absolutes, and argued for a reliance above all on the wit and will of human intellect and sense perception to determine what was morally right to pursue. In contrast, Paul Ramsey, John Rawls, Alan Donagan, John Harvey and William May appeared to owe much to the deontology of Plato.¹⁰ Their assumption appeared to be that there is a world of ethical absolutes which are beyond human musings and must be abided by if moral truth is to be maintained. May declared:

Ethical standards sag and falter when they are no longer accepted as universally binding.¹¹

In the middle, the Aristotelian position seemed to have been well represented by characters like Richard McCormick, Timothy O'Connell and Charles Curran.¹² McCormick, in particular, made much of the notion of proportionism in fleshing out the concept of 'pre-moral' ontological principles that set directions but are not binding and may well be modified depending on the particular context of the moral action in question.¹³ Curran employed the notion of a 'compromise principle' to achieve much the same end as McCormick.¹⁴

⁷ Augustine, *City of God* (Harmondsworth, UK: Penguin, 1972).

⁸ T. Aquinas, *Summa Theologica*, trans. L. Shapcote (London: Burns & Oates, 1936), I q. 79, a.12.

⁹ J. Smart, *An Outline of a System of Utilitarian Ethics* (Melbourne: University Press, 1961); J. Fletcher, *Situation Ethics* (London: SCM, 1966); J. Fletcher, "Ethics and Euthanasia," in *Morality in the Modern World*, ed. L. Habermehl (Belmont, CA.: Wadsworth, 1976); J. Fletcher, *Humanhood: Essays in Biomedical Ethics* (Buffalo, NY: Prometheus, 1979); J. Fletcher, "The Ethics of Genetic Control: Some Answers," in *On Moral Medicine*, ed. S. Lammers and A. Verhey (Grand Rapids, IN: Eerdmans, 1987); M. Singer, *Generalization in Ethics* (New York: Knopf, 1961); P. Singer, *Practical Ethics* (Cambridge, UK: Cambridge University Press, 1979); H. Kuhse, "Taking Patients' Rights and Interests Seriously: A Submission to the Inquiry into Options for Dying with Dignity," in *Terminating Medical Care*, ed. K. Mitchell (Newcastle: The University of Newcastle, 1989).

¹⁰ P. Ramsey, *Fabricated Man* (New Haven: Yale, 1970); P. Ramsey, *The Patient as Person* (New Haven: Yale, 1970); J. Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971); A. Donagan, *The Theory of Morality* (Chicago: Chicago University Press, 1977); J. Harvey, "Recent Trends in American Catholic Moral Theology," *Australasian Catholic Record* 29.4 (1979): 362-369; W. May, "The Profession and its Integrity," in *On Moral Medicine*, ed. S. Lammers and A. Verhey (Grand Rapids, IN: Eerdmans, 1987).

¹¹ May, "The Profession and its Integrity," 85.

¹² R. McCormick, *Ambiguity in Moral Choice* (Milwaukee: Marquette, 1973); T. O'Connell, *Principles for a Catholic Moral Theology* (New York: Seabury, 1978); C. Curran, *A New Look at Christian Morality* (Notre Dame, IN: Fides, 1968); C. Curran, "The Contraceptive Revolution and the Human Condition," in *On Moral Medicine*, ed. S. Lammers and A. Verhey (Grand Rapids, IN: Eerdmans, 1987).

¹³ McCormick, *Ambiguity in Moral Choice*.

¹⁴ Curran, *A New Look at Christian Morality*.

As is indicated by the chief authors, the proportionist approach was gaining ground most clearly in Roman Catholic moral theological circles in the post Vatican II period. Granted its reliance on a Thomist account of knowing and reality, this would seem appropriate. For those, however, who speculate that Thomism never really supplanted the more institution-justifying Augustinian roots in Catholic moral theology, and theology in general, the fact that characters like Curran and McCormick were censured so heavily by Rome will confirm the speculation. What appeared as the public face of Roman Catholic moral theology for most of the 1990s was sheer Augustinian deontology. What Rome said was definitive and the role of scholarly debate was cast as essentially oppositional and mostly rebellious, with its protagonists suffering much in the way of public rebuke, censure and none too occasional sacking from their posts. While such an approach to the business of moral guidance fits well with the same approaches to be found in the evangelical churches, fundamentalist Islam and any other number of contemporary approaches to find simple answers to complex problems, it is at least debatable how true it is to the Roman Catholic tradition. There have certainly been moments when the church has regressed to simple formulas, however, for the most part, its tradition has been one of engagement with the complexities through well-founded theological striving. This was certainly the contribution of Aquinas and so, to the extent that the church ever truly relied on him, one would imagine this would be its approach as well.

My own contribution here is a small one. It is simply to propose again the benefits to be derived from a proportionist account of moral theological and ethical deliberation, one that stands up regardless of the particular tradition in which it might function. In order to fortify the proposition, I wish to make connections that, to me, seem obvious between this account, complete with its Aristotelian and Thomist underpinnings, and one of the more important epistemological accounts of the day. The role of epistemology in moral theology and ethics is obvious: epistemology is about knowing and about knowing how we know what we claim to know. This is a vital feature for any moral theological account though, admittedly, it will be less obvious to those who truly believe in simple formulas and innate hierarchical truths.

One of the strengths of the epistemology of Jurgen Habermas is in its exposing the limitations of any claims to know that rely on simple hierarchies of truth, such as proposed in deontological regimes.¹⁵ At the same time, it shows up the limitations of an over-reliance on scientific method and/or intuitional approaches, such as to be found in teleological schema. In resolving these deficiencies, Habermasian epistemology proposes a way of knowing that builds on yet supersedes both deontological and teleological formulations of truth. My own proposition is that this new way of knowing has potential to provide philosophical fortification to a proportionist account of ethics in our moderately post-scientific age. This is the case especially if the Aristotelian roots of the approach can be established. Furthermore, if the theological roots of Thomism can be satisfactorily established, there is a case for suggesting that proportionism provides not only a suitable basis for a broadly ethical approach but, moreover, for a moral theology. Indeed, as far as Roman Catholic moral theology is concerned, it may well be the approach that is most in accord with the better part of its tradition. My abiding hope remains that Roman Catholic authorities will reflect more profoundly on that tradition than seems always to have been the case in recent times.

¹⁵ J. Habermas, *Knowledge and Human Interests*, trans. J. Shapiro (London: Heinemann, 1972); J. Habermas, *Theory and Practice*, trans. J. Viertel (London: Heinemann, 1974).

THE HABERMASIAN QUEST FOR KNOWING

Habermas' explanation for divisions in what he took to be the essential unity of knowledge are that they are the result of human 'cognitive interests,' the interests which are part and parcel of the human mind and impel knowing at different levels. These interests are three-fold and so, therefore, is the knowing that is impelled. First, there is an interest in technical control which relates to 'empirical analytic' knowing. This is a way of knowing that serves our interest in capturing the data relevant to whatever it is that is to be known but which, on its own, can lead to constrained conceptions of truth. Truth is about 'facts,' whether conceived as being derived from perception of ontological realities or from empirical observation of scientific data. Either way, this knowledge might be said to rest on mystical assumptions for, as Quine and others have demonstrated well, the extremes of hard-nosed empiricism require as much blind faith in 'givens' as do more explicit intuitions about the ontological.¹⁶ At the bases of both empiricism and theism, for instance, there lie untestable and, in that sense, mystical assumptions, or myths. In the case of theism, the myth concerns faith in a god. In the case of empiricism, it concerns faith in the uniformity of nature:

Both beliefs are... primitive in the sense that they constitute respectively what the scientist and the theist regard as reasons for their reasoned beliefs.¹⁷

In other words, both ontology and empiricism are concerned with the 'givens' of human experience, 'givens' which regulate dominant conceptions of truth and determine the course of human action most appropriate to this truth. Habermas' second way of knowing rests on the human cognitive interest in understanding the meanings that derive from inter-subjectivity. Habermas describes this way of knowing as 'historical hermeneutic.' This is the knowledge that comes about as a result of human communication and its associated understandings. The interest here is in ascertaining what the 'facts,' however they may be conceived, really mean, and the primary interest is naturally in the 'facts' which derive from subjectivity and inter-subjectivity. Good insights into the place and function of this type of knowledge can be found in much of the postmodernist critique of more dominant knowledge forms. For Derrida, for instance, empirical-analytic knowledge was deemed to be part of the 'modernist' quest by which structural categorizing of reality was seen to be possible and desirable.¹⁸ This was illusory and liable to lead to 'utopianism' in which 'grand narratives' universalize and, ultimately, alienate and depersonalize subjects. Derrida's recourse was to abandon such reasoning altogether in favour of subject-centred reasoning. In similar vein, Foucault 'deconstructed' the technical 'facts' produced by empirical-analytic interests, and reduced them to mere 'discourses of power.'¹⁹ All human discourse, modernist included, was characterized as a poorly veiled attempt to regulate. On this view, there is no truth, but only discourses about particular truths as these are constructed and regulated between individuals. Derrida and Foucault devised a most radically particularist subjectivism, wherein each person constructs their own meaning, and each relationship comprises a unique world of interconnected relevance. In this scheme, it is argued, the autonomy of the individual and subjectivism are elevated beyond all other realities.

¹⁶ W. Quine, *From a Logical Point of View* (Oxford: Oxford University Press, 1953).

¹⁷ R. Laura, "Philosophical Foundations of Religious Education," *Religious Education* 28.2 (1978): 313.

¹⁸ J. Derrida, *Of Grammatology*, trans. G. Spivak (Baltimore: Johns Hopkins University Press, 1976).

¹⁹ M. Foucault, *The Archaeology of Knowledge*, trans. A. Smith (London: Tavistock, 1974).

In a moderated style reminiscent of Aristotle and Aquinas, Habermas concedes the place of both ways of knowing yet notes that, either on its own is constrained, limited and inadequate. On their own, either way of knowing can still leave us un-free, un-emancipated in our knowing, captive to a world of half-truths. So, the wholeness of truth requires at the very least that the inadequacies implied by either way of knowing be filled by reference to the other way. In this attempt, an entirely separate human interest comes into play and an emancipating process is born which issues in a different and entirely supreme way of knowing.

The third way of knowing, which is Habermas' only complete way, is derived from the human cognitive interest in being emancipated, free from any captivity, including captivity to a shadowy world in which truth is denied us. In other words, as much as it is human to want to know the facts and the meanings behind those facts, it is just as human to want to know that what we know is the truth. The way of knowing that results from this human interest is described as 'critical' or 'self-reflective.' In either or both of the first two ways of knowing, we are liable to delusion of one sort or another. In the first way of knowing, we are liable to be committed to 'facts' and 'hierarchical truths' which are not really facts or truths so much as human constructions designed to advantage some and disadvantage others. In the second way of knowing, we may be so coerced by the relative 'truths' of science or of human inter-subjectivity that we lose any sense of truth as all-abiding or beyond expediency. Even the coalescence of these two ways of knowing is inadequate because we may still be insulated from critiques that are outside our immediate frame of reference. In other words, even when these two forms of knowledge work together, there is no necessary commitment to ongoing critical appraisal of the nature and function of the ways of knowing themselves, to the sources of our knowledge and the uncovering of partial, skewed or blatantly fallacious evidence, nor, finally, to self-knowing, to uncovering the truth about ourselves as the source of our knowing. The 'facts' and 'truths' that we receive, therefore, are not guaranteed to be the result of reflectivity and self-reflectivity. Hence, we are presented with the need for an entirely new way of searching out the truth.

This new way of searching out the truth, which is as much methodological as theoretical, is what Habermas describes as *praxis*.²⁰ This is the sort of practice which, having reflected on the knowledge gained from the human cognitive interests, sets out to be a participant and actor in change. It is an action on reflection; coming to know the truth involves engagement of the whole person, not merely cognitive action nor even inter-subjective experience. Without the sort of knowledge that results in *praxis*, we can never become part of the truth. Most seriously, we will never come to know the truth about ourselves. To paraphrase Habermas, one could say that the great truth of his third way of knowing is that there is no knowing without knowing the knower, which is, of course, one self.

This coalescence of cognitive and whole-person action is at the centre of what Habermas describes as critical theory. Without this third way of knowing being operative, any learning does little more than offer information about data or understandings that are outside and apart from one self. It is critical theory that forces us to scrutinize and appraise the adequacy of these data and understandings and to evaluate their meaning for one self. Hence, without critical theory, the data and understandings derived from knowledge-gathering can become a means of bondage, rather than emancipation, ways of

²⁰ Habermas, *Knowledge and Human Interests*; Habermas, *Theory and Practice*; J. Habermas, *Legitimation Crisis*, trans. T. McCarthy (Boston: Beacon Press, 1975).

oppressing people and keeping their minds captive. In more recent times, Habermas has further developed his thinking on the necessary conjunction between cognitive action and whole person engagement in the notion of 'communicative action.'²¹

THE HABERMASIAN CRITIQUE AND IMPLICATIONS FOR STREAMS OF MORAL THOUGHT

(i) The First Way of Knowing: Empirical-Analytic

Many of the assumptions about knowledge that are implicit in Habermas' first way of knowing can be seen in both the deontological and, in a less obvious way, the teleological streams of moral thought. The unifying feature of deontological ethics is its search for the 'facts' of ethics, for 'givens' that can regulate the course of human moral action. In this sense, the epistemic assumptions of this way of knowing are particularly pertinent to deontological approaches to ethics. While the search for ontological givens is explicitly denied in the epistemic framework of teleological approaches, nonetheless, as indicated above, their reliance on empirical methodologies results in a practical search which is no less about the 'facts' of ethics, in Habermas' sense, than we find in deontological approaches. So, in an apparent contradiction of the public epistemic face of teleology, there is a private epistemic face that truly is about givens. As we will see below when considering Habermas' estimation of postmodernist thought, this epistemic confusion presents a particular problem for teleological thought.

If the epistemic bases of both deontological and teleological approaches can be understood a little better, therefore, by considering the parameters of this way of knowing, so can the weaknesses of these bases be better established by considering Habermas' estimation of the value of this way of knowing to the whole quest for truth. For Habermas, the quest for technical control, knowledge of the 'facts' in the empirical-analytic sense, is legitimate; that is, it has its place in the search for truth but, if taken to be the fullness of knowledge, it will render an inadequate, bridled and disempowered understanding. The 'facts' that both ontologists and empiricists purport to be directly apprehended truths, whether through revelation or observation, are, in reality, filtered through language, theories and generalizations. There is, therefore, a large measure of inter-subjective understanding that is not acknowledged. The failure to admit this leads to what Habermas describes as 'illusion' and 'sterilization' of knowledge. At this sterilized level, truth is thought to be a matter of merely describing the revelation or observation.²²

Apart from the naive assumptions implicit about the possibilities of accuracy and universal agreement concerning the nature of revelations and/or observations, there is another aspect that renders this way of knowing less than adequate as the entirety of truth. One of the most obvious truths is that things are ever-changing, often because of human will and endeavour. Engaging in truth requires involvement, not the static, apparently detached stance depicted by ontology and empiricism. Discerning truth is an active endeavour, requiring the sort of action that seeks to participate in change. At the very least, it requires the sort of engagement implied by inter-subjective encounter, dialogue and, finally, understanding. Hence, the place of the second way of knowing comes into play, a way of knowing that is concerned with inter-subjectivity and communicative understanding.

²¹ J. Habermas, *Theory of Communicative Action*, 2 vols. (Boston: Beacon Press, 1984, 1987).

²² Habermas, *Knowledge and Human Interests*.

(ii) The Second Way of Knowing: Historical-Hermeneutic

The teleological stream in moral thought, in particular, though, less obviously, the deontological also can be understood in terms of Habermas' second way of knowing and his critique of it. By denying altogether the influence of the 'given,' the public epistemic face of teleology rests all hope on inter-subjective understanding and, by inference, inter-subjective contestation. In classical Protagorean fashion, it is ultimately only in the power to convince that one can determine desirable direction. While this is particularly overt in teleology, it could be argued that, in fact, it is no less a feature of deontological schemes. As indicated above, the 'facts' of deontological approaches are, in reality, filtered through language, theories and generalizations and, as such, are as much the result of inter-subjective contestation as are those of teleological approaches. Deontology, like teleology, therefore, has a public and private epistemic face, and this presents as much a challenge to its credibility as exists for teleology. Again, we gain insight into other limitations of both approaches by considering Habermas' estimation of the value of this second way of knowing.

While, for Habermas, inter-subjective understanding also has its place in the quest for truth, it is, like the first way of knowing, sorely lacking as a complete depiction of truth. For a start, it leaves untouched the question of the basis of knowledge that lies outside the individual. The very fact that there can be such a thing as inter-subjective understanding assumes a basis for knowledge which is beyond each individual's own subjectivity. On what basis, however, is this inter-subjective understanding to be derived? In other words, what are the 'givens' that supersede individual understanding? Are they the 'givens' of ontology or those that derive from empirical observation? Either way, Habermas charges, we become locked into a non-critical form of mysticism if we believe that all of knowledge can be found in inter-subjective understanding. He illustrates this well in his critique of Derrida and Foucault.

Habermas declares Derrida's scheme to be a futile attempt to escape from modernism by someone whose very terms of meaning were defined by modernism itself.²³ The spurious escape was achieved only by flight to what Habermas describes as 'transcendental egoism.' Derrida's subject-centred reasoning was merely an opting for the regulatory nature of mysticism against science. Ironically, Derrida and Foucault only seem to achieve the deconstruction of empirical reality by new constructions of particularly absolutist forms. The firm footing for the validation of subject-centred reason is taken for granted by Derrida in a way that smacks of wholesale mysticism, so far as Habermas is concerned. Similarly, the ontological force of 'power,' utilized by Foucault, so apparent as to form the rationale for all human discourse, seems to Habermas to be at least as much a 'given' as the theist's God. In a further irony, this ontological and all-enveloping power is dealt with in such assumed fashion by Foucault as to render it *de facto* an object of empiricism. That is, in attempting to portray the nature of reality, power becomes the prime descriptor. It is not difficult to construct an argument to suggest that, in the work of these postmodernists, all mystery about reality is lost, in much the way it was in the narrow empiricism of the recent past. More accurately, perhaps, it is lost in the way of those ancient mystics for whom ontological force was the prime descriptor in conceiving of reality.

²³ J. Habermas, *The Philosophical Discourse of Modernity*, trans. F. Lawrence (Cambridge: Polity, 1987).

(iii) *The Third Way of Knowing: Critical and Self-Reflective*

Outhwaite argues that it is in Habermas that we find the blending of what is best, and to be preserved, in Enlightenment thought with what is best about the contemporary attraction of postmodernist thought.²⁴ Certainly, in Habermas' notion of 'self-reflectivity,' one finds a balance between attendance to the more necessary forms of a structural technicity (what might be deemed a feature of objectivism) and the desirability of a more aesthetic reflectivity (what might be seen as a form of subjectivism). It is at least partly this effective balance that constitutes critical theory. More important, within the terms of the balance, we find Habermas proposing not so much a compromise and mutual pollination between two different ways of knowing as a new way of knowing altogether. While this unique way of knowing rests partly on the balance between the objective and the subjective, between concern with data and concern with understandings, it issues in a knowing which is quite beyond either of them or even the coalition of both of them.

It is useful to consider the quest for a proportionist account in the light of this new way of knowing. Certainly, Aristotle's natural law theory should be understood as something beyond a mere compromise between the extremes of platonic and sophist thought. While it does have the practical effect of balancing some of the demands of these thoughts, it is clearly proposed as something that provides the basis for a knowledge that transcends either or both of them. Interestingly, this transcendent knowledge involves a methodological as well as a cognitive component. The knowledge comes not only from cognition of the supreme good (*eudaemonia*), but from the making of particular judgments about how, when and where it should be applied in particular instances. Accordingly, the notion of the 'golden mean' that stands behind Virtue Ethics is not so much a relativistic stance between two harsher extremes as it is an entirely different and purportedly superior way of both conceiving of and ascertaining the truth. Again, we find the notion of a conjunction of right thought and right action as essential to the effecting of this truth. In places, Aristotle employs the phrase 'right proportion' as indicative of this conjunctive notion.

Similarly, when Aquinas employs Aristotelian thought for his own natural law theory, he intends it to be more than a mere compromise between Augustinian ontology and pre-renaissance sense-perceptual theory. It is proposed as *the* theory by which truth can be apprehended. While he is wisely cautious in not saying too much that could be regarded as critical of Augustine, it is clear that he does not subscribe to Augustine's blind faith in the 'givens' of revelation, nor to his complete lack of faith in the capacity of human nature to negotiate with the truth. On the other hand, he is even more clearly opposed to any theory of truth that dismisses the ontological. His natural law theory rests partly on ontological and partly on sense-perception theory, but is beyond either of them or even a coalescence between them. One gets a sense of Aquinas's own excitement on discovering, through the Muslim scholars, the extant Aristotelian texts. Here was the form of knowledge, the way of ascertaining truth, that he had been searching for and that his world was in desperate need of. In his own day, there is no doubt that he proposed this theory as an entirely new way of learning about truth. As with Aristotle, it was a way that involved both conceptual and practical engagement on the part of the individual who wished to know. He attempted to capture this conjunction between the cognitive and the practical in his notion of *synderesis*, an inborn disposition and so representing a gift from

²⁴ W. Outhwaite, *Habermas: A Critical Introduction* (Cambridge: Polity, 1994).

God, yet one which directed what Aquinas described as the ‘practical intelligence.’²⁵ *Synderesis* rendered humans with the capacity for truth, but truth could only be had by one who both sought out and put into practice the truth that was discovered. Again, we find in Aquinas a theory of truth, a form of knowledge, which assumed a conjunction of the cognitive and the practical, of the conceptual and the methodological.

HABERMASIAN CRITICAL THEORY AND THE PROPORTIONIST ACCOUNT OF MORAL THEOLOGY

It could be argued that Habermas’ critical theory, with all its epistemic assumptions, can help us to re-visit the ancient and medieval thoughts of Aristotle and Aquinas respectively and, in so doing, to understand them in fortified fashion. In particular, a Habermasian gloss on the notion of ‘right proportion’ may allow us to see that, deeply embedded within is a theory of truth which does not merely build on, synthesize or complement competing theories, but transcends them to provide a new and superior form of knowledge. Aristotle, Aquinas and Habermas have it in common that this form of knowledge is, ultimately, the only way of knowing the truth. So, I propose the epistemic grounds for a far more fortified proportionist account of moral theology than we have seen thus far. A proportionist account can work to provide a compromise between two less viable extremes but it offers far more than that merely practical expedient.

If one follows the epistemic line of the Habermasian gloss on Aristotle and Aquinas, it is not merely that the extremes are less viable but that they are less epistemically sustainable as well. While it may be attractive for some to believe in ontological ‘givens,’ and for others to hold to the supremacy of inter-subjective understandings, the Habermasian verdict is that neither will deliver the truth. Both will delude and disempower, rendering *praxis* impossible. Only in ‘right proportion,’ a quest for truth that builds on yet supersedes both of these in its conjoining of cognitive apprehension and practical action, can truth be attained. Among other things, this account has the capacity to provide a far stronger philosophical basis for Virtue Ethics than has been commonly proposed to date. Furthermore, it has capacity to return Roman Catholic Moral Theology to its roots while, at the same time, giving it the contemporaneous edge that is currently lacking in most of what has passed recently as the official voice of the Church on matters of moral guidance.

At this point, it may be worth repeating and updating some of the claims made in the earlier article about the practical benefits of the proportionist approach to ethical deliberation for our time, together with some even more practical references to casuistry.²⁶ Inevitably, proportionism is not designed to please advocates of either hard-line position, neither the deontologist absolutist nor the teleologically-inclined situationist. The absolutist may rail against it for purporting to posit universal determinants that are in fact malleable to the situation at hand. The thoroughgoing situationist is equally likely to be disenchanted by a method which, however rigorous the process and clear the result, is liable to modification by an insertion of the apparently mystical. In this sense, a proportionist account will challenge the two most dominant approaches to moral theology of the past forty years or so.

²⁵ Aquinas, *Summa Theologica*, I q. 79 a.12.

²⁶ cf. Lovat, “The Contribution of Proportionism.”

The value of the proportionist line over and against an unqualified absolutism seems fairly obvious. The former contains a flexibility, a realism and a facility for addressing ethical and moral theological issues in a contemporary way which the latter lacks. Its value over and against situationism is perhaps a little harder to grasp. Utilitarian positions in general have, after all, held somewhat of a monopoly over the past few decades in their claims to suitability to our new pluralist society. Hence, the popular tendency from the 1960s onwards has been to treat ethics as mere social science, with all the research methodology and consensus-seeking stratagems proper to the hard end of social science. The trend is seen most clearly in the phenomenon of the 'Institutional Ethics Committee,' a coagulation of stakeholder representatives that is charged with determining ethical protocol in any given instance. Its method of attaining same is one of investigation, deliberation and democratic resolution. In theory, there are no 'givens' that should be privileged and no stakeholders with more rights of discernment than any other. In extreme cases, the results of deliberation can be uploaded to software and the supposed ethical protocol downloaded on spreadsheet. If this was suitable to the forms of plurality found in Western societies of the 1960s to 1990s, it is questionable how adequate they are today. Contemporary societies like Australia, the USA, UK and Canada, with their growing portions of fundamentalist Christianity, significant Islamic and Buddhist populations, and the increasing trend for seeking answers to life's big questions through 'New Age' movements and non-scientific ways of knowing generally, are pluralist in a way which much of pure-bred social science can fail to note or admit. In this new pluralism, there is an apparent distrust of the mundane world of the social scientist, and a strong seeking of positions best described as 'other.' In this sort of pluralist society, hard-core utilitarianism and its ethical strategies require modification, and this modification can easily be seen in the re-positioning evident in recent bioethical research across a number of fields.²⁷

Modification can, of course, turn to reaction. If this were the case, the most likely candidate to fill the gap in this new pluralist society would be a renewed and very rigid absolutism. There are already strong signs of this tendency in the societies mentioned above, seen in renewed moves to outlaw abortion, tighten divorce laws, constrain genetic experimentation, and the like.²⁸ There are particularly strong signs that this is the way the Roman Catholic Church has reacted as well. While the proportionist position may not satisfy all of those who are disposed to absolutism, it is likely to satisfy a sufficient number to avoid these kinds of wholesale reactions. Proportionism, after all, possesses that sense of 'other' which so many are seeking, while still allowing people to work in the real world, trust their judgments, engage in social science, and analyze the realities of the live situations which confront them. As Curran indicated, it is the most plausible compromise between the demands of two very different world-views.

²⁷ cf. R. Macklin, "Cloning without Prior Approval: A Response to Recent Disclosures of Non-Compliance," *Monash Bioethics Review* 14.2 (1995): 63-66; D. Davis, "The Role of Dharma in the Understanding of Professional Morality among Hindu Physicians in India," *Monash Bioethics Review* 15.4 (1996): 29-36; R. Magnusson, "Testing for HIV without Specific Consent: A Short Review," *Monash Bioethics Review* 15.4 (1996): 2-8; D. Doukas and J. Berg, "The Family Covenant and Genetic Testing," *American Journal of Bioethics* 1.3 (2001): 2-10; J. Robertson, "Preconception Gender Selection," *American Journal of Bioethics* 1.1 (2001): 2-9; F. Miller and H. Brody, "What Makes Placebo-Controlled Trials Unethical?" *American Journal of Bioethics* 2.2 (2002): 3-9; L. Zoloth, "Jordan's Banks: A View from the First Years of Human Embryonic Stem Cell Research," *American Journal of Bioethics* 2.1 (2002): 3-11; A. Kalbian and L. Shepherd, "Narrative Portrayals of Genes and Human Flourishing," *American Journal of Bioethics* 3.4 (2003): 15-22; D. Wendler and S. Shah, "Should Children Decide Whether They are Enrolled in Non-Beneficial Research?" *American Journal of Bioethics* 3.4 (2003): 1-8.

²⁸ cf. The President's Council on Bioethics, "Human Cloning and Human Dignity: An Ethical Enquiry" (Washington, DC, 2002).

While its commitment to scientific methodologies is complete, the proportionist line differs from the out-and-out utilitarian position in its propensity to moderate the scientific 'answer' with the influence of the pre-moral principle, or *a priori*. In other words, it is comfortable with the anomalous position that, in any ethical dilemma, the way ahead which is signalled by the scientific probe and even most measures of common sense may still not contain the fullness of wisdom. This wisdom might impel an action that defies both science and the *prima facie* presentations of common sense. Such anomalies are seen regularly in biomedical moral dilemmas when, for instance, decisions are made to prolong treatment to patients who are clinically beyond hope.²⁹ Such anomalies are also central to many of the cutting-edge and life challenging debates to be found within areas like the healthcare of HIV patients, organ donation, cross species technology, cultural diversity in healthcare and various aspects of gene technology, including those about patenting, a concept that makes perfect sense only if premised against a scientific and purely rational world.³⁰

The value of a proportionist position is best captured when we realize that any ethical decision which runs counter to accepted or popular norms cannot be underestimated in terms of its potential to create tension, fear or recrimination. This can be the case even when the final decision is, from the rational view, clearly for the good. The line of proportionist ethics seems to accept this likely tension and to provide a rationale for understanding it. For a start, proportionism accepts that there are general norms by which the community lives, and that they are important and worthy of heeding. Nonetheless, it does not hold to the belief that this is all there is to the business of moral theorizing and application. Especially in a scientific age, it provides the methodological underpinnings for an approach that can maintain credibility in such an environment. Consequently, there is a need for the community of ethicists to work progressively, logically and meticulously through the data provided by any case at hand, to scrutinize the evidence, discuss its significance and, having examined all factors, to collaborate on working towards the best decision available. Only then, is it right and proper to waive, adjust or modify the general norm that pertains to a particular case.

On the other hand, against the rampant situationism that can ensue from waiving or adjusting time-honoured norms, the proportionist's attention to the role of the *a priori* will caution that not all the solutions to life's problems are to be found at the end of rationality and science. On the contrary, many of the most deeply valued phenomena of human life, such as love, friendship, altruism and valour, are far from the neat products of rationality and science. What is best for the human community may not always conform to the outcome of the cost/benefit analysis, the democratic resolution, nor even to what seems most clearly to be the expedient choice in terms of resource allocation criteria. It may not

²⁹ cf. K. Mitchell and T. Lovat, "Permanently Unconscious Patients and the Ethical Controversies Surrounding Artificial Nutrition and Hydration: Getting the Facts Straight," *Linacre Quarterly* 60.1 (1993): 75-90; K. Mitchell, I. Kerridge and T. Lovat, "Medical Futility, Treatment Withdrawal and the Persistent Vegetative State," *Journal of Medical Ethics* 19.1 (1993): 71-76; C. Borthwick, "Persistent Vegetative State: A Syndrome in Search of a Name, or a Judgment in Search of a Syndrome?" *Monash Bioethics Review* 14.2 (1995): 20-26.

³⁰ E. Koppelman, "The Dead Donor Rule and the Concept of Death: Severing the Ties that Bind Them," *American Journal of Bioethics* 3.1 (2003): 1-9; J. Robert and F. Bayliss, "Crossing Species Boundaries," *American Journal of Bioethics* 3.3 (2003): 1-13; cf. N. Holtug, "Patents on Human Genes: Is There a Moral Problem?" *Monash Bioethics Review* 14.2 (1995): 26-38; C. Myser, "Differences from Somewhere: The Normativity of Whiteness in Bioethics in the United States," *American Journal of Bioethics* 3.2 (2003): 1-12; J. Evans, "The Two Meanings of 'How' and the Gene Patenting Debate," *American Journal of Bioethics* 2.3 (2002): 26-28; G. White, "Patenting Genes: A Finger in the Dyke of a Bricks-and-Mortar Patent System?" *American Journal of Bioethics* 2.3 (2002): 20.

necessarily conform even to the explicit wishes of a particular patient about his/her treatment options nor even to individual rights, however well enshrined in law and custom.³¹ It is always possible that the ethical choice will defy all of these factors. It is possible that, on the best grounds, ethical decisions may be made which are at odds with the scientific conclusion, these best grounds comprising a value which is judged to be of such an overwhelming order that tampering with it might threaten the very foundations on which human life as we understand it has been built. Whether this overwhelming value is absolute or impermanent may be of only passing philosophical interest to the decision-makers of a particular generation. It is unremarkable to point out that the community's perceptions of such overwhelming moral oughts can and does change. However, each generation's decision-makers can do little but make those decisions that seem most wholesome and authentic in their own time. These may not always be the best decisions from the points of view of those who would wish to impose fixed and universal laws given from above, nor of those who would wish to follow the dictates of the most coldly objective scientific probe. At the heart of the proportionist quest, lies a balance between the time-honoured 'given' and the objectified imperative of the situation at hand. This is precisely the kind of balance of 'goods' that we find at the heart of both Aristotelianism and Thomism, and furthermore in the critical self-reflective way of knowing of Habermas.

CONCLUSION

The article has attempted to make links between the philosophical underpinnings of central Aristotelian, Thomist and Habermasian propositions in strengthening the claims of proportionism as an approach to ethical and moral theological thought. Assumptions lying behind the article and impelling the direction of its argumentation include: first, that an age that may be described as 'moderately post-scientific' demands more sophisticated methodology in dealing with matters of morality than is to be found in either the deontological or teleological approaches characteristic of the past 40 years or so; second, that a proportionism resting on the conjoined forces of Aristotelian, Thomist and Habermasian epistemologies has capacity to address the complex forms of plurality to be found in this 'moderately post-scientific' world; third, that the same proportionism has capacity to identify and elicit a common thread to be found between the ancient, medieval and contemporary world; and, fourth, that this common thread has potential to inform Roman Catholic moral theology, in particular, in ways that can both strengthen its claims to be a unique and particularly authentic source of primal and medieval Christian guidance on morality, as well as shape for it a contemporary approach more disposed to relevance than most of what has transpired in recent times.

In a word, a proportionist approach to moral theology has capacity to blend and balance the claims of revelational and magisterial authority germane to Catholicism with vigour for addressing rather than avoiding the challenges of the age in which we find ourselves. Were it to be applied strenuously, we may well find different theologies emerging around issues of contraception, abortion and genetic engineering, not to mention more credible approaches being taken to issues of homosexuality, divorce and child abuse. In many cases, one suspects, the public face of Roman Catholic moral theology would change but, even where this was not the case, at the very least its position would be fortified by the vastly more transparent debate, engagement and self-reflectivity

³¹ cf. K. Parsi and E. Egan, "Patents: the public interest versus the private privilege," *American Journal of Bioethics* 2.3 (2002): 45-46.

characteristic of proportionist methodology. By this, Roman Catholic moral theology might find itself again at the cutting-edge of contemporary moral debate, rather than as the impotent bystander it has increasingly become since the lively debates of the post Vatican II era began to be quelled.

Author: *Professor Terence J. Lovat is the Pro Vice-Chancellor (Education & Arts), The University of Newcastle.*

Email: Terry.Lovat@newcastle.edu.au
