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Frederick G. Lawrence

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## FINNIS ON LONERGAN: A REFLECTION

FREDERICK G. LAWRENCE\*

I am grateful to Professor Patrick Brennan and the others who planned this tribute for inviting me to say something about the work of the esteemed legal and moral philosopher, John Finnis. He is an author to be taken seriously. As a Roman Catholic thinker, he has chosen to write books and articles on the theme of what Aristotle called “what is right by nature” (*physei dikaion*). A few years ago I was invited to teach a course on diverse approaches to jurisprudence to the Federal Court judges of the U.S. Sixth Circuit on Mackinaw Island. When I came to the section on Natural Law, a judge sitting in the back of the room stage-whispered, “Why do only Catholics know about the natural law?” I would say that anyone wondering about what is right by nature, as well as how it stands to reason, *must* grapple with Finnis’s *magnum opus*, *Natural Law and Natural Right*.<sup>1</sup> I agree with my late colleague, Fr. Ernest Fortin’s opinion of that work in the conclusion to his critical discussion of it:

Suffice it to say that . . . in scope and depth it surpasses anything that has yet been produced by a Roman Catholic scholar in our generation. In an age that has virtually given up on the possibility of establishing any kind of moral standard, let alone the highest, it fully deserves the enthusiasm with which it has been greeted, and more. . . .<sup>2</sup>

Here I will confine my remarks to *Fundamentals of Ethics* because in it John Finnis discussed at some length ideas of my chief mentor, Bernard Lonergan. I will focus on Finnis’s respectful disagreements with Lonergan.

I have no idea how much time John Finnis has given to Lonergan. That he has spoken knowledgeably about both *Insight* and *Method in Theology*, and pointed readers towards the first edition in book form of his articles on *gratia operans*, *Grace and Freedom*,<sup>3</sup> suggests that his familiarity with Lonergan is more than superficial.

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\* Theology Department, Boston College.

1. JOHN FINNIS, *NATURAL LAW AND NATURAL RIGHT* (H. L. A. Hart ed., 1980).

2. Ernest L. Fortin, *The New Rights Theory and the Natural Law*, in *CLASSICAL CHRISTIANITY AND THE POLITICAL ORDER: REFLECTIONS ON THE THEOLOGICAL-POLITICAL PROBLEM* 265, 279 (J. Brian Benestad ed., 1996). Something similar may be affirmed, *mutatis mutandis*, of his other worthwhile books with which I have some familiarity and which I have not fully mastered: see JOHN FINNIS, *FUNDAMENTALS OF ETHICS* (1983), and the contribution to Oxford University Press’s *Founders of Modern Political and Social Thought*, JOHN FINNIS, *AQUINAS: MORAL, POLITICAL, AND LEGAL THEORY* (1998).

3. See FINNIS, *supra* note 1, at 413.

As a Lonergan scholar, I am truly grateful that John Finnis has respectfully referred his readers to the work of the Canadian Jesuit, even though he has not fully agreed with him. I have the impression that what Finnis and Lonergan share is far greater than what separates them. He has accorded Lonergan an appreciation of strong points even while criticizing some of his positions.

#### I. BACKGROUND AFFINITIES

John Finnis's field is legal philosophy or jurisprudence and philosophical ethics, while the lion's share of Lonergan's scholarly life as a theologian was devoted to what he called 'foundational methodology,'<sup>4</sup> in which he was engaged with the intellectual probity of Catholic theology in light of the challenges presented by both modern science and modern historical consciousness. As a Roman Catholic philosopher, Finnis has ever been open to the higher viewpoint<sup>5</sup> provided by revealed belief, and his work tends to embody the relevance of the metaphor (in Pope John Paul II's Encyclical *Fides et Ratio*) of the two complementary wings of reason and faith.

Finnis's arguments are perspicuous, concise, and coherent, and they adhere as rigorously as possible to the logical ideal of science. The formulator of that ideal, Aristotle, analyzed the human being as a *synholon*—a potentially integrated whole made up of intelligibly ordered organic, psychic, and rational or spiritual parts, and so a being that possesses the nature of an intelligible, intelligent, reasonable, and responsible principle of motion and of rest. In order to do justice to this reality, and to show that the human being exists within a cosmos that exhibits a similar intelligibly ordered integrity, Finnis moved spontaneously and persuasively towards a higher viewpoint whose intelligibility is not logically deducible from the vantage of the terms and relations of lower viewpoints.<sup>6</sup> This is especially clear in his refutations of skepticism,<sup>7</sup> utilitarianism, and so-called "proportionalism" or "consequentialism."<sup>8</sup> As regards the latter refutations, the notion of a higher viewpoint regarding human beings and their moral acts enters implicitly into all that Finnis argued as regards the incommensurability of diverse ends or of means in relation to ends. The same notion is also implicit in the use Finnis made, *passim*, of the "experi-

4. See BERNARD LONERGAN, *Philosophy and the Religious Phenomenon*, in 17 COLLECTED WORKS OF BERNARD LONERGAN: PHILOSOPHICAL AND THEOLOGICAL PAPERS 1965–1980 395 (Robert C. Croken & Robert M. Doran eds., 2004); see also BERNARD LONERGAN, *Lecture 1: Philosophy of God*, *supra*, at 162, 174, 176; BERNARD LONERGAN, *Variations in Fundamental Theology*, *supra*, at 240, 246–47.

5. See FINNIS, *supra* note 1, at 21–22. Finnis makes favorable reference to Lonergan's notion in *Insight* of "higher viewpoint" in the Notes to Chapter II: "Images and Rejections." *Id.*

6. See FINNIS, NATURAL LAW AND NATURAL RIGHTS, *supra* note 1, at 371–414; FUNDAMENTALS OF ETHICS, *supra* note 2, at 136–53.

7. FINNIS, *supra* note 2, at 56–79.

8. See *id.* at 80–108.

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ence machine” invented by Robert Nozick for thought-experiments in opposition to reductionist positions in ethics.<sup>9</sup>

For Finnis, then, the human being’s intentional action emerges from both the integral human being’s organic (or bodily) level and its psychic substrate (that encompasses the reciprocal mediation of feelings and the free images proper to the higher primates) in both practical intelligence and practical reasonableness. In this way Finnis has provided a philosophic approximation of what Jewish and Christian revelation has spoken of as original justice or righteousness, in which feelings or emotions are under the control of reason, and reason is subordinated ultimately to God. It is clear that as a philosopher he has an acute sense of the limitations of what has traditionally been called “unaided reason” or “reason unilluminated by faith”; and as a thinker in search of common ground, he has made his case for natural law *sive* natural rights in terms that are accessible to non-believers in principle. I think the final chapters of both *Fundamentals* and *Natural Law and Natural Rights* would seem to confirm that he basically agrees with the presupposition that structured the unfolding of what Lonergan called the moving viewpoint in *Insight*, namely, the distinction between self-reliant intelligence and the possibility, if not the exigency, of its being transformed into an *intellectus quaerens fidem* (understanding seeking faith).

A passage from Lonergan’s essay, “Cognitive Structure” summarizes the affinities between Finnis and Lonergan:

It is quite true that objective knowing is not yet authentic human living; but without objective knowing there is no authentic living; for one knows objectively just in so far as one is neither unperceptive, nor stupid, nor silly; and one does not live authentically inasmuch as one is either imperceptive or stupid or silly. . . . To treat people as persons one must know and one must invite them to know. A real exclusion of objective knowing, so far from promoting, only destroys personalist values.<sup>10</sup>

## II. DIVERSE EMPHASES REGARDING PRACTICAL REASONING

In a principled and reasoned manner, John Finnis’s work opposed the moral philosophy of David Hume and his followers, who reduce morality to the *ex post facto* rationalization of emotions or feelings, desires or wants in a sense that provides no basis for normativity. Consequently he took a dim view not only of Anthony Kenny’s use of “wants” in his rendition of Aristotle’s thought, but also of all the neo-scholastics who put the

9. See *id.* at 37–42; see also *id.* at 158 (Index under “experience machine”). Finnis also referred to Lonergan’s reprise of the psychological-metaphysical method of Aristotle and Aquinas of moving from the correlation of objects and psychological acts to habits and ranges of potencies, to kinds of soul. *Id.*

10. See BERNARD LONERGAN, *Cognitive Structure*, in 4 COLLECTED WORKS OF BERNARD LONERGAN, *supra* note 4, at 220–21.

stress on the *modum inclinationis* instead of the *modum cognitionis* of Thomas Aquinas's well-known twofold way of judging [*Sum. theol.*, I, q. 1, a. 6, ad 3m]. He also objected to "the line that runs from phenomenologists such as Brentano and Scheler through to the late works of Bernard Lonergan, in which we are said to 'apprehend' value 'in feelings', so that 'apprehension of values and disvalues is the task not of understanding but of intentional response' i.e. of 'sensibility' and 'feelings', 'feelings [which] reveal their objects'".<sup>11</sup>

While I agree that Lonergan's expressions cited here *are* ambiguous vis-à-vis the empiricist hedonism to which Finnis thought that Lonergan exposed himself, I do not think Finnis has accurately understood Lonergan's meaning, and so he portrayed Lonergan's position as a dangerous alternative to his own. I suspect that this misunderstanding is due in large part to a profound contrast in emphasis between Lonergan's overall approach to ethics and values and Finnis's overall approach to practical reasoning.

Perhaps it is not unfair to note the influence of contemporary analytic philosophy on Finnis's approach, in so far as, despite its evident roots in the thought of Plato, Aristotle, and Aquinas, unlike them, Finnis treated moral philosophy in terms of what he called "the logic of practical reasoning." Moreover, in order to combat the overall skepticism about moral standards and the relativism that is ever more common in moral philosophy and theology today, he understandably stressed epistemological issues pertaining to the relationship between ethics and the issue of truth in his account of "practical reasonableness".

I believe Lonergan's approach to ethics is more like that of Hans-Georg Gadamer (whose 'hermeneutic' angle depended on Plato and Aristotle), and of both Herbert McCabe and Alasdair MacIntyre (who helped revive a non-scholastic version of Thomas Aquinas's ethics of virtue and character). These authors paid more attention to issues surrounding the *development* of morality and hence to the dynamics of ongoing social and cultural traditions that promote virtue and practical wisdom. As modern authors, none of them are innocent of logical and epistemological concerns, and yet their respective retrievals of Plato, Aristotle, and Aquinas to meet today's issues are marked by concern with the community's role in the *attainment* of moral character. This led them to place greater emphasis upon the educational dimension of ethics. Thus, agreeing with Aristotle, Gadamer stressed that first principles are less relevant in the sphere of practical philosophy than "the understanding people always possess of themselves and of living together already."<sup>12</sup> Herbert McCabe constantly underlined how practical reasoning has far less to do with the logical infer-

11. FINNIS, *supra* note 2, at 32 (discussing neo-scholastics, phenomenologists, and Lonergan); *id.* at 30–31 (discussing Kenny). See also footnote 16 *infra* on Finnis's AQUINAS, a work with which Fr. Fortin was not familiar.

12. Hans-Georg Gadamer, *Aristoteles und die imperativische Ethik*, GRIECHISCHE PHILOSOPHIE 385 (1985).

ences appropriate in theoretical knowledge than with the fact that the authentic human being emerges within a community which itself functions as the concrete premise for ethical insight and judgment, and which he claimed “is . . . the principle in virtue of which there is any syllogism at all.”<sup>13</sup> As Aristotle said, “As a man is, so does his end appear to him.”<sup>14</sup> And so the possibility of discovering what is right depends on the sort of person one is beforehand due to her or his prior upbringing, education, and way of life.<sup>15</sup> Just as the preferential or deliberative choice for Aristotle must not only be in accord with wish but requires a virtuous state of character, so that belief about the good can only be true if one has the combination of ethical and intellectual virtues presupposed by practical wisdom (*phronesis*),<sup>16</sup> Gadamer held that Aristotle’s “analysis of *phronesis* recognizes that moral knowledge is a way of moral being itself, which therefore cannot be considered apart from the whole concretion of what he calls *ethos*.”<sup>17</sup>

Lonergan himself said of the almost question-begging empiricism of the *Ethics* that when Aristotle wrote, “Virtue . . . is a state of character concerned with choice, lying in a mean, i.e. the mean relative to us, this being determined by a rational principle, and by that principle by which the man of practical reason would determine it,” he was “refusing to speak of ethics apart from the ethical reality of good men, of justice apart from men that are just, of temperance apart from men that are temperate, of the nature of virtue apart from the judgment of the man that possesses practical wisdom.”<sup>18</sup> I believe, therefore, that Lonergan never underestimated the importance of Aristotle’s typical appeal to the standard (*kanôn*) or measure (*metron*) concretely embodied in the person who is morally serious (*spoudaios*) or decent (*epieikês*) in his ethical reflections. As both McCabe and MacIntyre have shown, much of Aristotle’s approach was in-

13. See Herbert McCabe, *Aquinas on Good Sense*, in *GOD STILL MATTERS* 160 (Brian Davies ed., 2002).

14. ARISTOTLE, *NICOMACHEAN ETHICS*.

15. Colleague Patrick H. Byrne kindly pointed out to me the point made in a typescript by C.D.C. Reeve, “Aristotle’s Philosophical Method,” in the following at pages 30–31: “Since *euphuia* is what enables people ‘to discern (*krinousi*) correctly what is best by a correct love or hatred of what is set before them’ (*Top.* VIII 14, 163<sup>b</sup> 15–16), it seems to be the power philosophy has and dialectic lacks. Since it aims to achieve ‘what is best,’ it seems to be the sort of *euphuia* referred to in the following passage:

A person doesn’t aim at the end [the good] through his own choice; rather, he must by nature have a sort of natural eye to make him discern (*krinei*) well and choose what is really good. And the person who by nature has this eye in good condition is *euphuês*. For it is the greatest and finest thing. . . and when it is naturally good and fine, it is true and complete *euphuia* (*NICOMACHEAN ETHICS* III 5 1114<sup>b</sup> 5–12).

16. See ARISTOTLE, *NICOMACHEAN ETHICS* bk. III 5 1114<sup>b</sup> 21–25, VI 12 1144<sup>a</sup> 29–36, VII 8 1151 17–19.

17. Gadamer, *supra* note 12, at 387.

18. See Bernard Lonergan, *The Subject*, in *A SECOND COLLECTION* 82 (William J. Ryan & Bernard J. Tyrrell eds., 1974).

corporated into the moral philosophy of Aquinas, which was always the background assumption for Lonergan's thought on the most important issues with which he dealt.

Two of Ernest Fortin's comments may be salient here. First, although Finnis claimed in *Foundations* that he did not question "the existence or the psychological importance of feelings, emotions, inclinations, desires, *qua* felt wants, etc.," even in the much longer *Natural Law and Natural Rights*, he seemed to disagree with Aquinas's statement that "Natural inclinations can be best known in matters that are naturally done *without the deliberation of reason*; for thus each one acts in his nature as he is apt by birth to act."<sup>19</sup> I would add that in *Fundamentals of Ethics* as well, Finnis seemed to have at least underemphasized the possibly relevant cognitive role of emotions, inclinations, appetites, and passions in reference to Aquinas [*Sum. theol.*, I-II, q. 94, a. 2, and I, q. 60, a. 5 and quoting from *Quodlibetum* I.4.8 as below].<sup>20</sup>

Second, in remarking that there was "so little talk about virtue" in *Natural Law and Natural Rights*,<sup>21</sup> Fortin thought that Finnis did not assume for his argument the concrete indispensability of virtues for moral philosophy or practical reasoning. Finnis would never discount virtue, but although the topic is mentioned in *Fundamentals* and discussed in its final chapter under the heading of the lasting effects of human decisions, virtue is certainly not a prominent theme in that shorter work, either. As a result—in contrast to the approaches of Gadamer, McCabe, and Fortin—Finnis's main arguments regarding the nature of practical intelligence and reasonableness prescind from the necessary conditioning by practical wisdom, prudence, or *phronesis*.

In treating practical wisdom's centrality for Aquinas's moral philosophy, Herbert McCabe contrasted the legalistic moral philosophy of "conventional" scholasticism with the openness and virtue-based flexibility of Aquinas's idea of *prudentia*. Following Jane Austin, he liked to translate *prudentia* as 'good sense' in order to avoid the connotations of clever opportunism associated with the word "prudence" in English discourse. He believed good sense or practical wisdom was much more significant for Thomas Aquinas than either rules or the natural law.<sup>22</sup>

19. "Inclinationes naturales maxime cognosci possunt in his quae naturaliter aguntur *absque rationis deliberatione*; sic enim agit unumquodque in natura sicut aptum natum est agi." (Italics added by Fr. Fortin). See also AQUINAS: MORAL, POLITICAL, AND LEGAL THEORY, *supra* note 2, at 72–78 in which Finnis does provide a full and balanced treatment of this dimension of Thomas's teaching (III, 4: "Reason's Civil Rule Over Emotions"). Fr. Fortin did not see this book.

20. See Fortin, *supra* note 2, at 269; Lonergan *supra* note 18, at 280.

21. See Fortin, *supra* note 2, at 270–71.

22. See Herbert McCabe, *Prudentia*, in ON AQUINAS 101–14 (Brian Davies ed., 2008), where the author always makes clear the overlap between prudence as a natural virtue and prudence as "a sharing in divine *providentia* by which we are guided in life of *caritas* (sharing in divine love)." *Id.* at 103.

What gives McCabe's overall account of practical reasoning such a different flavor or emphasis from Finnis's is that, unlike the conventional scholasticism of which he too was so critical, his account was based on the difference that writing the *Commentary* on Aristotle's *de Anima* made for Aquinas's treatments in the *Secunda Pars* and the *de Malo* of the relationships between intellect and will in human action. In his *Aquinas*, it is clear that Finnis also has a profound sense of the complex interactions between intellect and will in human action as displayed in the diagrams in Jean-Marc Laporte's, *Patience and Power*.<sup>23</sup> Finnis characteristically emphasizes the primacy of intellect in his treatment of Aquinas, whereas McCabe's rendering of the thrust of what Thomas learned from the close study of Aristotle tries to underplay any too great separation between intellect and will, so that, as the latter wrote, "when we come to the field of human action there is no operation of the reason which is not also an operation of the will, and vice-versa. There is an interweaving of understanding and being attracted that cannot be unraveled in practice. We think of what we are *attracted* to thinking of, and we are attracted to what we *think* of." As a result, if we ask Aquinas whether "'intending' or 'deciding' or whatever" is "an act of intellect or will," the answer will regularly be, "Both, but one predominantly."<sup>24</sup> McCabe's simplified schema of the interplay of intellect and will for the sake of decision and action exhibits his way of interpreting the interplay or virtual concomitance: "We *aim* at some end (we find it attractive). We *decide* on the means to attain it (and on the particular means that we want to use). We *act*."

According to Frederick E. Crowe's less scaled-down schematization of Aquinas, *intentio* involves a judgment of ends from which there proceeds from the intellect into the will—as something the will as a rational appetite undergoes or suffers (a *pati*)—an act of will consenting to the ends (*velle*) without any free action on the part of the will.<sup>25</sup> This actuation of the will that does not involve free decision has to occur in order to set the stage for the operation of deliberation (*consilium*). As McCabe said, glossing *Summa theologiae* I–II, q. 56, a. 3: "a man needs to be properly disposed in respect of the reasons for which he is acting, which are his aims: *ad principia huius rationis agendorum, quae sunt fines*." Deliberation concerns means or courses of action that accord with, or are in harmony with the ends, so that decision (*electio*) can freely occur.

I agree with Finnis's disagreement with interpreters of Aristotle's thought who hold that one can only deliberate about means and not

23. See also JEAN-MARC LAPORTE, *PATIENCE AND POWER* (1988), a book derived from Laporte's 1958 Université de Montréal in 1958 M.A. thesis, *The Interplay of the Intellect and the Will in the Moral Act according to Thomas Aquinas*.

24. See Herbert McCabe, *Action, Deliberation, and Decision*, in *ON AQUINAS*, *supra* note 22, at 79–80.

25. See the section, *Framework for Discussion: The Duplex Via*, in Frederick E. Crowe, *COMPLACENCY AND CONCERN IN THE THOUGHT OF ST. THOMAS*, 73–203, 81–91.

about ends. This seems plausible both because the ability to discern the “that-for-the-sake-of-which” people make decisions and take action seems to be presupposed by Aristotle’s reflections in *Nicomachean Ethics* on the three chief options about the meaning of *eudaimonia*, happiness, or flourishing; and because people regularly judge and intend ends other than those regarding the highest good. In a similar vein, (with which Finnis probably would not disagree, even though he did not make it so explicit in his concern to do justice to the *complexity* of Aquinas’s teaching) McCabe was right to say that for Aquinas both deliberation (*consilium*) and decision (*electio*) “are the work of human reason and concomitantly of the will (the human capacity to be attracted by what is [judged] to be good),” and that each involves a different kind of reasoning. Stated in terms that McCabe admitted to be over-simplified, “deliberation is about possible means to my end; decision is about whether *I* shall take these means.”<sup>26</sup> Finnis probably would not disagree with this nuance, but I do not think he made this point as explicit.

Be that as it may, for Lonergan the two relevant questions in practical reasoning are: *What* should I do? and, *Should I* do it? Clearly, both questions would have to be asked and answered in the light of one’s concrete answer to the further overarching question, *What is worthwhile?* In a manner that I did not see so clearly stated either by Finnis or by McCabe, Gadamer observed about Aristotle’s *phronesis* that, while it is “the virtue enabling one to hit upon the mean and achieve the concretization,”<sup>27</sup> by deliberating practical wisdom actually “determines the end itself for the first time in its concreteness, through the concretion proper to moral deliberation, precisely as what is ‘to be done’ (as *prakton agathon*).”<sup>28</sup> According to Gadamer, ethics cannot remain in the sphere of generalities, but must always be a matter of the concrete facts of the situation (*hekasta*) because, according to Aristotle, they are *alethinoteroi*, i.e., they have greater truth content than universal precepts. That is why in ethical matters one must have recourse not to books or moral codes, but to the *spoudaioi*, the practically wise persons who are sufficiently mature to regularly desire what is truly choice-worthy and so can judge each concrete matter correctly. The implication is that their judgment is not undermined by pleasure or disordered passions when they deliberate about what is truly good.

So Gadamer taught that the prior knowledge of the end (attributed by Aquinas to *synderesis*) is something people have images of or a “feel

26. See McCabe, *Deliberative Reasoning*, in ON AQUINAS, *supra* note 22, at 87.

27. See Hans-Georg Gadamer, *Über die Möglichkeit einer philosophischen Ethik (1963)*, in NEUERE PHILOSOPHIE, II, PROBLEME, GESTALTEN 184 (Mohr Siebeck 1999), translated in *On the Possibility of a Philosophical Ethics (1963)*, HERMENEUTICS, RELIGION, AND ETHICS 30 (Joel Weinsheimer trans., Yale Univ. Press 1999).

28. Gadamer (translated), *supra* note 27, at 30, but here my own perhaps more literal translation of the sentence, “*Sie bestimmt durch die Konkrektion der sittlichen Überlegung den >Zweck< selbst erst in seiner Konkrektion, nämlich als den >tunlichen< (als prakton agathon).*” See Hans-Georg Gadamer, *supra* note 27, at 184.

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for<sup>29</sup> in the measure that they have been well brought up by everyday praise and blame. As Alasdair MacIntyre also did, Gadamer stressed the stories in light of which people live in their world mediated by meanings and values. As a result of having been educated, socialized, and acculturated in any given family, society, and culture, they possess some sort of commonsense apprehension of the end, usually in the form of an anticipated life-story. For Aristotle, what Gadamer and Aquinas call “application” is not a matter of subsuming a concrete case under a general rule in a process parallel to the deduction of a conclusion from a general principle. Initially, people’s knowledge of the end is about something they are attracted to and desire as good; as an intention, their consent to such an end has the status of a velleity or wish. But such persons have to have many additional insights into and make groups of concrete judgments regarding each new situation as it arises in order repeatedly to make each decision or preferential choice (*prohairesis*) in the light of this intention, and regularly to take action in order to realize this intention in the course of a lifetime. Significantly, as they repeatedly discern the good to be concretely done, they gradually become capable of discerning ever more accurately what the end, hitherto apprehended only sketchily (*en typo*), concretely involves.

Here we can realize how relevant Newman’s famous distinction between “notional” and “real” apprehension and assent is to what is at stake in the development of the moral person. As Lonergan wrote:

[O]ne does well to turn to . . . Newman’s *Grammar of Assent* and, specifically, to the passages in which he distinguishes notional apprehension from real apprehension, and notional assent from real assent. For the barriers to enlightenment are merely notional apprehension and merely notional assent, when we are content with understanding the general idea and give no more than an esthetic response that it is indeed a fine idea. On the other hand, the attainment of enlightenment is the attainment of real apprehension, real assent, and the motivation to live out what we have learnt.<sup>30</sup>

Newman exercised a deep influence upon Lonergan in his student years, especially because he explained the illative sense by analogy with Aristotle’s idea of *phronesis* (or practical wisdom) as contra-distinct from either *episteme* or *techne*.<sup>31</sup> In a letter to Henry Wilberforce reporting on his progress with the *Grammar of Assent*, Newman wrote:

29. See Hans-Georg Gadamer, *The Hermeneutic Relevance of Aristotle*, in TRUTH AND METHOD 320 (Joel Weinsheimer & Donald G. Marshall trans., 1991).

30. See Bernard Lonergan, *Pope John’s Intention*, in A THIRD COLLECTION: PAPERS BY BERNARD LONERGAN 236 (Frederick E. Crowe, ed., 1985).

31. See JOHN HENRY NEWMAN, AN ESSAY IN AID OF A GRAMMAR OF ASSENT (I.T. Ker ed., 1985). In the section on the nature of the illative sense, Newman discusses Aristotle’s concept of “*phronesis* or judgment.” *Id.* at 228–29.

I consider there is no such thing (in the province of facts) as a perfect logical demonstration; there is always a margin of objection. . . . Yet on the other hand it is a paradox to say there is not such a state of mind as certitude. . . . I think it is *phronesis* which tells *when* to discard the logical imperfection and to assent to the conclusion which ought to be drawn in order to demonstration, but it is not quite. . . . but I am arguing against the *principle* that *phronesis* is a higher sort of logic.<sup>32</sup>

In working out his idea of the illative sense, Newman generalized Aristotle's notion of *phronesis* in Book VI of *NE* so as to embrace the human achievement of real apprehension and assent:

Multitudes indeed I ought to succeed in persuading of its truth without any force at all, because they and I start from the same principles, and what is a proof to me is a proof to them; but if any one starts from any other principle but ours, I have not the power to change his principles, or the conclusion which he draws from them, any more than I can make a crooked man straight. Whether his mind will ever grow straight, whether I can do anything towards its becoming straight, whether he is not responsible, responsible to his Maker, for being mentally crooked, is another matter; still the fact remains, that, in any inquiry about things in the concrete, men differ from each other, not so much in the soundness of their reasoning as in the principles which govern its exercise, that those principles are of a personal character, that where there is no common measure of minds, there is no common measure of arguments, and that the validity of proof is determined, not by any scientific test, but by the illative sense.<sup>33</sup>

There is a striking contrast between the tenor of Newman's statement here and Finnis's logically oriented treatment of practical reasonableness. I would like readers to appreciate the affinity between Newman's and Lonergan's approaches overall. Finnis tends to stress conceptualization and conceptual description in relation to practical intelligence, and to place the accent on the capacity to infer or deduce what is good to have, or get, or do, or be, from remote or intermediate principles in the exercise of practical reasonableness. A remarkable passage from the *Oxford Sermons* illustrates Newman's awareness of how remote the manner in which people attain knowledge in significant matters is from a conceptualism that emphasizes concepts to the relative neglect of the understanding from which concepts arise:

32. 24 LETTERS AND DIARIES OF JOHN HENRY NEWMAN 104–05 (C.S. Dessain & Thomas Gornall eds., 1973).

33. NEWMAN, *supra* note 31, at 265–66.

The mind ranges to and fro, and spreads out, and advances forward with a quickness which has become a proverb, and a subtlety and versatility which baffle investigation. It passes on from point to point, gaining one by some indication; another on a probability; then availing itself of an association; then falling back on some received law; next seizing on testimony; then committing itself to some popular impression, or some inward instinct, or some obscure memory; and thus it makes progress not unlike a clamberer on a steep cliff, who, by quick eye, prompt hand, and firm foot, ascends how he knows not himself, by personal endowments and by practice, rather than by rule, leaving no track behind him, and unable to teach another.<sup>34</sup>

Again we find in the *Grammar* another example of affinity with Lonergan's approach in Newman's articulation of the shortcomings of too great a dependence on logic as one moves from grasping the sufficiency of evidence for one's judgments either of fact or of value to actually affirming, asserting, or judging what is truly the case or what is truly good:

Thus in concrete reasonings we are in great measure thrown back into that condition, from which logic proposed to rescue us. We judge for ourselves, by our own lights, and on our own principles; and our criterion of truth is not so much the manipulation of propositions, as the intellectual and moral character of the person maintaining them, and the ultimate silent effect of his arguments or conclusions upon our minds.<sup>35</sup>

This passage may cause readers of *Insight* to recall that Lonergan, in the course of exhibiting the link between the rationality of judgment as grounded upon reflective understanding and the element of responsibility on the part of the person making the judgment, cites La Rochefoucauld about the tendency of people to complain about their memory and not about their judgment.

Now I hope these background contrasts can help me clarify how, although Lonergan's emphases differ from those of Finnis, their ultimate aims are closer than may at first be apparent.

### III. LONERGAN ON JUDGMENTS OF FACT

In this section I want to review Lonergan's account of coming to know facts and values, without abandoning truth or truthfulness in either case.

On a first level Lonergan called *experience* we are *empirically conscious*: If we are awake, we can sense (see, hear, smell, taste, touch) and imagine; so knowing begins with the sensed or perceived or the imagined. We are also

34. JOHN HENRY NEWMAN, *NEWMAN'S UNIVERSITY SERMONS. FIFTEEN SERMONS PREACHED BEFORE THE UNIVERSITY OF OXFORD 1826-43* 257 (Soc'y for Promoting Christian Knowledge 1970).

35. NEWMAN, *supra* note 31, at 196.

implicitly aware of ourselves as awake, sensing, perceiving, or imagining. Experience as empirical awareness attains both sense data (the seen, heard, smelled, tasted, touched) and the data of its own conscious and intentional operations. Then *questions for understanding* (What is it? Why? How? What for?) promote us to a second level of consciousness, making us *intelligently conscious*: So we inquire about what we have sensed or imagined, and so long as we have done so we may have an *insight* or an *act of understanding*. We feel it: "I've got it! (Eureka: Archimedes), "Aha!" So we might ask "Why are so many corporations relinquishing traditional loyalties to their workers by discarding health and pension commitments?" If and when insights occur, we understand. And this enables us to use language to express what we've understood in some formulation of a guess or (in science or scholarship) a hypothesis. For instance, "Because it increases profits for CEOs and shareholders and makes companies more competitive vis-à-vis countries like China, India, Mexico, etc., where workers are paid neither high salaries nor perks."

What understanding grasps and formulates is a possibly relevant intelligibility. If we're alert, we realize that we only have a *possibly* relevant answer to our question, so we need to check it out, and ask, Is it true? For example, "Does decreasing health insurance and pensions really increase profits and competitiveness?" Such *questions for verification* (Is it so? Is it really the case?) promote us to a third level of consciousness by making us *rationally conscious*: To answer these questions we *reflect* in order to confront our guess or hypothesis with the evidence and to grasp whether it is sufficient to affirm that what we have understood and formulated is correct. Thus, to take a different example, the U.S. went to war in Iraq on the premise that Saddam Hussein possessed a store of WMD's (atomic weapons, biological or chemical weapons). In time, former weapons inspector David Kay went to Iraq after the fall of Baghdad to see whether such a stock of WMDs really existed. This experience demonstrates how we have to make sure that we are being responsible and not silly or precipitous when by means of an *indirect or reflective insight* we verify whether there is evidence sufficient to warrant the claim that our possibly relevant understanding of the issue actually covers the available data. If, after asking all the pertinent questions, we grasp that the evidence is sufficient, then we feel internally and rationally compelled to express this understanding in a *judgment*: we make the affirmation, "It's right!" or the denial, "It's not true!" or add some such qualification as, "It's still only probable or only possible!" Our judgments affirm or deny the truth: when the evidence is rationally compelling, they assert that our *possibly* relevant answer is *actually* relevant.

Whenever we do this, we know that what we have understood is a fact. By 'fact' is meant a verified possibility. Both the coming-to-know the fact and the fact are contingent, which means that both the knowing and the known are conditioned in the sense that each could have been otherwise. But if the conditions both on the side of the knower and on the side of the

known are actually fulfilled, i.e., just as a “matter of fact,” the fact is virtually unconditioned, which is true of everything except God, the only absolutely unconditioned fact. That’s why the late Senator Daniel Patrick Moynihan could rightly say, “Everyone’s entitled to their own opinions, but they’re not entitled to their own facts!”

#### IV. LONERGAN ON JUDGMENTS OF VALUE AND THE STRUCTURE OF THE HUMAN GOOD

When we turn now to Lonergan’s account of judgments of value,<sup>36</sup> we begin by stressing that he always distinguished between judgments of fact and judgments of value simply because they respond to different kinds of questions. We have already stated that one of the hallmarks of Lonergan’s cognitional theory is its emphasis on the fact that direct and reflective acts of understanding occur in response to questions. So the act of understanding comes as a “release to a tension” and therefore always involves an emotional component. This is true even at the time of his writing *Insight*, where there is practically no positive account of emotions or feelings. Here we encounter one of the salient contrasts between the thought of Finnis and of Lonergan. For Lonergan desire is not only significant, but it has a normative role to play. I am speaking, of course, of the desire to know, which Lonergan tends to qualify with adjectives such as pure, detached, unrestricted, and disinterested: “Among men’s many desires,” he wrote, “there is one that is unique. It is the detached, disinterested, unrestricted desire to know. As other desire, it has its satisfaction.” He talks about this desire as the eros of intelligence, as a notion of being as a whole, and as the source of wonder, which is the root of human questing and questioning. As such, given the right circumstances, it *elicits* the questions that promote a person from empirical to intelligent, from intelligent to reasonable, and from reasonable to responsible or existential consciousness. It is the cause of the reality meant by one of Lonergan’s favorite and most often used phrases, namely, further questions, or further relevant or pertinent questions. Now isn’t it the case that we are aware of wonder and of questions of any and every type through feelings? And that the feelings connected with the desire to know include satisfactions? I judge they are. Feelings of this sort do not necessarily connote the disorder and reductivism that Finnis’s account of Lonergan fears may be associated with them. In life we have to satisfy the felt demands of rational consciousness on the level of fact and the felt demands of rational self-consciousness on the level of value in order to know and be in loving union with the universe of being.

In *Insight*, then, judgments of value involved the need for the consistency between our knowing and our doing. To be sure, *Insight* stressed the three levels of the good: particular goods, good of order, and terminal

36. See BRIAN CRONIN, *VALUE ETHICS: A LONERGAN PERSPECTIVE* (2006) for a reliable and fairly comprehensive account of Lonergan on values.

value. We treat the first two now, and terminal values a bit later. So particular goods satisfy wants and desires; the good of order “is a formal intelligibility that is to be discovered only by raising questions, grasped only through accumulating insights, formulated only in conceptions,” and, Lonergan went on to say, “lies totally outside the field of sensitive appetition,” and yet “is in itself an object of human devotion.”<sup>37</sup> Finnis failed to note—and it must be conceded that Lonergan himself does not make this altogether clear either in *Insight* or in *Method in Theology*—that among the desires and wants that might require satisfaction would be a desire for wisdom or the desire to know God as God is in God’s self (a natural desire for a supernatural fulfillment). However, in relation to a discussion of functional specialization in *Method* Lonergan observed that “ends proper to particular levels may become the objective sought by operations on all four levels.”<sup>38</sup> So I think it correct to say that when Lonergan spoke of people operating and cooperating to achieve any particular good, he meant that they do so not only with their empirical consciousness, but also with their awareness as intelligent, reasonable, and responsible. In what follows, I hope it becomes more clear how this is so.

Already in *Insight* Lonergan distinguished between originating values (subjects as choosers and as undergoing the intransitive effects of their choices) and terminal values as possible objects of choice. “Objects of desire are values only inasmuch as they fall under some intelligible order” since choice is an act of will, and “the will is intellectual appetite that regards directly only the intelligible good.”<sup>39</sup> Again, “within terminal values themselves there is a hierarchy: for each is an intelligible order, but some of these orders include others, some are conditioning and others conditioned, some conditions are more general and others less.”<sup>40</sup> What Finnis speaks of as determining the good to be aimed at in action, Lonergan speaks of in terms of the objects of spontaneously emerging sensitive desires and aversions being unable to be willed until they are subsumed under some intelligible order. He adds, “intelligible orders are linked with one another in mutual dependence, or as condition and conditioned, or as part and whole; and prior to becoming engaged of one’s own choice, one already is engaged in the process by the fact of one’s desires and aversions, by one’s intelligent grasp of the intelligible orders under which they can be satisfied, and by one’s self-consciousness of oneself as an actually rational knower and a potentially rational doer.”<sup>41</sup> Emergent within one’s moral awareness is a demand for “the penetrating, honest, complete consistency that alone meets the requirements of the detached, disinterested,

37. See 3 BERNARD LONERGAN, *INSIGHT: A STUDY OF HUMAN UNDERSTANDING*, 621 (Frederick E. Crowe and Robert M. Doran, eds., 1992).

38. BERNARD LONERGAN, *METHOD IN THEOLOGY*, 134 (1972).

39. Lonergan, *supra* note 37, at 624.

40. *Id.* at 625.

41. *Id.*

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unrestricted desire to know.”<sup>42</sup> Such consistency, Lonergan insists, “means consistent terminal objects” that are genuine and unbiased to be chosen and acted upon. As Lonergan goes on to say,

If the terminal objects are to be consistent, then there is no room for choosing the part and repudiating the whole, for choosing the conditioned and repudiating the condition, for choosing the antecedent and repudiating the consequent. Finally, intelligible orders include concrete objects of desire and exclude concrete objects of aversion, and so from the dynamic exigence of rational self-consciousness, by the simple process of asking what in fact that exigence concretely is, there can be determined a body of ethical principles.<sup>43</sup>

When one moves, as Finnis did, from the perspective of *Insight* to that of *Method in Theology*, it is correct to note, as Finnis also did, a certain sea-change in Lonergan’s thought. In an interview held at the 1970 Florida conference in his honor Lonergan spoke of a “spreading out, moving on, including more” after the publication of *Insight* in 1957. He mentioned realizing (with the help of Robert Sokolowski’s work on Husserl) that he had been pursuing intentionality analysis, and that he was now able to drop the language of faculty psychology in which he was still expressing himself in *Insight*. He spoke of “reading von Hildebrand and Frings’ book on Scheler” in the effort to meet further questions of his own. (“One also has feelings oneself, too, you know.”) By the time of his 1968 Aquinas Lecture at Marquette University on “The Subject,” he had made the breakthrough beyond the transcendental notion of being that prevailed in *Insight* to the “transcendental notion of value” that was pervasive throughout *Method in Theology* (1972). As Lonergan wrote in “*Insight Revisited*,”

In *Insight* the good was the intelligent and reasonable. In *Method* the good is a distinct notion. It is intended as questions for deliberation: Is this worthwhile? Is it truly or only apparently good? It is aspired to in the intentional response of feeling to values. It is known in judgments of value made by a virtuous or authentic person with a good conscience. It is brought about by deciding and living up to one’s decisions. Just as intelligence sublates sense, just as reasonableness sublates intelligence, so deliberation sublates and thereby unifies knowing and feeling.<sup>44</sup>

Along with Lonergan’s shift from faculty psychology to intentionality analysis already mentioned, the explicitation of the transcendental notion of value was also a crucial factor in the transition to his position in *Method in Theology*.

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42. *Id.*

43. *Id.* at 625–26.

44. Bernard Lonergan, *INSIGHT REVISITED*, A Second Collection, *supra* note 18, at 277.

Lonergan's integration of the idea of "sublation" into his account of cognitional structure also must be highlighted, because it is integral for the transition from faculty psychology to intentionality analysis: "I would use this notion in Karl Rahner's sense rather than Hegel's to mean that what sublates goes beyond what is sublated, introduces something new and distinct, puts everything on a new basis, yet so far from interfering with the sublated or destroying it, on the contrary needs it, includes it, preserves all its proper features and properties, and carries them forward to a fuller realization within a richer context."<sup>45</sup> Sublation plays an important role in Lonergan's mature account of judgments of value, as we see in what follows.

In *Method in Theology* values are equivalent not with satisfactions but with true goods on levels that Lonergan names vital, social, cultural, personal, and religious. Knowing values occurs on the level of responsible or existential consciousness when, in relation to situations calling for action, we ask, "What should I/we do?" and "Should I/we do it?" The question of value asks neither about the intelligibility (when, where, what, why, how) nor the truth (Is it so? or What happens to be the case?) of the situation in which a decision or action is required. If we do not already have a correct understanding of the situation because of a prior process of asking and answering questions, then we would need to go back and understand the intelligibility and judge the truth of the situation before we could properly ask the question about what to do (the question of value). Again, as soon we know about any situation and start asking about what we should do, we experience feelings in relation to the correctly known situation. Lonergan calls the relevant feelings "intentional responses to values."<sup>46</sup> So what we speak of as a "situation" will always be regarded as a concrete instance of the "human good," because we discern values in relation to the structured human good, i.e., the concrete and cumulative result of past acts of human understanding, judging, deciding, and acting in the world. Depending on what kind of person we are, and so on what our identity, orientation and horizon happens to be, our responses will be more or less expansive and adequate. Let me illustrate what this means.

Little kids' feelings rarely transcend the level of needs and capacities, i.e., the level of *particular goods*. Later, less mature people tend to be chiefly concerned with the *vital values* of health, physical beauty, grace, and coordinated movement, but of course everyone has to be concerned with these matters to some degree. Then, as and *if* we mature, our feelings about particular goods become increasingly aware of them in relation to *goods of order*, such as systems of law, economy, governance, education, and so on. At the same time there is growth in the awareness that most of what we do involves acts of cooperation within the already understood and agreed upon frameworks of cooperation that we call institutions, such as

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45. LONERGAN, *supra* note 38, at 241.

46. *See id.* at 30–31, 38, 58.

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the family and home, school, sports, work, commerce, the professions, and government, etc. These institutional frameworks embody *social values*, about which we have more or less definite feelings. When and *if*, furthermore, we reach the maturity of grown-ups (keeping in mind that while we have to grow older, we can *always* be immature), our feelings become capable of assessing different goods of order (e.g., a free market economy vs. a socialist economy) in relation to even more profoundly felt *cultural, personal, and religious values*. Because these values are, as Aristotle would say, ‘that for-the-sake-of-which’ particular goods and goods of order are chosen, these values function as *terminal values*, and are correlative to the individual and collective choosers, who become *originative values* when they choose well. So it is that what Lonergan called intentional responses to values play into the apprehensions and judgments of value that concretely pertain to the structure of the human good, even when individuals and groups are not explicitly aware that this is so.

By way of reviewing how Lonergan thought about the structure of attaining judgments of value, decisions, and actions, we start when any situation more or less adequately understood and judged as to “the facts” gives rise to questions about what to do. These are questions of value. Once we enter ethical space,<sup>47</sup> there comes into play McCabe’s distinction between *what* is to be done and *myself* as the person who either can or cannot choose one determinate course of action or another.

In the process of deliberation or discernment, one first asks questions aimed at understanding the value of objectively available alternative courses of action: What should I do? One arrives at responses to this question through affective insights attained by feelings as intentional responses to value. To take an example, a CEO of a “bank too big to fail” knows that risky business transactions in the past have created havoc in the financial sector, but also knows the profits gained when such ventures are successful, so what should he/she do in the future? Here, let me note that affective apprehensions need not forsake the use of intelligence in seeking a possibly choice-worthy course of action nor need affective insights be necessarily irrational, although persons are free to let them be governed by the motto of Gordon Gecko in the Wall Street film, “Greed is good.”

Once a possible course of action strikes a person or a group as the right thing to do, then the further question arises: Should I/we do this? In response, this reflective query places the possible course of action in the context of the relevant goods of order that operate as the whole in relation to which the object of choice is a part. If the part fits intelligently, reasonably, and responsibly into the whole orientation of our living and to the whole way of life already believed to be good, then we make a responsible judgment of value: I/We ought to do this. A responsible judgment

47. For Lonergan on “ethical space,” see Bernard Lonergan, *Self-transcendence: Intellectual, Moral, Religious*, in 17 COLLECTED WORKS OF BERNARD LONERGAN, *supra* note 4, at 313, 322–25.

grounds good rather than evil decisions. Such decisions ordinarily involve a horizontal exercise of liberty.

Here, therefore, a significant additional dimension arises in Lonergan's later way of speaking about practical judgment, namely, the distinction between a horizontal and a vertical exercise of liberty, which he learned from his distinguished colleague in the Philosophy Faculty at the Gregorian University, Joseph de Finance.

Horizontal liberty is the exercise of liberty within a determinate horizon and from the basis of a corresponding existential stance. Vertical liberty is the exercise of liberty that selects that stance and the corresponding horizon. Such vertical liberty may be implicit: it occurs in responding to the motives that lead one to ever fuller authenticity, or in ignoring such motives and drifting into an ever less authentic selfhood. But it can also be explicit. Then one is responding to the transcendental notion of value, by determining what it would be worthwhile for one to make of oneself, and what it would be worthwhile to do for one's fellow men. One works out an ideal of human reality and achievement, and to that ideal one dedicates oneself. As one's knowledge increases, as one's experience is enriched, as one's reach is strengthened or weakened, one's ideal may be revised, and the revision may recur many times.

In such vertical liberty, whether implicit or explicit, are to be found the foundations of the judgments of value that occur. Such judgments are felt to be true or false in so far as they generate a peaceful or uneasy conscience. But they attain their proper context, their clarity and refinement, only through man's historical development and the individual's personal appropriation of his social, cultural, and religious heritage. It is by the transcendental notion of value and its exigencies in a good and uneasy conscience that man can develop morally. But a rounded moral judgment is ever the work of a fully developed self-transcending subject or, as Aristotle would put it, a virtuous man.<sup>48</sup>

And so according to Lonergan, practical reflection, besides assessing how a possible course of action fits into relevant goods of order, also evaluates the possible course of action in relation to the terminal values that are vital, social, cultural, personal, and religious (as set forth in *Method in Theology*).<sup>49</sup> These values orient our living across the board. This is why our free decisions about values require a *vertical exercise of liberty*. We have to decide to implement the course of action, even though we also are always

48. LONERGAN, *supra* note 38, 40–41, where at footnote 13 there is a reference to Joseph de Finance, *Essai sur l'agir humain* 287 (Presses de l'Université Grégorienne 1962).

49. LONERGAN, *supra* note 38, at 31–32.

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free not to follow through. However, if we choose to perform something other than the intelligent, reasonable, and responsible course of action, we choose a bad or evil course; or if we choose not to decide but simply to drift, that is also a decision. A good action will be the freely chosen execution or performance that constitutes the best possible course of action as actual or real. In almost every case our action will also be an instance of cooperation within the concrete framework of the human good.

I hope it is clear why even in Lonergan's later philosophy of action his emphasis on the role of feelings cannot be equated with the modern voluntarism-*cum*-utilitarianism of someone like Hobbes, for whom the decision of the will—far from being intelligent, reasonable, and responsible—is no more than the last in the series of emotional impulses that precedes one's acting, and for whom intelligence or reason is no more than a calculating faculty in the service of the arbitrary will and the subject's exclusively self-regarding feelings. I also hope that the relationship of presupposition and complementarity among the vital, social, cultural, personal, and religious values makes manifest that Lonergan's manner of speaking about the way goods of order function within the structure of the human good in our practical reasoning is irreducible to any utilitarian calculus. When Hobbes replaced the *summum bonum* of classical philosophy and theology with the *summum malum*—the fear of violent death—and when Locke turned Hobbesian self-preservation as the basis for civil society into comfortable self-preservation (i.e., life, liberty—as freedom from coercion—and the protection of man's estate or property), these thinkers effectually made the higher cultural, personal, and religious values subservient to the lower vital and social values. Lonergan, on the other hand, conceived of the hierarchy of values in such a way that lower values condition and enable the higher values, while at the same time they exist for the sake of the higher values; and the higher values should determine the intelligibility, reasonableness, and responsibility of the lower ones. Indeed, I think Lonergan's normative scale of values would be quite compatible with Finnis's list of indispensable basic goods, and that list (with some modifications, perhaps) could help to clarify the meaning of the normative scale of values.

## V. CONCLUSION

As a philosopher of law and ethics, John Finnis provided a rational basis for orienting praxis in the political, legal, and ethical spheres of human living towards the common good. I think that Lonergan would find Finnis's aim and his achievement praiseworthy, perhaps most of all in its repudiation of the most common errors in current legal and ethical philosophy. It remains that in their common concerns their approaches differ vastly in their emphases, if not in their basic conclusions about the good. Apart from points already mentioned, perhaps the main reason for this divergence in emphasis is to do with the fact that both *Insight* and

*Method* resulted from Lonergan's life-long dedication to a project of foundational methodology for the sake of the renewal of Catholic theology. Until the completion of *Insight*, Lonergan was under the tutelage of Thomas Aquinas. While greatly influenced by Aquinas's invention of theology as a science on the model of Aristotle's *Posterior Analytics*, Lonergan was convinced that St. Thomas's chief achievement was to "fuse a phenomenology of the subject with a psychology of the soul."<sup>50</sup> During those years Lonergan took for granted the scholastic tag *nihil amatum nisi prius cognitum*, laboring to bring the genius of Aquinas as he had appropriated it in his historical studies of the theology of operative grace and the procession of the *verbum* in the context of Trinitarian theology to bear on the challenges modern science and modern historical consciousness posed for Catholic thought. But deeper involvement in the problems of theological method led him to become more Augustinian in his later years. If he operated under the auspices of Aquinas's teaching on the natural desire for essential knowledge of God in the first period, in the later period Lonergan was deeply struck by the reality indicated by Augustine's statement, "*pondus meum amor meus, eo feror quocumque feror.*"<sup>51</sup> In its light he understood Pascal's famous statement about the heart's reasons, without agreeing with voluntarist and irrationalist and fideist interpretations of Pascal's premises for that statement.<sup>52</sup> Once he realized that the outpouring of God's love into our hearts that is the Holy Spirit (Rom. 5:5) was not the unique exception to the scholastic assumption about the priority of knowledge over love, he also understood that the priority of the heart's reasons also applies to every instance of authentic falling-in-love.

Having comprehended the priority of love, there emerged Lonergan's late exploration of the two concrete vectors of human development:

There is development from below upwards, from experience to growing understanding, from growing understanding to balanced judgment, from balanced judgment to fruitful courses of action, and from fruitful courses of action to the new situations that call forth further understanding, profounder judgment, richer courses of action.

But there also is development from above downwards. There is the transformation of falling in love: the domestic love of the family; the human love of one's tribe, one's city, one's country, mankind; the divine love that orientates man in his cos-

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50. See Bernard Lonergan, *Introduction: Subject and Soul*, in *VERBUM*, 3–11. This new Introduction was written when Lonergan consented to have the articles that first appeared in *Theological Studies* published in a book edition and to be translated into French.

51. AUGUSTINE, *CONFESSIONS*, 13. 9. 10: "*pondus meum amor meus, eo feror quocumque feror,*" which Henry Chadwick rendered "My weight is my love. Wherever I am carried, my love is carrying me." AUGUSTINE, *CONFESSIONS* 278 (Henry Chadwick trans., Oxford Univ. Press 1991).

52. LONERGAN, *supra* note 38, at 115, 261, 341.

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mos and expresses itself in his worship. Where hatred only sees evil, love reveals value. At once it commands commitment and joyfully carries it out, no matter what the sacrifice involved. Where hatred reinforces bias, love dissolves it, whether it be the bias of unconscious motivation, the bias of individual or group egoism, or the bias of omniscient, short-sighted common sense. Where hatred plods around in ever narrower circles, love breaks the bonds of psychological and social determinisms with the conviction of faith and the power of hope.<sup>53</sup>

I would say that the interplay of these two developmental vectors discloses the ontological structure of the hermeneutic circle. Prior to all our actions and sufferings, there is the way of heritage from above downwards, operating through love's influence on one's decisions, judgments, understandings, and experiential perceptions. Lonergan provided a concrete illustration of one way this above-downwards influence works:

It begins in the affectivity of the infant, the child, the son, the pupil, the follower. On affectivity rests the apprehension of values. On the apprehension of values rests belief. On belief follows the growth in understanding of one who has found a genuine teacher and has been initiated into the study of the masters of the past. Then to confirm one's growth in understanding comes experience made mature and perceptive by one's developed understanding. With experiential confirmation the inverse process may set in. One now is on one's own. One can appropriate all one has learnt by proceeding, as does the original thinker who moved from experience to understanding, to sound judgment, to generous evaluation, to commitment in love, loyalty, faith.<sup>54</sup>

Devoted from the beginning to intellectual probity and dismayed by much modern Catholic theology, Lonergan had emphasized the way from below upwards almost at the expense of the way from above downwards. Gadamer's hermeneutic philosophy confirmed both his Catholic sense that the Enlightenment 'prejudice against prejudice' (that had debunked the cognitional significance of belief in relation to shared knowledge) relegated the hermeneutic circle's way from above downwards to oblivion, and confirmed his recognition that intellectual development inevitably proceeds in a rhythm of believing to understand and understanding to believe, so that Neo-scholastic rationalism was routed at last, without any sacrifice of truth's objectivity, on the condition that truth is the fruit of authentic subjectivity.

53. Bernard Lonergan, *Healing and Creating in History*, in A THIRD COLLECTION: PAPERS BY BERNARD J.F. LONERGAN 106 (Frederick E. Crowe ed., 1985).

54. See LONERGAN, *Natural Right and Historical Mindedness*, in A THIRD COLLECTION: PAPERS BY BERNARD J.F. LONERGAN, *supra* note 53, at 181.

The way of achievement, working from below upwards, from experiencing through insight and formulation, critical understanding and judgment, to evaluation, decision, commitment, and love unfolds in response to the way of heritage.<sup>55</sup> Moreover, in accord with the demands of the integral hermeneutic circle, Lonergan argued, philosophy can only be comprehensive in its reflection on the human condition if (knowingly or not) it is grounded upon, or at least open to, religious being-in-love with God.

As it becomes more comprehensive in its fidelity to the ongoing enactment of the integral hermeneutic circle, philosophy cannot avoid facing the theological issues of good and evil, redemption and sin, and both the offer of grace and its rejection. This brings with it the realization that what *Insight* championed as the “appropriation of one’s own rational self-consciousness” not only really involved an “intellectual conversion,”<sup>56</sup> but that normally intellectual conversion<sup>57</sup> demands a prior and distinct moral conversion from satisfactions to true values or the good,<sup>58</sup> and that this in turn is almost always only made possible by a prior religious conversion—Augustine’s point.<sup>59</sup>

Here, perhaps, the vocational difference between the two thinkers comes to a head. Finnis sets forth magisterial arguments in legal philosophy and ethics. But, while he superbly presents as cogently as is humanly possible what ought to be, he is not as strong when it comes explaining the becoming of the human. Since our meeting, and after reading the chapter in *Aquinas* to which he referred in his response to my paper, it has occurred to me that Finnis always honors his readers and interlocutors by speaking to them as if they were already religiously, morally, and intellectually converted. In other words, as a philosopher he prescind from the “reign of sin” or as Lonergan translated this Pauline expression, “the probability of sin.” To my knowledge, Finnis has not theorized about either the need for, or the reality of, religious conversion. In contrast, Lonergan insisted that religious conversion is the normal condition of the actuality of moral and intellectual conversion,<sup>60</sup> which, it might be supposed, would be required fully to be convinced by Finnis’s arguments.

55. The first to reflect on the significance of the two ways for the development of Lonergan’s thought was Frederick E. Crowe. See Frederick E. Crowe, *An Expansion of Lonergan’s Notion of Value*, in APPROPRIATING THE LONERGAN IDEA, 344–59 (Michael Vertin ed., 1989). For a fuller treatment see Muhigirwa F. Rusembuka, THE TWO WAYS OF HUMAN DEVELOPMENT ACCORDING TO B. LONERGAN: ANTICIPATION IN INSIGHT 17 (Editrice Pontificia Gregoriana 2001).

56. See Bernard Lonergan, *Cognitive Structure*, in 4 COLLECTED WORKS OF BERNARD LONERGAN, *supra* note 4, at 205, 219.

57. LONERGAN, *supra* note 38, at 241–43.

58. *Id.* at 240–43.

59. *Id.* at 318, 338.

60. *Id.* at 122, 243.

Now Christians believe that religious conversion is brought about by the gift of God's love, i.e., grace. Thomas Aquinas's theology of grace, which was the topic of Lonergan's doctoral dissertation, resulted from thinking through the relationships between God's gift of his grace and acts of human knowing and freely willing in a way that had not been achieved ever since the doctrinal issues had been staked out by St. Augustine in his debates with the Pelagians and adopted as church doctrines at the Council of Orange. According to Thomas's account of the natural structure of human action (which is the topic of the third chapter of Finnis's *Aquinas*), the relationships between human judgment regarding the end of action and the will of the end, which proceeds as an intelligible emanation from the intellect into the will and does not involve free choice (*electio*), normally sets the conditions for the deliberation that leads to both the judgment regarding the means to the end, and the free decision that selects and commands the execution of the right means. In Christian conversion—the occurrence of God's replacement of “the heart of stone” with “the heart of flesh” in Ezekiel's description (36:26)—God changes the will of the end, so that the will is not moving but moved. (In technical terms this is the operative grace of conversion,<sup>61</sup> and the infusion of the habit of sanctifying grace). This enables human beings to respond by cooperating with God's grace. In Lonergan's transposition of Aquinas in *Method in Theology*, this is the intervention of the gift of God's love, by which human beings fall in love with God and enter into the state of being-in-love with God. In either case—i.e., either of falling in love with God or of being faithful in response to that love—the grace of conversion is not a product of human knowledge and choice. As suggested above, Lonergan realized that this is analogous to all human falling in love and being in love. In this way he became convinced that love is what moves and channels authentic human action. The idea reminds us of Aristotle's remark that, given the love of friendship, one does not have to worry about justice; and also that in the case of rightly ordered self-love presupposed by *philia* (the love of friendship), love's feelings not only are not irrational, but also they enable the lover's ongoing development from above downwards. So, to my mind, the possibility of the reality about which Finnis rhetorically inquires in his lovely response to my paper suggests that he agrees: “May not [Shakespeare's] ‘Love hath Reason’ be compatible with and perhaps even affirm the position that love of persons, each precisely for his or her own sake, has the reasons which the first practical principles pick out, the human goods towards which those principles direct us, each of these goods an aspect of the worth (in deprivation or fulfilment) of each human being?”

61. See BERNARD J. F. LONERGAN, *GRACE AND FREEDOM* 102–03 (J. Patout Burns ed., 1971) on how Thomas understood operative grace as actual as changing a person's “will of the end” that could not be changed by the person's own knowing or willing; and then actual grace becomes cooperative in every instance of willing means in accord with the new, supernatural end.

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