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Natural Law, Virtue, and the Character of a University

Faculty, students and university administrators cite principles such as academic freedom, tenure, and disciplinary autonomy frequently, but rarely do we have a coherent context in which to define and understand these terms. Academic freedom, for example, is often taken as a sacrosanct given, so that any abridgment of this license is a form of close-minded, fearful censorship. A university requires a unified, articulated mission to guide its endeavors, to give substance to what have become principles disconnected from the activities they are thought to structure.

Natural law offers one such context. Without defending natural law *a priori*, this paper begins a conversation, based on the four cardinal virtues, of various aspects of a university.

A law, as Thomas Aquinas defines it, is “a certain ordinance of reason for the common good, made and promulgated by one who has care of the community.”¹ Applied to a university, the chief common good is pursuit of truth. A fundamental question for members of a university, therefore, is “How do we pursue truth together?” or rather, “How do we pursue truth?” which we cannot but do together, as part of a tradition of enquiry. Thomas distinguishes several senses of law, of which two are relevant here. Natural law, or participation of human reason in the divine intellect, concludes in principles binding on all human beings. Natural law, by God’s authority, prescribes virtues, which make possible life in a community and pursuit of the common good. Those responsible for a community promulgate human law, which is specific conclusions

¹ Thomas Aquinas. *Summa Theologiae*. Trans. Dyson. Cambridge: Cambridge University Press, 2002. IaIIae 90.4

of the natural law that can be exercised and enforced by a legitimate human authority. For universities, the administration and individual departments promulgate those principles of natural law that ought to be codified. Yet this legislation should always find its source in natural law, which enables a university to accomplish its mission.

I. Prudence

Prudence, “the mother of all virtues,” is “reason perfected in the cognition of truth,” or as Josef Pieper glosses, “the receptivity of the human spirit, to which the revelation of reality...has given substance.”² All other virtues depend on prudence, which acquaints persons with things as they really are. Justice without truth, or fortitude without a good to fight for, is no virtue at all. If prudence is indispensable for any community, it is doubly necessary for a university, whose communal life is pursuit of truth.

Pieper examines three qualities of mind that prudence requires: *memoria*, *docilitas*, *solertia*, and *providentia*.³ *Memoria* is not memorization the night before a dreaded midterm, but rather “true-to-being memory,” or recollection of things as they really were or are.⁴ Rather than scrupulous memorization, prudence depends on a well-cultivated memory that honestly recalls actions, arguments, and ideas encountered in commerce with colleagues. Thus *memoria* facilitates two components of university life. University members, especially administrators but also faculty and students, should justly reflect on their experience as members of their communities. In determining what priorities and events should bring a university together, or to what tasks individuals

² J Pieper. *The Four Cardinal Virtues*. Notre Dame: University of Notre Dame Press, 1966. 9

³ *ibid.* 14-18

⁴ *ibid.* 15

should commit themselves, a community draws on its experience. What brought us closer to our goal in the past? This informs our present activity; false or fragmented memory hinders progress toward a common good.

Because a university is an institution pursuing truth, *memoria* must characterize intellectual enquiry as well. Both students and faculty should conscientiously follow arguments and ideas extended over time, whether of a short duration, like a course, or over an entire tradition. Even today, we cherish the memory of our predecessors in our pursuit of truth, so that we guard the past from which we continue our journey. Experience gained along our way illuminates where we have been. Returning to ancient thought with new questions or insights, or with a greater awareness of our distance from Plato or Aristotle, clarifies distant endeavors. Likewise, returning to contemporary moments allows new aspects to emerge, crucial elements initially hidden. Sincere pursuit of truth obligates enquirers to thoroughly examine arguments, to cultivate and clarify memory.

Memory, Pieper warns, is a realm of great danger, where distortions, omissions, and misrepresentations insinuate falsehood. For example, I might subconsciously revise my memory of an event to enhance my reputation at the expense of another, or to discredit an adversary. In enquiry, willful distortion of memory unjustly weakens critiques of one's own thought, caricatures rival opinions, and misreads whole traditions of thought. Prudence, or "reason perfected in cognition of truth," demands honesty of memory, a habit that takes nurturing and requires purification of pride and prejudice.⁵

⁵ *ibid.*

Second, prudence presupposes *docilitas*, which is not “docility.” Instead, *docilitas* is an attitude of stillness and open-mindedness, for active circumspection, not for sloth or indiscriminating faith. *Docilitas* is a virtue not only of individuals who should listen to colleagues and friends, but especially of departments at a university. Disciplines sometimes claim a false autonomy, such that political scientists do their work, philosophers theirs, and biologists likewise, with minimal consciousness of developments in or insights from other disciplines. While different departments pursue truth from diverse perspectives, however, their pursuits meet in the common good of a university, the pursuit of truth in general, which each department serves. Here Newman’s reflections on the boundaries of various disciplines demonstrate that, outside of interdisciplinary conversation, any discipline will exceed its limits. Philosophy without history distorts ideas, just as biology without anthropology mischaracterizes humankind. All members of a university, to effectively serve the common good, should cultivate an “open-mindedness which recognizes the true variety of things and situations to be experienced and does not cage itself in any presumption of deceptive knowledge.”⁶ Because each discipline vitally contributes to a university’s common good, faculty and administrators should develop forums for exchanging ideas across disciplines, conversations into which students are initiated. Curriculum, too, should illustrate a unified pursuit, to which each discipline contributes, inviting students to enrich their studies in one discipline with insights developed elsewhere.

Solertia is a “perfected ability” to swiftly but objectively assess new situations. Not only must studied memory purify vision, but enquirers should be alert to nuances and

⁶ *ibid.* 16

objections in arguments, ready to respond accordingly. *Providentia*, too, deals with judgment. Especially those who govern universities or departments require, even in a world of uncertainty, “the capacity to estimate, with a sure instinct for the future, whether a particular action will lead to the realization of the goal.”⁷ These qualities of mind, proper to prudence, belong to members of any university in good order.

Before proceeding to justice, notice how different prudence is from what is often meant by contemporary usage of the term. Often, decisions characterized by excessive tentativeness, even cowardice, are sarcastically tagged “prudent.” Yet prudence does not deter us from making strong decisions, but compels judgments stronger than those cast rashly, for its judgments are backed by reason. Imprudence could be deciding without deliberating, or deliberating without deciding. Furthermore, other forms of imprudence originate in covetousness, by which we poorly estimate reality by seeking our own advantage (cunning) or surrendering to sensual goods (unchastity). True prudence is a mark of exemplary maturity.

Finally, prudence as outlined here is strikingly uncharacteristic of modern American universities. For example, while at least at Notre Dame interdisciplinary conversations have begun, some disciplines remain antagonistic or seemingly autonomous, such that conflicts between some disciplines over issues as basic as the nature of the human person remain unexamined. Likewise, every element of prudence requires sustained, peaceful reflection, while silence is quickly abandoned for more “productive” or “fun” activities, especially among students. At a Catholic university,

⁷ *ibid.* 18

liturgy and contemplative prayer are invaluable resources to direct a community in prudent pursuit of truth.

II. Justice

Justice is an “intentional habit that enables man to give to each one what is his.” In an academic setting, justice applies especially within conversations developing on a campus and in wider communities. Pieper distinguishes three types of justice: that which orders individuals to other individuals (reciprocal or commutative justice), that which orders a social whole to its members (ministering or distributive justice), and that which orders members of a community to a social whole (legal or general justice).

First, commutative justice is a practical acknowledgment of what belongs to another. Justice, Pieper argues, is a state of equilibrium between persons, but every action “disturbs” this balance by turning the doer into a debtor or creditor.⁸ Pieper does not in saying this recommend an overly scrupulous counting of pennies to ensure proper restitution, nor does he deny that actions can restore an equilibrium by satisfying debts, nor that a free gift can be given out of charity. Rather, he focuses on our rapidly changing world, in which agents are called to respond justly to each other. Justice, as a virtue, not only fights injustice (though it does this too), but it solicits certain reactions to situations arising in ordinary commerce.

In an academic community, where colleagues continually exchange arguments and critiques, a new argument calls for a response; we owe each other explanations and defenses of our thought, and we owe others a fair forum in which to explicate and justify their own views. Furthermore, colleagues owe each other fair interpretations of ideas

⁸ *ibid.* 79-80

presented, accepting correction where necessary, but also challenging weak points. As Plato's dialogues, Aristotle's dialectic, and experience of every age testifies, enquirers cannot arrive at truth on their own, but depend on each other to sharpen and test ideas (hence our need for prudent open-mindedness). Any community pursuing truth, therefore, sustains honest conversation.

Dialectic conversation is not a struggle for honors, tenure, an A, or any other external reward; none should dominate over another, but all should be considered without respect of persons. In place of intellectual domination, intellectual hospitality facilitates understanding, allowing ideas to flourish so that they can be judged in clarity. Where well tested ideas fail, however, revision or rejection is equally implied by justice, which, based on prudent judgment, renders to each what is due.

Distributive justice governs an authorities relation to the community it oversees. A university administration has primary care over a university, while individual departments cultivate their respective disciplines in service of the common good. Administrations direct diverse components to the single end that governs their community, the pursuit of truth. As Pieper observes, "Harmonizing and integration of nearly all men's functions occurs only in the political community." Conscious integration with the common good in view coordinates efforts of all a community's members. Individuals who dedicate themselves to a common good offer their gifts and talents, so that these belong to the community and are developed and integrated into a common pursuit. (This dedication to a common good is an aspect of legal justice, relating individuals to their community.)

At universities, the most controversial principle under the province of distributive justice is academic freedom, which, I hasten to add, is categorically opposed to academic *anarchy*. As beings *in via*, we can never be thoroughly certain of what we will discover tomorrow, much less years or decades from now. Freedom, by guaranteeing time and resources to develop new ideas whose promise may not be clearly seen, enables and encourages individuals to explore new territory. Such exploration cannot happen in a vacuum, but maintains contact with critics and rival ideas in mutually beneficial relationships required by commutative justice.

Administrators and departments foster academic freedom and the testing of new and old ideas by justly distributing resources, arranging communal events that initiate or further conversations, and by hiring faculty capable of contributing to the community's tasks. Where ideas or programs patently contradict a university's mission or are demonstrably inadequate, resources should be channeled to more fruitful projects. As Professor MacIntyre once pointed out in a class, no card-carrying member of the Flat Earth Society should chair a physics department. Similar common sense should inform activities in all parts of university life. Exercising authority justly depends on mature, prudent leaders who integrate a community in which rival ideas develop and confront each other, while maintaining a studied intention toward truth, clearing obstacles that hinder progress. This is necessarily vague, determinable not by rules but only by just persons deliberating on very particular situations.

III. Fortitude

Fortitude, as Pieper defines it, is “readiness to fall in battle [for the good].” This virtue has a special relationship to the two preceding virtues, prudence and justice; and also to fear and love.

Fortitude without prudence and justice is mock bravery, because true fortitude always refers itself to what is good, true, and beautiful, which prudence and justice apprehend. Thus Augustine warns, “Not the injury, but the cause makes martyrs.”⁹ In apocalyptic language published ten years after the end of World War II, Pieper prophesies that “It is...of considerable importance that man prepare himself to encounter historical realizations of evil in which a high degree of ‘morality’ is joined with a considerable measure of ‘heroism,’ but which nonetheless remain thoroughly and unsurpassingly inhuman and evil, because at the same time they embody uttermost injustice.”¹⁰ What appears to be fortitude can serve injustice as well as justice, so everything said about fortitude merits this qualification: that prudence and justice are prior to and determine fortitude.

At the same time, fortitude draws on fear and love, or *eros*. At a university, professors and students should expect of each other sincere desire for truth and readiness to sacrifice for that goal, whether truth requires us to give up positions we hold, a particular reputation, activities we pursue, or even our former opinions. Having found truth, something worth fighting for, we make ourselves vulnerable in its pursuit and defense.

⁹ *ibid.* 125

¹⁰ *ibid.* 68

There are two ways of exposing oneself out of loyalty to truth. First, in dialectical conversation with friends in enquiry. Mindful that we now see partially as in a mirror, enquirers risk embarrassment by accepting critiques, but also execute the best defense of what seems plausible, or of that to which they have committed themselves. Only if humility strengthens its members, who make themselves vulnerable to each other, can a community achieve its common good.

A more steeled fortitude equips members of a community to confront other communities loyal to rival traditions.¹¹ A university, for example, that understands itself according to a Thomistic model (a university that thinks of itself as this paper suggests a university *should* think of itself), debates universities structured along a liberal-genealogical model, which currently dominate in terms of number. To institutions that find themselves in this situation, fortitude gives a sobering counsel: “The essential and highest achievement of fortitude is martyrdom, and readiness for martyrdom is the essential root of all Christian fortitude. Without this readiness there is no Christian fortitude.”¹² In a world where success is generally measured by liberal standards, universities that adopt other models face temptations to prefer secular success and reputation to thorough commitment to their countercultural tradition. Fortitude implies a readiness to suffer injury for a greater good.

Nevertheless, suicide is equally contrary to fortitude as cowardice. A good reputation helps individuals or communities to engage and challenge others, bearing witness to truth. Thomas Aquinas qualifies Christ’s commandment to “turn the other

¹¹ Cf. A MacIntyre. *Three Rival Versions of Moral Enquiry*. Notre Dame: University of Notre Dame Press, 1990. 233-4

¹² Pieper 117-8

cheek” by examining it in the context of Christ’s own life, and lives of the saints: “This injunction signifies rather the readiness of the soul to bear, *if it be necessary*, such things and worse, without bitterness against the attacker.”¹³ To the extent that worldly honors are consistent with commitment to truth, both can be pursued, the former for the sake of the cause of the latter. Where they contradict, one must suffer injury.

IV. Temperance

Temperance is not what we commonly understand by “moderation.” Rather, it is a harmony, a disposition of various parts of oneself into a unified and ordered whole. Here I want to touch only on temperance in knowledge, what Pieper identifies as *studiositas*, as opposed to the vice of *curiositas*.

Aristotle reminds us of what anyone who has spent time with children and their interminable questions discovers, that “all human beings by nature desire to know.” And members of a university pledge themselves to furthering human knowledge. Yet Goethe proposes a paradox: “We would have a better knowledge of things if we did not try to know them so thoroughly.” If desire for absolute certainty arising out of tireless human effort obscures an always open-ended pursuit of truth, lust for knowledge coerces enquirers into a sham, a sort of intellectual hoax or parody of true knowledge.

Intemperate study might excessively focus individuals on their own disciplines, especially on those methods they trust and know well. For example, scientific pursuit of medical or psychological research without due regard for moral and spiritual qualities of human beings, and the ethical dimension of persons, will surely end in interesting, even helpful, results, even while it blinds enquirers and observers to deeper truths about

¹³ *ibid.* 132

humanity. Deceptive knowledge only amplifies the danger that monomaniacal study will develop, because it seems to increase knowledge with utilitarian applications.

Yet to know things *rightly* is better than to know them *completely*. Sincere desire to know truth, if corrupted into lustful ambition, leads scholars to adopt methods incompatible with truth and to seek “total explanations” or easy, unexamined solutions out of fear of uncertainty. As an anecdote, Pieper prescribes an “asceticism of cognition,” by which enquirers foster inner tranquility and contemplative silence in which lusts for knowledge are disciplined and knowledge is ordered. Stilling disordered passions and ordering one’s soul according to truth (as Plato elaborates in the *Republic*) trains enquirers to progress confidently.

A Catholic university comes with ready resources to nurture all the virtues, including temperance. Liturgy deserves pride of place, directing a community to Truth itself by inviting individuals to open their hearts to receive the Author of the universe and archetype of humanity. Prayer, too, reserves time for reflection and purification. Campus ministry teams ought not only to offer students a retreat from daily responsibilities, but more importantly to equip students to integrate and order their many activities on a college campus into a faithful response to God. Finally, communal days of fast and abstinence (as prescribed by the Church) offer an introduction to ascetic life, calling individuals to freedom from overzealous pursuit of created goods. These aspects of Catholic universities that to some seem like accretions to a university, practices unconnected with the life of a university but nonetheless necessary as elements of the separable spiritual dimension of a community, are in fact practices that contribute to the common good of a university. They should be arranged and presented accordingly.

If a university is a community of enquirers seeking truth and preparing students, through initiation into the university, to be the kind of people who can seek truth successfully, it must be a place of virtue. A Catholic university has ample resources to further this quest, including a vital moral and intellectual tradition, but also its vibrant sacramental life. Nevertheless, the principles touched on here have the force of natural law and are therefore relevant considerations for all universities as such. Moral development is at the heart of university life; virtues that education inculcates in students and teachers, one would hope, continue to guide individuals throughout life. Exploring specific ethical questions relevant to particular disciplines is helpful, provided it is part of a broader curriculum molded by virtue and directed to a common good. A university of this kind opens its members to be challenged by truth, preparing them to seek justice, deepen their faith, and reliably come to understanding.