

Francisco de Vitoria on Prudence and the Nature of Practical Reasoning

The history of the concept of prudence in moral philosophy is often portrayed as a history of loss. According to the classical version of this view, it is, more specifically, a loss in moral significance: On Aristotle's account, there is a constitutive link between prudence and morality. Prudence provides morality with a sense for the particularities and the contingency of the situations in which agent has to act. And morality, by way of a substantial conception of the good life for human beings, provides prudence with an ethical impregnation that sets it apart from mere cleverness or cunning.¹ Aquinas and other medieval authors largely adopt this Aristotelian doctrine, though they relocate it in the wider framework of Christian moral theology.² In the philosophy of modernity, however, the constitutive link between morality and prudence is cut off by authors like Machiavelli, Hobbes, and Kant. They take prudence to be the ability to identify the most effective means to goals set no longer by morality but by the agent's contingent desires. So for them, prudence is mere cleverness or cunning after all.³

There is, however, an alternative to this classical version of the history of the concept of prudence. It is also essentially a history of loss, but it suggests that the history of the concept of prudence must be divided in a rather different manner: not between antiquity and the Middle Ages on the one hand and modernity on the other, but rather between antiquity on the one hand and the Middle Ages and modernity on the other; and not for moral, but for epistemological reasons.⁴ According to this view, the overly Aristotelian interpretation of Aquinas's moral philosophy implied in the classical version of the history of prudence has been justly criticized for overlooking an important difference between the moral theories of Aristotle and Aquinas: For Aristotle, there can be no such thing as a moral or practical science. Because of the essential contingency of the realm of human action, we cannot have moral knowledge in the strict sense of scientific knowledge (*epistēmē*), but only in a weaker sense similar to the practical knowledge of art (*technē*). By contrast, Aquinas and many other medieval authors, being fully aware of Aristotle's reservation, introduce the concept of a "practical science" (*scientia*

¹ Kersting 2005, 7. For a similar understanding of Aristotle's conception of *phronesis* see Aubenque 2007.

² Kersting 2005, 7. For a similar interpretation of Aquinas see Horn 2005.

³ Kersting 2005, 7-10. For similar interpretations of Machiavelli, Hobbes, and Kant see Luckner 2005, 122-140, van Apeldoorn 2012, and Aubenque 2007, 179-207.

⁴ Fidora 2013. Nussbaum 1978 makes a similar point.

practica) into moral philosophy,⁵ which is based on the idea that there are necessary truths about human action after all – truths that can be known by us and that are the object of strictly scientific moral knowledge.⁶ It is then argued that this “scientification” of moral knowledge in the Middle Ages results in a gradual marginalization of prudence: In the 13th and 14th century, Aquinas and Jean Buridan aim at a conception of moral knowledge that integrates scientific and prudential elements, despite their awareness of the epistemological tensions between the concepts of science and prudence.⁷ In the 16th century, the Salmantine theologian Francisco de Vitoria abandons this inclusive approach. He argues that prudence, being merely deliberative knowledge, must be excluded from moral knowledge understood as a strict science of human action.⁸ Eventually, in the 17th century, John of St. Thomas draws “the final conclusions” from these considerations by defending the view that prudence, while being genuinely practical knowledge, is not part of moral philosophy; and that moral philosophy, though being scientific knowledge in the strict sense, is a purely theoretical science.⁹

In this paper, I would like to pursue this alternative approach to the history of the concept of prudence a little bit further. I share the view that there is a crucial difference between Aristotle's and Aquinas's understanding of moral knowledge, and that this difference is best captured by pointing to the concept of a practical science. Furthermore, I share the view that it is precisely this project of a “scientification” of moral knowledge that calls into question the role of prudence in moral action. What I would like to propose, however, is a different account of Francisco de Vitoria's role in this development. I would like to show that Vitoria, instead of excluding prudence from moral philosophy, gives an integrated account of scientific moral knowledge and prudence that Aquinas lacks. It will turn out, however, that this integration comes at a price, for Vitoria cannot explain how prudence allows an agent to deal with the problem of contingency in action.

In order to argue for these claims, I would first like to review briefly Aristotle's and Aquinas's rival accounts of moral knowledge which can be interpreted as posing the problem Vitoria is faces with (1). Then I would like to show that Francisco de Vitoria

⁵ See see e.g. Lutz-Bachmann 2008, Kluxen 1980, Flannery 2001.

⁶ Fidora 2013, 63.

⁷ Fidora 2013, 64-70.

⁸ Fidora 2013, 70-72.

⁹ Fidora 2013, 74.

gives a more consequently integrated picture than Aquinas of the role of prudence in moral knowledge, a picture that largely depends on the idea that practical reasoning is essentially deductive (2). Finally, drawing on Donald Davidson's work on the nature of practical reasoning, I would like to argue that Vitoria's account is not convincing, for it eventually cannot explain how prudence allows an agent to deal with the problem of contingency in action (3).

1. Aristotle and Aquinas on Prudence: Two Rival Accounts of Moral Knowledge

Since Aristotle's and Aquinas's rival accounts of moral knowledge can be interpreted as posing the problem Francisco de Vitoria is addressing in his treatment of prudence, that is where I would like to begin. I aim to do three things in this section: First, I am going to have a brief look at Aristotle's definition of prudence in EN VI. Secondly, I will show how heavily Aquinas relies on EN VI in his treatment of prudence in STh II-II, q. 47. Finally, I will argue that this treatment of prudence is at odds with Aquinas's general conception of moral knowledge.

(I) For Aristotle, as for Aquinas, prudence is one of the intellectual virtues. While all intellectual virtues are doxastic attitudes the object of which are true propositions,¹⁰ they differ from one another because they have different objects and different modes and degrees of justification. On the one hand, there are the intellectual virtues of science (*epistēmē*), wisdom (*sophia*), and intellect (*nous*). They belong to the scientific or theoretical side of reason, because they are all concerned with things that are necessary and not in our power to change. But they play different roles in that domain: We scientifically know only those necessary propositions that are the subject of demonstration.¹¹ Intellect, on the other hand, is the doxastic attitude the object of which are the self-evident principles in which scientific demonstration finally terminates.¹² And wisdom is defined as the intellectual virtue that comprises science and intellect.¹³ On the other hand, there are the intellectual virtues of art (*technē*) and prudence

¹⁰ Therefore, supposition and opinion are excluded, because they can be either true or false. See Aristotle, *Nikomachean Ethics*, 1139b15-18. – In what follows, I rely on Robert C. Bartlett's and Susan S. Collins's translation of the *Nikomachean Ethics* (Bartlett/Collins 2011). All other translations in this article are my own.

¹¹ Aristotle, *Nikomachean Ethics*, 1139b18-36.

¹² Aristotle, *Nikomachean Ethics*, 1140b31-1141a8.

¹³ Aristotle, *Nikomachean Ethics*, 1141a9-21.

(*phronēsis*). They belong to the deliberative or practical side of reason, because they are concerned with things that are contingent and in our power. But they also play different roles: Art is the doxastic attitude concerning production, while prudence is the doxastic attitude concerning human action in the narrow sense of *praxis*, i.e. moral action that constitutes a good life for human beings and is an end in itself.

Given this scheme of intellectual virtues, Aristotle defines prudence as “a characteristic accompanied by reason, in possession of the truth, and bound up with action pertaining to the human goods”.¹⁴ He illustrates the point of this definition by comparing prudence with science and art: Prudence is not science, because science is a true doxastic attitude with respect to necessary propositions that are the subject of demonstration; but no demonstration is possible for propositions that concern the contingent realm of human action. But prudence also is not art, because it is a true doxastic attitude with respect moral action as opposed to production.¹⁵ This characterisation of prudence corresponds with Aristotle's claims that we ought not to expect more certainty from ethics than “accords with the subject matter”; and that, since human affairs “admit of much dispute and variability”, it will suffice to attain the truth about human action only “roughly and in outline” by stating how things are “for the most part”.¹⁶

(II) In his treatment of prudence in STh II-II, q. 47, Aquinas relies heavily on EN VI. He is first concerned with the place of prudence in the human soul and argues that it belongs to practical reason, since the prudent agent is the one who can “deliberate well”, and deliberation is an activity of practical reason directed at intentional action.¹⁷ Also, he points out that since prudence is concerned with the application of cognition to action, the prudent agent must have knowledge not only of the universal principles of action but also of the contingent, singular circumstances of action, though these can be known only in the form of certain rough generalizations about “the things that happen in most cases” (*quae ut in pluribus accidunt*).¹⁸

¹⁴ Aristotle, *Nicomachean Ethics*, 1140b20-22.

¹⁵ Aristotle, *Nicomachean Ethics*, 1140a32-1140b4: “[I]f in fact science is accompanied by demonstration, but no demonstration is possible when it comes to things whose origins [or principles] admit of being otherwise (for all such things admit of being otherwise as well), and if it is not possible to deliberate about the things that exist of necessity, then prudence would not be a science nor an art: not a science, because the thing bound up with the relevant action admits of being otherwise; not an art, because the genus of action is different from that of making.”

¹⁶ Aristotle, *Nicomachean Ethics*, 1094b13-23.

¹⁷ STh II-II, q. 47, a. 2.

¹⁸ STh II-II, q. 47, a. 3.

Aquinas then explores the idea that prudence is an intellectual virtue by asking two questions. Firstly, he asks whether or not it is a virtue at all, defining a virtue as a habit that perfects or “makes good” the character of a person and her consequent actions.¹⁹ He then argues that there is a weak and a strong sense in which a habit can be a virtue: Habits that are concerned with the goodness of a person's appetite and action are virtues in a strong sense, because they regard the good formally as such – i.e. as something to be strived for – and are therefore essentially related to good action. This is the case with the moral virtues which are perfections of the appetitive part of the soul. But habits that are concerned with true propositions and not with the goodness of appetite and action are virtues only in a weak sense, because they treat the good only materially – i.e. insofar as something true or false can be predicated of it²⁰ – and are therefore not essentially related to good action. This is the case with most of the intellectual virtues which are perfections of the cognitive part of the soul but do not extend to action. But prudence is special: Since it concerns the application of right reason to action, which requires not just a true doxastic attitude about what to do but also a consequent goodness of appetite and action, it has an essential connection to good action. Therefore, it is a virtue in the strong sense of the word, even if it is an intellectual virtue.

Secondly, Aquinas asks whether or not prudence is specifically different from the other virtues.²¹ On his view, habits and faculties are differentiated according to their respective objects. There are some objects which are formally distinct and therefore make for the “deep” differences between the different faculties of the soul. Other objects are only materially distinct and therefore make for the “shallower” differences between the different habits that belong to one and the same faculty of the soul. This principle yields the following scheme of virtues:

[S]ince prudence is in reason, as we said, it is distinguished from the other intellectual virtues according to a material difference of the objects. For wisdom, science, and intellect concern necessary things; but art and prudence concern contingent things; but art concerns producible things that consist in external matter, like a house, a knife and things like that; but prudence concerns action, which exists in the agent himself, as we said above. But prudence is distinguished from the moral virtues according to the formal characteristics of the different faculties, namely the intellective faculty, in which prudence is, and the appetitive faculty, in which moral virtue is. Therefore it is clear that prudence is a special virtue that is distinct from

¹⁹ STh II-II, q. 47, a. 4.

²⁰ A point which Aquinas explicitly makes in article 5.

²¹ STh II-II, q. 47, a. 5.

all other virtues.²²

So on the one hand, prudence is different from the moral virtues, because it belongs to the cognitive rather than the appetitive faculty of the soul, the object of which are good things only materially speaking, i.e. as things of which something true or false can be predicated.²³ On the other hand, prudence differs from the other intellectual virtues. While it shares their “veridic” setting, it has an object that is materially distinct from the respective objects of the other intellectual virtues. For wisdom (*sapientia*), science (*scientia*), and intellect (*intellectus*) concern necessary objects; but art (*ars*) and prudence (*prudentia*), because they are intellectual virtues of practical reason, concern contingent objects. Art and prudence, in turn, are different because art concerns production and prudence concerns moral action.

(III) So in STh II-II, q. 47, Aquinas adopts the Aristotelian scheme of intellectual virtues in order to characterise prudence as a special virtue. This is odd, however, because it seems that this scheme is, from his point of view, incomplete. In order to support this claim, I would like to make three observations concerning Aquinas's general understanding of moral knowledge.²⁴

The first observation regards the continuation of q. 47 in article 6, where Aquinas argues that prudence does not appoint the moral virtues their ends.²⁵ He assumes that there is a parallel structure to be found in theoretical and practical reason that resembles the Aristotelian distinction between intellect and science: In theoretical reason, there are naturally known principles with which intellect is concerned; and there are conclusions from these principles which are the subject of demonstration and with which science is concerned. In practical reason, accordingly, there are naturally known principles the object of which are the ends of the moral virtues; and there are conclusions from these

²² STh II-II, q. 47, a. 5: “[C]um prudentia sit in ratione, ut dictum est, diversificatur quidem ab aliis virtutibus intellectualibus secundum materialem diversitatem obiectorum. Nam sapientia, scientia et intellectus sunt circa necessaria; ars autem et prudentia circa contingentia; sed ars circa factibilia, quae scilicet in exteriori materia constituuntur, sicut domus, cultellus et huiusmodi; prudentia autem est circa agibilia, quae scilicet in ipso operante consistunt, ut supra habitum est. Sed a virtutibus moralibus distinguitur prudentia secundum formalem rationem potentialium distinctivam, scilicet intellectivi, in quo est prudentia; et appetitivi, in quo est virtus moralis. Unde manifestum est prudentiam esse specialem virtutem ab omnibus aliis virtutibus distinctam.”

²³ Accordingly, Aquinas replies to objection 3: “Ad tertium dicendum quod agibilia sunt quidem materia prudentiae secundum quod sunt obiectum rationis, scilicet sub ratione veri. Sunt autem materia moralium virtutum secundum quod sunt obiectum virtutis appetitivae, scilicet sub ratione boni.”

²⁴ For a more detailed interpretation of Aquinas's account of moral knowledge, see Spindler 2015, 19-65.

²⁵ STh II-II, q. 47, a. 6.

principles the object of which are the means to the respective ends. However, the intellectual virtue that is concerned with the principles of practical reason is *synderesis*²⁶, which therefore appoints the moral virtues their end.²⁷ Prudence, on the other hand, is the intellectual virtue that is concerned with certain conclusions from these principles, i.e. with finding the means to the ends set by *synderesis*. Therefore, Aquinas concludes that „*synderesis* moves prudence, just as the intellect of principles moves science“.²⁸

The second observation regards Aquinas's treatment of moral philosophy in the prologue to his commentary on the *Nikomachean Ethics*.²⁹ In this text, he uses a different criterion to establish a distinction between theoretical and practical reason: Moral philosophy is distinct from natural philosophy not because the object of the first is contingent while the object of the latter is necessary. Rather, it is different because reason assumes a different role in moral philosophy. In natural philosophy, reason has the merely theoretical role of recognizing an order that is already out there in the world independent of reason's activity. In moral philosophy, on the other hand, reason has a practical role, because through its act of cognition, it is the source of a normative order for the acts of the faculty of human action, i.e. the will. Therefore, Aquinas points out that moral philosophy concerns only those actions which are in our power and can therefore be guided by practical reason.

The third observation regards Aquinas's conception of natural law in which two central themes of his moral philosophy are joined together: that practical reason also has a scientific structure; and that practical reason is the faculty of normative judgement.³⁰ Accordingly, he defines natural law as the sum of the first principles of practical reason, which parallel the first indemonstrable principles of theoretical reason and which are known through a specific intellectual virtue, namely *synderesis*, which is the “habit that contains the precepts of natural law, which are the first principles of human actions”.³¹ He then argues that the fundamental concept of practical reason is the concept of the good, which practical reason interprets in its constitutive fundamental principle as an essentially normative concept: The good is that which has to be done, while the bad, as

²⁶ The term *synderesis* is notoriously hard to translate, so I will leave it untranslated.

²⁷ STh II-II, q. 47, a. 6, ad 1.

²⁸ STh II-II, q. 47, a. 6, ad 3: “[S]ynderesis movet prudentiam, sicut intellectus principiorum scientiam.”

²⁹ Thomas Aquinas, *Sententia libri Ethicorum* I, 1.

³⁰ STh I-II, q. 94.

³¹ STh I-II, q. 94, a. 1.

the good's contradictory opposite, is that which has to be avoided.³² He then completes the picture of the epistemic structure of practical reason by arguing that there are two types of conclusions that can be drawn from the principles of practical reason.³³ There are conclusions that follow from the principles in the strict sense of scientific demonstration. And there are conclusions that follow from the principles only in the wider sense of a further determination of general rules with respect to the contingent circumstances of action; a mode of reasoning that he associates with prudence.³⁴

These observations suggest that Aquinas is committed to the view that there are *three* intellectual virtues involved in moral action: first, *synderesis* as the habit of the universal principles of practical reason; second, practical science as the habit of the demonstrable conclusions from these principles; and third, prudence as the habit of non-scientific, contingent conclusions from these principles. This picture supports the idea that the “scientification” of moral knowledge leads to a loss of relevance of the concept of prudence: Aristotle seems to think that prudence is the single most important cognitive faculty involved in moral action. But Aquinas assigns prudence only the subordinate role of drawing certain contingent conclusions regarding the means to the ends expressed in the principles of practical reason. But this picture also shows that Aquinas's attempt at characterising prudence on the basis of the Aristotelian distinction of intellectual virtues fails to connect with his own general understanding of moral knowledge. The Aristotelian scheme is based on a distinction between necessary and contingent objects of knowledge, but that does not account for the difference between intellect, science, and wisdom on the one hand and *synderesis*, practical science, and prudence on the other. For on Aquinas's general account of moral knowledge, *synderesis* and practical science also concern necessary truths. The difference between these sets of virtues is rather that the latter are virtues not of theoretical, but of practical reason as the faculty of normative judgement about human action. But the Aristotelian scheme lacks the conceptual resources to draw this distinction, thus leaving Aquinas with a characterisation of prudence that appears, by his own lights, as rather unspecific.³⁵

³² STh I-II, q. 94, a. 2.

³³ STh I-II, q. 95, a. 2.

³⁴ STh I-II, q. 95, a. 2, ad 4.

³⁵ Resolving tensions like these between more classically Aristotelian themes in Aquinas's texts (such as the characterisation of prudence in STh II-II, q. 47, a. 5) and his teachings that have no direct roots in Aristotle (such as his conception of natural law in STh I-II, q. 94) is at the heart of the long-standing debate over a fitting general description of Aquinas's moral philosophy – a debate which is mainly concerned with making sense of Aquinas's use of both a virtue ethical language inspired by Aristotle and a normative juridical language inspired by the tradition of Roman Law and Stoic philosophy. See

2. Francisco de Vitoria on Prudence, Practical Science, and the Nature of Practical Reasoning

Aristotle's and Aquinas's rival accounts of moral knowledge can be interpreted as posing the problem Francisco de Vitoria's conception of prudence is intended to solve. Vitoria's most comprehensive treatment of prudence can be found in his commentary on Aquinas's treatment of prudence in STh II-II, q. 47. This text, like Vitoria's commentaries on the *Summa* in general, is not a detailed literal commentary in the traditional medieval sense,³⁶ but more of a commentary *per modum quaestionis* in which the text of Aquinas serves as a starting point for discussing those issues Vitoria himself is interested in.³⁷ Accordingly, as I would like to show in this section, he uses this commentary to develop a conception of prudence that differs considerably from Aquinas's. And in doing so, he aims at a conception of prudence that is more consequently integrated into a Thomist understanding of moral knowledge. I will argue for these claims in three steps: First, I will reconstruct how Vitoria links his account of prudence with a certain understanding of the nature of practical reasoning. Secondly, I will show how this leads him to an extended scheme of seven intellectual virtues that connects prudence to a Thomist conception of moral knowledge. Finally, I will argue that the result is an integrated account of prudence and moral knowledge that Aquinas lacks.

(I) In the articles 1-3 of ComSTh II-II, q. 47, Vitoria largely follows Aquinas's

e.g. Kluxen 1980, Westberg 1994, Rhonheimer 1994, Finnis 1998, Flannery 2001, Honnefelder 2004, and Lutz-Bachmann 2008.

³⁶ See e.g. del Punta 1998.

³⁷ For the customary division of Vitoria's oeuvre into two major groups, namely the commentaries on Aquinas and Peter Lombard on the one hand and the free-standing *relectiones* on the other, see e.g. Langella 2010, 24. – Contrary to the “classical” interpretation of the School of Salamanca and its “founder” Vitoria as representing a more or less orthodox “revival of Thomism” (see e.g. Skinner 1978, Alves/Moreira 2013), many scholars have pointed to the independence and originality of Vitoria's thought, which shows not only in his *relectiones* but in his commentaries on the *Summa Theologiae* as well. Thus, John Doyle writes with respect to Vitoria's commentary on STh II-II, q. 64 (*De homicidio*): “[I]t is commenting on the text of St. Thomas; but at the same time it raises and answers questions, many of them outside the purview of Aquinas.” See Doyle 1998, 25. This, I think, would also be an apt description of Vitoria's commentary on Sth II-II, q. 47. For further assessments along these lines of Vitoria's relation to Aquinas in general and his commentaries on the *Summa* in particular, see e.g. Horst 1995, 39; Brieskorn 2010, xxvii-xxxiii; Oliveira e Silva 2014, *passim*. – I believe that the conception of prudence that can be found in Vitoria's commentary on STh II-II, q. 47 is also present in his *relectiones*. However, in what follows, I will only be able to give a few hints in this direction, since a detailed analysis of the respective *relectiones* is beyond the scope of this article.

argumentation with respect to the place of prudence in the human soul. But he already begins to shift the perspective by focusing mainly on how his conception of prudence is related to a certain understanding of the nature of practical reasoning. Accordingly, in the first article, he sums up Aquinas's line of reasoning for the claim that prudence belongs to the cognitive rather than the appetitive faculty of the soul, and more specifically to the rational rather than the sensual part of cognition.³⁸ However, he gives a different reason for the second part of this claim: Aquinas argues that prudence is engaged in an abstract comparison (*collatio*) of states of affairs of which only reason is capable.³⁹ While Vitoria also believes that prudence involves a skill that requires reason, it is, according to him, a certain kind of discursive reasoning (*discurrere*) that consists in “making conclusions and syllogisms” (*facere consequentias et syllogismos*).

In the second article, Vitoria also follows Aquinas's argumentation according to which prudence belongs exclusively to practical reason because the prudent agent is the one who can “deliberate well”.⁴⁰ In addition, however, he looks further into the nature of practical reasoning by introducing an objection to this claim. According to this objection, the reference to the concept of deliberation does not prove that prudence belongs exclusively to practical reason. For deliberation or practical reasoning proceeds “by way of a prudential syllogism” (*per syllogismum prudentiale*) which often includes premises that are purely theoretical. Thus, in the syllogism

- (M₁) All poor persons must be given alms
- (m₁) This person is poor
- (C₁) This person must be given alms

the major premise (M₁) may be a practical proposition, i.e. a normative statement that is meant to guide our actions. But the minor premise (m₁) is a theoretical proposition, i.e. a purely descriptive statement, and it is needed if the conclusion (C₁) is to follow.⁴¹ Vitoria replies to this objection by conceding both that practical reasoning takes the

³⁸ ComSTh II-II, q. 47, a. 1.

³⁹ STh II-II, q. 47, a. 1.

⁴⁰ ComSTh II-II, q. 47, a. 2.

⁴¹ ComSTh II-II, q. 47, a. 2: “Ostenditur exemplo. Haec, pauperi existenti in gravi necessitate est danda eleemosynan, pertinet ad prudentiam practicam. Sed iste est pauper, pertinet ad scientia pure speculaticam.” I have modified the formulation of the premises slightly by leaving out “in gravi necessitate”. It seems to be either an explication of what it means to be poor or a further specification of the rule according to which the person in question must be poor *and* in dire straits. So it seems that the “in gravi necessitate” must be either left out in (M₁) or added to (m₁), otherwise (C₁) does not follow.

form of practical syllogisms and that in these syllogisms, some of the premises are theoretical rather than practical propositions. But he argues that prudence can still be said to belong exclusively to practical reason:

In the prudential judgement, neither the major nor the minor premise belong to prudence, but they are scrounged from other sciences. But it belongs to prudence to deliberate and form syllogisms about medical and other matters, and infer the prudential conclusion [...]. This conclusion is practical: therefore, prudence belongs to practical reason.⁴²

So Vitoria argues that the premises of a practical syllogism originate not in prudence itself but in other sciences or disciplines, e.g. in medicine.⁴³ Prudence only has the job of putting these premises together into a syllogism and draw the conclusion. But since the conclusion of these syllogisms, as opposed to the minor premise, is always practical, because it is informed by a practical proposition that figures as the major premise, prudence belongs exclusively to practical reason.

Finally, in the third article, Vitoria adopts Aquinas's claim that the prudent agent must cognize not only universal principles of action but also the singular circumstances of action, because prudence is in the business of applying knowledge to singular actions. And this application requires not only a universal judgement but also a "judgement about singularities" (*judicium de singularibus*).⁴⁴ He supports this point by giving the following argument:

The universal judgement does not suffice for the application to action. Because the universal judgement is indifferent to many singularities: therefore, in order that a man turn towards one singular act, a universal judgement does not suffice, but a particular judgement is required. For if a man is sitting at the table in order to turn towards eating, this judgement does not suffice: one should eat or one should drink, for through this judgement, I do not turn more towards this food or cup than to that [food or cup]. Therefore, an exterior action cannot follow, unless through a particular judgement: therefore a singular judgement is required. For the members are moved by a command of the will, and yet, if the will is indifferent, it surely cannot move

⁴² ComSTh II-II, q. 47, a. 2: "[I]n iudicio prudentiale nec major nec minor pertinet ad prudentiam, sed ex aliis scientiis mendicantur. Sed ad prudentiam pertinet consultare et formare syllogismum de medicina et de aliis, et inferre conclusionem prudentiale [...]. Illa conclusio est practica: ergo prudentia pertinet ad rationem practicam."

⁴³ In article 4, he claims that the major premise in this particular example concerning the giving of alms originates in theology.

⁴⁴ ComSTh II-II, q. 47, a. 3.

the members in a determinate way.⁴⁵

Here, Vitoria again relies on the practical syllogism as the model of practical reasoning: For him, the application of knowledge to action means that the knowledge in question is actually guiding a particular action according to some normative consideration. In other words, practical reasoning must be able to determine what an agent actually does (or should do) in a given situation. Now the will cannot move the members of the body in a determinate way (i.e. command this particular action instead of that one) unless it is itself determined with respect to a particular action through a process of deliberation. Therefore, practical deliberation must take the shape of a prudential syllogism in order to be actually connected to action, i.e. it must involve not only a universal judgement about what types of actions are to be done or avoided, but also a particular judgement about a singular action actually having the relevant properties; and it must put these together to draw the conclusion that this particular action must therefore be performed (e.g. giving alms to this person or eating this slice of bread). This implies, of course, that neither a particular judgement suffices for action, because it does not say anything about what one should do. So practical reasoning can be translated into action only if a universal judgement and a particular judgement are combined by prudence into a practical syllogism.

(II) Given this conception of prudence based on a certain understanding of the nature of practical reasoning, Vitoria then turns to the idea that prudence is a virtue. Following Aquinas, he explicates this idea by asking two questions, the first of which is: Is prudence a virtue at all?⁴⁶ In order to answer this question, he briefly recapitulates Aquinas's argumentation, but then shifts the perspective of the discussion and ends up with a different solution. As we saw, Aquinas is lead mainly by aretaic considerations, according to which a virtue is a habit that is essentially connected with good action. Vitoria, on the other hand, concentrates exclusively on the distinction between different

⁴⁵ ComSTh II-II, q. 47, a. 3: “[N]on sufficiat iudicium universale ad applicandum ad operationem. Quia universale iudicium est indifferens ad multa singularia: ergo ut homo applicetur ad unum actum singularem, non sufficit iudicium universale, sed requiritur particulare. Nam si homo sit ad mensam ut applicetur ad comedendum, non sufficit hoc iudicium: comedendum est, vel bibendum est, nam per illud non est magis mea applicata ad istum cibum vel calicem quam ad illum. Ergo non potest operatio exterior applicari nisi per iudicium particulare: ergo requiritur iudicium singulare. Nam membra ex imperio voluntatis moventur, et tamen, si voluntas est indifferens, certe non poterunt membra determinate moveri.”

⁴⁶ ComSTh II-II, q. 47, a. 4.

ways in which the good can be the object of a faculty or a habit of the soul, namely either materially under the concept of being (*sub ratione entis*), i.e. insofar as something true or false can be predicated of it; or formally under the concept of good (*sub ratione boni*), i.e. insofar as it is something to be strived for.⁴⁷ Accordingly, two types of habits can be distinguished: Some habits concern something good only materially, namely under the concept of being. This is the case with science, for instance, which is concerned with God or with universals insofar as they are forms of being of which something true or false can be predicated.⁴⁸ Other habits, namely the moral virtues, concern something good as such, i.e. insofar as it is something to be strived for. For Vitoria, these distinctions allow to answer the question whether or not prudence is a virtue:

Because prudence concerns something good, it is a virtue. But because it does not concern something good formally, that is insofar as it is good, but rather materially, that is not insofar as it is good, but insofar as it is a being, therefore it is not a virtue in the sense in which other moral virtues are. Therefore the solution is that prudence is a virtue. And if we compare it to the intellectual virtues, i.e. the sciences, it has more of the character of a virtue than these, because it has some orientation towards the good; but the others do not. But if we compare it to the moral virtues, the moral virtues have more of the character of a virtue than prudence.⁴⁹

So while Aquinas claims that prudence is a virtue in the same strong sense in which the moral virtues are, Vitoria assigns prudence an intermediate position. According to him, prudence is a virtue because it concerns something good. But it does not concern something good formally speaking, i.e. as something to be strived for, and therefore it is not a virtue in the strong sense in which the moral virtues are. And yet, since it has some relation to the good after all, because it concerns something good materially insofar as it falls under the concept of being, it can be distinguished from the other intellectual virtues, because these, it seems, do not even have a material relation to the good.

⁴⁷ It seems that in this article, the concept of *ens* plays the same role as the concept of *verum* in the text of Aquinas: It is meant to work as a counterpart of the concept of *bonum* to distinguish the formal object of the cognitive part of the soul from the formal object of the appetitive part of the soul.

⁴⁸ ComSTh II-II, q. 47, a. 4: “Et sic [scientia, A.S.] fertur circa bonum materialiter, id est non quia bonum est, sed quia est ens.”

⁴⁹ ComSTh II-II, q. 47, a. 4: “[Q]uia prudentia fertur circa bonum, ideo est virtus. Sed quia non fertur circa bonum formaliter, id est quia bonum est, sed circa bonum materialiter, id est non quia bonum est, sed quia est ens, ideo non est ita virtus sicut aliae virtutes morales. Resolutio ergo est quod prudentia est virtus. Et si comparemus illam ad virtutes intellectuales, scilicet scientias, plus habet de ratione virtutis quam illae, quia habet aliquem ordinem ad bonum; aliae vero non. Sed si comparemus eam ad morales, plus habent virtutes morales de ratione virtutis quam prudentia.”

This suggestion, however, is based on an inconsistent scheme of virtues. On the one hand, Vitoria claims that intellectual virtues such as science treat their objects (God, universals, etc.) under the concept of being and therefore do concern something good, but only materially; that's what distinguishes all of them from the moral virtues the object of which is something good as such. On the other hand, he claims that prudence, as opposed to the other intellectual virtues, concerns something good, though it does so only materially. The problem apparently is that one and the same criterion (*ens* vs. *bonum* or a material vs. a formal relation towards the good) cannot be used both to distinguish intellectual virtues from moral virtues and to distinguish prudence from other intellectual virtues. Furthermore, by associating prudence with the concept of *ens* rather than the concept of *bonum*, Vitoria runs the risk of disconnecting prudence from action like the other intellectual virtues in the Aristotelian scheme.

Therefore, in addressing the second question “How is prudence different from the other virtues?” in a. 5, Vitoria develops an alternative scheme of virtues that is meant to sort these issues out. First, he recapitulates the principle Aquinas draws on to distinguish prudence from the other virtues, namely the principle that faculties and habits of the soul are different if they have different objects; and that different faculties require formally different objects while different habits belonging to one and the same faculty only require materially different objects. But instead of explaining how Aquinas actually uses this principle to distinguish prudence from the other virtues (“Vide eas in littera.”⁵⁰), he raises a doubt regarding the Aristotelian five-way distinction of intellectual virtues with which Aquinas is working:

It seems that the Doctor does not determine the distinction between prudence and synderesis, which is the intellect with regard to the moral principles, and also not [the distinction of prudence] from moral science, which we study in the *Ethics*. How then is it distinguished from these?⁵¹

So Vitoria points to the problem identified in the last section of this paper, namely that Aquinas works with the Aristotelian scheme of five intellectual virtues which does not connect the concept of prudence to a Thomist understanding of moral knowledge.

⁵⁰ ComSTh II-II, q. 47, a. 5.

⁵¹ ComSTh II-II, q. 47, a. 5: “Videtur quod Doctor non ponit distinctionem inter prudentiam et synderesim, quae est intellectus circa principia moralia, nec a scientia morali quam studemus in *Ethicis*. Quomodo ergo distinguuntur ab istis?”

Vitoria therefore extends the scheme by assigning *synderesis* and moral science their respective places in a system of intellectual virtues that is based on a Thomist understanding of moral knowledge:

I say that prudence is distinguished from synderesis because synderesis also concerns things to be done; but they are still different, because synderesis concerns necessary and self-evident propositions, for there are many necessary propositions in moral matters, and prudence concerns contingent propositions. Mostly prudence is distinguished from synderesis because synderesis concerns necessary principles, but prudence concerns contingent propositions; synderesis concerns self-evident propositions, prudence concerns opinions. But from moral science prudence is distinguished in the same way, because moral science concerns necessary propositions, though these are not in the same way necessary as the propositions of the mathematical science, but in the way in which the propositions of the physical science are, in which that is called necessary which happens in most cases.⁵²

Vitoria's first point in this passage is that *synderesis*, prudence, and moral science are all concerned with action; concerned, that is to say, with action from a specifically normative point of view – as actions *to be performed*.⁵³ His Thomist understanding of natural law as the set of first principles of practical reason based on the normative concept of the good⁵⁴ suggests to interpret this point as follows: These intellectual virtues, even though they are virtues of reason and not of the will, are concerned with the good formally speaking, namely not as something that is the case (i.e. as the object of descriptive judgements) but as that which should be done (i.e. as the object of normative judgements); that is to say, they are specifically virtues of practical reason. That is what sets them apart from the virtues of theoretical reason, i.e. intellect, science and wisdom, all of which may treat something good as their object, but only materially under the concept of being (or as the object of descriptive judgements).⁵⁵

⁵² ComSTh II-II, q. 47, a. 5: “Dico quod distinguitur [prudencia, A.S.] a synderesi quia synderesis bene est circa agibilia; sed tamen differunt, quia illa est circa necessaria et per se nota, nam multa sunt necessaria in moralibus, et prudentia est circa contingentia. Ut in plurimum prudentia distinguitur a synderesi quia synderesis est de principiis necessariis, sed prudentia est de contingentibus; synderesis de per se notis, prudentia de opinativis. Sed a scientia morali eodem modo distinguitur prudentia; quia scientia moralis est de necessariis, licet non sint illa eo modo necessaria quo scientiae mathematicae, sed eo modo quo scientiae physicae, in quibus dicitur illud necessarium quod ut in plurimum contigit.”

⁵³ Hence Vitoria follows Aquinas later in article 8 by defending the view that prescribing (*praecipere*) is the principle act of prudence.

⁵⁴ See ComSTh I-II, q. 94 and Spindler 2015, 161-196.

⁵⁵ Thus, instead of treating *ens* and *bonum* as the respective objects that distinguish the cognitive and the appetitive parts of the soul, Vitoria, following Aquinas, treats them as the fundamental concepts of theoretical reason (*ens*) and practical reason (*bonum*).

Vitoria's second point in this passage is to propose a subdivision of these intellectual virtues of practical reason that is also inspired by a Thomist understanding of moral knowledge: While *synderesis* and moral science both have necessary⁵⁶ propositions about human action as their object, where *synderesis* is, more specifically, the habit of the self-evident principles of practical reason, prudence has contingent propositions about human action as its object, namely certain conclusions from the principles in question. Consequently, he follows Aquinas in the next article by arguing that prudence is not concerned with the ends of the moral virtues but only with the means to those ends which, in turn, are set by *synderesis* as the habit of the principles of practical reason.⁵⁷

(III) As we saw in the previous section, Aquinas characterises prudence in STh II-II, q. 47 on the basis of Aristotle's five-way distinction of intellectual virtues, though this scheme fails to connect the concept of prudence to his general understanding of the epistemic structure of moral knowledge. As it has now turned out, Vitoria successfully extends the scheme of intellectual virtues to fit this more complex Thomist understanding of moral knowledge. This modified scheme includes not five but seven intellectual virtues, and it is based on a Thomist understanding of the distinction between theoretical and practical reason: There are intellectual virtues of practical reason (*synderesis*, practical science, prudence, and art) and intellectual virtues of theoretical reason (intellect, science, and wisdom). The former concern normative judgements about action under the concept of good (*bonum*), while the latter concern descriptive judgements about the world⁵⁸ under the concept of being (*ens*). The

⁵⁶ Fidora 2013, 75 argues that one way of reintegrating prudence into moral philosophy would be to call into question the scientific standards which moral philosophy, according to authors like Aquinas, should meet. Now it seems that Vitoria takes up this suggestion in the text at hand, because he writes that what is necessary in moral philosophy is necessary only in a weaker sense of the word. However, in his theory of natural law as the set of necessary principles of practical reason, which appears to correspond quite well with his distinction of *synderesis*, moral science, and prudence, he insists that there are indeed necessary truths about human action that cannot be otherwise; see e.g. STh I-II, q. 94 and STh I-II, q. 100, a. 8. Therefore, I will treat Vitoria as saying that the truths with which *synderesis* and moral science are concerned are necessary in the strict sense of the word.

⁵⁷ ComSTh II-II, q. 47, a. 6. In some passages, Vitoria seems to suggest that prudence, too, is concerned with principles; see e.g. ComSTh II-II, q. 47, a. 3: "Sed alia sunt principia non per se nota, et de his est prudentia." But given his rather firm assertions that prudence is not concerned with the premises of practical reasoning but rather with drawing the conclusions, and that prudence is not concerned with the ends of human actions but rather with the means to these ends, I will treat him as saying that the difference between *synderesis* and prudence is that the first is a habit of principles while prudence is a habit of conclusions.

⁵⁸ By „world“ I mean the totality of things that might be the object of descriptive judgements, and I take this to include human action as well. Vitoria does not say that explicitly, but it would seem that the

intellectual virtues of practical reason, in turn, can be distinguished as follows: *Synderesis*, practical science, and prudence are virtues of action in the narrow sense of moral *praxis*, while art is the virtue of production. And while *synderesis* and practical science both concern necessary propositions with regard to moral action, prudence concerns certain contingent conclusions from these propositions.

This account of prudence on the basis of a modified scheme of intellectual virtues again confirms the hypothesis that prudence suffers a loss of relevance in the wake of the “scientification” of moral knowledge.⁵⁹ For Vitoria (as for Aquinas), prudence is not the single most important intellectual virtue of moral action (as it is for Aristotle). Instead, it is a subordinate habit that is concerned with the application of moral principles to action and that acts in service of the “scientific” habits of *synderesis* and moral science. On the other hand, however, the claim that Vitoria excludes prudence from moral knowledge does not appear to be convincing. Instead, Vitoria (as opposed to Aquinas) *includes* prudence into a comprehensive scheme of intellectual virtues that is consistent with a Thomist understanding of moral knowledge. This extended scheme has two major advantages over the original Aristotelian one: Firstly, it does not rely on a distinction between intellectual virtues and moral virtues based on a distinction between the concepts of being (*ens*) and good (*bonum*) as the respective formal objects of the cognitive and the appetitive part of the soul – a distinction that results in the blurring of the distinction between the intellectual virtues of practical reason and the intellectual virtues of theoretical reason. Instead, Vitoria follows Aquinas in assuming that we relate both cognitively and appetitively to the good as such, even though practical reason views it normatively as something to be strived for while the will views it as an actual object of striving. Secondly, this scheme allows Vitoria to explain how practical reason, because of the close connection of *synderesis*, practical science, and prudence, can actually be practical: Without *synderesis*, prudence could not be practical, because its judgement would lack the normative force it derives from *synderesis* as the habit of the universal principles of practical reason. At the same time, *synderesis* and practical science could not be practical without prudence, for even though their judgment is

distinction between theoretical and practical reason based on the formal concepts of *ens* and *bonum* allows for human action to be the object both of descriptive and normative considerations. Theory of action, as Vitoria understands it (e.g. in his *Relectio de eo, ad quod tenetur homo, cum primum venit ad usum rationis*), is descriptive in the sense that it is not concerned with how one should act but rather with the „nature“ of intentional action. It is meant to show precisely how intentional action, as opposed to other events in nature, can be the object of normative judgement because of its peculiar nature. See Spinder 2015, 132-160.

⁵⁹ See Fidora 2013.

normative, it still has to be applied to singular actions by way of a prudential syllogism in order to actually guide what we do.

3. Prudence and the Problem of Contingency in Action

Vitoria's suggestion, however, is also problematic. It seems that he demands two things of prudence: On the one hand, prudence is meant to allow an agent to deal cognitively with the problem of contingency in moral action. On the other hand, it is meant to guide what an agent actually does by applying universal moral principles to particular actions. But as I would like to show in this section, Vitoria's answer to the second demand makes it impossible for him to give a convincing answer to the first. In order to do so, I will begin by recalling a few themes from Donald Davidson's work on the nature of practical reasoning. Secondly, I will show how these help to identify two major difficulties in Vitoria's idea of how prudence allows us to deal with the problem of contingency in action. Finally, I will argue that the first of these difficulties may be removable from Vitoria's conception of prudence, but the second is not.

(I) Turning to Davidson in this context suggests itself for two reasons: For one thing, he deals explicitly with the practical syllogism as a model for practical reasoning. And for another, he employs a conception of "moral conflict" that provides a plausible basis for spelling out what it could mean to say that prudence allows an agent to deal with the problem of contingency in action. He does all this in his discussion of weakness of the will, in which he aims to explain how someone can judge that it would be better, all things considered, to do x than to do y , and yet do y .⁶⁰ The point I would like to make does not depend on the details of Davidson's solution to this problem, but rather on the way in which he sets it up.

For Davidson, weak-willed or "incontinent" actions are intentional actions. So when an agent performs an incontinent action y , he acts for a reason. But the weak-willed agent also has a reason for doing x ; after all, he judges that, all things considered, it would be better to do x than to do y . Thus, a weak-willed agent acts "in the face of competing claims"⁶¹, because he has independent reasons for action that point in different directions. That is why Davidson suggests to treat weakness of the will as a special case

⁶⁰ Davidson 2001, 21-42.

⁶¹ Davidson 2001, 34.

of “moral conflict” understood in a rather broad sense of the term:

By a case of moral conflict I mean a case where there are good reasons both for performing an action and for performing one that rules it out (perhaps refraining from the action). There is conflict in this minimal sense whenever the agent is aware of considerations that, taken alone, would lead to mutually incompatible actions [...].⁶²

So on Davidson's account, a moral conflict is a situation in which a person has a reason for an action and at the same time another, independent reason for another action the performance of which is incompatible with the performance of the first.⁶³

Against this background, Davidson's negative claim is that the classical solutions to the problem of weakness of the will proposed by Aristotle and Aquinas are not convincing. For both authors presuppose a model of the structure of practical reasoning that is unable to account for a moral conflict in this sense. According to Davidson, Aristotle and Aquinas assume that practical reasoning consists in forming practical syllogisms. Based on this model of practical reasoning, the state of mind of an agent in a situation of moral conflict may be illustrated as follows:⁶⁴

The Side of Reason	The Side of Lust
(M ₂) No fornication is lawful	(M ₃) Pleasure is to be pursued
(m ₂) This is an act of fornication	(m ₃) This act is pleasant
(C ₂) This act is not lawful	(C ₃) This act is to be pursued

This illustration shows how one might think of the state of mind of an agent who is confronted with independent considerations that support two incompatible actions: Seeing the action as a case of fornication leads to the conclusion that one should not do it, while seeing the very same action as one that will result in pleasure leads to the conclusion that one should do it. But the obvious problem is that (C₂) and (C₃) are, as

⁶² Davidson 2001, 33f.

⁶³ Despite calling conflicts of this kind „moral“, Davidson insists that the problem of conflicting reasons does not depend on the nature (moral or otherwise) of the reasons involved (see *ibid.*: 30). Also, even though he describes moral conflict as a situation in which „there are good reasons“ for two incompatible actions, his point is not that these be objectively good reasons; it will suffice that the reasons are potential reasons for action from the point of view of the agent (for Davidson's „internalist“ view of the relation between explanation and justification of actions through reference to reasons, see e.g. Davidson 2001, 83f.).

⁶⁴ This is the example Davidson gives following Aquinas's extension of the Aristotelian model of the practical syllogism. See Davidson 2001, 33.

Davidson puts it, „in flat contradiction“.⁶⁵ The two syllogisms, both of which are based on reasons that the agent actually has, yield conclusions that directly contradict one another, thus leaving the agent in the dark about what to do.

According to Davidson, there are two features of this model of practical reasoning that cause the problem: Firstly, the mayor premise of a practical syllogism is thought of as a universalized conditional of the form $\Box x(P(x) \rightarrow Q(x))$. So for all actions: If an action is an act of fornication, then it should not be performed; and if an action results in pleasure, then it should be performed. That is why the respective conclusions (C₂) and (C₃) follow from the premises in the first place by subsuming the action in question under a universal rule ((M₂) or (M₃)). Secondly, these practical syllogisms yield conclusions that can be disconnected from the principles expressed in the major premise: (C₂) and (C₃) say that the action in question should (or should not) be performed, period. As a consequence, this model of practical reasoning depicts a person in a situation of moral conflict as reasoning to inconsistent conclusions on the basis of her various reasons for action. And since these conclusions are being disconnected from the premises from which they follow, it leaves no clue as to how the person may *then* enter into “the all-important process of weighing considerations“⁶⁶, a process through which she might decide on the basis of all relevant reasons what to do.

(II) These themes from Davidson's work on the nature of practical reasoning help to identify two major difficulties Vitoria's conception of prudence is faces with. They both revolve around the first demand on prudence, namely that it allows an agent to deal with the problem of contingency in action; and they result from Vitoria's answer to the second demand, namely that prudence guides our actions by subsuming them under universal moral principles.

Given Vitoria's account of prudence and practical reasoning, in what sense is there a problem with contingency in action? And how does prudence help the agent to

⁶⁵ Ibid. It is not evident that the sentences „This act is not lawful“ and „This act is to be pursued“ are actually contradicting each other, but Davidson's idea is that each of these syllogisms can be rephrased so that one yields the conclusion „It is better not to perform the action than to perform it“ („the side of reason“), while the other yields the conclusion „It is better to perform the action than not to perform it“ („the side of lust“); and these conclusions are clearly inconsistent. Furthermore, Davidson insists that the problem he discusses is not addressed by a theory of reasons according to which moral considerations override non-moral considerations; an idea that may suggest itself given the nature of the present example. There may be types of reasons that, in principle, override other types of reasons, but then the relation between these types of reasons is not a case of moral conflict (see again Davidson 2001, 30).

⁶⁶ Davidson 2001, 36.

overcome that problem? In order to answer these questions, it is instructive to return to ComSTh II-II, q. 47, a. 4 once more, where Vitoria confronts his claim that prudence is a virtue with an objection. This objection reminds us that, according to Aristotle, opinion (*opinio*) is not an intellectual virtue, because it can be either true or false.⁶⁷ It then suggests that prudence is nothing but a kind of opinion, because its judgement often concerns matters about which there is no certainty (thus reading Aristotle as making a point not so much about the truth value but rather about the justification of opinion):

Prudence deals with the judgement about contracts, whether they are licit or illicit, and about that, there is no certainty, so prudence does not proceed with certainty. It is certain that one must not kill. However, if this man wants to take away my coat, it is not certain whether it is allowed to kill him or not, but it is a matter of opinion; and yet opinion is not a virtue: therefore neither is prudence.⁶⁸

This objection is based on two premisses. The first is Vitoria's own model of practical reasoning: Practical reasoning starts from a universal premise that is known with certainty. Prudence then draws a conclusion from this premise by subsuming a particular action under the principle in question, i.e. it arrives at a judgement that a particular action, given a certain universal normative principle and a corresponding description of the action, ought (not) to be performed or is (not) allowed. The second premise is that an opinion is a judgement that *p* based on strong reasons in favor of *p* (“habeo magnam apparentiam quod est licitus”) and yet passed in the face of some contrary evidence (“tamen habeo formidinem/scrupulum in contrarium”); if all contrary evidence were absent, it would not be opinion but science (*scientia*) or faith (*fides*).⁶⁹ The argumentation then runs as follows: Whether or not a particular action is allowed, forbidden, or obligatory is often uncertain, despite the fact that the universal premise of the practical syllogism is not: Even though it is certain that it is forbidden to kill another

⁶⁷ “[A]liquando est verum vel falsum”. ComSTh II-II, q. 47, a. 4. See Aristotle, *Nicomachean Ethics*, 1139b15-18.

⁶⁸ ComSTh II-II, q. 47, a. 4: “[P]rudentia versatur circa iudicium de contractibus, an sunt liciti vel illiciti, et de hoc non habetur evidentia, nam prudentia non procedit per evidentiam. Evidens est quod non est occidendum. Tamen si iste vult accipere a me pallium, non est evidens an sit licitum occidere illum necne, sed est sub opinione; et tamen opinio non est virtus: ergo nec prudentia.” – In this passage, I have decided to translate *evidentia* as “certainty”. For “evidence” would have suggested that the point in this passage was that the judgement of prudence is not based on evidence. But the point is not that the judgement of prudence is not grounded in evidence or reasons, but rather that the judgement of prudence, given its specific subject matter, is not as certain as the judgement of, say, science.

⁶⁹ *Ibid.*

person, it is still a matter of opinion whether or not it is licit to kill this person who tries to steal one's coat. Given the account of epistemic uncertainty that objection relies on, this means that there are reasons that count in favor of the action being allowed and also reasons that count in favor of the action being forbidden. Now it is the job of prudence to guide our action by arriving at a definite judgement that under these circumstances, it actually is (or is not) allowed to kill that person, and it must do so on the basis of evidence that points in different directions. Therefore, it is a kind of opinion. But since opinion is not a virtue, neither is prudence.

Vitoria replies to this objection that prudence is not a kind of opinion because it has a special role in practical reasoning:

[O]ne can say that the final conclusion and the final judgement in the practical syllogism is prudential, and neither the major nor the minor premise belongs to prudence; e.g. 'every poor man must be given alms', this major belongs to theology; but the minor, namely 'this man is poor', is not and does not proceed from prudence, because I do not know whether it is necessary. The conclusion then is: 'therefore he must be given alms'. Thus I say that this conclusion is prudence, and it is not opinion, because the conclusion is certain, because the alms must be given. And so we can say that prudence for the most part is not opinion, because it is certain, even though it presupposes opinion.⁷⁰

So Vitoria attempts to meet the objection by applying the model of practical reasoning that he developed in the previous articles: Practical reasoning takes the shape of a practical syllogism with a universal major premise and a particular minor premise, both of which originate from habits other than prudence. The role of prudence then is to draw the conclusion from these premises. But since the conclusion follows necessarily from the premises even if the minor premise is only an opinion, the judgement of prudence is certain. Therefore, it is not a kind of opinion, and an intellectual virtue after all.⁷¹

⁷⁰ ComSTh II-II, q. 47, a. 4: "Secundo, potest dici quod conclusio ultima et iudicium ultimum in syllogismo practico est prudentiale, et major nec minor non pertinent ad prudentiam; ut cuilibet pauperi danda est eleemosyna, haec major pertinet ad theologiam; sed minor, scilicet iste est pauper, non est nec procedit a prudentia, quia nescio an habeat necessitatem. Tunc est conclusio: ergo huic est danda eleemosyna. Tunc dico quod haec conclusio est prudentia, et non est opinio, quia certum est consequens, quia danda est eleemosyna. Et sic possumus dicere quod prudentia pro major parte non est opinio, quia est certa, licet praesupponat opinionem."

⁷¹ I argued above (footnote 56) that I shall not pursue Vitoria's hint that the object of practical science may not be necessary in the strict sense in which the objects of the theoretical sciences are. The reason I gave was that this claim appears to contradict the doctrine of natural law that he develops in other texts. Now yet another reason for not pursuing this line of reasoning has revealed itself: Vitoria wants to say that the conclusion of a practical syllogism follows necessarily from its premises, and that therefore prudence is a habit of certainty and not a habit of opinion. So if he were to adopt the view

So it seems that for Vitoria, the problem of contingency in action amounts to the problem that even if it is certain in principle what one should do, the circumstances of action often vary and may combine in ways that make it difficult to judge which action ought (not) to be performed in a particular situation. This judgement is difficult because the evidence on the basis of which it must be passed points in different directions: There are reasons in favor of a certain course of action, but there are also reasons that count against it. Thus, the problem of contingency in action is the problem of deciding what to do in a situation of moral conflict in the Davidsonian sense.

Now since prudence is meant to help an agent to overcome this problem, it would seem that there must be some place in the kind of discursive reasoning with which prudence is concerned where this problem of contingency in action is being addressed. As far as the conclusion is concerned, however, Vitoria very clearly says that this is not the place where the problem of contingency is being addressed. If the conclusion of a practical syllogism follows from the premises at all, it follows necessarily, even if some of the premises are not known with certainty. Hence his claim that prudence is not a kind of opinion, even though it sometimes presupposes opinion.

With respect to the major premise, Vitoria believes that it is a judgement that has the form of a universalized conditional. Accordingly, in his *Relectio de homicidio*, in order to show that there are indeed exceptions to the prohibition of homicide, he interprets the commandment “Thou shalt not kill!” as a shorthand for a universal rule that is a bit more specific and contains two exceptions: It is always forbidden to kill another person, except when it is an act of self-defense or when it is the official punishment of a criminal who threatens the republic.⁷² So whether or not I am allowed to kill the person who tries to steal my coat will depend, for example, on whether or not this action can plausibly be described as an act of self-defense. Maybe the person is my fellow polar explorer, and if she takes away my coat, I will freeze to death. But then the problem of contingency in action is not being addressed at the level of the major premise either. For in this case, there are no independent considerations that lend support to incompatible courses of action and that require the agent to act “in the face of competing claims”. Rather, there is one universal principle that already contains the full range of the

that the mayor premise of a practical syllogism is not a universalized conditional (i.e. necessary in the strict sense) but only a rough generalization (e.g. „fornication is mostly wrong“), he would have to address the problem that the conclusion would not follow from the premises anymore.

⁷² This seems to be the result of the argumentation in the second part of the *Relectio de homicidio*; see Francisco de Vitoria 1995 and Doyle 1997.

conditions of its consistent application.

This leaves the minor premise of the practical syllogism. And Vitoria indeed argues that it may be the object of opinion, i.e. it may be a judgement that we pass in the face of conflicting reasons or evidence pointing in different directions and therefore without certainty. So I might judge – without certainty, i.e. based on strong supporting evidence and in the face of some contrary evidence – that this particular action probably is an act of self-defense.⁷³ Examples of this kind of reasoning abound in Vitoria's writings, for instance in his *Relectio de Indis*, in which he often addresses an issue not at the conceptual level of principles but rather at the empirical level of singular cases and how they have to be described to figure in minor premises of the argumentation. So for instance, when rebutting the claim that the indigenous people of America were rightfully subjected by the Spanish because they were lacking reason and therefore a proper legal status, he does not question the major premise of the argument. Thus, he does not question the principle that only creatures endowed with reason have a legal status, but explicitly affirms it: “Irrational creatures cannot have dominion.”⁷⁴ Instead, he rebuts the argument by showing that its minor premise is false: The indigenous people do possess reason, and this is evidenced by their complex social, cultural, and political life: “They have a certain order in their affairs, for they have orderly arranged political communities, they have distinct marriages, magistrates, masters, laws, tasks, exchanges, which all require the use of reason; also a kind of religion. Also, they don't err in things that are evident for others, which is an indication of the use of reason.”⁷⁵ But while this evidence supports the claim that the indigenous people possess reason, Vitoria admits that there is also some contrary evidence – “that they *seem* so unreasonable and mindless” because of their poor education.⁷⁶ But this contrary evidence does not outweigh the evidence in favor of the claim that they are rational creatures, for it only says something about their culture and nothing about their nature.

⁷³ So the „moral conflict“ in this case consists in conflicting reasons for a purely theoretical judgement (namely the judgement that a given action falls under a certain description) and not conflicting reasons for a practical judgement. But it seems that Davidson's broad concept of moral conflict, at the heart of which is the idea of conflicting reasons for judgement, can be extended to include the case of theoretical judgement just as well.

⁷⁴ Francisco de Vitoria 1997, 389. I would like to thank the anonymous reviewer of the *Archiv für Geschichte der Philosophie* for making me aware of the relevance of *De Indis* for Vitoria's conception of prudence.

⁷⁵ “[H]abent ordinem aliquem in suis rebus, postquam habent civitates, quae ordine constant, et habent matrimonia distincta, magistratus, dominos, leges, opificia, commutationes, quae omnia requirunt usum rationis, item religionis speciem. Item non errant in rebus, quae aliis sunt evidentes, quod est indicium usus rationis.” Francisco de Vitoria 1997, 402.

⁷⁶ “quod *videantur* tam insensati et hebetes”. Francisco de Vitoria 1997, 402 (my emphasis).

So to sum up, Vitoria and Davidson use quite different strategies to avoid conflicting conclusions from the premises of practical reasoning. On Davidson's reading of the Aristotelian-Thomist account of practical reasoning, a situation of moral conflict would look like this:

- | | |
|---|---|
| (M ₄) It is forbidden to kill a human being | (M ₅) It is allowed to kill someone in self-defense |
| (m ₄) This is an act of killing a human being | (m ₅) This is an act of killing someone in self-defense |
| (C ₄) This act is forbidden | (C ₅) This act is allowed |

In order to avoid the conflicting conclusions (C₄) and (C₅), Davidson proposes to give up the idea that the starting points of practical reasoning are universalized conditionals of the form $\Box x(P(x) \rightarrow Q(x))$. Instead, he argues, we should think of them as *prima facie*-judgements that lend conditional support to actions insofar as they have certain properties.⁷⁷ Vitoria, on the other hand, avoids the inconsistent conclusions (C₄) and (C₅) by merging (M₄) and (M₅) into one universal principle that contains the full range of conditions of its consistent application and then making the conclusion depend fully on what sort of minor premise the agent is able to establish on the basis of the evidence available to her. This idea may be illustrated as follows:

- | |
|--|
| (M ₆) It is always forbidden to kill a person, except in self-defense or in capital punishment |
| (m ₆) Killing the person who tries to steal my coat is an act of self-defense |
| (C ₆) It is allowed to kill that person |

In this model of practical reasoning, establishing the minor premise of a practical syllogism by weighing evidence that points in different directions is about determining whether or not (and in which sense) the action at hand is a case of a certain universal principle of action. If it is not, then the conclusion does not follow anyway; and if it is, it follows necessarily, even if an opinion figures as the minor premise. There are, however, two major difficulties with this suggestion. The first difficulty concerns the minor premise of the practical syllogism: How does the agent get from “probably *p*” (“This is probably an act of self-defense.”), which is all the evidence available to her warrants, to “*p*” (“This is an act of self-defense.”), which is the form in which the minor premise must figure in the syllogism to allow the agent to draw the conclusion? The second difficulty concerns the restriction of the problem of contingency to the

⁷⁷ Davidson 2001, 37ff.

establishment of the minor premise of a practical syllogism: Is this really the most convincing interpretation of the problem of contingency in moral action that motivates the discourse about prudence in the first place?

(III) I would like to suggest that there may be a way out of the first difficulty that is not only compatible with Vitoria's conception of practical reasoning but relies on one of its important insights. The second difficulty, however, cannot be resolved on the basis of the model of practical reasoning Vitoria proposes.

I will begin with the first difficulty: The model of the practical syllogism has often been criticised from an Aristotelian point of view for being overly idealistic and for imposing formal requirements on our practical reasoning that are just not attainable by real agents acting in the real world with all its fuzziness and ambiguity.⁷⁸ However, it seems that Vitoria's point is not to deny that the circumstances in which we have to act are often fuzzy and ambiguous, but rather to make us aware of the fact that even under such circumstances, we are eventually going to have to do *something*. In other words, what primarily motivates his recourse to the model of the practical syllogism and its tight integration of moral judgement and intentional action is the idea that there is a certain requirement for disambiguation in intentional action.⁷⁹ Take Vitoria's example of the duty to give alms to the poor again: Given all available evidence, I may not be certain whether or not the person before me is poor. Some of the evidence suggests that he probably is poor, while some evidence suggests that he may not be poor after all. Now in a purely theoretical context, I may choose to suspend my judgement on that matter; or I may choose to content myself with believing that he is probably poor, though he may after all not be. These forms of modesty, however, are not available to me if the doxastic attitude in question is one that I will have to act on in a given situation. It is not in the same way possible to choose to suspend intentional action in a given situation, because choosing to suspend intentional action effectively means intentionally refraining from doing something (while suspending the judgement on whether or not *p* in a purely theoretical context is not the same as judging that not *p*). As a consequence, it is also impossible to suspend judgement on whether or not *p* or to make do with “probably *p*” if this judgement is to figure as the minor premise in my prudential syllogism. I am forced to disambiguate my doxastic attitude towards *p* (the poverty of the person before

⁷⁸ See e.g. Nussbaum 1978.

⁷⁹ See e.g. ComSTh II-II, q. 47, a. 3 quoted above.

me), even if the evidence available to me is insufficient for that. If I give alms to this person because of a moral obligation to give alms to the poor, I have to assume that she is actually poor (so “*p*”); otherwise, my practical reasoning would not be conclusive. If, on the other hand, I choose not to give alms to this person because I am not certain whether or not she is poor, I effectively act as if I was sure that she is not poor, because I am assuming that this case is not a case of the moral principle in question (so “not *p*”); otherwise, I would have to give her alms. So Vitoria's model can be read as providing an answer to the question of how practical reasoning can actually result in an intentional action, even though part of the evidence it is based on is fuzzy and ambiguous. Accordingly, the transition from “probably *p*” to “*p*” in the minor premise is rationally required due to a requirement for disambiguation in intentional action.⁸⁰

With respect to the second difficulty, however, I believe there is no solution available that leaves Vitoria's framework intact. As we saw, Vitoria effectively isolates the kind practical reasoning with which prudence is concerned from the problem of contingency in action in order to allow prudence to actually guide our action. An important part of this strategy is the assumption that the universal principle or “law” that figures as the major premise of a prudential syllogism may include certain caveats to avoid moral conflict at the level of principles. Accordingly, he interprets the commandment “Though shalt not kill!” as always prohibiting the killing of another person, unless it is a case of self-defense or of justified capital punishment. What one has to do on the basis of this principle in any one situation will then depend on how this situation is being described in the minor premise. But even if one believes – as Vitoria apparently does – that principles like this one can be consistently formulated and integrated into a coherent system of “natural laws”, this model still leads us astray in an important respect:

⁸⁰ These considerations are inspired by Davidson's work on practical reasoning which revolves mainly around the question of how practical reasoning on the basis of conditional *prima facie*-judgements can lead to intentional action. The answer for Davidson is the „principle of continence“ which requires a rational agent to move from his conditional *prima facie*-judgements to an unconditional judgement that drives his action (see Davidson 2001, 41).

Thomas Höwing, in his invaluable commentaries on this text, has suggested to me that these considerations may link Vitoria's treatment of prudence with the relatively recent debate on „pragmatic encroachment“ in epistemology (see e.g. Fantl/McGrath 2007), according to which doxastic attitudes may, under certain circumstances, be justified not on the basis of the available evidence but on the basis of certain pragmatic or „practical“ considerations. However, I have come to believe that while there may be such a link somewhere (see e.g. Schübler's (2003) work on mediaval and early modern approaches to decision-making under uncertainty), what I have suggested here is a different idea: The transition from „probably *p*“ to „*p*“ in Vitoria is not justified by certain pragmatic considerations (i.e. the comparative merits and probabilities of certain options in a given situation of choice in conditions of uncertainty), but rather a principle requirement of disambiguation in intentional action. Thus, as with Davidson's „principle of continence“, it is not a point about rational choice but about the nature of intentional action.

“Complex” principles such as this one merge various normative judgements that are based on very different, and probably independent moral considerations into one universal rule of action. As a consequence, it is suggested that in a situation which requires the judgement of prudence, only one of these considerations is relevant – it is either a case of legitimate self-defense, or of justified capital punishment, or of murder. But the problem with the justification of killing in self-defense, for instance, seems to be that it appears to require the weighing of competing and independent reasons which retain their rational force even if we conclude that the principle of self-defense in certain case overrides the prohibition of killing; after all, I am still killing another human being, and isn't that still a normative problem even in those cases? Davidson rightly remarks that “feelings of strife and anxiety”⁸¹ are not essential to situations of moral conflict. But the fact that these feelings do occur from time to time when we face moral conflicts shows that even if we finally make up our minds to act on one consideration rather than another, the latter does not forfeit its rational force. Thus, the “moral conflict” that Vitoria allows for in the establishment of the minor premise of the practical syllogism appears to be only a shadow of the actual *moral* conflict that we face in situations like these. And it would seem that our interest in the concept of prudence originates in the hope that it can tell us something about how to deal rationally with such cases of moral conflict. But there is no conceptual space for this idea in Vitoria's conception of prudence and practical reasoning.

5. Conclusion

An examination of Vitoria's account of prudence shows once more that the „scientification“ of moral knowledge in the Middle Ages and early modernity calls into question the role of prudence in moral action. In Vitoria, however, the problem is not that prudence is excluded from scientific moral knowledge but rather that it is included into a body of scientific moral knowledge by way of a conception of practical reasoning that is modeled on the scientific procedure of demonstration.⁸² This leads him to an integrated account of prudence and moral knowledge that Aquinas lacks but which is

⁸¹ Davidson 2001, 34.

⁸² Ironically, the idea that practical reasoning takes the shape of practical syllogisms can also be traced back to Aristotle. Therefore, interpreters have tried to square the textual evidence concerning the practical syllogism (e.g. 1147a1-1147b18) with Aristotle's non-scientific understanding of moral knowledge. See e.g. Nussbaum 1978 or Aubenque 2007, 107-146.

unable to explain how prudence allows an agent to deal with the problem of contingency in action.⁸³

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⁸³ I would like to thank the two anonymous reviewers of the *Archiv für Geschichte der Philosophie* for their thoughtful comments that helped to improve this paper considerably. Furthermore, I am very grateful to Andreas Niederberger for the many illuminating conversations we have had on the concept of prudence. Also, I would like to thank him and the other participants of the „9. Deutsch-Japanisches Ethik-Kolloquium“, held at the University of Duisburg-Essen in 2015, for their helpful comments on an early draft of this paper. Finally, I would like to thank Thomas Höwing for our inspiring conversations about intentional action and practical rationality, and for his detailed comments on an earlier version of this paper.

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