Chapter 16
The Proportionality Principle in Ethical Deliberation: A Habermasian Analysis

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Abstract The chapter will explore proportionality as a methodology for ethical deliberation that straddles the two ends of the ethical debate. At one end is an approach referred to as absolutist, universalist or deontological, an approach that rests on belief in givens, an authoritative regime of fixed and immutable rules governing all right and wrong. Herein, the end can never justify the means. At the other end is a school of thought referred to commonly as situationist, consequentialist, utilitarian or teleological, an approach that assumes there are no fixed rules, that each human being and societies as-a-whole are free to gauge rights and wrongs relative to the situation at hand. Herein, the end can justify the means. Proportionality rests between these two extremes. It acknowledges that there are authoritative rules that determine ethical deliberation but that they are not static and able to be applied in unqualified fashion to any situation. Proportionality connotes the rigorous methodology by which individual humans and societies consider the generalised rules and how they might be applied most ethically in the situation at hand. It is proposed that exploring Habermasian epistemology facilitates enhanced appreciation of the benefits that can be derived from the principle of proportionality.

Keywords Ethical deliberation · Proportionality · Deontology · Teleology · Habermas

Introduction

A scientific age demands a scientific methodology for ethical deliberation and a moderately post-scientific age demands a moderate scientific methodology. A moderately post-scientific age is one that still relies on science yet is more conscious of its limitations than was once the case. Much of the history of ethics is characterised

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by an antiscientific absolutism, to be found in both Hellenistic philosophy and the theological ethics of the Abrahamic religions. Ethical right and wrong is decided by authorities, be they the lawmakers or religious hierarchy. Contemporary successors to this ethical approach battle for credibility in an age of scientific analysis and freedom of thought. On the other hand, some of the more radical attempts to inculcate scientific analysis and individual freedoms into ethical decision-making, sometimes referred to as situationist or utilitarian, have been found wanting as apparently directionless or simply failing to respect limits to autonomy. It is into the space between these two extremes that the principle of proportionality fits. The term is derived from Aristotle's notion of proportionality in finding the mean position between extremes. It is a position that seeks to preserve the best of absolutist and situationist approaches while avoiding their inherent pitfalls. In that sense, it is proffered as a viable approach to ethical deliberation in a moderately post-scientific age. The chapter will attempt to justify this assertion by exploring the strengths and pitfalls of the hard ends of the debate, so to see more clearly the benefit of proportionality. It will do this by examining how the debate has played out over time and in philosophical, theological and epistemological regimes. Finally, it will apply a Habermasian lens to the examination.

Ethical Positionality Over Time: Deontology Versus Teleology

I have argued elsewhere (Lovat, 1991, 1994, 2004) that it is possible to assign ethical positions from different eras and in different regimes to debates to be found in the classical Hellenistic period of Western philosophy. For instance, Plato's ethics (Plato, 1987; Annas, 2008; Brown, 2017) are normally associated with a school of thought known as deontology. From his teacher, Socrates, Plato learned that the goal of ethical behaviour is *eudaemonia*, happiness or wellbeing, and that this goal is best served by conforming one's behaviour to universal principles concerned with the Good, the Just and the Right. At the end of the day, these principles are fixed and, in some sense, come from above. For Plato, they came from the gods, and they conformed with the way a perfect society, as conceived of in his *Republic*, should function. Everyone's wellbeing, from the rulers to the serfs, would be served best when they conformed their actions to these universal principles. Hence, deontological ethics connotes a set of rules that applies everywhere regardless of the circumstances.

Augustine of Hippo (Augustine, 1972), the great Christian theologian of the fourth century of the Christian Era, goes down in history as an ardent Platonist who saw in the latter's philosophy the moral justification for the church as it was developing during that century. Augustine's *City of God* theology re-worked much of Plato's imaginative thought regarding the *Republic* to claim that the church was its enlivened reality, the true perfect society under God. The Republic's wise ruler was the Pope and all the layers of Plato's pyramidical hierarchy could be applied equally to the church. Just as Plato justified the need for an absolutist, or deontological,

approach to ethical deliberation based on the inherent corruptibility of human senses, so did Augustine through a theology of Original Sin that rendered humanity incapable of ascertaining the Good, the Just, the Right without direction, one coming ultimately from the Pope through the bishops and clergy. For Augustine, the only good and informed conscience was one that conformed with the directionality of the church.

For the most part, the Christian church, Orthodox, Catholic and Protestant, has strayed little from Augustine's theological ethics, although the Orthodox and Protestant churches have differed on the role of the Pope. Nonetheless, the architecture of Platonist Augustinianism and the deontology thereof has persisted as the most usual Christian ethical standard, and the same could be said of Judaism and Islam. In recent decades, archetypal Christian ethicists of the twentieth century, such as Paul Ramsey (1970a, b), John Rawls (1971), Alan Donagan (1977), John Harvey (1979) and William May (1989) fundamentally based their positions on the deontology espoused by Plato and Augustine. A common position taken by them is that ethical standards ultimately fall over when they are not seen as universally binding in all circumstances.

In contrast, and as conveyed to us by Plato (1989), the approach to ethical deliberation of Protagoras, the Hellenistic Sophist, would seem to represent the obverse of Plato's deontology. Instead, Protagoras is seen to offer a philosophical justification for teleology, an approach that suggests, contrary to deontology, that the end can and indeed should justify the means. In its extreme form, this situationist, or utilitarian, approach can impel that the end is all that matters and therefore the only ethical consideration to be made. It is sometimes described as relativist, in contrast to absolutist, because there are no universally binding rules, no Good, Just or Right that should stand over the human community and determine how it should act regardless of the circumstances. It is labelled situationist because the particularities of each-and-every situation need to be considered in order to determine optimal ethical action. Arguably, Protagoras's most memorable epithet was that "man (sic) is the measure of all things", meaning, in essence, that each human being has the inbuilt capacity through their own sense experience to work out what optimal ethical action requires in the particular situation in which they find themselves. We can surmise that it was this belief that spurred Plato on to make Protagoras a particular target of his vitriol, impelling Plato to underscore the inherent corruptibility of human sense experience and hence the need for adherence to universal principles overseen by divine authority.

While it is difficult to find ardent and explicit exemplars of Protagorean teleology in early Christianity, the nature of Gnosticism in the early church (Roukema, 2010; Freeman, 2011) suggests that it contained elements of theological ethics closer to teleology than Platonic deontology. The Gnostics' central beliefs were that each individual was imbued with powers of God-given wisdom that superordinated any terrestrial authority's attempts to subdue that wisdom. While ethical deliberation as such was not especially prominent at the time, such central beliefs would seem to suggest that the Gnostics would have been opposed to absolutist-oriented ethics. The fact that Arius (Williams, 2002), the archetypal Gnostic theologian of the fourth

century, risked his very life in opposing attempts being made at the Council of Nicaea (325CE) to subjugate Christology to the will of the Emperor, added to the fact that Augustine of Hippo saw Gnosticism as the greatest threat to the architecture of his *City of God* theology, offer more than a clue that in Gnostic Christianity lay the germ of a teleological approach to ethical deliberation.

In later Christianity, no clues were needed to determine the position of an ethicist like Joseph Fletcher (1966, 1979). In his book, *Situation Ethics* (Fletcher, 1966), he argues that modern scientific methodologies demand a new approach be taken to ethical deliberation. In what is essentially an attack on the dominance of deontology in Christian ethics, Fletcher argues that all the conscientized Christian needs to make ethical choices is to follow the spirit of *agape* (love) modelled by Christ in the gospels. While Fletcher has been criticised as effectively establishing his own universalism in the determinative notion of *agape*, Harvey (1979) even suggesting that the notion runs through Fletcher's work like a greased pig, nonetheless the interesting philosophical point is that Fletcher clearly assumes that the individual Christian is imbued with the level of autonomous wisdom that they are able to make valid ethical choices without the need for any authority to guide them. In this sense, Fletcher presents as a Gnostic of sorts, one pursuing an overtly teleological approach to ethical determination. Other prominent twentieth century ethicists who took a similar position are J.J. Smart (1961), Marcus Singer (1961) and Peter Singer (1975, 1979, 2001).

Hence, ethical debate in the twentieth century can be seen to have replicated similar philosophical and theological ethical debates in the ancient and early medieval worlds, so setting the scene to consider the place of the proportionality principle.

Proportionality: The Mean Between the Extremes

Aristotle (1985; Urmson, (1988), pupil of Plato and inheritor of the Socratic and Sophist legacies, would rely on all that went before him but, at the same time, change it. Of all the ancients, Aristotle was the scientist, a disposition shown in a range of ways and influencing many scientific disciplines for millennia (Leroi, 2014). Not unexpectedly, he took much of this disposition into his philosophy, especially in relation to his belief in natural law (Burns, 1998), a belief that humans possess intrinsic values that allow them to know right from wrong. He naturally takes this belief into his approach to ethical deliberation, an approach that relies in part on the tradition he inherits, especially through Plato, but in part on a stream of thought most inimical to Plato. For Aristotle, there was a supreme good, or wellbeing principle (*eudaemonia*), just as Plato proffered, but not one that could simply be applied as an ideal in all situations. In a word, being true to eudaemonic principles meant using the wisdom bestowed by natural law to make the kinds of judgements that fitted the reality of the situation.

As suggested, in Aristotle, we find much that is owed to his teachers, Plato and Socrates, but also much that resonates with the perspectives of the Sophists,

especially Protagoras. His *eudaemonic* ethics are concentrated on what will achieve *eudaemonia*, wellbeing or happiness in the richest sense, for a human being. In that respect, his goal is identical to that of Plato and, presumably, Protagoras. The difference is that whereas Plato believed the key to achieving *eudaemonia* lay in conforming one's mind and actions to the universal principles of the Good, The Just and the Right, and Protagoras saw the key in rejecting the very idea that such universal principles even existed, Aristotle found a middle path. The closest he came to defining the Good, the Just and the Right was as "right proportion" (Urmson, 1988), a path of moderation. "Moderation in all things" is the epithet commonly attributed to him. Moderation is the means by which *eudaemonia* can best be achieved (Hughes & Fitzsimons, 2016).

In Aristotelian terms, moderation provides the philosophical basis for the principle of proportionality in ethical deliberation. Otherwise known as proportionalism (Cavanaugh, 1995), proportionism (Lovat, 1994, 2004; Lovat & Gray, 2008; Walker & Lovat, 2016) or proportionate reason (Kockler, 2007), the principle of proportionality holds that the soundest, most moral, and viable ethical deliberation occurs in the space between adherence to universal principles, on the one hand and, on the other hand, sensitivity and attentiveness to the circumstances surrounding any particular situation requiring ethical decision-making. To put it simply, it is a compromise between deontological and teleological approaches that, like all compromises, proffers to underscore the strengths of both approaches while circumventing their weaknesses (Curran, 1999).

Thanks partly to the Christian Crusades of the Middle Ages and the bringing to the West of scholarly Islamic works, including the preservation of Aristotelianism almost lost to the West at the time, Thomas Aquinas (Aquinas, 1936) would craft a philosophical theology based firmly in Aristotelian natural law theory. In ethical deliberation terms, this move shifted much of Christian theology from reliance on Augustine of Hippo's closed Platonic deontology to Aristotle's openness to a measure of teleology. In effect, according to Aquinas, humans could employ their God-given wisdom to reflect on their world, their own humanness and even postulate truths about the world beyond. God had given humans the power to think for themselves, within reason, including the capacity to consider universal principles but also ascertain precisely how to apply them in the circumstances in which they found themselves. In a word, each individual human possessed the potential for an autonomous informed conscience. Aquinas spoke of *synderesis*, an inborn facility that urges us not only to seek universal truths but to apply them in practice in particular situations (Aquinas, 1936, I. q. 79, a.12). This is classic Aristotelian *eudaemonic* ethical theory.

Aquinas employed the notion of *synderesis* to connote the kind of proportional judgement needed to achieve the optimal *eudaemonia* in the situation at hand. The way in which the notion of "double effect" (Kockler, 2007; McIntyre, 2019) is attributed to Aquinas suggests a practical means by which proportional judgement could be applied to a particular situation. Moreover, the ethical approach known as Virtue Ethics could be interpreted as a practical approach to achieving the optimal *eudaemonia* granted the situation at hand (Hursthouse & Pettigrove, 2018).

The approach is based firmly on Aristotle's doctrine of the "golden mean" whereby virtue is conceived of not as an idealised entity so much as a practical mean between two extremes.

In the twentieth century debates about such matters, Christian theologians like Richard McCormick (1973), Timothy O'Connell (1978) and Charles Curran (1968, 1999) represent much of the Aristotelian and Thomist approaches to ethical deliberation. McCormick, especially, is explicit in utilising the notion of proportionality in fleshing out his concept of "pre-moral" deontological principles that set directions but are not binding and might well be modified depending on the context of the ethical action under consideration. He also employs the language of ethical deliberation as entailing "ambiguity in moral choice" to capture the same essential proportionality principle (Gustafson, 1974). Meanwhile, and as illustrated above, Curran employed the notion of a "compromise principle" to achieve much the same end as McCormick (Grecco, 1991). Beyond Christian ethics, proportionality has continued to enjoy support from moral philosophers, especially in relation to issues of causation (Shoemaker, 2001; Yablo, 2003; Raatikainen, 2010; Zhong, 2020).

Nonetheless, for all the apparent benefits of finding the mean between extremes and preserving what is best at both extreme ends, proportionality seems often to fall foul of both sets of opponents (Vaassen, 2022). Deontologists rail against it in the same way they rail against situationism on the basis that there seems no point in acknowledging universal principles that can be massaged or apparently ignored if the situation seems to require it. Certainly, this has been the position in recent times in the Catholic Church, where the proportionality espoused by the likes of McCormick and Curran has been roundly condemned and these scholars censured (Roberts, 1997; Fox, 2010). Equally, ardent teleologists find it unconvincing that a scientific methodology should be hampered by having to take account of universal principles that, in their view, are fatuous at best (Fletcher, 1966).

Hence, proportionality as a mainstream form of ethical deliberation seems to have weakened since its highwater mark in the late twentieth century. Kalbian (2002), in an article titled *Where have all the proportionalists gone?* suggests the school of thought persists subliminally through the persistence of Virtue Ethics only because it seems less threatening to the devotees of either of the extremes. It is interesting to reflect that McCormick's and Curran's fate resembles that of Aquinas who, for much of his life, was an object of suspicion and, in the years after his death, saw much of his work condemned by the church (McCabe, 2008). Furthermore, in turn, their fate resembles that of Aristotle himself whose work was roundly rejected as insidious in the years after the Fall of the Roman Empire and the ascendancy of the Roman Church in the West. Were it not for his works being preserved in the Byzantine Empire, and especially by Muslim scholarship from the seventh century, they might well have not been recovered in the West, as they were from the ninth century onwards (Lohr, 1969). Umberto Eco's *The Name of the Rose* (Eco, 2004) captures in fictional form the reality of the threat posed to conservative medieval forces in the church by Aristotle ("the Philosopher") and Aquinas ("the Theologian"), a threat that could even impel and justify murder, as the novel proffers.

History therefore suggests that there is something about the proportionality principle in its attempt to find the mean, the point of moderation, the compromise, that is profoundly threatening to those who prefer the certainties or freedoms they find at either end of the spectrum to facing the fact that in most ethical deliberation, there will be few certainties and inevitable limits on freedom. Whatever the reason for the persistent resistance to proportionality, it seems its credibility and usefulness would be well served by reference to a firmer philosophical and epistemological underpinning. It is in this context that I turn to Jurgen Habermas, the German philosopher and epistemologist.

Habermasian Ways of Knowing

Epistemology is about knowing and about knowing how we know what we claim to know. One of the strengths of the epistemology of Habermas (1972, 1974, 1987) is in exposing the limitations of any claims to know that rely on simple hierarchies of truth, such as proposed in deontological regimes. At the same time, it shows up the limitations of an over-reliance on the kinds of social scientific methodology we find in teleological schema. In resolving these deficiencies, Habermasian epistemology proposes a way of knowing that builds on yet supersedes both deontological and teleological schema. My own proposition is that this new way of knowing has potential to provide the greater philosophical and epistemological fortification to a proportionality account of ethical deliberation required of our moderately post-scientific age.

Habermas's explanation for apparent divisions in knowledge are that they result from "cognitive interests", virtually functions of the brain. These cognitive interests are what impel knowing. There are three cognitive interests and, hence, three ways of knowing. First is an interest in technical control that impels a knowing he describes as "empirical analytic". This knowing serves the human interest in the "facts and figures" elements in knowledge, otherwise referred to as descriptive knowing. To know about the First World War, as an example, is to have some knowledge of how long it went on, which countries were involved, how many died, were wounded, survived, etc. For Habermas, empirical-analytic knowing represents an important first step in knowledge of anything. It is, however, just a stepping-stone to more profound forms of human knowing. Habermas's second way of knowing is impelled by the cognitive interest in understanding the meaning of whatever it is that is being considered. Unlike empirical-analytic knowing, the contents of which can be stored in printed records or a computer, "historical-hermeneutic" knowing requires intersubjectivity, human communication and attached reflection. Grasping the meanings entailed in the First World War necessitates communicating with others, either directly or indirectly through accessing the stories of those who experienced it and their accompanying reflections and, finally, through our own reflections on their reflections. The cognitive interest behind it is more complex and the knowing that results is more human, less likely to be found in computer storage.

The third way of knowing, which conforms with Habermas's supreme and most human way, results from the cognitive interest in being emancipated, free from any captivity, including to truth being denied us. It is one thing to know the facts about the First World War and another to know the meanings behind the facts, but it is supremely human to want to know that what we know is the truth about the War. The way of knowing that results from this human interest is described as "critical" or "self-reflective". In either the first or second ways of knowing, we are liable to delusion. In the first way of knowing, we might be given to accept certain "facts" that suit either our own or our cultural group's predispositions or biases, for example, the First World War from the British, rather than German perspective. In the second way of knowing, we might similarly accept uncritically the meanings that fit the reflections of stories told from the British side, rather than, say, the Turkish side. In other words, it is possible that we can still be insulated from critiques that are outside our immediate frame of reference. As such, there is no necessary commitment to ongoing critical appraisal of the nature and function of the ways of knowing themselves, to the sources of our knowledge and the uncovering of partial, skewed or blatantly fallacious evidence, nor, finally, to self-knowing, to uncovering the truth about ourselves as the source of our knowing, granted our own potential blind spots and prejudices. Without this third way of knowing, any learning does little more than offer information about facts or understandings that are outside and apart from oneself. It is critical, self-reflectivity knowing that forces one to scrutinise and appraise the adequacy of those facts and understandings and to evaluate their meaning for oneself. Hence, without this way of knowing, the so-called facts and understandings derived from knowledge-gathering can become a means of bondage, rather than emancipation, bound to our own lifeworld and blind to the life-worlds of others.

Applying Habermasian Epistemology

Many of the assumptions about knowledge that are implicit in Habermas's first way of knowing apply closely to the deontological frame of reference. The common feature of various schema of deontological ethics is in the search for the "facts" of ethics, those givens from some authoritative source that should determine all ethical deliberation, regardless of the situation at hand. Understanding the epistemic basis of deontology allows us to see better both its strengths and weaknesses. For Habermas, knowledge of the "facts", in the empirical-analytic sense, has its place in the search for truth but, if taken to be the fullness of knowledge, results in an inadequate and disempowered understanding. The alleged givens are filtered through human perception and intersubjective communication that is invariably unacknowledged in deontological schema. The failure to see this leads to what Habermas describes as illusion and sterilized knowing.

Apart from the apparently naive assumption concerning the possibility of accurate and universal agreement about givens, another aspect renders this way of

knowing less than adequate as a complete way of ascertaining truth. Things are ever-changing in the human community, especially around matters ethical, about how the Good, the Just and the Right apply to gender roles, social class or even the legitimacy of slavery. Hence, even if we accept the importance of conceptions such as the Good, the Just and the Right, it seems they are more than mere static, timeless conceptions detached from dynamic change and evolution in the human community. It seems that to remain viable across time, they require ongoing reflection based on engagement in intersubjective communication. Herein, the second way of knowing, historical-hermeneutic, emerges from the cognitive interest in interpreting for meaningfulness.

Historical-hermeneutic knowing has some natural affinity with the teleological approach to ethical deliberation. By eschewing the notion of universal principles that should determine such deliberation in all circumstances, the teleological approach is freed to consider all the elements entailed in any particular situation, be they the intentions of the moral actor(s), the details related to the circumstances, or the consequences of the action under consideration. In Habermasian terms, this is what historical-hermeneutic knowing is all about and the method applied is a pseudo social scientific one. It serves well the goal of teleologists like Fletcher (1966) who, on the basis of applying this kind of social scientific methodology in his situation ethics, was able to overturn the traditional deontology in Christian ethics around issues as diverse as abortion, euthanasia, and cloning, to name a few. In the secular world, Singer (1975, 2001) shows the potential of teleology to overturn even stronger erstwhile taboos in his work on animal liberation and interspecies sexual activity.

For Habermas, intersubjective communication and its allied understanding has a firm place in the quest for truth but historical-hermeneutic knowing, like empirical-analytic, is nonetheless lacking an essential ingredient, especially for those who would argue, like the ardent teleologist, that it constitutes a sufficient basis for knowledge on its own. Its weakness is in the very terms of intersubjectivity because the very notion of intersubjective understanding assumes that there is a yardstick for knowing beyond each individual's subjectivity. On what basis, however, does this knowing rest if all universals are denied? What is the goal of intersubjective understanding if there is nothing beyond it? For Habermas, following this path can lead to a bottomless whirlpool of relativity whereby anything can ultimately be justified, including some of the abject immorality he experienced firsthand in the time of the Third Reich (Lovat, 2022). Hence, the need for some balance between these ways of knowing, a compromise or perhaps a new way of knowing altogether, one that combines the best of each while avoiding the worst.

Outhwaite (1994) argues that it is in Habermas that we find the blending and balance of what is best, and to be preserved, in Enlightenment thought with what is best about the attraction of postmodernist thought. We might take this assertion as a clue to the balance we find in his ways of knowing theory because this balance resembles the kind of moderation, mean between the extremes, or proportionality to be found in Aristotle and Aquinas. In Habermas's "critical" or "self-reflectivity" third way of knowing, impelled by the cognitive interest to be free in one's knowing, we find the balance between attendance to the notion of universal givens as well as the need for

these givens to be accommodated to fit the realities of a dynamic human community engaged in intersubjective communication in search of truth. Within the terms of the balance, we find Habermas proposing not so much a compromise and mutual pollination between two different ways of knowing as we find a new way of knowing altogether. While this unique way of knowing rests partly on the balance between the objective and the subjective, between concern with facts and concern with understandings, it issues in a knowing which is quite beyond either of them or even the coalition of both.

It is useful to consider the proportionality principle in ethical deliberation in light of this new way of knowing. As suggested above, Aristotle's natural law theory should be understood as something beyond a mere compromise between the extremes of Platonic and Sophist thought. While it does have the practical effect of balancing some of the demands of these thoughts, it is clearly proposed as providing the basis for a knowledge that transcends either or both (Burns, 1998; Murphy, 2002). The way it is presented, this knowing involves a methodological as well as a cognitive component. That is, the knowing comes not only from cognition of the supreme good (*eudaemonia*) but from the making of judgments about how, when and where it should be applied in particular instances. Accordingly, the notion of the "golden mean" that stands behind Virtue Ethics is not so much a relativistic stance between two harsher extremes as it is an entirely different and purportedly superior way of both conceiving of and ascertaining ethical truth. Again, we find the notion of a conjunction of right thought and right action as essential to the effecting of this truth. As noted above, Aristotle employs the phrase "right proportion" as indicative of this conjunctive notion (Gregory, 2001).

Similarly, when Aquinas employs Aristotelian thought for his own natural law theory, he intends it to be more than a mere compromise between Augustinian deontology and pre-Renaissance sense-perceptual theory (Murphy, 2002). It is proposed as *the* theory by which truth can be apprehended. Augustine's apparently blind faith in the givens of revelation and his Platonic rejection of the capacity for individual informed conscience are both superseded. At the same time, Aquinas adheres strenuously to the reality of deontological truth. It is a natural law theory that rests partly on deontological and partly on teleological methodology, a knowing that relies on revelation as interpreted by church authority but also on a God-given capacity for humans to employ their sense-perception in ascertaining how this revelation might apply in their own lives. His conception of *sensus fidelium* suggested that the common conscience of the faithful might finally be the surest arbiter of ethical deliberation, so strongly did he believe that God had planted an inborn capacity to ascertain ethical truth in the individual. McIlroy (2007) points to Aquinas's belief that the light of reason had been implanted by nature, hence by God, in every human to guide them in their actions.

As with Aristotle, so with Aquinas, this is more than a compromise or balance between Platonic deontology and Sophist teleology. It is a whole new way of understanding human capacity to ascertain ethical truth through ethical deliberation. As with Aristotle, it is a way that involves both conceptual and practical engagement on the part of the individual. Aquinas captured this conjunction between the cognitive

and the practical in his notion of *synderesis*, an inborn disposition and so representing a gift from God, yet one which directed what Aquinas (1936 I q. 79 a.12) described as “practical intelligence”. *Synderesis* rendered humans with the capacity for truth, but truth could only be had by one who both sought out and put into practice the truth that was discovered. Again, we find in Aquinas a theory of truth, a way of knowing, which assumed a conjunction of the cognitive and the practical, of the conceptual and the methodological.

The value of proportionality against an unqualified absolutism is that the former contains a flexibility and a facility for addressing ethical issues in a contemporary way that the latter lacks. Its value over and against situationism is perhaps a little harder to grasp. Utilitarian positions in general have, after all, held somewhat of a monopoly over the past few decades in their claims to suitability to our new pluralist society. Hence, the popular tendency from the 1960s onwards has been to treat ethics as mere social science, with all the research methodology and consensus-seeking stratagems proper to the hard end of social science. The trend is seen most clearly in the phenomenon of the “Institutional Ethics Committee”, a coagulation of stakeholder representatives that is charged with determining ethical protocol in any given instance. Its method of attaining same is one of investigation, deliberation, and democratic resolution. In theory, there are no “givens” that should be privileged and no stakeholders with more rights of discernment than any other. In extreme cases, the results of deliberation can be uploaded to software and the supposed ethical protocol downloaded on a spreadsheet. If this was suitable to the forms of plurality found in Western societies of the 1960s to 1990s, it is questionable how adequate they are today. Contemporary societies like Australia, the USA, UK, and Canada, with their growing portions of fundamentalist Christianity, significant Islamic, Hindu and Buddhist populations, and the increasing trend for seeking answers to life’s big questions through “New Age” movements and non-scientific ways of knowing generally, are pluralist in a way that much of pure-bred social science can fail to note or admit. In this new pluralism, there is an apparent distrust of the mundane world of the social scientist, and a strong seeking of positions best described as “other”. In this sort of pluralist society, hard-core situationism and utilitarianism, along with their methodologies of ethical deliberation, require modification (Lovat, 2004).

It could be argued that Habermas’s critical, self-reflectivity knowing, with all its epistemic assumptions, can help us to re-visit the ancient and medieval thoughts of Aristotle and Aquinas respectively and, in so doing, to understand them in fortified fashion. In particular, a Habermasian gloss on the notion of “right proportion” might allow us to see that, deeply embedded within is a theory of truth that does not merely build on, synthesise or complement competing theories, but transcends them to provide a new and superior form of knowing. Aristotle, Aquinas, and Habermas have it in common that this form of knowing is, ultimately, the only way of knowing the truth.

So, I propose the epistemic grounds for a far more fortified account of the proportionality principle in ethical deliberation, one that can offer a compromise between two less viable extremes but, at the same time, offer far more than that

merely practical expedient. If one follows the epistemic line of the Habermasian gloss on Aristotle and Aquinas, it is not merely that the extremes are less viable but that they are less epistemically sustainable as well. While it might be attractive for some to believe in deontological "givens" and for others to hold to the supremacy of intersubjective understandings, the Habermasian verdict is that neither will deliver the truth. Both are liable to delude and disempower. Only in "right proportion", a quest for truth that builds on yet supersedes both in its conjoining of cognitive apprehension and practical action, can truth, including ethical truth, be attained (Lovat, 2004).

Conclusion

The chapter has attempted to summarise key points in the debate around ethical deliberation, a debate found in ancient, medieval, and modern times, across cultures and the religious/ secular divide. For the past two and a half millennia, one finds a pattern of opposing streams of thought, classed broadly as deontological and teleological, with attempts to compromise between them in a stream of thought referred to as the proportionality principle. While history would suggest that proportionality often fails to satisfy either opposing end, the chapter proffers that it possesses unique potential to underpin the kind of ethical deliberation needed in a moderately post-scientific age, such as found in contemporary times. The chapter utilises Habermasian ways of knowing theory to fortify the credentials of the proportionality principle as suitable to ethical deliberation in these times.

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