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CHRISTOLOGICAL COMPOSITION IN THIRTEENTH-CENTURY DEBATES

COREY L. BARNES

Oberlin College
Oberlin, Ohio

THE HALF-CENTURY BETWEEN Philip the Chancellor's *Quaestiones de incarnatione* and Matthew of Aquasparta's *Quaestiones de incarnatione* witnessed the development of several new Christological debates. A well-known example concerns the number of *esse* in Christ; a lesser-known example concerns whether the hypostasis of the incarnate Word was composite. Debates about a composite hypostasis in Christ developed as reverential interpretations of John Damascene and came to express assumptions about the number of *esse* in Christ, distinctions between *esse* and essence, and the plurality or unicity of substantial form. In addition to revealing metaphysical assumptions, the changing perspectives on *esse* and composition also reveal shifting concerns related to the mode of union in Christ. This article will investigate Scholastic discussions of Christological composition from Philip to Matthew, noting continuities and discontinuities. Aside from drawing attention to an understudied topic of Scholastic Christology, the investigation will shed light on understandings of the mode of union and how presentations of the hypostatic union were shaped by the awareness of different errors or dangers.

Philip the Chancellor ignited thirteenth-century discussions of Christological composition by stressing a composite hypostasis in Christ; according to Philip, hypostatic composition explains the union between the divine person of the Word and the individual human nature assumed. When Matthew of Aquasparta ap-

proached the same topic, he sharply distinguished union and composition and denied that the hypostasis or person in Christ was composite. Focusing on Christological composition alone might suggest that Philip and Matthew opposed one another in their basic understandings of the Incarnation, but such a suggestion would ignore their fundamental agreement regarding the mode of union in Christ, an agreement grounded in the second opinion on the mode of union from Peter Lombard's *Sentences*. The question, then, is what accounts for the shift in perception of Christological composition between Philip and Matthew. Examining thirteenth-century approaches to composition in Albert the Great, Thomas Aquinas, and Giles of Rome helps to answer this question by focusing attention on changing understandings of *esse* and developing presentations of the mode of union.

Albert the Great formulated Christ's *esse* as a theological topic, and this innovation prompted an existential approach to Christ's unity. Together with this focus on *esse,* Albert stressed Christological composition as a pillar of orthodox understandings of the Incarnation. Christ's role as mediator between God and humanity requires, according to Albert, composition in Christ. In his *Scriptum* on Peter Lombard's *Sentences,* Thomas Aquinas placed great weight on defending a single *esse* in Christ and took this singularity of *esse* to imply hypostatic composition. Thomas followed Albert in presenting Christological composition as a necessary consequence of the Incarnation but went beyond Albert in specifying the type of composition associated with the Word subsisting in two natures. Giles extended the task of specification through a lengthy examination of nonderogatory composition and how it applies to the Incarnation. Despite a clear discomfort with the expression 'composite hypostasis', Giles accepted it based upon the association of composition and *esse* suggested by Thomas. Giles took for granted that affirmation of a single *esse* in Christ implies Christological composition. Matthew of Aquasparta took this implication for granted as well and so viewed his own affirmation of multiple *esse* in Christ to exclude hypostatic composition.

Though Matthew shared with his predecessors the same basic opinion on the mode of union and supported a correspondence between composition and *esse,* his different conception of *esse* and existential unity altered his evaluation of the most pressing Christological dangers. Throughout the thirteenth century, theologians labored to defend a single subject in Christ together with the perfection of Christ's humanity. Neither could be preserved at the expense of the other. It was commonly held that only the Lombard's second opinion preserved both. The first opinion, in its zeal to express the fullness of Christ's humanity, risked multiplying the subjects in Christ; the third opinion, in its ardent efforts to rule out a multiplicity of subjects in Christ and to exclude change in the divine Word, jeopardized the truth of Christ's humanity. During the middle of the thirteenth century, theologians emphatically attacked any duality of subjects (whether persons, hypostases, or supposita) in Christ. For Matthew and other late-thirteenth-century theologians, the pressing danger was less a duality of subjects than the unwitting destruction of Christ's perfect and true humanity. As the note of urgency moved from combating duality of subjects to defending Christ's integral humanity, the primary target of criticism shifted from the first opinion to the third opinion. Changing perceptions of Christological dangers in turn shaped understandings of the Lombard's second opinion.[1] Within the generous parameters of the second opinion, theologians had sufficient latitude to tailor their presentations of the mode of union to meet new theological concerns. Writing within a different philosophical landscape from Philip, Matthew adapted the second opinion and the assessment of Christological composition to fit with new conceptions of *esse* as well as to guard against what he took to be the reemerging threat of Christological nihilianism.

[1] Perceptions and descriptions of the Lombard's three opinions did not remain stable during the thirteenth century. Paul Bayerschimdt indicated this when noting that the difference between the first and second opinions remained 'fluid' throughout the high Scholastic period. See P. Bayerschmidt, *Die Seins- und Formmetaphysik des Heinrich von Gent in Ihrer Anwendung auf die Christologie* (Münster: Aschendorff, 1941), 28.

I. Composite Hypostasis and Peter Lombard's Second Opinion

Peter Lombard used John Damascene as an authoritative source and in so doing introduced what would become a difficult and debated expression within Scholastic Christology. The Lombard described and presented authorities for three opinions on the mode of union in Christ (III *Sent.*, d. 6).[2] Thirteenth-century theologians came to accept the second opinion over against the other two, but they did so with important qualifi-cations and linguistic specifications. More often than not, these qualifications and specifications concerned the second opinion's insistence that the person of the Word became composite in the Incarnation, supported by several references in John Damascene's *De fide orthodoxa* to a composite hypostasis (*hypostasis composita*) in Christ.[3]

Proponents of the second opinion, according to the Lombard, held 'that man' (*iste homo*) Christ to be not simply from a rational soul and flesh but from two natures, human and divine. More precisely, they argued 'that man' was constituted from three

[2] Valuable investigations of the three opinions, their sources, and their meaning in the twelfth century can be found in N. M. Häring, "The Case of Gilbert de la Porrée Bishop of Poitiers (1142-1154)," *Medieval Studies* 13 (1951): 1-40; L. O. Nielsen, *Theology and Philosophy in the Twelfth Century: A Study of Gilbert of Porreta's Thinking and Theological Expositions of the Doctrine of the Incarnation during the Period 1130-1180*, Acta theologica danica 15 (Leiden: E. J. Brill, 1982); W. H. Principe, "Some Examples of Augustine's Influence on Medieval Christology," in *Collectanea Augustiniana* (Louvain: Leuven University Press, 1990), 955-74; M. Colish, *Peter Lombard,* vol. 1 (Leiden: E. J. Brill, 1994), 398-438. Colish makes a persuasive case that Peter did not clearly favor any one opinion.

[3] A partial Latin translation of Damascene's *De fide orthodoxa,* attributed to Cerbanus, was available by 1145. Burgundio of Pisa, at the request of Pope Eugene III, undertook a full translation, which Peter Lombard read while in Rome in 1154. For the Latin translations of the Damascene, see John Damascene, *De Fide Orthodoxa: Versions of Burgundio and Cerbanus* (St. Bonaventure, N.Y.: Franciscan Institute, 1955). Colish and Jacques Guy Bougerol argue that Peter Lombard self-consciously introduced the Damascene as a new *auctoritas*. See J. G. Bougerol, "The Church Fathers and the *Sentences* of Peter Lombard," in I. D. Backus, ed., *Reception of the Church Fathers in the West: From Carolingians to the Maurists,* vol. 1 (Leiden: E. J. Brill, 1997), 113-64, at 133; Colish, *Peter Lombard,* 1:169. Buytaert raises the possibility that Gerhoh of Reichersberg first introduced the Damascene as an *auctoritas*. See E. M. Buytaert, "St. John of Damascus, Peter Lombard, and Gerhoh of Reichersberg," *Franciscan Studies* 10 (1950): 323-43. Peter also cites Augustine in support of the second opinion. Given that Augustine serves as an authority for all three opinions, John Damascene's importance for the second opinion seems particularly clear.

substances: divinity, flesh, and soul. The Lombard summarizes the view as follows:

> [Proponents of the second opinion] confess Christ to be only one person, before the incarnation wholly simple, but in the incarnation made composite from divinity and humanity. Nor is there another person than before, but whereas before he was only a person of God, in the incarnation he is made a person of man. This does not happen such that there are two persons but such that one and the same is a person of God and of man. The person that before was simple and only existed in one nature [now] subsists in two and from two natures. The person that was only God was also made a true man, subsisting not only from soul and flesh but also from divinity. That person ought not to be said [to be] made a person, though it should be said [to be] made a person of man. Therefore, as would please some, that person was made something subsisting from soul and flesh but was not made a person or substance or nature. Inasmuch as that one subsists, it is composite; inasmuch as it is the Word, it is simple.[4]

This summary description provides few clues for interpreting personal composition.[5] Thirteenth-century authors puzzled over the meaning of personal or hypostatic composition and how to balance the Damascene's authority with a refusal to admit any semblance in Christ of a *tertium quid,* a combination of divinity and humanity no longer either.[6]

[4] Peter Lombard, III *Sent.,* d. 6, c. 3, n. 1: "hunc Christum fatentur, et unam personam tantum esse, ante incarnationem vero solummodo simplicem, sed in incarnatione factam compositam ex divinitate et humanitate. Nec est ideo alia persona quam prius, sed cum prius esset Dei tantum persona, in incarnatione facta est etiam hominis persona: non ut duae essent personae, sed ut una et eadem esset persona Dei et hominis. Persona ergo quae prius erat simplex et in una tantum natura existens, in duabus et ex duabus subsistit naturis. Et persona quae tantum Deus erat, facta est etiam verus homo, subsistens non tantum ex anima et carne, sed etiam ex divinitate. Nec tamen persona illa debet dici facta persona, quamvis dicatur facta persona hominis. Facta est igitur illa persona, ut quibusdam placet, quiddam subsistens ex anima et carne, sed non est facta persona vel substantia vel natura. Et in quantum est ille subsistens, composita est; in quantum autem Verbum est, simplex est." Quotations are from Peter Lombard, *Sententiae in IV libris distinctae* (Grottaferrata: Collegii S. Bonaventurae ad Claras Aquas, 1981).

[5] Nielsen argues for a split between two groups adhering to the second opinion, one group supporting the expression *persona composita ex duabus naturis* and the other advocating the expression *quoddam subsistens ex anime et carne* (Nielsen, *Theology and Philosophy in the Twelfth Century,* 248).

[6] The Lombard provided these quotations from the Damascene: "'In our Lord Jesus Christ we acknowledge two natures but one hypostasis composed from both'. – 'Christ is, therefore, incarnate, assuming from the Virgin the first fruits of our mass, such that the very hypostasis, which [is] the hypostasis of the Word of God, exists by the flesh and [such that the very hypostasis], which before was the simple hypostasis of the Word, was made composite:

The Lombard's short description of personal composition and the few quotations he included from John Damascene's *De fide orthodoxa* provided one key element in thirteenth-century discussions of Christological composition. Some theologians, such as William of Auxerre, ignored references to a composite hypostasis in Christ. Philip the Chancellor, by contrast, highlighted the expression 'composite hypostasis' as one of the most basic affirmations of hypostatic union.[7] Walter Principe traced the development of Christological questions in the early thirteenth century and highlighted the prominence of two questions: whether Christ was *unum* (one in the neuter) or two and whether Christ as man is something (*an Christus est aliquid secundum quod homo*).[8]

composite from two perfect natures, deity and humanity'" (III *Sent.,* d. 6, c. 3, n. 3; quoting *De fide orthodoxa* III, c. 4 [Burgundio, c. 48, n. 2]; and III, c. 7 [Burgundio, c. 51, n. 2]). "'We confess one hypostasis of the Son of God in two natures, perfectly possessing deity and humanity, the same hypostasis incarnate; and [we confess] these two natures to perdure and to remain in him after the union, not separately and set up as single parts, but as a mutual unity in one composite hypostasis. For, we affirm a substantial union, namely, a true [union], and not according to a phantasm; substantial, not with the two natures perfecting each other, namely [in] one composite nature, but a mutual unity in one composite hypostasis of the Son of God'" (III *Sent.,* d. 6, c. 3, n. 4; quoting *De fide orthodoxa* III, c. 3 [Burgundio, c. 47, n. 6]). The best introduction to and summary of the Damascene's Christology remains K. Rozemond, *La christologie de saint Jean Damascène, Studia Patristica et Byzantina,* vol. 8 (Ettal: Buch-Kunstverlag Ettal, 1959). The Damascene's Christology is heavily indebted to Maximus the Confessor. For a useful treatment of relevant background in Maximus, see N. Madden, "Composite Hypostasis in Maximus the Confessor," in *Studia Patristica,* vol. 27, *Papers Presented at the Eleventh International Conference on Patristic Studies held in Oxford 1991,* ed. E. Livingstone (Leuven: Peeters Press, 1993), 175-97. The expression 'composite hypostasis' translates Maximus's *hypostasis synthetos*.

[7] William of Auxerre and Philip the Chancellor can be seen, in an oversimplified way, as initiating two basic stances toward the mode of union in Christ, stances that dramatically shaped thirteenth-century presentations of the Lombard's second opinion. For a most useful examination of William's Christology, including an edition of his *De incarnatione,* see W. H. Principe, *The Theology of the Hypostatic Union in the Early Thirteenth Century,* vol. 1, *William of Auxerre's Theology of the Hypostatic Union* (Toronto: Pontifical Institute of Medieval Studies, 1963). William's main treatment of Christology occurs in his *Summa aurea* (*Summa aurea Guillelmi Altissiodorensis,* vol. 3, pt. 2 [Grottaferrata: Editiones Collegii S. Bonaventurae ad Claras Aquas, 1986]).

[8] Walter Principe traced these two questions as they developed in the early thirteenth century in his *The Theology of the Hypostatic Union in the Early Thirteenth Century,* 4 vols. (Toronto: Pontifical Institute of Mediaeval Studies, 1963-75). It was generally agreed that Christ was *unus* (one in the masculine), because masculine grammatical gender was taken to refer to the subsisting person or subject. There was less agreement about designating Christ as *unum* (one in the neuter) or two. Did designating Christ as *unum* imply only one nature in him? Did designating Christ as two or many in the neuter imply a plurality of *supposita* and so amount to Nestorianism? The *non-est-aliquid* position was condemned in 1170 and 1177;

Largely through the efforts of Philip the Chancellor and Albert the Great, treatments of whether Christ was *unum* came to focus more and more on *esse*. This focus on *esse* influenced presentations of Christological composition. As debates about *esse* and composition developed, their meaning and the philosophical and theological structures supporting them changed.

II. Philip the Chancellor's Defense of Composite Hypostasis

Philip the Chancellor was among the first to embrace the language of composite hypostasis. His *Quaestiones de incarnatione,* dated by Principe to the early 1230s, develops an understanding of composite hypostasis based upon a careful differentiation of person, hypostasis, and individual.[9] Though Philip takes care to differentiate these three, the subtlety of the differentiation makes difficult the task of explication. Philip is least clear on the nature of an individual, offering two definitions corresponding to two types of individuation. An individual according to the first type of individuation is "one according to an essential property," by which Philip seems to indicate an individuation according to distinct *esse* or perhaps something akin to haecceity, the 'thisness' of a particular thing. In other words, the first type of individuation distinguishes the individual from all others by something unique to that individual. An individual according to the second type of individuation is "one according to *a collection of accidents that can be found in no other.*"[10] The first type of individuation

theologians in the early thirteenth century still addressed the question with some note of urgency, which waned mid-century and waxed at the century's end. Principe's work remains the indispensable guide to early-thirteenth-century Christology.

[9] See W. H. Principe, *The Theology of the Hypostatic Union in the Early Thirteenth Century,* vol. 4, *Philip the Chancellor's Theology of the Hypostatic Union* (Toronto: Pontifical Institute of Medieval Studies, 1975), 18-19. Principe's edition of the *Quaestiones de incarnatione* can be found in ibid., 4:158-88.

[10] Philip the Chancellor, *De incarnatione,* q. 2, n. 3: "Non est igitur ibi unum numero vel individuum, quia individuum est in quo salvatur totum esse speciei, et individuatio duplex: una quantum ad proprietatem essentialem, aliam quantum ad *collectionem accidentium quam in nullo alio est reperire*" (the first part of the sentence may be translated as "In that case there is not one numerically or an individual, because in an individual the whole *esse* of the species is preserved and there is a twofold individuation." Later, Philip offers a slightly

constitutes the existing individual, which then serves as the metaphysical subject of a distinct collection of accidents and properties in the second individuation.[11] Philip provides little to help understand these two types of individuation. At a minimum, he insists that individuality indicates a numerical unity within genus and species, a definition that precludes any individual of the divine nature.

Person, in contrast, names an "incommunicable existence distinct according to a property of dignity."[12] Philip takes this basic definition from Alexander of Hales but substitutes "incommunicable existence" for "hypostasis."[13]

Hypostasis, according to Philip, occupies a middle position between person and individual.[14] Philip defines 'hypostasis' as an "incommunicable existence distinct according to a collection of properties," cobbling together elements from his definitions of 'person' and of 'individual'.[15] Hypostasis shares "incommunicable existence" with person and "distinct according to a collection of properties" with individual. This definitional sharing allows that every distinct 'one' is a hypostasis. In higher natures, the

different formula: "a second individuation is through *a collection of properties that is impossible to find in any other*" ("secunda individuatio est per *collectionem proprietatum quas impossibile est in alio quolibet reperire*") (*De incarnatione,* q. 3, n. 44). These two types of individuation are repeated in *Summa halensis* III, inq. 1, q. 4, tit. 1, d. 2, mem. 4, cap. 3, a. 3. See *Summa theologica seu sic ab origine dicta "Summa fratri Alexandri"* (Quaracchi: Collegium S. Bonaventurae, 1948).

[11] "Thus Philip conceives of a thing as individuated, that is, as distinct or particular in being prior to the advent of individuating properties and accidents. This prior individuality abstracts from properties and accidents, except that it seems to derive from an essential property, not otherwise identified: perhaps Philip, like his predecessors, would call it, in Peter, his *Petreitas*, and, in Socrates, his *Socrateitas* or *Socratitas*" (Principe, *Theology of the Hypostatic Union,* 4:61).

[12] Philip the Chancellor, *De incarnatione,* q. 3, n. 44: "persona vero est incommunicabilis existentia secundum proprietatem dignitatis distincta."

[13] Alexander of Hales, *Glossa* I.23.9: "persona est hypostasis distincta proprietate ad dignitatem pertinente." See Alexander of Hales, *Glossa in quatuor libros sententiarum Petri Lombardi,* Bibliotheca Franciscana Scholastica Medii Aevi, 12-15 (Quaracchi: Collegium S. Bonaventurae, 1951-57).

[14] "When Philip speaks most formally about the meaning of 'hypostasis,' he distinguishes it, in definition at least, from both 'person' and 'individual.' In two different questions Philip asserts that the hypostasis holds a middle position between the person and the individual" (Principe, *Theology of the Hypostatic Union,* 4:66).

[15] Philip the Chancellor, *De incarnatione,* q. 3, n. 44: "Hypostasis est incommunicabilis existentia secundum proprietatum collectionem distincta."

hypostasis is a person; in lower natures, the hypostasis is an individual according to both types of individuation.[16] 'Hypostasis' does not name a reality distinct from the reality of persons and individuals but rather offers a terminological means for identifying the shared metaphysical ground of persons and individuals.

Specific Christological commitments govern Philip's presentation of person, hypostasis, and individual. Defining 'person' as Philip does guards against the Word's assumption of a human person but allows for the assumption of an individual human nature. Furthermore, based upon these definitions, Philip holds that Christ's two natures are more properly said to be united in hypostasis than in person and that the affirmation of union in person intends only to refute the heretics who multiply the persons along with the natures. Christ's two natures are united in one hypostasis, and this union allows for the attribution of a composite hypostasis. Before addressing the nature of such composition, it will be helpful to clarify why the union is more properly assigned to hypostasis than to person. Since hypostasis holds a middle place between person and individual, the same hypostasis can be a person in one respect and an individual in another respect. The one hypostasis in Christ is a person with respect to the divine nature but "from the part of human nature is an individual possessing universal nature in itself and individuated by a twofold individuation."[17] This is Philip's way of explaining John Damascene's affirmation that human nature was assumed *in atomo* or in an individual. That individual lacked the excellence of dignity proper to persons but possessed numerical distinction within genus and species, and the individual possessing these distinctions was none other than the hypostasis of the Word.[18] The first individuation, namely, through complete *esse* or haecceity,

[16] See Principe, *Theology of the Hypostatic Union,* 4:66-67.

[17] Philip the Chancellor, *De incarnatione,* q. 2, n. 11: "In divinis est persona; ex parte humanae naturae est individuum quod habet naturam universalem in se et individuatur duplici individuatione, ut dictum est."

[18] "Philip's point is that because in Christ there is a union between a divine person and an individual of human nature, and because the hypostasis can be, from different points of view, both a person and an individual, the union of the divine person and the individual of human nature is properly said to be in the hypostasis" (Principe, *Theology of the Hypostatic Union,* 4:97-98).

derives from the Word, and so the human nature assumed adds only the second individuation such that the hypostasis did not begin to be *simpliciter* but *secundum quid*.

In the Incarnation the hypostasis of the Word subsists in two natures. The hypostasis is a person as the Son of God and an individual as the Son of the Virgin. As subsisting in two natures, the hypostasis of the Word can be labeled composite. Philip's dedication to the language of *hypostasis composita* flows directly from the authority of the Damascene, whom Philip quotes repeatedly and extensively. The objections to designating the hypostasis as composite arise from many angles, but Philip provides a general reply that the objections restrict composition to the types found in natural things. The composition in the Incarnation differs from all natural composition. The divine nature can in no sense be a part entering into composition, and every aspect of change and potency involved in the composition exists only on the side of the human nature assumed.[19] Philip's defense of the *hypostasis composita* found few explicit supporters, but Albert the Great adopted and adapted his discussion of *esse* as a tool for specifying the mode of union.

III. Albert the Great and the Importance of *Esse*

Albert the Great's commentary on the *Sentences* frames his presentation of the Lombard's second opinion in terms of Christ's *esse,* developing an insight from Philip the Chancellor, promoting a shift from essential to existential understandings of being, and setting the stage for later debates about unity or plurality of *esse*

[19] Richard Cross, borrowing language from Marilyn McCord Adams, contrasts the substance-accident model for the hypostatic union preferred during the late thirteenth century with the whole-part model favored by Thomas Aquinas. These two models for the mode of union derive in good measure from William of Auxerre and Philip the Chancellor. For Cross's discussion of the concrete whole-concrete part model, see R. Cross, *The Metaphysics of the Incarnation: Thomas Aquinas to Duns Scotus* (Oxford: Oxford University Press, 2002), 51-76. He examines three basic versions or aspects of the substance-accident model in ibid., 77-136. Adams discusses the substance-accident model in M. McCord Adams, "The Metaphysics of the Incarnation in Some Fourteenth-Century Franciscans," in *Essays Honoring Allan B. Wolter,* ed. W. Frank and G. Etzkorn (St. Bonaventure, N.Y.: The Franciscan Institute, 1985), 21-57.

in Christ.[20] These points all relate to Albert's understanding of composition in Christ, an understanding he develops to distinguish the first and second opinions.[21] The first opinion denies composition in the person of Christ for fear it would imply a *tertium quid,* neither truly divine nor truly human. While acknowledging the dangers of a *tertium quid,* Albert argues that the second opinion defends a proper and salvifically efficacious composition in Christ:

> The second opinion posits the requisite [*exegitivam*] composition in the human being Christ, because the requisite [*exegitiva*] [composite] has as many substances in itself as the redeemer requires [*exigit*]. The redeemer both ought and can [*debet et potest*], whence it is required [*exigitur*] that [the redeemer] have the nature which ought, and this is human [nature], and the nature which can, and this is the divine [nature]. It is not unfitting to posit such composition in the Son of God, and so I have no inclination to explain the first opinion, because I judge it to be false.[22]

[20] The dating of Albert's *Sentences* commentary presents a complicated problem, but there are good reasons to believe that he finished commenting on the third book in 1249. See I. Backes, "Das zeitliche Verhältnis der Summa De Incarnatione zu dem dritten Buche des Sentenzekommentars Alberts des Groben," in H. Ostlender, ed., *Studia Albertina: Festschrift für Bernhard Geyer zum 70. Geburtstage* (Münster: Aschendorff, 1952), 32-51; O. Lottin, "Commentaire des Sentences et Somme théologique d'Albert le Grand," *Recherches de théologie ancienne et médiévale* 8 (1936): 117-53. For texts debating the number of *esse* in Christ, see E. Hocedez, *Quaestio de unico esse in Christo* (Rome: Pontificia Universitas Gregoriana, 1933). Principe notes this shift from essential to existential understandings of being and argues that Philip the Chancellor in particular focused on *esse* in terms of actual existence. See Principe, *Theology of the Hypostatic Union,* 4:192-209.

[21] For a detailed treatment of *res naturae,* suppositum, substance, hypostasis, individual, and person in Albert's Christology, see S. Hipp, *"Person" in Christian Tradition and the Conception of Saint Albert the Great: A Systematic Study of Its Concept as Illuminated by the Mysteries of the Trinity and the Incarnation,* Beiträge zur Geschichte der Philosophie und Theologie im Mittelalter (Münster: Aschendorff, 2001). For a much briefer but also useful exploration of Albert's understanding of person in Christology, see A. Hufnagel, "Das Person-Problem bei Albertus Magnus," in Ostlender, ed., *Studia Albertina,* 202-33. Discussions of the mode of union in Albert's thought can be found in C. Barnes, "Albert the Great and Thomas Aquinas on Person, Hypostasis, and Hypostatic Union," *The Thomist* 72 (2008): 107-46; M. Lamy de la Chapelle, "L'unité ontologique du Christ selon saint Albert le Grand," *Revue thomiste* 70 (1970): 181-226, 534-89; F. Haberl, *Die Inkarnationslehre des heiligen Albertus Magnus* (Freiburg: Herder, 1939); V.-M. Pollet, "Le Christ d'après S. Albert le Grand," *La vie spirituelle* 34 (1933): 78-108; "L'union hypostatique d'après S. Albert le Grand," *Revue thomiste* 38 (1933): 502-32.

[22] Albertus Magnus, III *Sent.,* d. 6, a. 3: "sed exegitivam compositionem ponit in Christo homine haec secunda opinio: quia exegitiva tot habet in se substantias, quot exigit redemptor: redemptor autem et debet et potest: unde exigitur, quod habeat naturam qua debet, et haec est humana: et naturam qua potest, et haec est divina: et talem compositionem in Dei Filio

This interesting passage requires some explanation. Albert later turns to the question of whether Christ can be called composite (III *Sent.*, d. 6, a. 6), and in that later treatment he guards against taking this composition to be a composition of parts. Christological composition is according to name rather than to nature; this nominal composition indicates only something placed or positioned together with another (*cum alio positum*).[23] The issue in the earlier text (III *Sent.*, d. 6, a. 3) is that the first opinion, by limiting the composition to the parts of Christ's human nature, fails to account for the composition requisite for Christ to be the redeemer. Restricting composition to Christ's human nature undermines the truth of the union between Christ's natures, reducing it to an aggregate of distinct subjects.[24] Albert further argues that denying this "requisite composition" in Christ amounts to a denial of the *communicatio idiomatum* in virtue of which both divine and human properties can be predicated of the Word. Composition, in short, guarantees Christ's identity as the mediator

ponere non est inconveniens: et ideo nolo solvere pro prima opinione, quia puto, quod falsa est." Citations of Albert are from his *Commentarii in III Sententiarum, Opera omnia* vol. 28 (Paris: Borgnet, 1894). Peter of Tarentaise (III *Sent.*, d. 6, q. 2, a. 3) followed Albert's affirmation of a *compositio exegitiva*. See Peter of Tarentaise, *In IV Libros Sententiarum Commentaria,* vol. 3 (Tolosae: apud Arnaldum Colomerium, Regis, et Academiae Tolosanae Typographum, 1652).

[23] Albertus Magnus, III *Sent.*, d. 6, a. 6: "To this it should be said that the second opinion does not accept composition according to nature but according to name only, such that the same thing that is positioned together with another in the same place is made composite with what was there before, although in this way what is there now is not completely like it was before. Thus the person of Christ is composite, because in this way it is in two natures and three substances. Hence this opinion affirms neither nature to be a part" ("Ad hoc dicendum, quod itsa [secunda] opinio non accipit compositionem secundum naturam, sed secundum nomen tantum, ut sit compositum idem quod cum alio positum in eodem quod fuit ante: licet hoc modo non omnino fuerit sicut nunc est: et ita persona Christi est composita, quia modo est in duabus naturis, et tribus substantiis: unde haec opinio neutram naturarum dicit esse partem"). Bonaventure follows Albert in rendering composition broadly in terms of *simul-cum-alio-positio*. This broad notion of composition allows affirmation of a composite person without risk of positing a *tertium quid,* yet Bonaventure notes that all the modern doctors defend the second opinion without appeal to the language of composite person. See Bonaventure, III *Sent.*,d. 6, a. 1, qq. 2 and 3 in *Commentaria in quatuor libros Sententiarum Magistri Petri Lombardi, Tomus III, Opera omnia,* vol.3 (Quaracchi: Collegium S. Bonaventurae, 1887).

[24] Matthew of Aquasparta expressly limits Christological composition to the parts of Christ's human nature. As will be discussed below, Matthew argues that affirmations of a composite hypostasis and of a single *esse* in Christ deny the composition and hence integrity of Christ's human nature.

between God and humanity, and denying composition breaks the true union of natures.

Albert extends his main argument regarding requisite composition by examining Christ's unity in terms of *esse*.[25] Albert argues "that there is one *esse* in Christ with respect to the hypostasis whose *esse* it is, yet this *esse* is of two essences that remain distinct."[26] Making sense of this statement leads Albert deeper into the question of *esse*. He reasons that *esse simpliciter* pertains to hypostasis. More strikingly, he affirms "the Catholic faith says that union was made in *esse*" and this can be none other than the *esse* of the hypostasis, which is also the *esse* of the whole and the *esse simpliciter*.[27] In addition to *esse simpliciter,* Albert discusses *esse secundum naturam hanc vel illam* (*esse* according to this or that nature) and *esse naturae* (*esse* of nature). This first type results from a nature causing *esse* in the hypostasis, and Albert allows that this is in some sense doubled in Christ, yielding the formula of one twofold (*unum duplex*) *esse* in Christ. The *esse naturae* pertains to nature in itself and so is two in Christ; the *esse naturae* seems to indicate the reality of the nature. Albert's typology of *esse*—one *esse* of the hypostasis, one twofold *esse* of the hypostasis subsisting in two natures, and two *esse* of nature—expresses a new existential focus on the mode of union. In the shift, noted by Principe, from more essentialist understandings of being in the early-thirteenth century to the more existential understandings that arose mid-century, Albert played an immense role. Later classifications of types of *esse* mirror Albert's, and it requires no huge stretch of the imagination

[25] Bayerschmidt argues that Albert inaugurated the topic of Christ's *esse* (Bayerschmidt, *Die Seins- und Formmetaphysik,* 36-43).

[26] Albertus Magnus, III *Sent.,* d. 6, a. 4: "Sic igitur secundum praedicta dico, quod unum est esse in Christo secundum comparationem ad hypostasim cujus est esse, licet hoc esse sit duarum essentiarum quae distinctae manent, eo quod hoc esse istius est hoc esse alterius: et est mirabile ut unio fiat in esse, et non essentiis."

[27] Albertus Magnus, III *Sent.,* d. 6, a. 5: "Et hoc patere potest ex hoc quod fides Catholica dicit unionem illam factam in esse. Si enim in esse facta est, erit ipsa facta in esse aliquo, et non nisi in esse hypostasis: ergo esse hujus hypostasis ex unione illa est unum: quaecumque enim uniuntur, sunt unum" ("For if it was made in *esse*, then it will by that very fact be made is some *esse*, and not but in the *esse* of the hypostasis. Therefore the *esse* of this hypostasis is one from that union, for whatever things are united are one").

to argue that Albert influenced both the defenders of a single *esse* in Christ and the defenders of multiple *esse* in Christ.[28]

IV. Thomas Aquinas's *Scriptum* and the Connection between Composition and *Esse*

Thomas Aquinas's Christology has received a great deal of attention, a good portion of which focuses on his *Summa Theologiae*.[29] To be sure, the *Summa* offers an elaborate and rich treatise on the Incarnation, but Aquinas's influence on thirteenth-century Christological debates came more from his early *Scriptum* on the Lombard's *Sentences*. The *Scriptum* (1252-56) addresses the topics of *esse* and composition under the umbrella of

[28] Following Henry of Ghent, theologians in the late thirteenth century distinguished *esse essentiae* (*esse* of essence), *esse existentiae* (*esse* of existence), and *esse subsistentiae* (*esse* of subsistence). These three do not correspond exactly to Albert's division, but it seems fair to allow that *esse essentiae* parallels Albert's *esse naturae* and *esse subsistentiae* parallels Albert's *esse simpliciter*. The relationship between *esse existentiae* and Albert's *esse secundum naturam hanc vel illam* is more difficult to specify. For Henry's terminological innovation, see Bayerschmidt, *Die Seins- und Formmetaphysik,* 69. Once Henry's terminology became fairly standard, debates about the number of *esse* in Christ came to focus on *esse existentiae* as the contentious category. Henry discusses the difference between *esse essentiae* and *esse existentiae* in *Quodlibet* I, q. 9 (*Quodlibet I*, *Opera omnia* vol. 5, ed. R. Macken [Leiden: E. J. Brill; Leuven: Leuven University Press, 1979]). Godfrey of Fontaines argues that *esse existentiae* "pertains to nature and to suppositum; to the suppositum as that which has *esse,* because the suppositum signifies that a being is perfect and formed; to nature as that by which [the suppositum] has *esse*, for nature signifies through the mode of form, which names a being from the fact that [the being] is something by it [i.e. form or nature]" (*Quodl*. 8, q. 1). See Godfrey of Fontaines, *Le huitième Quodlibet de Godfroid de Fontaines*, *Les Philosophes Belges* 4, ed. J. Hoffmans (Louvain: Institut Supérieur de Philosophie de l'Université, 1924).

[29] The best introduction to Aquinas on the mode of union is J. Wawrykow, "Hypostatic Union," in *The Theology of Thomas Aquinas,* ed. R Van Nieuwenhove and J. Wawrykow (Notre Dame, Ind.: University of Notre Dame Press, 2005), 222-51. See also C. Barnes, "Albert the Great and Thomas Aquinas on Person, Hypostasis, and Hypostatic Union"; J. B. Reichmann, "Aquinas, Scotus, and the Christological Mystery: Why Christ Is Not a Human Person," *The Thomist* 71 (2007): 451-74; M. Raschko, "Aquinas's Theology of the Incarnation in Light of Lombard's Subsistence Theory," *The Thomist* 65 (2001): 409-39; M. Gorman, "Uses of the Person-Nature Distinction in Thomas's Christology," *Recherches de théologie ancienne et médiévale* 67 (2000): 58-79; M.-V. Leroy, "L'union selon l'hypostase d'après saint Thomas d'Aquin," *Revue thomiste* 74 (1974): 205-43; P. Galtier, "L'union hypostatique et l'entre deux de saint Thomas," *Ephemerides Theologicae Lovaniensis* 7 (1930): 425-70.

considering the Lombard's second opinion.[30] Thomas's presentations of *esse* and hypostatic composition work together to defend the second opinion against the first and third opinions and to formulate the propriety of Christological composition as a guarantee of the truth of the Incarnation.[31] In thus stressing the importance of composition, Thomas goes far beyond the more qualified affirmations found in Albert the Great and Bonaventure.

The *Scriptum*'s discussion of Christ's *esse* begins with the task of specifying what *esse* means. Thomas quickly dismisses the view of *esse* as a copula signifying the truth of propositions and as synonymous with essence. Rather, *esse* fundamentally means the

[30] For a useful discussion of how Aquinas utilizes Christ as composite within his larger Christological project, see M. Gorman, "Christ as Composite according to Aquinas," *Traditio* 55 (2000): 143-57. Henk Schoot interprets *composita* as applied to Christ analogously, reflecting the difference between signification and supposition as well as Christ's unique mode of being. See H. Schoot, *Christ the 'Name' of God: Thomas Aquinas on Naming Christ* (Leuven: Peeters Press, 1993), 146-47. Aquinas examines Christ's *esse* in five places: III *Sent.*, d. 6, q. 2, a. 2; *Quodl*. IX, q. 2, a. 2; *De unione Verbi incarnati,* a.4; *STh* III, q. 17, a. 2; *Comp. Theol.,* c. 212. In all but *De unione,* he adamantly limits *esse* in Christ to one. In *De unione,* he similarly holds that Christ possessed one *esse simpliciter* but curiously allows that Christ possessed a second *esse secundum quid*. The secondary literature covering Aquinas on Christ's *esse* is extensive. Useful, though conflicting, works to consult include V. Salas, "Thomas Aquinas on Christ's *Esse:* A Metaphysics of the Incarnation," *The Thomist* 70 (2006): 577-603; T. Weinandy, "Aquinas: God *IS* Man: The Marvel of the Incarnation," in *Aquinas on Doctrine: A Critical Introduction* (London and New York: T&T Clark, 2004), 67-89; Cross, *Metaphysics of the Incarnation,* 54-58, 62-64, 254-56; J. L. A. West, "Aquinas on the Metaphysics of *Esse* in Christ," *The Thomist* 66 (2002): 231-50; S. Brown, "Thomas Aquinas and His Contemporaries on the Unique Existence in Christ," in *Christ among the Medieval Dominicans* (Notre Dame, Ind.: University of Notre Dame Press, 1998), 220-37; R. Cross, "Aquinas on Nature, Hypostasis, and the Metaphysics of the Incarnation," *The Thomist* 60 (1996): 171-202; T. Morris, "St. Thomas on the Identity and Unity of the Person of Christ: A Problem of Reference in Christological Discourse," *Scottish Journal of Philosophy* 35 (1982): 419-30; E. Gilson, "L'*esse* du Verbe incarné selon saint Thomas d'Aquin," *Archives d'histoire doctrinale et littéraire du moyen âge* 35 (1968): 23-37; J. H. Nicholas, "L'unité d'être dans le Christ d'après saint Thomas," *Revue thomiste* 65 (1965): 229-60; A. Patfoort, *L'unité d'être dans le Christ d'après s. Thomas. A la croisée de l'ontologie et de la christologie* (Paris: Desclée, 1964); H. Diepen, "L'existence humaine du Christ," *Revue thomiste* 58 (1958): 197-213; M. Corvez, "L'unicité d'existence dans le Christ," *Revue thomiste* 56 (1956): 413-26; A. Hastings, "Christ's Act of Existence," *Downside Review* 73 (1955): 139-59; Bayerschmidt, *Die Seins- und Formmetaphysik,* 43-67.

[31] While in the *Scriptum* Thomas formulates hypostatic composition in terms of *esse,* in the *Summa Theologiae* (the Christological sections of which were written in 1272) he formulates hypostatic composition in terms of subsistence (*STh* III, q. 2, a. 4). In itself the person or hypostasis of Christ is wholly simple, but the person of Christ can also be viewed as subsisting in a nature. From this perspective, it is clear that the one subsisting person subsists in two natures and can be termed composite.

act of being, and taken in this proper sense, the second opinion alone affirms a single *esse* in Christ. Thomas links *esse* to the subsisting thing that possesses *esse* as 'what is/exists' (*quod est*); this is substantial *esse* and must be distinguished from accidental *esse*. Thomas repeats from Aristotle the notion that accidents are more properly said to be of beings than to be beings. Accidents exist in a subject rather than independently. Here and elsewhere, Thomas stresses that Christ's human nature was not assumed accidentally but was assumed to the one *esse* of the subsistent Word. Christ's *esse,* by virtue of this assumption, is the *esse* of one but has diverse respects "just as the *esse* of Peter is one but itself has a respect to diverse constituent principles."[32] This union in *esse* means that Christ is not only *unus* (one in the masculine) but also *unum* (one in the neuter). Thomas's understanding of Christ's *esse* guides his presentation of Christological composition.

Defending a single *esse* in Christ requires some explanation as to why the composite of matter and form does not result in its own *esse*.[33] Thomas acknowledges that when the composite subsists through itself, it acquires *esse* from its form. When the composite does not subsist through itself but is joined to a subsisting subject, it does not acquire *esse* from its form. The subsisting subject instead acquires a new respect to the composite according to the *esse* of the subsisting thing. Thomas's general example for this is the relationship between a whole and a newly acquired substantial part.[34] Whatever its inadequacies, the example

[32] Aquinas, III *Sent.,* d. 6, q. 2, a. 2: "Sed non est inconveniens quod esse unius subsistentis sit per respectum ad plura, sicut esse Petri est unum, habens tamen respectum ad diversa principia constituentia ipsum: et similiter suo modo unum esse Christi habet duos respectus, unum ad naturam humanam, alterum ad divinam." Citations of Thomas's *Scriptum* are from *Scriptum super libros Sententiarum,* vol.3, ed. M. F. Moos (Paris: Lethielleux, 1933).

[33] Though Aquinas stridently defends a link between composition and *esse* respecting hypostatic composition, he denies any necessary link between Christ's composite human nature and *esse*. Matthew of Aquasparta regards this as undermining the truth of Christ's humanity.

[34] Aquinas, III *Sent.,* d. 6, q. 2, a. 2, ad 1: "Quando ergo compositum ex materia et forma per se subsistens, acquiritur ex forma illi composito esse absolutm per se; quando autem non est per se subsistens, non acquiritur per formam esse illi composito; sed subsistenti cui hoc adjungitur, acquiritur respectus secundum esse ad hoc quod ei additur: sicut si ponamus hominem nasci sine manu, et manum per se separatim fieri, et postea ei miraculose conjungi, constat quod forma manus causabit esse manus per se subsistens: sed postquam conjungitur homini, non acquiritur ex forma manus aliquod esse manui, quia manus non habet esse

intends to express the union of a substantial reality to a subject through a nonaccidental union. Thomas returns to the discussion of the composition of body and soul in Christ when examining and criticizing the third opinion, commonly thought to deny a union of Christ's body and soul.[35] This, however, is the easy question of Christological composition; the much more difficult question concerns personal or hypostatic composition.

Thomas's solution to the question of a form giving *esse* concentrates on the notion of Christ's human nature being united to the Word in a manner analogous to the manner in which a substantial part is united to an already existing subject. With careful qualifications, Thomas extends this analogy to the consideration of personal composition, beginning with two specifications about the *esse* of composite wholes. First, the *esse* of the whole pertains to the parts since the parts exist through the whole rather than through themselves. Second, the parts also cause the *esse* of the whole. With these points duly noted, Thomas begins explaining composition according to the second opinion and the insistence on a single *esse* in Christ. He writes:

> The second opinion posits one *esse* in Christ, and so the *esse* of the divine person pertains to both natures. That *esse*, however, is not caused from the conjunction of natures, as the *esse* of a composite is caused from the conjunction of components. According to this [second] opinion the person of Christ can in one way be called composite, namely, in as much as some condition of a composite is preserved there. But, the true definition of composition is not met there because the other condition is lacking. Due to this, the modern proponents of this opinion do not call the person composite. And it should not be said that [the person] is called composite according to the exposition of the name *quasi cum*

proprium; sed acquiritur homini respectus ad manum secundum suum esse" (Aquinas's example may be translated as follows: "just as if we posit a man born without a hand, a hand made separately on its own and later miraculously joined to the man, it is agreed that the hand's form will cause the hand's *esse* when it subsists through itself. But, when it is joined to the man, the hand does not acquire some *esse* from the hand's form because the hand does not have its own proper *esse*. But, the man acquires a respect to the hand according to his *esse*").

[35] See W. H. Principe, "Some Examples of Augustine's Influence on Medieval Christology"; and "St. Thomas on the Habitus-Theory of the Incarnation," in *Saint Thomas Aquinas, 1274-1974, Commemorative Studies* (Toronto: Pontifical Institute of Medieval Studies, 1974), 381-418.

alio posita, because in this way the first and third opinions posit a composite person just as the second.[36]

Thomas here rejects as insufficient the understanding of composite person in terms of *quasi cum alio posita,* a rejection seemingly directed both at Albert and Bonaventure, who justify composition in Christ according to this broad definition. Though he clearly rejects any overly general understanding of composition, Thomas is far from clear on the precise nature of composition in Christ. The one *esse* of the composite person pertains both to Christ's divine nature and to Christ's human nature, yet Christ's human nature does not cause the *esse* of the composite whole in the manner of a component part. Despite this lack of clarity, Thomas's *Scriptum* cemented the connection of *esse* and composition in Christological discussions. Giles of Rome and Matthew of Aquasparta both accepted this tight connection between affirmations of composition and of a single *esse* in Christ despite disagreeing completely on whether one should affirm Christological composition or a single *esse*. Thomas discusses Christ's *esse* and composition in other works, but nowhere is the connection of these topics as clear as in the *Scriptum*.

V. Giles of Rome and Nonderogatory Composition

It seems likely that Giles of Rome studied under Thomas Aquinas in Paris from 1269 to 1272, and so it is hardly surprising that Giles's Christology reflects several of the Angelic Doctor's questions and concerns.[37] Giles's lectures on distinction 6 of book

[36] Aquinas, III *Sent.,* d. 6, q. 2, a. 3: "Sed secunda ponit unum esse in Christo; unde esse divinae personae pertinet ad utramque naturam. Non tamen illud esse causatur ex conjunctione naturarum, sicut esse compositi causatur ex conjunctione componentium. Unde secundum hanc opinionem persona Christi post incarnationem potest dici aliquo modo composita, inquantum ibi salvatur aliqua conditio compositi: non tamen est ibi vera ratio compositionis, quia deficit ibi altera conditio; unde etiam non est in usu modernorum hanc opinonem tenentium, quod dicant personam compositam. Nec dicendum, quod dicatur composita secundum expositionem nominis quasi cum alio posita: quia sic prima opinio et tertia ponerent personam compositam sicut et secunda."

[37] For an introduction to Giles's life and works, see J. Eastman, "Das Leben des Augustiner-Eremiten Aegidius Romanus (c. 1243-1316)," *Zeitschrift für Kirchengeschichte* 100 (1989): 318-39. See also C. Luna, "La *Reportatio* della lettura di Egidio Romano sul libro III

3 of the *Sentences* repeat many topics from Thomas's *Scriptum* while offering his own independent orientation to the topics. In fact, the Christology of Giles's *reportatio* often reads like a commentary on the *Scriptum,* which makes particularly interesting Giles's reflections on hypostatic composition and its relation to *esse*.

The *reportatio*'s coverage of distinction 6 (*Reportatio* III, q. 15) begins with the familiar question of whether Christ was one in the neuter (*unum*).[38] Since in Christ there was one divine suppositum to which a complete human nature was united, Christ was *unum simpliciter* following the unity of suppositum and *plura secundum quid* following the plurality of natures.[39] This does not render Christ a multitude or plurality, for a multitude or plurality would require many unities in the abstract. Humanity cannot be predicated of Christ in the abstract. Giles's remarks in this question frame his entire treatment of the mode of union by specifying that Christ's human nature was assumed to the suppositum of the Word after the suppositum's completion in *esse*. With little argumentation, Giles succinctly resolves the number of *esse* in Christ (*Reportatio* III, q. 16), admitting only one *esse simpliciter*

delle Sentenze (Clm. 8005) e il problema dell'autenticità dell'*Ordinatio*," part 1, in *Documenti e studi sulla tradizione filosofica medievale* 1 (1990): 113-225; part 2, in *Documenti e studi sulla tradizione filosofica medievale* 2 (1991): 75-146. Luna argues that Giles lectured on *Sentences* III and IV in 1272-73 (Luna, "La *Reportatio*," part 1, 122).

[38] Aegidius Romanus, *Reportatio Lecturae super III Sententiarum*, *Opera Omnia* vol. 3.2, ed. C. Luna (Florence: Sismel, Edizioni del Galluzzo, 2003).

[39] Aegidius Romanus, *Reportatio* III, q. 15: "On account of this it should be said otherwise that when there are two natures in something, one of the natures is principal, constituting the suppositum, and one of the natures is not principal but depends on the other. Accordingly, those two natures do not indicate reciprocal numeration *simpliciter*, as is clear regarding the substantial and accidental forms in any suppositum. They do not yield reciprocal numeration *simpliciter* since accidental form depends on another and is rooted in the suppositum constituted by the substantial form. Human nature, depending on another and subsisting in a suppositum constituted by another, is not principal in respect to divine nature. Therefore human nature is not numbered with it, and thus it stands that they are one *simpliciter*, although they are multiple *secundum quid*" ("Propter hoc aliter dicendum quod, quando due nature sunt in aliquo, altera principalis est, constituens subpositum, alia non principalis et dependens ab alia. Tunc ille due nature non ponunt <in> numerum ad invicem simpliciter, sicut patet de forma substantiali et forma accidentali in aliquo subposito: non faciunt numerum ad invicem simpliciter, cum forma accidentalis dependet ab alia et fundatur in subposito quod alia constituit. Sed natura humana est non principalis respectu divine, ab ea dependens et subsistens in suo subposito quod alia constituit; ideo non ponit <in> numerum cum ea. Et ita patet quod sunt unum simpliciter, licet secundum quid sint plura").

and multiple *esse secundum quid*.[40] Giles models Christ's plurality of *esse secundum quid* on the inherence of an accident in a subject. Thus, while his position of one *esse simpliciter* and multiple *esse secundum quid* sounds reminiscent of article 4 of Thomas's *De unione Verbi incarnati,* Giles's coloration of the position with appeal to a subject-accident analogy or model differs from Thomas.

Giles offers a novel take on the question of a composite hypostasis. Question 18 of the *reportatio* begins with a quotation from the Damascene defending a composite hypostasis and immediately turns to an exposition of this defense. Giles is willing to admit a composite hypostasis after the union in a certain sense, but he is adamant that there can be no composition that derogates the simplicity of the Word. The remainder of the question seeks to explain this nonderogatory composition and to explain the Damascene's affirmation of composition. Giles presents these as separate tasks, and this separation reveals much about his discomfort with the expression *hypostasis composita*. After a curious illustration leading from how things are named to the differences between divine and human causality, Giles applies the lessons of the illustration to the question of composition. A created suppositum substantiates a created nature, forming a composite of mutual dependence. The nature depends upon the

[40] Aegidius Romanus, *Reportatio* III, q. 16: "It should be said: if there were multiple supposita in Christ and his *esse* corresponded to whichever suppositum, it is plain that there would be two *esse* in Christ. But, since he himself is one suppositum, it stands that there is not but one *esse simpliciter* in him, namely the *esse* of the suppositum, because everything else takes *esse* from the *esse* of the suppositum. Nevertheless, there are in Christ multiple *esse secundum quid*, just as multiple natures. This is like our saying that accidents and their subjects are one in *esse simpliciter* yet have multiple *esse secundum quid*" ("Dicendum: si in Christo essent plura subposita <et> cuilibet respondet suum esse, planum est quod in Christo <essent> duo esse. Sed cum ipse sit unum subpositum, patet quod non est in eo nisi unum esse simpliciter, scilicet subpositi, quia alia trahunt esse ab esse subpositi. Tamen plura sunt ibi esse secundum quid, sicut plures natura, sicut dicimus quod accidens et subiectum sunt unum [in] esse simpliciter, tamen plura esse secundum quid habent"). In his *Quodlibet* 2, q.2, Giles addresses the slightly later distinction of *esse essentiae, esse existentiae,* and *esse subsistentiae,* arguing that the last two are in reality the same. Giles returned to the number of *esse* in Christ in his *Quodlibet* 5, q. 3, where he distinguished *esse* considered as essence, considered as a nature following from another nature, considered in the suppositum from nature, and considered in the existing suppositum. See Giles of Rome, *Quodlibeta,* ed. P. D. De Coninck (Louvain, 1646; repr. Frankfurt am Main, 1966).

suppositum as that which substantiates it, but the suppositum depends upon the nature as that which constitutes it in *esse*.[41] The nature's dependence on the suppositum counts as the suppositum's perfection, and the suppositum's dependence on the nature indicates an imperfection. This imperfection of dependence derogates from a suppositum's simplicity. The composition of the divine suppositum of the Word with its human nature absolutely avoids this imperfection and consequent derogation of simplicity. While the human nature depends upon the suppositum of the Word substantiating it, the Word in nowise depends upon its human nature. The human nature is assumed to a previously existing suppositum already constituted in *esse*.[42] Giles reasons that the composition of mutual dependence between a suppositum and its nature provides a loose illustration of the Word's composition with human nature, the crucial difference being that the Word assumed human nature to a suppositum already perfect in *esse*. Instead of completing the suppositum, Christ's human nature partakes in the suppositum's *esse* without derogating its simplicity.

Giles's lengthy articulation of a nonderogatory composition might plausibly be read as a reverential gloss on the Damascene's expression *hypostasis composita,* but surprisingly he interprets the Damascene's expression as serving only an exclusionary purpose. "According to the Damascene," Giles explains, "[the hypostasis] of God can be called composite after the assumption in order to remove the error of those who posit that the created nature

[41] Compare the following statements from *Quodlibet* 2, q. 2: "nature fits the definition of a part [*habeat rationem partis*], and suppositum fits the definition of a whole," "a nature does not exist through itself but exists and has *esse* because it is in a suppositum," and "the suppositum exists through itself: everything else such as nature, and *esse,* and accidents are in the suppositum." These statements do not seem to reflect Giles's earlier sense of nature constituting the suppositum in *esse,* which sense reveals the imperfection of a suppositum as incomplete in *esse*. In *Quodlibet* 2 even *esse* is only found in the suppositum. Giles's views in *Quodlibet* 2 seem closer to Thomas's understanding of suppositum, *esse,* and nature.

[42] Aegidius Romanus, *Reportatio* III, q. 18: "Ideo subpositum divinum illud subplet, scilicet substantificat humanam naturam secundum <quod> ipsa dependet ad ipsum. Illud autem imperfectionis <quod> est in subposito creato, non habet, scilicet quod dependentiam habeat ad naturam. Propter hoc patet quod subpositum divinum nullam compositionem facit cum humana natura, [et] que derogat simplicitati Verbi, quia ad ipsam non dependet in compositione, sed eius natura humana ad ipsum dependet."

constitutes its own proper hypostasis."[43] The hypostasis is thus only called composite insofar as one hypostasis exists in two natures. After reading question 18, one may ask to what extent Giles is willing to affirm a composite hypostasis or suppositum and whether he would equate such an affirmation with the Damascene's view.

Question 18's discussion of nonderogatory composition sets the stage for asking whether human nature is united to the Word accidentally. This represents another topic inspired by Thomas, and, again, Giles offers his own take on the question. After making two initial points in support of an accidental union, he offers a concise paraphrase of Thomas's arguments from distinction 6, question 3, article 2 of the *Scriptum,* noting that the arguments are true but fail to solve the question. Giles first provides an illustration based on considering food as a suppositum in itself and as a supplement to an eater, ending this curious illustration by affirming that human nature is thus in the divine suppositum. He next presents a rather more helpful discussion of substantial and accidental forms. Substantial forms are united essentially to the suppositum, placing the suppositum in the genus of substance and constituting the suppositum in *esse*. The first function—that is, placing the suppositum in the genus of substance—is proper to substantial forms, while constituting the suppositum in *esse* is shared between substantial and accidental forms. Accidental forms, by contrast, do not place the suppositum in the genus of accidents. From these remarks, Giles concludes that accidental forms possess an essential order to their sup-positum but retain an accidental mode. Christ's human nature places the suppositum of the Word in the genus of substance but does not constitute the suppositum in *esse*. Since the former function is proper to essential unions, Christ's human nature must be essentially united to the suppositum of the Word. Yet this does not prevent Christ's human nature from having "a certain accidental mode with respect to the

[43] Aegidius Romanus, *Reportatio* III, q. 18: "secundum Damascenum, post assumptionem Dei <ypostasis> dicitur composita propter remotionem erroris qui posuit quod natura creata facit propriam ypostasim. Ad hoc removendum dicit quod ypostasis est composita, id est sustentat duas naturas."

divine suppositum even though it is not an accident."[44] Giles thus develops Thomas's understanding of composition and *esse* through language reminiscent of William of Auxerre and Franciscan Christologies.

VI. Matthew of Aquasparta's Denial of Hypostatic Composition

Matthew of Aquasparta's *Quaestiones de incarnatione* offer great insight into late-thirteenth-century views of Christ's *esse* and the question of personal composition.[45] In questions 8 and 9, Matthew repeatedly denies that the union in Christ can be denominated composition and that Christ can be called composite. Given that Matthew affirms a plurality of *esse* in Christ, his take on Christological composition appears fundamentally opposed to the views of Thomas and Giles. Yet though he arrives at completely different conclusions from them, he shares with them the same basic assumptions about the relationship of *esse* and composition. In addition to reflecting philosophical differences, Matthew's conclusions reflect different Christological concerns related to the mode of union.

It is important to note that questions 8 and 9 address composition in the process of examining other topics. Question 8 investigates the possibility of a union between created and uncreated natures; question 9 covers the number of *esse* in Christ. These questions consider composition both in reaction to the views of Thomas and Giles and as a means of reverentially interpreting John Damascene. The second thing worth noting is

[44] Aegidius Romanus, *Reportatio* III, q. 19: "Intelligendum tamen quod non est inconveniens quod natura humana habeat aliquem modum accidentalem respectu subpositi divini, licet non sit accidens." Giles repeats this notion in *Quodlibet* 5, q. 3.

[45] See Zachary Hayes, "The Plurality of *Esse* in Christ according to Matthew of Aquasparta," in *Essays Honoring Allan B. Wolter,* ed. W. Frank and G. Etzkorn (St. Bonaventure, N.Y.: The Franciscan Institute, 1985), 131-52. Hayes sets Matthew's reflections on Christ's *esse* within the larger context of debate regarding unicity or plurality of substantial form. The *Quaestiones de incarnatione* were probably written between 1281 and 1285. For an orientation to Christological debates in the wake of the 1277 condemnations at Paris, see J. Wawrykow, "Thomas Aquinas and Christology after 1277," in *Nach der Verurteilung von 1277,* ed. J. Aertsen, K. Emery, A. Speer (Berlin and New York: Walter de Gruyter, 2001), 299-319.

how Matthew develops the arguments of both questions around composition. He takes great care to distinguish union from composition, denying on a variety of grounds the applicability of composition to the Incarnation.[46] On the basis of this strong denial, Matthew then defends multiple *esse* in Christ because a single-*esse* view would imply composition.

Matthew slowly crafts a definition of composition throughout question 8. We first learn that composition is one of the seven modes of union found in natural things, a union in which essential principles, such as matter and form or body and soul, are united. Matthew specifies later that the union of essential principles in composition implies mutual inclination and dependence. Finally, Matthew notes that "composition properly names a conjunction of different things as they come together to constitute some other third."[47] The essential principles of a composite can thus be regarded as component parts in potency to composition and therefore as imperfect.[48] It is worth recalling that Giles takes great

[46] Matthew of Aquasparta, *De incarnatione,* q. 8: "When we say this union was made in unity of person, we do not mean that one composite person is made from two natures, as some say, but we mean that person, who was from eternity a suppositum of uncreated nature, is within time a suppositum of created nature, assuming to itself created nature, namely a true soul and true flesh, and personifying and substantiating it" ("Quod autem dicimus unionem hanc factam in unitate personae, non intelligimus, ut dictum est, ut ex duabus naturis fieret una persona composita, sed ut illa persona, quae ab aeterno fuit suppositum naturae increatae, esset ex tempore suppositum naturae creatae, naturam creatam in se assumens atque eam personans et substantificans, veram scilicet animam et veram carnem"). The Latin text is from Matthew of Aquasparta, *Quaestiones disputatae de incarnatione et de lapsu* (Quaracchi: Ex Typographia Collegii S. Bonaventurae, 1957).

[47] Matthew of Aquasparta, *De incarnatione,* q. 8, ad 1: "Union designates a simple conjunction of two different things; composition properly designates a conjunction of different things as they come to constitute some other third. Because component and constituent principles fit the definition of parts, they have a mutual dependence and inclination to each other and are in potency with respect to the composite. On account of this, they are imperfect. Composition is thus repugnant to the divine simplicity, but union is not" ("Unio ergo dicit simplicem coniunctionem aliquorum duorum; sed compositio proprie dicit coniunctionem aliquorum, prout conveniunt ad alicuius tertii constitutionem. Et quia principia componentia et constituentia habent rationem partis, habent mutuam dependentiam et inclinationem ad invicem, et sunt in potentia respectu compositi ac per hoc imperfecta, sic compositio repugnet divinae simplicitati, quod non unio").

[48] Richard of Middleton, though he grants that there is something similar to composition in Christ, rejects Christological composition on similar grounds. He writes: "A composite is constituted from parts and the actual subsistence of the whole is caused from these [parts] [*compositum enim constituitur ex partibus et ex illis causatur actualis subsistentia totius*]," and adds that it "is certain that the person of Christ is not composed of parts [*certum est*

pains to explain a nonderogatory composition that implies in the Word no imperfection, no potency, no inclination, and no dependence on the assumed nature. Matthew spends no time entertaining such a broad notion of composition and instead proceeds directly to a denial of Christological composition based strictly upon an understanding of natural composition.

Matthew's fundamental reason for denying Christological composition is the divine simplicity. Since composition implies a mutual dependence of imperfect component parts otherwise in potency to composition, composition is wholly repugnant to God's perfect and absolute simplicity. Refusing composition requires Matthew to confront assertions to the contrary from the Damascene and to specify his own understanding of the hypostatic union. As we have seen, the Damascene was the authoritative source for affirmations of hypostatic composition; Matthew answers these affirmations as follows:

> Union according to hypostasis is defined by the Damascene thus, "Union according to hypostasis is one thing subsisting from different natures"; but this definition does not befit that union but rather fits to one [i.e. union] according to composition. But [hypostatic union] is defined otherwise [by the Damascene]: "Union according to hypostasis is a union of diverse natures in one person." Again: "Union according to hypostasis is a nature coming to (*occurrens*) another hypostasis." These two definitions befit that most sacred union.[49]

According to Matthew, the Damascene did not always distinguish with sufficient clarity between hypostatic composition and hypostatic union. Though the Damascene occasionally defines hypostatic union loosely or improperly, that is, in a manner befitting hypostatic composition, he also offers precise and proper

autem quod persona Christi non est composita ex partibus]" (*in* III, d. 6, pars 2, q. 3). Quotations are from Richardus de Mediavilla, *Sacre theologie doctoris eximi Richardi de Mediavilla . . . In tertium sententiarum questiones solidissime* (Venice: per Lazarum Soardum, 1509).

[49] Matthew of Aquasparta, *De incarnatione,* q. 8: "Unio autem secundum hypostasim sic definitur a Damasceno, ubi supra, <<Unio secundum hypostasim est ex differentibus naturis subsistens res>>; sed ista definitio isti unioni non convenit, convenit autem ei quae est secundum compositionem. Sed definitur aliter ab eodem: <<Unio secundum hypostasim est unio diversarum naturarum in una persona>>. Rursus: <<Secundum hypostasim unio est alteri hypostasi occurrens natura>>. Ista duae definitiones conveniunt illi sacratissimae unioni."

definitions of hypostatic union. Matthew drives a wedge between these definitions, a wedge that stipulates a sharp break between hypostatic composition and hypostatic union. This sharp break adds a much-needed specification to an orthodox conception of hypostatic union, which according to Matthew seems jeopardized by terminological and conceptual imprecision in Thomas and Giles.

Mathew purposefully departs from earlier treatments by affirming a plurality of *esse* in Christ, and he does so at least in part on the basis of his understanding of composition. After summarizing the reasons why some limit *esse* in Christ to one alone (following the basic lines of Thomas's *Summa Theologiae* III, q. 17, a. 2), he makes the strong assertion in question 9 that a single-*esse* view "is repugnant to the truth of the incarnation, to the integrity of perfection in Christ and to the truth of his life and death."[50] Matthew argues that Christ is truly a human being and so must, on account of his possession of true human nature, possess 'to be a human being' (*esse hominem*). The claim seems to be that only possession of something existing, of something real, allows for true and meaningful predication based upon that possession or instantiation. Truly and meaningfully predicating human nature of the Word requires that the human nature possess some *esse*.[51] Matthew also examines the truth of the human nature itself and concludes that a true human nature requires a composite in which the soul gives *esse* to the body (as form informing and giving *esse* to matter) or to the composite whole in which some *esse* results from the composition of form and matter. Though composition must be ruled out at the hypostatic level, composition must be granted between Christ's soul and body.[52]

[50] Matthew of Aquasparta, *De incarnatione,* q. 9: "quoniam repugnat veritati incarnationis, integritati perfectionis in Christo et veritati vitae et mortis."

[51] Cross presents this as the truth-making function of *esse* and argues that for Matthew and others the truth-making function depends upon some independent *esse* of Christ's human nature (Cross, *Metaphysics of the Incarnation,* 29-50, 64-66, 80-83).

[52] Matthew of Aquasparta, *De incarnatione,* q. 9: "Sed manifestum est quod nulla esset compositio, nec esset aliquod compositum ex materia et forma, nisi forma daret esse materiae vel compositio, vel ex materia et forma aliquod esse resultaret. Si igitur Christus est perfectus homo, compositus et subsistens ex anima et carne, necessario anima dat esse illi composito et ex unione sui cum corpore aliquod esse resultat."

Matthew later writes, in an interesting development of the standard Boethian terminology, that when a nature exists in an alien suppositum the substance itself becomes 'that which is'.[53] Christ's human nature possesses *esse* according to its proper substance; if it were separated from the person of the Word, it would have its own suppositum without acquiring any new *esse*. The *esse* it already possesses as a substance (*id quod est*) would be the *esse simpliciter* of its suppositum were its dependence on the Word to be removed. Though this might seem to imply some completely independent existence for Christ's human nature, Matthew's theory of plurality of substantial forms ordered under the highest form provides resources for explaining the order of Christ's human *esse* to his divine *esse*. Christ's human *esse* is distinct from his divine *esse* but not completely independent from, because it is ordered to, that divine *esse*.

The task for advocates of a single *esse* in Christ is to explain the truth and integrity of Christ's two natures in light of his single *esse*. The task for Matthew and other advocates of plural *esse* in Christ is to explain the unity of Christ as one existent subject in light of his plural *esse*. Matthew responds in part by appeal to a plurality of substantial forms.[54] He presents the common judgment of the masters at Paris that "in one and the same human being there are multiple *esse* because [there are] multiple substantial forms perfecting [the human being] according to diverse grades of being and through which [the human being] is placed in diverse

[53] Matthew of Aquasparta, *De incarnatione*, q. 9, ad 7: "I say that when a nature is substantiated in its own suppositum, 'that which is' is the suppositum. When [a nature is substantiated] in an alien suppositum, as in the proposition, 'that which is' is the substance itself, which indeed has its substantial *esse* through its substantial principle yet has it in another. This is singular in Christ" ("Dico quod ubi natura substantificatur in proprio supposito, 'illud quod est' est suppositum; ubi autem in supposito alieno, sicut in propositio, 'illud quod est' est substantia ipsa, quae quidem habet esse suum substantiale per principia substantialia, sed tamen in alio, et hoc est singulare in Christo").

[54] On this see Hayes, "The Plurality of *Esse* in Christ according to Matthew of Aquasparta," 146-50. For a detailed investigation of medieval debates about unicity and plurality of substantial form, including relevant texts and some discussion of Matthew, see R. Zavalloni, *Richard de Mediavilla et la controverse sur la pluralité des formes* (Louvain: Éditions de l'Institut Supérieur de Philosophie, 1951). Zavalloni includes an excerpt from Matthew's *Quaestiones de anima* (ibid., 199-210). His discussion of Matthew is more than passing but not very extensive (see ibid., 310-30).

genera ordered by grade."[55] According to this common judgment, human beings possess a form of substance placing them in the genus of substance, a vegetative form placing them in the genus of living things, a sensitive form placing them in the genus of animals, and an intellective form placing them in the human species. Each substantial form gives *esse* to its suppositum, but only the ultimate and specific form gives complete *esse*. The diverse substantial forms and the diverse *esse* are ordered toward their completion by the ultimate form and the complete *esse*. In each and every human being there are plural *esse* following the plurality of substantial forms within an ordered whole.

Matthew utilizes the plurality of substantial form to provide a loose model or framework for the presence of diverse and ordered *esse* within the one Christ. Though Christ's possession of divine *esse* and human *esse* is without exact parallel, each human being's possession of multiple *esse* demonstrates the possibility of one existent subject with plural *esse*. Matthew distinguishes individual or personal *esse* from substantial or essential and specific *esse*. One existent subject can only have one individual *esse* but can have multiple substantial or essential *esse*. Applied to the Incarnation, this theory allows that Christ possessed one individual or personal *esse,* namely, the divine *esse* of the Word, and multiple substantial or essential *esse*.[56] A "suppositum has substantial *esse* through an essence, and an essence has personal *esse* in a suppositum."[57] The suppositum in Christ has *esse humanum* through the human nature assumed, and the assumed human nature has personal *esse* in the divine Word. Though Matthew shares several basic assumptions with Philip, Albert, Thomas, and Giles, he employs those assumptions to express very different views on composition

[55] Matthew of Aquasparta, *De incarnatione,* q. 9: "Rursus, quilibet homo, quamvis unus homo sit, tamen in uno et eodem homine sunt plura esse, quia plures formae substantiales, perficientes secundum diversos gradus essendi, et per quas reponitur in diversis generibus gradatim ordinatis, secundum communem sententiam Magistrorum Parisiensium."

[56] Ibid., q. 9, ad 6: "Ad sextum dicendum quod ab unitate esse individualis vel personalis dicitur res una, non ab unitate esse substantialis, quoniam in eodem supposito vel individuo sunt et possunt esse, ut praedictum est, plura esse."

[57] Ibid., q. 9, ad 5: "unde et suppositum habet esse substantiale per essentiam, et essentia habet esse personale in supposito."

and *esse*, offering a substantially diverse interpretation of the Lombard's second opinion.

VII. Conclusions

What accounts for the difference between Philip the Chancellor and Matthew of Aquasparta regarding composite hypostasis? The present study began with this question and sought to answer it through examination of Albert the Great, Thomas Aquinas, and Giles of Rome. Though Matthew disagrees with their conclusions regarding composition and *esse*, his basic approach owes very much to his immediate predecessors. At the most fundamental level, these theologians all support the Lombard's second opinion on the mode of union in Christ, affirm the divine person of the Word as the one person in Christ, and hold that Christ's two perfect natures remain distinct in their hypostatic union. With increasing precision, Philip, Albert, Thomas, and Giles take these fundamental points to imply Christological composition and a single *esse* in Christ. Mathew takes them to imply the opposite.

The philosophical landscape changed starkly between Philip and Matthew. Philip was part of a trend toward a more existential understanding of being, a trend fulfilled in Albert and Thomas. Some commentators see in Giles a shift back to essentialist understandings of being.[58] Whether or not this is accurate, Giles's presentation of a real distinction between essence and *esse* sparked diverse approaches to their relationship, including an intentional distinction (Henry of Ghent), a purely logical or rational distinction (Godfrey of Fontaines), and a formal distinction (John Duns Scotus).[59] Dominant opinion turned against the unicity and

[58] To varying degress, this is true in E. Hocedez, "Gilles de Rome et Henri de Grand sur la distinction réelle (1276-1287)," *Gregorianum* 8 (1927): 358-84; J. Paulus, "Les disputes d'Henri de Grand et de Gilles de Rome sur la distinction de l'essence et de l'existence," *Archives d'histoire doctrinale et littéraire du moyen-âge* 13 (1940-42): 323-58; P. Nash, "Giles of Rome on Boethius' 'Diversum est esse et id quod est,'" *Mediaeveal Studies* 12 (1950): 57-91; and idem, "The Accidentality of Esse according to Giles of Rome," *Gregorianum* 38 (1957): 103-15.

[59] No one has written more and better about medieval discussions of the relationship between *esse* and essence than John Wippel. See J. Wippel, *The Metaphysical Thought of Thomas Aquinas: From Finite Being to Uncreated Being* (Washington, D.C.: The Catholic

toward the plurality of substantial form. These philosophical developments certainly go some way in explaining the difference between Philip and Matthew, but reducing this difference to strictly philosophical disagreements ignores the theological framework in which these disagreements were aired. Intent on defending and elaborating Christological orthodoxy, thirteenth-century theologians attuned philosophical categories to theological commitments, making subtle adjustments to their presentation of the mode of union in order to eliminate error.

Thirteenth-century discussions of the mode of union took their basic form from Peter Lombard's three opinions (III *Sent.*, d. 6). Though the second opinion received nearly universal support, it was understood differently depending upon what were considered the greatest Christological dangers. Proponents of the second opinion always combated the first and third opinions, commonly designated in modern scholarship the *assumptus* theory and the *habitus* theory.[60] The third opinion, by the end of the twelfth

University of America Press, 2000); *Metaphysical Themes in Thomas Aquinas* (Washington, D.C.: The Catholic University of America Press, 1984); "The Relationship Between Essence and Existence in Late-Thirteenth-Century Thought: Giles of Rome, Henry of Ghent, Godfrey of Fontaines, and James of Viterbo," in *Philosophies of Existence: Ancient and Medieval,* ed. P. Morewedge (New York: Fordham University Press, 1982); *The Metaphysical Thought of Godfrey of Fontaines: A Study in Late Thirteenth-Century Philosophy* (Washington, D.C.: The Catholic University of America Press, 1981); "Godfrey of Fontaines and Henry of Ghent's Theory of Intentional Distinction between Essence and Existence," in *Sapientiae procerum amore: Mélanges médiévistes offerts à Dom Jean-Pierre Müller O.S.B.*, ed. T. W. Köhler (Rome, 1974), 298-304; "Godfrey of Fontaines and the Real Distinction between Essence and Existence'" *Traditio* 20 (1964): 385-410. See also Cross, *Metaphysics of the Incarnation*, 246-69; and A. Vos, *The Philosophy of John Duns Scotus* (Edinburgh: Edinburgh University Press, 2006), 273-79.

[60] These names were proposed in B. Barth, "Ein neues Dokument zur Geschichte der frühscholastischen Christologie," *Theologische Quartalschrift* 100 (1919): 409-26; and 101 (1920): 235-62. Barth's nomenclature depends upon a specific interpretation regarding what is most essential to each opinion. Barth presented the first opinion as the "*assumptus* theory," but it is now often referred to as the "*homo assumptus* theory," a trend signaling the triumph of several medieval interpretations of the first opinion, which tended to associate *homo assumptus* with the first opinion (compare Barth, "Ein neues Dokument," 423; Nielsen, *Theology and Philosophy in the Twelfth Century,* 247). The connotations of *homo assumptus* changed in the twentieth century through the writings of Déodat de Basly. For a rich treatment and evaluation of the expression *homo assumptus* from patristic reflections to the early twentieth century, see A. Gaudel, "Chronique de théologie dogmatique: La théorie de l'<<Assumptus Homo>>. Histoire et valeur doctrinale," *Revue des sciences religieuses* 17 (1937): 64-90, 214-34; and 18 (1938): 45-71, 210-217. For discussions of the first and third opinions, see the sources indicated in note 2, above.

century, came to be associated with the condemned position that Christ according as man was not something (*Christus secundum quod homo non est aliquid*).[61] This association led to the uniform rejection of the third opinion in fairly summary fashion, a standard criticism being that the third opinion denied any true union between Christ's soul and body. The live Christological concerns by the middle of the thirteenth century related to the number of hypostases or supposita in Christ. Bonaventure, Thomas Aquinas, and Peter of Tarentaise, for example, dedicated considerable energy to attacking the first opinion and any semblance of multiplying the subjects in Christ. Viewing the first opinion as the gravest threat certainly did not prevent Bonaventure, Thomas, or Peter from stressing the truth, integrity, and perfection of Christ's human nature. In the *Tertia Pars* (*STh* III, q. 2, a. 6), Thomas famously argued that the first and third opinions are not valid opinions but rather heresies long condemned, essentially new versions of Nestorianism.[62] He held that proponents of the first opinion unwittingly slid into heresy by failing to discern the relationship between person, hypostasis, and suppositum and by ultimately affirming two subjects in Christ.[63]

Matthew of Aquasparta certainly agrees with his mid-century predecessors that any multiplication of persons, hypostases, or supposita in Christ must be rejected. Yet, Matthew argues that

[61] Pope Alexander III condemned the *non-est-aliquid* position in 1170 (*Cum in nostra*) and again in 1177 (*Cum Christus*). For the texts of these condemnations, see *Enchiridion Symbolorum, Definitionum et Declarationum de Rebus Fidei et Morum*, ed. H. Denzinger and A. Schönmetzer, 36th ed. (Barcelona, Freiburg, Rome: Herder, 1976), nn. 749-50. See also M. Colish, "Christological Nihilianism in the Second Half of the Twelfth Century," *Recherches de théologie ancienne et médiévale* 63 (1996): 146-55; J. Châtillon, "Latran III et l'enseignement christologique de Pierre Lombard," in *Troisieme concile de Latran (1179)* (Paris: Étude augustiniennes, 1982), 75-90.

[62] Aquinas, *STh* III, q. 2, a. 6: "Both of those opinions [i.e., the first and the third] fall into the heresy of Nestorius. The first, indeed, because it posits two hypostases or two supposita in Christ, which posits two persons. . . . The other [i.e., third] opinion falls into the error of Nestorius in as much as it posits an accidental union" ("Utraque autem harum opinionum incidit in haeresim Nestorii. Prima quidem quia idem est ponere duas hypostases vel duo supposita in Christo, quod ponere duas personas….Alia vero opinio incidit in errorem Nestorii quantum ad hoc quod posuit unionem accidentalem")." The Latin text is from Thomas Aquinas, *Summa theologiae*, vol. 4 (Ottawa: Commissio Piana, 1941).

[63] Thomas's rejection of the first opinion as heretical went far beyond the more standard rejection of the first opinion as plausible but false or as incoherent.

positing a single *esse* and hypostatic composition in Christ excludes this multiplication only at great risk to the integrity of Christ's human nature. One of Matthew's arguments for multiple *esse* in Christ notes that form gives *esse* to matter in their union. Thus, the union of soul and body in Christ must result in some *esse,* some purely human *esse*.[64] Denial of this purely human *esse* amounts to a denial of the true union between Christ's soul and body, and this denial amounts to a new version of the third opinion. Thomas, Peter, and Giles all expressly affirm a union of body and soul in Christ, but Matthew fears this express affirmation is contradicted by the denial of multiple *esse* and by the affirmation of Christological composition. Furthermore, Matthew employs his understanding of the plurality of substantial form to explain Christ's possession of multiple *esse* ordered to one final and complete *esse* of the one person of the Word. The plurality of substantial form both inspires Matthew's affirmation of multiple *esse* in Christ and allows him to dismiss or to refute the arguments linking *esse* with existing subject. Matthew's rejection of Christological composition thus depends upon his specific philosophical commitments but is intended to combat the dangers of the third opinion and its denial of Christ's perfect humanity. Attention to the grave threat posed by the third opinion or by any denial of Christ's true and integral humanity leads Matthew to formulate the second opinion in a way different from his predecessors.

This renewed concern to combat the third opinion, especially in its supposed denial of any true unity between Christ's soul and body and in its consequent denial that Christ as man is something (*Christus secundum quod homo est aliquid*), represented a significant turn in construing the Lombard's second opinion and influenced subsequent presentations. More specifically, this renewed concern shifted perspectives on Christological composition, resulting in restriction of composition to the parts of Christ's human nature. Stressing the composition of Christ's soul and body lent itself naturally to affirmation of multiple *esse* in

[64] Parallels to Matthew's argument can be found in Henry of Ghent, *Quodlibet* I, q. 3; and Godfrey of Fontaines, *Quodlibet* 8, q. 1.

Christ, but it also necessitated careful reevaluation of John Damascene's expression 'composite hypostasis'. Theologians sought to preserve what they took to be the sense of the Damascene's Christology and of the Lombard's second opinion while purposefully rejecting their terminology. As early as Bonaventure, Scholastics voiced reservations about the expression 'composite hypostasis' and sought means to distance it from the second opinion. When Thomas forged a close connection between composition and *esse,* he established a new framework of debate on both topics, affirming hypostatic composition and a single *esse* as defining characteristics of the second opinion. Matthew of Aquasparta accepted the connection between composition and *esse* but applied it to Christ's human nature as composite, shifting the focus of attention and altering the chief characteristics of the second opinion. Though Christological composition has received less attention than debates about Christ's *esse,* it is equally illustrative of the way in which Scholastic theologians understood the Lombard's second opinion during the thirteenth century.

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ACT, POTENCY, AND ENERGY

THOMAS MCLAUGHLIN

St. John Vianney Theological Seminary
Denver, Colorado

ENERGY IS ARGUABLY the most encompassing and fundamental physical notion in modern science. Physicists speak of energy with respect to all four fundamental forces of nature: gravity, electromagnetism, and the strong and weak nuclear forces. Motion and heat have energy. Mass is a form of energy. More recently, astronomers have discovered dark energy, whose nature is largely unknown but which makes up seventy-four percent of the universe. The Law of the Conservation of Energy is one of the most important physical laws. The notion of energy is found not only in physics and astronomy but also in chemistry and in the earth and life sciences. Analogically, it is used in economics and other such disciplines, and it is, of course, enormously important in public policy.

Etymologically, the word "energy" comes from Aristotle. *Energeia,* from *en,* meaning "in," and *ergon,* meaning "work," is a transliteration of a word invented by Aristotle and signifies a basic principle in his philosophy.[1] In Thomas Aquinas's Latin, this term is rendered as *actus, operatio,* or *agere*. The Greek and the Latin terms are commonly translated into English as "act," "actuality," or "activity."[2] The notions of work, kinetic energy,

[1] "Energy, from the Greek *energeia* (*en,* in; *ergon,* work), originally a technical term in Aristotelian philosophy denoting 'actuality' or 'existence in actuality,' means, in general, activity or power of action" (*The Encyclopedia of Philosophy,* ed. Paul Edwards [New York: Macmillan Publ. Co., 1967], s.v. "energy").

[2] For the meaning and translation of the term *energeia* and its relation to the term *entelecheia,* see the following: Rémi Brague, "Aristotle's Definition of Motion and Its Ontological Implications," trans. Pierre Adler and Laurent d'Ursel, *Graduate Faculty*

form, and potential energy also have roots in Aristotle's philosophy. Aristotle uses the term κίνησις for any of the three different kinds of motion and sometimes even more generally to include substantial change. "Form" is another basic principle in Aristotelian philosophy, and energy comes in different forms. "Potential," "potentiality," or "potency" is the correlative of *energeia* and *entelecheia* and from it William Rankine drew the term "potential energy," which he first introduced into physics in 1853.[3] According to Rankine,

> The step which I took in 1853, of applying the distinction between "Actual Energy" and "Potential Energy," not to motion and mechanical power alone, but to all kinds of physical phenomena, was suggested to me, I think, by Aristotle's use of the words δύναμις and ενέργεια.[4]

The great nineteenth-century physicist James Clerk Maxwell noted Rankine's introduction of the term and understood it in a remarkably Aristotelian way:

> Rankine introduced the term Potential Energy—a very felicitous expression, since it not only signifies the energy which the system has not in actual possession, but only has the power to acquire, but it also indicates its connexion with what has been called (on other grounds) the Potential Function.[5]

Philosophy Journal 13 (1990): 1-22; Joseph Owens, C.Ss.R., "Aristotle—Motion as Actuality of the Imperfect," *Paideia* (1978): 120-32; George A. Blair, "The Meaning of 'Energeia' and 'Entelecheia' in Aristotle," *International Philosophical Quarterly* 7 (1967): 101-17.

[3] "As the phrase 'Potential Energy,' now so generally used by writers on physical subjects, was first proposed by myself in a paper 'On the General Law of the Transformation of Energy,' read before the Philosophical Society of Glasgow, on the 5th of January, 1853 . . ." (William Rankine, "On the Phrase 'Potential Energy,' and on the Definitions of Physical Quantities" [1867] in *Miscellaneous Scientific Papers,* ed. W. J. Millar [London: Charles Griffin and Co., 1881], 229). Rankine also asserts that the scientific meaning of "energy," which was first introduced by Thomas Young in 1807, harmonizes "perfectly with the etymology of ενέργεια" (ibid., 230).

[4] William Rankine, "On the History of Energetics," *The London, Edinburgh, and Dublin Philosophical Magazine and Journal of Science* 28, fourth Series, no. 190 (London: Taylor and Francis, 1864), 404.

[5] James Clerk Maxwell, *Matter and Motion* (1877), with notes and appendices by Sir Joseph Larmor (Mineola, N.Y.: Dover, 1991), 77.

The overt terminology, its etymology, and its historical origin suggest that energy may be an instance of Aristotelian (or Thomistic) actuality and that potential energy is an instance of Aristotelian (or Thomistic) potentiality.

Perhaps more significantly, the ordinary meaning of the term "energy" also suggests that it is an instance of actuality. According to the physicist A. P. French,

> Everyone, whether a scientist or not, has an awareness of energy and what it means. Energy is what we have to pay for in order to get things done. The word itself may remain in the background, but we recognize that each gallon of gasoline, each Btu of heating gas, each kilowatt-hour of electricity, each car battery, each calorie of food value, represents, in one way or another, the wherewithal for doing what we call *work*. We do not think in terms of paying for force, or acceleration, or momentum. *Energy* is the universal currency that exists in apparently countless denominations; and physical processes represent a conversion from one denomination to another.[6]

Energy as the wherewithal for doing work is here commonly identified with activity. Things are active and make physical processes happen insofar as they have energy, which brings to mind the basic Thomistic notion that a thing acts only insofar as it is in act. Things undergo various energy transformations, which indicate principles of potency, though here French does not explicitly use the term "potential energy."

Following these indications, I shall argue that through the notion of energy the Aristotelian (or Thomistic) principles of act and potency are present in the modern scientific understanding of nature. Given the scope and depth of the subject, my treatment will be somewhat limited. I begin by briefly addressing two general concerns: the antiquated status of Aristotle's natural science and the late emergence of the notion of energy in modern science. The largest portion of the paper is devoted to the notions of work, kinetic energy, and gravitational potential energy in prerelativistic physics. I will argue that kinetic energy is an instance of the Thomistic notion of the act or activity of motion, that gravitational potential energy is an instance of Thomistic

[6] A. P. French, *Newtonian Mechanics* (New York: W.W. Norton & Co., 1971), 367.

potentiality, specifically passive potentiality, and that the energy content of a body at rest is an instance of the Thomistic notion of a motionless action, an unchanging activity of rest.

I. The Historical Status of Aristotle's Natural Science

The claim that the scientific notion of energy is an instance of the principles of act and potency may seem to many thinkers to be drawing upon something archaic and obsolete because much of the physical science accepted by Aquinas was long ago shown to be erroneous. Even more significantly, physical science has advanced in many ways and to an extent far beyond the science of Aquinas's time. Indeed, we speak of the Scientific Revolution as something that happened between his time and ours. However, an important distinction needs to be made. The very general explanatory principles of a work such as Aristotle's *Physics* or *Metaphysics* should be distinguished from the more specific principles that one finds in works such as Aristotle's *De caelo* and *Meteorology* or Ptolemy's *Almagest*. The principles of act and potency, and other principles such as form and matter, are of such generality that they are largely independent of the more specific ancient and medieval sciences in which they were originally instantiated.[7] The truth of the principles of act and potency does not depend upon Aquinas's views about gravity, levity, projectile motion, the elements, the celestial spheres, or the location of the earth. Thus, the limitations and errors of the specific ancient and medieval disciplines do not show that Aquinas's more general principles are false.

In addition, a general work such as Aristotle's *Physics* depends upon common observation and not upon the specific kinds of observations, equipment, and methodologies used by more specific sciences. Consequently, Aquinas's general principles need not be rejected on account of the theories of Newtonian and Relativistic physics, for, again, our knowledge of principles such as act and

[7] The distinction is extensively developed in Vincent E. Smith, *General Science of Nature* (Milwaukee: Bruce Publ. Co., 1958). See also Michael Augros, "A 'Bigger' Physics," Institute for the Study of Nature website (http://www.isnature.org/Files/Augros_2009-Bigger_Physics.htm).

potency does not depend upon the investigations of the specific scientific disciplines. The principles of act and potency are drawn from much more general investigations of nature and being. Indeed, since act and potency are fundamental principles of nature and being, scientists may discover, without recognizing it, specific instances of these general principles in the course of pursuing their own goals and doing their own work. Similarly, philosophers may not recognize dramatic specifications of their own general principles in the discoveries of the modern sciences. On the thesis argued for here, the notion of energy offers a highly specified Aristotelian or Thomistic way of thinking about and understanding the natural world. Correlatively, principles such as those found in Aristotle's *Physics* or *Metaphysics* provide the specific sciences with a theory of energy, a general framework in light of which energy and its corresponding notions can be further understood. Indeed, since some kind of general framework is unavoidable, we should speak of "theories of energy," using the plural in the way that John Paul II famously spoke of theories of evolution, the different theories being differentiated by the different natural philosophies upon which they draw.[8]

II. The Late Emergence of the Notion of Energy in Modern Science

The Aristotelian character of the notion of energy has been obscured in part by the rather late emergence of the notion of energy in modern science. It is not present in Newton's *Principia* or elsewhere in his work, although it is now part of what is called

[8] John Paul II also distinguished different theories of evolution by the different mechanisms of evolution that they posit. John Paul II, "Message to the Pontifical Academy of Sciences: On Evolution," available in the EWTN Document Library (http://www.ewtn.com/library/PAPALDOC/JP961022.HTM).

Newtonian physics.[9] According to the historian of science Max Jammer,

> [E]nergy considerations were rarely found in theoretical or even practical mechanics prior to the middle of the nineteenth century. Before the development of the steam engine and the rise of thermodynamics, industry had little interest in energy calculations: force, not its integrated form, counted in the use of simple machines. The primary object of theoretical mechanics, moreover, was still celestial dynamics, where, again, energetics was of little avail. This certainly is also one of the reasons why Newton's *Principia* contains practically no reference to the concept of energy or to any of its applications. According to Ernst Mach . . . the delay of the development of energetics as compared with that of general mechanics stemmed from what he called "trifling historical circumstances," namely, the fact that in Galileo's investigations of free fall, the relationship of velocity and time was established before the relationship between velocity and distance, so that, as multiplication with mass shows, the notions of quantity of motion or momentum and force gained priority and were regarded as more fundamental than the concept of energy, which thus appeared as a derived conception. Whatever the reason for energetics' lagging behind Newtonian mechanics, it is an indisputable fact that the concept of energy became a subject of discussion among philosophers rather than among physicists or mechanicians.[10]

The notion of energy was not fully accepted into the sciences until the mid-1800s, long after the rejection of Aristotle during the Scientific Revolution and 160 years after the first publication of the *Principia*.[11] Since the notion of energy emerged in the context

[9] "In the whole of the *Principia*, with its awe-inspiring elucidation of the dynamics of the universe, the concept of energy is never once used or even referred to! For Newton $F = ma$ was enough. But we shall see how the energy concept, although rooted in $F = ma$, has its own special contributions to make" (French, *Newtonian Mechanics,* 368). See also Isaac Newton, *The Principia. Mathematical Principles of Natural Philosophy. A New Translation,* trans. I. Bernard Cohen and Anne Whitman assisted by Julia Budenz; preceded by I. Bernard Cohen, "A Guide to Newton's Principia" (Berkeley: University of California Press, 1999), 119-22.

[10] *Encyclopedia of Philosophy,* s.v. "energy"

[11] Ibid., 513. What we now call kinetic energy was discovered by Christiaan Huygens and by Gottfried Leibniz, who called it *vis viva*. Huygens derived the quantity mv^2 from Galileo's kinematics of freefall. Leibniz generalized the notion of *vis viva* in a way that proved extremely important for the eventual discovery and formulation of the principle of the conservation of energy. See G. W. Leibniz, *Discourse on Metaphysics* (1686), trans. George Montgomery (1902) (La Salle, Ill.: Open Court Publishing, 1988), 29-32; Richard S. Westfall, *Force in Newton's Physics* (New York: American Elsevier Publishing Company, 1971), 284, 292; H. G. Alexander, "Introduction," in *The Leibniz-Clarke Correspondence,* ed. H. G. Alexander (New York: Barnes and Noble, 1956), xxvi, xxix-xxxii; *Encyclopedia of*

of a well-established and mechanistically understood Newtonian physics, its Aristotelian character was obscured.[12]

III. Work, Kinetic Energy, and Gravitational Potential Energy

In the modern sciences, energy is often defined as the ability to do work.[13] In classical physics, the work done on a body equals the force applied to it multiplied by the distance over which the force acts on the body. Mathematically, this may be expressed as $W = Fx$ where W equals the work, x equals the distance over which the force acts on the body, and F equals the force acting on the body along x. If the force acts in the same direction as the body's displacement, then the work is said to be positive. When the force acts in a direction that is the opposite to that of the body's displacement, then the work is said to be negative. Gravity, for example, does negative work on a projectile thrown upwards and positive work on a falling body. The work done does not depend upon the time it takes to do the work. If the force and the distance are the same, an equal amount of work is done on a body whether it takes an hour or only a minute. The amount of work done by a force also depends upon the reference frame from which it is determined.[14]

Work is related to kinetic energy, the energy of motion.[15] It is a body's capacity to do work in virtue of its velocity, though it does not depend upon the direction of motion. Mathematically,

Philosophy, s.v. "energy"

[12] "The major theme of the development of physics in the nineteenth century is the way in which theoretical innovations—the concept of the physical field, the theory of the luminiferous and electromagnetic ether, and the concepts of the conservation and dissipation of energy—were formulated according to the mechanical view of nature, which supposed that matter in motion was the basis of all physical phenomena" (P. M. Harman, *Energy, Force, and Matter: The Conceptual Development of Nineteenth-Century Physics* [Cambridge: Cambridge University Press, 1982], 2).

[13] The definition is controversial. See, for example, Robert L. Lehrman, "Energy Is Not the Ability to Do Work," *The Physics Teacher* 11 (Jan. 1973): 15-18; and Mario Iona, "Energy Is the Ability to Do Work," *The Physics Teacher* 11 (May 1973): 259, 313.

[14] Hans C. Ohanian, *Physics,* vol.1 (New York: W.W. Norton & Co., 1985), 154-61.

[15] Kenneth R. Atkins, *Physics,* 2d ed. (New York: John Wiley & Sons, 1970), 129.

a body's kinetic energy equals one half the mass of the body multiplied by its velocity squared ($\frac{1}{2}mv^2$). Thus, for example, a cannonball fired by a cannon has more kinetic energy than a ball of similar mass thrown by a shot putter with a lower velocity, and a bullet fired by a pistol has less kinetic energy than a cannonball traveling at the same velocity. In striking a target, the cannonball does more work than the bullet and more work than the shot put. However, in order to do work in virtue of its kinetic energy, a body must act upon something. A moving bullet that does not strike anything has kinetic energy but is not doing any work. Kinetic energy, like work, also depends upon the reference frame from which it is determined.[16]

Work and kinetic energy are also related according to the work-energy theorem which states that "*the work done on the particle by the net force equals the change in the kinetic energy*."[17] For example, in throwing a baseball, a pitcher does work on the ball. The change in the ball's kinetic energy from the beginning to the end of the pitch equals the amount of the work done on the ball by the net forces acting upon it over the interval of the pitch. In cases in which the speed of a body remains constant, the work done on the body equals zero. More generally, according to Hans Ohanian, "the kinetic energy represents accumulated work; it represents latent work which under suitable conditions can become active work."[18] Something with energy has work in it.[19] This relationship between kinetic energy and work—that kinetic energy does work insofar as it has work in it—exemplifies the Thomistic principle that a thing acts insofar as it is in act.

Kinetic energy and work are also related to potential energy. The focus here will be on gravitational potential energy, which is usefully illustrated by a suspended weight, such as an apple hanging from a tree. The potential energy of the apple depends upon its height above the ground and the force of gravity acting

[16] Ohanian, *Physics,* 1:162-64.

[17] Ibid., 1:162.

[18] Ibid., 1:163.

[19] "[S]omething with energy can be thought of as having 'work in' it" (Isaac Asimov, *Life and Energy* [New York: Avon Books, 1962], 4).

upon it. Expressed mathematically, the gravitational potential energy of the apple with respect to the ground equals *mgh* (for small displacements near the Earth's surface) where *m* is the mass of the apple, *g* is the acceleration produced by gravity near the surface of the Earth, and *h* is the height of the apple above the ground. Since *mg* equals the force of gravity on the apple, the apple's potential energy with respect to the ground equals the force of gravity on the apple multiplied by its height.[20] All other things being equal, the greater the apple's distance above the ground, the greater its potential energy. Also, the greater the force of gravity acting upon the apple through the distance with respect to which the potential energy is determined, the greater the potential energy. The same apple suspended the same distance above the surface of the Moon would have less potential energy because the Moon's gravity is weaker than the Earth's. Finally, the potential energy has a continuum of energy levels and corresponding energy states from the ground to the apple's position on the tree. As the apple falls, it moves through a continuum of decreasing levels of potential energy until it has zero potential energy upon striking the ground.[21]

In the apple example, the apple's potential energy is conveniently set to zero when the apple is on the ground. Though the zero point for potential energy can be set to other positions, the change in potential energy between any two positions will be the same. For this reason, physicists are usually concerned with the change in the potential energy rather than with the amount of potential energy itself.[22] In addition, potential energy is mutual. It belongs not just to one body but jointly to a system of bodies. In the example above, the mass of the Earth is so much greater than that of the apple that the Earth may be regarded as at rest and the potential energy as belonging to the apple, but properly speaking

[20] Ohanian, *Physics,* 1:164, 317, 321-22. The general Newtonian expression for gravitational potential energy is $-GMm/r$ where G is the universal constant of gravitation, M and m are the masses of the two respective bodies, and r equals the distance separating them.

[21] Harvey E. White, *Modern College Physics,* 6th ed. (New York: D. Van Nostrand Company, 1972), 159-61.

[22] The zero point for potential energy is often set at ∞ because as r goes to ∞, the force of gravity (GMm/r^2) and the gravitational potential energy ($-GMm/r$) go to zero.

the potential energy belongs not to the apple but to the Earth-apple system. Also, for there to be potential energy, the force with respect to which it is defined must be a conservative force. A force is conservative if the work done by it is path independent, that is, it does not depend on the path between two positions but only on the positions defining the endpoints of the path. A force is equivalently described as conservative if the work done on a body for any round trip between two positions is zero. Conservative forces are a function of position only. Gravity is a conservative force. Friction is an example of a force that is not conservative.[23] The distinction is important because all fundamental forces are conservative, and so a potential energy may be defined with respect to them.[24]

Work is related to potential energy. If the apple falls, the force of gravity does work on the apple from its position on the tree to the ground. In general, the longer the distance through which gravity acts on the apple and the stronger the force of gravity, the more work that is done. As the apple falls, the amount of work done by gravity increases, and the amount of potential energy decreases. Since the quantity of potential energy is decreased when gravity does positive work on the apple, the change in potential energy is negative. More generally, the change in the potential energy between two points equals the negative of the work done by gravity in acting upon something falling from one point to the other.[25]

IV. The Aristotelian Principle of Potency and the Principle of Potential Energy

[23] Ohanian, *Physics,* 1:164-65, 174-76, 190, 317.

[24] "Actually, all fundamental forces in nature are conservative. The notion of conservative forces has been introduced to exclude frictional forces. The frictional force, which is not a fundamental force, converts mechanical kinetic energy into heat. As is well known, heat is basically motion of the atoms constituting the warm body in question. If we could keep track of each and every atom, the law of conservation of energy would be generally true, and there would be no need for the introduction of friction forces, or nonconservative forces" (J. M. Knudsen and P. G. Hjorth, *Elements of Newtonian Mechanics,* 2d ed. [Berlin, Heidelberg, New York: Springer-Verlag, 1996], 173).

[25] Ohanian, *Physics,* 1:164, 176, 317.

Of course, Isaac Newton, Pierre-Simon Laplace, and many other classical physicists did not recognize a principle of potency in nature. Likewise, when Werner Heisenberg famously said that quantum mechanics gives Aristotelian potency a fundamental status in nature he was implicitly assuming that an Aristotelian principle of potency was not already present in classical physics. Nevertheless, through the notion of potential energy, an Aristotelian principle of potency is indeed present in classical physics.

According to Aquinas, "potentiality" means what can exist but does not, and "actuality" means what already does indeed exist.[26] Minimally, the distinction between what is and what can be is part of what is meant by the principles of actuality and potentiality. In addition, potentiality or potency can be either active or passive. An active potency is a capacity to act upon or bring about a change in another based upon what a thing actually possesses but may not be using. It is act of a thing by which it can operate on another.[27] It conforms in ordinary English usage to a power or to something potent. Since kinetic energy is energy that a body actually has and by which it can do work but may not be doing work, it is an active potency. Potential energy is a passive potency. A passive potency is the potency to be acted upon. It is a receptivity in a thing to have something done to it or brought about in it. It is a principle by which something can be made other than it is. Passive potency as such has no activity and does not act. A person who does not know any mathematics but can be taught it has a passive potency for mathematics. By contrast, the person who knows mathematics but is not using it has an active potency for mathematics. Henceforth, "potency," "potential," or "potentiality" will mean "passive potency."

[26] Thomas Aquinas, *De Principiis Naturae* ch. 1, in Joseph Bobik, *Aquinas on Matter and Form and the Elements: A Translation and Interpretation of the "De Principiis Naturae" and the "De Mixtione Elementorum" of St. Thomas Aquinas* (Notre Dame: University of Notre Dame Press, 1998), 1. See also Aquinas, III *Phys.,* lect. 2 (285); XI *Metaphys.*,lect. 9 (2289)

[27] See Aristotle, *Metaphys.* 5.3.1020a1-3; 5.8.1019a15-18, 33-35; 12.1.1046a19-25. Aquinas, IX *Metaphys.*, lect. 1 (1777); and V *Metaphys.*, lect. 14 (955-56).

The notion of passive potency requires further discussion since it is often confused either with active potency or with nonbeing, mistakes that will be important for the discussion of potential energy. Yves Simon uses the following example.[28] Consider a human infant and a monkey that are born on the same day. At birth, the human and the monkey know the same amount of geometry: none. The human baby is no better a geometer than the monkey. But they do differ with respect to geometry, for the human baby can become a geometer but the monkey cannot. Teaching Euclid and Pythagoras to the monkey is futile. But teaching geometry to the human may produce genuine geometrical knowledge, and twenty years later the human may be a geometer. The human infant has a potential for geometry; the monkey has no such potential. This potential is a reality that is present in the human but not in the monkey, for otherwise the human baby and the monkey would not differ with respect to geometrical knowledge. The human may become a geometer and will then be a geometer in act. The potency for geometry will have been actualized. Other human babies may be born on the same day but may never become geometers. Their potency to be geometers will then be unactualized. The potency to geometry differs from nonbeing simply and from actual geometrical knowledge. If a potency were simply nonbeing, then the human baby and the monkey would not differ with respect to geometry. But the human baby differs from the monkey, even though it knows no geometry nor does it possess hidden or inoperative geometrical knowledge.

In order to show that potential energy is a specific instance of the Aristotelian principle of potency, the ambiguous way in which physicists often speak of potential energy needs to be addressed. This ambiguity appears in descriptions of potential energy as the energy of the configuration of a system, or the energy a body has by virtue of its position,[29] or the energy of the arrangement of a

[28] Yves Simon, *The Great Dialogue of Nature and Space,* ed. Gerard J. Dalcourt (Albany, N.Y.: Magi Books, 1970), 60-63.

[29] "*A body is said to have potential energy if by virtue of its position or state it is able to do work*" (White, *Modern College Physics,* 149).

system's parts,[30] or a body's capacity to do work by virtue of its position in space. These descriptions fail to distinguish the sense in which a body or a system is in one position or configuration from the sense in which it can be in another, a distinction which is built into the physics of potential energy.[31] The failure to distinguish between what is and what can be often leads to a view of potential energy as some kind of inoperative, latent, or suppressed actuality, as is evident in descriptions of potential energy as stored energy,[32] dormant energy, latent energy, or stored, latent, or accumulated work.[33] Similarly, physicists typically speak of potential energy as exchanged, transformed, transmuted, released,[34] liberated, redistributed, converted, or delivered.

These ambiguities and confusions are evident in the following quotation, which I will consider at some length:

> When positive work is done on a particle initially at rest, its kinetic energy increases. The acquired kinetic energy gives the particle a capacity to do work: if the moving particle is allowed to push against some obstacle, then this obstacle does negative work on the particle and simultaneously the particle does positive work on the obstacle (the mutual forces are opposite and they are an action-reaction pair). When the particle does work, its kinetic energy decreases—the total amount of work the particle can deliver on the obstacle is equal to its kinetic energy. Thus the kinetic energy represents accumulated work; it represents latent work which under suitable conditions can become active work. . . .

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[30] "ENERGY . . . The energy may be 'stored' in a system (by virtue of the arrangement of its parts in spacetime or by virtue of the energy content of the matter present)" (Delo E. Mook and Thomas Vargish, *Inside Relativity* [Princeton, N.J.: Princeton Univ. Press, 1987], 290).

[31] There are exceptions to this practice: "When an object is located at a certain height, it has the potentiality of producing work if and when it falls to the ground, and this amount of work is known as the *potential energy* of the object" (George Gamow, *Matter, Earth, and Sky* [Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1958], 31).

[32] "The potential energy of a system represents a form of stored energy which can be fully recovered and converted into kinetic energy" (David Halliday and Robert Resnick, *Fundamentals of Physics* [New York: John Wiley & Sons, 1970], 113).

[33] "We shall call this stored work the *potential energy V*" (Uno Ingard and William L. Kraushaar, *Introduction to Mechanics, Matter, and Waves* [Reading, Mass: Addison-Wesley Publishing Company Inc., 1960], 164).

[34] "In returning from B to A, the mass releases energy" (White, *Modern College Physics*, 159).

> As we have seen, the kinetic energy represents the capacity of a particle to do work by virtue of its velocity. We will now become acquainted with another form of energy that represents the capacity of the particle to do work by virtue of its position in space. This is the potential energy. . . .
>
> The gravitational potential energy represents the capacity of the particle to do work by virtue of its height above the surface of the Earth. A particle high above the surface of the Earth is endowed with a large amount of latent work which can be exploited and converted into actual work by allowing the particle to push against some obstacle as it descends; the total amount of work that can be extracted during the descent is equal to the change in potential energy. Of course, the work extracted in this way really arises from the Earth's gravity—the particle can do work on the obstacle because gravity is doing work on the particle. Hence the gravitational potential energy is really a joint property of both the particle and the Earth; it is a property of the configuration of the particle-Earth system.[35]

In this passage, both kinetic and potential energy are regarded as active capacities to do work, one in virtue of its velocity and the other in virtue of its position. A particle with potential energy is endowed with latent work that can be converted into actual work, much like kinetic energy represents accumulated or latent work that can do actual work. A particle with kinetic energy does work by pushing on an obstacle, and a particle with potential energy also does work, as it falls, by pushing on an obstacle. The kinetic energy equals the total amount of work the particle can deliver on the obstacle, and, similarly, the change in potential energy equals the total amount of work that can be extracted from the particle during its descent. Since kinetic energy is something actual, the actual energy of motion, Ohanian's comparison implies that potential energy is also something actual, although the terms "exploited," "converted," and "extracted" imply that it is an actuality that is not immediately accessible. Work must be done by gravity to extract, exploit, or convert the latent work of potential energy into actual work done by the falling particle.

However, the comparison of kinetic energy to potential energy fails in important ways, and these failures show that potential energy is not some kind of actuality but is Aristotelian potentiality. Though it is true that a body at some distance above the Earth's

[35] Ohanian, *Physics,* 1:163-65.

surface is endowed with latent work or stored energy, this is not the sense in which the body has potential energy. The chief indication that potential energy is not an actuality but is an Aristotelian potentiality is that potential energy requires that we consider a body's position both with respect to where the body is at some time and with respect to where it can be but is not. An apple hanging from a tree has potential energy only considered with respect to positions at some distance from the position in which it is located. Just as for Aristotle a body is not in potency to the position in which it is actually located, so too a body has no potential energy relative to the position it occupies. That is, it has no potential energy if the distance is zero.[36] Since a body with potential energy must include a reference to being located in a position that is attainable but unattained, potential energy must include such a position potentially. And once such a position has been attained—once the apple has fallen to the ground—it no longer has potential energy with respect to that position. The relevant privation is gone. Likewise, in Aristotelian philosophy, once a body's potentiality for something has been attained, the body is no longer in potency in that respect. Its potency has been made actual. By contrast, a body with kinetic energy requires no comparison or ordering to what it lacks to have its kinetic energy. Although various positions are used in determining its velocity, a body with kinetic energy has kinetic energy in virtue of the velocity it actually has, with no necessary ordering to a velocity it can have but lacks. Thus, potential energy is an instance of Aristotelian potentiality because it refers to something that a body lacks but can acquire, whereas kinetic energy is something actually possessed in a body's motion.

[36] The point made at the end of the quotation from Ohanian that gravitational potential energy is a joint property, a property of the configuration of the particle-Earth system, does not solve this difficulty, for the configuration of a system can be considered either as it actually exists or as it can be but is not. The particle-Earth system has potential energy with respect to a configuration that it can have but does not actually possess.

Furthermore, Aristotelian potentiality is open to contraries, and it may or may not become actualized.[37] Since potential energy can be determined with respect to many different positions, and since a body may or may not fall to any of these positions, potential energy manifests an openness to contraries that is characteristic of Aristotelian potentiality. By contrast, a body is actually only in one position at a given time. Furthermore, a body with kinetic energy has the one value of kinetic energy that it has. That value may change, but a body cannot possess many different values of kinetic energy at the same time as determined from the same reference frame. Potential energy cannot, then, be an active potency because active potencies are not open to contraries but are determined to one thing.[38]

Another indication that potential energy is an instance of Aristotelian potentiality is that potential energy as such does no work. As Ohanian explains in the passage quoted above, "the work done by the falling particle really arises from the Earth's gravity." The work done by gravity causes the falling particle to have kinetic energy, and it is in virtue of its kinetic energy, not its potential energy, that the particle does work by pushing on an obstacle it encounters during its fall. The potential energy of the particle, like an Aristotelian potentiality, does not itself do anything, for potentiality as such has no activity. Indeed, as Ohanian notes, for work to be done, potential energy must be "converted." It must become or receive something else, such as kinetic energy, in which case it is no longer potential energy. Thus, potential energy is not a latent actuality analogous to kinetic energy.

[37] "It is clear that the same subject is in potency to contraries, as humor or blood is the same subject which is potentially related to health and sickness. . . . It is clear, therefore, that the nature of the subject insofar as it is a certain being and insofar as it is a potency to another is not the same. Otherwise potency to contraries would be one according to nature" (Aquinas, III *Phys.,* lect. 2 [290]). All quotations from Aquinas's *In octo libros Physicorum Aristotelis expositio* are from Thomas Aquinas, *Commentary on Aristotle's Physics,* trans. Richard J. Blackwell, Richard J. Spath, and W. Edmund Thirlkel (New Haven: Yale University Press, 1963).

[38] Aquinas, IX *Metaphys.,* lect. 2 (1789-93), lect. 9 (1868).

A similar argument can be made with respect to force. Aristotelian passive potency depends upon active potency.[39] Similarly, the potential energy of a body depends upon a force that can do work upon the body. Without a conservative force that can do work on a body through some distance, the body has no potential energy. In addition, for an Aristotelian potentiality to be made actual, an agent must operate on the body that is in potency. If the agent does not operate, then the potentiality of the patient remains unactualized. Likewise, if a force does work on a body with potential energy, then in that respect the body's potential energy becomes something else. If a force is present, but does no work on a body, then the body's potential energy remains potential energy. As long as an apple hangs on a tree and gravity is present, the apple continues to have potential energy. Kinetic energy, however, does not require the continued presence of a force to be kinetic energy. A moving cannonball, for example, retains its kinetic energy without a force continually acting upon it. In addition, the cannonball, once its motion brings it into contact with something, does work of itself by virtue of its kinetic energy. In virtue of its kinetic energy and through its motion, the cannonball is, as it were, an agency for doing work. Consequently, kinetic energy is reasonably thought to be an active potency, but potential energy is passive, not active.

If potential energy were some kind of active principle, an actual stored energy, then it is hard to see why it would depend upon a force or why it would become something else in order for work to be done. Terms such as "extraction" and "exploited" undoubtedly have metaphorical and other reasonable uses. However, their literal use in describing the role of gravity and its relation to potential energy in doing work implies a very odd conception of gravity and of energy. Energy is not a nugget or thing that can be

[39] "Hence, since the state of being acted upon depends upon action, the definition 'of the primary kind of potency,' namely, active potency, must be given in the definition of both senses of potency" (Aquinas, IX *Metaphys.,* lect. 1 [1779]). All quotations from Aquinas's *In duodecim libros Metaphysicorum Aristotelis expositio* are from Thomas Aquinas, *Commentary on the Metaphysics of Aristotle,* trans. John P. Rowan (Chicago: Henry Regnery, 1961).

extracted or delivered.[40] The use of terms such as "extraction" suggest that gravity withdraws energy from something else that gets left behind, or that gravity removes some kind of hindrance that prevents potential energy from doing active work or that gravity redirects an actual potential energy to a different use. Not only do these terms suggest that gravity is only indirectly related to the work done but also they fail to capture the sense in which a new form of energy is produced when gravity does work on a body with potential energy and produces kinetic energy. A force does not "extract" potential energy, but instead makes a body's potential energy become some actual form of energy that the body did not possess. Thus, the operation of the force of gravity is better understood as generating something in a falling body from its potential energy and thereby making the body be other than it is. Thus understood, potential energy would be a potency to be other and so an instance of Aristotelian potentiality.

Furthermore, unlike actuality, potency is not intelligible just by itself. A potency, Aquinas maintains, is intelligible with respect to some correlative actuality or actualities, and, therefore, is always referred to some sort of act.[41] Not surprisingly, potential energy is classified not in itself but with respect to some form of energy or with respect to some kind of conservative force. Thus, one speaks of gravitational potential energy, electromagnetic potential energy, or nuclear potential energy.[42] By contrast, kinetic energy is just kinetic energy no matter what force produces it or what

[40] Feynman makes this point in discussing the conservation of energy by means of an analogy with blocks: "What is the analogy of this to the conservation of energy? The most remarkable aspect that must be abstracted from this picture is that *there are no blocks*. . . . It is important to realize that in physics today, we have no knowledge of what energy *is*. We do not have a picture that energy comes in little blobs of a definite amount. It is not that way" (Richard P. Feynman, Robert B. Leighton, and Matthew Sands, *The Feynman Lectures on Physics* (Reading, Mass.: Addison-Wesley Publishing Company, 1963),vol. 1, ch. 4, p. 2.

[41] "But potency or capability can only be defined by means of actuality, because the first characteristic of the capable consists in the possibility of its acting or being actual. . . . The concept of actuality must therefore be prior to the concept of potency, and the knowledge of actuality prior to the knowledge of potency. Hence Aristotle explained above what potency is by defining it in reference to actuality" (Aquinas, IX *Metaphys.,* lect. 7 [1846]).

[42] "Gravitational potential energy is associated with gravitational interactions. There are corresponding types of potential energy associated with other interactions" (Atkins, *Physics,* 130).

work the kinetic energy does.[43] Kinetic energy also has its own universal formula, but potential energy as such has no universal formula.[44] Consequently, potential energy, since it is understood with respect to some correlative force and is formulated mathematically according to the relevant form of energy, is reasonably considered an instance of Aristotelian potentiality, which is intelligible with respect to actuality.

In yet another way, the fact that there are different kinds of potential energy indicates that potential energy is an instance of Aristotelian potentiality. Potentiality is a limiting principle. It is a capacity for certain kinds of actualities and excludes becoming other kinds of actualities. Likewise, the different kinds of potential energy as such limit what can be done to a body and what it can become. In virtue of its strictly gravitational potential energy, work cannot be done to a body by an electromagnetic force and the body cannot acquire electromagnetic energy. For certain kinds of potential energy, a body as such can only have work done on it by the relevant kind of force, which indicates that potential energy is a passive potentiality.

V. Potential Energy and Actual Rest Energy

Another way of viewing potential energy may suggest that it is stored or latent energy or stored or accumulated work. Consider a rock at rest on the Earth's surface. Work must be done on the rock in order to raise it to some height above the Earth. The work that must be done to raise the rock a certain height above the ground equals the amount of potential energy that the rock has at that height with respect to the ground:

> You will undoubtedly be familiar with another way of interpreting a potential energy such as *U(h)* in the last equation. It represents exactly the amount of work

[43] "Of course, the fact that motion has energy has nothing to do with the fact that we are in a gravitational field. It makes no difference where the motion came from" (Feynman, *Feynman Lectures on Physics,* vol. 1, ch. 4, p. 6.

[44] "We express the kinetic energy by the formula $K=\frac{1}{2}mv^2$. We cannot give a similar universal formula by which potential energy can be expressed" (Halliday and Resnick, *Fundamentals of Physics,* 117).

that *we* would have to do in order to raise an object through a distance *h,* against the gravitational pull, without giving it any kinetic energy.[45]

The work done in raising the rock above the ground might be thought of as building work or energy into the rock at its position, and, thus, the rock would have accumulated work or stored energy at that position. Since the two quantities, the amount of work required to raise the rock a height *h* and the potential energy of the rock at height *h,* are equal and have a certain symmetry, those who are especially concerned with the quanti-tative consideration of things and are pragmatic in their general orientation may easily view the potential energy of a system as identical to the work accumulated or built into the system by raising the rock. Once identified with the actual work required to put a body in a certain position, potential energy could easily be viewed as something actual, actual accumulated work or actual stored energy that is now built into the rock-Earth system.

It is true that accumulated work or actual stored energy is built into the rock by raising it to some height *h*. I will call this accumulated work or actual stored energy "classical rest energy" in order to distinguish it from potential energy. By "classical rest energy" I mean the actual energy that a system or a body possesses in virtue of the actual configuration that the system has or the actual position that the body occupies when at rest in a gravitational field or considered with respect to a gravitational force. What I am calling classical rest energy is an instance of the Aristotelian principle of actuality or act. It is the act or activity of rest, but it is not potential energy. Quantitative equality is not necessarily identity in nature, being, and intelligibility. The rock at some height *h* above the Earth's surface has both classical rest energy and potential energy, but the two are distinct. The work done in raising a rock above the ground builds an actuality as well as a potentiality into the system made up of the rock and the Earth so that the rock is both in act and in potency but in different respects. One respect pertains to the actual configuration of the Earth and the rock and the other refers to the potential

[45] French, *Newtonian Mechanics,* 378.

configuration in which the rock can be on the ground or in some intermediate position. The distinction is evident inasmuch as the rock possesses classical rest energy in the place it occupies and after being moved by a force and after having work done on it. By contrast, the rock has potential energy with respect to a position that it does not occupy and with respect to a force that can move it but has not and by virtue of work that can be done on it but has not been done. The classical rest energy and the past work done do not depend upon the potential energy, but the opposite cannot be said. The potential energy does depend, in part, upon the actual location and the previous work done.

Indeed, the potential energy present in a system depends upon the actual order of its parts, the actual location of a body, for the potential energy is different for a body depending upon whether it is one, ten, a hundred, or a thousand feet above the ground. This dependency is to be expected, for any potentiality depends upon some actuality. The potentiality of bronze to be a statue depends upon its actually being bronze. Thus, the dependency of the potential energy of a body or a system upon the actual order of the system's parts or upon a body's actual position is unsurprising and unproblematic and is what one would expect on Aristotelian grounds. Though we may easily conflate the sense in which a body has classical rest energy with the sense in which it has potential energy, we must distinguish the sense in which something is from the sense in which it can be, for the same body can be both in potency and in act but in different respects.[46] A block of bronze is not a stored, accumulated, or latent statue.

A rock suspended above the ground has stored energy or accumulated work, what I have called classical rest energy. But what is this classical rest energy if it is not doing any work and it is neither potential energy nor kinetic energy? We might be tempted to say that classical rest energy, when it is not doing work, is not doing anything, that it is just sitting there and is

[46] "And although the same thing exists both in potency and in act, to be in potency and to be in act are not the same according to nature. Thus, bronze is in potency to statue and is bronze in act, yet the nature of bronze insofar as it is bronze and insofar as it is a potency for statue is not the same" (Aquinas, III *Phys.,* lect. 2 [289-90]).

inactive. However, classical rest energy is better understood as what Aristotle and Aquinas call an unchanging act or a motionless activity. Motion, according to Aquinas, is the kind of act that is best known and is the most evident to us because we most readily perceive it as such through our senses.[47] However, motion is an incomplete act because it possesses its parts successively.[48] A complete act is unchanging. To understand a complete act or a motionless activity, we begin with the activity of motion in order to arrive at a conception of an activity free from becoming.[49] For example, a calm sea and a still air are unmoving activities.[50] In English, "activity" is nearly synonymous with change, and though "act" conveys the sense of something done, it also readily evokes motion, so the notion of an unchanging activity seems odd. "Actuality" better captures the sense of a constant, ongoing act, but in ordinary English it lacks the dynamic sense of "activity."[51] Seeing and contemplation better illustrate the notion of act as an ongoing, unchanging actuality. In this sense, "act" means completion, fulfillment, or form.[52]

Perhaps the most remarkable and best instance of a motionless act in the sciences is mass. Mass is a measure of a body's inertia. It is also a measure of how strongly a body acts and is acted upon gravitationally. Prior to Albert Einstein, mass and energy were viewed as separate and independent principles. However, since the formulation of special relativity, mass is treated as a form of energy as expressed by the famous equation $E=mc^2$. According to Einstein,

[47] Aquinas, IX *Metaphys.,* lect. 3 (1805).

[48] Aquinas, *STh* I, q. 7, a. 3, ad 4.

[49] Yves Simon, *An Introduction to the Metaphysics of Knowledge,* trans. Vukan Kuic and Richard J. Thompson (New York: Fordham University Press, 1990), 42. "[T]here is not only an activity of movement but an activity of immobility" (Aristotle, *Nicomachean Ethics* 7.14.1154b26-27, in *The Basic Works of Aristotle,* trans. W. D. Ross [New York: Random House, 1941], 1058.

[50] Aristotle, *Metaphys*. 8.2.1043a22-26.

[51] Owens, "Aristotle—Motion as Actuality of the Imperfect," 121.

[52] The "term actuality is derived from activity, as has been stated above [lect. 3 (1805)]; and from this it was extended to form, which is called completeness or perfection" (Aquinas, IX *Metaphys.,* lect. 8 [1861]).

The energy that belongs to the mass m is equal to this mass, multiplied by the square of the enormous speed of light—which is to say, a vast amount of energy for every unit of mass. But if every gram of material contains this tremendous energy, why did it go so long unnoticed? The answer is simple enough: so long as none of the energy is given off externally, it cannot be observed. It is as though a man who is fabulously rich should never spend or give away a cent; no one could tell how rich he was.[53]

When Einstein speaks of the energy of mass as being like the unspent wealth of a rich man, he is speaking, however unintentionally, of something very much like Aristotle and Aquinas's notion of unchanging activity or of a motionless act, for mass is tremendously energetic but unchanging. Physics followed a line of development parallel to that in philosophy. Physicists began with kinetic energy, the first form of energy to be discovered and the most obviously energetic, and then arrived at a conception of an energy free from becoming, namely, mass.

Classical rest energy is not the same as mass, but it is similar in the sense that, like the unspent wealth of a rich man, it is a motionless actuality that corresponds to and is the actualization and fulfillment of the potency of potential energy. The potential energy of an apple hanging on a tree relative to the ground is actualized when the apple is on the ground. The actual stored energy the apple has on the ground, what I have called classical rest energy, is the correlative act of that potency.

The tendency of many physicists to regard potential energy as something actual is similar to the error of the pre-Socratics with regard to coming to be. The ancients, according to Aquinas, "said that nothing is either generated or corrupted."[54] They denied that anything genuinely comes to be or ceases to be and held that whatever came into being in some way already actually preexisted. According to Aquinas, the pre-Socratics' error about coming into being was due to a failure to grasp a principle of potency:

All of these philosophers were deceived because they did not know how to distinguish between potency and act. For being in potency is, as it were, a mean

[53] Albert Einstein, "$E=MC^2$" [1946], in idem, *Out of My Later Years,* rev. ed. (Secaucus, N.J.: The Citadel Press, 1956), 51-52.

[54] Aquinas, I *Phys.,* lect. 14 (121).

between pure non-being and being in act. Therefore, those things which come to be naturally do not come to be from non-being simply, but from being in potency, and not, indeed, from being in act, as they thought. Hence things which come to be did not necessarily pre-exist in act, as they said, but only in potency.[55]

The view that potential energy is some kind of stored, inoperative, preexistent actuality is the kind of misunderstanding one might expect if potential energy were an instance of Aristotelian potentiality. It is a common error with a very long history.[56]

VI. Energy and Motion

I turn now to local motion. A consideration of local motion further shows that energy is a specific instance of act and potency. According to Aquinas, motion is "the act of what exists potentially insofar as it exists potentially."[57] This definition signifies that a body's motion is stretched out, as it were, in a continuously differentiated process such that each part of the process is related to a prior part as act to potency and is related to a posterior part as potency to act. A body's motion is twofaced. It has a twofold ordination with respect to the same potentiality. One ordination is with respect to a prior place from which the body has moved. With respect to the potency the body possessed in this prior place, the body's motion is an act. The other ordination of potency is with respect to the posterior place to which the body is moved. With respect to the place to which the body is moved, the body is in potency.[58]

Many features of the Aristotelian definition of motion are instantiated in the relations between work, kinetic energy, and gravitational potential energy especially as considered according to the Law of the Conservation of Mechanical Energy. Ohanian describes this law as follows:

[55] Aquinas, I *Phys.,* lect. 9 (60).
[56] See also Simon, *Great Dialogue,* 60-63.
[57] Aquinas, III *Phys.,* lect. 2 (285). Aristotle, *Phys*. 3.1.201a10.
[58] Aquinas, III *Phys.,* lect. 2 (285), lect. 4 (297-307).

> The sum of the kinetic and potential energies is called the mechanical energy of the particle. . . . This energy represents the total capacity of the particle to do work by virtue of both its velocity and its position. . . . if the only force acting on the particle is gravity, then the mechanical energy remains constant. . . . This is the law of conservation of mechanical energy. . . . Since the sum of the kinetic and potential energies must remain constant during the motion, an increase in one must be compensated by a decrease in the other; this means that during the motion, kinetic energy is converted into potential energy and vice versa.[59]

In the case in which gravity is the only force acting on a falling body, the work done by gravity equals the body's increase in kinetic energy and equals its decrease in potential energy. Since the quantity of kinetic and the quantity of potential energy vary from point to point throughout the fall, the body's motion is a continuously differentiated process. At any point in the motion, the same potential energy has become partly kinetic energy and remains partly potential energy. It has kinetic energy with respect to the point from which it has moved, and so with respect to a prior potential energy. Insofar as the body continues to have potential energy it can have more kinetic energy as it attains further positions. Consequently, each part of the body's motion is related to a prior part as kinetic energy to potential energy and is related to a posterior part as potential energy to kinetic. Motion, Aquinas maintains, is a "mixture of act and potency."[60] Likewise, a mix of potential and kinetic energy characterizes the motion of a falling body.

In Aristotelian terms, the body's potency to be on the ground is actualized through its motion. The body loses the act of location it had in the place from which it fell, moves through a continuum of places with respect to which its motion is determined and to which it is in potency and is then brought to another complete or motionless act in the place in which it is stopped. With respect to energy, as gravity makes the body fall and its potential energy become kinetic energy, the body moves through lower and lower levels of energy and attains cor-respondingly lower energy states until impact with the ground brings it to rest and results in the loss

[59] Ohanian, *Physics,* 1:165.
[60] Aquinas, III *Phys.,* lect. 3 (296).

of its kinetic energy. It moves from one state of classical rest energy to another with respect to which it had potential energy. Since the work done by gravity makes the potential energy become kinetic energy and changes the energy level or energy state of the body, potential energy, like Aristotelian potentiality, is a principle by which something can be made other than it is.

Motion, for Aquinas, is produced by the operation of a mover, for that is part of what is meant by the principle "whatever is moved is moved by another." A mover actualizes the potency of the moved. Likewise, kinetic energy is produced by work, and work is the continuous operation of a force on a body through some distance. As in the example above, the work done by the force brings kinetic energy out of potential energy. This is not to say that motion requires a continuously acting conjoined cause in order to sustain it, as if a moving body would suddenly stop if it did not have such a mover or as if kinetic energy would suddenly disappear without such a continuously acting force. The point is that if work is continually done on a body or if potential energy is becoming kinetic energy, then there is a force operating, and this fits with the requirements of Aquinas's principle inasmuch an agency is required for any reduction from potency to act and a force must be exerted by something.[61]

Further, gravitational motion as treated by the Law of the Conservation of Mechanical Energy exemplifies the antithesis of potency and act. Potency and act are opposed such that something

[61] If we consider the hypothetical and counterfactual case of a body moving in purely inertial force free motion, it follows that the body's kinetic energy remains constant and that no work is being done on the body. Further, in the absence of a force, the body has no potential energy, no energy dependency upon position. This implies that in the abstract case of a body in force free uniform rectilinear motion no potency is being actualized and that purely inertial motion is an unchanging actuality, a motionless motion. These conclusions, drawn from considerations of energy, are the same as conclusions drawn elsewhere by a different approach and by different arguments. See Thomas J. McLaughlin, "Aristotelian Mover-Causality and the Principle of Inertia," *International Philosophical Quarterly* 38 (1998): 137-51; and idem, "Local Motion and the Principle of Inertia: Aquinas, Newtonian Physics, and Relativity," *International Philosophical Quarterly* 44 (2004): 239-64. "In the special case in which the work is *zero*, the kinetic energy remains *constant*" (James A. Richards, Francis Weston Sears, M. Russell Wehr, and Mark M. Zemansky, *Modern University Physics* [Reading, Mass: Addison-Wesley, 1960], 135).

cannot be in potency and act at the same time in the same respect.[62] Similarly, something cannot have potential and kinetic energy at the same time and in the same respect. A decrease in one is compensated by an increase in the other. This antithesis of potential energy and kinetic energy reinforces the idea that they are related as potency to act.[63]

VII. The Aristotelian Principle of Potency and Potential Energy: Origin and Reality

Another argument that energy is a specific instance of the Thomistic principles of act and potency may now be given. Potential energy was discovered in a way that is similar to the way in which Aristotelian potentiality was discovered. Aristotle discovered the principle of potentiality through explaining how something can come to be or pass away, either accidentally or substantially. Specifically, the principle of potency solves a dilemma concerning change that was posed by the pre-Socratics. Aquinas, commenting on Aristotle, describes this dilemma as follows:

> [T]hey did not know how to resolve the following argument, according to which it seemed to be proven that being is not generated. If being comes to be, it comes either from being or from non-being. And each of these seems impossible, i.e., that being comes to be from being or that it comes to be from non-being. It is clearly impossible for being to come to be from being, because that which is does not come to be, for nothing is before it comes to be. And being already is, hence it does not come to be. It is also clearly impossible for something to come to be from non-being. For it is always necessary that there be a subject for that which comes to be, as was shown above. From nothing, nothing comes to be. And from this it was concluded that there is neither generation nor corruption of being.[64]

The solution of this dilemma requires two things, the principle of potency and a distinction between coming to be from something

[62] Aquinas, *STh* I, q. 75, a. 5, obj. 1.

[63] Edward M. O'Connor, *Potentiality and Energy* (Washington, D.C,: The Catholic University of America Press, 1939), 12-13.

[64] Aquinas, I *Phys.,* lect. 14 (121).

per se and *per accidens*. Aristotle uses the example of a doctor to illustrate the distinction between *per se* and *per accidens*.[65] A doctor heals a sick person *per se,* for the doctor heals as a doctor. However, a doctor may build a house, and then the doctor builds *per accidens,* for the doctor does not build as a doctor. Construction is accidental to doctoring. Similarly, a patient whose profession is carpentry is healed *per se* as a sick person and *per accidens* as a carpenter.

According to Aristotle and Aquinas, nothing comes to be *per se* from either being or nonbeing. However, *per accidens* something does come to be from being and nonbeing. For example, a block of bronze is made into a statue. Something new that previously was not comes to be, the statue shape. The block of bronze acquires a shape that it did not have, and so the statue shape comes to be from its nonbeing. However, the statue's shape comes to be from nonbeing *per accidens* because it is accidental to the one definite shape that the block of bronze has that it lacks all other shapes, including the statue shape. Similarly, the statue comes to be from the block shape of the bronze, and so comes to be from being, the being that is the block shape. However, the statue shape is different from the block shape so that what comes to be is not the same as what was. Thus, the statue's shape comes to be from being *per accidens* because it is accidental to the statue shape that it came to be from a block shape. The statue shape could have come to be from a variety of different previous shapes. Only accidentally does it come to be from a particular block shape.

The statue's shape comes to be *per se* from the potentiality of the bronze to be a statue. The bronze is the subject of the change, but the statue comes to be *per se* from the bronze considered in a certain respect, the respect in which the bronze is open and able to have the shape of a statue. The bronze, insofar as it open to having different shapes, exists in potency to those shapes. The statue can not come to be from the bronze as actual bronze because that would be to come from being as being. The bronze is

[65] Aristotle, *Phys*. 1.8.191a23-b34; Aquinas, I *Phys.,* lect. 14 (120-28); Glen Coughlin, *Aristotle's Physics, or Natural Hearing* (South Bend, Ind.: St. Augustine's Press, 2005), 223-29.

already bronze, and so it cannot come to be bronze. Thus, the statue's shape comes to be *per se* from being in potency.

What are the parallel but more specific origins of potential energy? In a quite remarkable article published in the journal *The Physics Teacher* and entitled "An Historico-Critical Account of Potential Energy: Is *PE* Really Real?", the physicist Eugene Hecht raises and addresses problems concerning the origin and reality of potential energy.[66] In his paper, he reviews the historical development of the notion of energy and argues that the notion of potential energy was originally introduced to account for the coming to be and passing away of kinetic energy in accordance with a conservation law. Christiaan Huygens, Newton's great contemporary, discovered what we now call kinetic energy in the course of doing collision experiments. He discovered that in elastic collisions between two cannonballs the sum of their quantities mv^2 was the same before and after the collision even though the individual velocities of the cannonballs had changed.[67] In such interactions, kinetic energy is conserved.[68] The Conservation of Kinetic Energy is an important principle and is now used extensively in particle physics.

In other interactions kinetic energy is not conserved. Consider a ball thrown upwards which then falls back downward. In leaving the hand that threw it, the ball's kinetic energy is at a maximum. As the ball goes upward, it slows down and its kinetic energy decreases until, at the highpoint of its motion, the ball has no kinetic energy. As the ball begins to fall, its kinetic energy increases until it reaches a maximum again. Where does the ball's kinetic energy go as it rises, and as the ball falls, from where does

[66] Eugene Hecht, "An Historico-Critical Account of Potential Energy: Is PE Really Real?" *The Physics Teacher* 41 (Nov. 2003): 486-93.

[67] Qualitatively, elasticity describes the degree of 'bounciness' in a collision. A completely elastic collision is characterized by perfect rebound of the colliding bodies. None of the kinetic energy is lost through breaking up or deforming the colliding bodies, or through noise, heat, friction and other such things. Automobile accidents, for example, are not elastic. See French, *Newtonian Mechanics,* 309.

[68] Hecht, "Historico-Critical Account of Potential Energy," 487. Richard J. Blackwell, trans., "Christiaan Huygens' The Motion of Colliding Bodies," *Isis* vol. 68, no. 4 (Dec. 1977): 574-97.

its kinetic energy come? It seems to come from and go into nothing.

Repetitive phenomena, such as a swinging pendulum or a roller coaster, especially emphasize the problem. Consider an idealized pendulum, one unaffected by friction or air resistance. The heavy bob at one end of the pendulum arm is initially held at an angle to the vertical. The bob is not moving and has no kinetic energy. The bob is then released and under the force of gravity swings downward toward the vertical. As the bob swings downward, its velocity and kinetic energy increase from zero to a maximum at the vertical position of the pendulum. As the bob swings upward, its velocity and kinetic energy decrease until it arrives at an angle to the vertical equal to that from which its motion began. At this point the velocity of the bob is zero, and the bob has no kinetic energy. As the pendulum swings back and forth, its kinetic energy starts from zero, increases to a maximum, and then decreases to zero. The pattern repeats over and over. Something seems to be conserved. But again as the bob swings back and forth, from where does the kinetic energy come and to where does it go? The kinetic energy seemingly appears, disappears, and reappears out of and into nothing. Gravitational potential energy accounts for the coming to be and passing away of kinetic energy and yields a new conservation law, the conservation of mechanical energy discussed earlier in which the sum of the kinetic and potential energy remains constant. Hecht summarizes as follows:

> Historically, the concept of kinetic energy (*vis viva*) drew its significance from the fact that it was conserved. Because motion was observable, it was reasonable enough to say that *KE* was real. The idea of potential energy was subsequently conceived to account for the disappearance and reappearance of *KE* (as for example, in the case of a swinging pendulum). The problem with *PE* (in the minds of some) was that it was not directly observable, and therefore arguably not real.[69]

This passage contains two closely related points that are important for the argument of this paper. The first is that potential energy was discovered to "explain how *KE* can go in and out of

[69] Hecht, "Historico-Critical Account of Potential Energy," 491.

existence."[70] The kinetic energy of the falling body comes to be from its potential energy, and the kinetic energy of a rising body passes away into the energy of its position, from which the body has a new potential energy. Potential energy explains how kinetic energy can come to be, increase, decrease, and pass away while some quantity, the net mechanical energy, is conserved throughout. Kinetic energy does not appear out of nothing and disappear into nothing.

With respect to a broad range of phenomena, potential energy explains the coming to be and passing away of kinetic energy and the attainment of new positions of differing energy levels. It avoids treating kinetic energy as coming to be out of nothing or as something preexisting in act, though various thinkers try to conceive of potential energy as some kind of preexisting actuality. The kinetic energy of a falling body comes to be *per se* from its potential energy and *per accidens* from its classical rest energy, which it loses as the body falls, much like a block of bronze loses its block shape as it is made into a statue. Consequently, "Potential energy is real for the same reasons that potentiality is real."[71] It is a necessary principle of change. This implies that potential energy is a specific instance of Aristotelian potentiality.

The second important point is suggested by the last sentence of the quotation from Hecht, in which he notes that some thinkers doubt that potential energy is real. According to Hecht,

> The case against the reality of *PE* is basically that *KE* (the energy of an object in motion) seems, by virtue of that motion, to be directly observable, whereas *PE* (the energy of an object at rest) appears to be quite unobservable. The object itself appears completely unaffected by its acquisition of *PE*.[72]

Hecht quotes several physicists, mathematicians, philosophers, and historians of science who make this claim. For example, the mathematician John W. N. Sullivan raised doubts about the reality of potentiality energy:

[70] Ibid., 489.

[71] O'Connor, *Potentiality and Energy,* 75.

[72] Hecht, "Historico-Critical Account of Potential Energy," 489. See also O'Connor, *Potentiality and Energy,* 37-75.

> Potential Energy, it must be admitted, is a somewhat mysterious notion. Other forms of energy, such as the energy of motion and heat energy, are obviously "energetic." But potential energy is undetectable until it is transformed. . . . Thus the notion of potential energy explains away apparent violations of the principle of the conservation of energy. But is this not the very reason for the importation of the notion of potential energy? Is it not a mathematical fiction brought in for convenience?[73]

If potential energy were an instance of Aristotelian potentiality, the difficulties Sullivan and others mention are just what one would expect. A potentiality is not as such observable, "energetic," or directly measurable, and it will not do something to the object that acquires it. Something done or doing is an act.

Hecht further quotes the philosopher W. T. Stace as one who does not think that potentialities are real:

> Either the energy exists or it does not exist. There is no realm of the "potential" half-way between existence and non-existence. And the existence of energy can only consist in its being exerted. If the energy is not being exerted, then it is not energy and does not exist. Energy can no more exist without energizing than heat can exist without being hot.[74]

Stace begs the question of what is precisely the issue. An Aristotelian or a Thomist would maintain that "being in potency is, as it were, a mean between pure non-being and being in act."[75] The position taken by Stace and others implies that something can come to be from nothing, that kinetic energy just appears from nothing at all.[76] By contrast, once the reality of the Aristotelian principle of potency is accepted, and allowing for the positivism,

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[73] J. W. N. Sullivan, *The Limitations of Science* (New York: Mentor Books, 1949), 155; quoted in Hecht, "Historico-Critical Account of Potential Energy," 489.

[74] W. T. Stace, "Sir Arthur Eddington and the Physical World," *Philosophy* 9, no.33 (Jan. 1934): 48-49; quoted in Hecht, "Historico-Critical Account of Potential Energy," 489. See also W. T. Stace, "The Present Dilemma in Philosophy," *Journal of Philosophy* 31, no. 14 (July 1934): 372.

[75] Aquinas, I *Phys.,* lect. 9 (60).

[76] O'Connor, *Potentiality and Energy,* 70-72.

the problems about the reality of potential energy are solved, or rather, they are seen not to be problems at all.[77]

A typical response to the Aristotelian principle of potency, when it is not (mis)understood as a hidden or inoperative actuality, is to deny that it is real, usually by regarding it as a mere idea in the mind and not as a principle in things.[78] Denying the reality of potential energy is opposed to treating potential energy as a stored or inoperative actuality. Both errors involve the assumption that only actualities are real. Given the assumption that only actualities are real, it follows that if potentiality is not actual, then it is not real. Potentiality, on this view, is not a principle in things themselves existing outside of and independently of the mind. Thus, the same errors are found concerning potential energy and Aristotelian potentiality. The frequent occurrence of opposed errors about both potential energy and Aristotelian potentiality further supports the claim that potential energy is an instance of the Aristotelian principle of potentiality.

Hecht's own solution is to argue that potential energy is real by drawing upon the Special Theory of Relativity. Using the mass-to-energy relation $E=mc^2$, Hecht notes that "The mass of a composite object as a whole changes with its energy content."[79] Thus, all other things being equal, the more energy a body has, the greater is its mass. For example, "an apple pie sitting on a table has more mass when it's hot than when it's cold."[80] With regard to gravitational potential energy, a change in the gravitational potential energy of a system is always accompanied by a change in the mass of the system. For example, in a system consisting of the Earth and a ball of mass m, an external force that does work on the system and raises the ball a height h above the Earth's surface increases the gravitational potential energy of the Earth-ball system by an amount equal to mgh. According to special relativity,

[77] See also E. B. Moore, "Positivism and Potentiality," *Journal of Philosophy* 48 (1951): 472-79.

[78] Grace A. De Laguna, "Existence and Potentiality," *The Philosophical Review* 60 (1951): 155-76.

[79] Hecht, "Historico-Critical Account of Potential Energy," 490.

[80] Ibid.

the mass of the Earth-ball system increases by an amount equal to mgh/c^2.[81] Though the change in mass is very small, the mass of a body or system is an actual, measurable quantity. Hecht concludes that

> [A] change in the *PE* of a system of interacting objects is real in that it is always accompanied by a change in mass which is, in principle, measurable. The scientists and philosophers who were disturbed because conservation of energy was predicated on unobservable quantities (i.e., all the various forms of *PE*) can now put their doubts aside—*PE* is real.[82]

Having thus argued that potential energy is real, Hecht goes on to claim that since the concept of potential energy can be replaced by that of mass, the notion of potential energy is redundant and superfluous: "By equating *PE* with mass, the concept of *PE* becomes as real as mass is real, but at the same time it becomes redundant and perhaps even superfluous."[83]

One may readily grant that raising a ball a height h above the surface of the Earth increases the energy and mass of the Earth-ball system. Previously, I argued that raising an object above the Earth's surface built both a motionless actuality, what I have called classical rest energy, and potential energy into the system. Hecht's argument supports this claim by showing that raising the ball not only increases the potential energy of the Earth-ball system but also increases the relativistic rest energy. The increase of the relativistic energy is proportional (by $1/c^2$) to the system's increase in mass, and the mass is directly measurable. However, as with classical rest energy, the potential energy of a system is distinct from its relativistic rest energy and mass. It is the actual position of the ball above the Earth's surface, and not its relation to a future possible position, that is measured and shows an increase in mass. The future, like a potentiality, cannot be measured. Though the change in potential energy is accompanied by a corresponding

[81] Ibid., 491.

[82] Ibid., 490.

[83] Ibid. "[I]nsofar as the words *potential energy* can efficaciously be replaced by the word *mass,* the notion of *PE,* in all its various incarnations, is superfluous. There is *KE* and there is mass" (ibid., 492).

change in mass, it would be fallacious to claim that potential energy and mass are identical or that they have the same referent. Thus, strictly speaking, potential energy cannot be redundant because it does not refer to an actual property of a body, which is what mass is. Perhaps, for certain utilitarian purposes, potential energy may be regarded as redundant and superfluous, just as it has been frequently regarded as a stored actuality. However, setting aside these purposes, potential energy is not superfluous or redundant insofar as it explains the *per se* coming to be of kinetic energy in the kind of phenomena noted in Hecht's article. Since mass and potential energy are distinct, the kinetic energy of a falling body can only come from its mass *per accidens*. Without potential energy, the coming to be of kinetic energy remains unexplained.

The argument that has been made in this paper can, I suggest, be generalized. For any kind of fundamental force, gravitational, nuclear, or electromagnetic, there corresponds some kind of potential energy.[84] These kinds of potential energy are also arguably instances of Aristotelian potentiality and correspond to actual forms of gravitational, nuclear, or electromagnetic energy that are instances of the Aristotelian notion of act or activity. If this is indeed the case, then the Aristotelian principles of act and potency are widely and deeply present in modern physics and its understanding of nature.

Conclusion

The principles of act and potency are used to define motion and the soul, to explain change and characterize the relation of matter and form, the relation of substance and accident, the relation of essence to existence, and the relation of finite to infinite being. The notions of act and potency are fundamental to an analysis of participation and operation, to the study of being, and to thinking about God. This paper has argued for a further application of these principles, that through the notion of energy

[84] "Since there are four fundamental interactions (strong, weak, electromagnetic, and gravitational), there can be four basic forms of *PE*" (ibid., 491).

the principles of act and potency are present in the modern scientific understanding of nature. After briefly addressing some initial objections, it focused on work, kinetic energy, and gravitational potential energy in Newtonian physics. The treatment of gravitational potential energy required a distinction between the actual energy of a system and the potential energy of the system with respect to a different configuration. The argument was then developed for local motion. It was further argued that, in various phenomena, kinetic energy and gravitational rest energy come to be from potential energy. Potential energy is also often misunderstood in the same ways in which the Aristotelian principle of potency has been misunderstood or rejected. The notion of energy is a very rich one both scientifically and philosophically, especially for an Aristotelian or a Thomist. The subject deserves further investigation not only with regard to Newtonian mechanics and gravity but also with respect to the other fundamental forces of nature, with respect to quantum mechanics and special and general relativity, and with respect to other disciplines that make use of the notion of energy.[85]

[85] An early version of this paper was read to the Society for Thomistic Natural Philosophy at the November 2003 Meeting of the American Catholic Philosophical Association. I am grateful to those present for their comments and criticisms, and especially to Dr. Greg Townsend.

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ON COUNSELING THE LESSER EVIL

KEVIN L. FLANNERY, S.J.

Pontificia Universitas Gregoriana
Rome, Italy

AN IMPORTANT ISSUE in natural law ethics and moral theology is whether one can legitimately counsel someone who is bent upon bringing about an evil to bring about some lesser evil.[1] However, although the legitimacy of "counseling the lesser evil" is an important issue, to which ethicists and moral theologians over the centuries have devoted much thought, the history of its treatment is not well known in the English-speaking world.[2] The present article is an attempt to remedy this situation to some small extent by going through the pertinent writings of some of the major contributors to the centuries-long scholarly and theological conversation.

It would be erroneous to say that the Church has definitively resolved the issue of whether one can licitly counsel the lesser evil; nonetheless, a consideration of the ways in which the issue has been treated by the classical authors and by those more recent

[1] This issue is quite distinct from the issue of whether one can *choose* the lesser evil.

[2] There is one contemporary article in English that is often cited: Edward Thomas Hannigan, S.J., "Is It Ever Lawful to Advise the Lesser of Two Evils?" *Gregorianum* 30 (1949): 104-29. This article is almost identical to the published extract from Fr. Hannigan's doctoral dissertation at the Pontifical Gregorian University. The dissertation itself (Edward Thomas Hannigan, S.J., "Is It Ever Lawful to Advise the Lesser of Two Evils? [Dissertatio ad lauream in Facultate Theologica]" [Rome: Pontifical Gregorian University, 1948]) is not publicly available; but I have used and benefitted from it in writing the present article. Much of the other contemporary (or fairly contemporary) literature on the issue is in Latin; see, for instance Ludwig Bender, "Consulere minus malum," *Ephemerides Theologicae Lovanienses* 8 (1931): 592-614; Michael S. Fabregas, S.J., "Licetne consulere minus malum?" *Periodica de Re Canonica et Morali* 31 (1932): 57*-74*; and Joseph Cacciatore, C.Ss.R., "Consulere minus malum," *Ephemerides Theologicae Lovanienses* 10 (1933): 618-46.

scholars directly involved in the conversation gives us a good idea of the parameters within which a genuinely natural law answer to the question must situate itself.

Since the history of the issue is long and complex, it is necessary to limit the number of authorities considered here. In section I, I discuss very briefly two biblical passages frequently cited by later authors. In sections II-VI, I consider pertinent remarks by St. Augustine (354-430), St. Thomas Aquinas (1225-74), Cajetan (Thomas de Vio) (1469-1534), Tomás Sánchez (1550-1610), and St. Alphonsus Liguori (1696-1787). In section VII, I consider an article published in 1931 by Ludwig Bender which provoked a fairly heated debate.[3] In the conclusion, I call attention to some of the major themes that emerge in this survey.

I. Sacred Scripture

A) Ishmael and the Ten Men (Jer 41)

Jeremiah 41 recounts the crimes of Ishmael, son of Nethaniah, a bandit chieftain. First Ishmael kills Gedaliah, governor of Judah at the time, in the city of Mizpah, where he ruled. When the next day eighty pilgrims arrive, Ishmael first seduces them into the city, saying to them, "Come in to Gedaliah" (Jer 48:6), then slays them as well—with the exception of ten who say to Ishmael, "Do not kill us for we have stores of wheat, barley, oil, and honey hidden in the fields" (Jer 41:8 [RSV]). The presumption is that the ten will not tell Ishmael where the stores are hidden unless he spares their lives—which he apparently does.

The ten men induce Ishmael—and perhaps even urge him—to perform an evil deed (theft)—although it is a lesser evil than he has been intent upon (murder). In the later debates regarding counseling the lesser evil, however, it is usually presumed that the ten men do not actually urge Ishmael to commit theft but simply indicate to him the material by means of which he might commit it (and thus not effect the greater evil).

[3] See the references in note 2.

B) Lot and His Daughters (Gen 19)

The story of Lot from the book of Genesis is often cited, in particular the episode in which the men of Sodom demand that Lot hand over to them two angels who have come to him that evening:

> They called to Lot, "Where are the men who came to you tonight? Bring them out to us, that we may know them" [that is, abuse them sexually]. Lot went out of the door to the men, shut the door after him, and said, "I beg you, my brothers, do not act so wickedly. Behold, I have two daughters who have not known man; let me bring them out to you, and do to them as you please; only do nothing to these men, for they have come under the shelter of my roof." (Gen 19:5-8 [RSV])

There are two things that might be noted about this story and about the figure of Lot. First, it is possible that this story is set up in such a way as to raise in a clear manner issues related to counseling the lesser evil. The two men (actually, two angels) who enjoy Lot's hospitality are in some way identical to the men (angels) who visit Abraham in the immediately preceding chapter, Genesis 18—only there they are three in number (Gen 18:2). Why this sudden change in number? Lot had only two daughters. The possible courses of action before Lot need to be comparable. As things stand in the story, Lot's choice is between two persons (his two daughters) sexually violated and two persons (the visitors) sexually violated in an unnatural manner and in a way that involves his going against the obligations of hospitality by handing over his guests to the Sodomites. Had the two possibilities involved two persons and three persons respectively, the comparison would not have been so clear-cut.

The second thing to be noted is that, in the book of Genesis, the figure of Lot is not an entirely positive one. In contrast to his cousin Abraham, who is faithful, self-sacrificing, and steadfast (and with whose story Lot's is intertwined), Lot is self-serving (Gen 13:10-11), bibulous, and easily deceived (Gen 19:30-38). Immediately after he offers his daughters, the angels pull him back into the house and blind the Sodomites at the door, thereby

arriving at a solution which, in contrast with Lot's own, involves no sexual violation at all. On the other hand, it needs to be said that, in the Second Letter of St. Peter, Lot is described as just.[4]

II. Augustine: "On Adulterous Marriages"

In or about the year 420, Augustine wrote a work entitled, "On Adulterous Marriages."[5] In it he argues against a certain Pollentius who had urged the permissibility of divorce and remarriage. In book 2, chapter 15, Augustine considers Pollentius's argument that allowing divorce from adulterous wives and subsequent remarriage will help married men to refrain from killing their adulterous wives or having them killed: the possibility of remarriage removes a motivation for seeking the death of the first wife, whose remaining alive would otherwise impede taking a new wife. Pollentius adds that obviously God does not want the killing of wives since it amounts to the extinction of goodness and kindness.[6]

Augustine is appalled by this argument; nonetheless, he considers two possible assumptions: (1) that the law (the "old law of God" or the laws of Rome) permits capital punishment of an adulterous wife, (2) that the law (more precisely, the law of Christ) does not permit it. Under assumption (1), he says, "it is better that [the husband] restrain himself from both, that is, from the licit execution of the sinning woman and from the illicit marriage while she lives." If he insists on one or the other, it is preferable ("satius") to perform the licit act: execute her. Under assumption

[4] Lot is called just at 2 Pet 2:7. The *Glossa ordinaria* for Gen 19:29 (*Patrologia Latina* 113:132] argues that Lot is only called just in comparison with the Sodomites (and is not just in the way Abraham is just). Cajetan cites this gloss, plus another by Augustine, who criticizes Lot (Thomas Aquinas and Thomas de Vio [Cajetan], *Summa Theologiae, cum commentariis Thomae de Vio Caietani Ordinis Praedicatorum. Opera Omnia, vv.4–12,* Commissio Leoniana [Rome: Ex typographia polyglotta S. C. de Propaganda Fide, 1888–1906] 9:167 (ad *STh* II-II, q. 78, a. 4)]). The second gloss is also reported in the *Glossa ordinaria,* on Gen 19:8-9 (*PL* 113:130); the ultimate source is Augustine's *Quaestiones in Heptateuchum* 1.42 (*PL* 34:559).

[5] Augustine, "Ad Pollentium de adulterinis coniugis," ed. Iosephus Zycha, Corpus Scriptorum Ecclesiasticorum Latinorum (Prague and Vienna: F. Tempsky; Leipzig: G. Freytag, 1900), 41:345-410. The work is also found in *PL* 40.

[6] See Augustine, "De adulterinis coniugis" 2.14.14 (*CSEL* 41:398.20-25).

(2), that is, that "it is not licit for a Christian man to kill his adulterous wife but only to dismiss her" (and this supposition, he says, is closer to the truth ["verius"]), "Who," asks Augustine, "is so demented as to say to him: 'Do what is not licit, in order that it might be licit for you to do what is not licit'?" Since both killing an adulterous wife and remarriage while she is alive are contrary to the law of Christ, says Augustine,

> one ought to refrain from both: one ought not to do that which is illicit for the sake of that which is illicit. For if he is going to do what is not licit, he ought indeed to commit adultery and he ought not to commit murder, so that, while his wife lives, he might take another wife and not shed human blood. But if both acts are nefarious, he ought not to perpetrate one for the sake of the other but ought rather to avoid them both.[7]

This passage has been used by both sides of the debate regarding counseling the lesser evil. Some argue that Augustine would allow counseling the lesser evil ("adulterous marriage"); others would argue that he would disallow such counsel. There are two things to note about this passage before attempting to address this question. First, it is clear that Augustine believes that the position defended by Pollentius cannot be reconciled with the law of Christ and probably not with law in any proper sense. Augustine's advice to *Christians* is that they ought not ever to seek the execution of an adulterous wife nor ever to dismiss her and then to remarry while she is still alive.

Second, it is also clear that his "counsel" to perform the lesser evil ("he ought indeed to commit adultery" ["iam faciat

[7] "Si autem, quod verius dicitur, non licet homini christiano adulteram coniugem occidere, sed tantum dimittere, quis est tam demens, qui ei dicat: fac, quod non licet, ut tibi liceat quod non licet? Cum enim utrumque secundum legem Christi inlicitum sit, sive adulteram occidere sive illa vivente alteram ducere, ab utroque abstinendum est, non inlicitum pro inlicito faciendum. Si enim facturus est, quod non licet, iam faciat adulterium et non faciat homicidium, ut vivente uxore alteram ducat et non humanum sanguinem fundat. Quodsi est utrumque nefarium, non debet alterum pro altero perpetrare, sed utrumque vitare" (ibid. 2.15 [*CSEL* 41:401.4-15]). The phrase "non inlicitum pro inlicito faciendum" seems to cause difficulties in so far as, if, as the assumption is, the man executes his wife first, his remarriage in itself will not be illicit. The explanation is that, when he speaks of the remarriage as illicit, he has in mind the moral character it would have before the killing: "quis est tam demens, qui ei dicat: fac, quod non licet, ut tibi liceat quod non licet?"

adulterium")[8] is part of a larger dialectical argument in which he examines all of the possibilities open to Pollentius in order to show that the pair "marry adulterously" and "avoid killing" is neither the only nor even the best pair of the possibilities open to him. Even under assumption (1) (which appears to be Pollentius's assumption), it would be better for the wronged husband to have the adulterous wife killed (legally) so that he might then marry without committing adultery. Pollentius's solution involves one illicit act (adulterous remarriage); this alternative solution involves none.

Under assumption (2) (i.e., under the law of Christ), it is open to the wronged man both to refrain from executing his adulterous wife *and* not to enter into an adulterous marriage. It is true, as Pollentius suggests, that an adulterous remarriage without an execution would be better than an illicit execution plus a "legitimate" remarriage since it would involve just one illicit act as opposed to one and a half—for, under assumption (2), an execution would be illicit and the subsequent marriage only doubtfully licit[9]—but, in fact, since both acts—adulterous remarriage and execution—are repugnant to the law of Christ, the wronged man ought to refrain from both.

It is apparent from all of this that Augustine does recognize that there is such a thing as a lesser evil. One can often determine what this might be by counting up licit and illicit acts: two licit acts are better than one licit and one illicit, and so on. It is also fairly apparent that Augustine would say that if a person, despite all, is set upon performing an evil act, he can be counseled to perform the lesser evil. As he puts it, "if he is going to do what is not licit, he ought indeed to commit adultery and he ought not to commit murder." The phrase, "he ought indeed to commit adultery" ("iam faciat adulterium"), is often cited in the subsequent literature. Augustine's ultimate advice, however, is that one can and should refrain from any nefarious acts, including adulterous remarriage.

III. Thomas Aquinas

[8] *CSEL* 41:401.11-12.

[9] See above, note 7.

There are two passages in Thomas Aquinas that enter in a special way into the debate about counseling the lesser evil: one from *De Malo* (q. 1, a. 5, ad 14) and the other from the *Summa* (II-II, q. 78, a. 4). (As we shall see, some other Thomistic texts, such as *STh* I-II, q. 14, a. 3, become important at particular moments in the debate.)

A) De Malo q. 1, a. 5

In question 1, article 5 of the disputed questions *De Malo,* Thomas asks, "Whether punishment [*poena*] or fault [*culpa*] has more of the nature of evil."[10] His answer, of course, is that fault does. One of the objections argues that "that which is preferred [*praeelegitur*] by a just man is presumed to be the lesser evil." Lot was a just man and he preferred fault (offering his daughters) over punishment (such as would be incurred by allowing his guests to be violated). "So, punishment is a greater evil than fault." Thomas's answer is as follows: "Lot did not prefer fault to punishment but he indicated the order to be preserved in fleeing from faults: for it is more tolerable if someone commits a lesser fault rather than a greater one."[11]

It is clear in this passage that Thomas does recognize that sins can be compared one against the other and some be declared "the lesser evil" (the *minus malum*). It is less clear, but can be established by considering his response carefully, that Thomas thinks that Lot did not act improperly. He does not reject the presupposition of the objection that Lot is a just man and he presents what Lot did in a positive light: the latter has respected the proper order ("ostendit ordinem esse servandum") in fleeing from faults. It is clear that Thomas considers the lesser evil a sin—it is a fault that might be committed—but he never asserts

[10] Thomas Aquinas. *Quaestiones disputatae de malo* (Rome: Commissio Leonina; Paris: Librairie Philosophique J. Vrin, 1982), vol. 23 of *Opera Omnia.*

[11] "Ad decimumquartum dicendum quod Loth non praeelegit culpam poenae, sed ostendit ordinem esse servandum in fuga culparum: quia tolerabilius est si quis committit minorem culpam quam maiorem" (*De Malo* q. 1, a. 5, ad 14).

what the objection asserts: that the fault is Lot's.[12] To the contrary, Thomas denies that Lot prefers (*praeelegit*) the fault—which might otherwise be understood as his choosing it—and insists that Lot merely *shows* (*ostendit*) the order to be preserved in fleeing from faults. This type of distinction becomes important in the subsequent debate (as does the word and concept *praeeligere*). It is one thing to counsel (or urge) the commission of a particular bad act; it is quite another to indicate that one bad act is a less serious offense than another.

B) STh II-II, q. 78, a. 4

This same distinction is prominent in question 78, article 4 of the later *Secunda Secundae,* where Thomas asks whether it is permissible in dire circumstances to accept money under usurious conditions ("sub usuris") from a usurer. The problem here is that this would seem (obj. 1) to involve consenting to the usurer's sin and (obj. 2) to give active scandal (presenting, that is, the occasion of sin) to the usurer. In addition (obj. 3), since it is "wholly illicit" to deposit money with a usurer and since placing a deposit can be just as necessary as taking a loan, taking money from a usurer is just as illicit as depositing it.

Thomas's basic answer to all this (in the corpus) is to say that there is a difference between inducing a person to sin and using a sin that he was going to commit anyway—just as God uses sin in order to effect good. So, when in such a situation one takes money under usurious conditions and does not *induce* the other to sin, one consents only to the loan (which is presumed to be for a good purpose), not to the usury. Since no comparison is made here of actions to be performed, none of this involves counsel (or inducement) to perform a lesser evil—although what Thomas says next in the corpus does. He compares taking money from a usurer

[12] "But Lot, since he was just, preferred the fault to the punishment, *offering, that is, his daughters to the lust of the Sodomites (which is the fault)* lest he suffer injury in his home while violence was done to his guests (which is the punishment)" ("Sed Loth, cum esset iustus, praeelegit culpam poenae, *offerens scilicet filias suas libidini sodomitarum, quod erat culpa*, ne pateretur iniuriam in domo sua, dum hospitibus suis violentia inferretur, quod est poena") (*De Malo* q. 1, a. 5, obj.14; emphasis added).

(without inducement) to what occurs in the story of the ten men who say to Ishmael, "Do not kill us for we have stores of wheat barley, oil, and honey hidden in the fields" (Jer 41:8). He speaks of their "showing"—the word he uses is *manifestare*—the goods in order that the thieves might steal rather than commit murder.

The question that immediately presents itself is, What is the parallel between these two cases? How is borrowing from a usurer, set in his ways and possibilities, like showing goods to would-be murderers? One might think that Thomas's point is that one is permitted only to present material (or to give information "in a material way") to those who intend a greater evil. But in his reply to the third objection (ad 3), he speaks of providing matter to a usurer ("daret materiam peccanti") and he clearly regards this as immoral. Thomas does, I believe, think that a moral act in such circumstances must involve a certain distance between the agent and whatever help he provides to the malefactor(s)—one recalls that he says that Lot "shows" the order to be preserved in fleeing from faults—but what is common between taking a loan from a usurer and the ten men's showing the goods is that in both cases the malefactors are apparently going to perform a bad act no matter what the other person says or does.[13] Given such objective circumstances—or, at least, given moral certainty that the circumstances are such—one can presume (at least *prima facie*) that the bad will is not that of the person who is using (not inducing) the sin of the sinner. In such circumstances one does not consent to the sin (ad 1) and any scandal is due to the evil in the heart of the malefactor ("ex malitia cordis sui") (ad 2).

IV. Cajetan

An important authority in this matter—and in the interpretation of St. Thomas in general—is Thomas de Vio:

[13]In *STh* II-II, q. 78, a. 4, see the words (in the corpus), "it is licit, from one who is prepared to do this and who practices usury, to accept a loan at an usurious price" ("licet tamen ab eo qui hoc paratus est facere et usuras exercet, mutuum accipere sub usuris"); and in ad 3, "if one should entrust money to a usurer lacking other means of practicing usury" ("quis committeret pecuniam suam usurario non habenti alias unde usuras exerceret"), one acts immorally (by providing the material for the sin).

Cajetan. Over the course of his career, Cajetan made a number of remarks touching upon counseling the lesser evil, some of them in the form of clarifications of former remarks. We will consider four texts: [1] remarks found in his commentary on question 78, article 4 of the *Secunda Secundae;*[14] [2] remarks found in his commentary on question 95, article 8 of the *Secunda Secundae;*[15] [3] remarks found at *Opuscula omnia,* volume 1, tract 31, response 13, ad 3 (to be referred to here as "Response 13, ad 3");[16] [4] remarks in his entry on 'tyranny' (*tyrannis*) in his *Summula peccatorum* (to be referred to here as "Entry on 'tyranny'").[17] Texts [1] and [2] can be dated to before 1517;[18] text [3] to before 1521 but after 1517;[19] text [4] was published in 1525 but completed at least a year earlier.[20]

A) Cajetan's Comment on STh II-II, q. 78, a. 4

As we have seen, in question 78, article 4 of the *Secunda Secundae* Thomas insists that one may not induce another to sin, although one may use his sin for good, as God uses the sin of any sinner. This idea is easy to apply to the case of the ten men in Jeremiah 41 (which Thomas mentions in *STh* II-II, q. 78, a. 4) but not so easy to apply to the case of Lot (whom Thomas does not

[14] Thomas Aquinas, and Thomas de Vio (Cajetan), *Summa Theologiae, cum commentariis Thomae de Vio Caietani Ordinis Praedicatorum,* Commissio Leonina, *Opera Omnia, vv.4-12* (Rome: Ex typographia polyglotta S. C. de Propaganda Fide, 1888–1906), 9:166-67.

[15] *STh* (Leonine ed.), 9:327-29.

[16] Cajetan (Thomas de Vio), "Tractatus 31: responsiones," in *Opuscula omnia Thomae de Vio Caietani Cardinalis* (Lyon: Haeredes Iacobi Iuntae, 1562), 126-37.

[17] Cajetan (Thomas de Vio), *Reverendissimi domini Thomae de Vio Cajetani cardinalis S. Sixti perquam docta, resoluta ac compendiosa de peccatis summula* (Rome: Marcellus Silber; Iacobus de Giunta, 1525), 224v-225r. This work, a sort of dictionary of sins, became known as the *Summula peccatorum* and was later published under this title. The edition cited here is bound together with another work, the *Novi Testamenti Ientacula*. The two works share a cover page but are numbered individually.

[18] Cajetan's commentary on *STh* II-II was completed in 1517: see *STh* (Leonine ed.), 8: xxiii.

[19] As will be seen below, tract 31 is dedicated to Leo X, who died in 1521. Response 13 begins with a reference to Cajetan's commentary on *STh* II-II.

[20] The 1525 edition (cited in note 17) contains a preface by Pope Clement VII dated 17 December 1524.

mention there). Cajetan follows Thomas in insisting on the induce/use distinction and he *does* discuss the case of Lot. He argues that Lot asks the men of Sodom not to commit sodomy with his guests, a request they might concede without sinning; Lot offers to bring his daughters out, which is also not a sin, although he knows that the men will take advantage of their being outside the house in order to abuse them. In this case, *they* sin by actively performing an injustice; the daughters, on the other hand, only suffer an injustice: they do not perform one.[21] Thus, argues Cajetan, Lot, "knowing that one ought not to perform lesser evils in order to avoid greater evils," did not induce the men to sin—"even though he did say, 'Abuse them as you will' (for he said this permissively); but he wished to use their iniquity for a good, that is, the avoiding of such an offense" (that is, the rape of the men guests).[22] He goes on to interpret this as offering the material of sin as opposed to inducing to sin. Whatever else we could say about this argument, it is apparent that Cajetan has drawn a very fine line between inducing one to perform a lesser evil and "counseling [merely] permissively" the same action, for, according to Cajetan, Lot does say regarding his daughters, "Abuse them as you will," which he regards (here) as counseling permissively and not inducing.

[21] "Lot petiit quod non committerent sodomiam cum masculis hospitibus, quod sine peccato concedere poterant; et obtulit proprias se filias educturum extra, ita quod non oporteret inferri ipsi patri aliam violentiam ad hoc ut puellae essent extra, quod totum sine peccato est, quamvis sciret quod occasionem abutendi eis inde sumerent, et ipsi peccarent faciendo iniustum, filiae autem paterentur iniustum" (*STh* [Leonine ed.], 9:167).

[22] "Unde ad neutrum peccatum inducebat eos Lot, sciens quod non sunt facienda minus mala ut evitentur mala maiora, quamvis dixerit, 'Abutimini eis ut libet' (quoniam permissive haec dicebat): sed uti volebat iniquitate illorum ad bonum, scilicet tantae offensae vitationem" (ibid.). Cajetan is referring to Lot's words at Gen 19:8: "I have two daughters who have not yet known man; I shall bring them out to you and abuse them as you please" ("Habeo duas filias quae necdum cognoverunt virum; educam eas ad vos et abutimini eis sicut placuerit vobis"). Cajetan cites a similar story, found at Judg 19:22-26. Verse 24 reads: "I have a virgin daughter and this man has a concubine; I shall bring them out to you so that you might humiliate them and satisfy your lust—only, I beg you, do not perform upon the man this crime against nature" ("Habeo filiam virginem et hic homo habet concubinam; educam eas ad vos ut humilietis eas et vestram libidinem compleatis; tantum obsecro ne scelus hoc contra naturam operemini in virum").

In the next section of his commentary,[23] Cajetan explains with more plausibility how the line is to be drawn. His remarks are basically a commentary on the response to the third objection in this article. In effect, he acknowledges that what is decisive in establishing the difference between inducing and not inducing to sin is not any talk about providing merely the matter for the sin but the fact that in certain cases the malefactors are determined to perform an evil no matter what the other person might say. When these objectively determinable circumstances are in place, it can be assumed (on at least a *prima facie* basis) that the will of the person who attempts to draw the malefactors towards the lesser evil is not bound up in whatever evil is performed.

As we have seen, the third objection in this article argues that placing a deposit with a usurer is sometimes just as necessary as taking a loan from one such; and yet placing such a deposit is apparently wholly illicit ("omnino videtur essere illicitum"): it is like placing food before a glutton or a virgin before a profligate. The usurer will just use the deposit in order to commit usury. Therefore, taking (borrowing) money from a usurer is just as illicit as depositing it with him. Thomas's response to this is to reject the idea that making such a deposit is always evil. It is evil, if the usurer would otherwise not be able to commit usury; it is also evil, if one's *intention* is that the usurer might make even more money by usury (that is to say, if one really does make the deposit in order to induce the usurer to even more usury): in either case one provides material *to* the sinning.[24] But if these two conditions are not present, and especially if the usurer would commit usury in any case, making a deposit with him is not sinful. And, therefore (we are meant to conclude), taking a loan from a usurer is not

[23] This section is numbered "IV" in *ST* (Leonine ed.) (p.167).

[24]Here I believe it is best to follow the Ottawa edition (Thomas Aquinas, *Summa Theologiae, cura et studio Instituti Studiorum Medievalium Ottaviensis* [Ottawa: Garden City Press, 1941]) (and a whole slew of MSS) in reading *peccandi* rather than the Leonine edition's *peccanti*. (In any case, it is clear that Cajetan reads *peccandi*.) A translation of *STh* II-II, q. 78, a. 4, ad 3 would then run: "If someone gives his money to a usurer who has no other means of practicing usury, or gives [the money] with the intention that he might make more money by way of usury, he provides the material of the sinning [*daret materiam peccandi*]. Thus, he is a participant in the fault. If, however, someone gives his money for safekeeping to a usurer who has other means of practicing usury, he does not sin but he uses the sinful man for good."

necessarily evil: it is not, *if* the usurer will commit usury in any case.

Cajetan's analysis of this argument introduces an element that is not present in the original. He introduces it apparently because he thinks that for Thomas the concept of offering merely the material for the sin of the other plays *some* role in distinguishing "inducing" from "using" the sin of another for good—although, as we shall see, Cajetan also acknowledges a more basic criterion. Cajetan considers an objection which (he says) someone might make to Thomas's answer in the response to the third objection. Thomas says that depositing money with a person who otherwise would not commit usury is to give material for the sinning; but (the objection argues) the ten men in Jeremiah 41 so participate materially (but not formally) in the sin of Ishmael and for this reason do *not* sin. Therefore, neither does that man ever sin who provides the material for the sin of the usurer.

The element that Cajetan introduces at this point is the immoral disposing of a deposit—or, as he calls it, the *distractio depositi*—as distinct from the usury itself. The concept behind this is that the person who makes a deposit has the right to claim it back from the holder whenever he wishes; but a confirmed usurer, who has no other means of engaging in usury, will undoubtedly lend the money of the depositor to another, thereby making it unavailable to the depositor.[25] Cajetan argues that when a deposit is given to a usurer who has no other means of committing usury it is still possible to distinguish these two aspects since, although in the case at hand the usurer disposes of the deposit in an act of usury, he *might* just have well have disposed of it (also immorally) in a nonusurious act (by investing in some business, for instance).[26]

[25] In book 20 of Justinian's *Digest,* the disposing of deposits is discussed: see especially title 5: "De distractione pignorum et hypothecarum." The crime at issue is mentioned in Plato's *Republic* 4.442E6-7; there the word *parakatathēkē* would correspond to the Latin *depositum* and *apostereō* to *distraho*. Cajetan says that the person accepting the deposit is obliged to safeguard it ("ius autem depositi distractionem prohibet, et ad custodiam obligat"); the usurer who has no other means of committing usury will inevitably violate this obligation. One thinks of what are currently known as "Ponzi schemes."

[26] "Talis usurarius . . . duo committit peccata, scilicet distractionem depositi et usuram (quae patet esse secundum se duo, quia separabilia sunt: posset enim distrahere depositum exponendo pecuniam depositam in alias negotiationes, ut patet)" (*STh* [Leonine ed.], 9:167).

According to Cajetan, it is the *distractio depositi* that Thomas has in mind when he says that the depositor provides the material of the sinning (the *materia peccandi*) and therefore acts immorally. Regarding the usury, on the other hand, there is no such providing of the material for the sin—and this is why (according to Cajetan) Thomas speaks of the depositor's providing the material simply of the sinning (or of the fault) and not of the depositor's being a participant in the fault of usury. Cajetan goes on to argue that, in the case of a usurer who has other means of committing usury, he is reasonably considered a reliable custodian of the depositor's property ("ille probabiliter creditur fidus depositarius, et non distractor depositi"), but not in the case where the usurer has no other means. In this latter case, leaving a deposit with him is like placing food before a glutton or a virgin before a profligate.

As mentioned above, none of what Cajetan says about *distractio depositi* is found in Thomas, who says only that giving a deposit to a usurer who has no other means of committing usury is in effect causing him to sin (by providing the *materia peccandi*). But Cajetan and Thomas are, in the end, agreed on this: that the more basic criterion in these cases is whether the usurer has other means of committing usury—that is to say, whether he would commit usury in any case.

B) Cajetan's comment on STh II-II, q. 95, a. 8

The next text in Cajetan (identified above as text [2]) is found some pages later in the same commentary on the *Secunda Secundae,* and so was almost certainly written not long afterwards; it pertains to question 95, article 8. The argument is not quite as complicated as that in text [1], for it presupposes ideas put forward there, but it also sheds some useful light upon how Cajetan understands question 78, article 4.

In question 95, article 8, Thomas asks whether divination by the drawing of lots is licit. The third objection begins by mentioning two general types of act: single combat (*monomachia*) and trial by hot iron or by boiling water; both, it says, can be considered divination by lots. But in 1 Kings 17 (= 1 Sam 17),

David engages in single combat—in effect, a duel—with Goliath the Philistine; therefore, maintains the objection, divination by lots is licit.

In the corpus of the article, Thomas allows that, although divination by lots is very often immoral, some acts of sortilege are not, as when the decision of a certain problem is properly left to God. In his response to objection 3, Thomas says that trials by hot iron or boiling water exceed the common variety of sortilege in so far as they presume upon God and divine authority; but sometimes a duel approaches the common (and possibly innocent) variety of sortilege since "no miraculous effect is expected."[27] He then adds—in what appears to be a reference to the case of David and Goliath—that such a miraculous effect might be expected when the two combatants are extremely mismatched. Presumably, however, this case did not involve any improper presumption on David's (or Saul's) part, and so for the Israelites to agree to the duel was licit.

Cajetan, in his commentary on this article, discusses duels more generally, arguing that they are not, as are telling lies and adultery, intrinsically immoral, although they very often are immoral.[28] Indeed just previous to this remark he argues that a person might engage in a duel under the rubric of tolerating lesser evils in order to avoid greater evils.[29] He would not have allowed this were duels

[27] Thomas appears to be referring to his earlier remark (in the corpus of *STh* II-II, q. 95, a. 8): "If by casting lots one seeks to know what is to be presented to whom (whether it be a possession, an honor, a dignity, a punishment, or some action), it is called 'sortilege of division.'" A few lines later he writes: "If we ascribe it to fortune, which can only occur in 'sortilege of division,' it does not seem to involve any vice other than that of vanity, as when persons, unable to agree upon the division of something, choose to cast lots for its division, thus leaving to fortune what portion who is to receive."

[28] *STh* (Leonine ed.), 9:328 (VI). At the end of section VI, Cajetan remarks: "A duel—that is, a war between two parties—is, therefore, not unjust with respect to its genus [*ex genere*] although it can be just with respect to one of the parties" ("Non est ergo duellum, hoc est duorum bellum, iniustum ex genere, sed potest esse iustum ex una parte").

[29] "Also because it is licit to tolerate lesser evils in order to avoid greater which, unless the duel should take place, would come about, such as devastations and conflagrations of the poor, and homicides. Also because the author [St. Thomas] says here that duels fall under the common type of sortilege, for in many cases it is licit to cast lots" ("Et quia licitum est tolerare minus mala ut evitentur maiora quae, nisi duella fierent, evenirent: ut vastationes et incendia pauperum, et homicidia. Et quia Auctor hic dicit quod duella accedunt ad communem sortium

intrinsically evil: one can never, for instance, commit adultery in order to avoid a supposedly greater evil.

Cajetan discusses also a case that does not, strictly speaking, appear in this article, although it is not unlike the David-Goliath case:

I acknowledge, however, that, in the case in which one party, engaging in just war, knows its own strengths and sees clearly that it must either fight and succumb or else accept a duel—that party licitly accepts the duel, for it thus changes a practically certain case into an undecided one and into a hope of victory, using all its strengths. And not only is it licit for such a party, finding itself in such a state of necessity, to accept a duel, but also to provoke such a duel, resolving the war into a duel. For, as far as it is concerned, this party uses all its strengths better in a duel than in war; and so it does not sin.

Regarding the other party, however, it is supposed that it is engaged in unjust war—and not only the individual who is to appear in the duel but all who are prepared to invade the country unjustly or to attack the army or persons, etc. And by this means, that is, by offering a duel, they are led away from the greater evil (the material of the greater evil is removed) not so they might perform this *whole* (that is to say, the lesser evil) but so that, being about to perform evil, they might sin less—which is the office of the angels: as is evident from the case of the ten men who suggested to the one who was about to kill them that he accept their treasures.[30]

rationem. Sortibus enim in multis casibus uti licet") (*STh* [Leonine ed.], 9:328 [V]). The second sentence in this quotation is a reference to Thomas's remark in *STh* II-II, q. 95, a. 8, ad 3: "The same argument seems to apply to the law regarding duels, except that this comes closer to *the common type of sortilege*, since here no miraculous effect is expected, unless perhaps when the combatants are very unequal in strength or skill" ("Et eadem ratio videtur esse de lege duellorum, nisi quod plus accedit ad communem rationem sortium, inquantum non expectatur ibi miraculosus effectus; nisi forte quando pugiles sunt valde impares virtute vel arte"). See above, note 27.

[30] "Fateor tamen quod in casu quo pars habens iustum bellum cognoscit vires suas, et quod oportet aut confligere et succumbere, aut acceptare duellum, quod licite acceptat duellum: transfert enim quasi certum casum in dubium et in spem victoriae, utendo omnibus suis viribus. Nec solum licitum est tali parti in praedicto necessitatis articulo constitutae acceptare, sed etiam provocare tale duellum, resolvendo bellum in duellum. Quoniam ex parte sui utitur omnibus viribus suis melius in duello quam in bello: et propterea non peccat.

"Ex parte vero alterius partis, supponitur quod habeat bellum iniustum; et non solum ille qui in duello comparebit, sed omnes parati sunt ad invadendum iniuste patriam, vel exercitum, personas , etc. Ac per hoc, offerendo duellum, abducuntur a maiori malo, auferendo materiam maioris mali, non ut faciant totum hoc, scilicet minus malum, sed ut, facturi malum, peccent minus (quod est officium angelorum): ut patet de decem viris qui occisuro eos obtulerunt ut acciperet suos thesauros" (*ST* [Leonine ed.], 9:329 [XI]).

At issue here is (a) whether in the cases described "the first party" (presumably, the commander of an army or of a portion of an army) induces the second party to perform an evil act and (b) whether he counsels the second party to perform an evil act. Regarding (a), in the event that the first party simply accepts the duel, it is not difficult to see how there might be no inducement involved. If he provokes the duel—the words used are precisely "provocare tale duellem"—that is quite difficult to see; and yet Cajetan makes no suggestion that he now rejects Thomas's induce/use distinction in question 78. The solution to this problem would be to interpret this present comment along the lines of text [1], noting that here Thomas says that those standing against the first party are all prepared ("parati sunt") to invade the country, etc. This is the same expression that Thomas uses in the corpus of question 78, article 4, where it is put in contrast with inducing: "in no way is it licit to induce someone to lend at an usurious price; it is licit, however, from one who is prepared to do this and who practices usury, to accept a loan at an usurious price."[31] Again, the decisive factor is that the other party is going to perform some evil no matter what the first party does or says. If the other party is going to act in any case, there is no inducement. It is true that in [2] Cajetan speaks again of "the material of the greater evil" being removed and (presumably) material for the lesser evil being presented, but this analysis (and language) is a consequence of the first party's being prepared to do something in any case.

Regarding issue (b), which, as already mentioned, becomes the primary controversial issue for Catholic moralists—that is, whether the first party counsels the second party to perform an evil act—it is hard to resist the conclusion that Cajetan does acknowledge this as licit, for he says that the ten men (of Jer 41) "suggested to the one who was about to kill them [Ishmael] that he accept their treasures." It might be possible to translate the phrase somewhat awkwardly as they "offered [obtulerunt] . . . that he accept their treasures"; but, even under this translation, it is hard to imagine how they might have "offered that he accept"

[31] "nullo modo licet inducere aliquem ad mutuandum sub usuris, licet tamen ab eo qui hoc paratus est facere et usuras exercet, mutuum accipere sub usuris."

without suggesting that he do so. And that certainly sounds like counseling.

The one new element introduced in text [2] is the distinction between dealing with the other in such a way that one does not intend that he perform the "whole" of the lesser evil ("ut faciant totum hoc") but rather intends that the other commit the lesser evil (emphasis on the word 'lesser'). It is clear from the context that this limiting of intention does not depend in the first instance upon one's mind being directed toward the word (or concept) 'lesser' but upon the objective circumstances: that is, that the other person will do something evil in any case. On the other hand, it must also be acknowledged that in the response to objection 3 in question 78, article 4, as we have seen, Thomas does recognize two ways in which leaving a deposit with a usurer might be immoral: first, if the usurer has no other means of engaging in usury; second, if one's intention is that the usurer might make even more money by usury ("vel hac intentione committeret ut inde copiosius per usuram lucraretur"). More precisely, Thomas accepts the possibility that the usurer might be prepared to engage in usury in any case *and* the depositor is not at all displeased with this prospect, in which case making the deposit would also be immoral because the depositor would again "provide the material of the sinning" ("daret materiam peccandi").

C) Cajetan's Response 13, ad 3

The opening lines of tract 31 of volume 1 of Cajetan's *Opuscula omnia* read as follows: "To Pope Leo X, regarding seventeen responses made primarily to diverse objections which appear to have been made on behalf of assertions of Martin Luther."[32] There then follows a summary of the seventeen responses, each of which contains various subdivisions. The thirteenth of these contains

[32] "Tractatus trigesimus primus, Ad Leonem decimum Pontificem de septemdecim responsionibus ad diversa praecipue objecta, quae pro Martini Lutheri assertionibus facere videbantur" (Cajetan [Thomas de Vio], "Tractatus 31: responsiones," 126). In the index to the same volume, the wording is somewhat different: "De 17. responsionibus ad diversos factis, praecipue ad quaedam objecta, quae pro Martini Lutheri assertionibus facere videbantur" (ibid., 3).

seven *dubia,* the third of which reads in this initial formulation as follows: "Whether the following contradict one another: 'in no way is it licit to induce even those prepared [to act] to the lesser evil' and 'it is licit to induce, that they might sin less.'"[33]

Cajetan's response to this objection (resp. 13, ad 3) begins by citing question 78, article 4 of the *Secunda Secundae,* which, he says, prohibits inducement, and then question 95, article 8, which, he says, appears to allow it. The text then states (in summary of Cajetan's position) that, although it is not licit to induce someone toward the lesser *sinning*, it is however licit—indeed, it is "holy"—to induce someone toward sinning *less*.[34] Cajetan's response reads as follows:

> It is one thing to induce toward this whole [*ad totum hoc*], that is, lesser sinning; it is quite another to induce only towards the 'less.' The first is never licit (and this is said in the first place [*STh* II-II, q. 78, a. 4]); the second is not only licit but holy, indeed the office of angels (and this is said in the second place [*STh* II-II, q. 95, a. 8]). And thus it comes about that, when we do not manage otherwise to restrain an adulterer, we licitly provoke toward simple fornication, not exhorting him to fornicate but—if he wills to satisfy his desires—not to violate the marriage bed of another. Nor is it necessary always to express such conditions but it sometimes suffices to hold them in mind, according to the place and time, as one who is wise will judge. This is not to induce towards either the greater or the lesser evil but it is, *secundum rem,* to restrain from the greater evil. And this

[33] "Tertium: An haec sibi invicem repugnant, nullo modo licet inducere ad minus malum etiam paratos, & licet inducere, ut peccent minus" (Cajetan [Thomas de Vio], "Tractatus 31: responsiones," 126).

[34] "Tametsi ad minus peccandum quempiam inducere non liceat, ad pecc. tamen minus inducere sanctum est" (Cajetan [Thomas de Vio], "Tractatus 31: responsiones," 133). Note that this text appears in slightly different form at Hannigan, "Is It Ever Lawful to Advise the Lesser of Two Evils?," 107; there we read "ad peccatum minus" instead of "ad pecc. tamen minus" (which appears to represent "ad peccandum tamen minus"). In his dissertation (and the published dissertation excerpt), Hannigan lists the 1581 Lyon edition of the *Opuscula;* but in that edition the introductory words, "Tametsi ad minus . . .", do not appear at all; they do appear, however, more or less as Hannigan gives them, in the 1570 Rome edition: "Tametsi ad minus peccandum quempiam inducere non liceat, ad peccatum tamen minus inducere sanctum est" (p. 69v). But Hannigan appears to have relied on Bender's transcription (who does not say what edition he is using) (Bender, "Consulere minus malum," 599). It is not clear whether Cajetan actually penned the words at issue.

occurs very often in practice in the case of those who ransom themselves from distress, as did the ten men in the book of Jeremiah.[35]

What Cajetan says here is certainly consistent with what we have already seen. He repeats the expression "totum hoc" (which appears also in his comment upon *STh* II-II, q. 95, a. 8), making the meaning perhaps more clear. If one were to induce another towards the 'sinning' of the phrase 'sinning lesser' rather than toward the 'lesser' (of the same phrase), one would be inducing towards the whole (the gerund *peccandum,* plus the comparative adjective) rather than towards the part (just the comparative adjective *minus*).

This might seem to make the difference between the two types of inducing very subjective and to fall, therefore, into what is often called "intentionalism": the theory that what gives to an act its moral species is simply where (or the way in which) an agent *chooses* to direct his intention. But our text here does not admit of such a reading, for Cajetan, following the same line as previously, includes in his account a necessary (but not sufficient) condition of saying truthfully that one is inducing only toward "the less." One might possibly say this if (for instance) a confirmed adulterer is going to indulge his sexual desires in any case.

In the penultimate sentence of the above, we read: "This is not to induce towards either the greater or the lesser evil but it is, *secundum rem,* to restrain from the greater evil." I have left the expression *secundum rem* untranslated in order not to prejudge the issue. The correct translation could be, "according to the situation," or it could be (as Hannigan would have it)

[35] "Aliud est enim inducere ad totum hoc, scilicet minus peccandum: & aliud est inducere ad ly minus. Primum nunquam est licitum, & hoc in primo loco dicitur. Secundum est non solum licitum, sed sanctum, immo Angelorum officium, & hoc in secundo loco dictum est. Et hinc fit ut adulterum, quum aliter non valemus retrahere, ad simplicem fornicationem licite provocemus, non hortando, ut fornicetur, sed si suae vult satisfacere voluptati, alieno non iniurietur toro. Nec tamen oportet huiusmodi conditionales semper exprimere, sed sufficit aliquando mente retinere pro loco & tempore ut sapiens iudicabit: hoc enim non est inducere ad malum maius vel minus, sed est secundum rem retrahere a malo maiori. Fitque frequentissima esercitatione a redimentibus vexationem suam: ut fecerunt decem viri apud Hieremiam" (Cajetan [Thomas de Vio], "Tractatus 31: responsiones," 133–34).

"objectively."[36] In either case, it is apparent that Cajetan maintains that determining whether a person induces towards the sin itself or simply towards its being lesser does not depend solely upon his choice. Of course, even in the event that, for example, an adulterer is going to satisfy his desires in any case and someone induces him to commit fornication rather than adultery, that person might want him to *commit fornication* (perhaps with a particular person). In this case, he would be inducing toward "the whole" (the *totum*). But this is not a case discussed in the text here.

One other thing that becomes more clear in this text is that Cajetan does hold that licit inducing toward the lesser evil could involve giving counsel of some sort: one might "exhort" the other—although Cajetan specifies that such exhortation would not be *to* fornicate but rather "not to violate the marriage bed of another."

D) Cajetan's Entry on 'tyrannis' in the Summula peccatorum[37]

Cajetan's Entry on 'tyranny' begins by saying that tyranny (or "occupying a republic tyrannically") is a most grave sin. But almost immediately he raises the question whether those persons sin who have recourse to a tyrant in order to obtain justice, for (as he explains) "they induce him to an act which he cannot licitly exercise." Cajetan replies that they do not sin because they do not request of him an illicit act but the justice of an act that for him is illicit.

> For, just as one holily counsels a profligate in order that he might not commit adultery but rather fornicate—that is, that he might commit the lesser evil, for presupposed is, "If you will to engage in profligacy"—even so the occupier of a dominion is holily urged to use that dominion in a manner that is less evil.[38]

[36] Hannigan, "Is It Ever Lawful to Advise the Lesser of Two Evils?" 108; See also Bender,"Consulere minus malum," 596, where "secundum rem" is considered the equivalent of "ex objecto."

[37] See above, note 17.

[38] "[E]xcusantur a peccato . . . quia non petunt actum illicitum, sed iustiam actus illi illiciti. Sicut enim luxurioso sancte consulitur ut non adulteretur sed fornicetur—hoc est minus malum committat: quia subintelligitur 'si luxuria uti vis'—ita occupatori dominii sancte

Is Cajetan saying here that one might counsel someone to do the lesser evil?[39] His words can be construed in such a way that person X does not necessarily give counsel *to* do the lesser evil but simply gives counsel to person Y in such a way that he knows (or hopes) that Y will commit the lesser evil, fornication. (The translation just offered is intended to leave this possibility open: "one holily counsels a profligate in order that he might not commit adultery but rather fornicate.") But, again, it is clear that in the passage Cajetan is more interested in pointing out that Y has the bad will. It is for this reason that he mentions that the condition "if you will to engage in profligacy" must be present, whether it is expressed or not.

That this is Cajetan's chief concern here is also indicated by the final sentences of the Entry on 'tyranny':

> For it is evident that they do not intend to request that the tyrant use his tyranny or that he usurp the act of judgment, for they would prefer that he cede both the tyranny and the judgment; but in so far as he does usurp to himself dominion and judgment, they intend that he use justly and piously the usurped dominion and judgment. And what they intend, this they request; thus it is that they neither intend nor request a usurped act but the holy quality in the exercise of the usurped act.[40]

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suadetur quod minus male utatur dominio illo" (Cajetan [Thomas de Vio], *Reverendissimi domini Thomae de Vio Cajetani cardinalis S. Sixti perquam docta, resoluta ac compendiosa de peccatis summula*, 224v-225r). It is interesting that in the 1571 edition of the *Summula peccatorum,* the word 'luxurioso' becomes 'luxuriosa' [!] (Cajetan [Thomas de Vio], *Summula Caietani: Reverendiss. Dn. Thomae de Vio Caietani, Cardinalis S. Xisti, perquam docta, resoluta ac compendiosa de peccatis Summula.* [Venice: apud Franciscum Gasparem Bindonum & fratres, 1571], 411).

[39] See Bender, "Consulere minus malum," 597; see also Cacciatore, C.Ss.R., "Consulere minus malum," 639; and Fabregas, S.J., "Licetne consulere minus malum?" 66*-67*.

[40] "Constat namque quod non intendunt ipsi petere ut tyrannus utatur tyrannide, ut usurpet actum iudicii: quoniam mallent ut cederet tyrannidi & iudicio: sed ex quo usurpat sibi dominium ac iudicium, intendunt ut iuste, ut pie utatur usurpato dominio & usurpato iudicio. Et quod intendunt hoc petunt: ita quod nec intendunt nec petunt actum usurpatum sed qualitatem sanctam in actu usurpato exercendo" (Cajetan [Thomas de Vio], *Reverendissimi domini Thomae de Vio Cajetani cardinalis S. Sixti perquam docta, resoluta ac compendiosa de peccatis summula,* 225r).

Tomás Sánchez is an important moralist in his own right (especially regarding marriage-related issues), but his importance for us lies in the influence he had on St. Alphonsus Liguori. By all accounts (and as I shall argue below), Alphonsus relies heavily upon Sánchez in formulating his own position regarding counseling the lesser evil.

Sánchez's *De sancto matrimonii sacramento* (also know as *Dispuationes de sancto matrimonii sacramento*) was published in three volumes: the first (containing books 1 through 6) in 1602, the second and third (containing respectively book 7 and books 8 through 10) in 1605.[41] In the second volume, book 7, the eleventh disputation (*Disputatio* 7.11), Sánchez discusses whether a previous vow of chastity constitutes an impediment to marriage. His answer is yes. But he asks further (n. 14) whether one might counsel someone bound by such a vow to marry in order that he might avoid a greater evil (sexual license) by committing a lesser evil (breaking the vow). His answer to this question is a *fairly* apodictic no (n. 29), although, between asking the question and answering it (that is, in nn. 15-28), he tenders a very detailed analysis of the issues surrounding counseling the lesser evil, in which he argues against those who would maintain that it is always immoral to offer such counsel.[42] The final section of the disputation (n. 30) contains brief answers to six arguments (listed in n. 14), against the morality of such counseling.[43]

Sánchez's analysis is extremely detailed, containing numerous discussions of other authors and citations of their works. In his

[41] Fernanda Alfieri, *Nella camera degli sposi: Tomás Sánchez, il matrimonio, la sessualità (secoli XVI- XVII)*, Annali dell'istituto storico Italo-Germanico in Trento, Monografie 55 (Bologna: Il Mulino, 2010), 321. Volume 1 was published at Genoa, volumes 2 and 3 at Madrid. For the saga of their writing and approbation, see ibid., 337-68.

[42] To be precise, at the beginning of *Disputatio* 7.11, n. 15, Sánchez says that he judges the position defended there (i.e., that one might counsel the lesser evil) "more true," although the opposing position (set out in n.14) is "sufficiently probable." Note, however, that in the summary given before *Disputatio* 7.11, the position set out in n. 15 is described as "authoris sententia."

[43] Numbers 14 to 30 appear at Tomás Sánchez, *Tomus secundus disputationum de sancto matrimonii sacramento*: *De sancto matrimonii sacramento* (Madrid: Ludovicus Sanchez, 1605), 64-71. From here on, I will refer to *Disputatio* 7.11 (usually plus a numbered section).

discussion of the case of Lot, for instance (n. 28), he cites more than twenty-five authors, several of them more than once. (Cajetan, for instance, is cited four times.) For reasons of space, I will go through Sánchez's six responses (in n. 30), making reference to relevant intervening arguments (found in nn. 15-28) only to the extent that they are directly relevant to our present concerns.

The first objection (as listed in n. 14) to the idea that one might counsel another to perform the lesser evil cites Gregory IX's *Decretals,* which contain a reply to the question, whether one might practice usury in order to help the poor. The reply is that, since Holy Scripture "prohibits [usury] and even telling a lie in order to save the life of another, much more is one to be prohibited from being involved in the crime of usury even in order to save the life of a captive."[44] So, the objection goes, one may not counsel the lesser evil in order to avoid the greater.

Sánchez's short response to this is that the text only proves that it is illicit to *practice* usury in order to rescue a captive, just as it is illicit to commit any even venial sin in order that another might not perform a greater evil. But this says nothing at all about whether or not one might urge (*suadere*) someone to perform the lesser evil. Sánchez refers to his own words, appearing just previously (n. 27): "Although it is licit to counsel the lesser evil to another in order to avoid the greater, it is licit for no one himself to use such counsel."[45] This is an important principle to have established, for, in addition to establishing the obvious point that one cannot ethically do evil of any sort in order to achieve good, it makes it apparent that there is a moral difference—and an ontological distinction—between counseling an evil of any sort and executing that evil. In particular circumstances, they may

[44] "Respondemus, quod, quum usurarum crimen utriusque testamenti pagina detestetur, super hoc dispensationem aliquam posse fieri non videmus, quia, quum scriptura sacra prohibeat, vel pro alterius vita mentiri, multo magis prohibendus est quis, ne etiam pro redimenda vita captivi usurarum crimine involvatur" (Gregory IX's *Decretals*, bk. 5, title 19 ["De usuris"], chap. 4 [*Corpus Iuris Canonici*, Richter, Aemilius Ludovicus, and Aemilius Friedberg, eds. (Leipzig: B. Tauchnitz, 1881), v. 2, col. 812]).

[45] "Quamvis tamen liceat consulere alteri minus malum ad vitandum maius, at nemini licet sibi tali consilio uti" (Sánchez, *Disputatio* 7.11, n. 27).

indeed both be immoral, but they must be analyzed as distinct acts—indeed, almost always, as distinct *types* of acts.[46]

The second objection to Sánchez's position would reject this former contention, that is, that there is a moral difference between counsel and execution (between counseling an action and performing it). "For, as far as sin is concerned, there is no difference between counsel and execution: all things considered, the object of the sin stands in the same relation with the counsel and with the execution."[47] The objection adds that "the comparative does not take away the positive,"[48] the point being that the word 'lesser' still qualifies an *evil*.

Sánchez replies that said relation is not the same:

> For it is within the power of the one who acts [the *exequens*] to avoid either evil, and so he is guilty—albeit in a lighter manner—of choosing the lesser evil; but it is not within the power of the one who gives counsel to pull him away from either evil, and so he licitly urges [*suadet*] the lesser evil.[49]

It is a question of whose will the fault (*culpa*) touches. The person who counsels the lesser evil—at least, under the present assumptions—has no inclination whatsoever toward either the greater or the lesser evil; therefore, since fundamental to all ethics is the idea that fault is a matter of a person's will being inclined toward—or even tied up with—evil, the one who counsels is not at fault. This lack of fault depends in turn upon a difference of moral object: the counselor *heads* towards something different from that toward which the *exequens* heads. That said, however, what determines whether fault touches a person's will is not a matter of where that person chooses to direct his intention, his

[46] An exception would be the (very contrived) case in which, in order to avoid a greater evil, one counsels a person *always* to counsel the lesser evil—even, for instance, when it might be more appropriate for the second counselor to counsel that *any* evil (whether lesser or greater) be avoided.

[47] " Nam quoad peccatum attinet, nil interest inter consilium & executionem: si omnibus pensatis, vno & eodem modo se habet obiectum peccati ad consilinm & executionem" (Sánchez, *Disputatio* 7.11, n. 14).

[48] "cum comparativum non tollat positivum" (ibid.).

[49] "Nam in exequentis potestate situm est, utrumque malum cavere, ac proinde reus est culpae, quamvis levioris, minus malum eligendo; at consulens nequit ab utroque malo ipsum retrahere: quo circa licite minus malum suadet" (ibid., n. 30).

thoughts, or his sentiments; the determination can be made objectively, that is, independently of how the person would construe his own action.

The third objection argues that it is not licit to ask someone to do that which he cannot do justly; therefore, *however* much (*quantumvis*) the other may be prepared to commit an unjust act, it is not licit to ask him perform it. Sánchez's answer is to say simply that "the premise is to be denied when [the unjust act] is not requested in an absolute manner but presupposed is a determination of the will toward the greater evil, from which he otherwise cannot be called away."[50] Here it is clear that Sánchez agrees with Thomas and Cajetan that the state of mind of the malefactor is decisive: one sees that he *will* act in any case; one tries at least to get him to do the lesser evil.

It is noteworthy that Sánchez says that the premise of the objection is to be denied *when* (*quando*) the unjust act is not requested (counseled) in an absolute manner. In effect, he is acknowledging that a person might counsel an evil (even a lesser evil) straightforwardly—in which case, the counsel would be immoral. In addition, he says that if there is uncertainty as to whether the other person is determined to sin, one who counsels the lesser evil does so immorally, for in this case the counselor's will *is* bound up with evil (that is, with the lesser evil). "Similarly, if one perceives [the man] very much inclined toward sodomy, it would be iniquitous to anticipate the execution of this depraved habit, urging sex with women."[51] Once again, the determinant of the state of the counselor's will is not what occurs in his soul but rather the facts in the "outside world": whether the person will certainly perform the greater evil in any case.

Sánchez also considers (in n. 20) what might be seen as the opposite situation. An objection would have it that, if the other person is determined to perform *just* the greater evil, to counsel the lesser evil is very much (as we might put it) "to throw oneself behind" that evil and therefore for one's will to be involved there.

[50] "Ad tertium negandum est antecedens, quando illud non petitur absolute, sed posita determinatione voluntatis ad maius malum, a quo aliter revocare nequit" (ibid.).

[51] "Similiter si videat illum ad sodomiam valde propensum, iniquum esset pravi habitus executionem praevenire, suadendo accessum ad feminas" (ibid., n. 21).

But Sánchez's answer is that as long as it is clear that the other is intent on the greater evil, in counseling the lesser evil one is clearly seeking to reduce the evil performed. Again, the state of the counselor's will is determined by the concrete situation.

The whole disputation is full of such shifting scenarios. It is best not to think of them as Sánchez laying down rules: "If the person is intent *just* on the greater evil, you can still counsel the lesser evil," etc. He is rather using these examples in order to show what it means for one's will to be bound up with an evil action. There is nothing prohibiting Sánchez from adding a detail that changes a particular scenario from one in which (for example) the counselor acts morally to one in which he acts immorally. For instance, he considers the case of a person who, in order to avenge a wrong, is intent upon killing "John." Who would doubt, he says, that it is iniquitous to urge him rather to cut off Peter's arm? "For what does Peter owe to John in this matter?"[52] And yet this *is* a case in which the counsel would be for the lesser evil—precisely what, in the disputation, Sánchez insists is not (necessarily) immoral.

The fourth objection and its response can be stated fairly briefly, although Sánchez's actual response is lengthy and detailed. The objection is that "the material of counsel, since it is good, can sometimes fall under a precept; but the lesser evil can never be prescribed."[53] The presupposition here is that an evil (even a lesser evil) can never be prescribed. Sánchez replies that not only *can* there be but there *is* such a precept, that is, one that presupposes that the other's will is fixed upon performing the greater evil—"as we have proved," he says, "in number 15." Number 15 is nearly three columns long and contains six numbered arguments, the first five of which call to the stand as recognizing such a precept a company of saints: (1) St. Augustine, (2) St. Epiphanius, (3) St. Gregory the Great, (4) St. John Chrystostom, and, under (5), St. Ambrose, St. Augustine again (this time on Lot), and St. Thomas

[52] "Quis enim dubitet iniquum esse, volenti interficere Ioannem.gratia iniuriae ulciscendae, consulere ut Petro brachium potius abscindat? Quid enim debet Petrus in hoc Ioanni?" (ibid., n. 24).

[53] "Quarto quia quod est materia consilii, cum bonum sit, potest aliquando cadere sub praecepto: at minus malum numquam potest praecipi" (ibid., n. 14).

Aquinas (*De Malo,* q. 1, a. 5, on Lot). This is followed by an argument (6) "from reason," to which is appended a huge list of references to the works of other moralists (including Cajetan's comment upon *STh* II-II, q. 95, a. 8, his Response 13, ad 3, and his Entry on 'tyranny'). It is clearly very important for Sánchez to show that he is not pulling his ideas regarding the lesser evil out of thin air but planting his feet upon the firm ground of Christian tradition. Among the saints, Augustine is discussed at greatest length. At one point, Sánchez says, with reference to the argument we have already seen from Augustine's "On Adulterous Marriages": "Truly, this text contains not permission but counsel, for this comes across clearly in the words, 'He ought indeed to commit adultery.'"[54] Sánchez cites, that is, the crucial phrase we encountered above: "Iam *faciat* adulterium."

The fifth objection is related to the issue touched upon just above under the third objection. The thesis that counseling the lesser evil is legitimate would *seem* to hold up, it argues, when the party to be inflicted with either a greater or a lesser evil is one and the same person, but it fails when two victims are involved, for it entails counseling the malefactor to inflict evil upon "this particular person": Peter, for instance, rather than John. But (continues the objection), if it is illicit to counsel the lesser evil when two victims are involved, it is illicit to counsel the lesser evil when only one is: the number of victims has no bearing upon the morality of the counsel. The thesis in favor of counseling the lesser evil ought, therefore, to be rejected altogether.

Sánchez's reply is, in effect, to say that the cases are not commensurable ("negandum est esse simile"). One cannot simply say that what is prohibited when many are involved is prohibited when one is—as one *can* say, for instance, that, since all the apples in the barrel are red, any one apple is red. Counseling the lesser evil can be good, but in order to be good the counselor must advise means that are just. An act (such as a counsel) that causes injury to this particular person is unjust; for that very reason it falls outside the ambit of the legitimate counsel of the lesser evil.

[54] "At vere textus non permissionem, sed consilium continet, quod clare sonant ea verba: 'Iam faciat adulterium'" (Sánchez, *Disputatio* 7.11, n. 15).

One cannot consider a thing as if it were together with other things if its very intelligibility excludes those other things.

That is Sánchez's response to the fifth objection (although he is much more brief); but it will be worth our while to look at another passage from number 24 (which he cites in this response) in order to understand more fully why he says—and how he can say—that giving counsel that injures a particular person is unjust. The John and Peter case, discussed above, is the second of a three-part explanation of why one who counsels the lesser evil when more than one person is involved owes restitution to the injured person. Restitution must be made since (1) the counselor is the direct cause of the injury, (2) such cases are like the John and Peter case (in which Peter reasonably blames the counselor), and (3) (repeated in n. 30) the means used to avert someone from harming another "must be proportionate to the end, that is, within the limits of justice."[55]

A few lines later Sánchez gives another example of unjust counsel:

> What is true is that, even though [the person counseled] might not be resolved to inflict the greater injury but is doubtful whether to inflict the greater injury upon Paul or the lesser upon John, even [in this case] the one counseling that lesser injury is obliged to make restitution—even though the other person was resolved to inflict one of these two injuries. For the one counseling injures John, resolving the hesitating will of the other *to* inflict that injury, which perhaps, without that counsel, might not have occurred.[56]

We see here that crucial for Sánchez is whether there is a direct causal connection between the will of the one who gives counsel and some particular bad effect in the world. Note that he writes that in *this* case the counselor is bound to make restitution, "even

[55] "media ad advertendum quempiam a pravo nocendi proposito debent esse proportionata fini, iuxta iustitiae limites" (Sánchez, *Disputatio* 7.11, n. 14).

[56] "Quod verum est, quamvis ille non esset determinatus ad maius damnum inferendum sed dubius esset num maius damnum inferret Paulo, an minus Ioanni, & restituere teneretur consulens illud minus damnum, quamvis ille determinatus esset ad unum ex illis duobus damnis inferendum. Quia consulens iniurius esset Ioanni, voluntatem alterius dubiam determinans ad id damnum, quod forte absque eius consilio non subsequeretur" (Sánchez, *Disputatio* 7.11, n. 24).

though the other person was resolved to inflict one of these two injuries." In other circumstances, the counselor's will would not be involved in what occurred since any (and all) injury would have come out of the other's resolution to inflict injury. But in the present case, the counselor has resolved a doubt: *he* has turned the other person's will toward (that is, against) John. According to Sánchez, for licit counsel to be given, the counselor cannot be involved in resolving a doubt, although, if the other is, for instance, resolved to inflict the greater evil, he might counsel the lesser.[57]

Given the ideas just presented, the sixth and last objection can be dealt with briefly. The objection maintains that counseling or inducing to a lesser injury is a cause of that injury; therefore, it is against justice and the counselor is obliged to make restitution. Sánchez's answer is that "the one counseling is not truly cause of that lesser injury but of the good preference which he urges." He is referring, of course, to the correctly understood principle, which approves only counsel that remains within the limits of justice, avoiding injury to particular persons, etc.

VI. St. Alphonsus Liguori

There are three texts in St. Alphonsus's *Theologia Moralis* that touch upon counseling the lesser evil: one is found in book 2, another in book 3, another in book 5.[58] I will refer to them as Alphonsus's "book 2 text," "book 3 text," and "book 5 text."

A) The Book 2 Text (v. 1, bk. 2, tr. 3, ch. 2, dub. 5, art. 2, n. 57)

[57]A few lines after the just quoted passage, Sánchez speaks of another scholar, "Navarra" (= Navarrus or Martin de Azpilcueta), who would allow the counsel of the lesser evil if the other person has decided to inflict an injury upon two persons; in such a case, it is licit to urge him to inflict it upon just one. Sánchez indicates that he agrees with this, but goes on to say that this is true (as formulated) under the law of justice; under the law of charity, other considerations may become decisive and thus call for different counsel.

[58] In the standard edition of Alphonsus's chief work (Alphonsus Maria de Ligorio, *Theologia moralis,* ed. L. Gaudé, 4 vols. [Rome: Typographia Vaticana, 1905–12]), the three texts are at (1) v. 1, bk. 2, tr. 3, ch. 2, dub. 5, a. 2, n. 57 [pp. 353-54], (2) v. 2, bk. 3, tr. 5, ch. 2, dub. 2, n. 565 [p. 62], and (3) v. 2, bk. 5, tr. un., ch. 3, dub. 5, art. 2, n. 77 [pp. 762-63].

The book 2 text is most useful for establishing the influence of Sánchez upon Alphonsus. The question raised is, "whether it is licit to urge or to permit the lesser evil in order to avoid the greater?" Alphonsus's response is divided into two sections: the first records some generally negative responses, the second (which he calls the "more probable") gives his own affirmative response, "provided the other is already determined to execute the greater."[59] In the first section, Alphonsus says that those who hold the negative position do so "because the comparative does not take away the positive"—that is to say, adding the comparative adjective *minus* to the word *malum* does not change the fact that the *malum* is a *malum*. (As we have seen, Sánchez formulates this objection using the same phraseology.)[60]

Alphonsus acknowledges that even two who insist on this point and whom he mentions by name—Paul Laymann [1574-1635] and Juan (Ioannes) Azor [1536-1603]—add a proviso: "unless that evil [i.e., the lesser] is virtually included in the other greater evil; for instance, when another is prepared to kill someone, you can urge him to cut off a hand only—of the same person, however—not of some other specified person."[61] Alphonsus then mentions a second case. If the other person is determined to commit adultery, one can urge him to fornicate, as long one does not point him to any particular unmarried woman. He says that some authors insist that, in all such cases, the malefactor has to have declared that he is prepared to bring about *either* evil;[62] but, says Alphonsus—and here his reliance becomes apparent— Sánchez "expressly rejects this limitation, for (he [Sánchez] says) that the lesser evil is

[59] "Secunda igitur sententia probabilior tenet, licitum esse minus malum suadere, si alter jam determinatus fuerit ad majus exsequendum" (Alphonsus Maria de Ligorio, *Theologia moralis,* v. 1, bk. 2, tr. 3, ch. 2, dub. 5, a. 2, n. 57 [353b]).

[60] See above, note 48. The words in Sánchez are: "cum comparativum non tollat positivum" (*Disputatio* 7.11, n.14 [64a]); here Alphonsus writes "quia comparativum non tollit positivum."

[61] "Limitat vero Laymann cum Azor, nisi malum illud sit virtualiter inclusum in illo alio majori. Sic, parato aliquem occidere, potes suadere ut manum tantum amputet, eidem tamen, non alteri designato" (Alphonsus Maria de Ligorio, *Theologia moralis,* v. 1 [353b]).

[62] "Admittunt hoc Salmant., dummodo ille decreverit utrumque malum patrare" (ibid.). The reference is to the authors of the *Cursus theologicus Summam divi Thomae complectens* (i.e., the "Salamanticenses").

proposed not in order that the other might perpetrate it but in order that he might be pulled away from the greater."[63]

The second section is even more demonstrably indebted to Sánchez. Alphonsus says that it is licit to urge the lesser evil, simply if the other is determined to perform the greater. "The reason, he says, "is that then the person persuading seeks not evil but good, i.e., the choice of the lesser evil."[64] Alphonsus proceeds to list a number of authors who (according to him) agree with this (his) position; he clearly takes this larger list from Sánchez.[65] Among those listed are Diego Covarrubias y Leyva (1512-77) and Gregorius de Valentia (d. 1603), neither of whom agree with the position Alphonsus sets out in this second section, although they do confirm the position that Sánchez sets out in the corresponding passage.[66] The truth is that Alphonsus has misunderstood Sánchez,

[63] Sánchez "hanc limitationem expresse rejicit: quia (dicit) tunc minus malum proponitur, non ut alter illud perpetret, sed ut a majori retrahatur" (ibid.).

[64] This language is taken from Sánchez's *Disputatio* 7.11, n. 15. Alphonsus writes here (v. 1 [353b]): "Secunda igitur sententia probabilior tenet, licitum esse minus malum suadere, si alter jam determinatus fuerit ad majus exsequendum. Ratio, quia tunc suadens non quaerit malum, sed bonum, scilicet electionem minoris mali." Sánchez writes (*Disputatio* 7.11, n. 15 [65b]): "nec petit ut minus id malum exequatur, sed solam minoris mali praeelectionem."

[65] See Sánchez, *Disputatio* 7.11, n. 19 (66b).

[66] "Illud tamen obiter adnotamus, aliud esse, offerre materiam minoris mali, aliud inducere ad minus malum, ut maius evitetur. Illud etenim licet, hoc vero peccatum est, cum non sint facienda mala, ut eveniant bona, nec minora mala, ut maiora evitentur" (Diego Covarrubias y Leyva, "Epitome in quartum librum decretalium," in *Opera Omnia* [Venice: H. Scoti, 1581]. v. 1 pars 1, cap. 4 [136b]). The pertinent passage in de Valentia is part of his commentary upon Thomas's *STh* II-II, q. 78, a. 4; in it, he is talking about the interpretations of two Dominicans: Navarrus (Martin de Azpilcueta, 1493-1586) and Francisco Sylvester (d. 1526). At one point de Valentia says: "That which is said by the aforementioned authors can be understood in another way so that it is plainly false: this is clearly the case if the idea is not simply that it is licit to avert the purpose of the other from the greater evil, explaining to him the lesser, but even truly to *recommend* [*consulere*] to him that lesser evil—although not indeed that he might perform it simply speaking [*simpliciter*] but (as some say) 'comparatively,' that is,in order that he might *rather* perform it, should he be about to perform the other" ("Altero modo illud praedicatorum Auctorum dictum potest ita intelligi ut plane sit falsum: nimirum si sensus sit non modo licitum esse, animum alterius avertere a maiori malo, explicando ei minus, sed etiam ei vere *consulere* id minus malum, quamvis non quidem ut faciat id simpliciter, sed (ut quidam loquuntur) *comparative*, id est, ut faciat illud potius, casu quo alterum est facturus") (Gregorius de Valentia [Metimnensis], *Commentariorum theologicorum tomi quatuor: In quibus omnes materiæ, quæ continentur in Summa theologica diui Thomæ Aquinatis, ordine explicantur* [Lyon: Horatius Cardon,

who speaks in the passage not about urging or persuading but about presenting the material by means of which the lesser evil might be performed by the other person. Alphonsus has clearly not consulted Covarrubias or de Valentia directly on this point and is relying upon—while not fully comprehending—Sánchez.[67]

Alphonsus's consideration of counseling the lesser evil here concludes with two brief points. First, he mentions Augustine's words in "On Adulterous Marriages," "iam faciat adulterium" ("he ought indeed to commit adultery"). By means of these words, he says, Sánchez (with—*cum*—certain other moralists) proves that Augustine spoke not just permissively but urged (or persuaded) the commission of the act. Secondly, he says that Sánchez (again, *cum* another moralist) says that such counseling is permitted not just to private individuals "but also to confessors, parents, and others upon whom it is incumbent to impede the sins of their subordinates."[68] The remark about confessors, parents, etc., appears in Sánchez (*Disputatio* 7.11 at n. 23); the latter argues that their counsel can be no less useful than that of private individuals.[69]

It is worth going to these efforts to establish that Alphonsus was reliant upon Sánchez because Alphonsus is so important for the more recent history of moral theology. As Hannigan shows, since the sixteenth century, opinion regarding counseling the lesser evil has shifted toward the affirmative. He examines forty-eight authors from the sixteenth, seventeenth, and eighteenth centuries: thirteen of these speak favorably of counseling the lesser

1619], v. 3, 1164BC). On Covarrubias and de Valentia, see Hannigan, "Is It Ever Lawful to Advise the Lesser of Two Evils? [Dissertatio ad lauream in Facultate Theologica]," 43 and 59-61. His remarks on de Valentia also appear at ibid., 115-16.

[67] See Bender, "Consulere minus malum," 604. Bender points out that Gaudé (the editor of the edition of Alphonsus's *Theologia Moralis* I am using) was aware of this error by Alphonsus. See Alphonsus Maria de Ligorio, *Theologia moralis,* v. 1 (353b n. 57 b). Cf. Cacciatore, "Consulere minus malum," 640.

[68] "Ex quibus verbis: *iam faciat adulterium*, probat Sanchez cum Soto, Molina, Navarro, Abbate, etc., S. Doctorem non tantum permittendo, sed etiam suadendo locutum fuisse. Et hoc, addit Sanchez cum Salon, licere, non solum privatis, sed etiam confessariis, parentibus et aliis, quibus ex officio incumbit impedire peccata subditorum" (Alphonsus Maria de Ligorio, *Theologia moralis,* v. 1 [354a]).

[69] Sánchez, *Disputatio* 7.11, n. 23 (67ab).

evil; twenty-three are favorable but with limitations; twelve reject it. From the nineteenth and twentieth centuries, he examines fifty-one authors: thirty-five support the affirmative view, twelve subscribe to it with limitations, four reject it.[70] It is not unreasonable to attribute this shift to the prestige of St. Alphonsus and to his coming out in favor of such counsel. But it must also be acknowledged that Alphonsus does not say a great deal about the issue—and what he says is derivative. The theory comes actually from Sánchez, and so it is the latter's theory that has moved into the ascendancy.

B) The Book 3 Text (v. 2, bk. 3, tr. 5, ch. 2, dub. 2, n. 565)

The book 3 text, which is part of Alphonsus's treatment of the seventh commandment, asks, "Whether to one prepared to inflict a greater injury one might urge a lesser against the same person." Alphonsus, citing Sánchez, joined by some other moralists, answers in the affirmative but emphasizes that he has specified that the injury is to be done "against the same person."

Alphonsus says that one of these other moralists, Domenico Viva (1648-1726), adds that "only in general can one urge someone to perform rather the lesser evil, or even urge him that

[70] Hannigan, "Is It Ever Lawful to Advise the Lesser of Two Evils?" 129. The position of one sixteenth-century author, Sylvester (see above, note 66), Hannigan finds ambiguous (Hannigan, "Is It Ever Lawful to Advise the Lesser of Two Evils? [Dissertatio ad lauream in Facultate Theologica]," 1-2]. It is not generally recognized that, although Hannigan reports these results of his investigations, he is largely in favor of the position of Bender, who holds that counseling the lesser evil is immoral. This becomes apparent in Hannigan's dissertation. In the latter, he does argue that "Bender's assertion [Bender, "Consulere minus malum," 606] to the effect that the affirmative view has not got a greater extrinsic probability than that of the negative, is at variance with the facts" (Hannigan, "Is It Ever Lawful to Advise the Lesser of Two Evils? [Dissertatio ad lauream in Facultate Theologica]," 178). (The "affirmative view" is the view that, in certain circumstances, favors counseling the lesser evil. An argument for greater extrinsic probability is established by counting up the number of "accepted authors" who favor one position rather than another.) Although Hannigan does not accept Bender's claim to have established the extrinsic probability of the negative view, he does accept his claim to have established the intrinsic probability of that view, that is, to have established that it is intrinsically more reasonable.

the lesser evil is to steal from rich Peter rather than poor Paul."[71] The idea is that, faced with a person who is determined to steal from either Peter or Paul, one might explain "in general" the morality of stealing from a rich rather than a poor man. Alphonsus then says that Viva even maintains that, if one is faced with someone who is determined to steal from a specified person ("Titius"), one might counsel him to steal "from someone else in general." The idea here is that, since the other is not specified, one is involved in injury to no specific person. But Alphonsus says he cannot go along with this ("non acquiesco"), "for in that manner one urges the injury of the other."[72] The reason is that, in this latter case, the counselor is partial cause of the other person's injury (whoever he might be). What Alphonsus cannot go along with is just this latter case—that in which the malefactor is prepared to steal from Titius and the counselor counsels stealing from "someone" else (rich, poor, or somewhere in between). In all of this, Alphonsus holds to Sánchez's principle that one can never

[71] "Addit Viva, quod solum in genere potest suaderi illi, ut potius minus malum faciat; vel etiam suaderi, minus malum esse furari a Petro divite quam a Paulo paupere" (Alphonsus Maria de Ligorio, *Theologia moralis,* v. 2, bk. 3, tr. 5, ch. 2, dub. 2, n. 565 [62b]). Viva's fuller remark is as follows: "It is licit only in general to persuade someone that the lesser rather than the greater evil be done (even though he would conclude from this that he ought rather to steal from rich Peter than from poor Paul), indicating directly only the greater badness of that theft, that he might keep away from it. It is even possible to instruct that the lesser evil is to steal from rich Peter than from poor Paul, not however inducing him to the lesser badness of theft of a specified rich man, even though this follows indirectly. Indeed, if a person wishes to steal from Titius, it is possible to say to him that he ought rather to steal from another, naming no one in particular, for in that way he is averted from that crime and the injury which occurs is to no particular person" ("Solum licitum est in genere suadere, ut potius minus malum, quam maius faciat (quamvis ille hinc deducat, quod potius debeat a Petro divite, quam a Paulo paupere furari), ostendendo tantum directe maiorem malitiam illius furti, ut ab ea abstineat. Docere etiam potest minus malum esse a Petro divite, quam a Paulo paupere furari, non vero inducendo illum ad malitiam furti minorem illati diviti, quamvis indirecte hoc sequitur. Immo si quis velit furari a Titio, potest illi dici, quod potius furetur ab alio, neminem in particulari nominando, quia sic avertitur ab illo delicto, & nulli particulari personae fit iniuria") (Domenico Viva, *Pars tertia: De restitutione*. *Cursus theologicus ad usum tyronum elucubratus* [Beneventum: J. Manfrè, 1737], q. 3, a. 3, n. 7 [52]).

[72] "Sed huic ego non acquiesco . . . quia sic iam suadetur damnum alterius" Alphonsus Maria de Ligorio, *Theologia moralis,* v. 2, bk. 3, tr. 5, ch. 2, dub. 2, n. 565 [62b]).

counsel even the lesser evil when one's will would somehow be bound up in the injury to a particular person.

The book 3 text concludes with another position attributed to Viva. Alphonsus presents it as a concession on Viva's part—that is, a concession to the idea that the person injured must never be specified:

> The same Viva concedes that one might urge someone, who wills to steal something from Peter, on account of which he would be cast into extreme poverty, to filch an insignificant amount from extremely rich Paul—who, acting otherwise in this matter, would be unwilling irrationally.[73]

The somewhat awkward expression ("would be unwilling irrationally") was, by Alphonsus's time, the standard way of referring to the state of the owner of property in times of famine with respect to those in need. In such times, a hungry person is permitted (for instance) to appropriate bread for his own sustenance: it would be irrational for the owner of the property (the "dominus") to be unwilling to part with it.[74] But the expression corresponds also to Sánchez's similarly awkward expression (in *Disputatio* 7.11 n. 24), where he says that the prohibition on counseling the lesser evil does not apply when the injury to the one person would be very small, to the other great—especially if the first be a poor man, the second rich: "For then it is licit to induce that small injury, so that in the other a great injury might be avoided. Obviously the one not wishing in this case to suffer the small detriment would be unwilling unjustly."[75]

[73] "Concedit idem Viva, volenti furari a Petro aliquid, ob quod ille in extremam redigeretur paupertatem, posse suaderi ut surripiat aliqantulum a Paulo ditissimo: qui aliter in hoc esset irrationabiliter invitus" (ibid.). It is not apparent where Viva makes this concession; he does not make it in *Pars tertia: De restitutione,* q. 3, a. 3.

[74] See Alphonsus Maria de Ligorio, *Theologia moralis,* v. 2, bk. 3, tr.5, ch. 2, n. 571 (66a): "Et quamvis, ob tantum periculum licitum sit tibi surripere vel destruere bona aliena (quia in eo casu dominus esset irrationabiliter invitus, si nollet consentire, ut, tu in necessitate extrema constitutus, sua bona acciperes vel perderes ad servandam vitam)."

[75] "Tunc enim licet inducere ad id modicum damnum, quo in altero magnum caveatur. Quippe non iuste invitus esset nolens in hoc eventu id modicum detrimentum pati" (Sánchez,[*Disputatio* 7.11 n. 24 [68b]).

C) The Book 5 Text (v. 2, bk. 5, tr. unicus, ch. 3, dub. 5, art. 2, n. 77)

In the book 5 text, Alphonsus treats the question whether it is wrong to make someone drunk in order that he might not perform some greater evil, such as betraying the city. At the beginning of his treatment, he cites Sánchez,[76] but his main point of reference is Leonard Lessius (1554-1623).[77] Alphonsus makes the distinction between inducing someone to material inebriation (*ebrietas materialis*), where the other does not know that his drink will make him drunk, and inducing him to formal inebriation (*ebrietas formalis*), where he does. Lessius clearly suggests that one can licitly induce another to formal inebriation.[78] Others, including

[76] According to the Gaudé edition, *Disputatio* 7.11, n. 19.

[77] Leonardus Lessius, *De iustitia et iure ceterisque virtutibus cardinalibus libri quatuor: Ad secundam secundae d. Thomae a quaest. 47 usque ad 171. Accessere tractationes duae ad defensionem doctrinae huius operis, De monte pietatis, deque honestate aequivocationis et mentalis restrictionis ex idonea causa adhibita, urgente sola virtute veritatis* (Lyon: M. Liberal, 1653), bk. 4, ch. 3, dub. 4 (622b-624a).

[78] In a *dubitatio* in the fourth book of his *De iustitia et iure*, Lessius asks, "Whether it is a sin to challenge someone to a drinking bout and whether it is permitted to respond [to such a challenge]" ("Utrum sit peccatum provocare ad aequales calices, & an fas respondere"). Lessius's consideration of the question includes the following passage. "You ask whether, if some great evil is impending and it is not possible that it be impeded in any other way except by inebriating the agent who would effect it, it would be licit to inebriate him. For example, certain individuals contemplate the betrayal of the city at a certain hour, or they would impede a city, which is in the hands of heretical rebels, from being returned to its sovereign at an agreed time—and there is available to me no means of averting this, other than to entertain them sumptuously and cause them by means of drink to sleep. Similarly, captured by marauders, I am led to a tavern and there is hope of escaping if I inebriate them. I respond . . . : in this case it appears licit to challenge another to a drinking bout and to inebriate him, that is, by means of drink to cause him to sleep: for this reason, I said [above], 'Unless a just cause should excuse.' The proof is that it is licit to persuade and to induce to the lesser evil in order to impede the greater, as the learned men are agreed in handing on" ("Petes, Quid si grande aliquod malum impendens non possit alia ratione impediri, nisi inebriando auctorem qui illud machinatur; utrum tunc licitum sit illum inebriare? V.g. aliqui meditantur proditionem oppidi in certam horam, vel impedient ne oppidum, quod est in rebellium haereticorum potestate, suo Principi, condicto tempore tradatur, nec suppetit mihi ulla facultas id avertendi, nisi eos laute excipiendo & sopiendo per potum. Item captus a volonibus deducor ad tabernam, & spes est evadendi, si eos inebriavero. Respondeo . . . : Hoc casu videri licitum provocare ad aequales haustus, & alterum inebriare, hoc est potu consopire: ideoque in secunda assertione dixi, *Nisi iusta causa excuset*. Probatur, quia licitum est suadere & inducere ad minus malum ut impediatur maius, ut communiter DD. tradunt ") (ibid., n.33

especially the Salmanticenses (or, in this case, Sebastian de San Joaquin [d.1 714], helped by Alonso de los Angeles [d. 1737]), argue that only inducing to material inebriation is licit.[79]

Alphonsus maintains that the position of Lessius is "sufficiently probable"—and he cites his own earlier treatment (the book 2 text).[80] He also mounts a rather unconvincing defense of Lessius. The Salmanticenses object that Lessius would illegitimately allow one to counsel the lesser evil even if the latter is not included in the greater evil. They employ this principle in order to exclude as illicit any involvement of the counselor's will in causing a "new" evil: if a lesser evil can be understood as having been within the malefactor's original intention, as when chopping a limb off would be included in killing another, then counseling that lesser evil need not be linked to the counselor's will.

Alphonsus's response to this is to say that

> although the evil of inebriation does not appear to be included in that greater evil of sacrilege or killing (since they are in themselves disparate evils), nonetheless it is truly virtually included in that greater spiritual evil, since every spiritual evil includes—indeed exceeds—whatever temporal evil. Thus, anyone is obliged to suffer any temporal evil in order to avoid even the smallest spiritual evil.[81]

[623a). The back reference, *Nisi iusta causa excuset,* is to n. 31 in the same *dubitatio* (the fourth), where Lessius has spoken against such activity, "Unless a just cause should excuse."

[79] Salmanticenses (Collegium Salmanticense), Sebastianus a Sancto Joachim, and Ildefonsus ab Angelis, *Tomus sextus, sex continens tractatus: De quarto decalogi praecepto; de quinto; de sexto & nono; de octavo; de beneficiis ecclesiasticis; de officiis ad iudicium spectantibus* in *Collegii Salmanticensis cursus theologiae moralis* (Venice: Pezzana, 1734), tr. 25, cap. 2, punctum 4, n. 52 (69b). See above, note 62.

[80] "Notwithstanding these [arguments], the first position appears to me and to other learned men consulted by me sufficiently probable, whether the inebriation be material or formal, for the reason already given, for it is licit to induce another to a lesser evil in order to impede him from a greater, according to what we said in book two, n.57" ("His tamen non obstantibus, prima sententia satis probabilis videtur mihi et aliis viris doctis a me consultis, sive ebrietas sit materialis sive formalis, ob rationem iam allatam; quia licitum est inducere alterum ad minus malum, ut impediatur a majori, juxta ea quae diximus Lib. II, n.57") (Alphonsus Maria de Ligorio, *Theologia moralis,* v. 2 [763a]).

[81] "Nam, licet malum ebrietatis non videatur inclusum in illo malo majori sacrilegii vel occisionis, cum sint mala per se disparata; tamen revera virtualiter jam includitur in illo malo majori spirituali, cum omne malum spirituale includat, immo excedat, quodcumque malum temporale, adeo ut quisque teneatur potius pati quodcumque malum temporale ad vitandum quodvis etiam minimum malum spirituale" (ibid.). It is not clear why Lessius introduces the examples of sacrilege; the primary examples discussed by both Lessius and the Salmanticenses

But, in speaking of the lesser evil as "temporal" (as opposed to spiritual), Alphonsus's argument would not give him warrant to assert more than what the Salmanticenses themselves assert, for (as we have seen) they maintain that one may induce only material inebriation.[82] Perhaps one could argue along Alphonsus's general lines that even formal inebriation is included under the greater evil (the greater sin) of sacrilege or murder since, if the malefactor is willing to damn himself for the greater sin, he is willing to do the same for the lesser; but then why speak of the latter as a *temporal* evil?

More important for Alphonsus's larger theory is his response to a related objection, that is, that it is not licit to urge a lesser evil bearing upon a third person, for then the person urging would be the direct cause of the injury to the third person—the third person in this case being the very person made drunk. Alphonsus answers that this prohibition against being the cause of the injury holds only when the third person is innocent.[83]

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are those already mentioned: someone is threatening a city; someone is resisting its being taken back by its rightful ruler; I am captured by brigands. The Salmanticenses do mention merely striking Peter as included under the will to kill him (*Tomus sextus, sex continens tractatus,* n. 52).

[82]See Hannigan, "Is It Ever Lawful to Advise the Lesser of Two Evils? [Dissertatio ad lauream in Facultate Theologica]," 126-27.

[83] "Nor does it do to say that, since in this case the persuader would be the direct cause of injury to a third party which would not come upon him unless he persuaded, it is therefore not licit to persuade [the bringing about of] a lesser evil to be inflicted upon a third person. For this argument works when the evil is to be inflicted upon a third *innocent* party, who is not obliged to suffer it in order to avoid spiritual evil affecting another—but not in our case, where he who is induced to become drunk is obliged to tolerate (as we have said) any temporal evil whatsoever in order to avoid a spiritual evil" ("Neque etiam officit dicere quod non licet suadere minus malum inferendum tertio, quia tunc suadens esset directe causa damni tertii, quod illi non eveniret nisi ipse suasisset. Hoc enim currit quando malum est inferendum tertio innocenti, qui non tenetur damnum illud sufferre ad vitandum malum spirituale alterius; non vero in casu nostro, ubi ille qui inducitur ad ebrietatem tenetur utique tolerare (ut diximus) quodcumque malum temporale, ad maius malum spirituale effugiendum") (Alphonsus Maria de Ligorio, *Theologia moralis,* v. 2 [763a]). One notes that Alphonsus speaks again of the inebriation as a *malum temporale*.

Bender's article, which elicited a number of responses, begins with a review of all of the authors discussed above—and then some.[84] He argues, for instance, that those who maintain that Augustine in "On Adulterous Marriages" would allow counseling the lesser evil extract more from his words than they actually contain—although he also says that Augustine speaks in that work simplistically and roughly.[85] But Bender is particularly opposed to Sánchez and puts forward various counterarguments to Sánchez's acceptance of counseling the lesser evil in certain circumstances. One of these counterarguments becomes eventually the main thesis of Bender's article: its launching point is Sánchez's argument (considered above as the response to the second argument in *Disputatio* 7.11, n. 14) that the object of an act of counsel is not necessarily the same as that of the person who performs ("executes") the lesser evil.[86]

Counsel, notes Bender (citing Thomas's *STh* I-II, q. 14, a. 1), is "an act by which the intellect seeks and finds means suitable to obtaining some end; it is an act of the intellect, but an act of the intellect by its nature ordered to the act of the will."[87] Bender insists on this involvement of both intellect and will in counsel, for it is essential to his position that the counselor aims at the same thing as the counseled (the executor of the act). A genuine Thomist will certainly not deny that both intellect and will are involved. Counsel is not just thinking *about* an issue: it is an act wholly within the practical realm. But the issue is whether the

[84] For reactions to Bender's article, see the articles cited in note 2. Besides Augustine, Thomas, Cajetan, Sánchez, and Alphonsus, Bender discusses Soto, Medina, Molina, Laymann, and others.

[85] "Nobis videtur quod sic ex verbis S. Augustini plus eruitur, quam revera continent. S. Doctor simpliciter et sermone vulgari dicit: Si quis vult occidere uxorem, ut aliam ducere possit, tunc melius est ut sine homicidio aliam ducat" (Bender, "Consulere minus malum," 601).

[86] See above, at note 47. Bender's argument against Sánchez in this regard is at Bender, "Consulere minus malum," 603. Bender actually makes reference to the sixth argument in *Disputatio* 7.11, n. 15, which Sánchez calls "from reason"; but the position set out there is essentially the same as that put forward in response to the second objection in *Disputatio* 7.11, n. 14; see also the second response in n. 30.

[87] Bender, "Consulere minus malum," 607. Notes 40 and 41 both refer to *STh* I, q. 14, a. 2, but it is clear that Bender means article 1. Also, in the last paragraph on this page (607), Bender gives as a reference *STh* II-II, q. 14, a. 3; this should be *STh* I-II, q. 14, a. 3.

counselor's object is necessarily the same as that of the executor of the act.

Bender also acknowledges that counsel as it occurs within the soul of the person who performs an act is different from the counsel that one person gives to another; and it is in Bender's analysis of the latter that the problems arise. He discusses Thomas's question "whether counsel is solely about those things that are done by us" (*STh* I-II, q. 14, a. 3). The objections all conceive counsel in such a way that it does not have a bearing upon human acts (upon "things that are done by us"). The first, for instance, argues that counsel implies "some sort of conference" among individuals; but a conference might also come about regarding things that do not change—"regarding, for instance, the nature of things."[88] Therefore, counsel is not about things that are done by us. Thomas's argument in the corpus of the article is that counsel in its more central sense is about matters that are not yet decided: things that we may or may not do. "And so it must be said that counsel, properly speaking, is about things done by us," that is, about human acts.[89] Accordingly, Thomas's response to the first objection is that the word "counsel" (*consilium*) (within this treatise on human action) "implies conference not of any type but regarding things to be done."[90]

But it is upon objection 4 and Thomas's response that Bender focuses most of his attention. The objection reads as follows: "If counsel were solely about things performed by us, no one would take counsel [*consiliatur*] regarding things to be done through

[88] "Consilium . . . collationem quandam importat. Sed collatio inter multos potest fieri etiam de rebus immobilibus, quae non fiunt a nobis, puta de naturis rerum" (*STh* I-II, q. 14, a. 3, obj. 1).

[89] "Et ideo dicendum est quod proprie consilium est circa ea quae aguntur a nobis" (*STh* I-II, q. 14, a. 3).

[90] "consilium importat collationem non quamcumque, sed collationem de rebus agendis, ratione iam dicta" (*STh* I-II, q. 14, a. 3, ad 1). We find a similarly elastic approach to the linguistically acceptable use of the term *consilium* in ad 3: "consilium non solum est de his quae aguntur, sed de his quae ordinantur ad operationes."

another. But this is clearly false. Therefore, counsel is not solely about things performed by us."[91] Thomas's responses is:

We seek counsel regarding the acts of others in as much as they are in some way one with us, either by a union of affection, as when a friend is concerned about matters that concern his friend as if they were his own, or in the manner of an instrument, for the principal agent and the instrumental agent are as if one cause [*quasi una causa*] since the one acts through the other; and so a master takes counsel regarding things to be done through a servant.[92]

While acknowledging that Thomas recognizes these two distinct relationships—friend-friend, master-servant—Bender employs especially the latter in his analysis of counsel. He writes as follows:

Just as an act of the will of a man who acts under the order of another (namely, a superior) is not specified by the act of his own intellect but by the act of the intellect (the order [*imperium*]) of the superior, so also the act of the will (choice [*electio*]) of a man who acts following the counsel of another is not specified by the act of his own intellect but by the act of the intellect of the counselor. The act of the will that has its specification from counsel is choice [*electio*]. Choice, however, which has for its object anything evil, is an evil choice: an evil act of the will or a morally evil act. So, it is never licit for me to counsel anything which is evil in itself, for all men, and always; neither is it licit for me to give counsel to someone [to do] something that here and now is evil for him. Therefore, counsel that has such an evil as its object is morally evil counsel. Counsel to kill the innocent is morally evil counsel. Counsel to marry, given to a man who has made a vow of perpetual chastity, is morally evil counsel.[93]

[91] "Praeterea, si consilium esset solum de his quae a nobis fiunt, nullus consiliaretur de his quae sunt per alium agenda. Sed hoc patet esse falsum" (*STh* I-II, q. 14, a. 3, obj. 4). The verb *consilior* is a deponent verb and could bear the meaning "to impart counsel" or "to advise." But ad 4 speaks of seeking counsel ("consilium quaerimus"), so the meaning here must be "to take counsel." The objection is clearly interested in distancing the person who takes counsel from the person who performs the act. But, even given this presupposition that the one person merely *takes* counsel about another's act, Thomas manages (in ad 4) to show that such counsel implies a certain union between the one taking counsel and the other's act.

[92] "Ad quartum dicendum quod de aliorum factis consilium quaerimus, inquantum sunt quodammodo unum nobiscum, vel per unionem affectus, sicut amicus sollicitus est de his quae ad amicum spectant, sicut de suis; vel per modum instrumenti, nam agens principale et instrumentale sunt quasi una causa, cum unum agat per alterum; et sic dominus consiliatur de his quae sunt agenda per servum" (*STh* I-II, q. 14, a. 3, ad 4).

[93] Bender, "Consulere minus malum," 609.

This is Bender's main argument against those who would allow the counsel of the lesser evil and, in particular, against Sánchez. It would be a strong argument if only Thomas were saying that counsel solely takes place in the two contexts described in the response to the third objection in this question. But it is clear from the more general argument of this question that Thomas recognizes other legitimate uses of the word "counsel" (*consilium*).[94] He would not deny, for instance, that a group of scientists might hold conference or consult among themselves regarding whether or not the celestial spheres are perfectly circular; he just says that "counsel, properly speaking, is about things done by us." His major concern in this question, as we have seen, is to defend his association of counsel with human action and so it makes sense that, in the response to the fourth objection, he would talk about counsel to another that has a direct bearing upon another's action: about counsel to those who "are in some way one with us." An instance of counsel that does not have such a bearing would not serve to make the point he needs to make in this article. But there is nothing preventing (or forbidding) Thomas, in another context, from recognizing that counsel can also be given when the counselor is not in any way "one with" the person counseled.

When a counselor counsels the performance of a lesser evil to one who is prepared to perform a greater and when the other conditions are fulfilled that ensure that the counselor's will is not bound up with the prospective lesser evil—conditions such as: "the counselor does not turn the other person's will toward a victim that he (the counselor) specifies"—counselor and counseled are not one with one another in the sense presumed in the above question, and the respective objects of their acts are distinct. In such a situation, the counselor's act is aimed at reduction of the evil: its object is the "lesser" and not the "evil," even while the object of the act he counsels is an evil—a lesser evil, but an evil all the same.

The question always to be asked when counsel and evil-intended individuals are involved is whether the counselor

[94] See above, notes 89 and 90.

formally cooperates in the contemplated evil act (or acts): are his intentions mixed up with their intentions? In most counsel, they are to some extent. That is Thomas's point in article 3 of question 14: the central case of counsel involves a connection—even possibly a causal connection—between the counseling and the human act of the malefactor. But, in the unusual circumstance that there is no such connection (the unusual circumstance in which the counselor is not "one with" the counseled), there is no intentional or causal relationship between the counselor and whatever evil act transpires.

Conclusion

This quick review of the history of the issue whether one might licitly counsel the lesser evil contains many and various ideas, but a few of them emerge as especially important. First of all, one is struck by the influence of St. Augustine—and, in particular, by the influence of the three words "iam faciat adulterium." Whether he meant with them to establish a principle of natural law ethics and moral theology is doubtful; there is no doubt, however, that they came to be understood as implying such a principle.

Another idea that becomes central and dominant is Thomas's idea that crucial in the moral analysis of the relevant cases is whether the person counseled will perform an evil action no matter what the counselor says. When the situation is such, it *can* be the case that counseling the lesser evil is licit. If, however, we discover that, even given the determination of the other person to perform an evil act, the counselor judges the act to be morally acceptable, even independently of its being the *lesser* evil, his counsel is illicit, for it amounts to formal cooperation in evil. This latter idea is characterized by Cajetan as choosing "the whole" of the lesser evil rather than just its quality as lesser.

With Tómas Sánchez a number of other influential ideas are introduced—or, at least, formulated clearly for the first time. One is the idea that licit counsel cannot involve causing harm to a specific "third" individual. Had St. Alphonsus grasped the full significance of this principle, he would have avoided the tangle he

got himself into regarding the inebriation (i.e., the making drunk) of the prospective malefactor, who in that case would count as a third individual. Sánchez also says clearly what it is that allows an act of counseling the lesser evil sometimes to be licit: its object must be different from that of the malefactor. Nothing that Ludwig Bender says about the object of counsel upsets this principle.[95]

[95] I thank for their help with this essay Stephen Brock, John Finnis, Daniel Gallagher, Marta Giorgi Debanne, Edward Hadas, Steven Long, Mabel Mercado, and Ugo Tiberia.

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A DEFENSIBLE CONCEPTION OF TOLERANCE IN AQUINAS?

MANFRED SVENSSON

Universidad de los Andes
Santiago de Chile

INTRODUCTION: A COHERENT THEORY OF TOLERANCE?

DOES AQUINAS HAVE a theory of tolerance that is not only "understandable in its own context" but defensible in our context? The question is not an easy one to answer and has, in fact, been given opposite answers. This should come as no surprise, since at first sight the diverse articles in the *Summa Theologiae* that deal with tolerance seem to be written in a spirit very different from each other. When Aquinas explicitly asks, for example, whether heretics must be tolerated, the answer seems to consist in an unqualified denial of tolerance (*STh* II-II, q. 11, a. 3). On other occasions, however, he speaks on behalf of the tolerance of actions or rites that he clearly describes as sins. This, as is well known, is his position regarding prostitution as well as regarding Jewish religious ceremonies (*STh* II-II, q. 10, a.11).

Naturally, from these two kinds of texts opposite images of Aquinas are projected into the secondary literature regarding tolerance. When John Rawls, for instance, writes that Aquinas and the Protestant Reformers did not even acknowledge the limited tolerance that Locke or Rousseau later promoted,[1] he supports his interpretation with reference to only one proof-text: question 11, article 3 of the *Secunda Secundae,* the question concerning

[1] See J. Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), 215. In the page that follows Rawls provides equally simplistic references for the attitudes of the Protestant Reformers towards tolerance.

tolerance of heretics, which Aquinas answers negatively. Other authors, wishing to evoke the image of a tolerant Aquinas, simply disregard this passage, quoting instead diverse texts from which a more tolerant author seems to emerge—for instance, texts in which we see a Christian in dialogue with Muslim philosophers.[2] There are also those who are more willing to admit the existence of texts pointing in both directions in the work of Aquinas.[3] Some try to give us reasons to privilege the more "tolerant" texts, or to go beyond mere tolerance to full-fledged freedom of religion. This kind of project, which can be found for instance in the work of John Finnis, rests on the idea that one can make an "internal" correction of the system: that "some serious flaws" which can be found in Aquinas's thoughts on human society can be criticized on the basis of "premises he himself understood and articulated better" than his own masters and successors.[4] John F. X. Knasas, in his recent *Thomism and Tolerance,* holds a similar position, arguing for what he calls "fraternal tolerance," a perspective that widens the concept of tolerance to include our engagement, respect, and sympathy for the other.[5] Accordingly, the texts where Aquinas speaks about tolerance proper play no decisive role in Knasas's argument.[6]

The preceding summary suggests that contemporary scholarship has been largely unable to draw a coherent and defensible view of tolerance from the texts in which Aquinas addresses this topic. That is the goal of the present article. Thus, I will not argue for freedom of religion, nor even for respect. Such freedom and such respect are great things indeed, things that deserve to be defended. But it is also a good thing to have an adequate theory of mere tolerance, and the limited goal of the present article is to show that Aquinas does have one. Furthermore, while I agree with

[2] See, e.g., E. Téllez, "Tomás de Aquino como Antecedente Medieval de la Tolerancia Moderna," *Tópicos* 36 (2009): 37-63.

[3] See R. Forst, *Toleranz im Konflikt* (Frankfurt am Main: Suhrkamp, 2003), 91-96.

[4] J. Finnis, *Aquinas: Moral, Political and Legal Theory* (New York: Oxford University Press, 1998), vii.

[5] J. Knasas, *Thomism and Tolerance* (Scranton and London: University of Scranton Press, 2011), 7.

[6] In fact, none of these texts are even quoted until the very last chapters of his work.

those who think that some of Aquinas's answers to concrete problems of tolerance are flawed, I will not suggest that these answers should be corrected mainly from principles present in *other* areas of his work. My contention is that a close reading of the questions of the *Secunda Secundae* in which Aquinas discusses tolerance can give us a coherent, principled theory of toleration. This thesis will be advanced in the following stages. First, I will reconstruct the principal aspects of Aquinas's conception of tolerance, trying to show that his theory is at least in some important points more precise than some of the theories (e.g., Locke's) that have shaped the modern understanding of tolerance. For example, he clearly treats questions of tolerance as distinct from questions of respect, openness, or other attitudes today frequently confused with tolerance. Second, I will argue that Aquinas has a clear conception of tolerance not only as a personal virtue, but also as a public policy. Finally, I will argue that even though in this regard we have "tolerant" and "intolerant" texts, to a great extent we possess in the same texts criteria that should lead us to privilege the texts that support a more robust duty of tolerance.

I. A Precise Theory of Tolerance

The first issue that has to be resolved is whether we find a theory of tolerance in the work of Aquinas at all. The standard account is that tolerance, both in theory and practice, is a modern phenomenon, arising from the religious wars of early modern Europe. It is in the context of early modern religious diversity, it is argued, that authors like Erasmus call us to *concordia,* and it is the incapacity to reach such *concordia* that leads to the great projects of tolerance in Locke, Spinoza, and Bayle.[7] This view of the history of tolerance is today being revised (though the small role Aquinas has played in this revision is surprising).[8] As István

[7] For a good version of the standard account see P. Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton and Oxford: Princeton University Press, 2003).

[8] There is a growing body of scholarship on premodern approaches to toleration. See among others C. Nederman and J. Laursen, *Difference and Dissent: Theories of Toleration in Medieval and Early Modern Europe* (Lanham, Md.: Rowman & Littlefield, 1996); C.

Bejczy has forcefully argued, the concept of tolerance has not only a long premodern existence, but one that may be considered as much more precise than its modern counterpart. In the words of Bejczy, modern, Erasmian *concordia* "teaches us to accept some variation within the range of the civilized; *tolerantia,* on the other hand, teaches us to live with real differences."[9] This assertion can be explained in the following way. The main focus of the early modern project is not to tolerate actions or beliefs perceived as evil, but to create what some today would call a "generous orthodoxy."[10] Everybody who is inside this *wider* orthodoxy is accepted, but no real dissenters are allowed. Tolerance in its premodern sense, on the contrary, envisages some social group that holds a really deviant position that nonetheless is accepted, although often under special conditions. It is a policy towards deviant insiders. Such a conception of tolerance did not, of course, simply disappear in the early modern theories of tolerance. But a common feature of the early modern discourse on tolerance is that it turns into some kind of *concordia:* Locke himself opens his *Epistola de Tolerantia* using tolerance as synonymous with love, benevolence, and meekness,[11] thus losing the specific sense of tolerance as a virtue needed to deal only with things experienced as evil.

Augustine serves as an eloquent example of the earlier tradition, since he explicitly uses endurance (*sustinentia*) and patience (*patientia*) as synonyms for *tolerantia,* and emphatically says that we do not need any of these in happy situations, but in the midst of unhappiness.[12] This, of course, is not equivalent to considering tolerance itself an evil, something worthy of no special appreciation. Augustine addresses this common mis-

Nederman, *Worlds of Difference: European Discourses of Toleration c. 1100 – c. 1550* (University Park, Penn.: The Pennsylvania State University Press, 2000); A. Patschovsky and H. Zimmermann, eds., *Toleranz im Mittelalter* (Sigmaringen: Jan Thorbecke Verlag, 1998). See also Forst, *Toleranz im Konflikt,* 53-180; and the very insightful article by J. Bowlin, "Tolerance among the Fathers," *Journal of the Society of Christian Ethics* 26 (2006): 3-36.

[9] I. Bejczy, "*Tolerantia*: A Medieval Concept," *Journal of the History of Ideas* 58 (1997): 383.

[10] See B. Mclaren, *A Generous Orthodoxy* (Grand Rapids, Mich.: Zondervan, 2004).

[11] J. Locke, *Epistola de Tolerantia,* ed. R. Klibansky (Oxford: Clarendon Press, 1968), 58.

[12] Augustine, *Sermo* 359a.2.

understanding,[13] saying that "nobody loves that which he tolerates, but he loves to be able to tolerate it."[14] It is a *good* thing to be capable of enduring *evils*. It is obvious that Aquinas also thinks of tolerance as a virtue we need to deal with evils. But it is worthwhile to confirm this by taking a look not only at the objects of tolerance that he mentions, but also at his terminology. Like Augustine and Locke, Aquinas uses more than one synonym that can shed light on his conception of tolerance. If we follow this path, the first thing we will find is a striking continuity with Augustine, despite the fact that Aquinas does not quote him.

Aquinas never explicitly declares *sustinentia* to be a synonym of *tolerantia,* but he uses it more than once as an equivalent. He uses it, for example, in his commentary on a classical locus on tolerance, Matthew 13. Here, regarding one of the standard biblical texts about the need to tolerate evil, Aquinas speaks of the need for a *sustinentia malorum* and about the fact that the Lord *sustinet multa mala*.[15] Most commentators of Matthew 13 would have used *tolerantia* where Aquinas uses *sustinentia*. The evidence for the use of *patientia* as synonymous with *tolerantia* is even greater. In his commentary on Colossians Aquinas writes that virtue "cannot exist without patience and tolerance of evils,"[16] and commenting the Second Epistle to the Thessalonians he writes about a *patientia Christi* that is synonymous (*id est*) with *tolerantia malorum*.[17] Furthermore, discussing the parts of for-titude in the *Secunda Secundae,* he quotes Andronicus of Rhodes, who also

[13] A misunderstanding present, for example, in H. Puyau and L. Daus de Puyau, "Santo Tomás y la tolerancia en el siglo XIII," in B. C. Bazán, E. Andújar, and L. G. Sbrocchi, eds., *Les philosophies morales et politiques au Moyen Âge. Moral and Political Philosophies in the Middle Ages. Actes du IXe Congrès international de Philosophie Médiévale, Ottawa, du 17 au 22 août 1992*, vol. 3 (1995), 1710, where they affirm that in such a framework no positive role is assigned to tolerance.

[14] Augustine, *Confessions* 10.28.39: "Tolerari iubes ea, non amari. Nemo quod tolerat amat, etsi tolerare amat. Quamvis enim gaudeat se tolerare, mavult tamen non esse quod toleret."

[15] *In Matt.,* c. 13, lect. 2. Something similar can be found in *STh* II-II, q. 125, a. 1, ad 3.

[16] *In Col.,* c. 1, lect. 3: "Deinde tangit tolerantiam malorum, quia ad virtutem non sufficit scire vel velle, nisi immobiliter operetur, quod non potest esse sine patientia et malorum tolerantia."

[17] *In II Thes.,* c. 3, lect. 1: "Et ideo dicit et patientia Christi, id est, tolerantia malorum propter Christum, vel ad exemplum eius."

writes about *patientia vel tolerantia*.[18] In the *Commentary to the Sentences* the same discussion of fortitude had led him to state explicitly that "tolerance is the same as patience."[19] Thus, focusing on terminology alone, we can already see how specific the meaning of tolerance is for Aquinas. This, of course, is confirmed if we look at the objects of tolerance: these are either gross cases of immorality (conspicuously prostitution), or diverse forms of religious dissent. There is a wide range of such deviation from faith, and the reaction merited by heresy in the eyes of Aquinas is different from that merited by paganism. But whenever he speaks of tolerance, it is with reference to things he considers evil. In the expression of Michael Sandel, this is "judgemental toleration."[20]

Thus far the grounds for tolerance can be put very simply: in this world we live surrounded by evils, some of which we cannot eradicate, and some whose eradication would bring a greater evil. So we must be tolerant to some extent. Of course this does not mean that our relation to things, beliefs, or persons we perceive as evil should *only* be one of tolerance. But as far as our relation is one of tolerance, it must be distinguished from respect or recognition. And that distinction will most probably lead us to deny that tolerance is the *praecipuum verae ecclesiae criterium,*[21] as Locke thought, and also to deny that it is the most important political virtue. Respect, indeed, can be more important.[22] But insight into the superiority of respect or recognition, or approval of religious freedom, should not lead to an *Aufhebung* of tolerance nor to a dismissal of it as "mere" tolerance. Regardless of the extent to which we develop recognition and freedom, we will still encounter evils in this life, and these we will have to face with tolerance.

Thus, a Thomistic correction of current usage of the concept would involve emphasizing not only its specific relation to things

[18] *STh* II-II, q. 128, a. 1, ad 6.

[19] III *Sent.,* d. 33, q. 3, a. 3, qcla. 2: " Tolerantia vero est idem quod patientia."

[20] M. Sandel, "Judgemental Toleration," in R. George, ed., *Natural Law, Liberalism, and Morality* (Oxford: Clarendon Press, 1996): 107-12.

[21] Locke, *Epistola de Tolerantia* 58.

[22] See R. Stith, "The Priority of Respect: How Our Common Humanity Can Ground Our Individual Dignity," *International Philosophical Quarterly* 44 (2004): 165-84.

considered evil, but also its secondary nature. "Secondary," however, does not necessarily mean "unimportant." Aquinas himself can extol the "perfect work of patience in the tolerance of evils."[23] But tolerance is not an independent virtue, capable on its own of making our life together good or even possible. If it is a virtue like patience, it is dependent, it is part of a wider set of interconnected virtues, all of which should be cultivated and promoted if we are to be capable of tolerance at all. If we wish to see the flourishing of a dependent virtue, that on which it depends has to be promoted all the more.

II. A Political Theory of Tolerance

Thus far I have argued for understanding tolerance as synonymous with patience or endurance rather than respect or openness. Aquinas is not alone in this regard: not only Augustine, but also Seneca gives a similar list of synonyms.[24] Aquinas, furthermore, quotes similar words of Macrobius with approval.[25] But among the canonists of the Middle Ages we find another synonym of tolerance, namely, permission.[26] This forces us to make some further clarifications: since we cannot treat permission and patience as synonymous, there must be some sense in which patience and tolerance differ. This leads me to my second point: Aquinas has a political conception of tolerance. Tolerance can be understood as simply synonymous with patience, which is a personal virtue, but it can also be understood as a kind of public policy, in virtue of which the magistrate decides to allow, or at least not to punish, a certain evil. Certainly such a policy can have virtue as its origin: it can develop out of the patience of a politician who guides his people in a gradual way towards virtue. But it need not. It can be *merely* a policy.

[23] *STh* I-II, q. 66, a. 4, ad 2: "Ad secundum dicendum quod patientia dicitur habere opus perfectum in tolerantia malorum."

[24] Seneca, *Ep.* 66.13.

[25] III *Sent.*, d. 33, q. 3, a. 3, qcla. 2, arg. 1; and *STh* II-II, q. 128, a. 1, ad 6.

[26] On this, see Bejczy "*Tolerantia*: A Medieval Concept," 368-74.

To explain this difference we can first look at Tertullian. In one of his passages on tolerance he speaks about it as a virtue (*virtus tolerantiae*) by which in the midst of persecution the saints are perfected in weakness.[27] He seems to be playing with the two senses of *virtus,* virtue and strength, and he may be alluding to the idea of strength made perfect in weakness (II Cor 12:19). But the point is, of course, that the persecuted one has no strength in the ordinary sense of the word. That is why he needs this virtue: tolerance here means patience, the virtue through which the weak, the powerless, endure a certain evil. It would be absurd for someone who is powerless to tell his persecutors that he grants them permission to continue with the persecution. That, in fact, we would call "making a virtue out of necessity." The weak, the powerless, merely endure; they do not give permission.

Tolerance as a policy, on the other hand, belongs to the powerful. In fact, the nature of tolerance as a policy has more to do with the fact that it belongs to the powerful than any sense in which it is a virtue. Such a policy cannot exist in those who do not have any power—since for them it would be improper to say that they "allow" something—but it can exist in the powerful without being rooted in a virtue. It can exist as a mere strategy for dominion, or as a policy that creates the conditions for never-ending economic growth.[28] This can sound strange, since the popular understanding of tolerance considers intolerance as the vice of the powerful. To this we should answer that if we understand tolerance as a virtue, then it is true that power is not its sufficient condition, although it certainly is one of its necessary conditions. But if we stress the idea of tolerance as a kind of policy, then power comes nearer to being its sufficient condition. It does not follow that the popular understanding is completely mistaken in mistrusting the powerful. What does follow is that this kind of suspicion should be extended to at least part of the discourse on tolerance, inasmuch as a tolerant policy can arise from virtue or vice, and it can have peace or profit as its goal.

[27] Tertullian, *De fuga in persecutione* 2.

[28] On this see A. J. Conyers, *The Long Truce: How Toleration Made the World Safe for Power and Profit* (Waco, Tex.: Baylor University Press, 2009).

Permission, then, can only be granted by those in power. In this specific sense it is convenient to distinguish tolerance from patience. But thus far I have said nothing about this point in Aquinas. In what follows I will try to show how clearly he depicts tolerance as a kind of public policy. As a starting point we can take question 96, article 2 of the *Secunda Secundae*, where he asks whether the law should punish all vices. This may be Aquinas's most emphatic text supporting limitation of government. His actual proposal—only to punish grave sins (*graviora*) that are harmful to others—can on first hearing sound like a medieval version of John Stuart Mill's principle of harm. But Aquinas's reasoning is, of course, very different. His position is grounded not in the idea that the magistrate should have no concern for the virtue of the citizens, but in the idea that he must lead them to virtue in a gradual way (*gradatim*), attending, according to a text of Isidore of Seville quoted by Aquinas, to the "custom of the country" (*consuetudo patriae*). Precisely in this context he affirms that "to men who are not perfect in virtue it is necessary to permit many things that would not be tolerable in virtuous men." Here tolerance has clearly shifted from being a synonym of patience to a more specific sense in which it is synonymous with permitting.

To this text we can add two of the most important articles concerning tolerance in the *Secunda Secundae*: articles 11 and 12 of question 10. The body of article 11 begins with the affirmation that human government stems (*derivatur*) from divine government, which is characterized first of all by the opposite of the powerlessness in which we need patience: omnipotence. "God, although omnipotent and extremely good, nevertheless allows [*permittit*] some bad things to happen in the universe, because otherwise greater evils would follow." Following the example of this divine government, "it is fair [*recte*] for those who preside in the human government to tolerate certain evils." In a way similar to Luther's comments on *tolerantia Dei,*[29] divine *permissio* is here regarded as the paradigm of human *tolerantia*. Commenting on this passage, Cardinal Cajetan writes that the thing looked for in

[29] M. Luther, *Werke. Weimarer Ausgabe* (Weimar: Böhlau, 1883-): 39/1:82.

this article is a *regula permissionum*.[30] He thus confirms—if confirmation is needed—the synonymous use of *tolerantia* and *permissio*.

This is not an isolated theological foundation of the position that Aquinas defends. It is part of a political conception of tolerance which also takes into account the extent of the magistrate's power. This can be seen in the fact that the next article begins by emphasizing exactly the same point, but does not derive it from a divine attribute. In article 12 Aquinas speaks about the fact that in the past no law was ever promulgated calling Christians to baptize the children of the Jews against the will of their parents, and this, he tells us, in spite of there having existed "extremely powerful [*potentissimi*] Catholic rulers." We can only speculate as to whether Aquinas intentionally begins both articles by pointing to the fact that tolerance has been exercised by the very powerful: God Almighty or the most powerful Christian rulers. But if it is not a deliberate move on his part, that too would confirm that he stresses—intentionally or spontaneously— great power as a condition for tolerance, thus distinguishing it from mere patience.

With this, however, we arrive at the core of the problem. Hitherto I have defended the precision of Aquinas's theory. But being precise is not the only condition a theory must meet to be acceptable. A theory of tolerance must also be morally acceptable, and Aquinas's theory can be the object of severe criticism for some of the conclusions it reaches. Can it be described as a theory of tolerance at all, considering the kind of response it suggests in the face of heresy? Do we have any criteria internal to his theory of tolerance to avoid the conclusions Aquinas reaches regarding that particular issue?

III. A Defensible Theory of Tolerance

[30] Cajetan's commentary on *STh* II-II, q. 10, a.11 (Thomas Aquinas and Thomas de Vio [Cajetan], *Summa Theologiae, cum commentariis Thomae de Vio Caietani Ordinis Praedicatorum. Opera Omnia, vv. 4–12*, Commissio Leoniana [Rome: Ex typographia polyglotta S. C. de Propaganda Fide, 1888–1906], 8:93).

As I stated above, there seem to be two competing tendencies in the articles Aquinas wrote concerning tolerance, and many contemporary scholars appeal to one or the other depending on the image of Aquinas they want to project. This would seem to undermine the precision I have attributed to his position. One way to deal with these competing tendencies is to point to the fact that the different articles deal with different issues or, more precisely, with different social or religious groups. Jews, pagans, and heretics stand in different relations to the Church and the Christian magistrate: the heretic is compelled to be faithful to what he once believed, while the pagan has never believed something to which he could be compelled to be faithful. There are, it could then be argued, no different principles competing in the work of Aquinas, but different problems, and different problems require different solutions. In fact, taking notice of these differences can be of great help in order to understand Aquinas in his own context. But, as I indicated in the introduction, my interest is to show that he has a position not only "understandable in its context" but defensible in our context. For such a defense, pointing to the differences between these religious groups is hardly of any help: Aquinas is right—then and now—concerning the fact that heresy and unbelief are different things, but the difference between them is not necessarily a difference that calls for different attitudes on the part of the magistrate towards them.

There are other differences between the articles that Aquinas wrote on tolerance, differences that have been neglected by modern scholarship. If these differences are taken into account, his articles on tolerance will give us a justification for favoring his more tolerant response in question 10, article 12 of the *Secunda Secundae* and for applying it to the issues he discusses in other articles as well. In order to do this, I will point to some formal differences between this article and the rest of Aquinas's articles that deal with tolerance.

A) Aquinas and the Tradition of Tolerance

Aquinas's harshest words relate to the fight against heresy, not to dealings with Jews or pagans. So, for instance, in question 10, article 8 of the *Secunda Secundae* he affirms that heretics "even must be forced physically [*corporaliter compellendi*]," and in question 11, article 3 he writes that, when there is no hope of their conversion, they must be excommunicated and delivered "to the secular power to be exterminated of this world by means of death." In what follows I will concentrate on the role that the earlier tradition played in shaping the position Aquinas supports in these articles.

The use of sources is hardly abundant by Aquinas's measure, but the earlier tradition is present in these articles, sometimes through direct quotation of authorities, sometimes through distinctive interpretations of Scripture. In question 10, article 8, for example, Augustine is omnipresent: he is quoted in the objections, he is indirectly present through the interpretation of Luke 14:23 quoted in the *sed contra,* and he appears again in the answers to the objections. There we also find references to Chrysostom and the Decretals. In question 11, article 3 it is rather references to biblical authority that abound. Whichever authorities Aquinas quotes, they are treated in a creative way. Indeed, this is necessary, for there are tensions between them. With respect to the biblical quotations, scholars usually point to the tension between Augustine's exposition of Matthew 13 and his exposition of Luke 14:23, with the first calling for tolerance and the second for compulsion.[31] But Aquinas adds a further tension: while in these articles he is constantly quoting Matthew 13, in question 11, article 3 he also quotes Titus 3:10-11: "after the first and second admonition, avoid a man who is a heretic." But in this way, the life-long duty of tolerance suggested by Matthew 13—letting wheat and tares grow together until the final harvest—is radically shortened.

More surprising is the way Aquinas deals with Chrysostom and Augustine in question 10, article 8. After quoting Matthew 13:28, Aquinas gives the interpretation of Chrysostom, who understands

[31] See for example R. Bainton, "The Parable of the Tares as the Proof Text for Religious Liberty to the End of the Sixteenth Century," *Church History* 2 (1932): 67-89.

the text as written against the *slaying* of *heretics*. But both points of this interpretation are disputed. A number of authors understand the tares as referring to morally deficient persons, not to heretics. That, in fact, is the position of Augustine among the predecessors of Aquinas and (even more explicitly) of Calvin among later Augustinian thinkers.[32] It is, furthermore, not at all clear that the text only refers to slaying. But Aquinas tries to harmonize Chrysostom and Augustine, and he does so in the following way. After mentioning the position of Chrysostom in the answer to the first objection, he quotes Augustine writing about his own change of mind on this subject. Augustine had first thought that no force should be used, but later he was "enlightened" by the testimony of former Donatists, leading to his later justification of coercion. But to quote Augustine at this point gives the wrong impression that he held Chrysostom's position in his youth, and that he later came to support the *execution* of schismatics or heretics.

At this point I may be charged with the serious flaw of not taking the nature of the Scholastic dealing with authorities into account. However, there is evidence that Aquinas dealt with these authorities in exactly the same way in a place where he was not compelled by the Scholastic method to do it. The *Secunda Secundae* was written during the second Parisian regency, and is therefore contemporaneous with the *Lectura Super Mattheum*. We find in the latter the same manner of dealing with biblical and patristic authorities that we find in the *Secunda Secundae,* and even more explicitly. Here, again after quoting Chrysostom, Aquinas tells us that also "Augustine writes in a letter that at some point in his life he had thought that heretics should not be killed; but after gaining more experience, he learned that many are converted through violence."[33] In this way Augustine's "conversion" from not supporting persecution to supporting it is

[32] See J. Calvin, *Commentary on a Harmony of the Evangelists, Matthew, Mark, and Luke* in *Calvin's Commentaries* (Grand Rapids, Mich.: Baker Books, 2005), 16/2:119.

[33] *In Matt.*, c. 13, lect. 2: "Chrysostomus dicit quod loquitur de occisione. Unde haeretici non sunt occidendi, quia inde multa mala sequerentur. Augustinus in epistola quadam dicit, quod fuit sibi visum aliquando quod non deberent occidi; sed post experimento didicit quod multi convertuntur per violentiam."

presented by Aquinas as a change of mind not merely concerning persecution, but concerning the killing of heretics. Actually, while Augustine approved of certain cases of capital punishment for criminals (*Ep*. 135) and a certain coercion of schismatics (*Ep*. 93 and 185), he explicitly rejects the combination of these factors in the execution of schismatics (*Ep*. 100.2).

In the articles I have discussed here it is possible to affirm that Aquinas not only perpetuates some problems of the tradition, but makes some of them even worse: tolerance lasts less only so far as a second admonition and punishments grow harder (finding in Augustine an apologist for the execution of heretics). From this, however, we can only draw conclusions concerning how Aquinas tries to solve questions of tolerance within the bounds of the material provided by the tradition. What happens when he faces a problem for which he has no such resources?

B) Facing a New Challenge

In question 10, article 12 of the *Secunda Secundae,* Aquinas affirms that the children of Jews should not be baptized against the will of their parents, since this would go against natural justice. The passage contains a beautiful image: parents are a kind of "spiritual womb" for the child until it comes to the use of reason. To violate this sphere against the will of the parents would thus be similar to a violation of the bodily womb: it would be a kind of "spiritual abortion"—though Aquinas does not use any such expression—and, just like physical abortion, it would be against natural justice. The beauty of the image, however, and the fact that this solution seems to be nearer to contemporary sensibility touching religious freedom, is not reason enough to give privilege to this article among the many Aquinas wrote on tolerance. We need a criterion to justify giving preference to this passage over the passages discussed earlier. In what follows I will try to show that we have such a criterion in this very article.

The beginning of Aquinas's answer may seem to be out of place. He affirms that it is necessary to observe jealously the custom (*consuetudo*) of the Church and follow it even more than

the authority of Augustine, Jerome, or that of any doctor. Now, Aquinas may be right in this, but this rule would have been far more needed in any of the previous articles I have discussed. There, in fact, it might have played a role in correcting some of the authorities. But here it cannot play such a role, for the simple fact that there are no authorities whatsoever to correct. No authority, biblical, patristic, or canonical, proposes the thesis that Aquinas is rejecting. Commenting on this passage, Vitoria affirms that the question of forced baptism of Jewish children is a very important one, which "is discussed every year in the schools."[34] But that is the situation in the sixteenth century, not in the thirteenth. On the contrary, for all we know this kind of practice was first proposed in the 1260s, during the later part of Aquinas's career.[35] No earlier theologian seems to have addressed this specific question explicitly. In fact, Aquinas discusses the problem for the first time in a quodlibetal question from the year 1269, and not while commenting the *Sentences,* where later authors will discuss the problem.[36] So Aquinas is here facing a challenge of his own century, and this is a feature unique to this article on tolerance, setting it apart from the texts where he deals with heresy.

Even if we did not possess external information for the novelty of this question, the text of Aquinas sufficiently indicates that he is facing something new. In the first place, there is the simple fact that he does not quote any authority. The objections appeal neither to Church Fathers nor to philosophers. They are objections constructed by Aquinas himself or arguments he may have heard in the incipient discussion. In the second place, in the text of his answer, after setting forth his arguments, he concludes that "it seems dangerous to introduce this new thesis [*hanc*

[34] F. Vitoria, *Comentarios a la Secunda Secundae de santo Tomás,* ed. Vicente Beltrán de Heredia (Salamanca, 1932-52), 203.

[35] On this see N. Turner, "Jewish Witness, Forced Conversion, and Island Living: John Duns Scotus on Jews and Judaism," in M Frassetto, ed., *Christian Attitudes toward the Jews in the Middle Ages* (New York and London: Routledge, 2007): 183-210, at 214. See also J. Hood, *Aquinas and the Jews* (Philadelphia: University of Pennsylvania, 1995), 88-89.

[36] The text of *STh* II-II, q. 10, a. 12 reproduces verbatim the teaching of Aquinas in *Quodl.* 2, q. 4, a. 2.

assertionem de novo inducere]." We know, furthermore, that he is not only being original in his rejection of forced baptism, but that he will not be followed by everybody. Scotus, for instance, accepts that these arguments *may* be valid if we think of baptism as applied by a private person, but he rejects the prohibition of forced baptism if a superior authority, that of a prince, stands behind it: such a public authority could guarantee that the children receive not only baptism but Christian instruction, and the prince goes against no natural justice since the authority of parents is of an order inferior to his own.[37] Scotus does not directly address Aquinas, but he is responding to arguments that Aquinas was the first to apply to this question. From these internal and external indicators, a very simple conclusion may be drawn: the more tolerant texts of Aquinas are set apart from his other articles not simply in that they reflect a position more in accordance with the standards of today, but also in being the response Aquinas gives when he is facing a new challenge, one in which he has no authorities to appeal to, where he is bound to argue from his own resources.

Conclusion

As we can see through the synonymous use of "tolerance" and "patience," Aquinas shares with his forerunners and contemporaries a clear conception of tolerance as a virtue needed to deal with evils. But when he speaks in a political context he shows that he is aware of the fact that there not only the virtue of patience is needed, and so "permission" appears as a second synonym that clarifies what tolerance is. This synonym, however, is also helpful in turning our eyes towards the limits of tolerance. The powerless have no choice, they must patiently endure *every* evil that afflicts them, but persons in powerful political office are not condemned to this: there is much they must permit, but they do not have to permit everything. We might be inclined to think that Aquinas has drawn these limits of tolerance too strictly. Sometimes he has, but as I hope to have shown, the texts where he is dealing with new

[37] Scotus, IV *Sent.*, d. 4, q. 9.

challenges, challenges which he had to face with his own resources, are strong rather in their defense of subordinate authorities or spheres of life than in the limits they put to tolerance.

In fact, the intolerant texts of Aquinas are texts in which he answers questions discussed throughout the centuries, where the tradition offered many resources and positions. There Aquinas is not working with his own resources, but tries to reach the best possible answer combining positions of the authorities, thus arriving at what seems to me not a very compelling solution. This should not be taken as a general statement regarding his relation to the tradition, nor am I suggesting that we should separate a "traditional Aquinas" from an "original Aquinas." It should not, furthermore, be read as an argument for a "naked" theory of toleration, as if Aquinas had arrived at his stronger conception of tolerance only while starting from less theological premises. Some of the arguments I have presented may point in that direction: it is not Matthew 13 but a conception of natural justice that seems to make him tolerant. But that is only one side to the story: as we have seen, both the *consuetudo patriae* and the *consuetudo Ecclesiae* play important and positive roles, as does the *patientia Christi*. Augustine's arguments concerning the role played by the Jews in the history of redemption can also be named among important theological, cultural, and historical considerations that positively contribute to tolerance. But the specific texts I have discussed do show that new challenges pressed Aquinas toward new ideas.

It is impossible, in this limited space, to engage the enormous contemporary philosophical discussion concerning tolerance.[38] But the preceding analysis suggests that Aquinas cannot simply be dismissed in that discussion as someone for whom "the grounds of intolerance are themselves a matter of faith."[39] A careful reading

[38] Particularly insightful articles are found in the following volumes: S. Mendus, *The Politics of Toleration in Modern Life* (Durham, N.C.: Duke University Press, 1999); D. Heyd, *Toleration: an Elusive Virtue* (Princeton: Princeton University Press, 2001). See also G. Newey, *Virtue, Reason and Toleration: The Place of Toleration in Ethical and Political Philosophy* (Edinburgh: Edinburgh University Press, 1999).

[39] Rawls, *A Theory of Justice,* 216.

of his work rather suggests that his position is of more than merely historical interest. In the first half of this article I noted Aquinas's clear recognition of tolerance as a policy of permission of evils. Against such a conception of tolerance it is often argued that this implies only a "concession": the magistrate gives permission, but he does not recognize any inherent rights of the tolerated party. But question 10, article 12 of the *Secunda Secundae* shows us that tolerance as permission of evils and tolerance as recognition of rights should not be considered as opposites in every regard. It is true that if we want to preserve a relation between rights and justice we should not be too quick in speaking of a *right* to do something *evil*. But it is certainly possible to tolerate a certain evil not only on the grounds that a greater evil might follow from intolerance (though Aquinas mentions this too), but also on the grounds that it takes place within certain spheres of human life that are recognized as inviolable "spiritual wombs."[40]

[40] I am grateful to my colleague Hugo Herrera and the anonymous referees of *The Thomist* for their helpful comments on an earlier form of this article. Heartfelt thanks also go to David Marshall for helping to improve the English version of this paper.

BOOK REVIEWS

Divine Impassibility and the Mystery of Human Suffering. Edited by JAMES F. KEATING and THOMAS JOSEPH WHITE, O.P. Grand Rapids, Mich.: Wm. B. Eerdmans Publishing Co., 2009. Pp. 368. $45.00 (paper). ISBN 978-0-8028-6347-8.

Containing a range of viewpoints, ecclesial locations, and approaches, this volume offers several impressive individual contributions and as a whole instantiates a salutary approach to one of the most perduring questions of modern theological and philosophical reflection, namely, the question of God's capacity to suffer. The volume contains papers presented at a conference held at Providence College, 30-31 March 2007, organized by the editors, James F. Keating and Fr. Thomas Joseph White, O.P. The contributors are: Giles Emery, O.P.; Gary Culpepper; Thomas G. Weinandy, O.F.M. Cap.; Robert W. Jenson; Paul L. Gavrilyuk; Bruce L. McCormack; Trent Pomplun; Paul Gondreau; Bruce D. Marshall; David Bentley Hart; and Avery Cardinal Dulles, S.J. The difficulty of the topic itself, coupled with the density and sophistication of the various contributions, renders any in-depth or comprehensive engagement with the volume impossible. Anyone interested in the topic is well advised to read all the essays in their entirety, many of which could bear review-length treatments in and of themselves. In what follows, I note simply one aspect of a multi-faceted topic.

"One of the Holy Trinity suffered in the flesh" (Fifth Ecumenical Council)—the whole question of divine im/passibility can be seen as an attempt to make sense of this fundamental claim at the heart of the Christian gospel. Though the question can be approached from other angles (e.g., from the perspective of the Creator-creation relationship), nearly all the authors in this volume take this affirmation as the touchstone for their reflections. Moreover, all the authors not only take for granted the normativity of Chalcedonian and conciliar Christology (one person, two natures, two wills, two activities, etc.), but also strive to answer the question of divine impassibility through an analysis of the person and experience of the God-Man, understood from this classical perspective. For all these authors, accordingly, this establishes both a baseline about what *must* be affirmed and a boundary regarding what *can* be. The different answers here given to the question are driven by different interpretations of this baseline and boundary. This is not insignificant, as it

provides the entire volume with a common frame of reference and vocabulary, allowing for subtle differences of perspective and sophisticated nuances to enter into what emerges as a coherent, indeed profound conversation.

To begin with something that is perhaps unremarkable in the contemporary context, all the authors affirm that "in the flesh" the God-Man suffered (though as Trent Pomplun's essay on Hilary of Poitiers shows, such was not always the case in earlier periods), especially of course in his passion, both in body and soul, even (for some) to the point of the experience of God-forsakenness or dereliction. In light of the common Christological framework, all these authors affirm moreover that, as the single subject of the divine and human natures, it was none other than the Second Person of the Trinity who suffered thus in the flesh. Accordingly, despite differences that subsequently emerge (and perhaps somewhat surprisingly to some who might assume that any theology committed to classical Christology, with all its Greek metaphysical entailments, would *ipso facto* be committed to unqualified impassibility), all the authors affirm some form of divine passibility. For this reason, the more precise question that drives the entire volume is not rather flatly and abstractly, Is there suffering in God? Rather, it is When suffering is attributed to the Second Person "in the flesh," that is, in the human nature, what is the implication for the Second Person *in divinis,* that is, in the divine nature? In other words, can the Second Person be the genuine subject of suffering "in the flesh" without also in some sense suffering *in divinis*? Three types of answers to this question emerge in this volume and they can be correlated with three different interpretations of the notion of divine self-emptying or *kenosis* (Phil. 2:6) in the Incarnation.

In the wake of modern discomfort with a stereotypical, often caricatured conception of the traditional affirmation of divine impassibility (viewed as an alien "Greek" philosophical alloy that contaminated the pure Christian gospel, that takes *apatheia* in its modern connotation as apathy, meaning indifferent, lacking feeling, etc.), a widely held view finds it both logically impossible and morally undesirable, even reprehensible, to exclude suffering *in divinis*. Straightforwardly following the grammar of the affirmation to its logical conclusion, this view asserts that if "God" is truly the subject of the sentence, then whatever else the qualification "in the flesh" might mean, it cannot mean that God, *as God,* does not suffer (Jenson, 119). That is, since creedal orthodoxy affirms that the one who suffers "in the flesh" is God and does not cease to be divine when "in the flesh," the God who suffers "in the flesh" is, precisely *as God,* "capable" of suffering, that is, passible, otherwise God could not be the subject of enfleshment. To whatever he is subject "in the flesh," to that he must also be subject *in divinis,* since he in no way ceases to be God when he is "in the flesh." Similarly, from a moral perspective, in the oft-cited words of Jürgen Moltmann (the "poster-child" for this view in this volume and favorite "whipping boy" for those opposed to it): "Were God incapable of suffering *in any respect, and therefore in an absolute sense*, then he would also be incapable of love" (*The Crucified God,* 230). Following on this initial interpretive move, the notion that

suffering is proper to, even constitutive of, the divine nature follows naturally enough, as does the impulse to see the suffering of the God-Man as at the very least a manifestation, if not the actual and progressive and immanent working-out of this divine suffering within and through history, as a (more or less Hegelian) process of divine becoming. With respect to the notion of kenosis, self-emptying here does not *uniquely* characterize the event of the Incarnation, such that, were there no Incarnation, there would be no kenosis. Rather, "self-emptying" is what God is or does *ad intra* as, or, in order to be, God, and this is simply on display when God assumes flesh, *ad extra*. For the most part, this view is not so much championed by any author in this volume as it is assumed (and resisted) as a commonly held contemporary view of those who affirm divine passibility (so-called "passibilists," including Moltmann, Eberhard Jüngel, and Hans Urs von Balthasar). Yet, in different ways (which cannot be adequately explicated here), Gary Culpepper, Bruce McCormack, and perhaps Robert Jenson feel compelled by the logic of Chalcedon to affirm or at least to explore some kind of passibility in God *as God*.

Whether fairly or not, the opponents of the first view in this volume see it as crypto-Hegelian (more or less) and the God it depicts as by nature kenotic. Opposing the first view and reaffirming the traditional notion of divine impassibility, a second approach (represented especially by Emery, Weinandy, Gondreau, and Marshall) flatly rejects the attribution of suffering to the Second Person *secundum Deum,* as God or with respect to the divine nature. Proponents of this view draw on the sophisticated Christologies of Cyril of Alexandria and especially of Thomas Aquinas to explain the impassible suffering of the Second Person. Citing Thomas, Marshall notes that, while natures *qua* nature do not act or suffer, only persons do, yet persons only act or suffer *in accordance with* or (better) *by virtue of* the nature (its capacities or potencies) that they "subject" (hypostasize or supposit). In the case of the one divine person simultaneously hypostazing two (unconfused) natures, divine and human, it is not *logically* problematic to say that the Second Person suffers in or by virtue of his human nature and yet does not suffer in or by virtue of his divine nature (279-82). Here, the Second Person's suffering "in the flesh" is safely "cordoned off" from his divine nature, which remains straightforwardly unaffected and thus impassible. Yet, while repeating the traditional language of a single subject in the Incarnation, who simultaneously "supposits" two natures, and thus affirming that the Second Person is the one subject of the suffering "in the flesh," in practice this view appears to some in this volume subtly to "concretize" the natures (especially the human) and thus to predicate suffering, not so much to the single divine-human subject, but to the human nature, as opposed to the divine nature, as if the natures as such were actual, distinct realities (*res*). In this view, in some cases verging on crypto-Nestorianism, the "human nature" tends to function as a separate subject or *hypostasis*—the traditional "one person, two natures" language notwithstanding. "To read such statements [e.g., "one of the Holy Trinity suffered in the flesh"] in a Nestorian manner as saying that the divine

subject is not affected by suffering in any way at all is to misinterpret them" (Gavrilyuk, 143). Again, to insist that "the Son of God suffered as man, though not as God" (Weinandy), "opens the door to a separation of the existence of the man Jesus from the eternal Son if one does not give an account of how Jesus' suffering . . . is assumed in the divine life of the Son who is the hypostasis of the man Jesus" (Culpepper, 84 n. 15). Similarly, in stark contrast with the first view, kenosis here is, as it were, both accidental—it neither manifests nor constitutes God *as God*—and "additive": "the kenosis of the Son in the incarnation (*exinanitio*) does not entail a limitation of his divine nature nor a self-diminution of his natural divinity, but rather the assumption of a human nature" (Emery, 73).

The third approach in this volume (e.g., in Gavrilyuk, Hart, Marshall, and perhaps Pomplun) offers an alternative to the first two. While affirming the notion of divine impassibility, it nonetheless fully insists that on the cross the "impassible [God] suffers" (Gavrilyuk, 129, likely the words of the second-century author Melito of Sardis). In so doing, it explicitly embraces the fact that this cannot be affirmed without irreducible and unresolvable (in this life, at any rate) metaphysical paradox, which adherents of the first view see as blatant contradiction, and some adherents of the second view see as nonexistent. This paradox of the impassible God's suffering in the flesh "captures the vital tension between God's transcendence and undiminished divinity on the one hand and God's intimate involvement in human suffering on the other hand" (Gavrilyuk, 146). This view recognizes (most explicitly in Marshall) the crucial distinction between, on the one hand, the *logical* consistency and coherence of predicating passibility of the Second Person in his human nature and impassibility of him in his divine nature and, on the other hand, the *metaphysically* unfathomable and inscrutable meaning of such a claim. In the words of Thomas cited by Marshall: in Christ, the divine and human are united in an "incomprehensible" and "unutterable" and "in a more sublime way" than the human mind can understand (280). This view thus defends "the coherence of paradoxical Christology" (Gavrilyuk, 131).

As is evident, behind this view lies the adamant conviction (affirmed most explicitly and urgently by Gavrilyuk and Hart) that an adequate theology of divine im/passibility is impossible apart from a properly radical conception of divine transcendence (the absence or partial lack of which dooms the first two approaches to diametrically opposed failures). Here, "to transcend" is literally to be beyond the normal binary ontological oppositions, such as being and nonbeing, infinite and finite (Hart, 300), perhaps even divine and human. When conceived of sufficiently, such genuine divine transcendence, where God is "fully transcendent," not "merely supreme" (Hart, 309), enables God, while "remaining impassible," to "make the experience of his human nature fully his own" (Gavrilyuk, 148). This simultaneously entails saying *less* than the first view (which says, in effect, that human suffering *just is* divine suffering) and *more* than the second view (which says, in effect, that human suffering *just is not* divine

suffering). Though without explicitly emphasizing the paradoxical aspect, Marshall puts it thus: "Unlike creatures, whose power is limited to what comports with their nature, God's unlimited power is precisely his capacity fully to embrace (that is, become the subject of) that which is contrary to his own nature—to become finite, mortal, and passible flesh" (297-98). What these thinkers intimate in different ways and degrees is this: a proper conception of transcendence enables God *precisely as God* to be present in or related to, not only what is merely *other than* God (e.g., temporality, impotence, finitude), but even to be the hypostatic subject of—which is to say, to make his very own—even what is *contrary to* God (e.g., suffering, death, even dereliction). This is what might be called the "paradoxical kenoticism" or the kenotic paradox of this third approach: at the heart of the Incarnation, classically conceived, is the affirmation that God, *precisely as God,* is able (has the *potentia*) to be contrary-to-God (since he does not cease to be God when assuming human nature). God has "the capacity—the power—to accept as his own what is contrary to his nature and does not belong to him as God" (Marshall, 298). Ultimately, this remains a genuine paradox, an irreducible and "imponderable" *aporia*, built into the very "logic of transcendence" (Hart, 314).

It appears that what the first two views have in common, despite their surface opposition and in contrast to the third, is that they both completely resolve and remove the paradox of the conciliar formula. In a sense (not without a certain irony), both might be accused of committing what Cardinal Joseph Ratzinger once called "Hegel's error"—but not the error which the second view imputes to (or at least suspects in) the first view and hopes to counter with its vigorous reaffirmation of divine *apatheia* against the specter of a Hegelian "god" who suffers the intra-divine/intra-temporal pathos of becoming. Rather, for Ratzinger, Hegel's deeper error was the attempt to resolve the "spiritual tension of Christianity" through "a definitive and all-embracing logic"—to find a "complete system," a "logic of the whole," a "philosophical and theological world formula on the basis of which the whole of reality can be deduced cohesively from necessary causes." On the contrary, Ratzinger encouraged the cultivation of an "open synthesis that rejects a definitive and all embracing logic" (*Principles of Catholic Theology,* 169-71). Such sentiments seem to lie at the heart of this third approach. The ancient formulas—"the impassible suffered," "one of the Holy Trinity suffered in the flesh"—must simply be affirmed without an entirely satisfying metaphysical explication. This is the kenotic mystery: in the freedom and power proper to God, God can self-empty or self-limit, without ceasing to be God, in order to be *capax* of the alien experience of another, the experience of which, in his own proper nature, he is incapable—the impassible can be passible, not in himself, but in another. Such cannot be fully explained. This is neither hastily to embrace blatant incoherence nor lazily to revel in sheer contradiction, but only humbly to recognize that after all the careful and useful "précising" of natures and persons, after all attributing "with respect to" and predicating "by virtue of"—all of which offers insight into and nourishment for

a genuine *intellectus fidei*—the claim that "the impassible [God] suffers" has not been fully "parsed" and remains a *mysterium fidei*. In some cases, the difference between adherents of the second and third views can be reduced to a question of the degree to which this is remembered.

BOYD TAYLOR COOLMAN

Boston College
Chestnut Hill, Massachusetts

Fides caritate formata: Das Verhältnis von Glaube und Liebe in der Summa Theologiae des Thomas von Aquin. By MIRIAM ROSE. Forschungen zur systematischen und ökumenischen Theologie 112. Göttingen: Vandenhoeck & Ruprecht, 2007. Pp. 303. €59.90 (cloth). ISBN 978-3-525-56342-7.

Fides caritate formata represents a slightly revised version of the author's doctoral thesis completed under the noted German Lutheran systematic and ecumenical theologian Gunther Wenz in the academic year 2004/05 at the Protestant theological faculty of the University of Munich. There Miriam Rose presently holds the post of lecturer (*Privatdozentin*) in systematic theology. With her study, Rose joins a small but noteworthy group of German Protestant (mainly Lutheran) scholars of Thomas's theology. Their works distinguish themselves by a constructive ecumenical hermeneutic that is meant to advance close, exacting, and comprehensive readings of Thomas's theology. The overarching goal is to demonstrate that several of its central tenets are wrongly buried under a heap of theological verdicts advanced by Protestant theologians since the Reformation. The English-speaking tip of this iceberg of largely German Protestant scholarship is the path-breaking essay by the former Lutheran (since 2010 Catholic), ecumenical theologian Michael Root, "Aquinas, Merit, and Reformation Theology after the *Joint Declaration on the Doctrine of Justification*" (*Modern Theology* 20 [2004]: 5-22). The invisible bulk of the iceberg is made up of two German studies that more than a generation ago opened the path of an ecumenically inspired re-reading of key aspects of Aquinas among mainly German Lutheran theologians: first, the 1965 study on Thomas theology of law by the East German Lutheran systematic and ecumenical theologian Ulrich Kühn (*Via caritatis: Theologie des Gesetzes bei Thomas von Aquin*); second, the monumental 1967 study comparing Thomas and Luther on the doctrine of justification by the Catholic systematic and ecumenical theologian Otto Hermann Pesch (*Die Theologie der Rechtfertigung bei Martin Luther und Thomas von Aquin: Versuch eines systematisch-theologischen Dialogs*). Since then numerous important studies have been written by younger Protestant (again mainly

Lutheran) theologians on those aspects of Thomas's theology that required a rectification of notorious and longstanding Protestant mis-understandings, to say the least. Among these I shall only mention representatively Michael Basse's 1993 study on the certainty of hope (*Certitudo Spei: Thomas Begründung der Hoffnungsgewissheit und ihre Rezeption bis zum Konzil von Trient als ein Beitrag zur Verhältnisbestimmung von Eschatologie und Rechtfertigungslehre*); Rochus Leonhardt's 1998 study on the central role of happiness in Thomas's ethics, a work undertaken in his defense against the largely Kant-inspired charge that Thomas succumbed in his moral theology to pure eudaemonism (*Glück als Vollendung des Menschseins: Die beatitudo-Lehre des Thomas von Aquin im Horizont des Eudämonismus-Problems*); and, finally, the 2004 study by Stefan Gradl, in which he advances a close reading and a reconstruction of the treatise on happiness in the opening five questions of the *Prima Secundae* from a sympathetic Protestant (*evangelisch*) perspective (*Deus beatitudo hominis: Eine evangelische Annäherung an die Glückslehre des Thomas von Aquin*).

Miriam Rose continues this by now well-established trajectory of Lutheran Thomas-research. She aims at achieving an accurate and comprehensive understanding of Thomas's formula *fides caritate formata* as articulated in the *Summa Theologiae*. Unlike the historical theologian, who would aim at reconstructing the genesis and development of Thomas's thought on this topic across his sprawling oeuvre and in light of the positions held by relevant theologians before and after him, Rose does what behooves a systematic theologian. She is intent on grasping Thomas's theological doctrine of *fides caritate formata* conceptually in its internal coherence and in its precise systematic location in the *Summa Theologiae* as a whole. This strikes me to be the proper approach for a study that is meant to demonstrate that the conventional Protestant wisdom is mistaken, namely, regarding as strict contradictories Thomas's notion of the sinner's justification as occurring by way of *fides caritate formata* and the Protestant notion of the sinner's justification coming about *sola fide*. While, according to Rose, in the last two decades it has become increasingly clear to Protestant theologians that Thomas's formula does indeed not mean that faith and works together justify (as Luther, Melanchthon, and the authors of the *Formula of Concord* wrongly held it to mean), the formula has become only more puzzling for most of them. For if it does not mean the above, what exactly does it mean? Offering an answer to this question, aimed primarily at Protestant readers and critics of Thomas, is the project of Rose's study. According to Rose, Thomas's *fides caritate formata* is emphatically not to be read as the extension of faith to the field of action, along the lines of the familiar Lutheran adage "faith active in love." Given this overall thrust of Rose's argument, her study stands quite obviously in the service of a Lutheran solidification of the consensus expressed in the 1999 *Joint Declaration on the Doctrine of Justification* between the Roman Catholic Church and the Lutheran World Federation: *fides caritate formata* as construed by Thomas does in no way fall under the verdict of works-righteousness or, for that matter, any other version of (semi-)Pelagianism that Protestant theologians would be compelled to denounce in light of the

Reformation principle of *iustificatio sola fide*. What her study does not address, however, to which I will briefly return below, is the fact that Thomas's formula, as rightly reconstructed by Rose, does not allow an accommodation of what for Luther, Melanchthon, and the authors of the *Formula of Concord* (and arguably still most contemporary Lutheran theo-logians) underlies the *iustificatio sola fide* as its constitutive theological principle, namely, the axiom *simul iustus et peccator* as descriptive of the life of the justified Christian whose nature continues to be afflicted by a concupiscence that remains as active as it remains culpable and that obtains (while ruled by Christ) until death. As the significant disagreements over justification between the Finnish school of Luther research and German as well as American Lutheran theologians of the strict observance to the *Book of Concord* shows, contemporary Lutheran theologians remain deeply divided over the way this notorious axiom is to be interpreted. Differently put, Rose's study brings us right to the threshold of what remains arguably the most important unresolved theological issue of the *Joint Declaration on the Doctrine of Justification*.

In order to achieve her purpose for an audience that is not already familiar with Thomas's theology in general and the *Summa Theologiae* in particular, Rose organizes her book into six chapters: (1) a set of brief antecedent clarifications about the background, structure, and reception of the *Summa Theologiae*; (2) a detailed, rigorous *tour d'horizon* of the whole *Summa* in 112 pages; (3), (4) and (5) close readings and precise interpretations *in the context of the whole Summa* of the theological virtues of faith, hope, and charity; and, finally, (6) a concluding determination of the correlation between faith and charity as entailed in the formula *fides caritate formata*.

The impressive tour of the whole *Summa* in chapter 2 is a methodological necessity, for if faith, hope, and charity are to be understood properly as infused theological virtues, they need to be read in light of nothing less than the whole *Summa*. Having grasped this crucial point, Rose follows up with a structural and conceptual analysis of a very high order. The decisive interpretive and argumentative work, however, occurs in chapter 3. Here Rose substantiates her central thesis: *fides caritate formata* pertains strictly to the act of faith itself (vertically) in relationship to God and not (horizontally) in relationship to the acts of justice and mercy which are the fruits of the infused habit of charity. She substantiates her thesis by demonstrating convincingly that according to Thomas there obtains a crucial distinction between the infused *habits* of faith and charity, on the one hand, and, on the other hand, the respective *acts* elicited by these habits. While the infused *habit* of charity does indeed constitute the form of the *act* of faith, the infused habit of charity does not inform the infused *habit* of faith, which qua habit has its own proper, intrinsic form. This subtle but important point is all too often overlooked by hurried readers of Thomas's account of *fides caritate formata*. What does it mean to hold that the infused *habit* of charity is the form of every *act* of faith that arises from the infused habit of faith? The point is that the act of assent of the intellect is always already formed by the restored relationship of the believer with God, by the bond of

friendship that becomes a created reality in the infused habit of charity. The act of faith occurs in the state of friendship with God; it is already united with the final end of charity. And because the end is what gives form to the act, the habit of charity forms the act of faith. It is in this precise sense that the justifying power of the acts of faith depends on the infused habit of charity. If one conceives *fides caritate formata* in this way, it also becomes patent that the infused habit of charity adds nothing that is extrinsic to and therefore a supplementation of the infused habit of faith (e.g., "works"). Rather, *fides caritate formata* answers the central question: *Who* is it that assents? It is the person who has received sanctifying grace first as *auxilium* and subsequently as habitual grace. And sanctifying grace, the inchoate participation in the life of God, issues simultaneously in the infused habits of faith, hope, and charity, the last being the union of friendship with God. All supernatural acts of infused virtue are united with the end, the already established friendship with God and hence formed by charity. This is also the case of the acts of faith—hence *fides caritate formata.*

"Unformed faith" (*fides informis*) constitutes a limit concept for Thomas, signifying not, as is often erroneously claimed, an initial stage of faith, subsequently to be "formed" by charity, that is, supplemented by acts of charity. Quite to the contrary: "unformed faith" according to the *Summa* is habit of faith as it remains in believers who have committed a mortal sin, in consequence of which the bond of charity, the friendship with God, has ceased to obtain and the infused habit of charity has been lost. While the habit of faith remains (in virtue of the divine *auxilium*), the acts of faith it elicits are no longer formed by the habit of charity; they are no longer united with their true end in the bond of friendship and hence have lost their justifying power.

Rose points out that most Protestant interpreters of Thomas's formula fail to draw upon a crucial distinction entailed in the concept: the distinction between an *actus imperatus* and an *actus elicitus* of the will, a crucial distinction Thomas develops early in the *Prima Secundae*. The act of the will that commands the assent of the intellect is an *actus imperatus,* an act of the will (oriented now to the true ultimate end as its final end) that arises from healing grace, due to the infused habit of charity. (One wishes that Rose might have noted and expanded on the subtle but important difference between the act of living faith, the cause of which is sanctifying grace and the form of which is the habit of charity, and the *initium fidei,* the act of conversion, where the *actus imperatus* is a simple act of the will moved by the *instinctus* of grace, that is, an act of the will not yet formed by the infused habit of charity.) The *actus elicitus,* in contrast, refers to the specific act of the will which in hope and charity is oriented to the final end, God. Such an explicit act of charity presupposes at least an inchoate knowledge of that which is loved and hence is always antecedently informed by the habit of faith. Such elicited acts of charity fructify in the works of mercy, which are not justifying, but which merit an increase in charity, a deepening of the friendship with God. *Fides caritate formata,* however, refers solely to the *act* of faith itself, an assent of the intellect commanded by the will (*actus imperatus*) already united with its ultimate end that is, formed by the infused *habit* of charity. As Pesch put

it most felicitously for Protestant readers: "Thomas's *fides caritate formata* is a genuine *sola fide*" (Pesch, 736; Rose, 207).

Rose accomplishes the ambitious goal she set herself by advancing a subtle, nuanced, and accurate reconstruction of the interrelationship between faith and charity in the *Summa*—a reconstruction from which Catholic students of Thomas Aquinas too can benefit considerably. She also achieves a convincing clarification of what exactly Thomas teaches on *fides caritate formata,* which makes the book required reading for all Protestant theologians who continue to hold interpretations of this concept along the lines identified by Rose in her concluding chapter. There she offers a few representative samples of the kind of misunderstanding still prevalent among those German Protestant theologians who actually care enough in the first place to ask what Thomas's formula might mean.

While Rose's critique of the Protestant critics of Thomas's formula is as nuanced as it is astute, it nevertheless becomes quite obvious in that very engagement that (unsurprisingly, I should say) she shares with those critics some important and largely implicitly held antecedent presumptions, that is, normative tenets of Reformation theology. Some of these normative tenets become explicit when Rose opines that Thomas is unable even to perceive, let alone successfully to address, the brokenness of human existence which—as Rose puts it—in justification remains itself as one of sin (278). This claim is, in a nutshell, a subtly encoded application of the theological principle *simul iustus et peccator* and its entailed concept of concupiscence against Thomas's account of sanctifying grace as internally restorative and substantively healing. Thomas allegedly lacks a sufficient understanding of the depth and persistence of sin that makes his account not wrong per se, but deficient to a degree that it cannot inform Lutheran theology without significant supplementation. Such an objection can, of course, be raised against Thomas from the perspective of Lutheran theology; it is, indeed, to be expected. What remains, however, unexamined and hence unaddressed in Rose's objection is the question whether Thomas might indeed not be fully aware of the position entailed in this objection and what his substantive theological reasons might be to regard the strong version of the principle *simul iustus et peccator* (held by Luther, Melanchthon, and the *Formula of Concord*) as fundamentally untenable. The fact that Rose is not inclined to let the full implications of Thomas's *fides caritate formata* challenge this normative principle of Reformation theology, which she shares with the Protestant critics of Thomas, indicates that the genuine theological encounter with Thomas's formula (as normatively received in the Tridentine doctrine of justification) begins on the other side of the threshold of her commendable study. In light of Rose's analysis of the formula, it becomes patent that if one takes Thomas to be substantively right on this matter, the real issue under dispute is not the contrast of *iustificatio sola fide* with an alleged justification by faith supplemented by works, but rather the theological untenability of the axiom *simul iustus et peccator* and the entailed concept of concupiscence as held by Luther, Melanchthon, and the *Formula of Concord*. For if one embraces this theological axiom it is impossible to hold Thomas's teaching that "grace is nothing else than

a beginning of glory in us" (*STh* II-II, q. 24, a. 3, ad 2). Grace in Thomas's sense, as most characteristically expressed as inchoate glory, and concupiscence in the sense held by Luther, Melanchthon, and the *Formula of Concord* are incompatible realities in the human being. They cannot obtain at the same time in the same subject, and no amount of ever-so-well-intentioned theological hand-waving in paragraphs 29 and 30 and in the annex of the *Joint Declaration on the Doctrine of Justification* can change what is simply an instance of contradiction. Had Rose explicitly recognized this essential aspect of Thomas's understanding of sanctifying grace as the *motus* of the image of God into God, she would have had to conceive of *fides caritate formata* as essentially ordered to deification (of which justification *sola gratia* and *sola fide*—in the precise sense of *fides caritate formata*—is indeed the indispensable and permanent entailment).

Acknowledging the full range of the implications of Thomas's teaching on sanctifying grace as the *inchoatio vitae aeternae* might also have allowed her to appreciate Thomas's profound take on the supernatural economy of friendship and charity. For together with some of Thomas's Protestant critics she wonders whether the meritorious character of the acts of charity might not destroy the character of these acts as ends in themselves ("Selbstzwecklichkeit") and thereby undercut the very nature of charity itself. According to Thomas, however, an increase in the habit of charity is nothing but an intensification of that friendship the cause and core of which is charity. In other words, the acts of charity are more than simply ends in themselves; they are acts undertaken for the sake of the friendship with God, or better put, for the sake of the beloved friend, God; and in that they are meritorious of an increase in the habit of charity, namely, an increase in what constitutes friendship with God. Hence, if charity is friendship with God, the intention to intensify this friendship is integral to the nature of friendship itself. And because God acknowledges this intention of charity (integral to the nature of friendship with him) in the very acts of charity, they merit an increase in charity. If they did not, Thomas would hold that there would not obtain true friendship between God and those adopted in Christ in the first place.

My brief theological engagement of Rose's study is not meant to identify internal deficiencies (of which there are remarkably few) as much as simply to substantiate the fact that the real theological issues for Protestant theology to tackle come to light only after a correct understanding of Thomas's teaching on *fides caritate formata* has been established. That Rose has made this point clear in a way that is as compelling as it is accurate is the merit of her study, beyond its impressive analysis of Thomas.

The book has an extensive and informative bibliography which contains the relevant German, English, and French literature on the topic and, in addition, all the central works of current research on Aquinas. A subject and a person index would have greatly increased the usability of this monograph, and greater care in proofreading would have added to its overall quality. Despite these minor shortcomings, Rose's book is an impressive achievement and a commendable

reconstruction and ecumenical reception of Thomas's teaching on *fides caritate formata*.

REINHARD HÜTTER

Duke University Divinity School
Durham, North Carolina

Glittering Vices: A New Look at the Seven Deadly Sins and Their Remedies. By REBECCA KONYNDYK DEYOUNG. Grand Rapids, Mich.: Brazos, 2009. Pp. 208. $14.99 (paper) ISBN: 978-1-58743-232-3.

Is the recovery of virtue theory in contemporary moral philosophy and theology complete? Has the academy reached the point where we can presume that we have reversed the condition lamented by MacIntyre, that we might now be able to engage in a coherent discourse about the moral life in terms of a shared understanding of the nature and place of virtue informed by the classical, and especially Aristotelian/Thomistic, moral tradition? This work by Rebecca Konyndyk DeYoung, associate professor of philosophy at Calvin College, which examines the vices as a necessary companion to any theory of the virtues, should give rise to caution about any such heady claims. Responding to the ignorance of and incoherence in the understanding of vice found in contemporary accounts of the moral life, DeYoung recovers the tradition of teaching on the vices as an essential component of any adequate virtue theory, and provides an explanation of each of the seven capital vices that prompts the reader to a deeper examination of his or her own conscience.

DeYoung's introduction sets the stage for her project of recovery. She reviews recent popular depictions of the vices that populate the traditional list of seven, and in the process reveals some to be distortions that either trivialize the gravity of each vice or, worse yet, glamorize them as actual virtues. Having set forth the state of the question, laying out the mainstream views and subjecting them to powerful critique, DeYoung presents a concise and cogent account of virtue, to which the vices under examination will be contrary. This account is solidly Thomistic, incorporating the classical account of the cardinal virtues as connected with the theological virtues, and Christ as the virtuous role model to be imitated by one seeking to grow and develop in virtue. DeYoung concludes with five good reasons for recovering an account of the vices in the first place, three of particular interest to Christians and two others of interest to all. For Christians, a knowledge of the tradition of teaching about the vices provides insight into the kinds of habits to which one must die in order to rise with Christ. Understanding the nature of the vices sheds brighter light on the truths of the Scriptures, and

deeper inspection of our sinfulness through the lens of the vices reveals previously unseen ways that we are entwined with the sins of the world. Even those without faith in Christ will find the tradition of teaching about the vices a useful tool for engaging and understanding our cultural institutions and its practices, relying as they often do on the distorted habits of human souls for their continuation and expansion. At the very least, familiarity with the seven deadly sins makes one culturally conversant with the themes and allusions in literature, music, and film that trade, honestly or not, in the currency of vice.

The first chapter gives the lie to the subtitle of the book: its explanation of the vices does not strive to be new, and it isn't really about the seven deadly sins. Far from being a failing, this is the strength of DeYoung's work as an exercise of recovery in virtue theory. Its concise but effective summary of the traditional listing of the vices begins by contrasting the ancient, well-organized and well-attested tradition of teachings about the virtues, with roots in Greek, Roman and biblical sources, with the emergence of the corresponding list of vices in the writings of Evagrius and Cassian, each of whom aimed to address the practical needs of monks engaged in spiritual battle. The subsequent tradition considered the vices with greater refinement, with Gregory the Great separating off pride as the singular vice at the root of the seven others, and Thomas Aquinas examining the vices in a way that aimed at greater systematic coherence. Yet the familiarity with the seven capital vices among learned and unlearned alike within the Christian tradition was a fleeting achievement: attempts solidly to systema-tize the enumeration and ordering of the vices did not achieve any lasting unanimity in the schools, suspicion of "works-righteousness" among Protestants relegated the theological worth of the vices to the margins, and modern secular transliteration of the seven capital vices rendered them disfigured and unrecognizable. Drawing on more detailed scholarly accounts, DeYoung succinctly summarizes the long process by which the tradition of teaching about the vices fell into decline, and makes the compelling case that while the tradition of teaching about the vices is not new, a serious and systematic examination of their role in the moral life would in fact be both new to us, and necessary for our own moral examination today.

Further qualifying the book's subtitle, DeYoung clearly distinguishes her examination of the seven capital vices from an account of seven deadly, perhaps mortal, sins. The concern of this work is not individual sins or even particular types of sin. Rather, paralleling the accounts of the virtues as giving birth to noble and holy deeds, this examination of capital vices seeks to identify the fundamentally disordered dispositions of the soul at the root of the disordered human action in each and every sin. DeYoung illustrates this understanding of the dynamic of sin using the tradition's illustration of our vices as a tree, pride being the trunk, and the seven primary vices the limbs from which the poisoned fruits of our sins perversely blossom. The practical purpose of such an account, both in the tradition and in DeYoung's reading of it, is to recover an understanding of

the root of our sin as disordered love generating the misguided pursuit of happiness in ways that leave us truly unhappy.

DeYoung notes the difficulty and awkwardness of attempts to map the seven capital vices onto the seven virtues within the tradition; there have been many such attempts, with none achieving acceptance as definitive. The most successful traditions of naming and elaborating these seven vices are not the ones with the greatest systematic coherence, but rather the ones that have proven most useful and fruitful for spiritual development. Without setting forth a new systematic account of the sequence in which the vices should be examined, DeYoung's treatment of them in the order of envy, vainglory, sloth, avarice, anger, gluttony, and lust follows the spirit of the tradition she outlines. Each of the following seven chapters takes up in turn one of the capital vices, discussing how it operates as a perverse habit of the soul, emerging from the root of pride and issuing in characteristic sinful actions. DeYoung's explanation of each of these vices is indebted to the thought of Thomas Aquinas, and informed by Scripture and other major theologians from across the tradition. DeYoung effectively employs examples from popular film, music, and other media to illustrates the points and conclusions of her explanation, but thankfully she does not fall prey to the temptation of employing such examples as premises from which she might draw conclusions. Each chapter concludes with the practical purpose of such explanations of the vices, and considers the particular remedies by which the deformed habit of each vice may be countered and conquered, paving a path for the possibility that the virtue which it opposed will instead take root.

The strategy of these seven chapters does not yield a comprehensive or systematically argued treatise on each of the vices; a reader searching for such an approach would be advised to look elsewhere. What it does yield is an illuminating account of each of the vices, illustrated and explained in such a way that any thoughtful reader will inevitably find one or more chapters illuminating some previously unrecognized vicious inclination within his or her own soul. For example, in her treatment of avarice DeYoung explains and illustrates the traditional distinctions within that vice, such as the undue attachment to material goods, opposition to the virtue of justice, and so on. But while the subject matter of avarice is the material goods desired, DeYoung draws on Aquinas to explain the nature of this vice as a spiritual vice, whereby one refuses to depend upon God not only for final happiness but even for daily sustenance. Thus the disordered love of external goods is seen to be a form of man's prideful rejection of divine promises such as those Jesus makes in his Sermon on the Mount. The practical solution for undoing this disorder of the soul is as simple as it is traditional: tithe. The practice of regularly giving from what we need, rather than only from our excess, lays the groundwork for transforming our disposition both in the branch of avarice and in its root of pride. When we are no longer inclined by a disordered love toward these external goods, then might our very love of ourselves and our love of God be reconfigured by justice and charity, whereby we are right inclined to use these goods as signs by which we justly love others

and depend upon divine assistance for these as for other, higher goods. A reader may be satisfied that he does not exhibit the crass desire for excess illustrated by characters from the film *Wall Street*. Upon reading DeYoung on avarice, however, that same reader might discover in himself a disposition to harbor the worldly hope of finding security in a career or the status afforded even by relatively modest means, and thus identify the very vice illustrated in this chapter.

It is worth noting that although DeYoung is a philosopher by profession, she does not limit her consideration of the vices to an account of the human good attainable through natural capacities alone. Her work is more properly theological than philosophical, and aptly incorporates the Christian account of the work and effect of divine grace in remedying the vices opposed to the virtues by which man is capable of enjoying supernatural beatitude. She does not take a stand in this work on the existing debates concerning the relationship between man's natural and supernatural ends, nor on the prospect of the intelligibility of an account of virtue, and here an account of vice, separated from Christian faith holding to the truth of revelation. Such a consideration of the vices from a purely philosophical perspective—how particular habitual dispositions may be understood as contrary to the genuine human good considered apart from any revealed truths—might be a worthwhile exercise. Or it might be an exercise in futility. Raising and resolving this question, however, is markedly neither the point nor the achievement of this book.

Rather, the achievement of this book is the solid and straightforward recovery of the tradition of teaching about the vices as an essential but regrettably overlooked element of virtue theory today. The fact that DeYoung's illustrations are so illuminating, and that the language of the vices remains so foreign and unfamiliar to popular and specialist audiences alike, is proof that this recovery is not complete. DeYoung's work is a welcome reminder of the importance of the vices for any genuine virtue theory, and an effective starting-point for a more rigorous and systematic integration of the vices into virtue theory today.

ROBERT BARRY

Providence College
Providence, Rhode Island

Hebrew Bible / Old Testament: The History of Its Interpretation, II: From the Renaissance to the Enlightenment. Edited by MAGNE SÆBØ. Göttingen: Vandenhoeck & Ruprecht, 2008. Pp. 1248. $245.00 (cloth). ISBN: 978-3-525-53982-8.

This large tome is the third in a projected series of five books on the history of the interpretation of the Old Testament. Known as the Hebrew Bible / Old Testament project (HBOT), the series is edited by Magne Sæbø, a senior Norwegian Old Testament scholar. After briefly describing the history of the HBOT and raising some questions about its methodology, this review will give an overview of the series and concentrate on those chapters published so far that will be of particular interest to readers of *The Thomist*.

In 1869 Ludwig Diestel of the University of Jena published a history of the interpretation of the Old Testament under the title *Geschichte des Alten Testamentes in der christlichen Kirche*. Diestel's monumental work, over eight hundred pages long, focused solely on the Old Testament rather than on the Bible as a whole. Diestel expressed regret that he was not able to include Jewish interpretation in his purview. A similar but significantly larger project was published in the 1980s, this time in French and under Catholic auspices. Eight volumes of *Bible de tous les temps* (BTLT), edited by Charles Kannengiesser, appeared between 1984 and 1989. Unlike Diestel's volume, this series treated both the Old and New Testaments, and included Jewish and Christian interpretation.

Magne Sæbø's HBOT project was initiated in the late 1970s, and at first was intended as a updating of Diestel, extending his work to the contemporary period. In the early 1980s Sæbø enlarged the scope of the project and enlisted the help of Jewish (Menahem Haran) and Catholic (Henri Cazelles, Chris Brekelmans) co-editors. For the volume under review a new set of coeditors, Michael Fishbane (Chicago) and Jean Louis Ska, S.J. (Rome), have helped to ensure that the HBOT remains ecumenical in scope. This it largely is, but, as earlier reviewers have noted, the project lacks a sustained consideration of Orthodox and Eastern traditions, a problem only partly remedied by a chapter on the Syriac Old Testament by the late Michael Weitzman and two excellent chapters on Syriac biblical interpretation by Lucas Van Rompay (I/1: 612-41; I/2: 559-77). Van Rompay offers a masterful overview of the Syriac exegetical tradition, based in part on his own original research on unpublished manuscripts, including extensive bibliographical references to all the relevant literature. These chapters can be consulted profitably by the novice and the specialist alike, which is why the HBOT has become such a valuable reference work since the first volume appeared in 1996. Still, with the notable exception of the Syriac tradition, Sebastian Brock's description of the multi-volume *Cambridge History of the Bible* (3 vols., 1963-1970) as "an occidental view of the Bible" (*JAR* 41 [1973]: 406) is one that applies, albeit to a lesser extent, to this project as well. It should be noted here that the *New Cambridge History of the Bible* (in press) is billed as including "Eastern Christian, Jewish, and Islamic contexts."

The first volume is subtitled "From the Beginnings to the Middle Ages (until 1300)" and its thirty-seven chapters are divided into two parts: HBOT I/1 (1996) covers Antiquity, through Jerome and Augustine (chapters 1-22), while HBOT I/2 (2000) covers the Middle Ages, through Aquinas, Bonaventure, and the

thirteenth-century Syriac polymath Barhebraeus (chapters 23-37). A supplement to the second part includes essays by two Catholic exegetes on Ecclesiasticus (Pancratius C. Beentjes) and the Wisdom of Solomon (Maurice Gilbert, S.J.). In these chapters and in the chapter by Michael Fishbane on inner-biblical exegesis (I/1:33-48), the point is made that the history of interpretation of the Old Testament begins already within Scripture itself. Sæbø's prologue and epilogue to HBOT I/1 offer a defense of the methodology employed in the project and a summary of each of the contributions. Rather than striving to be as comprehensive as possible, the HBOT concentrates on the scholarly core, "the central occupation and motivation in the study of Scriptures," seeking therefore the central minimum and "moving from the variegated *multa* to the basic *multum*" (I/1:25-26). Each book in the series includes extremely thorough and detailed indexes that render the work quite valuable as a reference tool.

The second volume, HBOT II (2008), which is under review here, is subtitled "From the Renaissance to the Enlightenment," and covers the period from 1300 to 1800, from Nicholas of Lyra (c. 1270-1349) to the end of the eighteenth century. It is in this period, Sæbø notes, that traditional biblical interpretation "became to some extent transformed and the foundations of modern biblical interpretation were established" (II:45). Sæbø's introductory chapter deals with questions of historical periodization and terminology, adhering largely to traditional scholarly conventions in these matters. The triad Renaissance, Humanism, and Enlightenment are still useful categories, he argues, and the long period from 1300 to 1800 contains a considerable degree of unity.

The anticipated third and final volume will be divided into two parts, one dealing with the nineteenth century and the other with the twentieth, from modernism to postmodernism. I have been given to understand that it will contain an article by the Jesuit historian Gerald Fogarty dealing with the Catholic Church and historical criticism of the Old Testament, covering the period from the beginnings of the modernist crisis through the Second Vatican Council.

An epigraph drawn from Karl Barth's history of Protestant theology in the nineteenth century introduces the first chapter of the second volume of the HBOT: "Geschichtsdarstellung kann nicht Gerichtsverkündigung sein: History writing cannot be a proclamation of judgement" (25). Sæbø signals his intention here to narrate the history of the interpretation of the Old Testament without evaluating or judging it. The volumes published so far succeed in this regard, and the quality of the individual articles overall is consistently high. Sæbø's achievement in editing these volumes is remarkable and the series will no doubt serve generations of scholars as a valuable reference tool. One of the questions the HBOT raises is whether Judaism or Christianity ever understands the Old Testament to form a corpus that can be properly grasped or interpreted apart from the Talmud, in the case of Judaism, or the New Testament and apostolic writings, in the case of Christianity. Earlier reviewers have noted that at times the program of limiting the project to the Old Testament causes a certain amount of strain. The early Christian interpreters studied in the first volume were at pains

to emphasize the unity of the two testaments, a fundamental axiom of Christian theology. In a certain sense a category has been created, Old Testament / Hebrew Bible (the problematic title is not explained), that was never understood to be an object of study in its own right in such a delimited way before the modern period, though in the modern academic worldview it seems a quite natural one. There is a decided advantage then to the approach taken in Kannengiesser's *Bible de tous les temps,* which considers both the Old and New Testaments together. This is to suggest that the HBOT will not replace but rather complement the earlier *Cambridge History of the Bible* and *Bible de tous les temps*.

The three books that comprise the first two volumes contain several chapters that will be of interest to readers of *The Thomist*. John F. Procopé's "Greek Philosophy, Hermeneutics and Alexandrian Understanding of the Old Testament" (I/1:451-77) shows how Greek-speaking Jewish and Christian authors employed a pagan tradition of hermeneutics to find the established truths of Greek philosophy in the texts of the Old Testament. James N. B. Paget (I/1:478-542) describes Christian exegesis in the Alexandrian tradition and includes an important discussion of the authority and inspiration of the Old Testament, focusing on Clement and Origen. Chapters 18-21 focus on the Latin Old Testament and its interpretation, chiefly by Jerome and Augustine (with a thorough analysis by David F. Wright of the importance of *De doctrina christiana* for understanding Augustine's thinking on the Old Testament [I/1:716-27]), but with some brief consideration given to Hilary and Ambrose as well.

Ulrich Köpf (I/2:148-79) sets the context of Christian exegesis in the Middle Ages with a study of the institutions that were seats of learning prior to the universities—namely, the monasteries and urban clerical schools, the *curia episcopalis*—and of the universities themselves as centers of biblical interpretation. Three additional articles by the same author (II:123-53) treat the institutional framework in the Late Middle Ages through the fifteenth century, including discussion of the mendicant *studia* and of libraries and the making of books; the effect of the Reformation on theological education (II:347-62); and the educational system in the Confessional Age, with a brief section on the intellectual formation of the Jesuits (II:649-62).

Gilbert Dahan (I/2:196-236), an authority on both Jewish and Christian medieval biblical interpretation, deals with the literary forms specific to the genres of monastic exegesis, the exegesis of the schools, and university exegesis. This chapter is richly illustrated with examples drawn from scriptural commentaries, all given in translation with the Latin text in the notes. Dahan shows that attention to the form and genre of biblical commentary can yield insights into the transitions made from the literal to the spiritual sense. This is one of the most helpful chapters in the HBOT for gaining a deeper understanding of medieval biblical commentary. Chapters by Rainer Berndt on the Victorines and Karlfried Froehlich on the High Middle Ages will be of interest as well. Froehlich treats biblical interpretation in the mendicant orders of the thirteenth century, the university curriculum, the impact of Aristotle, and the use of

Scripture in systematic works on prophecy, creation, the Old Law, and the Solomonic books. Aquinas is discussed frequently and his views are placed in the larger context of medieval theology. There follows a section devoted to the biblical commentaries of Albert, Thomas, and Bonaventure. Froehlich gives a clear description of Aquinas's understanding of the literal sense and cites the relevant texts on this much-discussed topic. His treatment of the commentary on Job is particularly rich and references to the influence of Maimonides on Aquinas are cross-referenced to the relevant section of the earlier chapter on Maimonides by Sara Klein-Braslavy. Froehlich's treatment of the commentary on the Psalms, by comparison, is far too brief and cursory. Recent works by Martin Morard ("À propos du *Commentaire des Psaumes* de saint Thomas d'Aquin," *Revue Thomiste* 96 [1996]: 653-70) and Thomas Ryan (*Thomas Aquinas as Reader of the Psalms* [Notre Dame: University of Notre Dame Press, 2000]) have highlighted the importance of this commentary as an expression of Aquinas's mature theological thought. Ryan dates the work to 1272-73 and reads it in conjunction with the *Tertia Pars* of the *Summa,* written at the same time. With regard to Bonaventure's treatment of hermeneutical questions, Froehlich quotes Chenu's remark that the *Breviloquium* is "the most beautiful program of biblical hermeneutics which the thirteenth century has offered" (I/2:552). Along the way one encounters a number of interesting details. For instance, Froehlich translates portions of Roger Bacon's *Opus Minus* listing "seven errors in theology," the fourth of which is that "[i]n the theology faculty, the lectures on the Sentences are scheduled at the best hours while the biblical lecturers must beg for slots, and Peter Comestor's *Histories* are not even taught anymore" (I/2:552)—a lament that has lost none of its relevance today!

Jeremy Catto's chapter (II:106-22) on the philosophical context of interpretation of the Bible in the Renaissance highlights the continuing vitality of Parisian Aristotelianism and the new interest in the Hebrew and Greek languages that afforded access to earlier wisdom, both pagan and Jewish. Renewed interest in the *Hebraica veritas* is analyzed by Arjo Vanderjagt (II:154-89), who includes a fine treatment of the Dominican scholar Sanctes Pagninus (Santi Pagnini, d. 1536), the author of a complete translation of the Bible from the original languages into Latin (the first edition of Scripture to divide the entire text into verses), and of an influential Hebrew dictionary.

The Old Testament commentaries of Cardinal Cajetan (Tommaso de Vio) are studied by Jared Wicks, S.J., in the context of a chapter on Catholic interpretation in the Reformation and Confessional eras (II:617-48). Wicks includes a thorough treatment of Trent on the biblical canon and the authenticity and status of the Vulgate. Numerous citations from Cajetan's work in English translation reveal his keen interest in the Hebrew text of the Old Testament (at times privileging it over the Vulgate), and his preference for the literal sense, all of which gave rise to suspicions of error and to reproach from his Dominican confreres Catharinus and Melchior Cano. Jesuit interpreters receive ample coverage here, especially Juan Maldonado, Benita Perera, and Robert Bellarmine.

This is true also of the chapter by Pierre Gibert, S.J. (II:758-73) on the Catholic counterpart and response to Protestantism, which includes studies of Jacques Bonfrère and Cornelius à Lapide.

The pioneering works of the Catholic commentators Richard Simon, Augustine Calmet, Jean Astruc, and Charles François Houbigant are given a sympathetic review by John Rogerson (II:837-50), who highlights the great learning and remarkable honesty of these scholars and the enduring contributions they made.

This is not a series to be read from cover to cover, but one that philosophers and theologians will want to consult on particular topics and peruse more broadly. The care and precision that has gone into the layout and indexing of these handsome volumes will greatly facilitate their use.

STEPHEN D. RYAN, O.P.

Pontifical Faculty of the Immaculate Conception
Washington, D.C.

Christ the Conqueror of Hell: The Descent into Hades from an Orthodox Perspective. By HILARION ALFEYEV. Crestwood, N.Y.: St. Vladimir's Seminary Press, 2009. Pp. 232. $20.00 (paper). ISBN: 978-0-88141-061-7.

In this major historical-theological study of the descent of Christ into Hades, Archbishop Hilarion Alfeyev presents an extended argument for an Orthodox perspective on what he calls "one of the most mysterious, enigmatic, and inexplicable events in New Testament history" (9). Setting his position in contrast to liberal Western dismissals of Christ's descent to Hades on the one hand, and what he believes is a constricted traditional Catholic understanding on the other, Archbishop Hilarion searches widely across the biblical, patristic, theological, and liturgical landscape to offer an impressive and far-reaching set of conclusions that are worthy of attentive consideration by scholars from both East and West. The stated goal is to determine (and presumably to retrieve) the "original faith of the church" regarding this mystery, and to apprehend the Eastern Orthodox position on Christ's descent and its soteriological significance in the life of the Church (10).

The study is divided into four chapters, each covering a major area of the tradition: (1) the New Testament and early apocryphal literature and poetry, (2) the patristic tradition, (3) Eastern liturgical poetry from the fourth through sixth centuries, and (4) the liturgical tradition of the Orthodox Church. The survey of the New Testament is very brief (four pages) but clear, pointing us to the primary

biblical passages where Christ's descent is either asserted or clearly implied. Though admitting that his survey of the ancient texts is not exhaustive, Archbishop Hilarion cites an impressively broad array of early Christian texts from the first two centuries. His conclusion is that Christ's descent to Hades was a broadly accepted element of early Christian faith, not a strange novelty of fringe groups.

In the survey of patristic texts on the Descent, Archbishop Hilarion covers ground from Irenaeus to John of Damascus in the East, tracing with careful nuance the different emphases and conclusions of the various Fathers. The burden of his treatment is to show that in the East Christ's descent was understood to have a effect on *all* who were bound by death in Hades—Christ's work in Hades was not normally limited to the righteous of the Old Testament. The account of the Western tradition is briefer, the primary aim being to show a contrast between an early Western tradition that resembles the East and a later tradition originated by Augustine and carried further by Gregory the Great and Thomas Aquinas that departs from this earlier tradition. It is this later Western tradition that Archbishop Hilarion judges to be narrow and inadequate to the mystery of Christ's descent.

The larger part of this volume is taken up with an extended presentation of the hymnic and liturgical traditions of the Eastern Church. Using Ephrem's poems (fourth century) and the hymns of Romanos the Melodist (fifth-sixth century), Archbishop Hilarion sketches the developing tradition surrounding Christ's descent and argues that these two writers display with particular clarity Christ's complete victory over death and Hades in his descent and the ongoing relevance of this victory for subsequent generations. Finally, Archbishop Hilarion examines in fine detail the contemporary liturgical texts of the Orthodox church (specifically the *Octoechoes,* the Lenten *Triodion,* and the *Pentecostarion*), underlining that the liturgical texts show with ever greater clarity that Christ's descent to Hades was meant for all, not for some select group.

In the epilogue Archbishop Hilarion draws together the threads of this broad survey and offers clear, forceful, and at points controversial conclusions regarding Christ's descent. His argument is mainly against dominant Western views, but he also is aiming to craft an Orthodox account that he recognizes may not gain the full agreement of other Orthodox thinkers (209). The first conclusion is that "the teaching on Christ's descent is an inseparable part of the dogmatic tradition of the church" (203). The second is that there were various interpretations of the Descent in the Christian tradition: (1) Christ freed all from hell without exception, (2) Christ freed only the righteous from the Old Testament, (3) Christ saved only those who came to believe in him and follow him, (4) Christ freed only those who had lived in faith and piety during their lives. The lines of demarcation between these positions are somewhat unclear, given the testimony gathered in the study, but Archbishop Hilarion concludes that in the West positions (1) and (4) were dominant, while in the East positions (1) and (2) received equal testimony. He clearly wants to make the case,

especially from the liturgical tradition, that the first alternative is in fact the predominant one and is in best accord with Orthodox doctrine. He concludes that "the teaching that Christ granted to *all* the possibility of salvation and opened for *all* the doors to paradise should also be considered general church doctrine" (208), while the view that only the Old Testament righteous were saved and that everyone else remained in hell "should be considered personal opinion" (209).

This striking conclusion is based in part on a "hierarchy of authorities" (ibid.) that Archbishop Hilarion argues for, whereby liturgical texts have second place in authority after Scripture, while the decrees of councils, the writings of the Church fathers, and the teaching of other theologians follow after (205-7). This is intended "not to marginalize certain dogmatic writings but to point to the significance of liturgical sources. . . . The fact that liturgical texts are in second place after the New Testament while other sources are placed below them is conditioned by the desire to restore justice" (209).

The further theological conclusion that Archbishop Hilarion has in view is that salvation is open to all, living and dead. Rejecting the views of Augustine and John Calvin on predestination, and convinced that "the only hindrance to salvation is one's free will to resist God's call" (ibid.), he concludes from the petition found in the Orthodox liturgy for those in hell that "the fate of a person after death can be changed through the prayer of the church" (217). The final summation provides a fitting statement of the overall thesis: "We do not know if everyone followed Christ when he rose from hell, nor do we know if everyone will follow him to the eschatological heavenly kingdom. . . We do know that, since Christ's descent, the way to resurrection has been opened for "all flesh," salvation has been granted to every human being, and the gates of paradise have been opened for all who wish to enter through them" (218).

We owe a great debt to Archbishop Hilarion for this study: for the vast number of texts he makes available, for the vigorous presentation of the mystery of Christ's descent to Hades he offers, and for the thoughtful and sometimes provocative proposals he advances. In the effort to engage his argument, I raise two primary concerns with his interpretation and application of the texts on Christ's descent.

The first concern touches on how Archbishop Hilarion interprets the meaning of "all" in some of the patristic texts, and how he moves directly from "all" being liberated from Hades to the conclusion that all are therefore "given salvation." He assumes that when a patristic author states that Christ emptied Hades of all the dead, this means that all were "saved." But this does not follow. Cyril of Alexandria provides an apt example. Cyril consistently claims—as Archbishop Hilarion rightly points out—that in his descent Christ completely emptied Hades and left the devil without offspring. But this plainly does not mean for Cyril that all are saved or that Hades as the place of *God's* punishment is emptied. Cyril elsewhere firmly upholds that those who reject faith in Christ, both the dead and the living, are in (or bound for) Hades and do not attain to salvation. For Cyril,

the claim that Christ emptied Hades completely is less about whether all are actually saved, and much more about Christ's defeat of the devil and the power that the devil gained over the human race because of Adam's sin. To say that Christ emptied Hades and liberated "all" is simply to say that no part of death's power remains over the human race—the devil has been defeated. And for Cyril "all" therefore will be raised from the dead, but only some to the resurrection of the just; others will rise to everlasting separation from God. It is therefore a mistake to conclude from Cyril's writings that he "ensures the salvation of all humanity" or that the risen Christ "becomes the guarantee of universal salvation" (78). This makes it sound as if Cyril is a universalist regarding salvation (that all are in fact saved), which he clearly is not.

This distinction may help untangle what Archbishop Hilarion finds inconsistent in John Chrysostom's writings on the Descent. Parallel to Cyril's treatment, John maintains that Christ by his descent destroyed the power of Hades and death, and in this sense redeemed all of human nature that was corrupted in Adam (64-65). Archbishop Hilarion concludes from this that Chrysostom "speaks of the salvation of all the departed," but in fact Chrysostom does not say this in the passages cited in the text—this is over-interpreting what he says. Archbishop Hilarion concludes that John is inconsistent when in another place he interprets Christ's descent as freeing *only* those who believe in him. But Chrysostom is not being inconsistent; his belief that Christ emptied Hades and liberated all from there is not contrary to his conviction that Christ in his descent did not simply take away all the sins of those in Hades. He explains this quite clearly in the passage cited (67). This cannot be shrugged off, as Archbishop Hilarion does, by saying this is merely a pedagogical use of the text, not a theological reading (ibid.). John's way of summing up what Christ did in the descent is quite clearly a theological account of what he did, and did not, accomplish there. If this is the case, Archbishop Hilarion's conclusions regarding the Eastern patristic evidence need to be modestly adjusted.

A second concern arises from the way that Archbishop Hilarion uses liturgical texts in his argument. Can liturgical texts (like the *Octoechoes*) be "systematized" (163) to yield concrete conclusions? Archbishop Hilarion faults Aquinas and the Western tradition for rationalizing Christ's descent (98). Does the effort to "systematize" and "synthesize" (203) the liturgical tradition not fall under the same critique? Further, the claim that liturgical texts have a higher authoritative rank than the rulings of ecumenical councils in determining the faith of the Church may be questioned. By their nature liturgical texts are confessional and oriented toward praise of God. Certainly they both reflect and shape the faith of the Church, but unlike many creedal definitions and statements they are not normally written to rule in or rule out certain doctrines with sharp clarity. Archbishop Hilarion plainly draws the strength of his final conclusions regarding the meaning of Christ's descent from the weight of testimony he finds in the liturgical texts. Even apart from the fact that I find his reading of the liturgical

texts too strongly slanted towards a kind of universalism that he favors, one may ask whether too much weight is placed upon these texts in the first instance.

Christ the Conqueror of Hell offers a bracing presentation of the mystery of Christ's descent to Hades and an erudite argument for the theological consequences that flow from it. Orthodox theologians will have to address Archbishop Hilarion's use and ranking of the liturgical texts, as well his conclusion that the prayer of the Church can change the eternal destiny of those already in hell. For Western readers this volume offers an invaluable view into the Eastern tradition's reading of the Descent that Archbishop Hilarion so ably displays. As he rightly maintains, Christ's descent to Hades was not merely a mopping-up operation, intended just to clean up what had already happened, but was the final, decisive episode in Christ's work to defeat the powers of sin, Satan, and death. Though differences between East and West may remain, the West has a great deal to gain by exposure to the East's joyful proclamation and celebration of this mystery.

DANIEL KEATING

Sacred Heart Major Seminary
Detroit, Michigan

The Word Has Dwelt Among Us: Explorations in Theology. BY GUY MANSINI, O.S.B. Ave Maria, Florida: Sapientia Press, 2008. Pp. 276. $26.95 (paper). ISBN 978-1-932589-45-0.

This is an impressive work of speculative theology by the Benedictine Guy Mansini. Composed of several previously published essays, the manuscript is divided into two sections: Christology (and soteriology), and ecclesiology and sacramental theology. As the author expresses it, this work "treats mainly either of Christ and his work or of his presence in the Church through the sacrament of Orders" (vii). Identifying the "unifying threads" of the essays, the author continues by stressing the view "that theology has guidelines and boundaries in the dogmatic teaching of the Church, and that theology makes its way most handily by consciously appropriating the metaphysical realism implicit in that same Catholic dogmatic tradition" (viii-ix). On this front this manuscript more than delivers.

Containing seven essays spanning a variety of approaches to the mystery of Christ, the Christological section's most impressive quality, in my mind, is its engagement both with classical Christology (principally that of Aquinas and of the soteriology of Anselm) and with modern Christology (especially that of the twentieth century's most influential theologians, namely, Rahner, Balthasar, and

Lonergan). The author devotes separate essays to both Rahner and Balthasar, and then in a third he puts the two in dialogue with each other. For the essay on Rahner ("Quasi-formal Causality and 'Change in the Other': A Note on Karl Rahner's Christology," 15-16), the author focuses on the Jesuit's claim that the Logos is "quasi-formally related to the Person of Christ" (23), with the result that only the second person of the Trinity could have assumed a human nature. While attempting to give the best voice possible to Rahner's position, the author nonetheless comes down negatively on Rahner's attempt to find reasons of necessity for the Incarnation: "Often enough, Rahner proceeds, as did St. Anselm, seeking necessary reasons for the facts of the economy of salvation where St. Thomas [in his reasons for fittingness, *conveniens*, of said economy] sought merely the intelligibility of the facts. . . . [To attempt the former] is to risk an inflation of the theological currency" (25).

Turning to Balthasar ("Balthasar and the Theodramatic Enrichment of the Trinity," 27-44), the author examines the Swiss theologian's view that "the drama between God and man [is] also constitutive of the inner-Trinitarian drama" (27), and that this drama opens a path to overcoming the opposition between the immutable God of the philosophers and the God of myth who is involved in and reactive to the world. This essay offers a handy and accessible overview of Balthasar's theology. Despite wishing to defend Balthasar's claim that the Cross "enriches" the Trinity, which would imply a kind of change in God, the author opts to side with Aquinas on God's absolute immutability: "It is hard to see how the invocation of a change in God [by way of enrichment] such as one that is not in our earthly experience can be anything more than words. Change requires passive potency" (42-43).

In his essay on Rahner and Balthasar together ("Rahner and Balthasar on the Efficacy of the Cross," 93-113), the author seeks to reconcile what on the surface appear to be fundamentally opposed Christologies (or soteriologies). To pull this off, he rejects what he indentifies as the errors in each: for example, Balthasar's confusion of Christ's two natures by claiming that the Son reveals not just the person of the Word, but the divine nature itself; and Rahner's view that the Cross is merely the manifestation of the antecedent salvific will of God that does not really change things, even in the economy of salvation. Subsequently, this opens up a path of reconciliation. The author's concluding remark is bold, if not also controversial: "where we are left after we use Rahner to criticize Balthasar, and Balthasar to criticize Rahner, is with the prior tradition, the tradition of St. Anselm and St. Thomas on 'satisfaction'" (113).

Bernard Lonergan's thought plays a pivotal role in a highly speculative essay on Jesus's human (pre-paschal) self-awareness ("Understanding St. Thomas on Christ's Immediate Knowledge of God," 45-71). The author turns to Lonergan's theory of knowledge to guide him through the issue of Christ's immediate knowledge of God. Holding the low Christologies of today that seek to deny Jesus's human self-awareness as the Son of God in his crosshairs, the author retorts in a commonsensical, if still astute, move: "Is it that we are claiming to

understand him better than he understood himself? He did not really know who he was, but we know? He did not really know what he was doing, but we do? No; it is more like someone's saying *X* and *Y* to us, and our responding, 'I get it; what you are really saying is *Z*.' It is not that we are inferring something about him that he did not know; we are rather changing categories, interpreting what he gave out in his speech and actions in other categories [like those of Chalcedon]" (56-57).

In another essay rich in speculative—and spiritual—theology ("St. Anselm, *Satisfactio*, and the *Rule* of St. Benedict," 73-92), the author, while drawing upon Balthasar's insight that Anselm's theology of satisfaction bears the influence of (Benedictine) monastic thought and practice, goes further: "the notion of satisfaction such as Anselm employs it in the *Cur Deus homo*," he opines, "is substantially the same notion of satisfaction to be found in the *Rule*" (74). In its own way, this essay shows that theology works best when it opts not for a Cartesian-like separation of areas of study (dogma, moral, spiritual, etc.), but for a union between these areas (here between dogmatic or systematic theology and spiritual theology).

Turning to the section of the work devoted to ecclesiology and sacramental theology, the author offers a number of essays that treat timely and controversial topics. In his essay "On the Relation of Particular to Universal Church" (117-28), the author argues that the universal Church must be considered prior to the particular churches both ontologically and temporally, and, indeed, prior ontologically even to creation itself (in as much as the Church existed "in the mind and intention of God" before creation itself).

Of chief concern in this second section is the all-male priesthood, and here the author offers a fresh look at the exclusion of women from the ministerial priesthood in two essays ("On Affirming a Dominical Intention of a Male Priesthood," 129-41; "Representation and Agency in the Eucharist," 143-58). The first essay focuses on Christ's express will. More specifically, it argues that Christ had an "implicit" (though actual and not merely virtual) intention to exclude women from the ministerial priesthood on the supposition that Christ "instituted the Church and her ministry" by virtue of his human mind's sharing in an immediate knowledge of the divine essence (131, 140). The second essay builds on the first by shifting to the "iconic" arguments for the exclusion of women from the ministerial priesthood.

The reader of this work is then treated to a couple of essays ("Episcopal *Munera* and the Character of Episcopal Order," 159-79; "Sacerdotal Character at the Second Vatican Council," 181-211) that offer a serious engagement with the ecclesiology and sacramental theology of the Second Vatican Council. The thrust of these essays is to advance our understanding of the relation between the character of episcopal orders and the three *munera* of teaching, sanctifying, and ruling in light of the teaching of Vatican II and of St. Thomas. These essays showcase the author's ability to pen pieces of speculative theology of the highest rank. Key to the argument is that the three *munera* are intimately bound up with

each other; thus, "the charge to sanctify, the duty to sanctify, brings in its train the duty to teach those whom one is obliged to sanctify, and to provide for the good order of the community [i.e., to govern] in which one does so" (177). While not an "ontological" share in the duty to teach and to govern, the prophetic and royal deputation, on the author's account, implies a "gratuitous grace" ordered to public teaching and which "is really identical with the gifts of wisdom and of knowledge, gifts of the Holy Spirit" (178). (The author subsequently insists that these gifts "can be lost, and are lost, with the loss of charity" [ibid.].) These essays close with an attempt at balancing, on the one hand, an "inflated" view of the *munera* of ruling and teaching in orders that allow bishops (and priests) to exercise these offices fittingly, with, on the other, an outright denial of sacred hierarchy because of "heresy or malfeasance" (210). "What is true," the author writes, "is that we are given a sacred hierarchy permanently sacred in its sanctifying function ('ex opere operato'), and sacred in its teaching function when discharged by men of faith, and sacred in its ruling function when discharged by men of charity" (ibid.).

There are many accolades that can be accorded this book. It is exemplary not only as a work of speculative theology, but also in its avowed aim at showing how theology flourishes when it operates within the boundaries of the Catholic dogmatic tradition. Impressive in its range of conversation and engagement, from the classical theological tradition to the modern period and to Church teaching, and dexterous in its moving back and forth in a way one rarely finds in theology today, this collection of essays is a must-read for priests and seminarians (who will find the second section especially pertinent to them), for the academic theologian, and for the interested student of theology. It is written in clear, accessible language—no small feat for the challenging conceptual material it treats—though a couple of essays, out of an apparent drive to make the material accessible to the neophyte, adopt an overly simplistic and somewhat choppy tone. At the outset the author promises to do theology by appropriating the metaphysical realism of the Catholic intellectual tradition. On this score the work easily delivers, with the result that the reader can find here a gold mine of a metaphysical realist theology.

As with any work, there are minor things with which one could take issue. This includes the author's attempt to build his argument on Jesus's pre-paschal self-awareness (in his essay on the same) upon the supposed distinction between faith and knowledge, in that faith "is taking something on someone's word" (58). From a Thomist perspective, to which the author at the outset of the work avows himself, this is a quizzical distinction, to say the least, since faith *is* a kind of knowledge—an obscured knowledge but a knowledge nonetheless, namely, participated knowledge of God and the blessed (see *Summa Theologiae* I, q. 1, a. 2, wherein Aquinas famously explicates how "sacred doctrine [and thus faith] is a *scientia*"). Accordingly, I found the argument flawed at its very root. And in the essay on particular and universal Church, the author holds that, on the day of Pentecost, "there was only one local Church, and perforce that one Church

was the universal Church. . . . It was a local Church because it was in a place, and indeed in one place, and there was no other place where the Church could be said to be" (122). This comment is curious, as it seems to espouse an overly sociological view of the Church. For, the Church was indeed in other "places" on the day of Pentecost, namely, in heaven (the Church victorious), in purgatory (the Church suffering), and, in fact, in all of humanity, at least if we follow Aquinas, who affirms that the entire human family belongs *potentially* to the Church (see *STh* III, q. 8, a. 3).

But these are minor quibbles only and they more or less fade against the backdrop of a superb work that covers an enormous amount of theological terrain. This is a work of high-level theology written by a first-class theologian.

PAUL GONDREAU

Providence College
Providence, Rhode Island

Jewish-Christian Dialogue and the Life of Wisdom: Engagements with the Theology of David Novak. By MATTHEW LEVERING. London: Continuum, 2010. Pp. 208. $120.00 (cloth). ISBN 978-1-4411-3364-9.

Matthew Levering's *Jewish-Christian Dialogue and the Life of Wisdom* represents one of the finest examples of authentic Jewish-Christian dialogue available today. Levering's treatment is not only nuanced and sensitive, but also courageous particularly in articulating Christianity's commitments and in offering thoughtful but penetrating challenges and criticisms where Levering thinks they are necessary. As the subtitle suggests, the book enters the fray of Jewish-Christian dialogue by way of engagement with David Novak's theology. As Novak is one of the most important contemporary Jewish theologians, and one who has long been involved with Jewish-Christian dialogue, his work provides important insights for Levering as he seeks to push Jewish-Christian dialogue further in a constructive way. That Novak writes the foreword (ix-xii) to this book, and a laudatory foreword at that, is a telling sign already of Levering's success in engaging Jewish thought.

Unlike so many other Christian theologians involved in Jewish-Christian dialogue, Levering eschews both the Scylla of a harsh triumphalist supersessionism and the Charybdis of the denial that Christianity supersedes Judaism in any sense. Levering follows his interlocutor Novak in insisting that a mild form of supersessionism is necessary for Christianity, one in which Jesus does not negate the Torah but rather fulfills it. On at least three occasions (full

quotation on p.16, quoted in part on pp. 132 and 153 n. 147), Levering quotes Novak's provocative challenge to Christians who refuse to espouse any form of even mild supersessionism: "If Christianity does not regard itself as going beyond Judaism, why should Christians not become Jews? It is always a ready possibility. Where else could you possibly find the Lord God of Israel?"

Levering begins his book with a brief introduction, "In the Footsteps of Rosenzweig and Buber" (1-11), wherein he provides a succinct overview of the book's contents, and also explains what he hopes to accomplish by engaging Novak's works, namely, to provide an "open philosophical exegesis of Scripture" (1-2). Levering makes clear the goal of such dialogue, namely, a "deeper appropriation of truth," which, although always open to the conversion of one's dialogue partner, does not have conversion as its primary end (5). He concludes by laying out what he sees to be the import of his book's conversation: "What is at stake in the present book is thus not only whether Novak's Jewish theology instructs Christians by its resources and conclusions, or whether Christians and Jews can dialogue constructively about the human creature's stance vis-à-vis the Creator. At stake also is whether any avowedly Jewish or Christian understanding of human life is worthy of public consideration" (10).

The first chapter (12-46) addresses the controversial topics of "Supersessionism and Messianic Judaism." Levering's overarching purpose in this chapter is to examine the question of whether or not there exists any real possibility of authentic Jewish-Christian theological dialogue. Levering makes the case that such dialogue is in fact possible and he describes how Novak's theology facilitates it. He notes that the question of dialogue takes on added complexity with the unavoidable issue of supersessionism and with the emergence of self-identified communities of "Messianic Jews," who follow Jesus as the Messiah of Israel and at the same time retain traditional Jewish practices and ritual life as developed within Rabbinic Judaism. As an example of Messianic Jewish thought, Levering engages the work of Mark Kinzer, who articulates what Kinzer calls a "postmissionary Messianic Judaism," which understands the necessity of Jewish believers in Jesus living as traditionally observant Jews on the basis of covenant fidelity.

Kinzer envisions a "bilateral" Jewish and Gentile Church, which, as Levering makes clear, implies the future supersession of "the Church as lived out for centuries by Catholics, Orthodox, and most Protestants—and as dogmatically defined for Catholics in *Lumen Gentium*" (42). Following Novak, Levering notes the difficulty posed by Messianic Judaism to traditional Rabbinic Judaism, namely, that the latter is a living community that has rejected the idea that Jews can authentically practice Judaism and follow Jesus as the Messiah of Israel. In his exegesis of St. Paul, Levering correctly points out, contra Kinzer, that "Paul conceives of the Torah as a 'custodian' that gives way when the Messiah comes," but at the same time that "Jesus did not negate the Torah, but rather fulfilled it and reconfigured it around himself through his Spirit" (33). Levering's comments are most trenchant in his criticism of Kinzer's New Testament exegesis, precisely

because Levering highlights some of the central Christian claims that underscore the liturgical contour of this message lived and experienced in the Church: "Christ institutes a new worship that fulfills and transforms Torah observance. More than a mere addition to or extension of the Torah, this new worship is a covenantal sharing in the Paschal sacrifice of the Messiah that fulfills Torah and thereby brings about the reconciliation manifested on Pentecost" (35). Hence Levering sees that Christians need not retreat from their traditional theological affirmations in order for Jewish-Christian dialogue to move forward.

The second chapter, "Providence and Theonomy" (47-62) engages Novak's work along with the thought of Karol Wojtyła/Pope John Paul II and of Moses Maimonides, the latter of whom is important in Novak's work. In this chapter, Levering highlights the ways in which the concept of divine providence undergirds Novak's moral argumentation. Novak's moral arguments are rooted in his Jewish theology, and are theonomous, that is, they spring from a theological framework which affirms the necessity of obedience to God for authentic human freedom. Autonomy is insufficient without theonomy. Obedience to God is the sine qua non of human flourishing and represents the fulfillment of authentic human freedom. As Levering explains, "understanding what it means to be human requires recovering a God-centered account of human life, marked by trust in providence" (51).

The third chapter, "The Image of God" (63-91) situates Novak's thought in the context of Maimonides, and puts it into dialogue with St. Thomas Aquinas. The overarching thrust of the chapter is that only in the context of God, and of man created in the image of God, can the human person be understood properly. Levering shows how, for Novak, every human being, regardless of his stage of development or mental capacity, is "the object of God's concern" (77). According to Levering, for both Novak and Aquinas the idea of covenant is central here, in that God's concern for each human person is rooted in a covenantal relationship. The chapter includes a meticulous and brilliant discussion of the importance of rational activity in an understanding of the image of God in the human person. Elaborating on Aquinas, Levering explains that even in cases where persons are unable to exhibit or exercise rational powers for any host of reasons (age, damage, etc.), they can still, according to Aquinas, "possess the infused habits that qualify the soul's rational powers in grace" (83). Levering's comments here on Aquinas' discussion of the role of the sacraments and sanctifying grace are very careful, making for a lucid explanation of a very complex topic.

Levering concludes this chapter with a moving account of God's action and its significance in light of the doctrine of the image of God. He clarifies how the concept of the image of God is not polytheistic, but rather represents a description of how God operates within human persons. He emphasizes that "the distinction between nature and grace does not indicate an opposition between the two, but rather expresses the scope of the gift of creation, in and through which the grace of the Holy Spirit transforms and deifies human beings" (86). Following Aquinas, Levering explains the fittingness of the Incarnation: "Just as a craftsman

turns to his original idea of his artwork in order to restore his tarnished work, God the Father sends his Word or Image in order to refurbish his fallen creation, so that creatures might participate in God as they were intended to do" (87).

The fourth chapter, "Natural Law and Noahide Law" (92-114), is another effort to put Novak in dialogue with St. Thomas. Levering explores Novak's discussion of the Noahide law within the context of St. Thomas's discussion of natural law. Novak's own comments on Noahide law stem from the Jewish tradition of debates concerning the purpose and function of that law. For Novak, Noahide law was intended for all of humanity, and it was this common basis that prepared Israel for the special revelation at Mount Sinai. When Levering moves to Aquinas's discussion of the Torah, he moves to a realm where there would be much disagreement between Aquinas and Novak, despite significant agreements. These disagreements of course center on the role of Jesus as the Christ and fulfillment of Torah. For Aquinas, as Levering makes clear, "The created 'normative order,' the norms of justice in relationship between human beings and between human beings and God, is taken up, not overturned, in the covenantal friendship promised by the Torah and fulfilled in Christ" (99). Where Novak and Aquinas would agree is in the necessity of the obedience to natural law as marking the limits that are intended to "preserve the social bonds of every successful human community" (101).

The fifth and final chapter, "Election and the Life of Wisdom" (115-29) considers Novak in comparison to two other contemporary Jewish thinkers, Harold Bloom and Leon Kass. Here Levering demonstrates the fundamental importance of the refusal to minimize or bracket the unique and distinct Christian and Jewish covenantal concerns in Jewish-Christian dialogue. He maintains that such concerns, like election, remain at the heart of such dialogue. In contrast to Bloom and Kass who place such concerns at the periphery—at best—Novak confronts them head on, and acknowledges how central are God's acts within human history, and especially within the history of Israel. Levering shows how Novak, while seeking to retain an historical interpretation of Scripture, but is well aware of the limitations of such interpretations. Novak stresses the importance of the living community's continued listening to Scripture. Furthermore, such interpretation cannot be severed from the lived practices within the community: "In the liturgical celebrations commanded by the Torah, the meaning of the whole Torah appears in its most concise form: God's action to redeem his elect people and to accomplish his covenantal promises" (125). Levering concludes this chapter by enumerating the three keys to pursuing the life of wisdom, according to Novak: (1) follow "the ethical norms of justice" (126); (2) worship God; and (3) "recognize God as transcendent mystery" (127).

The conclusion (130-32) provides a concise overview of the complex and thorny terrain Levering has navigated. In addition to a helpful bibliography (185-94) and index (195-204), Levering's book contains fifty pages of endnotes (133-84). These endnotes do not merely list sources, but rather continue the debate and address issues not always necessary for the main text. They include a number

of helpful quotations and point the reader in many useful directions for further reading on topics related to this discussion.

It is clear from this book that Novak and Levering share many of the same theological concerns; the reader witnesses a student of Maimonides debating with a student of Aquinas. Levering does not attempt to use Novak's thought to show the superiority of Christianity over Judaism; rather, he draws upon Novak's theology, and upon Jewish traditions, as a theological source to help move the discussion forward. Despite the ease of conversation between Novak and Levering, one wonders how well Levering's Christian theological dialogue would fare in dialogue with other Jewish theologians who differ in significant ways from Novak. Despite this concern, the reader can ultimately agree with Novak's sentiments in the foreword, namely, that what Levering has accomplished in this book is "authentic theological dialogue" (x). This book is a must read for any scholar interested in Jewish-Christian dialogue.

JEFFREY L. MORROW

Immaculate Conception Seminary School of Theology
South Orange, New Jersey

The Line through the Heart: Natural Law as Fact, Theory, and Sign of Contradiction. By J. Budziszewski. Wilmington, Del.: ISI Books, 2009. Pp. 241. $18.00 (paper). ISBN 978-161017003-1.

Jay Budziszewski, professor of government and philosophy at the University of Texas, has produced an outstanding volume on natural law with *The Line through the Heart*. Although it is a collection of previously published essays, the book is united around two principal themes: moral law and political law. Budziszewski appropriately defends the connection between the two by reminding readers that "politics is a *branch* of the study of ethics" (xi). With this assertion, the author places himself squarely within the classical natural-law tradition of St. Thomas Aquinas, whose influence is evident throughout the book.

The book's ten chapters are evenly divided between the two themes. The first five chapters concern the moral law, the latter five take up various contemporary issues in political law and society. The two parts are connected, of course. The conclusions of the essays on moral law naturally contribute to Budziszewski's view of the issues he treats in political-law chapters.

The first two chapters ("Natural Law as Fact, as Theory, and as Sign of Contradiction" and "The Second Tablet Project," respectively) offer the basic principles of natural law that guide Budziszewski's thought. Nothing in these chapters contributes new material to the complex discussion on natural law. But

what is worth the reader's attention is the way in which the author presents the material, which clearly has been refined from his years of teaching undergraduate and graduate students.

In the first chapter, Budziszewski argues that natural law must be approached as a fact rather than as a theory. He cautions against treating natural law as a meta-theory, and encourages his readers to focus on the data of reality (3). The human being is a person who knows reality, and who is inclined to the truth of things even if acknowledging that truth is difficult. Following Aquinas, Budziszewski repeatedly insists throughout the book that the human person spontaneously intuits the fundamental principles of reality, and, therefore, he intuits the first principles of the natural law even if the application of these principles in concrete matters is often obscured.

Here, Budziszewski moves beyond typical natural-law lawyers by incorporating the revealed truth that man labors under the effects of original sin. No discussion of natural law or, in fact, of moral law and politics can forget the effects of original sin on the human person. Specifically, living with a fallen human nature means that even though we may know the truths of reality, we refuse to accept those truths and more easily work to deceive ourselves. "The consequence of the Fall is that *we don't want to hear* of natural law" (18).

This is why the so-called "Second Tablet" project, which seeks to ground moral norms on pure reason is bound to fail in Budziszewski's view. Ignoring the human person's knowledge of God (whether the spontaneous natural awareness that a Creator exists or the revealed truths about God) cannot but have a detrimental effect on one's moral reasoning. First, those who ignore or deny that there is a Creator will *ipso facto* ignore or deny that natures (and our human nature in particular) have a definite purpose. This leads to the insistence that we can reasonably change the purposes of nature. If there is no Creator who intends nature to exhibit meaning in purpose, then nature has no inherent meaning.

Second, if there is no meaning in the universe, then I do not owe the universe anything. There is no intrinsic reason why I should act in a certain way other than that certain behaviors are social convention. At bottom, Budziszewski explains, a true atheist must concede that moral obligation is simply prudence. Without natural meaning and purpose, how one ought to act in a given situation is a prudential question, but, strictly speaking, nothing can absolutely demand such behavior.

Third, a more sophisticated atheist might concede that there are consistent patterns and purpose in the universe that ground moral obligation. But Budziszewski counters that this atheist has no real reason for this assertion. Knowledge of a Creator is the foundation that gives us reason to assume that the structures of the universe are normative. Otherwise, we are left with the irrational conclusion that the strikingly consistent patterns of the universe arose out of chaos and random chance. "A plurality of patterns without design is merely chaos" (31).

Finally, the lie that there is no Creator and that, therefore, nature has no purpose must necessarily metastatize into other lies. Here, Budziszewski speaks of the many lies that we offer when we have implicit knowledge of a natural law but tell ourselves we do not. One need only think of the many ways a person must lie (mostly to himself) to excuse decisions that are patently contrary to the natural law (e.g., "She may not be my legal wife, but I'm more of a husband to her than her husband is"). The lie that God does not exist becomes a tumor in our moral life. "Every agnostic and atheist devises a different set of plausibility gambits, a different pattern of omissions, forgettings, and avertings of gaze. But it is extraordinarily difficult . . . for such self-deceptions not to slop over into what he admits about the moral law. Our minds won't go like that" (34-35).

I would be remiss if I failed to mention the three conclusions that Budziszewski suggests revelation offers our knowledge of natural law. First, he points to the revelation of forgiveness: "Awareness of a moral law and violation of it would be crushing were it not for the knowledge of forgiveness" (35). Second, the revelation of divine providence means that we ourselves do not have to fix every difficulty in the world. Indeed, we can not. Budziszewski notes that often the motive for doing evil is the attainment of some good. Divine providence spares us the need for the commission of such evil. Finally, revelation reveals to us the dignity of other persons for what they are: children of God.

The third chapter ("Nature Illuminated") further elaborates the importance of revelation for natural law. The fourth chapter ("The Natural, the Connatural, the Unnatural") provides an explanation of the unique human ability to habituate oneself to behaviors that are both connatural and unnatural. Here, Budziszewski ventures into the old debate on man's twofold end. Recalling his insistence that original sin not be forgotten, Budziszewski's conclusion is as Thomist as it is unsurprising: "To achieve our connatural end, we require divine assistance to *support* our natural principles; to achieve our supernatural end, we require divine assistance to *supplement* them so that they transcend their intrinsic limits" (76).

In chapter 5 ("Accept No Imitations: Naturalism vs. Natural Law"), Budziszewski critiques contemporary substitutes for classical natural-law theory. He confronts the theories of evolutionary ethicists such as Richard Dawkins, William Provine, E. O. Wilson, Daniel Dennet, Robert Wright, and Larry Arnhhart. He exposes their utilitarianism by revealing their inability to ground ethical norms in anything other than utility and convention.

The second part of *The Line through the Heart,* focusing on political law, takes up various issues that inspire heated debate in the public square. Chapters 6 and 7 concern the dignity of life and human nature in the debates on abortion and capital punishment ("Thou Shalt Not Kill . . . Whom? The Meaning of the Person" and "Capital Punishment: The Case for Justice"). These essays do not contribute new argumentation in the debates but offer a concise summary of natural-law arguments surrounding each issue.

When I used this book in the classroom, my undergraduate students were particularly shocked by Budziszewski's pro-capital-punishment stance. Perhaps

they missed the point. Budziszewski is not necessarily advocating in favor of the death penalty. Rather, he is arguing that the penalty of death should remain a possible punishment precisely because some crimes, at least in theory, rise to such a level that they justly demand death as a form of retribution, "which answers injury with injury for the public good" (114). He is on solid ground in his response to typical arguments in favor of abolishing the penalty even as he respectfully critiques the position of Avery Dulles. Budziszewski demonstrates that no punishment is only for purposes of rehabilitation, protection, and deterrence. Punishment is primarily for retribution. Understanding that he is going against the standard interpretation of *Evangelium vitae,* Budziszewski offers his own interpretation of that encyclical which does not, in my opinion, misconstrue the text.

Reading these two essays, I could not help but be reminded of then-Cardinal Joseph Ratzinger's instruction to the bishops of the United States in 2004. He noted that while abortion is an intrinsic evil, capital punishment is not. Therefore, Catholics are not free to advocate in favor of abortion but are free to dispute the prudential application of the death penalty.

Chapters 8 and 9 ("Constitution vs. Constitutionalism" and "Constitutional Metaphysics") are especially interesting to those who study civil law or are otherwise interested in the origins of the American system of government. The arguments of the latter chapter apply the conclusions of the first part of the book to the difficulty of constitutional interpretation. In the absence of recognition that human reason can understand the nature of the universe and its designs, as well as know that there must be an intending Creator, human government is expected to carry the burden of playing the role of conscience, of substituting created design with social convention, and of governing without a sufficient realization that actions have consequences. Such a system, Budziszewski suggests, is untenable.

In chapter 8, Budziszewski analyzes the U.S. Constitution from the perspective of the pseudonymous anti-federalist Brutus and his correspondence with James Madison. The chapter makes a convincing argument that the founding fathers, when they enshrined the checks-and-balances system in the Constitution, presumed that each branch would be most interested in its own power at the expense of the others. Brutus had predicted that, in fact, the three branches would collaborate to get more power all around. Budziszewski argues that this is exactly what has happened. The federal government has increased its scope of its authority with most of its power centered in the judiciary, which in turn, has expanded the power of the legislative and executive branches.

More importantly, however, these latter two branches, in effect, internalize various principles established by the judiciary, which, by constitutional design, has the final word on legal interpretation. Thus, "the judiciary becomes therefore the practical, if fitful, sovereign, limited mainly by the fact that it can rule on issues only as—and to the extent that—they arise in a particular case" (136). While Budziszewski does not offer concrete suggestions to reverse this trend, he

does say that at least part of the solution must be to remind the federal government that it operates within the system of law and not above it.

Finally, in chapter 10 ("The Illiberal Liberal Religion"), the author turns to the Western notion of liberalism which exalts reason as the final arbiter of cultural debate. His principal interlocutor in this chapter is John Rawls. His principal target is the notion that tolerance is, by definition, neutral. Citing Aquinas's insistence that "human laws do not forbid all vices, from which the virtuous abstain, but only the more grievous vices, from which it is possible for the majority to abstain, and chiefly those that are to the hurt of others," Budziszewski notes that we clearly do not tolerate all opinions, because some opinions are not only false but dangerous (170). The opinion that a person's character is principally determined by his ethnicity is one example. This is why neutrality is unhelpful. "The only way to know which bad things should be tolerated is to judge rightly about goods and evil. There is no shortcut; one must be willing to do the work" (172). The Rawlsian avoidance of the question of truth in public discourse necessitates, ultimately, a coerced but undeclared confession of nonjudgmentalism in which those who insist upon truth are labeled as intolerant. This itself is intolerance.

The Line Through the Heart is an enjoyable read and makes convincing arguments. The limit of the scope of some of the essays will leave some readers longing for more detail. Budziszewski, for example, does not address in real detail the debate on man's twofold end, which, one presumes, has import for moral and political discussions. The book also suffers from the same weakness that most collections of essays written at different times and for different audiences do: arguments and conclusions can be repetitive from one chapter or essay to the next.

These two minor criticisms aside, the book definitely accomplishes what the author intended, which is to show the importance of philosophical discussion for moral and political issues at the center of contemporary public debate. Budziszewski has provided a valuable resource for anyone wishing to understand the logical consistency of the natural law and its application to the issues of our time. His writing style is easily understandable to the philosophical and theological layman. I would recommend this book for any upper-level undergraduate course in ethics, public policy, or natural law. Graduate students will also benefit from reading it, of course, if only to see the ease with which Budziszewski moves from theory to practice.

THOMAS PETRI, O.P.

Providence College
Providence, Rhode Island