The Thomist 79 (2015): 1-42

JACQUES MARITAIN AND THE PROBLEM OF CHURCH AND STATE

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I. GOD AND CAESAR

OVER TWO DECADES, up to the publication in 1951 of his *Man and the State*, Jacques Maritain sought to develop a new theory of the relation between Church and state. He was aware of previous Church magisterial teaching and canonical regulation that taught or assumed the model of soul-body union—the Leonine model as I shall term it, since it was formally endorsed in recent times by Leo XIII, though it had been proposed for a very long time in theology approved by the papacy and had been assumed by general councils and in ecclesial policy:

> The Almighty, therefore, has given the charge of the human race to two powers, the ecclesiastical and the civil, the one being set over divine, and the other over human, things. . . . There must, accordingly, exist between these two powers a certain orderly connection, which may be compared to the union of the soul and body in man.[1]

The Church ideally stands as soul to the state as body, united to form a single Christian community just as the union of soul and body forms a single person. And as the soul and the body have their respective intellectual and corporeal ends that contribute to the good of the whole, but with the soul's ends being higher, so too Church and state each have their own areas of

[1] Leo XIII, *Immortale Dei* 13-14.

competence, spiritual and temporal, religious and human, over which each is sovereign, the spiritual good served by the Church being higher than the temporal good served by the state. Because the spiritual good served by the Church is a good of the whole soul-body union, but higher than that served by the state, the state, when Christian and ruled by the baptized, must be prepared to support the Church in spiritual matters, lending its coercive power to the Church, acting as the Church's agent and on her authority—just as in deliberate human actions that serve the intellectual purposes of the soul, the body operates at the direction of the soul.

Leo XIII taught that the state should recognize the truth of the Catholic faith. The state is governed, just as much as individuals are, by a duty under natural law to worship God in whatever way he directs and reveals:

> Nature and reason, which command every individual devoutly to worship God in holiness, because we belong to Him and must return to Him, since from Him we came, bind also the civil community by a like law. For, men living together in society are under the power of God no less than individuals are, and society, no less than individuals, owes gratitude to God who gave it being and maintains it and whose ever-bounteous goodness enriches it with countless blessings. . . . So, too, is it a sin for the State not to have care for religion as a something beyond its scope, or as of no practical benefit; or out of many forms of religion to adopt that one which chimes in with the fancy; for we are bound absolutely to worship God in that way which He has shown to be His will.[2]

Having recognized revealed religious truth, the state should also give it the protection of the laws:

> All who rule, therefore, would hold in honour the holy name of God, and one of their chief duties must be to favour religion, to protect it, to shield it under the credit and sanction of the laws, and neither to organize nor enact any measure that may compromise its safety.[3]

And elsewhere

[2] Ibid. 6.
[3] Ibid. 6.

Therefore the law of Christ ought to prevail in human society and be the guide and teacher of public as well as of private life. Since this is so by divine decree, and no man may with impunity contravene it, it is an evil thing for any state where Christianity does not hold the place that belongs to it.[4]

In *Immortale Dei* Leo XIII celebrated the fact that once, in accordance with this teaching

the religion instituted by Jesus Christ, established firmly in befitting dignity, flourished everywhere, by the favour of princes and the legitimate protection of magistrates; and Church and state were happily united in concord and friendly interchange of good offices.[5]

But Leo XIII insisted that, though the state should legislate to protect the Catholic faith, the authority to legislate in matters of religion belongs to the Church, not to the state. The state must therefore legislate to support the Catholic faith as the Church's agent. For Leo XIII carefully distinguished the directive competences of Church and state, the two sovereign powers (*potestates*) with authority to legislate and punish. He excluded legal direction in matters of religion from the native competence of the state:

While one of the two powers [the state] has for its immediate and chief object care of the goods of this mortal life, the other [the Church] provides for goods that are heavenly and everlasting. Whatever, therefore, in things human is in any way of a sacred character, whatever belongs either of its own nature or by reason of the end to which it is referred, to the salvation of souls or to the worship of God, falls wholly within the power of the Church and is wholly subject to her judgment [*id est omne in potestate arbitrioque Ecclesiae*].[6]

So the authority behind any legal direction by the state in support of religious truth must be that of the Church.[7]

[4] Leo XIII, *Tametsi Futura* 8.

[5] Leo XIII, *Immortale Dei* 19-21.

[6] Ibid. 13-14.

[7] The soul-body model of Church-state relations, as understood within the Church's theological tradition up to and including the time of Leo XIII, centers on the doctrine that a Christian state should act as the Church's agent—her *bracchium saeculare*—in spiritual matters in which the Church alone has legislative competence, as the body acts at the soul's direction in intellectual matters.

Maritain referred to this model in his description of the relations between Church and state in the Middle Ages when, as he put it, "the political power of the Holy Empire and the kings was an instrument for the spiritual aims of the Church."[8]

In Maritain's view a soul-body union of Church and state was simply not feasible in the modern age, such that it could no longer be proposed, even as an ideal. He very carefully avoided any claim that the soul-body union model involved doctrinal error on the Church's part, at least in regard to the period for which that model had been appropriate.[9] Maritain sought to steer a middle course between, on the one hand, accusing the Church of error in her past teaching and, on the other, descending to a brute relativism of "that was then, this is now."

Maritain intended to replace the Leonine ideal of soul-body union with a new religiously pluralistic ideal of Church-state relations. To steer his middle course between simply condemn-

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Various ecumenical councils have instructed Christian rulers to act as the Church's agents in support of the Catholic faith: these include Lateran IV, Constance (and, following and confirming Constance, Pope Martin V), and Trent. For specific references and discussion see Thomas Pink, "The Interpretation of *Dignitatis Humanae*: A Reply to Martin Rhonheimer," *Nova et Vetera* (English edition) 11 (2013): 77-121, esp. 99-103.

Far from being viewed as outmoded by the late nineteenth century, this teaching that the Christian state should act as the Church's agent or secular arm is maintained in the 1917 *Code of Canon Law*; see canon 2198 discussed below. Authorities cited in the Code for that canon come from the conciliar tradition just mentioned, specifically Martin V, *Inter Cunctas*, a. 32; and the Council of Trent, Session 25, *Decretum de Reformatione Generali*, chap. 20, in *Decrees of the Ecumenical Councils*, ed. Norman P. Tanner (Washington, D.C.: Georgetown University Press, 1990), 2:795.

For a classic theological defense of the model of soul-body union, still cited in theological manuals under Leo XIII, see Robert Bellarmine, *Tractatus de potestate summi pontificis in rebus temporalibus, adversus Gulielmum Barclay*, translated in *On Temporal and Spiritual Authority: Robert Bellarmine,* ed. Stefania Turtino (Indianapolis: Liberty Fund, 2012).

[8] Jacques Maritain, *Man and the State* (Washington, D.C.: The Catholic University of America Press, 1998), chap. 6, "Church and State," at 158.

[9] In this Maritain was more careful, and more respectful of the magisterium, than Martin Rhonheimer, who openly accuses the preconciliar magisterium of error in teaching the state's duty legislatively and coercively to support the Catholic faith and enforce ecclesiastical law; see his "Benedict XVI's 'Hermeneutic of Reform' and Religious Freedom," *Nova et Vetera* (English edition) 9 (2011): 1029-54.

ing the Leonine model and adopting brute relativism, and to preserve continuity on fundamentals with previous teaching, Maritain laid down certain immutable principles governing any ideal of relations between Church and state—principles that would be fundamental to Church teaching at all times. Basic to these immutable principles is the distinction between God and Caesar, between a spiritual good related to God and a temporal good served by purely human communities and associations. Basic too is the superiority of the spiritual good over the temporal. This distinction of the spiritual from the temporal and the superiority of the spiritual determines the proper immutable relation between the Church as serving the spiritual and the state as serving the temporal. The Church must have a corresponding superiority over the state, and the sphere of religion served by the Church must transcend state direction and authority. So the state always has to grant the Church freedom to pursue her mission. Any acceptable form of Church-state relation has to apply these constant principles.

Maritain then introduced the idea of a succession of what he termed distinct historical climates in which these immutable principles have been applied—but in different ways for each climate:

> For there are in human history typical climates or constellations of existential conditions, which express given intelligible structures, both as concerns the social, political, and juridical dominant characteristics and the moral and ideological dominant characteristics in the temporal life of the human community, and which constitute frames of reference for the ways of applying in human existence the immutable principles that hold sway over the latter.[10]

Appropriate to each historical climate has been a distinct ideal mode of applying or realizing the immutable principles governing Church-state relations. Each mode of application counts as analogous to the others in that each mode, though importantly different from the others, has provided the proper way for its own period of realizing the immutable principles:

[10] Maritain, *Man and the State*, 157.

Thus the principles are absolute and immutable and supra-temporal. And the particular, concrete applications through which they are to be analogically realized, and which are called for by the various typical climates that replace each other in human history, change according to the specific patterns of civilization, the intelligible features of which it is imperative to recognize as peculiar to every given historical age.[11]

In what Maritain termed the sacral period of the Middle Ages, when the Western state was a specifically Christian state, identified by a public religious allegiance, and so where full citizenship in the state depended on baptism, the ideal mode of application was indeed that of soul-body union, with the superiority of Church over state taking juridical form, so that in religious matters the state would act as the Church's agent or secular arm (*bracchium saeculare*). But we now lived in what Maritain termed the secular age, where the state is no longer confessional and where citizenship is no longer linked to a particular religion. In Maritain's view, this modern secularity was a positive development that allowed the distinction between the spiritual and the temporal to be fully established. It was an historical progression required by the fundamental distinction between God and Caesar:

The modern age is not a sacral, but a secular age. The order of terrestrial civilization and of temporal society has gained complete differentiation and full autonomy, which is something normal in itself, required by the Gospel's very distinction between God's and Caesar's domains.[12]

Since the identity of the state is no longer tied to any particular religious community, the secular age demands that the state no longer accord juridical privilege to any particular religion, even the true religion. The soul-body union model is no longer appropriate, even as an ideal:

The supreme, immutable principle of the superiority of the Kingdom of God over the earthly kingdoms can apply in other ways than in making the civil government the secular arm of the Church, in asking kings to expel heretics, or in using the rights of the spiritual sword to seize upon temporal affairs for

[11] Ibid.

[12] Ibid., 159.

the sake of some spiritual necessity (for instance in releasing the subjects of an apostate prince from their oath of allegiance). These things we can admire in the Middle Ages; they are a dead letter in our age.[13]

In the secular age, the superiority of Church over state must take moral rather than juridical form. The secular age involves a new form of Church-state cooperation, without legal privilege for the Church but with shared agreement on the rights of individuals—the rights belonging to individuals under natural law. These include an individual right to religious liberty against the state and other civic institutions, and full freedom for the Church and all other religious communities to pursue their own conceptions of religion, true or false. State law, especially when inspired by the moral example of the Church, will be consistent with natural law. But the Church will give only a moral example. The state will no longer be subject to ecclesial direction in spiritual matters.

In demanding only that the state grant the Church freedom rather than juridical privilege, Maritain anticipated *Dignitatis Humanae*—a declaration that owed much to Maritain. Indeed, at the Second Vatican Council on 21 September 1965, in the final debates before that declaration's passing in November, Maritain's friend and collaborator Charles Journet gave *Dignitatis Humanae* a highly Maritainian endorsement. He repeated core Maritainian claims, arguing that in the modern world under the influence of the gospel, the distinction between things spiritual and temporal, between God and Caesar, was more clearly established, leading to a new way of applying the principle of the subordination of the temporal to the spiritual:

From the time of Constantine the rulers of the Church often had recourse to the secular arm to defend the rights of the faithful and to preserve the temporal and political order of the said Christendom. But under the influence of the preaching of the Gospel, the distinction between temporal and spiritual things has gradually been made clearer, and is today obvious to all.

Therefore, and this is of the greatest moment, the doctrinal principle according to which matters temporal are subordinate to matters spiritual is in

[13] Ibid., 62-63.

no way removed, but is applied in another way, that is by battling errors with the forces of light, not by force of arms.[14]

In this careful address Journet combines, in a very Maritainian way, a progressive understanding of the march from the sacral to the secular age (it is, supposedly, the very influence of the gospel that renders the state more secular, to enable a clearer distinction between the temporal and the spiritual) with a refusal to condemn the earlier ideal of soul-body union as doctrinally erroneous. Journet did not actually claim that the Leonine model was wrong even for the sacral age or that the Church was always mistaken in teaching it. The view he presents is instead that of Maritain: a past way of realizing the subordination of the temporal to the spiritual has been replaced, as a result of historical progress, by another appropriate to the more advanced present. Just like *Dignitatis Humanae* itself, Journet says nothing about whether in the sacral—and by implication more backward—past, when states were communities of the baptized, it had been wrong for the Church to use her jurisdiction over the baptized to turn baptized rulers into her religious agents.[15]

One figure who poses a serious problem for Maritain and Journet is the pope who in recent times taught the model of soul-body union most clearly and formally: Leo XIII. It is obvious why the teaching of that pope should be an embarrassment for Maritain's theory. Pope Leo's vigorous defense in *Immortale Dei* of the soul-body model as an ideal comes in 1885, long after the sacral period of the Middle Ages, and well

[14] Charles Cardinal Journet, *Acta Conc. Vatican II*, vol. 4.1 (Vatican City, 1976), 425. For the importance of this address at the council in gathering support for the declaration, see *History of Vatican II,* ed. G. Alberigo (Leuven: Peeters, 2006), 5:102-3.

[15] In his "Dignitatis Humanae—Not a Mere Question of Church Policy: A Response to Thomas Pink," *Nova et Vetera* (English edition) 12 (2014): 445-70, Rhonheimer seeks to show that the council fathers shared his own understanding of the declaration as a contradiction of previous magisterial teaching by citing (461-62) this specific address by Journet. But this is to misunderstand the Maritainian project, which was, unlike Rhonheimer, to avoid supposing the magisterium to have taught error. Journet's careful refusal, in an important and influential speech, to present the declaration as a contradiction of previous doctrine, does nothing to support Rhonheimer's reading of it.

into the age of the modern nonconfessional state—that is, the secular age. But according to Maritain's theory, far from still ideal, soul-body union is the wrong model of Church-state relations for the secular age. On Maritain's terms, in still presenting soul-body union as a modern ideal, Leo XIII must be teaching error. Maritain had hoped to use his theory of successive historical climates to ring-fence his theory from conflict with the magisterium—the Church's previous commitment to soul-body union would be respected, though only as a feature of the sacral age. However, since clear magisterial defense of soul-body union as the continuing ideal occurs long after, well into the secular age, conflict is inescapable. Indeed Maritain was in conflict not only with papal teaching but also with canon law. A canon, 2198, insisting that the Christian state act as the Church's secular arm to enforce her laws, with supportive citations of decrees to that effect from Constance and Trent, was included in a new Code of Canon Law introduced as late as 1917 and in force for much of the twentieth century.

Maritain was evasive about the Church's continuing and unmistakably modern defense of the soul-body model. He sought to present Leo XIII as concerned fundamentally to teach the autonomy of the state.[16] And indeed, Leo XIII did teach that autonomy for temporal matters where the state is sovereign, but in *Man and the State* Maritain is silent about Leo's equal emphasis on soul-body union and the state's proper subordination to the Church in spiritual matters. Maritain also attempted to claim that canon 2198's talk of the state being required to act as the Church's secular arm was really designed to secure the same legal protection for the Church from the state as was owing to any religious association.[17] But the explicit reference in the canon to the state as the Church's "secular arm" speaks the language of something very different: a principal-agent relation between Church and state. This is confirmed by the 1917 Code's citations of Constance and

[16] See, e.g., Maritain, *Man and the State*, 153.

[17] See ibid., 161 n. 17.

Trent, which call for the coercive enforcement by the state of Church laws generally, not mere legal recognition of the Church's rights as one voluntary association among many. Maritain's minimizing reading makes no sense of the texts, and clearly was not shared by others in the Church. For once the Church, with *Dignitatis Humanae*, finally gave up her extraordinarily persistent attempt to continue to apply the model of soul-body union, she gave up canon 2198 as well. That canon has no equivalent in the 1983 Code, and that is not surprising. The canon was phrased and referenced as it was in the 1917 Code precisely to express in law the Church's doctrinal commitment to soul-body union at least as an ideal—a commitment that until 1965 was as much a feature of ecclesial modernity and of the secular age as Vatican radio and papal photographs.

On Maritain's theory, it seems that Leo XIII was not only teaching error, but damaging error too. For on Maritain's view, the pope's teaching, when given in the secular age, could only tend to hold back clearer understanding of the distinction between God and Caesar—a distinction that Maritain thought to be best displayed by a fully secular state that refused juridically to privilege the Church. But of course that was not Leo XIII's view, and the distinction between God and Caesar was hardly downplayed by him. The clear distinction between God and Caesar, between spiritual and temporal authorities and their proper concerns, and the sovereignty of each in its proper sphere, was fundamental to Leo's teaching in *Immortale Dei*, as it had been to the Jesuit political theology of the Counter-Reformation (a decadent "baroque" age in Maritain's view, and openly despised by him) to which *Immortale Dei* clearly owed so much. For Leo XIII, a juridical superiority of Church over state in spiritual matters, far from endangering the distinction between Church and state, was important to its proper recognition. The subordination of state to Church in spiritual matters followed, in Leo's view, from a right understanding of the spiritual and its superiority. The soul-body model that Maritain dismissed as an imperfect and by now outmoded realization of the distinction between the spiritual and the

temporal was for Leo XIII dictated, at least as an ideal, by that very distinction, and was fundamental to proper respect for it.

Maritain's rejection of the soul-body model was motivated by something already clear in 1885, and even clearer by the mid-twentieth century. The Leonine ideal was becoming impossible to apply. No modern state would really be willing to serve as body to the Church's soul. Maritain concluded that the old ideal of Church-state relations must therefore be replaced by a new ideal. There must be a new way of rightly ordering relations between Church and state, a detachment of Church and state appropriate as an ideal to the secular age as a soul-body union of them had been to the sacral age. But we need not follow Maritain in drawing this conclusion, as there is another possibility. There may simply be no alternative ideal of the relation between Church and state—which is why the Church insisted on soul-body union so doggedly and so long.

The Leonine ideal of soul-body union is certainly not now realizable. And, as Maritain himself very clearly realized, one reason may be that the juridical conditions for a soul-body union of Church and state are no longer met, nor likely to be. States no longer exist as communities of the baptized, that is, as political communities that publicly link their identity, at least in aspiration, to baptism and so to a Christian allegiance. But if baptism and the Christian allegiance that it brings are no longer professed by the state publicly, as part of its political identity, how can state officials still be in a position to put their public office at the Church's disposal?

This does not, however, prevent soul-body union from remaining the sole available ideal for Church-state relations, even under modern conditions, just as Leo XIII clearly taught it to be. The credibility of an ideal does not depend on its continued practicability. Sometimes none of the practicable options is ideal. The Leonine case for soul-body union as an ideal has to do not with what is currently politically feasible, which may only be various levels of the bad, but with what political arrangements, where Church-state relations are concerned, could best ensure the good. Now we can agree with Maritain that a basic condition of acceptable relations between

Church and state is respect for religion as a genuine good in its own right and as a good that transcends the authority of the state. As we shall see, *Dignitatis Humanae* bases the right to religious liberty against the state on respect for religion as such a transcendent good. And Leo XIII based his own teaching on the limits to state authority in matters of religion on respect for religion as such a good.

The issue between Leo XIII and Maritain comes then to this: Does political secularization—the detachment of the state from any particular religion and so from the Church—now provide the best means to ensuring that religion is respected as a transcendent good, as Maritain supposed? Or are things instead as Leo XIII supposed: does soul-body union still provide the best means to ensuring that religion is so respected—perhaps because such a Church-state union, or at least something approximating to it, provides in the long term the only possible such means? If Leo XIII turns out to have been right, then we are left with a bleak conclusion. In so far as soul-body union, or even anything at all like it, is now impossible, so too, at the political level, is the respect for religion as a good that *Dignitatis Humanae* demands along with previous Catholic tradition.

The problem for Maritain is that political secularization has not taken the benign form that he predicted. Fundamental to Catholic political theology, just as Maritain supposed, is indeed the distinction between God and Caesar, between the spiritual and the temporal, and the superiority of the spiritual over the temporal. With these principles comes the clear doctrinal consequence, taught both by *Immortale Dei* and by *Dignitatis Humanae*, that religion is a distinctive good that transcends the coercive authority of the state. Maritain and Journet thought that political secularization enabled a better realization of these principles than does the soul-body model. A fully secular state would lead to a better understanding of, and clearer respect for, the distinction between the spiritual and the temporal, between what is proper to the state and what is proper to the Church. But in fact with political secularization the very reverse has happened. The modern state and the political theory that pro-

vides its ideology are altogether abandoning the very distinction between the spiritual and the temporal. Journet confidently claimed in September 1965 that with political secularization and the detachment of state from Church "the distinction between temporal and spiritual things has gradually been made clearer, and is today obvious to all." But as we will now see, that claim was not obviously true in 1965, and half a century later it is even less true now.

Moreover, Leo XIII's theology is proving more credible than Maritain's. Leo's theology does what Maritain's fails to do, which is convincingly to explain just why political secularization has failed to take the benign form that Maritain predicted. It is no accident that secularization has been destructive of the fundamental distinction between spiritual and temporal. Other things being equal, that distinction was indeed always going to be better preserved by religious establishment. What has followed political secularization is very much what Leonine doctrine implied might follow, and not at all what Maritain and Journet so confidently predicted.

II. Natural Law, Liberty, and the Good of Religion

Dignitatis Humanae asserts an individual right to liberty of religion against the state and other civic associations. This right to liberty is based on the dignity of the human person as bearing the image of God, and so as capable of reason and equipped with a power of freedom, giving people the capacity to determine for themselves which of a number of actions to perform. The liberty also involves a conception of religion as a very distinctive kind of good, so distinctive as to be removed from the coercive authority of the state. But these ideas of the human person and of religion as a distinctive good were not novel in 1965. They were already part of the preconciliar Catholic tradition and had been magisterially endorsed by Leo XIII. They are basic to the traditional distinction between God and Caesar, the spiritual and the temporal. If modern secular thought is abandoning that distinction, this is because it is rejecting the

traditionally Catholic views of the person and of religion on which the distinction depends.

A) The Power of Freedom and the Dignity of the Person

Dignitatis Humanae bases the right to liberty of religion on our possession of freedom as a power, a capacity to determine for ourselves what we do through the exercise of control. The act of faith by which we respond to divine revelation is not something passive and outside our control. Though faith is a gift of divine grace, whether we respond in faith or not is also up to us. This link between our possession of freedom as a power and our possession of a right not to be coerced is central to the Catholic tradition. Freedom as a power was long seen as an essential basis of freedom as a right. Normative freedom was consistently viewed as based on metaphysical freedom.

In fact freedom as a power to determine for ourselves how we act has a dual significance within the Catholic natural-law tradition. Freedom as a power is the basis of our right to liberty, that is, of our right not to be coerced. But it is equally the basis of our liability to be coerced. It is both a normative block to coercion and a normative enabler of it. The right to liberty and the liability to coercion—to direction by law backed up by the threat of just punishment to motivate compliance—are both made possible by the fact that as humans we bear the image of God and are capable of freedom and so too of the rationality which that freedom presupposes.

Freedom as a power leaves it up to us what actions we perform, and thereby gives us a capacity to determine for ourselves what we do. This capacity was understood within the Scholastic tradition as basing a right to liberty, which the tradition clearly understood as a right to determine for ourselves what we do. Only because we have the *capacity* to determine things for ourselves can we also have the *right* to determine things for ourselves:

If, however, we are speaking of the natural law of dominion, it is then true that liberty is a matter of natural law, in a positive, not merely a negative sense, since

nature itself confers upon man the true dominion of his liberty [*dominium libertatis*]. . . . For liberty rather than slavery is of natural right, for this reason, namely, that nature has made men free in a positive sense (so to speak) with an intrinsic right to liberty, whereas it has not made them slaves in this positive sense, strictly speaking.[18]

In Scholastic philosophy the term *dominium* can mean the power to determine for ourselves what we do by exercising actual control over how we act. Aquinas uses *dominium* in just this sense.[19] But it can also be used, as Suarez uses it in the phrase *dominium libertatis*, to mean the right to exercise that power without being subject to coercion. We find the same shifting use of expressions in modern English to denote either freedom as a power or freedom as a right. And "freedom" itself is not the only term involved. The phrase "It is up to me" may assert a power of control over what I do, as in "It is up to me whether I raise my hand or lower it." But it may also be used to assert a right against someone seeking illicitly to command or to coerce me: "Don't try and tell me what to do. It is up to me what I do."

This right to liberty meant for Suarez that no other private human individual has any natural right to coerce me—to issue directives that I am to follow, and that threaten me with punishment or sanction if disregarded. Licit coercion requires special justification. The one coercing must be a public authority with jurisdiction over me, a jurisdiction that extends to the kind of activity he is seeking to direct. So our power of freedom protects us against coercion, not unconditionally, but in those cases where the authority to coerce is lacking.

Where that authority exists, however, and possesses the required jurisdiction, the power of freedom not only ceases normatively to block coercion, but actually enables it. My freedom then permits me to be subject to legal direction, the whole point of which is to guide the proper exercise of

[18] Francisco Suarez, *De legibus ac legislatore Deo*, lib. 2, c. 14, §16 (*Opera Omnia*, vol. 5, ed. Charles Berton [Paris: Louis Vives, 1856], 141).

[19] See, for example, Thomas Aquinas, *STh* I-II, q. 21, a. 2 (*Summa Theologiae* [Turin: Marietti, 1950], 2:122).

freedom; it also permits me to be fairly threatened with punishment for my breach of that direction—a breach that would be my fault, as a misuse of my freedom or control over what I do, so that the breach is my moral responsibility and therefore fairly punishable.

This dual significance possessed by freedom as a power goes far back in the Catholic tradition. An important and much-cited example from the canonical tradition comes from the Fourth Council of Toledo, meeting in 633 in Visigothic Spain. This provincial council forbad the coercion of unbaptized Jews into the faith. This ban on coercion was based on the fact that the act of faith occurs through free will (*libera arbitrii facultate*). But this involvement of free will only blocks coercion because the unbaptized have not yet been incorporated in the Church—the authority with the jurisdiction to coerce the act of faith. In the case of the unbaptized, their capacity for free will does block their coercion. But once someone is baptized, free will then underpins obligation and its just enforcement; as the council insists, coercive enforcement of the obligation to faith in the baptized is perfectly legitimate.[20]

B) The Distinctiveness of Religion

Where religion is concerned, according to the Second Vatican Council and, as we shall see, earlier Catholic teaching as well, the state and other natural-law-based institutions lack the required authority to coerce. Religion falls outside the jurisdiction of the state. The freedom of the act of faith, the fact

[20] See Toledo IV, canon 56 in *Corpus iuris canonici*, ed. E. Friedberg (Leipzig: Bernhard Tauchnitz, 1881), 1:161-62. Toledo IV is a basis of canon 14 of Trent's decree on baptism, condemning those, such as Erasmus, who opposed the coercion of the heretical or apostate baptized back into the faith. For citation of Toledo IV at Trent in support of canon 14, see *Concilium Tridentinum diariorum, actorum, epistularum, tractatuum,* ed. Societas Goerresiana, vol. 5, ed. S. Ehses, (Freiburg im Breisgau: Herder, 1911), 855 and 864. Toledo IV is also cited by *Dignitatis Humanae* to show that the Church has never coerced the unbaptized into the faith. For discussion of Toledo IV in relation both to Trent and to Vatican II, see Pink, "The Interpretation of *Dignitatis Humanae*," 77-121.

that what religiously we believe and practice lies within our control, gives us a right not to be coerced religiously that holds against the authority of the state. We have a distinctively political right to religious liberty, just as *Dignitatis Humanae* teaches. It needs to be established, however, why this is so.

The Catholic natural-law tradition has always understood religion to be an essential component of our natural happiness, enabling us to flourish as human beings. The good of religion is distinctive in that it involves our being related, by our human nature, to a being, God, who both transcends our nature and is represented by it. Not only has God created us as human beings, he has created us to bear his image. The image of God is borne by us through our intellectual nature, in our reason and in our freedom.

The fact that humanity bears the image of God allows for two forms of religion. The first is natural religion, a worship and love of God as creator whose existence is known to us by reason through created things. The communal practice of natural religion is a distinctive and vital part of natural human flourishing. As rational monotheism, it is obligatory under natural law, and obligatory because essential to the purely natural happiness and justice that is served, at the level of the community, by the authority of the state. The second form of religion is supernatural. It involves our being raised, through divine grace, to a level of happiness that transcends the capacity of human nature, to enjoy the beatific vision of God. This supernatural life, though beyond our natural capacity, is still consistent with our human nature (which we retain) and is so consistent only because at the natural level we already bear the image of God.

Because the supernatural life transcends our natural capacities, the offer of such a life is entirely gratuitous and not at all due to human nature. Hence the availability and content of religion in supernatural form is not part of natural law. Natural law dictates rational monotheism, but whether we are to be directed supernaturally to God and if so, how, depends not on reason but on revelation. Natural law simply requires that we believe and follow whatever revelation, if any, is

eventually afforded to us. It leaves open the nature of that revelation, and even whether any such revelation is ever delivered. The supernatural life itself must therefore depend on a further law: a divinely given law that does not come with human reason but is revealed, and that is not natural but positive, being imposed on us by divine decree in addition to the natural law that comes with our humanity. This further divine law has in fact been given to us, through Christ, as the law of the New Covenant.

Because supernatural religion transcends natural law, supernatural religion transcends the authority of the coercive institution that serves natural law, namely, the state. Supernatural religion is directed by another authority that is based on and serves the revealed law of the New Covenant, just as state authority is based on and serves the natural law. This is the authority of the Church, an authority that, though wielded by humans, is not itself human, for it is based on a law that is not natural to humanity but divine.[21] So Suarez argued long before the Second Vatican Council. The state has no authority to restrict Jewish or Moslem worship on the basis of its false and nonsalvific nature, because any error involved in such worship is at the level of the supernatural and so is not the concern of the state:

> The reason is that these [non-Christian] rites are not intrinsically bad in terms of natural law; so the temporal power of a ruler does not extend in itself to forbidding them.[22]

The only authority with the competence to legislate and punish in matters of supernatural religion, therefore, is the revealed authority of the Church. The state has no jurisdiction in this matter:

[21] Thus the 1917 *Code of Canon Law* uses "human authority" to refer to natural-law-based authority, such as that of the state, in contrast to the divine-law-based authority of the Church. See canon 2214 §1: "The Church has the native and proper right, independent of any human authority, to coerce the delinquent among those subject to her with both spiritual and temporal penalties."

[22] Suarez, *De fide*, disp. 18, sect. 4, §10 (*Opera Omnia,* 12:451).

> Punishment of crimes only belongs to civil magistrates in so far as those crimes are contrary to political ends, public peace and human justice, but coercion with respect to those deeds which are opposed to religion and to the salvation of the soul is essentially a function of spiritual power [the power of the Church], so that the authority to make use of temporal penalties for the purposes of such correction must have been allotted in particular to this spiritual power.[23]

But what of natural religion? It might be thought that natural religion at least, as essential to natural happiness and required by natural law, would fall like other natural goods within the jurisdiction of the state. Just as the state has the authority to regulate goods such as education or transport, so too the state has the authority to regulate religion at the natural level at least. This, however, was not the view finally taken within the Catholic tradition.

The Catholic view is that natural religion would indeed have fallen within the jurisdiction of the state had some form of supernatural religion not been revealed. But the coming of Christ decisively changed the situation, by changing the orientation of divine worship and so of religion generally from a natural to a supernatural end. As the Second Vatican Council put it, Christ is he "in whom people find the fullness of religious life [*plenitudinem vitae religiosae*]."[24]

This view of religion was first magisterially taught by Leo XIII. In a passage of *Immortale Dei* already cited, Leo XIII declared that religion as such—as concerned with the sacred and with divine worship and not only as concerned with supernatural salvation—is outside the authority of the state:

> While one of the two powers has for its immediate and chief object care of the goods of this mortal life, the other provides for goods that are heavenly and everlasting. Whatever, therefore, in things human is *in any way of a sacred character* [*quoque modo sacrum*], whatever belongs either of its own nature or by reason of the end to which it is referred, to the salvation of souls *or to the*

[23] Suarez, *Defensio fidei catholicae adversus anglicanae sectae errores,* lib. 3, c. 23, §19 (*Opera Omnia*, 24:320-21).

[24] *Nostra Aetate* 2 (Tanner, ed., *Decrees of the Ecumenical Councils*, 2:969).

worship of God, falls wholly within the power of the Church and is wholly subject to her judgment.[25]

A view of religion as now removed from state authority can already be found in Suarez, though with some ambivalence. In some passages Suarez adhered to what we might term a static view, according to which the state retains a continuing authority over natural religion. Thus in his treatise *De fide* Suarez taught that the state retains the authority to enforce rational monotheism on its subjects.[26] But in his account of canon law, in the fourth book of *De legibus*, Suarez moved toward a dynamic view, according to which Christianity removed authority over religion generally from the state and gave it to the Church, and did so because of a reorientation of religion toward the supernatural:

As regards this area [of religion], civil authority is more limited now within the Church, than it was before the Christian religion; for once the care of religion was oriented towards the virtue and happiness of the commonwealth, as we noted above from St Thomas; but now religion itself and spiritual salvation and spiritual happiness are the priority, and the rest for their sake; and therefore while once the care of religion either belonged to the authority of the ruler, or was joined with that authority in one and the same person, or was subordinated to the authority of the ruler: now however the care of religion is specially given to the shepherds of the Church.[27]

Unsurprisingly, given Leo XIII's already clear teaching, we find the dynamic view stated, with equal clarity, by Maritain:

Here we are confronted with the basic distinction, stated by Christ himself, between the things that are God's and the things which are Caesar's. From the advent of Christianity on, religion has been taken out of the hands of the State; the terrestrial and national frameworks in which the spiritual was confined have been shattered; its universality together with its freedom have been manifested in full bloom.[28]

[25] Leo XIII, *Immortale Dei* 13-14 (emphases added).

[26] Suarez, *De fide,* disp. 18, sect. 4, §§7-8 (*Opera Omnia*, 12:450-51).

[27] Suarez, *De legibus*, lib. 4, c. 11, §10 (*Opera Omnia*, 5:372).

[28] Maritian, *Man and the State*, 152.

So when the Second Vatican Council denies the state's authority to direct religious belief and practice, it does so on a very traditional theological ground: that religion, just as religion, now transcends the ends served by the coercive authority of the state.

> Furthermore, those private and public acts of religion by which people relate themselves to God from the sincerity of their hearts, of their nature transcend the earthly and temporal levels of reality. So the state, whose peculiar purpose it is to provide for the temporal common good, should certainly recognise and promote the religious life of its citizens. With equal certainty it exceeds the limits of its authority if it takes upon itself to direct or prevent religious activity.[29]

It is noteworthy that the soul-body union model assumes the state's incompetence to direct spiritual matters on its own authority. This incompetence is built into the conception of the state as an earthly body unfit to meddle on its own account in matters spiritual that are the soul's concern. The state's giving of coercive and juridical support to the true religion was the state's duty standing as body to the Church's soul, not undertaken on the state's own authority. The state's duty attached to it only as agent of the Church, acting on the Church's authority.[30] As we saw in Leo XIII, the state should

[29] *Dignitatis Humanae* 3 (Tanner, ed., *Decrees of the Ecumenical Councils,* 2:1004).

[30] There are those who oppose this implication that in legislating for religion the state can only act as agent to the Church as principal. They often appeal to past teaching by the popes that divine providence itself had given the state the duty to legislate and coerce on behalf of the Catholic faith. Thus Pope Leo the Great informed the Emperor Leo that "you ought unhesitatingly to consider that the kingly power has been conferred on you not for the governance of the world alone but more especially for the guardianship of the Church" (*Letter* 156). This is supposed to establish that the state has a native right and duty, under its own authority, to legislate and coerce on behalf of the Catholic faith. The state is not acting just as the Church's agent, under the Church's authority. (My thanks to John Lamont for pressing this objection.)

But these past papal claims about a providential role and duty given to the state are in no way inconsistent with the principal-agent model—which is why they are so often repeated or referred to in expositions of that very model, such as in Bellarmine's *Tractatus* (see, for example, chapter 18, on the prince's duty to protect the true religion), or in Leo XIII's *Immortale Dei* itself (see §6 for repetition of such teaching on the state's duty). Crucially, such papal claims say nothing about *how* providence gives

acknowledge revealed truth when presented with it, as is its duty under natural law, just as this is a natural-law duty on private individuals. But the authority to direct and coerce in matters religious still belongs to the Church. It no more belongs to the state than it belongs to private individuals.[31]

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the state this duty—whether through some authority in religious matters native to the state, or through the authority of the Church and the providential establishment, via baptism, of a principal-agent or soul-body relation between Church and state.

Leo XIII's *Immortale Dei* clearly teaches that the principal-agent model applies; and this is entirely consistent with the state's lacking the duty, and even the right, to coerce on behalf of the faith, under those (unideal) circumstances where the state is not acting as the Church's agent. Likewise, Bellarmine makes it particularly clear that the duty to protect the true faith belongs to the state in the context of a soul-body union of Church and state, where the state is said to protect the Church as the Church's *servant* (see *Tractatus*, chapter 18 [Turtino, ed., *On Temporal and Spiritual Authority*, 85]).

If the state is to act as the Church's agent, baptismal obligations must of course take political and not merely private form. But this is the clear implication of canon 2198 of the 1917 *Code*, which, like all canonical obligation, presupposes baptism, but puts requirements specifically on the state. See also Bellarmine: "In fact, since kings *through baptism* have subjected themselves to the spiritual authority of the Pontiff, *they are considered to have subjected also their kingdoms and their political authority to the same spiritual authority*; that is, they wanted to be directed and corrected by the Pontiff if they have strayed in any way from the path to salvation in temporal matters" (*Tractatus,* c. 16 [Turtino, ed., *On Temporal and Spiritual Authority,* 266 (emphases added)]).

[31] In his "*Dignitatis Humanae*—Not a Mere Question of Church Policy: A Response to Thomas Pink," Martin Rhonheimer accuses me of a contradiction. He argues that if, as Leo XIII teaches, there is a natural law duty on the state to acknowledge religious truth when God communicates it to us, "this means that the state has also a genuine right to enforce this truth" (468). So, he alleges, it would follow that the state does, after all, have an authority under natural law to legislate in matters of revealed religion—which, however, Leo XIII and I deny.

But what Rhonheimer alleges to follow, simply does not follow. Just because some person or group or institution has a duty to recognize a given truth, it does not follow that on the same basis it need have any authority of its own to enforce that truth and coerce on its behalf. This does not follow for private individuals, nor for institutions—not even when, unlike a private individual, that institution has a coercive authority of its own in other matters.

Unsurprisingly, given his unwarranted inference from a native duty on the state to recognize religious truth to a native authority to enforce it, Rhonheimer is led to conclude that in my work on religious liberty, "Professor Pink's error lies in construing Leo XIII's doctrine on Church-state relations as a fully coherent doctrine, which it is not" (ibid., 469). Leo XIII's doctrine is, however, entirely coherent.

So the existence of a right to religious liberty against the state is based on a very distinctive view of religion, namely, that religion as such lies outside the jurisdiction of the state. This view of religious liberty was not a novelty of the Second Vatican Council, but was an already established part of prior Catholic tradition. It is tied to a view of Church and state as fundamentally different kinds of authority, one being divine and the other human, serving fundamentally distinct kinds of good. The difference between these two kinds of authority, and the goods they serve, depends in turn on a very specific metaphysics of the natural and the supernatural. It depends, in particular, on a theory of the human person as metaphysically free, and free in particular in respect of his religious belief, and as oriented towards God both naturally, as bearing his image, and supernaturally, through an offer of the beatific vision made through Christian revelation. This view of liberty of religion is hardly secular in its intellectual content. It is not surprising, then, that a process of political secularization should have been accompanied not, as Maritain and Journet fondly hoped, by any renewed allegiance to this view of religious liberty but by its increasing rejection.

III. The Secularization of Religious Liberty

Political secularization involves the detachment of the state from any particular religion. This process has not left the issue of religious liberty untouched. Political secularization has been accompanied by a corresponding secularization of conceptions of religious liberty. In particular the secularized state's own conception of religious liberty, and of religion, has become detached from that held by any particular religion, and especially from that held by Catholicism. This secularization of religious liberty has proceeded at two levels.

First, the metaphysical distinctiveness of the person has increasingly been denied, especially as regards one element fundamental to the idea of humanity as bearing the image of God, namely, our possession of freedom as a metaphysical power to determine for ourselves what we do and decide. This

has important implications for the very idea of freedom as a right. The very basis in human nature of the general right to liberty is eroded. Second, religion has ceased to be regarded as a distinctive part of human life and flourishing, let alone as possessing the supernatural orientation accorded it in Catholic Christianity. This erodes the basis in human nature of the right to religious liberty in particular, at least as that right has been conceived in the Catholic tradition.

A) The Denial of Freedom as a Power

The English-language tradition in ethics and political philosophy has long distanced itself from any commitment to the existence of a distinctive power of freedom. Either the very existence of the power is straightforwardly denied, as it was by Thomas Hobbes,[32] or at least the ethical significance of the power is denied, so that rights and obligations are given some other basis. The sidelining of metaphysical freedom was initially resisted by the continental liberal tradition: commitment to the reality of a human power of freedom remained an important feature of the ethical and political theory of Rousseau and Kant. But by now even contemporary liberalisms that explicitly celebrate Rousseau and Kant as antecedents have largely abandoned any such metaphysical commitment. Modern liberalism quite generally no longer bases the right to liberty on our possession of freedom as a power.

Modern liberalism is no particular ally of ordinary intuition in this. It is natural for us to base freedom as right on freedom as a capacity or power. We immediately understand the right to liberty as a right to determine for ourselves what we do. But if the right is understood in these terms, it is hard to see how we could have freedom as a right without freedom as a power. How could we have a right to determine things for ourselves if

[32] For discussion of Hobbes's highly innovative theory of liberty and his opposition to Scholastic conceptions of freedom both as a power and as a right, see Thomas Pink, "Thomas Hobbes and the Ethics of Freedom," *Inquiry* 54 (2011): 541-64; and idem, "Hobbes on Liberty, Action and Free Will," in *The Oxford Handbook of Hobbes*, ed. Kinch Hoekstra and Al Martinich (Oxford: Oxford University Press, forthcoming).

it is impossible for us to have even the capacity to determine things for ourselves—if the right is one we must always lack the capacity to exercise? Nevertheless, because skepticism about the power or capacity is so general, modern political philosophy avoids basing the right on the power. Instead, modern political philosophy either refuses to base the right to liberty on a theory of human nature at all—the theory of our right must be political, not metaphysical—or else it seeks to base the right simply on our capacity for reason.[33] The capacity for reason is supposedly less problematic metaphysically than the power of freedom because reason on its own has nothing to do with any power on our part to determine alternatives but simply involves a capacity on our part to be moved by justifications. Unfortunately, in a theory of the right to liberty, the capacity for reason cannot substitute for the old appeal to freedom as a power over alternatives.

Freedom as a power over alternatives does offer a plausible basis for a right to liberty understood as a right not to be coerced, as we can see in considering the nature of such a power and its point. The power, as traditionally conceived, is a capacity to determine for ourselves how we decide and act. It is a power of free will. Now the point of making decisions about what to do is, fairly obviously, to ensure that we end up doing and attaining what is good and avoiding what is bad. Without that concern to attain the good, there would be no point in bothering to deliberate and decide at all, as opposed to blindly plumping. The exercise of freedom as a power over alternatives shares, as a power of decision or will, the function of the decisions it determines: to attain the good. The point of having power over alternatives, then, is to make alternative options that are good available to us.

But good alternatives are of course what coercion seeks to deny us. The one coercing, unless immediately applying chains,

[33] For the refusal to base the right to liberty on metaphysics, see John Rawls, *Political Liberalism* (New York: Columbia University Press, 2011). For the appeal to the human capacity for reason, see Philip Pettit, *A Theory of Freedom* (Cambridge: Polity, 2001).

or making threats that are unusually terrifying, does not actually remove freedom as a power. It usually remains within our control to act other than as we are directed. Coercion serves to remove not alternatives as such, but alternatives that are good. Essential to coercion, and to the pressure that it applies, is the threat of sanction, which works by making all options bar one, the option directed, worse. That is why our possession of freedom as a power was long seen as creating a presumptive normative block to coercion. If we possess a nature the point of which is to put alternative goods within our power, there must be some justification for the deliberate removal of those goods.

The idea of a capacity for reason does not have the same normative implications. The function of that capacity is not to provide us with alternative goods, but to enable us to respond to justifications. Coercion does not threaten or work against such a capacity, but simply addresses it. Coercive threats work precisely by providing us with further justifications for acting as directed—justifications rooted in the desirability of avoiding threatened sanctions.

The removal of metaphysical freedom from ethical and political theory is not likely, in the long run, to enhance or reinforce commitment to the right to liberty. A right to choose or to determine things for oneself that has no adequate basis in any received theory of human nature is likely to become vulnerable, at least when it comes into conflict with other values. When states feel pressure to override liberty rights in the name of general welfare or utility, they may find the temptation to succumb becoming harder to resist. This is an issue that is hardly specific to religion but concerns the future of a properly liberal society more generally.

B) The Denial of Religion as a Distinctive and Transcendent Good

Fundamental to the distinction between God and Caesar is the thought that religion is under the authority of the Church, not the state. But why should religion, in particular, transcend the authority of the state?

The issue is not whether we have some right to liberty in relation to religion. Natural goods generally, such as education or movement and the like, involve rights to liberty. The authority of the state to direct and regulate natural goods is not unlimited. But just because education and transport or motion are natural goods, they fall within the general jurisdiction of the state, and so the state can regulate them, with due respect for liberty, for the general good. State regulation will attend to the nature of the goods regulated and to criteria of better or worse that come with them as distinctive forms of good. Sufficiently defective forms of education or transport may be restricted, or they may be denied forms of state support given to less defective versions. We have a general right to liberty in respect of where we go. But that does not remove human travel and transport from being subject to fairly extensive state regulation and direction. We may be called upon by the state to sacrifice some liberty of movement if movement itself would be better enabled, or if some other good, such as efficient commerce, might benefit thereby.

Even if certain state decisions regulating movement might seem unwarranted or wrong, they would not usually be criticized as wrong on the grounds that they are an intrusion of the state into an area of human life transcending its authority. But that is the Catholic position in relation to religion. Not only do we have a right to religious liberty against the state. We have that right because religion, just as religion, transcends the authority of the state.

There is another question the answer to which, at least considered from the secular point of view of today, is far from obvious. This is whether religion is a distinctive kind of good at all. If it is, then we must be able to explain why religion is a good in its own right and what might make some forms of religion better or worse than others as forms of religion. Within the Catholic tradition there is a clear answer to this question, an answer based on natural law and its accompanying metaphysics.

We can know that God exists as our creator and that we exist as his creation and as bearing his image through our rationality and freedom. From this arises the intelligibility, as a

distinctive and essential part of human happiness, of the activity of worshiping God and loving him. Good religion involves rational monotheism, which includes loving and honoring God with public and communal forms of worship worthy of the divine, and worthy too of our dignity as bearing the image of the divine. Bad or defective religion involves various kinds of failure to meet these demands.

Because religion is a distinctive good, there may be forms of deficiency or badness that are specific to religion. They need not involve wider forms of badness, such as violations of just public order that fall within the temporal concern of the state. Defective religion may of course involve some such direct assault on public order, such as murder through forms of human sacrifice. But religion may be defective just as religion, such as through a defective conception of the object of worship. Religion defective in this way may involve polytheism, the denial of the oneness of the divine; or pantheism, the denial of divine transcendence of the created world; or materialism about the divinity, the denial of God's purely spiritual nature.

We have seen that because religion is a natural good, it might be thought to fall within the jurisdiction of the state, exactly as do other natural goods. On this view, at least at the level of natural religion, the state might properly seek to support good religion over bad. The state might favor rational monotheism just as it favors the better forms of education and transport, especially when having to balance various forms of religion against other goods. Overt state approval and recognition might definitely be given to monotheism, and to the worthier forms of monotheism at that. Such positive support or approval would be refused to polytheism or pantheism, even if basic liberty for them were not denied, and in state decisions about balancing goods, such forms of religion, being defective at the natural level, would consequently lose out.

The Catholic view, magisterially taught by Leo XIII and by the Second Vatican Council, is that such direction of worship and the sacred as such—direction of a specifically religious good, by criteria specific to religion—is not the state's concern. And what makes this true, as we have seen, is the reorientation

through Christ of religion as such, including the naturally required worship of God, to a supernatural end in which the state has no directive competence.

This may be compared to the form a secular political theory might take, taking *secular* to mean a theory uncommitted to any supernatural revelation. It seems that unless the truth of supernatural revelation is accepted, there is simply no reason for denying the state the same authority over religion as over other natural goods. Just as a natural-law-based state might on its own authority regulate and discriminate in favor of better forms of transport and better forms of education, so it might on its own authority discriminate in favor of better forms of religion—better being understood of course by the wholly natural criteria specific to religion of a rational metaphysics and a rationally available moral law. So the case put by *Dignitatis Humanae* for religion's entirely transcending state authority is unfortunately available only to the already supernaturally converted—something with important implications, as we shall see, for the basic coherence of Maritain's political theology.

Of course in our culture secularity does not mean simply lack of commitment to revelation and the supernatural. It means a lack of commitment to natural religion as well. It involves what, by the standards of Catholic natural-law theory, are very serious and fundamental forms of irrationality. Not only is human freedom denied, but in some cases human reason is denied too, at least as traditionally conceived. And it is in particular denied that we have a creator who is spiritual and intellectual, and whose image we bear. This makes of course the very existence of religion as a distinctive form of good highly problematic in itself, ruling out any criteria of goodness specific to religion that might inform legal direction and state policy. This of course is why the attitude of the modern state to religion is so profoundly different from that endorsed by Leo XIII or by *Dignitatis Humanae*. It is not just that the secular state refuses to recognize that religion lies outside its authority. It seeks to direct religion, but without recognizing religion even as a distinctive natural good, assimilating it instead to other more general categories. Religion may be understood as one among many forms of

subjectively fulfilling personal commitment, like a sport or a hobby.[34] Or religion might be assimilated to a form of group identity, along with expressions of ethnic and cultural identity generally.

The effects of denying religion as a distinctive good on state policy towards religion are significant. The state may in some cases still mimic respect for the limits to its authority taught by *Immortale Dei* and *Dignitatis Humanae*. The state will not on its own authority seek to discriminate in public policy against polytheism or pantheism. But that is not because it sees these as forms of religion that, though defective as religion, lie beyond its authority. Rather, the state is likely to hold back on the basis of quite a different ideology. It will see these forms of religion just as varieties of personal commitment, or of cultural or group identity, and then base its noninterference on that stock-in-trade of modern liberal theory: the state's duty to show equal respect to citizens.

On the other hand, because religion is not regarded as a distinctive good in its own right, but is just another case of a wider range of goods that clearly are legitimately subject to state direction and regulation, the state will in more fundamental respects disregard the limits to its authority set by *Immortale Dei* and *Dignitatis Humanae*. Religion will be assimilated to other natural goods that do clearly fall within the general jurisdiction of the state, such as sports and hobbies or modes of collective cultural affirmation. Moreover the state need not recognize churches and other religious bodies as different from any purely civic collective, like clubs or cultural unions. The very distinction traditionally made by the "two realms" theory between Church and state—between authority in spiritual form and authority in temporal form—will disappear along with the disappearance of religion as a distinctive good.

[34] Or, to similar effect, wider forms of personal commitment may be redefined as "religion properly understood." See Ronald Dworkin, *Religion without God* (Cambridge, Mass.: Harvard University Press, 2013), where religion is reduced to a form of commitment to value.

There can still be a right to liberty of religion, but this will be no different from a general right to be left free to pursue personal values or commitments, or no different from a general right to respect for personal or group identity. The modern liberal requirement that the state show equal respect to all its citizens may protect much religious belief and practice from state interference. If religion is just one among many forms of identity or commitment it may even receive some government support. There need be no rigid refusal of state support for religion as such. But if religion no longer transcends the directive competence of the state as something distinctive, it may also be subject to government interference. The exemption of religious institutions from various forms of equality legislation regarding gender or sexual orientation may no longer be made, any more than it can be relied on for societies or clubs. The state may perfectly well eventually interfere with religious instruction, or even in the nature of religious ministry, in the name of defending an equal respect for all.

These are not mere possibilities for the future. The secularization of religious liberty is already well underway. Hence we read in the work of a contemporary political and legal philosopher:

> If religion really is only a sub-set of a broader class of beliefs, identities or practices, which should be treated on a par with them, then large areas of existing law (which carve out special protections or special prohibitions for religion) become normatively indefensible. Fortunately, normative philosophers, by contrast to legal scholars, are not beholden to constitutional coherence. So they can bite the bullet and argue that the special treatment afforded religion qua religion in the law has lost any normative purchase in contemporary society. This would allow them to explain away constitutional tenets such as the special ban on state aid to religion and the ministerial exception as archaic remnants of the discredited 'two-realm' theory. Instead, they would start from the idea that the liberal state must be decidedly post-secular and take account of the deep pluralism of values, ideas and identities, both religious and non-religious, in contemporary societies.[35]

[35] Cecile Laborde, "Equal Liberty, Non-Establishment and Religious Freedom," *Legal Theory* (forthcoming).

IV. Magisterial Teaching and Its Theology

Maritain and Journet presented political secularization as something progressive—as implied, ultimately, by the very distinction between spiritual and temporal:

> The modern age is not a sacral, but a secular age. The order of terrestrial civilization and of temporal society has gained complete differentiation and full autonomy, which is something normal in itself, required by the Gospel's very distinction between God's and Caesar's domains.

The Leonine ideal of soul-body union, though conceded to be strictly consistent with the distinction between spiritual and temporal, was criticized by Maritain and Journet as realizing the distinction only imperfectly, and as associated with a merely partial understanding of it. With political secularization, supposedly, "the distinction between temporal and spiritual things has gradually been made clearer, and is today obvious to all." But the Maritainian view of political secularization has not been confirmed by history. Political secularization has been associated not with better understanding of the distinction between spiritual and temporal, but with that distinction's intellectual and political erosion.

Maritain hoped that religion's character as a distinctive and transcendent good would be respected even by states that did not publicly recognize and endorse the traditionally Catholic doctrines of the natural and the supernatural that explained that character. But Maritain's hope has not been fulfilled. This should not indeed be a surprise. It is clear that the Maritainian project was doomed from the start, for the very idea of religion as a distinctive good that transcends the authority of the state depends on the availability and truth of religion in supernatural form, a form that reorients religion as a whole towards an end transcending the natural happiness that is the state's concern. As Maritain himself admitted, it was the revelation of Christ that removed religion from the directive competence of the state:

From the advent of Christianity on, religion has been taken out of the hands of the State; the terrestrial and national frameworks in which the spiritual was confined have been shattered.

Religion will only be publicly acknowledged as a good transcending state authority by those states that also publicly acknowledge the supernatural end, that is, the truth of religion in supernatural form. But that requires the very state recognition of revealed truth that the Leonine model of soul-body union defended as an ideal and that political secularization now discourages. As states detach themselves from any public recognition of revealed truth, so we should expect those same states increasingly to view religion as falling as much within the jurisdiction of the state as any other area of human life. And the policy of modern states, liberal states included, moves steadily in that direction.

Political secularization has also been associated, as we have seen, with a denial of religion as a distinctive kind of natural good. This too should not be surprising. The Leonine model of soul-body union in fact predicted such a development, as a possibility at least.

In a fallen world we cannot reliably attain the natural end without the help of divine grace. Grace is required not just to sanctify but to heal. We need grace not only as *gratia sanctificans* to raise us to a supernatural level but, even before that, as *gratia sanans* to repair the damage done to human nature by the Fall. Without such grace we can no longer reliably attain a complete conception of the content of the natural law, let alone reliably adhere to it.[36] Reliably to understand and attain even the natural good we now need the special help of divine grace—the grace provided to a fallen world by the Church and her sacraments. Thus one of the reasons there should be Church-state union, as Leo XIII magisterially taught, is that the state needs to be civilized at the level of nature, through being informed by a higher and supernatural authority,

[36] See for example Thomas Aquinas, *STh* I-II, q. 109, a. 2: "Utrum homo possit velle et facere bonum absque gratia" (Whether man can will or do good without grace).

namely, by the soul of the Church. In *Immortale Dei* Church-state union is celebrated by Leo XIII as providing just such a civilizing influence. The encyclical begins:

Though the Catholic Church, that imperishable handiwork of merciful God, by her very nature has as her purpose the saving of souls and the securing of happiness in heaven; yet, in regard to things temporal, she is the source of benefits as manifold and great as if the chief end of her existence were to ensure the prospering of our earthly life.[37]

These benefits come about through the establishment and juridical favoring of Christianity, and so especially Catholicism, as the religion of the state:

And, lastly, the abundant benefits with which the Christian religion, of its very nature, endows even the mortal life of man are acquired for the community and civil society. And this to such an extent that it may be said in sober truth: "The condition of the commonwealth depends on the religion with which God is worshipped; and between one and the other there exists an intimate and abiding connection." . . . There was once a time when states were governed by the philosophy of the Gospel. Then it was that the power and divine virtue of Christian wisdom had diffused itself throughout the laws, institutions, and morals of the people, permeating all ranks and relations of civil society. Then, too, the religion instituted by Jesus Christ, established firmly in befitting dignity, flourished everywhere, by the favour of princes and the legitimate protection of magistrates; and Church and state were happily united in concord and friendly interchange of good offices. The state, thus constituted, bore fruits important beyond all expectation, whose remembrance is still, and always will be, in renown, witnessed to as they are by countless proofs which can never be blotted out or ever obscured by any craft of any enemies.[38]

[37] Leo XIII, *Immortale Dei* 1

[38] Ibid. 19-21. This teaching does not imply that all forms of state establishment of Catholicism have been benign, for not all have corresponded to Leo XIII's ideal. One form, especially common since the Reformation, and highly problematic in its effects on Church and state alike, clearly has not. This is *ancien regime* Gallicanism or various kinds of "state" or "national" Catholicism. This form of establishment is highly damaging insofar as it reduces the Church to acting as, in effect, an agent of the state, rather than the state acting in specifically spiritual matters as genuinely the agent of the Church. This form of establishment is obviously not Leo XIII's model, but its opposite.

A central magisterial teaching of Leo XIII is that the state as body should be informed by the Church as soul, not only to serve the supernatural end, but to serve the natural end as well.[39]

In so far as political secularization detaches the body of the state from the soul provided by the Church, it limits the transmission not only of sanctifying grace but healing grace as well, and diminishes that civilizing influence. In particular, political secularization is likely to diminish the grasp of the natural law at the level of the state itself, as we are now witnessing in matters concerning the defense of life and marriage. As Pius IX already observed:

> Where religion has been removed from civil society, and the doctrine and authority of divine revelation repudiated, the genuine notion itself of justice and human right is darkened and lost.[40]

Leo XIII developed the point. United to the soul that is the Church and under the Church's direction, the state must help the Church to bring us to our supernatural end, because

[39] The magisterium has long taught that in a fallen world the natural good served by the state depends on the state's adherence to and support for the Catholic faith: for some further examples of such teaching see, for example, Gregory XVI, *Mirari Vos* 14 and 20; Pius XI, *Ubi Arcano Dei Consilio* 48. But if the state serves the natural good, and the natural good depends on the Catholic faith of its people, does that not show that the state must have a native authority to legislate on behalf of the Catholic faith? (My thanks again to John Lamont for pressing this point.)

The supposed conclusion does not follow. The natural good served by a state can often depend on matters outside that state's jurisdiction, in which case the state must support or cooperate with whatever other authority does have the required jurisdiction. The natural happiness of the population may depend on the international economy, which is largely outside the jurisdiction of any particular state; this is why states have to cooperate in economic matters with other states. Similarly, in a fallen world, the natural happiness of a people will depend on the provision of healing grace through the Church, and so on religious arrangements over which, as Leo XIII clearly teaches, the state has no jurisdiction of its own. If it is to attain its natural end, the state as body must therefore recognize the spiritual authority of the Church as soul, and subject itself to that.

[40] Pius IX, *Quanta Cura* 4.

otherwise the state will likely fail in bringing us even to our natural end:

> Therefore the law of Christ ought to prevail in human society and be the guide and teacher of public as well as of private life. Since this is so by divine decree, and no man may with impunity contravene it, it is an evil thing for any state where Christianity does not hold the place that belongs to it. When Jesus Christ is absent, human reason fails, being bereft of its chief protection and light, and the very end is lost sight of, for which, under God's providence, human society has been built up. This end is the obtaining by the members of society of natural good through the aid of civil unity, though always in harmony with the perfect and eternal good which is above nature. But when men's minds are clouded, both rulers and ruled go astray, for they have no safe line to follow nor end to aim at.[41]

Not only is political secularization imperiling public understanding of natural justice and right, it is eroding public recognition of the very distinction between the spiritual and temporal. As we have seen, the idea of religion as a distinctive natural good requires respect for natural law and, in particular, an understanding of human nature as bearing the image of God as its creator. That basic understanding is no longer common property; indeed, it has effectively disappeared from political life.

Why should a state that fails to acknowledge supernatural revelation, and that is increasingly detached from much of the content of natural law and especially the content most concerned with our nature as bearing the image of God, continue to respect religion as a distinctive good? Or as Leo XIII might have put it: why should a body detached from the soul continue to understand and respect those higher ends with which the soul is concerned?

Leonine soul-body theology fully distinguishes between God and Caesar, and respects the state's autonomy in temporal matters as opposed to spiritual. But the body is not to interfere in matters spiritual, disregarding the direction and authority of the soul—direction that in a fallen world would be necessary. This is why Leo XIII thought that soul-body union, far from

[41] Leo XIII, *Tametsi futura* 8.

endangering a proper understanding of the distinction between God and Caesar, between the spiritual and the temporal, is required to ensure respect for that very distinction. Assurance of the state's respect for the distinction between God and Caesar only comes from the state's public recognition as true of a divine revelation which teaches that very distinction and with it the nature of religion as now a transcendent good—a distinctive form of good transcending the authority of the state—and from the influence on the political community of grace and instruction provided by the Church as the state's directive soul in matters spiritual.

Dignitatis Humanae addresses the directive role of the state in matters of religion in a context where the state is clearly no longer a political community of the baptized, and is, therefore, no longer capable of acting as an agent of the Church. Since the state is no longer functioning as the Church's agent, it must lack any authority, even the borrowed authority of the Church, to direct in matters of religion. So, since the state is no longer acting as the Church's agent, our free will gives us a moral right not to be coerced in matters of religion by the state, exactly as *Dignitatis Humanae* teaches, and as Leo XIII's earlier magisterial teaching already implied.[42] The ending of soul-body union between Church and state is probably irreversible, at least within any political and social future conceivable under modern conditions. The state will therefore continue to function detached from any agency relationship to the Church. This, then, is the basis on which *Dignitatis Humanae* addresses the legitimacy of state intervention in religious matters. The declaration provides the framework for understanding the legitimacy of state activity in the religious sphere for the foreseeable future. The declaration binds to the extent that it expresses for our time what Catholic tradition, as magisterially taught by Leo XIII, already implied for state authority once political secularization is assumed and the state has ceased to act as an agent of the Church.

[42] For the development in more detail of this argument see Pink, "The Interpretation of *Dignitatis Humanae*," 77-121.

What *Dignitatis Humanae* does not explicitly address is the legitimacy (at least under past circumstances) and still less the point of a union between Church as principal in matters spiritual and a publicly Christian state as her agent. In other words, the declaration does not explicitly address Leo XIII's magisterial teaching on the desirability of a soul-body union of Church and state. This is because the declaration does not address what was central to that teaching: the authority that the Church's mission gives her over the baptized. Central to the Church's instrumental use of the Christian state as her agent in spiritual matters are the obligations to the Church, at least under past conditions, of such a state's baptized rulers and officials. In treating soul-body union as an ideal, the Church has taught that, because of the nature of her mission, baptismal obligations may take political form and may include an obligation on state officials to act as the Church's secular arm.[43] The credibility of soul-body union as a Christian ideal depends on the truth of that past teaching about people's possible obligations under baptism to the Church. But *Dignitatis Humanae* does not specify what people's obligations to the Church may come to—except, and this is of crucial importance, expressly to declare that it leaves *integer* or untouched tradetional Catholic teaching about those obligations.[44] In leaving intact all that past teaching, *Dignitatis Humanae* therefore leaves intact the Leonine model too. The declaration simply develops what follows from traditional Catholic teaching for state authority if the Leonine ideal cannot in fact be realized

[43] For that teaching, see again, canon 2198 of the 1917 *Code*; the highly authoritative magisterial tradition, involving a number of general councils, that preceded that canon and that was cited by the 1917 *Code* in its support; and also Bellarmine's theological treatment of such political obligations, based on and citing the same magisterial tradition, in the *Tractatus*.

[44] "Indeed, since people's demand for religious liberty in carrying out their duty to worship God concerns freedom from compulsion in civil society, it leaves unchanged [*integram*] the traditional catholic teaching on the moral obligation of individuals and societies towards the true religion and the one Church of Christ" (*Dignitatis Humanae* 1 [Tanner, ed., *Decrees of the Ecumenical Councils*, 2:1002]).

and the state is no longer acting on Church authority as her religious agent.

Should we follow Maritain, and no doubt many of the fathers of the Second Vatican Council, and still view political secularization as a progressive phenomenon, so that a juridical separation of Church and state is a positive good and the new ideal for Church-state relations? Or should we see political secularization as highly problematic, but as also, at least in our time, unavoidable, so presenting the regrettable but practically inescapable modern context within which the Church must now pursue her mission? This has to do not with what *Dignitatis Humanae* directly teaches—which is the current wrongfulness of state and civic involvement in the direction of religion—but how we should incorporate that teaching in a wider political theology.

When considering this question, there are two things to be remembered. First, the Leonine model of soul-body union as a continuing ideal, even under conditions of modernity—the very conditions under which Leo XIII was still defending the model—is clear magisterial teaching, as Maritain's progressive theology is not. Moreover, it is teaching that the magisterium has not formally and explicitly contradicted. Leo XIII's theology has therefore a continuing claim on Catholic belief. Second, as we have seen, the political secularization that Maritain viewed as the work of the gospel has instead proved spiritually destructtive. In particular it has proved incapable of meeting that basic condition (understood by Maritain himself to be basic) of any ideal of Church-state relations, namely, the ensuring of continued recognition by the state of the identity of religion as a distinctive and transcendent good. This is a failure that the Leonine model and its theology was well able to predict. Soul-body union may not now be feasible, but the Leonine soul-body theology still applies to our situation, explaining the modern state's failure to respect and even understand the distinction between spiritual and temporal. The state flails about in matters spiritual, uncomprehending of their true nature, like a body barreling about detached from its intellectual soul.

Magisterial teaching has sometimes been linked at the time of its appearance to a received or official theology from which that teaching had subsequently to be detached. The received theology linked to the teaching was not itself magisterially taught but still profoundly shaped and governed the initial interpretation of that teaching, both by adherents to that teaching and opponents of it. Indeed, one effect of the linked theology may have been to fuel opposition to the teaching. The teaching was not properly understood because it was commonly read, by all parties, through the received theology—a theology that, because in fact problematic, seriously damaged the teaching's credibility. In such cases the process by which the teaching was finally accepted will have involved, as an essential stage, its detachment from the faulty theology that was blocking its acceptance.

One such example is Boniface VIII's *Unam Sanctam* and its still binding magisterial teaching on papal primacy and the necessity for salvation of the recognition of that primacy. At the time of its promulgation that document was closely associated with a political theology that was hierocratic, asserting a direct and supreme papal temporal authority over the earth.[45] This theology was not formally and explicitly taught by *Unam Sanctam* itself but was read into it by papalist theologians of the school of Aegidius Romanus and also by their opponents, such as theologians supportive of Philip the Fair of France. This hierocratic theology helps explain much of the (literally) violent opposition to Boniface VIII. The hierocratic theory also remained a theology official enough in Rome still to cause problems with ecclesiastical authority for later Catholic theologians who too openly rejected it. Even as late as 1590, the eminent Cardinal Bellarmine narrowly escaped official condemnation, from Sixtus V, for denying the hierocratic conception of Church and state. Bellarmine was saved from being placed on

[45] On the hierocratic theory see Michael Wilks, *The Problem of Sovereignty in the Later Middle Ages* (Cambridge: Cambridge University Press, 1963)

the Index by the pope's death.[46] But this hierocratic theology, though for a time officially favored, was never formally adopted by the magisterium and was eventually rejected by it. The hierocratic theory is quite incompatible with the sovereignty and autonomy of the state in temporal matters that Bellarmine and Suarez each defended, and that Leo XIII taught in *Immortale Dei*.

Maritain's progressive view of political secularization is a theology that bears a similarly problematic relation to *Dignitatis Humanae*. It is a theology of Church and state that has long informed much interpretation of the Second Vatican Council's declaration, by supporters and opponents alike. But it is also a theology from which the strictly magisterial content of *Dignitatis Humanae* has urgently to be detached. Such detachment is both urgent and necessary first because Maritain's theology is hard to reconcile with the previous magisterium. Despite his determined attempts to avoid the issue, his theology is clearly opposed to the teaching of Leo XIII. Because of that fact, Maritain's framing interpretation has helped generate the widespread view that *Dignitatis Humanae* indeed cannot be reconciled with the previous papal magisterium, but contradicts it. If *Dignitatis Humanae* is read as actual magisterial endorsement of the view that political secularization is indeed a progressive ideal and a requirement of the gospel, then that certainly implies a rupture within the magisterium. For that is what Leo XIII very clearly and deliberately denied.

This appearance of rupture is very serious because it tends to discredit the Second Vatican Council itself and to block its reception. This is because of a second and very compelling reason for detaching *Dignitatis Humanae* from Maritain's theology. The theology, with its sunny optimism about political secularization and its consequences, is by now quite unbelievable. It is increasingly obvious that the secular state will never be respectful of the Church's mission on the terms required by *Immortale Dei* and *Dignitatis Humanae* alike. The

[46] See Stefania Tutino, *Empire of Souls: Robert Bellarmine and the Christian Commonwealth* (Oxford: Oxford University Press, 2010), 67-70.

more the state is secular, the less the possibility of a shared vision of religion as a distinctive good transcending state authority, a vision that leaves a politically undisputed public space for the Church's mission. Without that shared understanding of the good of religion, an understanding that depends on some form of political recognition of the truth of revealed religion, there can be no mutually acceptable articles of peace between Church and state.[47]

[47] My thanks for comments to the faculty and students of Mundelein Seminary, where an initial version of this paper was given at an October 2013 joint lecture on "*Dignitatis Humanae* at 50: The Future of Religious Freedom"; to my fellow lecturer Fr. Thomas Joseph White, O.P.; and to Professor Matthew Levering, who organized the event. My thanks also to referees for *The Thomist* for their comments.

The Thomist 79 (2015): 43-74

CONSILIUM AND THE FOUNDATIONS OF ETHICS

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As often as anything important is to be done in the monastery, the abbot shall call the whole community together and himself explain what the business is; and after hearing the advice of the brothers, let him ponder it and follow what he judges the wiser course. . . . If less important business of the monastery is to be transacted, he shall take counsel with the seniors only, as it is written: *Do everything with counsel and you will not be sorry afterward* (Sir 32:24). (*The Rule of St. Benedict*, §3)[1]

MORAL PHILOSOPHERS have recently grown very interested in practical deliberation as a necessarily social activity. We figure out what to do, at least in part, by taking counsel with others, and this social deliberation requires that we treat one another ethically; only if the virtues characterize our relationship will it be possible for us to learn from one another what we need to learn. Jürgen Habermas, for example, has argued for "discourse ethics,"[2] John Rawls and others for "deliberative democracy,"[3] and, most relevant here, Alasdair MacIntyre for an "ethics of enquiry."[4] Like MacIntyre,

[1] *The Rule of St. Benedict in English*, ed. Timothy Fry, O.S.B. (Collegeville, Minn.: The Liturgical Press, 1982), 25-26.

[2] *Moral Consciousness and Communicative Action* (Cambridge, Mass.: MIT Press, 1990), especially chap. 3.

[3] For Rawls see "The Idea of Public Reason Revisited," *The University of Chicago Law Review* 64 (1997), 765-807. For a good overall introduction, see *Deliberative Democracy: Essays on Reason and Politics*, ed. James Bohman and William Rehg (Cambridge, Mass.: MIT Press, 1997).

[4] The best presentation of this is Alasdair MacIntyre, "Intractable Moral Disagreements," in *Intractable Disputes about the Natural Law*, ed. Lawrence S. Cunningham (Notre Dame: University of Notre Dame Press, 2009), 1-52. MacIntyre's

I believe that the most promising way to think about ethics is Thomistic, and that Thomists would do well to take to heart the socially conditioned character of human life and thought that so many have found persuasive in the wake of the Enlightenment.[5]

Despite MacIntyre's work, scholars of St. Thomas Aquinas have not yet developed Thomistic ethics in the direction of an ethics of inquiry. My primary purpose here is to develop the foundations for a Thomistic ethics of inquiry by arguing that Thomistic *consilium*, or practical deliberation, is an essentially social activity. Though it is a commonplace that we depend on others in our practical deliberations, the nature and significance of this dependence has not been systematically addressed. I will then argue that this account of *consilium* has three important implications for the foundations of ethics. First, the moral knowledge available to us prior to the workings of *consilium* (and hence of prudence more broadly) is too vague to ground anything approaching substantive moral conclusions (that is, the content of *synderesis* is significantly limited). Second, if the apprehension of all but the very highest moral truths depends on a series of deliberative relationships, the nature and development of those relationships (rather than the formulation of particular abstract moral arguments) must be the central task of Thomistic

Dependent Rational Animals: Why Human Beings Need the Virtues (Chicago, Ill.: Open Court, 1999) is an extended argument that various human dependencies (including our dependence on others in order to learn what to do) are critical for understanding successful human life. An important relevant influence on MacIntyre is Herbert McCabe, *Law, Love, and Language* (London: Sheed and Ward, 1968).

[5] Many have feared that this leads to relativism; see for example Robert P. George, "Moral Particularism, Thomism, and Traditions," *The Review of Metaphysics* 42 (1989): 593-605; and John Haldane, "MacIntyre's Thomist Revival: What Next?" in *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre* (Notre Dame, Ind.: University of Notre Dame Press, 1994), 91-107 (for a brief reply by MacIntyre to Haldane see ibid., 294-97). MacIntyre has argued that accepting a strong account of the historically conditioned nature of human inquiry does not lead to relativism, and I believe his arguments are sound. For a good presentation of his argument, see Alasdair MacIntyre, "Moral Relativism, Truth and Justification," in *Moral Truth and Moral Tradition: Essays in Honour of Peter Geach and Elizabeth Anscombe*, ed. Luke Gormally (Dublin: Four Courts Press, 1994), 6-24.

ethics. Third, the workings of *consilium* itself, pointing us toward a particular kind of moral community, can ground the nature and content of Thomistic ethics as an ethics of inquiry.

My task is therefore to prepare the ground for the development of a Thomistic ethics of inquiry and to show how such an ethics would grow naturally from such ground.

I. The Social Nature of *Consilium*

Even though it is a truism that human beings are by nature social animals, and despite MacIntyre's work on this theme, recent scholarship in Thomistic ethics has not shown sustained interest in the theoretical and practical implications of a social account of Thomistic practical deliberation. Foundational accounts of Thomistic ethics typically begin either from the perspective of natural law or from the perspective of virtue, and authors writing from either perspective rarely say much about the social structure of practical deliberation. John Finnis's *Natural Law and Natural Rights*, for example, stays completely on the level of *synderesis* (through which we naturally know the first principles of the moral life)[6] and prescinds from any discussion of the activity of deliberative prudence. Even the basic good of "practical reasonableness" is wholly a part of *synderesis*, and so it is no surprise that Finnis does not discuss social deliberation.[7] He does acknowledge the dependence of moral knowledge on society more generally, but only in the sense that a person must have at least some experience of life in order to recognize the basic goods, goods that "any sane

[6] See *STh* I, q. 79, a. 12. Translations of the *Summa theologiae* will be from St. Thomas Aquinas, *Summa Theologica*, 5 vol., trans. the Fathers of the English Dominican Province (Notre Dame, Ind.: Christian Classics, 1981). I have occasionally modified the translation for the sake of clarity. For an earlier and more extended discussion of *synderesis* see *De veritate*, q. 16.

[7] John Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1980). See chap. 4 for his development of the basic goods and chap. 5 for his more detailed account of the good of practical reasonableness. For his identification of the basic goods with the content of *synderesis* see ibid., 30, 51.

person" can recognize.[8] His more recent *Aquinas: Moral, Political, and Legal Theory*, though less sustained in its treatment, repeats these elements of *Natural Law and Natural Rights*.[9]

On the other hand, Jean Porter's substantive but limited defense of a Thomistic theory of natural law in *Nature as Reason* takes as a fundamentally important truth the extensive variety and disagreement concerning human morality. Contrary to Finnis, she argues that "the natural law does not provide us with a system of ethical norms which is both detailed enough to be practical and compelling to all rational and well-disposed persons."[10] This is true in part because of the necessity for communal reflection in the moral life, but besides brief remarks here and there and a short discussion of Pamela Hall's *Narrative and the Natural Law*,[11] Porter does not develop the foundations of a Thomistic account of the nature of and need for communal reflection.

Martin Rhonheimer, who has developed a Thomistic account of the natural law as well as a Thomistic ethics of virtue, discusses our deliberative dependence on others in somewhat more detail than Finnis and Porter,[12] but he nevertheless concludes that what we learn on our own and what we learn from others differ merely "in the matter of cognitive origin,"[13] a claim that I will dispute in what follows.

[8] Ibid., 30, 65.

[9] John Finnis, *Aquinas: Moral, Political, and Legal Theory* (New York: Oxford University Press, 1998), 79-90. For the identification of the "basic goods" with *synderesis* see 87 n. 124; and 89 n. 138. Though experience is again emphasized as necessary for our knowledge of these first principles, they are "propositions which anyone is likely to have acquired in childhood" (ibid.).

[10] Jean Porter, *Nature as Reason: A Thomistic Theory of the Natural Law* (Grand Rapids, Mich.: Eerdmans, 2005), 5.

[11] Ibid., 49, 266, and 336.

[12] Martin Rhonheimer, *Natural Law and Practical Reason: A Thomist View of Moral Autonomy*, trans. Gerald Malsbary (New York: Fordham University Press, 2000), 267-83; and idem, *The Perspective of Morality: Philosophical Foundations of Thomistic Virtue Ethics*, trans. Gerald Malsbary (Washington, D.C.: The Catholic University of America Press, 2011), 292-93.

[13] Rhonheimer, *Natural Law and Practical Reason*, 283.

Even those focused primarily on the nature and function of prudence have spent little time on *consilium* and almost none on its social dimensions. Daniel Westberg rightly explains that the core of rational action does not require "practical deliberation" (God does not deliberate,[14] for example, and Aquinas also argues that some human actions, like forming the letters of the alphabet, likewise require no deliberation),[15] but he then discusses Thomistic practical deliberation as an occasionally necessary but not particularly fundamental (or, perhaps, very interesting) stage of human action.[16] Daniel Mark Nelson, whose *The Priority of Prudence* takes as its main burden the recovery of an ethics of prudence over against a natural-law ethics, mentions here and there that prudential judgments draw on "the moral resources and experience of a community and a tradition,"[17] but says little more than this. Even Pamela Hall's *Narrative and the Natural Law*, upon which Jean Porter draws, does not systematically develop deliberation as a social activity. Hall's purpose is in part to argue that the natural law is socially promulgated: "The promulgation of the *lex naturae* is accomplished as it is learned by individuals and communities."[18] This learning occurs fundamentally within deliberative communities, but Hall does not develop this assertion beyond reminding us of various ways in which society can help or hinder our moral development.[19]

It is therefore the case that a systematic account of the nature and implications of *consilium* as a social activity has not yet

[14] *STh* I-II, q. 14, a. 1, ad 2.

[15] *STh* I-II, q. 14, a. 4.

[16] Daniel Westberg, *Right Practical Reason: Aristotle, Action, and Prudence in Aquinas* (Oxford: Clarendon Press, 1994), 165-74.

[17] Daniel Mark Nelson, *The Priority of Prudence: Virtue and Natural Law in Thomas Aquinas and the Implications for Modern Ethics* (University Park, Penn.: The Pennsylvania State University Press, 1992), 17. See also the brief similar remarks on ibid., 37-38, 52, 112, 151.

[18] Pamela Hall, *Narrative and the Natural Law: An Interpretation of Thomistic Ethics* (Notre Dane, Ind.: University of Notre Dame Press, 1994), 15.

[19] See ibid., 37, 40, 43, 62, 85 (on *consilium* as a gift of the Holy Spirit), 87, 91, and 104.

been provided and would fill an important need for those who wish to emphasize the social dependence of human agents. I will begin with an overview of the nature of *consilium* according to Aquinas and explain what I mean by claiming that practical deliberation is essentially social. Then, in order to defend this claim, I will turn to the texts of Aquinas and make an argument for my conclusion on the basis of the nature of the Thomistic account of the moral life.

A) The Meaning of "consilium" as Social

Consilium (βουλή according to Aristotle)[20] names, for Aquinas, a particular stage in human intentional action.[21] Human action involves the perception of, and rational desire for, some particular good. This is followed by deliberation concerning how to go about achieving that good. Finally, there is the activity of pursuing and, hopefully, achieving the end. *Consilium* therefore names the middle activity of deliberating about how to achieve a particular good,[22] and because of this it is placed under the governance of prudence.[23] It is concerned with "those things that are for the end"[24] (*ea quae sunt ad*

[20] The passage from Aristotle that parallels Aquinas's discussion of *consilium* (and that Aquinas himself had in mind) is *Nicomachean Ethics* 6.9.1142a31-1142b34.

[21] I will sometimes speak of "human intentional action" and sometimes of merely "human action." I mean both terms to refer to "human acts," *actiones humanae*, and never to "acts of a man," *actiones hominis*, which are in no way my topic here. Aquinas explains the distinction in *STh* I-II, q. 1, a. 1.

[22] Servais Pinckaers identified six stages each for the intellect and will, with *consilium* the intellectual half of one of three central pairs concerned with the "means." Finnis accepts this general structure but argues that there are seven stages each for the intellect and will. For the sake of simplicity it is sufficient to consider *consilium* simply as a middle stage concerned with identifying appropriate means to our ends. For Pinckaers's classic discussion, see "La structure de l'acte humain suivant s. Thomas," *Revue Thomiste* 55 (1955): 393-412; for Finnis, see his *Aquinas*, 62-71.

[23] It is important to remember that Aquinas's understanding of what counts as "means" includes constituents of the end as well as purely instrumental means to that end; for Aquinas, even virtue itself is something that is "for the end" of happiness and therefore the subject of *consilium*. See *STh* II-II, q. 48, a. 1.

[24] *STh* I-II, q. 14, a. 2.

finem), what are sometimes called the "means" to the end.[25] The end itself, about which (as Aristotle said)[26] we do not deliberate, acts as the governing principle, the criterion of whatever we might propose as possible answers to the question of what is to be done. Nevertheless, what in one context is an end (my robbing the bank), and as such cannot be the subject of deliberation, is in another context something that is "for the end" (I rob the bank to fight poverty). The moral life consists of a series of nested actions and ends, with ultimately only one end that can never as such be the subject of *consilium*: the very last end, happiness itself.[27]

Consilium about the means to our ends is therefore an inquiry into that about which we are doubtful. It begins with a question ("What is to be done?"), and as inquiry it takes time and is discursive as we consider one possibility after another in the hopes of discovering the answer.[28] It presupposes that there is ignorance or doubt concerning what might realize our end.[29] If there is no doubt, there is no need for inquiry, and so it turns out that, as Westberg emphasizes,[30] *consilium* is not as such a necessary part of human action. When the means are obvious or determined by pre-established rules, there is no inquiry: we perceive a desired end and we do what it takes to achieve it (e.g., we do not deliberate about how to form the letters we put on paper as we write). Sometimes too it does not matter how we achieve a particular end, and here inquiry is unnecessary because the answer to the question, "What is to be done?" is "It does not matter" (e.g., I do not deliberate about which foot to put out first when I cross the street).[31]

[25] *STh* I-II, q. 1, a. 5, ad 1.

[26] Aristotle, *Nic. Ethic.* 3.3.1112b12-16.

[27] Likewise there is at least one principle that is never the subject of deliberation, the principle that expresses this pursuit of happiness, the first principle of practical reason: "Do good and avoid evil." See *STh* I-II, q. 94, a. 2.

[28] *STh* I-II, q. 14, a. 1.

[29] *STh* I-II, q. 14, a. 4.

[30] Westberg, *Right Practical Reason*, 165-66.

[31] *STh* I-II, q. 14, a. 4.

Although *consilium*, strictly speaking, is not a part of every particular human action, it is still both necessary and deeply important to human life. It is absent precisely when the means are either simple or unimportant. But for any serious end in human life, the things that are "for the end" will be neither obvious nor unimportant; this is true most of all for the greatest of our activities, the identification and pursuit of our final end. Because this is true of our overall end, all other actions, even those that do not themselves require *consilium*, depend for their place in the moral life on *consilium* concerning the larger end of which they are a part. In this way, even though some actions do not require deliberation, all morally good human actions depend at some level on practical deliberation.

By claiming that *consilium* is essentially a social activity I mean the following: (1) practical deliberation is essentially an activity that occurs between persons (all private deliberation is secondary, and we must interpret such private deliberation as derivative from and analogous to social deliberation), and (2) because of this the moral knowledge we acquire through *consilium* is always socially constituted, rather than simply socially derived (that is, its status as knowledge is always dependent on the existence and nature of a series of social relationships). These are connected claims, though the second is stronger than the first.

Few would dispute that the moral life requires social deliberation and that at least some *consilium* is social. But my first claim implies more than merely the existence and importance of social deliberation. It means that we cannot understand what private deliberation "in one's own head" is except on the model given us by deliberation between persons. This is because practical deliberation, the intellectual activity of identifying those things that are for the sake of our end(s), is essentially an activity between persons that, as such, results in the identification of what we are to do. In other words, we identify those goods that will allow us to achieve our ends as human beings only through an interpersonal activity the purpose of which is mutual identification of those goods.

Private, intrapersonal deliberation is a derivative and always subordinate activity, dependent at every moment of its existence on prior social deliberation that gives force and content to this "inner" *consilium*. This does not imply that human nature itself is essentially relational, but it does imply that at least one element within the structure of human action essentially includes relations between persons and therefore that the actualization of at least one intellectual power is a social actualization (just as I cannot play a symphony alone, so I cannot engage in *consilium* alone). It follows that a human being who never deliberates with others (who is, for example, "raised by wolves") will be unable to identify and pursue any properly human goods, for these are apprehended only by means of interpersonal deliberation.

This first claim, that *consilium* is essentially a social activity, leads to the second, that the moral knowledge acquired through *consilium* is socially constituted rather than merely socially derived. Rhonheimer offers a contrary explanation of our deliberative dependence on others:

> In certain cases there is need for cognitive mediation and the help of instruction, whether this be caused by the complexity of the material itself, by a lack of experience, by the habitual moral dispositions of the individual, by the social/cultural context, or by the weakening of judgment through certain habits and customs. The personal autonomy of the human being is not reduced by such instruction, nor does it involve any contradiction with the concept of natural law. For just like the *inventio per seipsum* [private learning], instruction leads to a more certain knowledge of truth and an explication of the first principles—there is a difference only in the manner of cognitive origin. It cannot be overemphasized that the acquisition of knowledge through teaching is an *authentic cognitive process*.[32]

Rhonheimer insists that social deliberation results in knowledge that differs only in origin from knowledge acquired in other ways (through experience, for example, or through private deliberation). But if knowledge acquired through social deliberation is socially constituted and not merely socially

[32] Rhonheimer, *Natural Law and Practical Reason*, 283.

derived, this is necessarily false. By saying that such knowledge is "socially constituted," I mean that its certainty as well as its content is directly dependent on the social relationships from which it originates, and this dependence remains a permanent feature of that knowledge. Our deliberative relations with others, instead of a ladder that can be kicked away once we achieve our goal, are instead the permanent supports of our knowledge—without them, all else topples to the earth.

The two parts of my claim that *consilium* is a social activity can be defended as follows. The good of friendship is a central human good, and it is clear that we will not be able to grasp its nature and value other than by means of social deliberation. As one of the constituents of happiness, friendship is one of those goods "for the sake of" our larger, overall good. As such, it must be apprehended as a good through *consilium*. But the process of apprehending friendship as a good and as something therefore to be pursued must be a social process, for I will only recognize the nature and value of friendship if I see friendship before me, either as a relationship emerging between myself and another or as an identifiably good relationship between others who are able to communicate to me the nature and value of their relationship. This means that whatever private deliberation I engage in regarding friendship is derivative from and dependent upon my interaction with those others, and therefore, in this case, at least, *consilium* is an essentially social activity.

The knowledge which I now possess that friendship is a good and a means to my overall good remains forever constituted by those relationships (as well as, perhaps, new relationships subsequently developed). My friendly relationships with others do not merely open the door to a vision of the good of friendship, a vision that once grasped becomes independent of those relationships. My relationships themselves constitute that vision, for they are themselves the thing that is beheld. This means, for example, that if I am to learn later that my "friends" were manipulating me for the sake of private gain, I will discover (assuming I have no other experience of friendship) that I do not know what beforehand I thought I did, for it turns

out that there is no such thing as "friendship." This might seem too strong, for one could argue that I still have a sense of genuine friendship as a good and merely realize that *this* friendship was a deceit. But if this is indeed my only experience of friendship, I do not yet have any reason for thinking that the various traits I previously thought constituted "friendship" can cohere with one another such that the elements of genuine friendship do not include a contradiction. This is true, on the one hand, because purely theoretical knowledge of friendship and its role in human life will not give us sufficiently practical knowledge, and on the other hand, we cannot learn about the value and role of friendship from examples of nonfriendship. In the case of theoretical knowledge, whatever we know will need to be supplemented with information about our particular character and situation as well as the character and situation of those we might befriend. Even if I have perfect theoretical knowledge of the human form and the role of friendship in the human good, I can only know if I and others are indeed human beings, and that friendship is both possible and good here and now, through immediate and contingent experience.[33] In this way practical knowledge is necessary if we are to identify friendship as a good.

It is likewise true that knowledge of goods other than friendship cannot help us know that friendship itself is a good. This is the case even in terms of the various forms of friendship. Suppose, to use Aristotle's classification, I have a friendship of utility, although I think (and am told by the other person) that

[33] Here I believe Rhonheimer would agree, for I am arguing that there is a peculiar way in which our practical lives are primary with respect to the theoretical inquiry into our own nature. Even if theoretical knowledge of the human form is possible prior to the workings of practical reason, we cannot know that this theoretical knowledge actually applies to *us* without, as it were, rebuilding an account of our nature based on our practical rationality. This is one way of taking Rhonheimer's comment that "as paradoxical as this may sound, we first must know 'what is good for man' in order to know what 'human nature' is at all, or to make an adequate interpretation of it. An understanding of human nature is one of the outcomes of ethics, not the starting point" (Rhonheimer, *The Perspective of Morality*, 184).

we are involved in the highest form of friendship, a friendship of virtue. If my "friend" then reveals the friendship for what it is, a useful business partnership that ends when its utility is exhausted, I no longer have a reason to believe that perfect friendship would be good for me. I do perhaps have some sense of what perfect friendship is, and how it might contribute to the good of persons capable of it, but this is theoretical knowledge, and not knowledge about my own good. Indeed, it might just as easily be true that I am not a creature capable of perfect friendship, or that I am the only living creature capable of it. In order to know that the best form of friendship is indeed good for me, I need experience of the possibility and goodness of this friendship. In this way, my knowledge of the nature and value of friendship consists in my actual relationships with others; to lose those relationships (through, for example, the exposure of manipulative deceit) is to realize that I do not know what before I thought I did, and so my knowledge in this case is socially constituted.

Even if this is a compelling case, it is a stronger claim that these features characterize *consilium* itself. One might suppose that private experience could provide the foundation necessary for our own internal deliberations about a broad range of human goods. As we practice we learn about possible consequences and alternatives, as well as the various ends that might satisfy us. Yet the troubling feature of what we learn by experience alone is that these sorts of goods are not those that contribute to a characteristically human life. Genuinely human goods are never things that can be practiced alone (and therefore things we might learn about through some sort of ideal pure experience unmediated by social deliberation). This is true for friendship, of course, but it is also true for things like "achieving a good death," just actions, the practice of any craft, and so on. It is one implication of the account I am developing that the goods available through pure experience are of a merely animal sort (that is, there will be nothing particularly *rational* about them). Even those human goods that seem obviously private (the care of one's body, for example) receive

their rational content from a social context that gives meaning and purpose to these private actions. Our understanding of those goods exhibits in each case the same social dependence described above for the good of friendship.

For example, acts of temperance are especially private, and it might seem that we could identify the temperate act without the social dependencies I have identified above. As Aquinas says,

> justice and fortitude regard the good of the many more than temperance does, since justice regards the relations between one man and another, while fortitude regards dangers of battle which are endured for the common weal: whereas temperance moderates only the desires and pleasures which affect man himself.[34]

We can imagine a person who decides to moderate his eating after gorging to the point of sickness, and this deliberate change seems neither socially derived nor socially constituted. But such learning is not what is needed here, for "the principal order of reason is that by which it directs certain things towards their end, and the good of reason consists chiefly in this order,"[35] and "the end and rule of temperance itself is happiness."[36] My practical deliberation with respect to temperate acts must place those acts within the context of my overall good, and that overall good is necessarily social:

> Since man by his nature is a social animal, [the cardinal] virtues, in so far as they are in him according to the condition of his nature, are called social virtues; since it is by reason of them that man behaves himself well in the conduct of human affairs.[37]

If I know how to act temperately, then I know how the proper regulation of my desires leads to my overall good. But the context of that overall good is always social, and so I need to learn how the regulation of my desires fits together with a life

[34] *STh* II-II, q. 141, a. 8.
[35] *STh* II-II, q. 141, a. 6.
[36] Ibid., ad 1.
[37] *STh* I-II, q. 61, a. 5.

lived in common with other persons. We have, then, a structure formally the same as that concerning the example of friendship developed above. I need to know the possibility and goodness of a series of social activities and their relation to my desires. Even if it is possible to learn to control certain desires in order to avoid the pain of overindulgence, this would not be prudence and the actions would not be genuinely temperate unless placed within the context of my overall good. Every act of real human virtue can be analyzed in this way, revealing a series of deliberative dependencies on social *consilium* that, as in the case of friendship above, result in moral knowledge that is socially constituted.

B) "Consilium" in Aquinas

In question 14, article 3 of the *Prima secundae*, Aquinas says this: "Counsel properly implies a conference held between several; the very word [*consilium*] denotes this, for it means a sitting together [*considium*], from the fact that many sit together in order to confer with one another."[38] The use of "properly" here should not be taken lightly. A *proprium* is a necessary accident, something that must be present if the thing in question is to be that sort of thing (for example, that human beings are able to laugh),[39] and its use here implies that Aquinas means to connect *consilium* very strongly to the social activity of "conferring with one another." The *Prima secundae* is a late work (1271),[40] but Aquinas says something similar in his commentary on the book of Isaiah, an early text (ca. 1252) likely contemporaneous with his commentary on Lombard's *Sentences* (ca. 1256). Commenting on chapter 16 (in which Isaiah exhorts

[38] *STh* I-II, q. 14, a. 3: "Consilium proprie importat collationem inter plures habitam; quod et ipsum nomen designat. Dicitur enim *consilium*, quasi *considium*, eo quod multi consident ad simul conferendum."

[39] See Aristotle, *Topics* 1.5.102a18-30.

[40] Here and elsewhere I follow the dating of Torrell: Jean-Pierre Torrell, O.P., *Saint Thomas Aquinas*, vol. 1, *The Person and His Work*, rev. ed., trans. Robert Royal (Washington, D.C.: The Catholic University of America Press, 2005).

Moab to take counsel), Aquinas says, "Counsel is itself an inquiry [*quaestio*] which is turned over among those counseling."[41] He continues by saying that a council is a gathering of counselors and by reminding us of Proverbs 11 ("There is safety where there are many counselors") and Sirach 32 ("Do all things with counsel and you shall not repent of having done it").

As the article in the *Prima secundae* continues, Aquinas explains why counselors are necessary for practical deliberation: there are many conditions and circumstances that must be taken into account, and this cannot be done by one person alone. We can expand this into three distinct reasons: (1) there are too many potentially relevant particulars at any one time; (2) some relevant particulars are known only by others (my participation in common goods involves a dependence on others so that I might know how to achieve our common good); and (3) it is always possible, because of the potentially infinite number of relevant circumstances and the nondemonstrative character of the practical life, that I have made a mistake and that I need to be corrected.

All three of these considerations have at their root the thought that we are dependent on others in order to know what to do because our own powers are in themselves inadequate. Naturally, therefore, the vice that destroys good counsel, precipitation (*praecipitatio*), springs in part from pride.[42] The three biblical texts just mentioned (Isaiah 16, Proverbs 11, and Sirach 32) all describe the painful results of pride, of ignoring the counsel of others, and each exhorts the reader to take good counsel with those others.

Further, no matter how virtuous and intelligent we might be, Aquinas thinks we will always need the counsel of others: "Even the learned should be docile in some respects, since no man is

[41] *Super Isaiah* 16: "Consilium est ipsa quaestio quae vertitur inter consiliantes."

[42] *STh* II-II, q. 53, a. 3. ad 2.

altogether self-sufficient in matters of prudence."[43] His reason for thinking this is as follows:

> Prudence is concerned with particular matters of action, and since such matters are of infinite variety, no one man can consider them all sufficiently; nor can this be done quickly, for it requires length of time. Hence in matters of prudence man stands in very great need of being taught by others, especially by the old, who have acquired a sane understanding of the ends in practical matters.[44]

Echoing his commentary on Isaiah, the supporting biblical passages in this article are Proverbs ("Lean not on thy own prudence" [Prov 3:5]) and Sirach ("Stand in the multitude of the ancients that are wise, and join thyself from thy heart to their wisdom" [Sir 6:35]); the conclusion is that docility, teachableness, is an integral part of prudence.

Besides this specific textual support, there is circumstantial evidence that Aquinas holds *consilium* to be essentially social. Throughout Aquinas's texts on *consilium* there is not one sustained example of private, "in the head" deliberation. There are of course remarks here and there implying that there is such a thing as private deliberation.[45] But these are vastly outnumbered by examples such as the following:

> The reason for choosing a thing is that it conduces to an end. But what is impossible cannot conduce to an end. A sign of this is that when men in taking counsel together come to something that is impossible to them, they depart, as being unable to proceed with the business.[46]

And when it comes to more developed examples of *consilium*, the examples are all social. These include long discussions of

[43] *STh* II-II, q. 49, a. 3, ad 3.

[44] *STh* II-II, q. 49, a. 3.

[45] I am thinking of passages such as: "Those who require to be guided by the counsel of others, are able, if they have grace, to take counsel for themselves in this point at least, that they require the counsel of others and can discern good from evil counsel" (*STh* II-II, q. 47, a. 14, ad 2). Even here, though, God's grace works as divine counsel.

[46] *STh* I-II, q. 13, a. 5.

fraternal correction,[47] the evangelical counsels,[48] *consilium* as a gift of the Holy Spirit[49] (and here deliberation is still social, although my interlocutor is one of the divine Persons), and requirements with respect to legal counsel.[50]

C) "Consilium" and the Structure of the Moral Life

These passages evidence strong Thomistic grounds for my claim that *consilium* is essentially a social activity, but one still might respond that they are not decisive, particularly regarding the stronger claim that the results of *consilium* are socially constituted rather than merely socially derived. But a substantive argument on behalf of these claims can be drawn from the teaching of Aquinas on *consilium* and the nature of the practical life as a whole.

First, insofar as someone deliberates and acts, that person is also pursuing and in some sense deliberating about "the things that are for" his overall end.[51] Since whatever particular action we perform is intelligible only as a part of the larger whole that is our pursuit of the final end, to perform any particular action is at the same time to be engaged in the pursuit of the final end. Therefore any *consilium* that takes place with respect to any

[47] *De Virtut.,* q. 3; *STh* II-II, q. 33, a. 1; q. 114.

[48] *ScG* III, q. 90; *STh* I-II, q. 108, a. 4.

[49] *STh* II-II, q. 52.

[50] *STh* II-II, q. 71, a. 3.

[51] This must be true if it is the case that whatever we do is done for the sake of our final end. See *STh* I-II, q. 1. There is some significant debate about the nature of Aquinas's claims in this question. Though I cannot argue for this here, there are excellent reasons for thinking that Aquinas believes that all the human actions of an agent are in some fashion organized around the pursuit of a single final end. One significant alternative to this position is the claim that Aquinas is promoting an *ideal* of rational action towards which the virtuous agent will aspire. See Scott MacDonald, "Ultimate Ends in Practical Reasoning: Aquinas's Aristotelian Moral Psychology and Anscombe's Fallacy," *The Philosophical Review* 100 (1991): 31-66. For a good response to MacDonald, see Peter F. Ryan, S.J., "A Single Ultimate End Only for 'Fully Rational' Agents? A Critique of Scott MacDonald's Interpretation of Aquinas," *American Catholic Philosophical Quarterly* 75 (2001): 433-38.

particular act (How might I best cross the road here and now?) is successful as *consilium* only when it identifies a course of action that fits appropriately into one's overall end. All practical deliberation, therefore, is subordinate to overall deliberation about "the things that are for" the overall end.[52]

Second, one characteristic feature of our final end is that it consists in common goods: goods that are in themselves shareable and that cannot be possessed unless shared (friendship, for example). This is most clear in the case of our supernatural final end, the Beatific Vision, since this is a particular relationship with the three divine persons of God himself. That is, we achieve perfection by means of a personal relationship, a relationship that is of course impossible for one engaged in a "purely private" life. But this is true even if we consider the natural goods that are possible for us without the gift of grace. Even if theoretical knowledge is granted pride of place and is in some sense an activity possible for the hermit, it must always, for us rational animals, be balanced by the exercise of the moral virtues, by friendships, and by all the social relationships that for Aquinas are a necessary part of whatever earthly human happiness is possible for us.[53] This means that even if only some of those goods that make up human happiness are themselves common goods, the discovery and pursuit of the proper balance between the common goods and, say, private contemplation[54] will itself be a common good; my overall good (made up of a variety of different goods, perhaps

[52] For this reason, a person possesses perfect *prudentia* if he not only correctly performs what is for the sake of some immediate end, but if in turn this immediate end fits appropriately into his final end. If the immediate end does not fit together appropriately with the final end, he merely has *astutia* or cleverness. See *STh* II-II, q. 47, a. 13.

[53] *STh* I-II, q. 3, a. 5.

[54] In one sense, "wisdom," the end of contemplation, is indeed a common good since it can be fully possessed by an infinite number of people. However, we frequently think of speculative knowledge as, at least in its final stages, a private affair, and it is in this sense that I take it to be a potential objection. A complete account of the nature of human contemplation would reveal it to be as fully "common" as friendship.

some of which we can engage in privately) is itself achievable only in community and through social deliberation.

Third, successful *consilium* requires right judgment about practical matters. Aquinas says that we acquire this right judgment in one of two ways: through experience or through teaching.[55] Teaching, on the one hand, just is one kind of the special social deliberation that I am interested in. On the other hand, the only experience useful for right judgment with respect to common goods is experience of the successful identification and pursuit of the relationships with others that constitute common goods. Becoming the kind of person that possesses right judgment about the common good of friendship, for example, involves either learning from those who already possess such judgment or having the experience of what makes friendship possible. In other words, it is only social relationships in which common goods are manifested that in turn make clear what common goods consist in and how they might best be achieved.

Finally, concerning the practical life, Aquinas teaches that "prudence is concerned with particular matters of action, and since such matters are of infinite variety, no one man can consider them all sufficiently; nor can this be done quickly, for it requires length of time."[56] But if particular matters of action are of infinite variety, then while social deliberation will be more effective than solitary deliberation, neither sort will gain the kind of certainty made possible by going through all of the potentially relevant considerations. Therefore whatever we know now as a result of social deliberation has precisely the same contingent status (in terms of the infinite variety of practical matters) that it had when first offered to us as advice by those who counseled us. In other words, the results of *consilium* are always dependent on the relationships that made those results possible.

My argument, therefore, is simply this: whatever deliberation we engage in is intelligible only as part of our pursuit of

[55] *STh* II-II, q. 49, a. 4.

[56] *STh* II-II, q. 49, a. 3.

and deliberation about our final end; but our final end consists of common goods, and we learn about the goodness and possibility of common goods only through deliberative relationships with others, relationships that are permanently necessary as supplying the content and grounds of our practical knowledge. For these reasons, I think that Aquinas's account of the practical life and human action requires that *consilium* is most properly a social activity resulting in socially constituted practical knowledge. Even more, Aquinas places this activity at the center of the moral life.

II. The Limits of *Synderesis*

There are three implications of this account of *consilium*. First, the moral knowledge available to us prior to practical deliberation is too vague to ground anything approaching substantive moral conclusions; the content of *synderesis* is substantively thin. Since *consilium* names a stage of human intentional action, the only knowledge not a part of the social structures described above will be what we can know prior to any intentional action requiring deliberation. That is, our initial apprehension of the end, of the overall final good, which leads to the will's initial and necessary movement towards that end, is the only moral knowledge that precedes *consilium* and that in turn yields the primary indisputable content of *synderesis*.[57] This consists in the characteristics described in the first question of the *Prima secundae* and can be summarized in the claim that a human being necessarily wills his or her perfection, that which "so fills man's appetite, that nothing is left besides it for man to desire."[58] This does not entail that we know any of the constituents of that final end (such as "friendship"), but rather only those formal characteristics that necessarily follow from

[57] Cf. the similar claim made by Nelson, *Priority of Prudence*, 49.

[58] *STh* I-II, q. 1, a. 5. Here Aquinas echoes Aristotle's initial description of the overall good as "final" and "self-sufficient" (*Nic. Ethic.* 1.7.1097a15-1097b23).

the notion of "perfection"—for example, that greater satisfaction of desire is better than less.

Although I am not alone in claiming that the content of *synderesis* is formal and therefore substantively thin,[59] this claim is nevertheless a strong one and invites the objection suggested by Rhonheimer above. Whatever dependence there is on social deliberation, he suggests, must not "reduce" the "personal autonomy of the human being" or "involve any contradiction with the concept of the natural law."[60] To rephrase this objection, if it is true that all of our practical deliberations rest upon prior social deliberation, it might appear that individuals are socially determined; there is no room within an individual to reject what is suggested by others. But according to Thomistic ethics, individuals must be understood to possess moral autonomy that grounds moral responsibility, the nature of which is accounted for by Aquinas's development of natural law. The claim that *synderesis* is formal and substantively thin makes this seem a delusion, that no matter how independent we appear, we are nevertheless simply products of the various bits of prior social deliberation that have made up our lives. But since we are each individually morally responsible *for* our own lives and responsible *to* the content of the natural law, what I am claiming must be false.

There are two important responses that must be made to this objection. First, *synderesis* does provide us some guidance in the moral life. Through it we are aware of the overall end toward which we are naturally ordered, and this gives us the starting point for the deliberative processes of *consilium* and prudence more generally. This implies that we possess the independent ability to recognize whether or not particular goods identified through counsel will contribute to or frustrate our progress towards our overall end, and therefore that our dependence on

[59] See, for example, Scott MacDonald, "Foundations in Aquinas's Ethics," *Social Philosophy and Policy* 25 (2008): 350-67. Nelson's view is more extreme, arguing that *synderesis* offers no content at all for our moral deliberations (*Priority of Prudence*, 101). I believe this goes too far.

[60] Rhonheimer, *Natural Law and Practical Reason*, 283.

the counsel of others is never a mere slavish obedience to or acceptance of that counsel. This preserves our autonomy in an important sense: we have the ability to identify whether or not certain goods identified through *consilium* partially or fully satisfy our overall desire for perfection, and therefore we have the ability to reject or accept what is offered. *Synderesis* is as it were a lock for which we must find the key in order to gain access to our final end. We cannot know ahead of time just which key we must use, but the various keys given to us through *consilium* can be tried in the lock, and we will discover which fail and which will turn. But it is also the case that *synderesis* cannot on its own identify what those goods are, even if it can evaluate them once they are identified. We know we are looking for a key (and not a boulder, or a sparrow; we need something that will satisfy our desires and contribute to our perfection), but we cannot open the lock and so trace out ahead of time the perfect structure of the key for which we are looking. *Consilium* is still of primary importance, and therefore we cannot even begin the genuinely rational moral life (by taking the first step towards our overall end) without social deliberation. *Synderesis* gives us an independent ability to say "yes" or "no" to the counsels of prudence (and so the objection fails), but it does not give the content necessary for action (and so social deliberation is still necessary).[61]

[61] It might seem surprising that I do not discuss *conscientia*, or conscience, here as a potential foundation for our autonomy. There is, however, an important reason for omitting it. *Conscientia*, like *consilium*, is concerned with particular matters of action, and differs only from *consilium* in that, whereas *consilium* is a stage of human action as such (and so reveals the character of the agent), *conscientia* is a purely cognitive awareness of right action (and so does not reveal the character of the agent; knowing the content of a person's conscience does not help one know whether or not the person acts well or badly). Because *conscientia* parallels *consilium* in this close way, it has the same social aspects as *consilium* itself and therefore cannot ground a response to the sort of objection I am considering here. For Aquinas on *conscientia*, see *De Verit*., q. 17, a. 1. For discussion of the distinction between conscience and prudence in Aquinas, see Ralph McInerny, *Ethica Thomistica* (Washington, D.C.: The Catholic University of America Press, 1997), 103-13.

This is not yet a sufficient response. Aquinas, when responding to the objection that prudence is not necessary for human beings since we can act well by following the good advice of others, claims that genuine human goodness requires that we possess our "own counsel" and do not act merely as "moved by that of another."[62] We must possess our own counsel such that when we act we do so with our own rational and appetitive powers. This is another way to formulate the autonomy objection suggested by Rhonheimer, and it appears at first to contradict what I have been arguing. But I am not arguing that we do not have "our own counsel." Instead, our own counsel consists in deliberative interactions with others. It is one thing to claim that *consilium* depends upon and is shaped by interaction with others; it is another to say that whatever counsel results is not my own. We should read Aquinas here as acknowledging that a life lived *merely* according to the advice of others that moves us willy-nilly, advice that I neither critically evaluate nor contribute to shaping, cannot be a fully human life. It is obviously right that we should reject a life lived in this way as seriously deficient, but such a life is certainly not entailed by the account of *consilium* I have been developing here. After all, most of the counsels we should be most interested in are those that are mutually constituted by rational agents engaged in common activities and social deliberation about those activities. Such counsel has no one, exclusive author, is fully possessed by both agents as a common good, and so is "our own counsel" in the fullest sense.

If this suffices as a response to the autonomy objection, it is still possible to object that this conflicts with Aquinas's conception of the natural law in another way: as the foundation of the natural law, *synderesis* consists in the primary precepts of that law, precepts that in turn give us substantive and action-guiding moral content that is greater than the more narrow content I am describing here. The relations between the precepts of the natural law, the content of those precepts, and

[62] *STh* I-II, q. 57, a. 5, ad 2.

the dependence of our knowledge of their content on deliberative social relations is an important and complex problem that I will not attempt to solve here.[63] Nevertheless, if this account of *consilium* and its implications for *synderesis* are mistaken, then there must be a compelling account of the straightforward substantive moral content of *synderesis* that evades the social dependencies of *consilium*. I do not see how this could be achieved. Finnis's ambitious attempt in *Natural Law and Natural Rights* succeeds in identifying a series of basic human goods but not in showing that our ability to recognize and pursue these goods *as* goods avoids the social dependencies described here. [64] Put another way, Finnis is convinced that this substantive content is accessible to "any sane person" and consists in "propositions which anyone is likely to have acquired in childhood."[65] The social dependencies I am describing imply that there are many ways in which individuals might fail to recognize these goods, ways that have nothing to do with insanity or immaturity. The example of friendship developed above is a partial response to Finnis; a full response would need to uncover the deep social dependencies present in each good, particularly in his primary example, the good of knowledge. I believe these dependencies exist, though it is not my purpose here to develop them.[66]

[63] For a good overview see Nelson, *Priority of Prudence*, 18ff. Scott MacDonald, in arguing for a thin account of the content of *synderesis*, acknowledges in a footnote that he needs to supplement his argument by addressing this issue, but he has not yet done so (see "Foundations in Aquinas's Ethics," 352).

[64] Finnis, *Natural Law and Natural Rights,* 59-99.

[65] Ibid., 30; Finnis, *Aquinas*, 89 n. 138.

[66] Consider as a beginning the recent comment of Thomas Nagel: "My instinctively atheistic perspective implies that if I ever found myself flooded with the conviction that what the Nicene Creed says is true, the most likely explanation would be that I was losing my mind" (Thomas Nagel, "A Philosopher Defends Religion," *The New York Review of Books*, 27 September 2012). Granted that ethics is a science, our ability to identify and accept its primary precepts without constant dependence on social *consilium* cannot be proven merely by the appearance of logical necessity; insanity is always an alternative.

III. Ethics and the Moral Community

Consilium and *synderesis*, as developed above, have a second significant implication for what we understand of the nature, activity, and purpose of ethics. Because *consilium* is fundamental to any account of Thomistic moral epistemology, and because *consilium* is essentially a social activity, ethicists should be directly concerned with the nature, creation, and sustenance of socially deliberative moral communities. Before offering a positive description of what this means, it will be helpful to begin with a criticism.

It might appear that I have attributed a circularity to the moral life that results in the impossibility of achieving our end. Consider this objection in the following form. Aquinas says that we learn about human goods, and therefore how to act, either through personal discovery or through teaching.[67] Teaching must derive from discovery, since the line of teachers cannot extend back infinitely far; someone must have been the first teacher, just as someone must have been the first human being. I have also said that we can learn about common goods through discovery only by actually identifying them and pursuing them. But if we are trying to understand how we achieve the knowledge necessary to identify and pursue certain human common goods, how can we do this without *already* being involved in common goods and therefore *already* being in possession of the requisite knowledge? It seems that in order to learn what needs to be learned we must already know it, and this makes the epistemological structure of the moral life a vicious circle.

The proper response to this is to notice that a certain kind of experience or personal discovery is still possible for us and can provide the original starting point for common goods and social deliberation about them. This initial experience is, necessarily, a *social* experience, an experience had by at least two persons together, and an experience of a common good, of a relationship between the two individuals that itself constitutes a

[67] *STh* II-II, q. 49, a. 4.

genuinely human good, which can be ratified by *synderesis* and leads to the first activity of *consilium*. This initial practical deliberation (whether communicated at once or not) is itself an immediate fruit of a life in common and succeeds as practical deliberation *only* if there is at least unspoken agreement between the persons. My properly human life begins with the spark of shared human existence. Pope John Paul II's examination of the second creation story in Genesis, for example, can be read in precisely this way: "'Bone of my bones and flesh of my flesh.' The man uttered these words, as if it were only at the sight of the woman that he was able to identify and call by name what makes them visibly similar to each other, and at the same time what manifests humanity."[68] This is the first recognition of the particular concrete goods that will fill up man's original solitude and answer to the deep desire in his nature for his intended good; here are the primordial workings of *prudentia*. *Consilium* therefore has its roots in a particular kind of personal discovery that must itself be a social activity. Because the discoverers would not know in any particular way what they were looking for (they would have only *synderesis* to guide them), the awareness and delight in the first concrete deliverances of *consilium* would in a deep way be an unexpected surprise (as John Paul II's discussion suggests). In this way the structure of *consilium* does not imply an epistemological circle, though it does imply special circumstances surrounding the initial personal discovery of concrete human goods.

Thomistic ethics should turn its attention to the nature of deliberative communities that make possible genuine *consilium*, primarily because the foundation of the moral life is not the speculative vision of a moral good that can be communicated by impartial theoretical argument. Indeed, those arguments are always grounded in a set of social and deliberative relationships that give those arguments their meaning and persuasive power. Even more, arguments about the nature of the moral life itself

[68] John Paul II, *The Theology of the Body: Human Love in the Divine Plan* (Boston: Pauline Books and Media, 1997), 47.

(as, for example, this essay) depend in turn on the deliberative communities out of which they emerge; therefore, if we believe the arguments worth considering, all the more should we turn our attention to those communities that make possible their proper formulation.

In other words, the deliberative community is the ground, not only of our moral arguments, but even our arguments about the nature of moral arguments as well as our arguments about the nature of the moral life itself. Such a community must provide the resources for individuals to speak openly and truthfully about the goods identified through the community. These resources include items as widely divergent as material sustenance, the appropriate built environment, safety and security, appropriate size, and motivation and opportunity to engage deliberatively with a wide range of people. If Thomistic ethics is structured around *consilium* in the ways I have suggested, it must be a principal task of such an ethics to identify the nature of these communities and how they are best created and sustained.

IV. *CONSILIUM* AND AN ETHICS OF INQUIRY

I began by noting that moral philosophers have recently grown very interested in social deliberation as a foundation for ethics. Aside from MacIntyre's efforts, however, Thomists have expressed little interest in developing this kind of approach to the moral life. This is perhaps in part because there has not yet been sustained interest in an account of *consilium* as essentially social. Given the account of *consilium* developed here, and its implications for the limitations of *synderesis* and the importance of the deliberative community, we come to the third natural implication: the need for the development of a Thomistic ethics of inquiry.

A common argumentative strategy of Thomistic ethics, when grounding central ethical precepts, is to turn to those elements of morality that are universal and, therefore, in some way supposed to be knowable by all as natural-law elements of

synderesis (this includes most especially the primary precepts of the natural law). The strategy here, and the strategy of philosophers like MacIntyre, is different. If we focus instead on the elements of *prudentia*, and most especially on the social requirements of *consilium*, we can identify a different foundation for and defense of the moral life.

If we accept the socially conditioned character of human life and thought (which character need not lead to relativism, despite the fears of some and the enthusiasm of others), then this Thomistic strategy draws upon the very elements of that social conditioning as providing material for an account of the moral life. Rather than trying to draw concrete moral truths out of the notion of the final end as such, we begin instead with the search for the content of that end, with the common human experience of restlessness that manifests itself in deliberation about the possible goods of human life. This is a somewhat subversive strategy, for it takes seriously criticisms of foundational moral arguments and uses the form of life implied by those criticisms as a way of retrieving the very moral life criticized. That is, those who would criticize the work of Finnis and others are engaged in genuine deliberation about the human good, and if we turn our attention to the form of that disagreement, rather than its content, we can arrive at the same moral truths as Finnis and others, but from a different direction.

Contemporary moral disagreement gives us good reason to focus on deliberation itself rather than beginning with substantive moral claims. There is little agreement today on substantive moral claims (on the claims, for example, of the natural law). The approach I am describing faces this disagreement squarely and turns our focus to the disagreement *itself*. The concept of disagreement presupposes a deeper level of agreement, and so the possibility of genuine deliberation. Ethical reflection today, at least in its Thomistic form, must martial its resources in opposition to a culture that does not speak its language and that, even if it could, would accept very few of its central moral claims. Thomism needs, therefore, a well-developed, morally charged account of moral disagreement and

deliberation. Here another implication of *consilium* as essentially social is important. Since *consilium* is itself a common good whose existence and content depends on a communal life of a certain sort, our ability to convince others of its structure and content is a function of our shared life together. Abstracted intellectual arguments are always secondary and as such deeply insufficient. The focus on *consilium* directly implies this, whereas an emphasis on *synderesis* seems tone-deaf here, perhaps because with such an emphasis the socially conditioned elements of human life are minimized in favor of an account of the natural law that makes it appear transparent to all those with sufficient education and good will.

The practical normative content of a social account of *consilium* follows from the requirements placed on those who would engage in genuine deliberation with one another in order to learn the truth about what must be done. When I deliberate with another person, our deliberative relationship cannot in any way be conditioned by external fears or desires that would corrupt our honesty or commitment to reaching our goal. If I am afraid that what I say will turn someone against me, resulting in threats to my person or family or property, it is unlikely I will engage in forthright and genuine deliberation with him. Likewise, if I will reap an enormous profit from lying, the integrity of my deliberations with another person is again threatened. We achieve the possibility of real practical deliberation only if we pursue first and foremost the answers to the practical questions of action that we face, regardless of external circumstances. The discovery and communication of the truth must be the primary goal of all those engaged in *consilium*. If we were to follow the implications of these ethical requirements of social deliberation all the way to their conclusions, we would find a wide array of moral demands placed on those who would successfully deliberate with one another about their good. Though MacIntyre has not yet defended *consilium* as essentially social, he has developed the claims of this paragraph in some

detail.[69] Nevertheless, more development is needed.[70] Although it is not my primary purpose here to present a substantial defense of an ethics of inquiry, it is worth considering the following two important and revealing objections to this way of thinking about ethics.

We might think that all we need to do in order to learn from others what we need to learn is to offer them the *appearance* of virtue. If I can succeed in convincing another that, no matter the advice I am given, I will treat him or her ethically, then I can get the information I need and later betray the person. But what this requires of me is a special form of deception: I cannot be open about my deepest intentions and goals if I am to carry off my plan. This might of course work (as indeed it sometimes does) with respect to some particular narrow goal (just as, as Aquinas admits, a vicious man can possess accurate practical knowledge with respect to some narrow plan of action),[71] but it excludes the possibility of deliberation about what is "for the sake of" my final end itself (and so it excludes genuine prudence), since if I am to deliberate about how to achieve my final end I must be honest about what it might consist in, and in this case deception would destroy the possibility of the kind of inquiry needed. What deception always destroys, therefore, is

[69] See MacIntyre, "Intractable Moral Disagreements," 17-27. MacIntyre has been writing about this for some time, though previous remarks have been less developed. Consider for example this passage: "The natural law is discovered not only as one of the primary objects of practical inquiry but as the presupposition of any effective practical enquiry (compare what Aquinas says about the kind of friendship in which the other wills one's good, the only kind of friendship through which one could have any confidence of learning what one's true good is, in the *Commentary upon the Ethics* VIII, lect. 4, and at *S.T.* IIa-IIae, 23, 1 with what he says about the need to be trained in virtue by another at *S.T.* I-IIae, 95, 1, and how *caritas* requires us to participate in the training of others in the *Quaestiones Disputatae de Correctione Fraterna*)" (Alasdair MacIntyre, *Whose Justice? Which Rationality?* [Notre Dame, Ind.: University of Notre Dame Press, 1988], 180).

[70] Jean Porter, for example, commenting on these claims as defended by MacIntyre, argues that they are "at best underdeveloped." See "Does the Natural Law Provide a Universally Valid Morality?" in Cunningham, ed., *Intractable Disputes about the Natural Law*, 74.

[71] *STh* II-II, q. 47, a. 13.

the possibility of deliberating about my overall good, and insofar as I must deliberate about my overall good (and each more narrow instance of deliberation is a reflection and reminder of my overall good), I require relationships with others that are genuinely characterized by the virtues.

A Thomistic ethics of inquiry, therefore, would center on one's ability to deliberate with others about the content of one's overall final end, the good that is one's perfect fulfillment. This allows a response to a second objection, one raised by those who might see this way of thinking as vulnerable to standard criticisms of discourse ethics. For example, Rhonheimer says:

> [According to discourse ethics,] moral norms can only be grounded through a process of intersubjective understanding, and insofar as the morally relevant presuppositions that are always at the basis of all discourses (or of all consensus-oriented action) are analyzed, and thus raised to the level of being conditions for the possibility of normative value claims. Discourse-ethicists attempt in this way to recover moral reason as consensual and communicative reason. But the problem with discourse-ethics consists in the fact that the discourse-participants must already be moral subjects if they are going to fulfill the conditions that would make them competent or acceptable participants in the discourse. . . . Through the discourse as such . . . the agents do not become moral subjects because if they were not already such in the discourse-ethical sense, they would be excluded from the conversation. This is why all discourse-ethics already presupposes what a theory of the "rational by nature," or of the principles of practical reason, really tries to show: the answer to the question about the origin of the moral competence of the acting subject.[72]

Discourse ethics attempts to identify moral norms as the necessary presuppositions of deliberative communication, a claim that is analogous in some ways to MacIntyre's claims. But for discourse ethics, the notion of social deliberation is primary, and from its structures comes a set of moral norms. Rhonheimer rightly recognizes that discourse ethics can yield

[72] Rhonheimer, *Perspective of Morality*, 264-65. Rhonheimer rightly acknowledges elsewhere that "virtue ethics does not in principle need to enter into rivalry with discourse-ethics," although it is not clear if he would agree with my own development of Thomistic ethics towards an ethics of inquiry. See ibid., 12-13.

moral norms only if it has already presupposed some conception of the moral life and of the good. This is why Rhonheimer reminds us that discourse ethics identifies who is suitable for discourse and who is not, an identification that already depends upon moral norms of some sort. Further, the fact that I am required to engage in discourse at all already assumes a series of moral judgments about my own good and the means to its achievement.

A Thomistic ethics of inquiry is grounded, on the contrary, on the initial conception of a unified good for human beings. This good does have some substantive implications. For example, (1) the life of a human agent is unified around an overall end, (2) that end allows the satisfaction of human longing in the fullest possible sense, and (3) human life is in large part a search for that end. Yet even though such an ethics of inquiry depends first on the nature and content of *synderesis*, more specific moral content is discovered only through *consilium*, and therefore the ethical imperatives yielded by the necessity and structure of *consilium* are not vulnerable to Rhonheimer's criticism. Because of the limitations of *synderesis*, they are a serious contribution to our ethical knowledge as well as a promising strategy for defending central Thomistic moral claims. Discourse ethics is primarily about the foundations of normativity itself, whereas a Thomistic ethics of inquiry is primarily concerned with moral epistemology.

Each of these three consequences of *consilium* as essentially social (the limitations of *synderesis*, the nature and importance of the moral community, and a Thomistic ethics of inquiry) requires lengthier, sustained treatment. Nevertheless, we can say at least that they follow from the essentially social account of *consilium* developed above, and that together they point towards a new direction for the development of Thomistic ethics: the study and creation of genuine deliberative communities.

The Thomist 79 (2015): 75-111

AQUINAS, THE INCARNATION AND THE RELATIVE IDENTITY THESIS: A MODEST DEFENSE OF THE *ASSUMPTUS-HOMO* THEORY

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THE MYSTERY OF the Incarnation tells us that, in the course of human history, the Word of God assumed our nature without ceasing to be who and what he has been from all eternity, the only begotten Son of God, the second person of the Holy Trinity. Thomas Aquinas was far from alone in insisting that our understanding of how this took place be properly grounded in our understanding of why it took place. The Son of God assumed our nature so that he might suffer and die on our behalf, that we might be saved from the curse of sin and death and restored to God's friendship and the path towards our highest good: the beatific vision of God. Since only one who is human is in a position to suffer and die on our behalf, and since no mere human is in a position to offer such a condign sacrifice—one that satisfies the demands of God's justice with regard to the whole of our race—it has long been an article of faith that the Incarnation involves one person who is both fully human and fully divine.[1] For Aquinas, this means

[1] For examples of this line of reasoning in Aquinas, see *STh* III, q. 1, a. 2; *ScG* IV, c. 54; and *Comp. Theol.* I, cc. 198-200. Quotations from the *Summa theologiae* are from the translation by the Fathers of the English Dominican Province (New York: Benziger Brothers, 1947). Quotations from the *Summa contra gentiles* are from the translation by Charles J. O'Neil (Notre Dame: University of Notre Dame Press, 1975). Quotations from the *Compendium of Theology* are from the translation by Richard Regan (Oxford: Oxford University Press, 2009). In the course of this paper I shall also be drawing upon Ralph McInerny's translation of Aquinas's *Scriptum super libros*

understanding the Incarnation in a way that avoids the heresies of Monophysitism and Nestorianism.[2] The former heresy fails to uphold the perduring reality of both natures, since it depicts them as blended into a single, *theandric* nature, according to which Christ is neither "perfect man" nor "perfect God." The latter upholds the reality of these natures at the expense of Christ's personal unity, since on this view the incarnate Christ involves two, numerically distinct persons, one of whom is human (Jesus of Nazareth) and one of whom is divine (the Eternal Word).

Following Peter Lombard, Aquinas's positive treatment of the Incarnation arises out of a debate between three accounts of this mystery which endeavor to avoid these theological hazards, accounts which have come to be known as the *assumptus-homo theory*, the *subsistence theory*, and the *habitus theory*.[3] While all three accounts profess allegiance to the one-person/two-natures formula of the Incarnation, they differ markedly as to how these natures are related to one another and to the one person of Christ. As its name suggests, the *assumptus-homo* theory maintains that the Son of God assumed our nature by assuming a complete human being. Having thus united himself to this human being, the one person of Christ exists in relation to two beings or substances, namely, his original, divine substance (whom he has been from eternity), and an assumed, human substance (whom he has become).

The subsistence theory categorically rejects this dualism of substances. On this account, the Son of God did not become an instance of our nature by assuming an instance of our nature. Rather, he became an instance of our nature by assuming those features which are essential to our nature, namely, a human

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Sententiarum, J. L. A. West's translation of *De unione,* and West's translation of *Quodlibet* IX, q. 2, aa. 1-2. While not readily available in translation, all three texts are available online at dhspriory.org/Thomas.

[2] *STh* III, q. 2, a. 6.

[3] In what follows I am primarily concerned with Aquinas's understanding of these positions. For Lombard's account, see Peter Lombard, *Sent*. III, d. 6 (Peter Lombard, *The Sentences*, book 3, *On the Incarnation of the Word*, trans. Giulio Silano [Toronto: Pontifical Institute of Medieval Studies, 2008], 24-37).

body animated by a human soul. While the realization of such a soul/body union generally constitutes an individual substance (a discrete human being), this one does not, since this soul/body union has been united to the person of the Word from the first moment of its conception. On this account, the features that are essential to our humanity are owned by the person of the Word, so there is only one substantial being here rather than two. This being now subsists (i.e., exists in a substantial manner) both in his (original) divine nature and in his (assumed) human nature.

The *habitus* theory likewise rejects the dualistic commitments of the *assumptus-homo* theory. With the subsistence theory, this account maintains that the Eternal Word has taken on those features which are essential to our humanity, namely, a human body and soul. The *habitus* theory parts ways with the subsistence theory in two crucial respects. The first difference pertains to how the Word is thought to have assumed these features. On this account, the Word has adopted these features in a contingent and accidental manner: he wears them after the manner of a cloak (*habitus*). While these features might be thought of as a created extension of himself, they cannot in any sense be identified with him, since—strictly speaking—they do not literally become *his* features. Thus to touch the hand of his assumed body would not be to touch *him*, but rather to touch a body that is intimately (though accidentally) related to him. The second difference pertains to how his assumed body and soul are related to one another. On the plausible assumption that every soul/body union constitutes a distinct human being (and hence a discrete substance), this account maintains that the Word assumed these features separately: they are accidentally united to him without being united to one another. On this account, the Son of God takes on both realities after the manner of a garment, and he wears them, as it were, as separates.

Although Aquinas categorically rejects both the *assumptus-homo* theory and the *habitus* theory, it is not hard to see why he is comparatively dismissive of the latter: on this account the Son of God does not literally become a human being, he merely appears to us in human vesture. We do not come to possess, as parts, the articles of clothing which we don; nor do we become

personally modified by their properties. In addition, on this account the Son of God would lack a feature that is essential to our humanity, namely, that of possessing a human body which is animated by a human soul. Indeed, on this account the assumed body would not even *be* a human body, since a body is human only if it is properly informed by a human soul.[4]

In this article I shall thus focus my attention on the first two positions outlined above. Part I presents Aquinas's account of the *assumptus-homo* theory; part II presents his primary reasons for rejecting this position; and part III presents his account of the subsistence theory, particularly as it arises out of this rejection. In part IV I take issue with Aquinas's case against the *assumptus-homo* theory. I argue, first, that this theory is implicitly grounded in a relativized conception of identity (according to which it is possible for an object *a* and an object *b* to be the same F but different Gs), and that Aquinas is in no position to reject this theory on these grounds since his account of the Holy Trinity is likewise informed by a relativized conception of identity. I subsequently argue that the *assumptus-homo* theory is immune from Aquinas's objections once it is properly informed by its implicit logic of relative identity. Finally, I argue that this approach provides us with a simpler and more intuitive means of understanding this mystery, and also with a more complete and effective strategy for responding to the charge that it is logically impossible. I thus conclude that if this account of the Incarnation is ultimately compatible with established Church doctrine, there are good reasons for preferring it to the one which Aquinas defends.

I. AQUINAS'S ACCOUNT OF THE *ASSUMPTUS-HOMO* THEORY

The subsistence theory and the *assumptus-homo* theory share three fundamental commitments. Both accounts maintain (i) that the one person of Christ is both fully human and fully divine; (ii) that one is human only if one is endowed with a

[4] For Aquinas's rejection of the *habitus* theory, see *Quodl.* IX, q. 2, a. 1, ad 1; *STh* III, q. 2, a. 6; *ScG* IV, c. 37; *Comp. Theol.* I, c. 209; and *De unione*, a. 1.

human body which is properly informed by a human soul; and hence (iii) that the Son of God assumed our nature by uniting himself to a specific soul/body union. These accounts disagree most fundamentally about the ontological status of this union, with the central issue being whether it constitutes a complete human being.

Although brief references to the *assumptus-homo* theory are scattered throughout Aquinas's discussion of the Incarnation in the *Summa theologiae*, there are relatively few extended discussions of this position.[5] In the most protracted of these discussions, Aquinas describes "the first opinion set down by the Master" as one of three accounts of the Incarnation which endeavor to understand this mystery in a manner that avoids the heresies of Monophysitism and Nestorianism.[6] Speaking of this account, in particular, Aquinas writes:

> Some conceded one person in Christ, but maintained two hypostases, or two supposita, saying that a man, composed of body and soul, was from the beginning of his conception assumed by the Word of God.[7]

On the assumption that every soul/body union constitutes a complete human being, this account maintains that the Word became human by assuming a human being from the first moment of its conception. In Aquinas's terminology, this human being would constitute a second *hypostasis* or *suppositum*. From the surrounding discussions it is clear that Aquinas is using these terms more or less interchangeably to denote a discrete, substantial reality. *Hypostasis* is the Greek equivalent of *substance*, and it is here being used to denote what Aristotle would have referred to as a *primary* substance, namely, a being of which things are said and which is not said of anything else in turn. Along the same lines, a *suppositum* is a complete, individual

[5] In *STh* III, see q. 2, aa. 3 and 6; q. 4, a. 3; and q. 16, aa. 1 and 2.

[6] *STh* III, q. 2, a. 6. The second account is the subsistence theory, and the third is the *habitus* theory. In this passage Aquinas goes on to observe that none of these accounts is properly styled as an *opinion*, since the second is required as a matter of faith while the others are implicitly heretical.

[7] Ibid.

substance which is endowed with a specific nature. Aquinas thus writes that a *suppositum* of a given nature "is the individual subsisting in this nature."[8] In other words, a *suppositum* is the persisting, substantial reality which owns or exemplifies its nature. He goes on to observe that in some cases there is no room for a real distinction between a *suppositum* and its nature. In particular, he writes that

> if there is a thing in which there is nothing outside the species of its nature (as in God), the suppositum and the nature are not really distinct in it, but only in our way of thinking, inasmuch as it is called a *nature* as it is an essence, and a *suppositum* as it is subsisting.[9]

For Aquinas, the divine reality is both a nature and a *suppositum*; when we characterize this reality as a *suppositum*, however, our emphasis is on it as a complete, substantial being.

In the first extended discussion of this position in the *Summa theologiae*, Aquinas takes up the question of "whether the union of the Word Incarnate took place in the suppositum or hypostasis."[10] Since the *assumptus-homo* theory takes the Incarnation to involve the union of two *supposita*, Aquinas presents this theory as rejecting his account of the hypostatic union, one which maintains that the union of natures "took place in the suppose-tum or hypostasis."[11] His logic here is unexceptionable. One who takes the union of natures to involve a plurality of *supposita* must deny that this union exists in the one *suppositum* which Aquinas takes to be present, namely, the *suppositum* which he has just identified as the person of the Word.[12] In the course of discussing objections to his account of the hypostatic union, Aquinas cites passages from Augustine, Pope Leo, and Boethius, passages that challenge his account by appearing to affirm the presence of a second *suppositum* in Christ. The

[8] *STh* III, q. 2, a. 2.

[9] Ibid.

[10] *STh* III, q. 2, a. 3.

[11] Ibid., obj. 1.

[12] *STh* III, q. 2, a. 2, ad 3.

passages from Augustine and Leo both occur in the first objection, which runs as follows:

It would seem that the union of the Word Incarnate did not take place in the suppositum or hypostasis. For Augustine says *(Enchir. xxxv, xxxviii): Both the Divine and human substance are one Son of God; —but they are one thing (aliud) by reason of the Word and another thing (aliud) by reason of the man.* And Pope Leo says in his letter to Flavian *(Ep. xxviii)*: *One of these is glorious with miracles, the other succumbs under injuries.* But *one (aliud)* and *the other (aliud)* differ in suppositum. Therefore the union of the Word Incarnate did not take place in the suppositum.[13]

The first clause attributed to Augustine (from *Enchiridion* 38) explicitly mentions a duality of substances existing in Christ, with the added claim that the divine and human substances "are one Son of God." The second clause (from *Enchiridion* 35) supports this position in a manner which is echoed by the passage from the Tome of St. Leo. Here Aquinas is drawing attention to the use in these texts of the relative pronoun *other* (*alius*). In particular, he is noting that the use of the neuter (impersonal) form of this pronoun (*aliud*) appears to affirm a second being or substance, in distinction from the masculine (and hence *personal*) form (*alius*), which would indicate the existence of a second *person*.[14]

It is worth noting that in citing these passages from Augustine's *Enchiridion* Aquinas is following Lombard, who likewise offers these passages in support of the *assumptus-homo* theory. Moreover, apart from one passage from Hilary's *De Trinitate*

[13] *STh* III, q. 2, a. 3, obj. 1. Relevant passages from the letter from Pope Leo to Flavian—frequently called the Tome of St. Leo—can be found in *The Christian Faith in the Doctrinal Documents of the Catholic Church*, 7th edition, ed. J. Neuner, S.J., and J. Dupuis, S.J. (New York: Alba House, 2001), 226 (passage 612). This text will hereafter be identified as *ND*. Passages in *ND* will be cross-referenced with parallel passages in H. Denzinger and A. Schönmetzer, *Enchiridion Symbolorum* (hereafter, *DS*). References to passages in *ND* will hereafter be cited in the following manner: *ND* 612/*DS* 294.

[14] Aquinas himself employs this distinction at *STh* I, q. 31, a. 2 in connection with the mystery of the Holy Trinity, where he argues that the Father and the Son are other in the personal sense (*alius*), but not in the impersonal, generic sense (*aliud*). In both cases *alius*/*aliud* is used to indicate distinct *supposita*, but only *alius* is used to indicate distinct *supposita* who are also distinct persons.

(10.57), Lombard's textual support for this theory is drawn entirely from Augustine. In addition to lengthier passages from *Enchiridion* 35 and 38, Lombard includes another from *Enchiridion* 36, two from *On the Trinity* (13.17 and 13.19), one from his *Tractates on the Gospel of John* (78.3), and two from *On the Predestination of the Saints* (15.30 and 15.31).[15] While these passages do not provide us with sufficient grounds for concluding that Augustine is indeed committed to this account of the Incarnation (especially since the passages which Lombard cites in support of the other two accounts are also drawn largely from Augustine), we can at least say that he provides us with many passages that are friendly to this position. This fact was not lost upon Aquinas, who for obvious reasons was keen to disassociate Augustine from this position. Thus, for example, in response to Augustine's contention (in *De agone christiano* 11) that "the Son of God assumed a man, and in him bore things human,"[16] Aquinas insists that passages like these "are not to be taken too literally, but are to be loyally explained, whenever they are used by holy doctors; so as to say that a man was assumed inasmuch as his nature was assumed."[17]

We may now turn to the passage from Boethius which appears to affirm a second, human substance in Christ. As before, Aquinas presents the following passage in the course of discussing objections to his "one substance" account of the hypostatic union:

> Further, hypostasis is nothing more than a *particular substance*, as Boëthius says (*De Duab. Nat.*). But it is plain that in Christ there is another particular substance beyond the hypostasis of the Word, viz. the body and the soul and the resultant of these. Therefore there is another hypostasis in Him besides the hypostasis of the Word.[18]

This passage begins with the truistic observation that an hypostasis is a particular substance. The sequel is anything but

[15] Lombard, *Sent.* III, dist. 6, c. 2 (Silano, trans. 25f.).

[16] This passage is quoted in *STh* III, q. 4, a. 3, obj. 1.

[17] *STh* III, q. 4, a. 3, ad 1.

[18] *STh* III, q. 2, a. 3, obj. 2.

truistic: it affirms a second substance existing in relation to the Word, namely, the human being which is constituted by his assumed body and soul. It is worth noting that the part of this objection which is explicitly attributed to Boethius stems from his definition of a person as an "individual substance of a rational nature" in *Contra Eutychen et Nestorium* (parenthetically cited under the title *De persona et duabus naturis*).[19] Since Aquinas's refutation of the *assumptus-homo* theory leans heavily upon this definition, it might seem odd that he is attributing this account to Boethius. The existence of a second substance does not follow from Boethius's definition of *person*, much less from the truistic observation that an hypostasis is a particular substance. Even so, this attribution is fully justified, since in *Contra Eutychen* VII Boethius contends that the *assumptus-homo* theory is required as a matter of Catholic doctrine. In particular, he argues that the two-substance account of the Incarnation is the "middle way" between the heresies of Nestorius and Eutyches, and hence that it is the only way of affirming that in Christ "there are two natures but one person as the Catholic Faith believes."[20]

Aquinas is not merely content to show that an *assumptus-homo* theorist must reject his account of the hypostatic union. He also forcefully objects to this theory's alternate conception of this union, one which involves the union of two substances (one divine and one human) in the one person of Christ. In the *Summa theologiae*, Aquinas observes that advocates of Lombard's first opinion maintain both (i) "that there is but one person in Christ," and (ii) "that there is one hypostasis of God and another of man, and hence that the union took place in the person and not in the hypostasis."[21] In other words, this account maintains that the divine and human substances are united in and to the one person of Christ.

[19] Boethius, *Contra Eutychen et Nestorium* 3.4-5 (Boethius, *The Theological Tractates*, trans. H. F. Stewart, E. K. Rand, and S. J. Tester, Loeb Classical Library 74 [Cambridge Mass.: Harvard University Press, 1973], 85).

[20] Boethius, *Contra Eutychen* 7.83-84 (Loeb ed., 121).

[21] *STh* III, q. 2, a. 3.

A more detailed account of this position may be found in parallel passages in the *Compendium theologiae* and the *Summa contra gentiles.* In the former, having just catalogued the heretical implications of the *habitus* theory, Aquinas writes:

> And others, wishing to avoid the aforementioned inappropriate things, held that the soul in Christ was united to the body, and that such a union constituted a human being that they say that the Son of God assumed into the unity of his person. And by reason of this assumption, they say that the human being is the Son of God, and that the Son of God is the human being. And because they say that the aforementioned assumption had the unity of the person as its terminus, they profess one person of God and the human being in Christ.[22]

In this passage Aquinas provides us with a substantially richer and clearer account of the *assumptus-homo* theory. This account begins with the thesis (i) that the Son of God assumed a properly animated human body (i.e., one united to a human soul). On the implicit grounds (ii) that every soul/body union constitutes a complete human being, this account further maintains (iii) that the Son of God assumed a human being by uniting this human being to himself. Since it is granted by all (iv) that the Son of God is himself a complete substantial reality, this account is committed to the thesis (v) that the Incarnation involves a plurality of substances (one human and one divine).[23] This, in turn, raises the question of how these substances are related to one another. How, in other words, is the Son of God related to the son of Mary? According to Aquinas, this account maintains that because the Son of God united the son of Mary

[22] *Comp. Theol.* I, c. 210 (Regan, trans., 159).

[23] Although he takes the *assumptus-homo* theorist to affirm the existence of a second substance in Christ, and hence to suppose that there are *two* substances here rather than one (one human and one divine), Aquinas takes it for granted that "substance" would not apply to both realities in the same sense. Rather, as in all other cases in which common nouns are applied both to God and to creatures, Aquinas takes the *assumptus-homo* theorist to maintain (i) that "substance" applies to the assumed human being in something like its ordinary sense, and (ii) that "substance" is being extended to God by way of analogy. Although this human being would not be a *suppositum* in Aquinas's sense, it is easy to see why one might take it to be fully substantial, since it is capable of independent existence, and (unlike a soul) it has a complete specific nature.

to himself, we can now affirm (vi) that the Son of God *is* the son of Mary. Since the 'is' here is the 'is' of identity, and identity is symmetrical relation, we can indeed say (vii) that the Son of God is the son of Mary and that the son of Mary is the Son of God. Finally, because this human being was assumed "into the unity of his person," we can insist (viii) that one and the same person is both the Son of God and the son of Mary. This proposition, in turn, is sufficient for the thesis that the one person of Christ is both fully human and fully divine. It is thus not hard to see why Aquinas takes this account seriously: although it is implicitly heretical, the *assumptus-homo* theory offers a serious and at least initially plausible expression of the Chalcedonian formula.

The *assumptus-homo* theory's claim to Chalcedonian orthodoxy depends crucially upon propositions which I shall henceforth refer to as the *unity thesis* (iii), the *plurality thesis* (v), the *identity thesis* (vii), and the *one-person thesis* (viii). The plurality thesis affirms the presence of a second *suppositum* existing in relation to the Son of God, namely, the human being which is composed of Christ's body and soul. The unity thesis affirms that the Son of God united this human being to himself. The identity thesis makes the highly paradoxical claim that as a result of this union, this human being is the Son of God and the Son of God is this human being. And the one-person thesis affirms that this human being and the Son of God are one person rather than two.

How are we to understand the identity thesis, especially since it is affirmed in conjunction with the plurality thesis? And how is the identity thesis related to the one-person thesis? A preliminary answer to both of these questions may be found in a parallel passage in the *Summa contra gentiles*. Having presented versions of the unity and plurality theses, Aquinas goes on to affirm a more nuanced form of the identity thesis:

On account of this unity, the Word of God, as they say, is predicated of that man and that man is the Word of God. This sense results: "The Word of God

is man" and that is: "The person of the Word of God is the person of the man," and conversely.[24]

This account maintains that the divine and human substances come together in the person of Christ in such a manner that he is both the one and the other. Indeed on this account we can even say that the one *is* the other, since we can specify a sense in which the divine substance (here identified as the Word of God) and this human being are one and the same. Since "the person of the Word" is also "the person of the man," we can say that the Word and this man are the same person.[25] This, in turn, clarifies the relationship between the identity thesis and the one-person thesis: if these substances are the *same* person, then there is one person here rather than two.

II. AQUINAS'S OBJECTIONS TO THE *ASSUMPTUS-HOMO* THEORY

While the *assumptus-homo* theory and the subsistence theory both maintain that Christ became human by assuming a human body and soul, the former theory contends, on the assumption that every soul/body union is a complete human being, that this union is itself a complete human being, and hence that there exists a second substance in relation to the one person of Christ. At least at first glance, this might appear to be a fairly trivial point. What harm is there in supposing this soul/body union to be a complete human being? For Aquinas, the harm would be incalculable, since this seemingly innocuous supposition has deeply heretical implications. As we shall see in what follows, he contends, first, that this account is committed to the Nestorian heresy of affirming a separate person for each of the two natures in Christ; second, that it is incompatible with the communication of idioms, which prevents us from attributing human features to the divine Son of God and divine features to

[24] *ScG* IV, c. 38 (O'Neil, trans., 186).

[25] In part IV I argue that this account of the *assumptus-homo* theory is committed to a relativized conception of identity. Since Aquinas's objections to this theory are not informed by this commitment, for now I shall leave the specific nature of this identity relation undefined.

the human son of Mary; and third, that it is committed to the Adoptionist heresy, since the assumed human being would perforce be a second, adopted Son of God.

A) First Objection

Most fundamentally, Aquinas contends that by affirming a second (human) substance in Christ, the *assumptus-homo* theorist is logically committed to the Nestorian heresy, since we cannot affirm the existence a second substance in Christ without tacitly affirming the existence of a second person in Christ. Thus, for example, in the *Compendium theologiae* Aquinas writes:

> But this position, although it seems nominally to retreat from the error of Nestorius, slips into the same error with him if one should scrutinize it more deeply. For a person is clearly nothing but an individual substance of a rational nature, and human nature is a rational nature. And so, because this position posits in Christ a hypostasis or temporal and created existing subject of a rational nature, it also posits a temporal and created person in Christ. For this is what the terms *existing subject* or *hypostasis* mean, namely, individual substance. Therefore, when they posit in Christ two existing subjects or hypostases, if they understand what they say, they necessarily have to posit two persons.[26]

This objection rests squarely on Boethius's conception of a person as an individual substance of a rational nature.[27] Although there are substances that are not persons (e.g., this cat or that tree), every substance endowed with a capacity for knowledge and volition is a person. In short, every *rational* being is a *personal* being, namely, a primary substance which is also a person. Since human beings are rational beings by nature, every human being is a person, every human being is a some*one* rather than a some*thing*. And if every human being is a person, we cannot affirm the existence of a second, human substance in Christ without affirming the existence of a second *person* in

[26] *Comp. Theol.* I, c. 210 (Regan, trans., 159). For parallel versions of this objection see *ScG* IV, c. 2 (O'Neil, trans., 186); and *STh* III, q. 2, a. 3.

[27] Boethius, *Contra Eutychen* 3.4-5 (Loeb ed., 85).

Christ. It thus follows that the *assumptus-homo* theory does not avoid the errors of Nestorianism and hence that an advocate of this position cannot consistently affirm both (i) that there is one person of Christ and (ii) that Christ assumed our nature by assuming a complete human being. It is worth adding that in support of this contention, Aquinas appeals to the following passage from the Second Council at Constantinople (553):

> If anyone seeks to introduce into the mystery of the Incarnation two subsistences or two persons, let him be anathema. For by the incarnation of one of the Holy Trinity, God the Word, the Holy Trinity received no augment of person or subsistence.[28]

Not only does Aquinas take the council Fathers to be condemning any account of this mystery that represents Christ as assuming a second (human) substance, in his introduction of this passage he explains why they reject this position: this account commits one to saying that someone *other* than the Word "was born of a Virgin, suffered, was crucified, was buried."[29]

An advocate of the *assumptus-homo* theory will surely endeavor to avoid this implication of a second person in Christ, and he might do this, Aquinas suggests, by insisting upon a real distinction between (a) this human being and (b) the person *of* this human being. This, in turn, will make it possible for one to affirm that the person of the human being is the person of the Word of God. Here is Aquinas's response to this line of reasoning:

> Again, even if the hypostasis of that man could not be called a person, the hypostasis of the Word of God is nonetheless the same as His Person. If, therefore, the hypostasis of the Word of God is not that of the man, neither will the Person of the Word of God be the person of the man. This will falsify their own assertion that the person of that man is the Person of the Word of God.[30]

[28] Quoted at *STh* III, q. 2, a. 3. This passage is from the fifth of fourteen anathemas pronounced against the "Three Chapters." See also *ND* 620.5/*DS* 426.

[29] Ibid.

[30] *ScG* IV, c. 38 (O'Neil, trans., 186f.).

Even if we are able to drive a wedge between this human being and the person of this human being, we cannot do the same for the Word and the person of the Word, since they are identical. And since the divine substance (the Word) and this supposed human being are clearly not identical (they could hardly be less alike), neither can we say that the person of the Word is the person of this human being, since this would commit one to saying (since identity is a transitive relation) that this created and contingently existing person is the divine substance, which is clearly absurd.

B) Second Objection

Aquinas also contends that the *assumptus-homo* theory is incompatible with the *communicatio idiomatum*: it prevents us from attributing properties of the son of Mary to the Son of God and conversely. In the *Compendium theologiae* the following objection comes immediately after the first objection quoted above:

> Second, any things that differ as existing subjects are so disposed that things proper to one cannot belong to the other. Therefore, if the Son of God and the human son are not the same existing subject, then it will follow that things belonging to the human son cannot be attributed to the Son of God, and vice versa. Therefore, we will be unable to say that God was crucified or born of the Virgin, and this belongs to the Nestorian impiety.[31]

Since the Councils of Ephesus (432) and Chalcedon (451), the affirmation of Mary as the mother of God has served as a litmus test for Christological orthodoxy, not so much for what it says about Mary as for what it says about Christ, namely, that he who was born of the Blessed Virgin is both fully human and fully divine.[32] Here Aquinas is again pointing out that *assumptus-homo* theorists are in the same position as the

[31] *Comp. Theol.* I, c. 210 (Regan, trans., 159). For parallel versions of this objection, see *STh* III, q. 2, a. 3; and *ScG* IV, c. 8 (O'Neil, trans., 187f.).

[32] For relevant passages from the Council of Ephesus, see *ND* 605/*DS* 251. For passages from the Council of Chalcedon, see *ND* 614/*DS* 301.

Nestorians: they cannot consistently affirm that Mary is the mother of God. Since they insist upon a real distinction between the Son of God and the assumed human being, and since only the latter was born of the Blessed Virgin, they cannot say that Mary is the mother of God; they can only affirm the more modest claim that she is the mother of the (assumed) human being. In other words, advocates of this position must share in the Nestorian impiety of denying that Mary is the *theotokos* (God-bearer), and of insisting that she is merely the *Christotokos* (Christ-bearer).

It is worth noting that Aquinas takes this objection to be similarly confirmed by the holy fathers. In this instance he appeals to the following passage from Council of Ephesus (431):

> If anyone ascribes to two persons or subsistences such words as are in the evangelical and apostolic Scriptures, or have been said of Christ by the saints, or by Himself of Himself, and, moreover, applies some of them to the man, takes as distinct from the Word of God, and some of them (as if they could be used of God alone) only to the Word of God the Father, let him be anathema.[33]

Since the council Fathers evidently condemn any account of this mystery which takes the Incarnation to involve two substantial realities rather than one, Aquinas can hardly be faulted for taking the *assumptus-homo* theory to fall under this condemnation. Nor is it hard to discern their grounds for this contention: any such revisionist account of this mystery would prevent us from speaking about Christ in a manner that is faithful to Scripture and tradition.

Once again, Aquinas is aware that *assumptus-homo* theorists will endeavor to avoid these heretical implications. Because they take the divine and human beings at issue here to be united in the one person of Christ, they will insist that they can affirm Aquinas's propositional examples of the *communicatio idiomatum*. In the *Summa contra gentiles*, for example, Aquinas anticipates the following response to this objection:

[33] Canon 4 of this council, quoted at *STh* III, q. 2, a. 3. See *ND* 606.4/*DS* 255.

In this account whatever is predicated of the Word of God is, they say, able to be predicated of that man; and, conversely, although with a kind of reduplication, so that, when it is said "God has suffered," the sense is "A man who is God by unity of person has suffered," and "A man created the stars" means "He who is man."[34]

Since *assumptus-homo* theorists maintain that the Word of God and this human being are the same person, they will insist that they can speak of each being as having characteristics that are proper to the other. As Aquinas points out, this strategy is based on a logical device known as *reduplication*, that is, the practice of adding qualifying phrases to statements of predication, phrases that specify the respect in which a given quality is predicated of the subject. By means of this logical device, advocates of this theory endeavor to affirm such statements as the above. Thus, for example, they are wont to say (of Christ) that this man created the stars because they believe that he who is this man is the very one who (as God) created the stars. They likewise affirm that God was crucified because they believe that he who is God is the very one who (as man) was crucified. And so they can affirm that Mary is the mother of God because she is the mother of one (as man) who also happens to be God.

Since Aquinas himself defends the reduplicative strategy as a means of resolving paradoxical statements about Christ (e.g., that he is both equal to the Father and less than the Father),[35] he does not take issue with the viability of this strategy per se. He simply does not think that *assumptus-homo* theorists are in a position to employ this strategy. In the *Compendium theologiae* he writes that

one may wish to say that we attribute things belonging to the human being to the Son of God, and the converse, because of the unity of the person, although the human being and the Son of God are different existing subjects. But this is altogether impossible. For it is clear that the eternal existing subject of the Son of God is nothing but his very person.[36]

[34] *ScG* IV, c. 38 (O'Neil, trans., 186).
[35] *STh* III, q. 16, a. 4.
[36] *Comp. Theol.* I, c. 210 (Regan, trans., 159).

The *assumptus-homo* theorist's use of this strategy is predicated on the thesis that the divine and human substances are one and the same person. Only then can one say, for example, that he who (as man) was born of Mary is the very one who (as God) created the stars. For reasons which we have already considered, Aquinas contends that *assumptus-homo* theorists cannot consistently affirm the presence of one person in Christ. In the above passage, for example, he argues that since the Son of God is identical with the person of the Son of God, this human being is the same person as the Son of God only if this human being is the Son of God, and this is clearly impossible. In the *Summa contra gentiles*, Aquinas undermines this use of the reduplicative strategy by appealing to Boethius's concept of 'person'. Since human beings are rational substances and all rational substances are persons, the human being that is alleged to exist in Christ would necessarily constitute a second, created person.[37] This, in turn, precludes *assumptus-homo* theorists from employing the reduplicative strategy.

C) Third Objection

In the *Compendium theologiae*, Aquinas presents a third and final objection to the *assumptus-homo* theory, namely, that this theory is committed to a Nestorian version of the adoptionist heresy. Here is the whole of this objection:

> Third, if we should predicate the name *God* of a temporal existing subject, this will be fresh and new. But everything that we freshly and newly call God is only God because it has become God, and what has become God is God by adoption, and not by nature. Therefore, it will follow that the human being was God only by adoption, not truly and by nature, and this also belongs to the error of Nestorius.[38]

The *assumptus-homo* theory maintains that the Word of God assumed our nature by assuming a complete human being. If one who is God became human by assuming a human being,

[37] *ScG* IV, c. 38 (O'Neil, trans., 186).
[38] *Comp. Theol.* I, c. 210 (Regan, trans., 160).

then there exists a human being who has become God. What has *become* God cannot be God by nature: it can only be God by adoption, that is, by a free act of the divine will. And so it appears that this human being is merely an *adopted* Son of God. This is problematic, I take it, because it implies that there are two Sons of God rather than one: there is one who is the Son of God by nature and one who is the Son of God by adoption. On this account, then, we cannot say (with Aquinas) that there is one person who underwent two births (one eternal, one temporal).[39] Nor can we say that there is one substantial reality who is both (a) eternally begotten of the Father and (b) born of the Virgin Mary. In support of this contention, Aquinas again appeals to the Council of Ephesus, which approved the following passage from "Felix, pope and martyr":

> We believe in God our Jesus, born of the Virgin Mary: that He is God's everlasting Son and Word, and not a man assumed by God so that there is another [*alter*] besides him. Nor did God's Son assume a man that there be another [*alter*] beside Him; but the perfect existing God was made at the same time perfect man, made flesh of the Virgin.[40]

Since the *assumptus-homo* theory insists upon a real distinction between the divine Son of God and the human son of Mary, advocates of this theory cannot consistently affirm that one and the same being is both perfect God and perfect man. Nor can they say that the Son of God himself literally *became* a man. For if the Son of God had *assumed* a man, this man would necessarily constitute *another person* (*alter*) existing alongside the Son of God.

D) Conclusion

In the most general terms, Aquinas takes the *assumptus-homo* theory to be fundamentally confused. Since every human being is an individual substance of a rational nature, the Son of God could not have assumed a human being without assuming a

[39] See *Comp. Theol.* I, c. 212.

[40] Quoted at *ScG* IV, c. 38. Aquinas also appeals to this passage at *STh* III, q. 4, a. 3.

second person. Had the proponents of this theory properly reflected on what it means to be a person, they would never have been tempted to say that the Son of God assumed our nature by assuming a human being.[41] This theory is also deeply heretical. Since it leads directly to the Nestorian heresy, it stands condemned by the proliferation of authoritative confessions and councils which were forcefully directed against this heresy. Moreover, many of these condemnations appear to be more-or-less explicitly directed against the *assumptus-homo* theory itself or any account of this mystery that affirms a plurality of substances in Christ. And so it would seem that the *assumptus-homo* theory is not a tenable option for one who endeavors to keep the Catholic faith "whole and entire." In what remains of this article, I will take issue with this contention. In part III I outline Aquinas's preferred account of this mystery, and in part IV I argue, first, that his objections against the *assumptus-homo* theory are unsuccessful, and second, that there are credible reasons for preferring this theory to the one Aquinas defends.

III. AQUINAS AND THE SUBSISTENCE THEORY

There is a clear sense in which Aquinas's positive account of the Incarnation arises out of his denial of the *assumptus-homo* theory.[42] Although he agrees that the Word assumed our nature by assuming a human body which is properly informed by a human soul, this union of soul and body cannot be a human being. For if it were a human being, then it would be a second substance existing in Christ, and since human beings are rational by nature, and all rational substances are persons, if this soul/body union were a human being then it would constitute a second *person* in Christ. But if—as Aquinas agrees—every other soul/body union constitutes a human being, why doesn't this one? And if it isn't a human being, then what is it?

[41] *STh* III, q. 2, a. 3. See also *De unione,* a. 2.

[42] In what follows I shall restrict my attention to Aquinas's official, "one *esse*" account of this mystery.

Aquinas repeatedly insists that the Son of God did not become human by assuming our nature in the Platonic sense: he did not unite to himself the abstract essence of our humanity. Rather, he assumed our nature *in atomo*, that is, in a concrete individual.[43] In particular, he assumed our nature by assuming a human body which is animated by a human soul. Although he denies that this individual is a human being, he is bound to concede that it is very like a human being. This ensouled body is not merely a countable reality in the same way that a hand or a foot is, since unlike a hand or a foot (or a soul), it has a complete specific nature. This helps to explain why Aquinas refers to Christ's human nature as a "particular substance,"[44] and as "a kind of individual in the genus of substance."[45] Indeed he even goes so far as to concede that this ensouled body is an individual in the genus substance, which is endowed with a rational nature, and not without reason, since it is endowed with a created intellect and will. So why isn't it a person? His answer:

> We must bear in mind that not every individual in the genus of substance, even in rational nature is a person, but that alone which exists by itself, and not that which exists in some more perfect thing. Hence the hand of Socrates, although it is a kind of individual, is not a person, because it does not exist by itself, but in something more perfect, viz. in the whole. And hence, too, this is signified by a *person* being defined as *an individual substance*, for the hand is not a complete substance, but part of a substance. Therefore, although this human nature is a kind of individual in the genus substance, it has not its own personality, because it does not exist separately, but in something more perfect, viz. in the Person of the Word.[46]

Even if every other union of body and soul is a person, this one is not because it exists in a substantial reality of a higher metaphysical order, namely, the person of the Word. Since something is a person only if it is a complete subsisting reality (a *suppositum*), because this union of soul and body is not complete subsisting reality, it is not a person. This body and

[43] See *STh* III, q. 2, a. 2, ad 3; and *STh* III, q. 2, a. 5, ad 2.
[44] *STh* III, q. 2, a. 3, ad 2.
[45] *STh* III, q. 2, a. 2, ad 3.
[46] Ibid.

soul do not constitute a complete subsisting reality because "in Christ they are united together, so as to be united to something higher, which subsists in the nature composed of them."[47] Although Aquinas concedes that the individual which is constituted by this soul/body union would be a *suppositum* if it were to exist separately from the Word,[48] in its current and actual mode of existence, it is not a complete subsisting reality because the Son of God is a complete subsisting reality and this ensouled body exists *in him*. And because this ensouled body is not a *suppositum*, it is not a man (human being) for the same reason that it is not a person: properly speaking, "man," "human being," and "person" alike refer to individual *supposita*. In these terms, then, it is logically impossible that the Son should have assumed a *suppositum*. And since something is a man only if it is a *suppositum*, it is likewise impossible that he should have assumed a man. Aquinas thus writes that "since we cannot say that a suppositum was assumed, we cannot say that a man was assumed."[49] He subsequently observes that "the Son of God is not the man whom he assumed, but the man whose nature he assumed."[50] By assuming our nature *in atomo*, the Son of God has *himself* become an instance of our nature. So Aquinas insists that he is "called a man univocally with other men, as being of the same species."[51]

To fully appreciate Aquinas's position as an alternative to the *assumptus-homo* theory, we ought to say a bit more about how the Son of God is related to his two natures. To begin with, how is he related to his assumed, human nature? Aquinas contends that this union of body and soul was "assumed to the Divine Person or hypostasis."[52] In particular, the Word assumed this union of body and soul by uniting it to himself. He thus writes that "what is composed of them is united to the already

[47] *STh* III, q. 2, a. 5, ad 1.

[48] See *Quodl.* IX, q. 2, a. 2; and *De unione*, a. 2, ad 10 and 17.

[49] *STh* III, q. 4, a. 3, ad 2.

[50] *STh* III, q. 4, a. 3, ad 3.

[51] *STh* III, q. 2, a. 5. See also *Comp. Theol.* I, c. 211; and *De unione*, a. 2, ad 4.

[52] *STh* III, q. 3, a. 6.

existing hypostasis or Person."[53] Although he occasionally characterizes this union in negative terms, namely, by observing that the Word and this soul/body composite are neither accidentally nor essentially united, Aquinas does not think that we are in a position to further characterize this union in positive terms. In the *Compendium theologiae*, he describes it as incomprehensible and ineffable,[54] and in *De unione* he adds that it is a "singular union" for which there is no satisfactory analogue in the world of creatures.[55] He thus quotes with approval Augustine's affirmation of this mystery's singularly impenetrable nature:

> If a reason is sought, it is not wonderful; if an example is demanded, it is not unique. We must grant that something is possible for God, which we confess that we cannot investigate; for in such things the entire reason for the thing made is the power of the maker.[56]

Since the scope of God's power vastly outstrips the breadth of our understanding, it is no idle obscurantism that prompts Augustine and Aquinas to suppose that the Word has united this body and soul to himself in a manner that we cannot begin to fathom.

Although we are not in a position to understand the positive nature of this union, Aquinas does think that we can specify some of its consequences. In the *Compendium theologiae*, for example, he observes that as a result of this union, "the soul and body are drawn into the person of the divine person, so that the person of the Son of God is also the person, hypostasis, and existing subject of the human son."[57] In other words, as a result of this union, we are presented with one person—one individual substance of a rational nature—who now subsists in two natures.

Although the Son of God is now said to *have* two natures and to *subsist* in two natures, he is not related to these natures

[53] *STh* III, q. 2, a. 5, ad 1.
[54] *Comp. Theol.* I, c. 211.
[55] *De unione*, a. 1.
[56] Ibid.
[57] *Comp. Theol.* I, c. 211.

in the same manner, since he is identical with his divine nature, but not with his human nature. Aquinas thus writes that "the Son of God is his Godhead, but not his manhood."[58] On this account, then, the Son of God *subsists* in his human nature without *being* this nature. Although this doesn't tell us as much as we might want to know, it still tells us a good deal. It tells us that he exists in a substantial manner which now includes this nature, which is to say that the characteristics that accrue to this ensouled body also accrue to *him*. This tells us, in turn, that his relationship to this nature is not strongly analogous to one's relation to a garment or an instrument,[59] since this ensouled body is quite literally a physical extension of his existence: to touch Jesus' hand is to touch the Son of God. At the same time, we should note that though these bodily parts are now his, and more generally, that by having this nature he has all of its parts, Aquinas does not think that Christ is the mereological sum of this ensouled body and his divine nature. In this case he would not be fully human and fully divine, but merely part human and part divine.[60] Even so, Aquinas is willing to concede that there is a sense in which Christ is partly composed of his human nature. In particular, he thinks that the one person of Christ (who in himself is "altogether simple") is now composite because he now subsists in two natures.[61] In other words, the incarnate Christ is a composite being because he is no longer an absolutely simple being, since he is now endowed with a nature and with characteristically human parts and properties which are distinct from one another and from himself.

It is not hard to see why Aquinas embraces the subsistence theory: of the three accounts outlined by Lombard that claim to avoid the hazards of Monophysitism and Nestorianism, this is evidently the only one that enables us to uphold Christ's

[58] *STh* III, q. 3, a. 7, ad 3. See also *De unione,* a. 2, ad 2.

[59] Aquinas does concede that Christ's human nature is like a garment or an instrument in some respects. He affirms the first analogy at *STh* III, q. 3, a. 7, ad 3; he affirms the second at *STh* III, q. 2, a. 6, ad 4.

[60] In support of this contention see *STh* III, q. 2, a. 1; and *Comp. Theol.* I, c. 211.

[61] *STh* III, q. 2, a. 4. For a detailed analysis and defense of this thesis, see J. L. A. West, "Aquinas on the Metaphysics of *Esse* in Christ," *The Thomist* 66 (2002): 231-50.

humanity and divinity in a manner that does not undermine his personal unity.[62] In the following section I hope to show that this is not the case.

IV. A MODEST DEFENSE OF THE *ASSUMPTUS-HOMO* THEORY

Although Aquinas has presented a formidable case against the *assumptus-homo* theory, I contend that all three of the above objections miss the mark. In particular, I contend that this theory is implicitly grounded in a relativized conception of identity, and that once it is cast in these terms it is immune from these objections. I argue, in addition, that Aquinas is in no position to object to the *assumptus-homo* theory on these grounds, because his account of the Holy Trinity is likewise committed to a relativized conception of identity. Finally, though I am convinced that Aquinas's account of the Incarnation remains a tenable understanding of this mystery,

[62] It should be emphasized that this is Aquinas's official, mature position with regard to the *assumptus-homo* theory. Apart from an isolated (and quite late) affirmation of a secondary *esse* in Christ in *De unione,* a. 4 (1272), Aquinas remained both firmly committed to the subsistence theory and resolutely opposed to the *habitus* theory. In some of his early writings, however, he is significantly less critical of the *assumptus-homo* theory. Thus, for example, in the *Sentences* commentary (1252-56), he concedes that an advocate of this position can consistently affirm that Christ is one person existing in relation to two *supposita* (the divine *suppositum* and the assumed human being which is constituted by union of his assumed body and soul). In particular, he suggests that an advocate of this position can maintain that the assumed *suppositum* does not constitute a second *someone*, since it is "joined to another thing of a higher dignity" (III *Sent.*, d. 6, q. 2, a. 1). That is, by invoking a strategy that is integral to his own position, Aquinas suggests that one might consistently maintain that "Christ is someone, namely the one assuming, and something, namely, the thing assumed; and that he is two in the neuter, but not in the masculine," and hence (in ibid., ad 1) that *Christus est aliud et aliud*, that he is both one Christ and two substances. Along the same lines, in *Quodlibet* IX (1256-59), though he insists that the *habitus* theory is implicitly heretical, Aquinas refrains from making the same claim with regard the *assumptus-homo* theory. Instead, he recommends the subsistence theory on the grounds that it is "the common opinion of recent writers and is truer and safer than the others [i.e., opinions] by far" (*Quodl.* IX, q. 2, a. 1). For dates of authorship I am relying upon Jean-Pierre Torrell, *Saint Thomas Aquinas,* vol. 1, *The Person and His Work*, trans. Robert Royal (Washington, D.C.: The Catholic University of America Press, 1996).

there are at least two reasons for preferring the *assumptus-homo* theory, which I will outline.

Although the relation of identity is generally taken to be a two-way relation that holds, absolutely and without qualification, between an object and an object, for several decades a minority of philosophers have been articulating and defending a conception of this relation which is neither dyadic nor absolute. This account maintains, first, that identity is best conceived as a *triadic* relation which holds between an object and an object relative to a sortal count noun. On this relativized conception of identity, we cannot meaningfully say that (or ask whether) an object *a* is an object *b*: we must say that *a* is the same F as *b*, where 'F' is the sortal count noun which specifies the third, conceptual aspect of this relation. In addition to insisting that well-formed statements of identity include this conceptual element, this account also maintains that it is possible for an object and an object to be identical on some specifications but not on others. In other words, on this account of identity it is possible for *a* and *b* to be the same F but different Gs.

Before we proceed I would like to draw attention to three formal aspects of this relation. First, as we should expect from an equivalence relation, relative identity is both symmetrical and transitive in the following manner: If *a* is the same F as *b*, then *b* is the same F as *a*. And if *a* is the same F as *b*, and *b* is the same F as *c*, then *a* is the same F as *c*. Finally, it should be noted that this relation does not obey Leibniz's Law. If *a* and *b* are the same F but different Gs, this difference will inevitably mean that one of these Gs will have at least one property which the other lacks. While there is no shortage of philosophers who reject relative identity on just these grounds,[63] the formal

[63] Thus John Perry, "The Same F," *The Philosophical Review* 79 (1970): 181-200; Leslie Stevenson, "Relative Identity and Leibniz's Law," *The Philosophical Quarterly* 22 (1972): 155-58; David Wiggins, *Sameness and Substance* (Cambridge, Mass.: Harvard University Press, 1980), 37-42; Timothy Bartel, "The Plight of the Relative Trinitarian," *Religious Studies* 24 (1988): 135-37; Christopher Hughes, *On a Complex Theory of a Simple God* (Ithaca, N.Y.: Cornell University Press, 1989), 156-61; and Colin McGinn, *Logical Properties: Identity, Existence, Predication, Necessity, Truth* (Oxford: Clarendon Press, 2000), 4f.

consistency of first-order logic with relative identity has been demonstrated on multiple occasions.[64] Just as there are consistent geometries that do not include Euclid's parallel-line postulate, there are consistent first-order logics that do not include Leibniz's principle of indiscernibility.

Although the formal logic of relative identity has only recently been worked out in detail, it is not unusual for philosophers to find nascent instances of this logic embedded in theories and doctrines that long predate these developments. Indeed the most common application of relative identity pertains to the Latin formulation of the Holy Trinity, and not without reason, since this doctrine states that there are three persons of the Holy Trinity and that each of these persons, by himself, is identical with the divine reality.[65] This doctrine thus affirms that the Father and the Son are numerically distinct in one sense (they are distinct persons) and numerically identical in another (they are the same being), and this can only be true on a

[64] For a formal proof of its consistency, see Pawal Garbacz, "Logics of Relative Identity," *Notre Dame Journal of Formal Logic* 43 (2002): 27-50. As we shall see (below, n. 71) Peter van Inwagen provides an informal demonstration of the consistency of relative identity both in its application to the doctrine of the Holy Trinity, and also in its application to the doctrine of the Incarnation.

[65] This account of identity was first applied to the doctrine of the Holy Trinity by Peter Geach and Elizabeth Anscombe in *Three Philosophers* (Ithaca, N.Y.: Cornell University Press, 1961), 118-20. In this passage Geach and Anscombe take Aquinas to affirm both (a) the thesis that identity-statements must be made relative to a sortal kind term, and (b) that it is possible for an object x and an object y to be identical on some sortals and distinct on others. For subsequent applications of relative identity to the doctrine of the Trinity, see A. P. Martinich, "Identity and Trinity," *Journal of Religion* 58 (1978): 169-81; idem, "God, Emperor, and Relative Identity," *Franciscan Studies* 39 (1979): 180-91; Peter van Inwagen, "And Yet They Are Not Three Gods but One God," in *God, Knowledge and Mystery: Essays in Philosophical Theology* (Ithaca, N.Y.: Cornell University Press, 1995), 260-80; idem, "Three Persons in One Being," in *The Trinity: East/West Dialogue*, ed. Melville Y. Stewart (Dordrecht: Kluwer Academic Publishers, 2003), 82-97; and James Cain, "The Doctrine of the Trinity and the Logic of Relative Identity," *Religious Studies* 25 (1989): 141-52. For applications of relative identity to the mystery of the Incarnation, see Peter van Inwagen, "Not by Confusion of Substance, but by Unity of Person," in *God, Knowledge and Mystery*, 260-79; Sandra Visser and Thomas Williams, *Anselm* (Oxford: Oxford University Press, 2009), 136; and Christopher Conn, "Relative Identity, Singular Reference and the Incarnation: A Response to LePoidevin," *Religious Studies* 48 (2012): 61-82.

relativized conception of identity.

Since Aquinas is himself a defender of Latin Trinitarianism, it is worth asking whether his account of the Holy Trinity is likewise committed to a relativized conception of identity. I contend that it is. Although God is an absolutely simple being, the divine nature exhibits three subsistent relations, namely, the relations of paternity, filiation, and procession. These relations "distinguish and constitute" three *hypostases,* where each hypostasis is an eternally persisting, quasi-substantial reality. I say "quasi-substantial" for while each of these hypostases is an individual subject of properties and relations, they are not paradigmatic Aristotelian substances. Since these hypostases exist in one another and also in the divine essence, they do not exist as separate individuals in the ordinary sense. Even so, Aquinas does not hesitate to speak of them as substances and even as *first* substances.[66] It should thus not be surprising that he refers to each of the subsistent relations as a *suppositum*, with the implication that each is a complete substantial reality which falls under the genus substance and which exemplifies a specific nature.[67] Finally, since they are *supposita* of a (supremely) rational nature, Aquinas concludes that each of these subsistent relations is a distinct person.[68]

If the Holy Trinity involves three persons, and each is a complete substantial reality, and each of these persons is fully divine, how is there not a plurality of divine beings? Since he is committed to the doctrine of divine simplicity, Aquinas cannot say that each of these persons constitutes a part of the divine reality. Rather, on the principle that "that which subsists in the divine nature is the divine nature itself,"[69] he contends that each of these persons is the whole of this reality, and hence that each of these persons is identical with the divine essence.[70] He consequently rejects the principle that "whatever things are

[66] *STh* I, q. 28, a. 3.

[67] *STh* I, q. 29, a. 2.

[68] *STh* I, q. 30, a. 1, ad 1.

[69] *STh* I, q. 29, a. 4.

[70] See *STh* I, q. 28, a. 2; *STh* I, q. 29, a. 4; *STh* I, q. 39, a. 5, ad 4; and *STh* I, q. 39, a. 6, ad 2.

identical with the same thing are identical with each other,"[71] and insists that there is one sense in which these subsistent relations are identical (they are same divine essence, which is itself the divine reality) and another sense in which they are distinct (they are distinct relations subsisting in this reality). Thus, for example, speaking of the subsistent relations which are the Father and the Son, he writes that "although paternity, just as filiation, is really the same as the divine essence; nevertheless, these two in their own proper idea and definitions import opposite respects. Hence they are distinguished from one another."[72] Aquinas's account of the Holy Trinity depends upon a relativized conception of identity, that is, one that rejects the principle of indiscernibility and that holds between an individual (the Father) and an individual (the Son) in one sense (they are the same being) but does not hold in another (they are distinct persons).

For quite similar reasons, I maintain that the *assumptus-homo* theory—the account which Aquinas presents and subsequently rejects as heretical—is likewise grounded in a relativized conception of identity. To see why, let us briefly return to two of the theses which he attributes to this account, namely, the *plurality thesis*, which affirms that the Son of God and the son of Mary are numerically distinct substances, and the *identity thesis*, which affirms (in its most complete and nuanced form) that the Son of God is the same person as the son of Mary. In a manner that strongly mirrors his official account of the Holy Trinity, Aquinas's account of the *assumptus-homo* theory presents us with one sense in which the Son of God and the son of Mary are identical (they are the same person) and with another sense in which are not identical (they are distinct beings or substances). Although it would clearly be premature to insist upon the truth of this account, we can at least say that it could only be true on a relativized conception of identity, for then and only then could one say that the Son of God and the son of Mary are the same person but different substances. From

[71] *STh* I, q. 28, a. 3, ad 1.
[72] Ibid.

the vantage point of an absolute conception of identity, one who thinks that *a* is identical with *b* might well insist upon specifying the primary sense in which *a* is identical with *b* (e.g., that *a* is the same F as *b*), but one could not consistently go on to affirm a sense in which *a* is *not* identical with *b* (e.g., that *a* is not the same G as *b*). Since "a is the same F as *b*" would on this account be reducible to "*a* is an F, and *b* is an F, and *a* is identical with *b,*" while "*a* is not the same G as *b*" would be reducible to "*a* is a G, and *b* is a G, and *a* is not identical with *b,*" the statement "*a* and *b* are the same F but different G's" would have the contradictory implication that *a* both is and is not identical with *b*.

While there are many philosophers who would reject any theory or doctrine which is committed to a relativized conception if identity, Aquinas is in no such position, since his account of the Holy Trinity is informed by just such a relativized conception of identity. I do not contend that Aquinas was aware of this implication. On the contrary, I suspect that he was not and, indeed, that he did not have a clear sense of these competing accounts of identity. I say this, in part, because his objections to the *assumptus-homo* theory, as powerful as they are, have no bearing upon an account of this theory that is informed by a relativized conception of identity, as may be seen in a reconsideration of his objections.

In what is surely his most basic and fundamental objection, Aquinas contends that one cannot say that the Son of God became human by assuming a human being without implicitly affirming the existence of a second person in Christ. Since a human being is an individual substance of a rational nature, and since every such substance is a person, the second substance attributed to Christ would necessarily constitute a second person in Christ. Aquinas further takes this to indicate that advocates of this theory are simply confused about what it means to be a person. But is it plausible to suppose that Boethius is thus confused about his own concept of personhood? Once the *assumptus-homo* theory is properly informed by a relativized conception of identity, there is no basis for such a charge. With this account of identity in place, one can grant

that the assumed human being is a person without having to affirm the existence of a *second* person in Christ, since one can say that this human being is the same person as the Son of God. If these beings are the *same person*, then there is one person here rather than two.

In addition, it is now plain that Aquinas's appeal to the transitivity of identity does not present a problem for the *assumptus-homo* theory. An advocate of this account would indeed affirm both (i) that the son of Mary is the same person as the Word and (ii) that the Word is the divine essence. While (i) is an instance of *personal* identity, (ii) is an instance of *ontic* identity: in affirming (ii) one is affirming that the Word is *the same being as* the divine essence. Since (i) and (ii) involve different sortal concepts, one who affirms the conjunction of (i) and (ii) is not committed to the (absurd) thesis that the son of Mary is *the same being as* the divine essence, much less to the thesis that the son of Mary is absolutely identical with the divine essence.

Next to be considered is Aquinas's contention that *assumptus-homo* theorists cannot consistently affirm such propositions as "Mary is the mother of God" or "a man created the stars." They cannot affirm these propositions, Aquinas maintains, because their affirmation of two substances in Christ precludes them from affirming the communication of idioms. In particular, they cannot affirm such statements by means of the reduplicative strategy, since the success of this strategy is contingent upon there being exactly one person who has both natures. It should now be clear, however, that *assumptus-homo* theorists are in a position to say just this, namely, that there is one person who is both fully divine and fully human. On this account, Christ is fully divine because he is personally identical with the divine substance, and he is fully human because he is personally identical with the assumed human being. This account maintains that Christ has always been personally identical with the first being, and by uniting himself to an ensouled human body he has *become* personally identical with the human being which is constituted by this union. Moreover, if he is personally identical with both of these substances, then

their properties would accrue to him and vice versa. On this view one can affirm that Mary is the mother of God, since she is the mother of one (as a human being) who also happens to be God (since he who is the human being is also the Son of God).

Aquinas's third objection is that the *assumptus-homo* theorist is committed to the Adoptionist heresy. Since this account maintains that Christ is personally identical with the son of Mary and also with the eternally begotten Son of God, an advocate of this account can maintain, with Aquinas, that the one person of Christ has "two generations and two births." It may also be recalled that this objection rests upon the premise that if God has become a human being, then some human being has become God. It should now be clear that advocates of this theory will not concede, without qualification, that some human being has become God. Rather, they will insist that there is one sense in which this is true and another sense in which it is false. That is, they will affirm that a human being has indeed become *personally* identical with God, but they will deny that a human being has become *ontically* identical with God. It is clear, moreover, that Aquinas's objection only works if the *assumptus-homo* theory includes this latter claim, for only then would one be logically compelled to say that there are two Sons of God, one of whom is a Son of God by nature and one of whom is a Son of God by adoption. I thus conclude that none of Aquinas's objections applies to this theory once it is properly informed by a relativized conception of identity.

What about the conciliar statements which are evidently directed against this position? As someone who means to keep the Catholic faith whole and entire, I am ready to disavow any account of this mystery which runs afoul of such statements. But since these passages are directed against the Nestorian heresy, and by extension, against any account which carries the same implications as this heresy, it is not obvious that these passages apply to a proper understanding of the *assumptus-homo* theory, that is, one that preserves its implicit logic of relative identity. The whole point of these condemnations is evidently to preserve our understanding of Christ's personal unity. If the logic of relative identity is sufficient to preserve our

understanding of God's absolute unity in the mystery of the Holy Trinity, then surely it is also sufficient to preserve our understanding of Christ's personal unity in the mystery of the Incarnation, especially since the latter instance of unity is not absolute, since Christ is presently endowed with distinct natures and properties. That is, although there are three divine persons existing in God, we can affirm that God is an undivided unity because we can say that each of these persons is *ontically* identical with God. Along the same lines, although we affirm that Christ assumed our nature by assuming a human being, and hence that he currently exists in relation to two beings (one divine and one human), we can nonetheless insist that there is one person of Christ, because we maintain that each of these beings is *personally* identical with Christ.[73]

Since none of Aquinas's substantive objections to the *assumptus-homo* theory applies to an account of this theory that is properly informed by its implicit logic of relative identity, his case against this theory is not successful. His subsistence theory remains a tenable understanding of this mystery; however, I would like briefly to suggest two reasons for preferring the alternative account. In the first place, while nothing prevents one from restricting relative identity to the mystery of the Trinity, applying it to both mysteries in the way we have done here is surprisingly fruitful. On this unified approach, each mystery involves two instances of relative counting, namely, one for counting *persons* and another for counting *beings*. In addition, these mysteries involve distinct but complementary instances of unity-in-diversity: the mystery of the Holy Trinity presents us with a plurality of *persons* who are the same *being*, while the mystery of the Incarnation presents us with a plurality of *beings* which are the same *person*. While this sort of fruitfulness and explanatory power is certainly not a conclusive

[73] My present goal is to show that the *assumptus-homo* theory is not committed to the Nestorian heresy. Although I am not interesting in rescuing Nestorianism from the charge of heresy, it is conceivable that relative identity would have helped Nestorius himself to establish (as he argued in *The Bazaar of Heraclides*) that his affirmation of a second *ousios* in Christ does not commit him to a second person in Christ.

reason for embracing the *assumptus-homo* theory, it is nonetheless far from trivial.

This theory enjoys a second advantage which I take to be far more compelling. The *assumptus-homo* theory is in a signify-cantly better position than the subsistence theory to respond to the obvious logical objections that are made against the mystery of the Incarnation. Given our understanding of what it means to be God, and also what it means to be human, it is hard to see how the Son of God could have both sets of properties at the same time. This would mean, among other things, that he is both temporal and eternal, created and un-created, corporeal and incorporeal. It is thus easy to see why one might take such a doctrine to be completely incredible. It is one thing to accept a doctrine as a mystery of faith even though we cannot see how it is true, and quite another to accept one that we can see to be false. It is no stretch to insist that we can see it—thus construed—as false, as surely as we can see that there could not be an animal that is both a squid and a squirrel.

The Church Fathers were keenly aware of the deeply paradoxical nature of this mystery. To cite just one example, consider the following passage from the Tome of St. Leo:

> And so, the Son of God, descending from His heavenly throne, yet not leaving the glory of the Father, enters into this lowly world. [He comes] in a new order, generated by a new birth. In a new order, because, invisible in his nature, He became visible in ours; surpassing comprehension, He has wished to be comprehended; remaining prior to time, he began to exist in time. The Lord of all things hid His immeasurable majesty to take on the form of a servant. The impassible God has not disdained to be a man subject to suffering nor the immortal to submit to the law of death.[74]

In this passage Leo attributes at least six pairs of seemingly incompatible properties to the incarnate Christ: (i) absent from and present with the Father, (ii) visible and invisible, (iii) com-prehensible and incomprehensible, (iv) temporal and eternal, (v) vulnerable to harm and impassible, and (vi) mortal and im-mortal. How is it that the bishops at Chalcedon embraced this

[74] *ND* 612/*DS* 294.

confession by shouting, in one voice, that "Peter has spoken through the mouth of Leo"? Why did they not respond instead with dismay and disbelief? There is at least one key ingredient here that militates against such a response: these competing pairs of properties are attributed to Christ in connection with distinct natures. Although it would be absurd to say, for example, that Christ is both visible and invisible in the same sense at the same time, it is not obviously absurd to say that he is invisible with regard to his divine nature and visible with regard to our nature.

In defense of this strategy, Aquinas thus observes that

> it is impossible for contraries to be predicated of the same [subject] in the same respects, but nothing prevents their being predicated of the same [subject] in different aspects. And thus contraries are predicated of Christ, not in the same, but in different natures.[75]

As a final and complete defense against the above objection, this application of the reduplicative strategy is not terribly compelling. The objector is surely aware that these properties are said of Christ with regard to distinct natures, and hence, for example, that he is not being said to be both created and uncreated in the same sense at the same time. Even so, on the subsistence theory we are still being told that one *suppositum* is both created (*secundum humanitatem*) and uncreated (*secundum divinitatem*). And so the objector is bound to ask: how is it possible for one and the same being to be created in one sense and uncreated in *any* sense? Although a proponent of this account will surely continue to affirm the truth of this proposition (and hence its possibility), I cannot see that any progress has been made towards justifying this claim. Moreover, insisting that this is possible because Christ is both human and divine only raises the further question of how it is possible for one substance to have both of these natures at the same time.

On the *assumptus-homo* theory, we are not forced to say that one and the same being is both created in one sense and

[75] *STh* III, q. 16, a. 4, ad 1.

uncreated in another. According to this theory we are presented with two distinct beings: the divine being, which has the full array of divine properties, and the human being, which likewise has the full array of essential human properties. Since Christ is personally identical with both of these beings, we can affirm that *he* has both sets of properties, and hence that he is both created and uncreated, temporal and eternal, corporeal and incorporeal, and so on. That is, we can say that he is created *secundum humanitatem* because he is personally identical with a created human being, and that he is uncreated *secundum divinitatem* because he is personally identical with the divine essence, which is itself eternal and uncreated. Although we do not understand how it is possible for Christ to be personally identical with a plurality of beings (much less with beings that exist at such different orders of reality), within a logic of relative identity we can at least show that this supposition is not self-contradictory. Here I am thinking of Peter van Inwagen's parallel applications of relative identity to the mysteries of the Incarnation and the Trinity, and of his subsequent demonstration of their formal consistency.[76]

I conclude that the *assumptus-homo* theory, with its implicit logic of relative identity, provides us with a comparatively simple, intuitive, theologically fruitful, and orthodox way of understanding the mystery of the Incarnation, as well as a more credible and complete means of defending this mystery from the charge of logical impossibility. If this account of the Incarnation proves to be genuinely compatible with established Church doctrine concerning the one person and two natures of Christ,

[76] After translating the fundamental tenets of both doctrines into the logic of relative identity, van Inwagen demonstrates the formal consistency of these statements by constructing (in each case) a model that consists of statements which share the same form as these statements and which are all true (on this model). For his application of this method to the mystery of the Trinity, see "And Yet They are Not Three Gods," 249ff. For his application of this method to the mystery of the Incarnation, see "Not by Confusion of Substance," 223-25.

then there are good reasons for preferring it to the one Aquinas defends.[77]

[77] I would like to thank Patrick Toner and Michael Gorman for convincing me of the need to come to terms with Aquinas's account of the Incarnation, and also for helping me to appreciate the force of his objections against the account I am defending. I would also like to thank Fr. David Carter, Fr. Timiothy Bellamah, and two anonymous referees for their exceptionally helpful comments upon an earlier draft of this paper. I am solely responsible for any errors that remain.

The Thomist 79 (2015): 113-54

THE CATEGORY OF *HABITUS*: ACCIDENTS, ARTIFACTS, AND HUMAN NATURE

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IN EXPLAINING Aristotle's division of being into ten categories or predicaments (*praedicamenta*), Thomas Aquinas presents some striking claims about the category *habitus*:[1]

There is a special [predicament] in human beings. In other animals, nature sufficiently gave those things that pertain to the conservation of life, for example, horns for defense, a thick and hairy hide for covering, hooves and other things of that sort for walking without injury. And thus when such animals are called 'armed' or 'clothed' or 'shod', they are in a way not thus denominated from something extrinsic, but from some of their parts. Thus, these things are referred to the predicament of substance: as when one says that a human being is 'handed' or 'footed'. But things of this sort cannot be given to human beings by nature, in part because they do not fit with their subtle constitution, in part because of the multiform works that fit with human beings insofar as they have reason, for which determinate instruments could not be applied to them by nature: but in place of all of these there is in the human being reason, by which he prepares externals for himself in place of those things which are intrinsic to animals. Wherefore when a human being is called 'armed' or 'clothed' or 'shod', he is denominated from something extrinsic, which has the notion neither of cause nor of measure; wherefore, it is a special predicament, and is called '*habitus*'. But it should be considered that this predicament is attributed even to some animals, not according to their being considered in their nature, but according to their coming to human

[1] '*Habitus*' is sometimes translated as 'state', 'equipment', 'attire', or 'having'. So as not to favor one interpretation from the outset, I leave it untranslated here. '*Habitus*' is both the nominative singular and plural form of the noun.

use, as when we say that a horse is 'ornamented with a phalerae' or 'saddled' or 'armed'.[2]

Aquinas holds that *habitus* belong primarily to humans, and to other beings only through human rational causal activity. But most Scholastic thinkers, including many Thomists, denied that *habitus* has a special connection to human persons. In this article, I inquire into why Aquinas held this thesis about *habitus*, and I defend the interpretation of John of St. Thomas and many Thomists after him as the view that best makes sense of this thesis in the context of all of Aquinas's texts. This view, the *realist modal view*, holds that first, *habitus* are real modes and real beings, not mere predications, and second, *habitus* belong primarily to humans, through their application of artifacts to themselves such that their unlimited range of possible ways of rationally engaging with the world is actualized by the artifacts.[3] The findings of this paper are important for understanding the Thomistic view of the human person.

The importance of *habitus* and of the realist modal view can only fully be understood in the context of an inquiry into the history of Scholastic views on *habitus*. This inquiry will reveal the complexity of Scholastic views on categories and accidents, not only on *habitus*, but on the members of the other "*sex principia*" (*actio, passio, ubi, quando, situs,* and *habitus*). The findings of this paper are important for understanding the categories and accidents in general. I first analyze the sources for Scholastic thinking on *habitus*. Second, I consider seven Scholastic theories of what *habitus* is and argue that they are all reducible either to the view that *habitus* are extrinsic denominations or to the realist modal view. Finally, I defend the latter view.

[2] III *Phys*, lect. 5, n. 15 (*Opera omnia*, [Rome: Leonine ed., 1884], 2:114-15). All translations in this article are mine. See Aristotle, *Categories* 4.2a3. All citations from Aristotle are from Jonathan Barnes, ed., *Complete Works of Aristotle*, 2 vols. (Princeton: Princeton University Press, 1984).

[3] John of St. Thomas, *Cursus philosophicus*, Logica, p. 2, q. 19, a. 1 ([Paris: Vives, 1883], 1:540-43); Logica, p. 2, q. 19, a. 4 (Vives ed., 1:554-55).

I. SOURCES FOR SCHOLASTIC THEORIES OF *HABITUS*

Scholastic theories of *habitus* are based on three passages from Aristotle's *Categories*, two from *Metaphysics*, and one from *Parts of Animals*. In this section, I analyze these texts and the early commentaries on them that influenced Scholastic thinkers.

In *Categories* 4.2a3, Aristotle mentions *habitus* (or *habere*; in Greek, *echein*) in his list of the categories, and gives "being shod" and "being armed" (*hupodedetai, hōplistai*) as examples.[4] This text gave rise to Scholastic controversies over whether the categories are kinds of predicates, predications, real things, or predicates mirroring distinctions among real things. This controversy was transmitted to Scholastic thinkers through Boethius,[5] who held that a *habitus* is not a being inhering in a subject, but a relative manner of having something extrinsic.[6]

In *Categories* 9.11b13, Aristotle lists six categories (*actio, passio, ubi, quando, situs, habitus*) that he does not discuss in detail. These *sex principia* were treated at length in the twelfth-century *Liber sex principiis* (or *Liber sex principiorum*), which was subsequently included in editions of Aristotle's *Organon* and commented on in that context. The *Liber* holds that what is distinctive about the *sex principia* is that they are forms that

[4] Sometimes this category is referred to by a noun, '*habitus*' or '*hexis*'; sometimes by an infinitive, '*habere*' or '*echein*'. I shall generally give only Latin, rather than Greek or Arabic, technical terms, since I am focusing on Scholastic theories.

[5] Boethius, *In categorias Aristotelis commentaria*, s. 4 (*Patrologia Latina* [Paris, 1847], 64:180C). See also III *Phys*, lect. 5, n. 15 (Leonine ed., 2:114-15); V *Metaphys*., lect. 9 n. 890 (*In duodecim libros Metaphysicorum Aristotelis expositio* [Turin: Marietti, 1964], 238); Albert, *Liber de praedicamentis*, t. 1, c. 7 (*Opera omnia* [Paris: Vives, 1890], 1:164); Paul Symington, *On Determining What There Is* (Frankfurt: Ontos Verlag, 2010), 18-22; William E. McMahon, "Albert the Great on the Semantics of the Categories of Substance, Quantity, and Quality," *Historigraphia Linguistica* 7:1-2 (1980): 146; idem, "Reflections on Some 13th- and 14th-Century Views of the Categories," in Michael Gorman and Jonathan J. Sanford, eds., *Categories: Historical and Systematic Essays* (Washington: The Catholic University of America Press, 2004), 45-46; Robert Pasnau, *Metaphysical Themes 1274-1671* (Oxford: Oxford University Press, 2011), 221-24.

[6] Boethius, *In Categ.*, s. 7 (Migne, ed., 64:217A, 219A-C, 221A-B); s. 9 (Migne, ed., 64:264A).

belong to a composite[7] and are neither subsistent (as are substantial forms) nor intrinsic (as are qualitative and quantitative forms) but extrinsic, referring to something outside the subject.[8] The *Liber* does not define what is meant by 'intrinsic' or 'extrinsic', but Scholastic thinkers generally understood the distinction as follows. A form is intrinsic to a subject if and only if it immediately depends just on the subject; for example, having a certain mass is intrinsic since it depends just on the subject that has the mass. A form is extrinsic to a subject if and only if it immediately depends on both the subject and something other than the subject; for example, being punched is extrinsic, since it depends on the one who is punched and the one who punches. Scholastic thinkers debated whether extrinsic accidents are real forms or mere extrinsic denominations, and whether they involve any intrinsic change to the subject. According to the *Liber,* since *habitus* comes to be through a change in position of artifacts relative to the body of which it is predicated, it is extrinsic.[9]

According to the *Liber*, *habitus* is "of a body and of those things adjacent around a body" but is had by just part of the body, for example, as a shoe is had by the foot. What is proper (*proprium*) to *habitus* is that it exists in multiple subjects, the thing that has and the thing that is had, for example, in both a foot and a shoe. Some accidents in other categories are also dual-subject accidents, such as the relation of similarity, but it is distinctive of *habitus* that every member of the category is a dual-subject accident.[10] While the definition of *habitus* from the *Liber* was adopted by all subsequent Scholastic thinkers, this dual-subject view was adopted only by Albert, but then not mentioned by later Scholastic thinkers, including Aquinas, all of

[7] *Liber sex principiorum* 1.1, 1.7 (available at http://individual.utoronto.ca/pking/resources.html). This text was sometimes erroneously attributed to Gilbert of Poitiers.

[8] *Liber* 1.15.

[9] *Liber* 7.69.

[10] *Liber* 7.72.

whom rejected the possibility of dual-subject accidents.[11] I consider this dual-subject view below.

In *Categories* 15.15b21, Aristotle gives a list of eight ways in which the infinitive 'to have' (*habere, echein*) is said; this text raises the question of which kinds of having belong to the category *habitus*. 'To have' or 'having' is a "post-predicament," like 'motion' and 'prior and posterior', that is, it is a predicate said with multiple senses, each of which fits into a different category. Aristotle does not explicitly match each mode of having to a particular category, so there was debate among Scholastic thinkers over which category fits with each mode of having. One can *have* a coat, in the sense of wearing it (Aristotle's third mode of having); this 'having', along with the fourth mode (wearing items like rings that cover a small part of the body), fits into the category of *habitus*. One can also *have* a coat in the sense of owning it (the seventh mode of having), and this, on most Scholastic views, fits into the category of relation.[12] Scholastic thinkers debated whether the fifth mode, by which a substance has its parts, belongs to *habitus*, as Averroës, for example, held. Some also suggested that the seventh mode and eighth mode (by which spouses have each other) belong to *habitus*; they held that *habitus* is constituted whenever a person chooses to have or to use a thing extrinsic to him or herself.[13]

[11] Albert, *Liber de sex principiis* (hereafter *In Liber*), t. 7 c. 3 (*Opera omnia* [Aschendorff: Monasterii Westfalorum, 2006], 1.2:65b45-51). Jeffrey Brower, "Albert the Great on the Nature and Ontological Status of Relations," *Archiv für Geschichte des Philosophie* 83 (2001): 247ff., has argued, without considering this passage, that Albert denies that there are dual-subject accidents.

[12] See, e.g., *STh* I-II, q. 49, a. 1 (*Opera omnia* [Rome: Leonine ed., 1891], 6:309-10).

[13] J. Valbuena, "De significatione specialis praedicamenti 'habitus' apud philosophum et divinum Thomam," *Angelicum* 22 (1945): 176-77; Joseph Owens, *An Elementary Christian Metaphysics* (Houston: Center for Thomistic Studies, 1985), 208. cf. John Wippel, *The Metaphysical Thought of Thomas Aquinas* (Washington: The Catholic University of America Press, 2000), 220-21. Peter Abelard, *Die Glossen zu den Kategorien*, in *Die Logica 'Ingredientibus'*, in Bernhard Geyer, ed., *Beiträge zur Geschichte der Philosophie des Mittelalters*, b. 21, h. 2 (Münster: Verlag dur Aschendoffschen Verlagsbuchhandlung, 1919), 259, held that the eighth mode belongs to *habitus*.

In *Metaphysics* 5.20.1022b3-10, Aristotle distinguishes three modes of *habitus*, which do not correspond to the modes of *habere* listed in the previous text. The first mode in this text is a sort of "activity" or "medium" had between one who wears clothes and the clothes; this was often taken by Scholastic thinkers to be a quasi-definition of *habitus*.[14] Aristotle likens wearing clothes to making something: just as there is an activity of making between a maker and a made thing, so there is a medium of having between a wearer and his clothes. This having is not itself had by the subject, since then the having of the having would be had, leading to an infinite series of havings.

As a quasi-activity, that is, as something like an activity, *habitus* is similar to the members of the categories of *actio* and *passio*. *Actio* is the category of predicates that ascribe an act of efficient causality to a subject, and *passio* is the category of predicates that ascribe an instance of being affected by an efficient cause to a subject. But Simplicius of Cilicia argues that it does not follow that *habitus* is reducible to the category *actio*.[15] *Habitus* is not a category just because of the action involved but also because of the way in which one body is accompanied or surrounded (*circumcingi, circumponuntur*) by another, whereby one being is ordered (*habitudine*) to another. Nor should there be a second category, *haberi*, opposed to *habere*, as *passio* is opposed to *actio*, since whenever a *habitus* predicate is used, both the "having" and the "being had" are cosignified.[16] This anticipates the dual-subject view, in that Simplicius holds that *habitus* includes two converse orderings, apparently rooted in two subjects.

In *Metaphysics* 5.23.1023a7-23, Aristotle distinguishes four modes of 'to have' (*habere, echein*), which do not match the lists in the last two texts. The first mode is having a thing through a

[14] Categories cannot have real definitions, because they are the most general genera and definitions are composed of a higher genus and a specific difference, but they can be precisely described or have "quasi-definitions."

[15] Simplicius calls *actio* '*facere*' and *habitus* '*habere*' in Moerbeke's translation.

[16] Simplicius, *Commentaire sur les Catégories d'Aristotle traduction de Guillaume de Moerbeke*, ed. A. Pattin and W. Stuyven (Louvain: Publications Universitaires de Louvain, 1971), 1:85, 91.

natural tendency or impulse, as a fever has a person, a tyrant has a city, and people have the clothes they are wearing.[17] These examples suggest that this mode includes members of the category *habitus*, but perhaps also members of other categories. In this mode, the subject has something not just through spatial adjacency but also through a natural tendency to acquire this sort of extrinsic thing. The twentieth-century Thomist J. Valbuena takes this mode to constitute the category of *habitus* and so includes the first two examples in *habitus*.[18]

Aristotle's text on this mode of having seems to be a remote basis for Aquinas's thesis that *habitus* properly belong only to humans (no source for his thesis is in fact stated). The account of this mode of having is developed by Simplicius, following the Neo-Platonist Iamblichus, and by the Muslim philosopher Algazel, both of whom were known to Aquinas.[19]

Simplicius holds that *habitus* belongs only to living beings. The case of one body being surrounded by another, as when a statue is clothed, just involves an accident in the category of *passio*. But *habitus* is constituted by a living creature working to support (*insinuat tensionem*) a body that is adjacent to itself, that is not natural to it, and that it uses and acquires.[20] Though he does not fully explain why this constitutes a new category, it seems to be because the living creature and the accompanying body, in virtue of the former's use and support of the latter, are oriented toward a new purpose. This orientation is explained by a new kind of accident.

This view is developed by Albert, who holds that *habitus* fulfills a purpose, such as clothing for warmth, or weapons for attack or defense.[21] While Albert, unlike Aquinas, does not

[17] No Scholastic thinker held that the other modes listed in this text belong to *habitus*.

[18] Valbuena, "De significatione," 177.

[19] Jan Aertsen, *Medieval Philosophy as Transcendental Thought* (Leiden: Brill, 2012), 47; Michael Chase, "The Medieval Posterity of Simplicius' Commentary on the *Categories*: Thomas Aquinas and Al-Fārābi," in Lloyd Newton, ed., *Medieval Commentaries on Aristotle's Categories* (Leiden: Brill, 2008), 9-10.

[20] Simplicius, *In Categ.* (Pattin and Stuyven, eds., 2:502, 505-6).

[21] Albert, *In Categ.*, t. 6, c. 2 (Vives ed., 1:272); *In Liber*, t. 7, c. 2, ad 1 (Aschendorff ed., 1.2:361).

explicitly restrict *habitus* to being the result of rational use, rather than of natural impulse, his examples tend in this direction. *Habitus* arises, in all his examples, when a person acquires an extrinsic thing that fulfills some need, and applies it to his body such that it conforms to the shape and position of the body.[22] The acquired body, an artifact or a domesticated animal, is the material cause of *habitus*, and the human body is its final cause.[23] The form of *habitus* inheres in both, though it is said only of the subject that has the extrinsic thing. *Habitus* actualizes a potency in a subject, allowing a new action or making an action easier, such as fighting or ornamenting oneself,[24] though Albert, like Aquinas after him, does not explain how this comes about. *Habitus*, like the other *sex principia*, has a relation of surrounding or accompanying (*circumdationem*) as its foundation, that is, as a necessary condition to which it adds the differences mentioned here.[25] On this dual-subject view, what makes it true that “a man is clothed” is the man, the clothes, the relation of the clothes to the man, and a *habitus* inhering in both. On all the Scholastic views, the category *habitus* differs in some way from the category “relation” (or *ad aliquid*). As Albert puts it, with most Scholastic thinkers in agreement, relations are comparisons (*comparibilitas*) of the subject to some extrinsic thing in some respect.[26] *Habitus* (and the other *sex principia*) adds something, such as a causal connection, to this comparison.

This dual-subject view, however, is problematic. First, the causal structure of *habitus* on this view is confused. *Habitus* inheres in both subjects, but chiefly in the man, not the clothes, since it is said of and affects the man, not the clothes. Yet its

[22] Albert, *In Categ.*, t. 1, c. 7 (Vives ed., 1:165); t. 6, c. 2 (Vives ed., 1:272); t. 7, c. 16 (Vives ed., 1:303); *In Liber*, t. 7, c. 1 (Aschendorff ed., 1.2:62); t. 7, c. 3 (Aschendorff ed., 1.2:66).

[23] Albert, *In Liber*, t. 7, c. 1 (Aschendorff ed., 1.2:62a10-15).

[24] Albert, *In Liber*, t. 7, c. 2 (Aschendorff ed., 1.2:65a20-b32).

[25] Albert, *In Categ.*, t. 6, c. 1 (Vives ed., 1:270); *In Liber*, t. 7, c. 1 (Aschendorff ed., 1.2:62a10-15).

[26] Albert, *In Categ.*, t. 4, c. 6 (Vives ed., 1:223). Cf. Suárez, *Disputationes metaphysicae*, disp. 47, s. 2, n. 10 (*Opera omnia* [Paris: Vives, 1861], 26:788).

material cause is said to be the clothes, not the potency it actualizes in the man. But the material cause of a being is its principle of potentiality, and so, on this account, it ought to actualize something in the clothes, not in the man, but this is not the case. Second, *habitus* cannot be individuated by its subject, as accidents are on some Scholastic views such as that of Aquinas,[27] so *habitus* is not clearly an individual form, at least from some Scholastic perspectives. Third, it is not clear how *habitus* has *per se* unity on this view, which every categorical being must have, since it is intrinsically dependent on multiple subjects. Fourth, it does not clearly match the structure of *habitus* predications, which ascribe a property just to the thing that has, not to the thing that is had; this will be concerning to those who hold that the correct ontology must match the structure of ordinary language. None of these concerns absolutely defeat this view, but they raise problems that other views overcome.

On the basis of some of Simplicius's and Albert's claims, Aquinas's restriction of *habitus* to humans makes sense, though Aquinas rejects the dual-subject view. The new kind of being of *habitus* arises, on Aquinas's view, not just through active using, which could be explained through actions and relations, but through the intentionality and purpose exerted in the using, by which the artifact actualizes one of the open-ended range of potentialities for engaging with the world engendered by human reason. This account is perhaps rooted, as the seventeenth-century Jesuit Antonio Rubio contends, in another text of Aristotle, *Parts of Animals* 4.10. This Aristotelian text explains how nonhuman animals have been given only one means of defense and covering each, but humans have intelligence, and organs adapted to intelligence such as hands, whereby we can invent any covering or instrument we like; thus, it is necessary that by nature we be naked and without tools, that we might be

[27] See, for example, *STh* III, q. 77, a. 2 (*Opera omnia* [Rome: Leonine ed., 1906], 12:196-97).

able to develop any sort of tool for our purposes.[28] This defense of the realist modal view will be expanded in the final section of the paper, but here we can see its roots in Aristotle's texts and the subsequent tradition.

Aristotle's first mode of having in this last text from the *Metaphysics* is also developed by Algazel. Algazel argues that in order to constitute a new category, *habitus* must not only involve one body being surrounded (*comprehendendi*) by or adjacent to another, but also the surrounding body must be moved with the motion of the surrounded body, as when the clothes one is wearing move along with one. If something that can constitute a member of the category of *habitus*, such as a tunic, is moving but not surrounding a body, as when one is putting the tunic on, then no *habitus* is constituted; if an artifact surrounds a body, but does not move with that body, as when a house surrounds a person, then no *habitus* is constituted.[29]

To sum up, the Aristotelian texts transmitted to the Scholastic tradition the notion of a category that is typified by examples like wearing clothes and holding weapons but that could involve other sorts of havings. To be an accident in the category *habitus* is to be a medium between a subject that has and something that is had.

II. SCHOLASTIC THEORIES OF *HABITUS*

Among Scholastic thinkers after Aquinas, and on the basis of the earlier texts considered in the last section, there were at least six views on what a *habitus* is (and what either all the *sex principia* are, or what the members of the last four categories, *ubi, quando, situs, habitus*, are): the *intentional modal view*, the *extrinsic denomination view*, the *absolute entity with respectus view*, the *pure respectus view*, the *respectus extrinsecus*

[28] Antonio Rubio, *Logica mexicana*, c. 10, q. un. (Lyon: Ioannes Pillehotte, 1625), 449. This comparison between humans and other animals is perhaps rooted in the speech of Protagoras in Plato's *Protagoras* 320c-328d.

[29] Algazel, *Metaphsyics* I.1.4 (J. T. Muckle, ed., *Algazel's Metaphyiscs: A Medieval Translation* [Toronto: St. Michael's, 1933], 19).

adveniens view, and the *realist modal view*.[30] Various Thomists held each of these views and ascribed each to Aquinas. I maintain that his view is best expressed by the realist modal view, which holds that *habitus* are real modes, that is, beings really distinct from their subjects that cannot exist apart from their subjects. Moreover, I maintain that each of these views reduces to being a form of either the extrinsic denomination view or the realist modal view. I present the views in the order that I do, because this order best shows the full historical context for the realist modal view and the history of Scholastic views not only on *habitus*, but also on the *sex principia* in general.

A) The Intentional Modal View

The thirteenth-century thinker Henry of Ghent held that *habitus* and the other *sex principia* are "modes" that do not exist in themselves, but are "intentionally" distinct from their subjects. This view has precedents in Boethius and Aristotle,[31] especially in the first text cited from the *Metaphysics*, which held that *habitus* is a 'medium', a term often equated by Scholastic thinkers with the term 'mode'. A version of this view was held by some in the twelfth century, including Gilbert of Poitiers.[32] On this view, what makes it true that "a man is clothed" are the man, his clothes, and a mode of having whereby the man has his clothes, which is intentionally distinct

[30] For lists of views see: John of St. Thomas, *Cursus phil.*, Logica, pt. 2, q. 19, a. 1 (Vives ed., 1:539-40); Bartholomaeus Mastrius and Bonaventura Belluto, *Philosophiae ad mentem Scoti cursus integer*, p. 2, t. 3, d. 8, q. 12, a. 1, n. 191 ([Venice: Pezzana, 1727], 271); Paul Soncinas, *Quaestiones metaphysicales actuissimae*, bk. V, q. 39 (Lyon: Apud Carolum Pesnot, 1579), 92.

[31] Henry of Ghent, *Summa*, q. 32, a. 5 (Raymond Macken, ed., [available at philosophy.unca.edu/henry-ghent-series], 86). See Mark Henninger, *Relations: Medieval Theories 1250-1325* (Oxford: Oxford University Press, 1989), 50-51; McMahon, "Reflections," 51.

[32] Gilbert of Poitiers, *Commentarius in Boethii opuscula sacra*, ed. N. M. Häring, Studies and Texts 13 (Toronto, 1966); and idem, *Breves dies hominis*, fol. 54va, cited in Lauge Olaf Nielsen, *Theology and Philosophy in the Twelfth Century* (Leiden: Brill, 1982), 56-57, 83, 129, 137, 142, 294-95.

from, but really identical to, the man. This view posits "modes" that are neither really nor rationally distinct from their subjects but are only intentionally distinct—that is, distinct ways in which a thing can be conceptualized, founded in the way reality actually is, without involving a real distinction of beings or things. The distinction between a subject and its mode is not a distinction of reason but an intentional distinction founded in reality, midway between a real and a rational distinction. Claims regarding this sort of distinction tell us something about the way reality actually is, not just about how it appears to us, but in making such claims we do not posit a separate entity to account for those features of reality. The mode of *habitus* is really identical to, but intentionally distinct from, its foundation in the man.

Henry argues that the ten categories are ten *rationes*, *modi essendi*, or ways of thinking about a being. They do not all correspond to really distinct kinds of beings; not every categorical mode or *ratio* corresponds to a separate *res* or real thing. (This is unlike the realist modal view, as we shall see.) The *sex principia* reduce in reality to relations, and relations to their foundations in the three categories whose members are *res*: substance, quality, and quantity.[33] But all of the categories are intentionally distinct. Whereas relations are directly founded on substance, quality, or quantity, the *sex principia* are also founded on motion or dispositions to motion, since motions bring two things together, such as a thing and a place.[34] Relation and the *sex principia* are ways in which a *res* is with respect to another, or ways that refer their subject to another.[35]

[33] Henry of Ghent, *Quodlibet* VII, q. 1/2 (Gordon Wilson, ed., [available at philosophy.unca.edu/henry-ghent-series], 29-32). See Giorgio Pini, "Scotus' Realist Conception of the Categories," *Vivarium* 43 (2005): 73-75 on how Simon of Faversham and Peter John Olivi held Henry's view; and Pasnau, *Metaphysical Themes*, 245 on how Nicolas of Strasbourg, Alexander of Alexandria, James of Viterbo, Dietrich of Freiburg, Franciscus de Prato, and Durandus of St. Pourçain held that the *sex principia* are modes, but also real beings.

[34] Henry of Ghent, *Summa*, a. 32, q. 5 (Macken, ed., 95). See McMahon, "Reflections," 50.

[35] Henry of Ghent, *Summa*, a. 32, q. 5 (Macken, ed., 84). See McMahon, "Reflections," 46-50; Pasnau, *Metaphysical Themes*, 232-33.

They are their foundation plus a "mode," a *ratio* of the thing in reference to another, which does not exist separately in itself.[36] One might object that this formulation does not entail that modes do not really exist but only that they cannot exist separated from their subjects. But Henry makes it clear that modes do not really add anything to their subjects; for example, he holds that God has modes added to him without threat to his simplicity because they are not really distinct from him. *Habitus*, on this view, is a contained thing, such as a person, considered with respect to what contains it, such as clothes, resulting from the motion of receiving that container.[37]

Some Thomists, such as John of St. Thomas, call *habitus* a mode but mean that it is a kind of real being, while other Thomists, such as John Capreolus, deny that *habitus* is a mode but draw on Henry's account of *habitus* as a "*respectus*."[38] Terms like 'mode' and '*respectus*' shifted in meaning among Scholastic thinkers, which in part led to the proliferation of views on the *sex principia*. In contemporary literature, Robert Pasnau takes Aquinas's view to be similar to Henry's. Aquinas calls the categories "modes of being" (*modi essendi*) and he seems to hold that some of the categories are really identical to one another, only distinct inasmuch as we distinguish them in order to understand reality, and insofar as our terms for these modes denominate different "structures" of reality, to use Pasnau's term.[39] This notion of "structure" helps make sense of the idea that these modes could be founded in reality without introducing real differences: reality has aspects that involve differences without involving the introduction of entirely new, irreducible beings. For example, *actio* and *passio* are really both

[36] Henry of Ghent, *Summa*, a. 32, q. 5 (Macken, ed., 87); *Quodlibet* VII, q. 1/2 (Wilson, ed., 6).

[37] Henry of Ghent, *Summa*, a. 32, q. 5 (Macken, ed., 103-5).

[38] See Pini, "Scotus' Realist Conception of the Categories," 71-72.

[39] III *Phys*., lect. 5, n. 15 (Leonine ed., 2:114-15); V *Metaphys*., lect. 9, n. 890 (Marietti ed., 238); *De Verit*., q. 1, a. 1 (*Opera omnia* [Rome: Leonine ed., 1975], 22.1:3-8); Pasnau, *Metaphysical Themes*, 232-33. Suárez, *Disp. Metaphys*., disp. 39, s. 2, n. 22-23 (Vives ed., 26:516-17) understands Aquinas to have Henry's view. Cf. Pini, "Scotus' Realist Conception of the Categories," 71.

the motion brought about by an efficient cause in a patient, but they are distinguished conceptually and denominatively insofar as that effect can be referred in different ways to the agent and to the patient, in a way similar to Henry's intentional distinction.[40] Even more explicitly, Aquinas states that

> that from which something is denominated is not necessarily always a form according to the nature of the thing, but it suffices that it be signified through the mode of a form, grammatically speaking. Indeed, a human being is denominated from action, clothing, and other things of that sort, which really are not forms.[41]

This suggests that, on Aquinas's view, *habitus*, *actio*, and probably the other *sex principia* are not really distinct from their subjects, but just involve talking about subjects as if they had forms of these kinds. For example, clothes act like a form for the human body, which is picked out by *habitus* predications, but they are not really forms. Indeed, Aquinas says elsewhere that *habitus* (and *ubi, quando*, and *situs*) are effects of relations of the subject having to the thing had.[42] On some interpretations, the members of these categories are even reducible to members of the category 'relation'.[43]

Ultimately, however, Henry's view reduces to other views. On the one hand, this view could be interpreted in such a way that it reduces to the extrinsic denomination view, as it was interpreted by the sixteenth-century Jesuit Pedro da Fonseca, and by the seventeenth-century Jesuit Richard Lynch. On this interpretation, intentionally distinct modes are really identical to their subjects and so are mere ways of denominating those subjects based on extrinsic things, though these extrinsic things can be thought of as affecting their subjects.[44] This inter-

[40] III *Phys.*, lect. 5, nn. 16-17 (Leonine ed., 2:115); *STh*, I, q. 28, a. 3, ad 1 (*Opera omnia* [Rome: Leonine ed., 1888], 4:324).

[41] *De Pot.*, q. 7, a. 10, ad 8 (*Quaestiones disputatae* [Turin: Marietti, 1965], 2:211).

[42] V *Metaphys.*, lect. 17, n. 1005 (Marietti ed., 266).

[43] See Pasnau, *Metaphysical Themes*, 231; Wippel, *Metaphysical Thought*, 226-27.

[44] Pedro Da Fonseca, *In libros metaphysicrum Aristotelis Stagirita*, bk. 5, c. 7, q. 2 ([Frankfurt: Impensis Ioannis Theobaldi Schanuuertteri, 1599], 2:429-44); bk. 7, c. 8,

pretation is suggested by Aquinas's statement that the *sex principia* are extrinsic denominations[45] of some subject with reference to an extrinsic thing that can be considered grammatically as a form of the subject.[46] Henry too seems to think of them as ways of talking about a subject with respect to things extrinsic to it. The intentional modal view would then have the same problems that we shall see that the extrinsic denomination view has. On the other hand, one could interpret "mode" in a more robust manner, holding that if modes are distinct aspects of reality, then they are real beings; on this interpretation, the intentional modal view would reduce to the realist modal view, which I shall defend below.

B) The Extrinsic Denomination View

This view was first clearly held by William of Occam and John Buridan. More importantly for my project of considering the Thomistic view of *habitus*, this view was held by many, though not all, sixteenth- and seventeenth-century Jesuit philosophers, such as da Fonseca, Suárez, Lynch, Rodrigo Arriaga, Pedro Hurtado de Mendoza, Martinus Smigliecus, and the commentators on Aristotle of the Jesuit college at Coimbra, the Conimbricenses. Suárez, Lynch, and the Conimbricenses held that they were following Aquinas in holding this view; since my interest in this paper is to understand Aquinas's view, I focus on these last here.[47]

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q. 4 (Frankfurt ed., 3:357-78); Richard Lynch, *Universa philosophia scholastica*, t. 7, c. 6, ad 3 and 4 ([Lyon: Borde, Arnaud, and Rigaud, 1654], 3:212).

[45] III *Phys.*, lect. 5, n. 15 (Leonine ed., 2:114-15).

[46] *De Pot.*, q. 7, a. 10, ad 8 (Marietti ed., 2:211).

[47] Suárez, *Disp. Metaphys.*, disp. 39, s. 2, nn. 22-23 (Vives ed., 26:516-17); Lynch, *Universa philosophia scholastica*, t. 7, c. 6 (Lyon ed., 3:211-13); Conimbricenses, *Commentarii collegii Conimbricensis e societate Iesu in universam dialecticam Aristotelis Stagirita* (hereafter *In Dial.*), *In Categorias*, c. 9, q. 3, a. 2 (Coloniae Agippinae: Apud Bernardum Gualterium, 1630), 531. Mastrius and Belluto, *Philosophiae*, p. 2, t. 3, d. 8, q. 12, a. 1, n. 191 (Venice ed., 271) also take this to be the view of Aquinas, and, following Aquinas, of Hervaeus Natalis, Chrysostem Javellus, Domingo Soto, and Paul Soncinas. Some twentieth-century interpreters of Aquinas also have this view, e.g., A. Krempel, *La doctrine de la relation chez saint Thomas* (Paris: J. Vrin, 1952), 429-50;

On this view, *habitus* is a predication of a participle of some subject, where the participle denominates the subject as connoting an extrinsic adjacent body. When I say "a man is clothed," a passive participle is predicated of 'man', whereby a man is considered as connoting, or having to do with, clothes. The things that make the claim true are an individual man and his individual clothes, in a certain situation with respect to one another. There is no need to posit any other being; the "situation," the "respect," and the "connoting" are not real beings or forms but are only considered linguistically as if they were.[48]

Suárez holds that there are three kinds of categorical accidents, all of which are oriented towards substances as their subjects: intrinsic accidents, modes, and extrinsic denominations.[49] An accident is an intrinsic accident if and only if it (1) has its own proper entity separate from its subject[50] and (2) is intrinsically apt to exist in another,[51] but (3) can, by divine power, exist actually on its own,[52] (4) has its own nature,[53] and

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and Peter Hoenen, *Cosmologia*, 5th ed. (Rome: Apud aedes Pont. Universitatis Gregorianae, 1956), 74-94 (cited at Wippel, *Metaphysical Thought*, 225).

[48] William of Occam, *Summa logicae*, I, 41, 49 (Philotheus Boehner, et. al., eds., *Opera philosophica et theologica* [St. Bonaventure, N.Y.: Franciscan Institute, 1974], 1:114-17, 153-59); and John Buridan, *Quaestiones in praedicamenta*, q. 3 (Johannes Schneider, ed. [Munich: Verlag der Bayerischen der Wissenschaften, 1983], 14-29), cited in Aertsen, *Medieval Philosophy as Transcendental Thought*, 521-22; McMahon, "Reflections," 53-57. Among the Jesuits, Occam and Buridan's version of this view is followed most of all by Martinus Smiglecius, *Logica*, d. 7, q. 4 (Ingolstad: Ex typographeo Ederiano, 1618), 530-31.

[49] Suárez, *Disp. Metaphys.*, disp. 16, s. 1, nn. 3, 5, 18 (Vives ed., 25:567-68, 572); disp. 37, s. 2, nn. 8, 11 (Vives ed., 26:494-96). Cf. Da Fonseca, *In V Metaphys.*, c. 7, q. 2, s. 3 (Frankfurt ed., 2:434); Pasnau, *Metaphysical Themes*, 254.

[50] Suárez, *Disp. Metaphys.*, disp. 7, s. 1, n. 17 (Vives ed., 25:255-56); disp. 16, s. 1, nn. 2, 14, 21 (Vives ed., 25:566, 570, 573); disp. 37, s. 2, nn. 9, 17 (Vives ed., 26:495, 497-98).

[51] Suárez, *Disp. Metaphys.*, disp. 16, s. 1, n. 5 (Vives ed., 25:567-68); disp. 37, s. 2, n. 9 (Vives ed., 26:495).

[52] Suárez, *Disp. Metaphys.*, disp. 37, s. 2, n. 14 (Vives ed., 26:496-97).

[53] Suárez, *Disp. Metaphys.*, disp. 16, s. 1, n. 3 (Vives ed., 25:567); disp. 37, s. 2, n. 1 (Vives ed., 26:493).

(5) really changes that in which it inheres if it inheres.[54] For example, quantities like intelligible mathematical surfaces and qualities like heat are intrinsic accidents.[55] No Scholastic thinker held that *habitus* is an intrinsic accident, because there is no way that "being dressed" could be preserved apart from its subject, so it does not meet (3).

An accident is a mode on Suárez's view if and only if it (1) does not have its own proper entity distinct from others,[56] (2) is intrinsically apt to exist in another and (3) can only actually exist in another,[57] and so (4) cannot exist actually on its own even by divine power, (5) only has its nature in its inhering,[58] and (6) really changes that in which it inheres.[59] For example, the sensible shape of some portion of extended space is a mode in the category of quality, which cannot exist apart from its subject.[60] A mode, on Suárez's view, is not a full "thing" (*res*) capable of existing or being understood apart from its subject, but it is also not merely rationally or intentionally distinct from its subject. It genuinely affects its subject, adding to it a completion or perfection beyond those provided by its essence.[61] Suárez's modes have more being than Henry's, because of (1) and (5); at least, this is how they were understood by, for example, John of St. Thomas. But John denies that modes fulfill conditions (1) and (5): on John's view, modes are really and fully beings.[62] On Suárez's view, essence

[54] Suárez, *Disp. Metaphys.*, disp. 16, s. 1, nn. 4, 10 (Vives ed., 25:567, 569); disp. 16, s. 2, n. 14 (Vives 25:578-79); disp. 37, s. 2, n. 8 (Vives ed., 26:494-95); disp. 39, s. 2, n. 3 (Vives ed., 26:511).

[55] Suárez, *Disp. Metaphys.*, disp. 39, s. 3, n. 14 (Vives ed., 26:527); disp. 40, s. 5, n. 40 (Vives ed., 26:562).

[56] Suárez, *Disp. Metaphys.*, disp. 16, s. 1, n. 21 (Vives ed., 25:573); disp. 37, s. 2, n. 10 (Vives ed., 26:495).

[57] Suárez, *Disp. Metaphys.*, disp. 37, s. 2, n. 10 (Vives ed., 26:495).

[58] Suárez, *Disp. Metaphys.*, disp. 16, s. 1, n. 22 (Vives ed., 25:573).

[59] Suárez, *Disp. Metaphys.*, disp. 16, s. 2, n. 16 (Vives ed., 25:579).

[60] Suárez, *Disp. Metaphys.*, disp. 39, s. 3, n. 14 (Vives ed., 26:527); disp. 42, s. 3, n. 15 (Vives ed., 26:615).

[61] Suárez, *Disp. Metaphys.* disp. 7, s. 1, n. 16-19 (Vives ed., 25:255-56); disp. 16, s. 1, n. 21 (Vives ed., 25:573).

[62] John of St. Thomas, *Cursus phil.*, Logica, pt. 2, q. 14, a. 1 (Vives ed., 1:424-26); q. 14, a. 5 (Vives ed., 1:443); q. 19, a. 1 (Vives ed., 1:540-42).

and existence are really identical and there can be beings without proper entity, if such beings have their existence only in another and so do not have independent essence.[63] On John's view, essence and existence are really distinct, and existence gives ultimate completion to a being, such that there cannot be beings without proper entity: everything that has existence is properly a being, with its own real essence.[64]

An accident is a categorical extrinsic denomination if and only if it is (1) a predicate that denominates some subject by reference to something extrinsic to that subject, where (2) that extrinsic thing acts as a sort of form toward the subject such that the subject seems to be modified by the extrinsic thing's formal activity,[65] but (3) the extrinsic thing does not inhere in the denominated subject,[66] though the subject is (4) spoken of in the extrinsic denomination as if modified and as if resulting in a concrete accidental unity with the extrinsic thing,[67] and (5) has a certain ordering to the extrinsic thing but (6) is not really changed beyond having a real relation of ordering to the extrinsic thing.[68] But there are two kinds of extrinsic denominations, those that are categorical, and those that are beings of reason (an example of which is "being seen"). The former involve the extrinsic thing acting as a sort of form of the subject and causing a real categorical relation toward itself in the subject, but the latter do not involve any such affecting or

[63] Suárez, *Disp. Metaphys.*, disp. 31, s. 11, n. 15, 32, 35 (Vives ed., 26:276, 281-3).

[64] John of St. Thomas, *Cursus phil.*, Logica, pt. 2, q. 14, a. 1 (Vives ed., 1:426-7); Philosophia Naturalis, pt. 1, q. 7, a. 5 (Vives ed., 2:125-128); *Cursus theologicus in summa theologiam* (hereafter *In STh*), I, q. 3, d. 4, a. 4, nn. 19 and 25-27 ([Paris: Vives, 1883], 1:603, 606-7).

[65] Suárez, *Disp. Metaphys.*, disp. 16, s. 1, n. 24 (Vives ed., 25:574); disp. 37, s. 2, n. 8 (Vives ed., 26:494-95); disp. 39, s. 2, n. 36 (Vives ed., 26:520-21).

[66] Suárez, *Disp. Metaphys.*, disp. 37, s. 2, n. 8 (Vives ed., 26:494-95).

[67] Suárez, *Disp. Metaphys.*, disp. 32, s. 1, n. 23 (Vives ed., 26:319); disp. 37, s. 2, n. 8 (Vives ed., 26:494-95).

[68] Suárez, *Disp. Metaphys.*, disp. 16, s. 1, nn. 3, 24 (Vives ed., 25:567, 574); disp. 16, s. 2, n. 1 (Vives ed., 25:574).

real relations.[69] A categorical extrinsic denomination on Suárez's account functions just like an intentional mode on Henry's, which is further evidence that the intentional modal view reduces to the extrinsic denomination view.

On Suárez's view, *habitus* is a categorical extrinsic denomination.[70] For example, clothes, by being near a body, act as a sort of form of the body whereby the body is ornamented.[71] In accord with Aristotle's *Metaphysics* 5.20.1022b3-10, the subject *has* its clothes, and this having, though not a real being, is a sort of medium from the man to the clothes, though not vice versa.[72] But there is nothing really existing here besides the body, the clothes, the real relations of nearness or contact of the man to the clothes and vice versa, the place or boundary surface (*ubi*) of both that founds those relations, and the internal arrangement of parts (*situs*) of both; no new kind of *per se* unity and being is introduced.[73] Suárez holds that the view that *habitus* is a real mode is unthinkable.[74]

The Conimbricenses similarly contend that there is no intrinsic difference between being dressed and being naked, and so no real mode of *habitus* needs to be posited.[75] Arriaga argues that it is as improbable to think that getting dressed brings about a real change in the dressed body as it is to think that the coming into being of a new white thing in India brings about a new real relation of similarity to that white thing in every white

[69] Suárez, *Disp. Metaphys.*, disp. 2, s. 1, n. 1 (Vives ed., 25:70); disp. 6, s. 6, n. 10 (Vives ed., 25:223); disp. 39, s. 3, n. 12 (Vives ed., 26:526-27). Cf. John of St. Thomas, *Cursus phil.*, Logica, pt. 2, q. 19, a. 1 (Vives ed., 1:540).

[70] Suárez, *Disp. Metaphys.*, disp. 53, s. 1, n. 3 (Vives ed., 26:1012).

[71] Suárez, *Disp. Metaphys.*, disp. 53, s. 1, nn. 1, 3 (Vives ed., 26:1011-12).

[72] Suárez, *Disp. Metaphys.*, disp. 53, s. 1, nn. 1, 4 (Vives ed., 26:1011-12). Cf. Pedro Da Fonseca, *In V Metaphys.*, c. 7, q. 2, s. 3 (Frankfurt ed., 2:434); s. 4, ad 9 (Frankfurt ed., 2:439); c. 20 (Frankfurt ed., 2:913).

[73] Suárez, *Disp. Metaphys.*, disp. 35, s. 1, n. 5 (Vives ed., 26:426-27); disp. 39, s. 3, n. 12 (Vives ed., 26:526-27); disp. 53, s. 1, n. 3 (Vives ed., 26:1012).

[74] Suárez, *Disp. Metaphys.*, disp. 53, s. 1, nn. 1, 3 (Vives ed., 26:1011-12). Unlike Aquinas, Suárez thinks that any case of one body being adjacent to another is an instance of *habitus*; cf. *Disp. Metaphys.*, disp. 53, s. 2, nn. 1-3 (Vives ed., 26:1013-14). Cf. Conimbricenses, *In Dial.*, In Categorias, c. 9, q. 3, a. 2 (Gualterium ed., 532); c. 10 (Gualterium ed., 566).

[75] Conimbricenses, *In Dial.*, In Categorias, c. 9, q. 3, a. 2 (Gualterium ed., 530).

thing in the world. However, he admits this is somewhat unconvincing, as getting dressed seems to produce a greater change in me than does the production of something new in India.[76] Suárez argues for the lack of real change by contending that God could annihilate the body or the clothes and preserve the other exactly as it was, and so no mode needs to be posited to explain being dressed.[77] But this begs the question as to whether getting dressed brings about a real change in either, since it assumes that were God to annihilate one of these subjects, the other would remain exactly the way it was.

In my view, the most problematic aspect of this view is that it denies or fails to account for a unique connection between human persons and artifacts; the reasons why such an account must be given will be presented below. This is contrary to the tendency to pay close attention to experience and "save the appearances" in a nonreductionistic manner that is a hallmark of much Aristotelian thought. Wearing clothes and using tools make a difference to the way in which we engage with the world, over and above the spatial relations we have to those artifacts, but the view we are investigating here explains this experience reductionistically. Just as Aristotelianism gives a nonreductionist metaphysics of intentionality, by positing entities such as intentional species, so the unique features of the experience of engaging with the world through artifacts likewise suggests the need for positing a new entity. Likewise, this theory severs some of the isomorphism between language and reality typical of Aristotelianism, an isomorphism that grounds much of the realism of that philosophy: *habitus* predications in ordinary language seem to posit a unique sort of property had by a subject; if this is the case, then the metaphysics should match. A philosopher with antireductionist and realist intuitions has good reasons to reject the extrinsic denomination view.

[76] Rodrigo de Arriaga, *Disputationes metaphysicae*, disp. 5, c. 3 (*Cursus philosophicus* [Paris: Apud Iacobum Quesnel, 1689], 782). For a response to this argument in favor of the realist modal view see Rubio, *Logica mexicana*, c. 10, ad 2 (Pillehotte ed., 451).

[77] Suárez, *Disp. Metaphys.*, disp. 53, s. 1, n. 5 (Vives ed., 26:1012-13).

C) The Absolute Entity with "Respectus" View

John of St. Thomas and the Scotists Bartholomaeus Mastrius and Bonaventura Belluto mention that some held that the predicates in these categories signify something absolute (that is, intrinsic and nonrelational) with a *respectus* or ordering to the denominated subject. John does not mention any names of those who held this view; Mastrius and Belluto wrongly attribute it to Rubio, who actually holds the realist modal view.[78] By contrast with the last two views, according to which the predicate signifies the denominated subject with an ordering to the extrinsic thing, on this view, the predicate signifies the extrinsic thing with an ordering to the denominated subject. The predicate 'clothed' in "a man is clothed" would refer to the clothes insofar as they are ordered to the man wearing them. What makes the sentence true are the man, his clothes, and perhaps a relation from the clothes to the man or an intentionally distinct mode in the clothes. There is little difference between this view and the former two views: on none of these views is *habitus* a kind of real being. Indeed, Suárez sometimes speaks as if he held this view: he says that the realities abstractly referred to by *habitus* predicates are the clothes.[79] Arriaga and Hurtado say that *habitus* predicates refer to the clothes as placed around (*ubicationibus*) the man.[80]

A member of the Thomistic tradition who may have held this view is the sixteenth-century Jesuit Francisco Toletus, who held that *habitus* predications are taken from a form or thing, which by some mode is around a body and which ornaments or

[78] John of St. Thomas, *Cursus phil.*, Logica, pt. 2, q. 19, a. 1 (Vives ed., 1:539); Mastrius and Belluto, *Philosophiae*, p. 2, t. 3, d. 8, q. 12, a. 1, n. 191 (Venice ed., 271). Rubio, *Logica mexicana*, c. 10, q. un. (Pillehotte ed., 447); *Q. generalis pro omnibus sex ultimis praedicamentis* (Pillehotte ed., 453, 455). John of St. Thomas wrongly attributes this view to Hervaeus Natalis, Chrysostem Iavellus, Domingo Soto, and Pedro da Fonseca, who held the extrinsic denomination view.

[79] Suárez, *Disp. Metaphys.*, disp. 39, s. 2, n. 2 (Vives ed., 26:511).

[80] Arriaga, *Disp. Metaphys.*, disp. 5, c. 3 (Quesnel ed., 781). Cf. Pedro Hurtado de Mendoza, *Universa philosophia*, *Metaphysica*, d. 18 (Lyon: Ludovici Prost Haeredis Rovite, 1624), 942.

clothes the body.[81] Since he held that the *sex principia* are extrinsic denominations, "mode" here is understood in something like Henry's sense of the term. Toletus's version of this view is a version of the extrinsic denomination view. But, in addition to the problems with the latter, this view has the added disadvantage of not conforming to the semantic structure of *habitus* predications: *habitus* predications, such as "a man is clothed" attribute a form to the subject, the man, not to the extrinsic thing, the clothes, and this is not reflected on this view.[82]

D) The Pure "Respectus" View

John of St. Thomas lists two views that hold that the *sex principia* are *respectus*, a term from Henry that was also used in the last three views. One view holds that the *sex principia* are pure *respectus*, that is, orderings (*habitudines*) or comparisons (*comparationes*) of one thing to another that are free of anything absolute and do not include anything inhering in the subject but are just an ordering. When we say that "a man is clothed," we mean that the man has an ordering towards the clothes. This ordering, which, as on the intentional modal view, is not really distinct from the man, corresponds to the predicate 'clothed', and, together with the man and the clothes, and perhaps with members of the categories relation and *ubi*, makes this sentence true. The other *respectus* view, which will be considered next, is the view that the *sex principia* are *respectus extrinsecus adveniens*. The two views are similar in some ways, and some Scholastic thinkers, such as Mastrius and Belluto, held that they were the same.[83] However, some defenders of the

[81] Francisco Toletus, *Commentaria una cum quaestionibus in universam Aristotelis logicam*, *In librum categoriarum*, c. 10 (Venice: Apud Iuntas, 1580), 89.

[82] Valbuena, "De significatione," 172 wrongly says that the seventeenth-century Dominican Antonius Goudin held a version of this view. But Goudin held the realist modal view: see *Philosophia thomistica*, Logica majoris prima pars, d. 2, q. 6, a. 4 ([Madrid: Apud Petrum Marin, 1789], 1:245).

[83] Mastrius and Belluto, *Philosophiae*, p. 2, t. 3, d. 8, q. 12, a. 1, n. 191 (Venice ed., 271).

pure *respectus* view, such as the sixteenth-century Dominican Soncinias, argue against Scotus's *respectus extrinsecus adveniens* view; in this, he follows the Thomist John Capreolus.[84]

Capreolus holds that *habitus* is neither something absolute, that is, nonrelational, as on the realist modal view, nor something absolute together with an ordering (*respectus*) to another, as on the absolute entity with *respectus* view.[85] John of St. Thomas, perhaps noting the similarities between this view and Henry's, presents the pure *respectus* view as holding that the *habitus* is a mode in the subject that orders the subject toward an extrinsic thing.[86] But on Capreolus and Soncinas's version of this view, *habitus* is just a *respectus*, not a mode with a *respectus*. A *respectus* is just a way of predicating with a foundation in reality, not a kind of real being; thus this view resembles the intentional modal view.[87] The difference is that here the predicate denotes the pure ordering, not an intentionally distinct mode.

A *prima facie* objection to this view is that it seems to reduce *habitus* to the category of relation, which its proponents do not want to claim; my reply to this objection will introduce an important distinction. Categorical relations, Soncinas argues, immediately result from the existence of absolute things. For example, a relation of similarity immediately results from the existence of one white form (the foundation) and another white form (the term), both of which are absolute. But *habitus* (and the other *sex principia*) results immediately from the existence of its foundation and its term when these are in a relation of adjacency or containment, and so it is not reducible to relation, since it is founded, as Aquinas said, on a relation. *Habitus* is

[84] Soncinas, *In V Metaphys.*, q. 39 (Pesnot ed., 92).

[85] John Capreolus, *Defensiones theologiae divi Thomae Aquinatis* (hereafter *In Sent.*), II, d. 2, q. 1, a. 3, s. 2, ad 1 argumenta Aureoli ([Turin: Alfred Cattier, 1900], 3:139).

[86] John of St. Thomas, *Cursus phil.*, Logica, pt. 2, q. 19, a. 1 (Vives ed., 1:539-40).

[87] Capreolus, *In I Sent.*, d. 8, q. 2, a. 2B, s. 1, ad 6 argumenta Scoti, ad 18-19 (Cattier ed., 1:353-54); ad 9 argumenta Scoti (Cattier ed., 1:355); Soncinas, *In V Metaphys.*, q. 13, concl. 2 (Pesnot ed., 61). Cf. Suárez, *Disp. Metaphys.*, disp. 39, s. 2, n. 22 (Vives ed., 26:516).

said to be left (*derelinquitur*)[88] in the contained subject, not as anything absolute or really distinct from the subject, but as a pure ordering of the subject towards something adjacent. Only a pure *respectus* can, Soncinas claims, be a medium between two things, as Aristotle says *habitus* is, since nothing absolute can exist between two things, contrary to the dual subject view.[89]

Soncinas holds that any instance of being contained belongs to *habitus*.[90] Capreolus at one point claims, following Aquinas, that only humans have *habitus*,[91] and then he goes on, in what seems to be a self-contradiction, to cite approvingly a claim of Averroës that holds that an animal having skin is in this category.[92]

Ultimately, despite its proponents' claims to the contrary, this view reduces to the extrinsic denomination view: a *respectus* is just an ordering of a subject to something extrinsic, said in virtue of or as resulting from that extrinsic thing, distinct from the subject only conceptually with a foundation in reality.

E) The "Respectus Extrinsecus Adveniens" View

The second view that holds that *habitus* is a kind of *respectus* holds that *habitus* (along with the other *sex principia*) are *respectus* that come to a thing from something extrinsic (*respectus extrinsecus adveniens*). This view was first formulated by John Duns Scotus, who held that members of these categories are real beings. On this view, what makes it true that "a man is clothed" are the man, the clothes, and a *respectus* that orders the man toward the clothes. At least one Thomist, the

[88] '*Derelinquere*' and '*relinquere*' denote that these accidents are "in" their subjects, and are not mere extrinsic denominations, but are not "intrinsic" in their subjects.

[89] Capreolus, *In II Sent.*, d. 2, q. 1, a. 3, s. 2, ad 1 argumenta Aureoli (Cattier ed., 3:139-40); *In II Sent.*, d. 2, q. 1, a. 3, s. 2, ad 1 argumenta Aureoli, ad 5 principale (Cattier ed., 3:142-43); Soncinas, *In V Metaphys.*, q. 39 (Pesnot ed., 92); q. 41 (Pesnot ed., 94).

[90] Soncinas, *In V Metaphys.*, q. 41 (Pesnot ed., 94).

[91] Capreolus, *In II Sent.*, d. 2, q. 1, a. 3, s. 2, ad 1 argumenta Aureoli (Cattier ed., 3:140).

[92] Averroës, *In V Metaphys.*, c. 23, cited at Capreolus, *In II Sent.*, d. 2, q. 1, a. 3, s. 2, ad 1 argumenta Aureoli, ad 5 principale (Cattier ed., 3:143).

Dominican Thomas de Vio Cajetan, also held this view. But on his version of the view, the members of the *sex principia* are not really distinct forms but are merely ways of conceiving a being as if they were forms that follow upon the relation of adjacency.[93] While this is a realist view for Scotus, it is a version of the extrinsic denomination view for Cajetan. Later thinkers, such as da Fonseca, likewise took this to be a version of the extrinsic denomination view.[94]

The proponents of this view distinguish two kinds of *respectus*: *respectus intrisecus adveniens* and *respectus extrinsecus adveniens*; this distinction distinguishes this view from the pure *respectus* view. A *respectus* is a *respectus intrinsecus adveniens* (and therefore in the category of relation) if and only if it arises immediately and necessarily in the subject of the foundation given the existence of the foundation and the term. For example, given any two white things, a *respectus intrinsecus adveniens* of similarity will arise in each thing. These *respectus* are intrinsic because they depend only on intrinsic substantial, qualitative, or quantitative forms. A *respectus* is a *respectus extrinsecus adveniens* (and therefore in one of the *sex principia*) if and only if it arises from its foundation and term just when these are in some proper relation; different kinds of these *respectus* are founded in different kinds of foundations, terms, and relations. For example, given the *respectus intrinsecus adveniens* of adjacency between a man and his clothes, a *respectus extrinsecus adveniens* of *habitus* arises ordering the man towards the clothes. In order to arise, some cause must put the man and the clothes into the right relation, as when he gets dressed. For a *respectus intrinsecus*, no causal activity beyond

[93] Thomas de Vio Cajetan, *Commentaria in praedicamenta Aristotelis* (Marie Hyacinthe Laurent, ed. [Rome: Angelicum, 1939], 4-5, 192); *Expositio super summam theologiam* (hereafter *In STh*) I, q. 6, a. 4, n. 3 (*Opera omnia Thomae Aquinatis* [Rome: Leonine ed., 1881], 4:70); *In de ente et essentia divae Thomae Aquinatis commentaria*, s. 8 (Marie Hyacinthe Laurent, ed. [Turin: Marietti, 1934]). See Joshua Hochschild, *The Semantics of Analogy* (Notre Dame: University of Notre Dame Press, 2010), 187, 212.

[94] Da Fonseca, *In V Metaphys.*, c. 7, q. 2 (Frankfurt ed., 2:434); *In VII Metaphys.*, c. 8, q. 4 (Frankfurt ed., 3:357-58).

that which brings about the foundation and term is required.[95] On the pure *respectus* view, by contrast, *respectus* like *habitus* do arise immediately given their relata: given the existence of a container and the contained, *habitus* arises.[96]

But this apparent difference between the views really is just a matter of different descriptions under which the relata are taken. The *respectus* of *habitus* does not arise immediately from the existence of the man *qua* man and the clothes *qua* clothes. But it does immediately arise from the existence of the man *qua* contained and the clothes *qua* containing. The pure *respectus* view uses the latter description, while the *respectus extrinsecus adveniens* view uses the former. They agree that *habitus* arise from a foundation and a term in a relation of containment or adjacency. Yet it is not clear on either view why this relation would constitute a new category of being.

Scotus distinguishes between intrinsic forms, such as qualities and quantities, and *respectus extrinsecus adveniens*. This is a distinction much like that between intrinsic forms and modes on Suárez's view. Scotus calls *respectus* "modes," but he thinks that they really add to their subjects, are really distinct from their subjects, and have their own essence.[97] Intrinsic forms are capable of existing apart from their subjects, at least by divine power; *respectus* cannot, but must inhere immediately in their subjects.[98] Scotus does not discuss the *sex principia* in detail,[99]

[95] John Duns Scotus, *Ordinatio*, bk. IV, d. 6, p. 4, a. 2, q. 2, nn. 293-99 (*Opera omnia*, [Vatican City: Typis Vaticanis, 2010], 11:385-87); d. 12, p. 1, q. 1, ss. 36-38 (Vatican ed., 12:309-10); d. 12, p. 2, q. un., ad 1, ss. 277-82 (Vatican ed., 12:380-82); d. 13, q. 1 (Vatican ed., 12:451.233-45).

[96] Rubio, *Logica mexicana*, *Q. generalis pro omnibus sex ultimis praedicamentis* (Pillehotte ed., 453), takes all of this to show the falsehood of the *respectus extrinsecus adveniens* view.

[97] Scotus, *In librum praedicamentorum quaestiones*, q. 11, n. 4 (*Opera omnia* [Paris: Vives, 1894], 1:468); *Ordinatio* IV, q. 13, a. 1, ss. 41-55 (Vatican ed., 12:450-53); *Quaestiones quodlibetales*, q. 3 (Vives ed., 25:129-30), cited in Pasnau, *Metaphysical Themes*, 243. Cf. Henninger, *Relations*, 73-74.

[98] Scotus, *Ordinatio* IV, d. 10, p. 1, q. 1, ss. 67-70 (Vatican ed., 12:74-75); d. 12, p. 1, q. 1, nn. 25-38, 77-80 (Vatican ed., 12:306-10, 323-34); d. 12, p. 2, q. un., nn. 278-82 (Vatican ed., 12:381-82); q. 13, a. 1, ss. 41-55 (Vatican ed., 12:450-53). See Pasnau, *Metaphysical Themes*, 209-11.

[99] See, e.g., Scotus, *Ordinatio*, IV, q. 13, a. 1, s. 41-55 (Vatican ed., 12:450-3).

but if this account were applied to *habitus*, it would have, on my interpretation, the following analysis: when a person is dressed, a *respectus extrinsecus adveniens* of *habitus* comes to be, immediately inhering in the person, and ordering him or her toward the clothes. But, I contend, given this inherence in the subject, the *habitus* would not just be an ordering of the subject to another, as on the pure *respectus* view, but would be an absolute mode in the subject.

Scotus's view anticipates the realist modal view, but later Scotists rejected that view, which holds that the *sex principia* are both absolute modes and transcendental relations.[100] I shall consider transcendental relations in the next section; briefly, they are relations that are identical to their subjects or foundations. Mastrius and Belluto argue that since *respectus extrinsecus* are orderings toward another thing, they are not absolute modes. Since they are essentially added to their subject, they are not transcendental relations. Since each *respectus* is one unified thing, they are not absolute modes plus a *respectus* or transcendental relation. They are not extrinsic denominations, because predications involving the *sex principia* attribute something real to the subject. Rather, they are just *respectus*, real orderings of a subject toward something extrinsic.[101]

One problem with the *respectus extrinsecus adveniens* view is that it holds that *habitus*, though resulting from extrinsic things, are ways in which subjects are ordered toward extrinsic things. But this is not what *habitus* primarily are; rather, as can be seen from the structure of a predication like "a man is clothed," and as will be further argued below, they are ways in which a subject is affected by an extrinsic thing. Indeed, Mastrius and Belluto allow that in the case of *habitus* there is a "mode of informing

[100] See, e.g., Antonius Hiquaeus Hibernus, *Commentarium in quaestiones in libros sententiarum*, in Duns Scotus, *Opera omnia*, d. 13. q. 1 (Vives ed., 17:671); John Punch, *Philosophiae ad mentem Scoti cursus integer*, d. 17, qq. 1-2 (Lyon: Arnaud & Borde, 1672), 241-44; Mastrius and Belluto, *Philosophiae*, p. 2, t. 3, d. 8, q. 12, a. 1 (Venice ed., 271-72), who follow Nicholas Bonet. See the texts from Walter Burley, Paul of Venice, and Petrus Thomae cited in Pasnau, *Metaphysical Themes*, 240-41.

[101] Mastrius and Belluto, *Philosophiae*, p. 2, t. 3, d. 8, q. 12, a. 1, nn. 192-95 (Venice ed., 271-72). See Henninger, *Relations*, 79, 83; Pasnau, *Metaphysical Themes*, 254.

and sustaining" (*modum informationis et sustentationis*) from the clothes, from which a special union between the subject and the clothes results, irreducible to the members of any other category. However, they ridicule any attempt to derive this category from the human aptitude to use clothes, as Rubio and other proponents of the realist modal view do.[102] On their view, *habitus* is a unique sort of union between two things, without a clear reason why this results in a new category of being. This view thus seems, despite their denial, to be a version of the realist modal view. Ultimately, the realist modal and extrinsic denomination views are the only plausible views of *habitus* and the other *sex principia*.

F) The Realist Modal View

The view that I defend as both true and the view that best makes sense of Aquinas's thesis on *habitus* is the view that *habitus* is a real mode, that is, a real being that cannot exist except by inhering in its subject and that really changes its subject when it inheres in its subject. Although this view is terminologically similar to the intentional modal view, on the realist modal view, modes are really, not just intentionally, distinct from their subjects. Although this account of modes is similar to that of Suárez, it differs in that, on this view, modes are complete beings with complete essences and acts of existence, rather than, on Suárez's view, partial essences and existences. According to the realist modal view, what makes it true that "a man is clothed" are a man, his clothes, and a mode of *habitus* inhering in the man; the predicate 'clothed' denotes the mode.

This view is explicitly held by several seventeenth-century philosophers: Antonio Rubio; the Irish philosopher Bernardus Morisanus; the Complutenses, that is, the Carmelite commentators on Aristotle at the University of Alcalá; and the

[102] Mastrius and Belluto, *Philosophiae*, p. 2, t. 3, d. 8, q. 12, a. 2, nn. 222-25 (Venice ed., 279). See the similar account at Hibernus, *Commentarium*, d. 13, q. 1 (Vives ed., 17:670).

Dominican Thomists John of St. Thomas and Antonius Goudin; and it is also held by most subsequent Thomists. It has precursors in the work of Peter Abelard and the fourteenth-century modist Radulphus Brito.[103] On Abelard's view, terms in the logical category of *habitus* refer to a kind of accidental thing (*res*) which comes to a subject from extrinsic things like weapons that one has, which is more long lasting than a *passio*, and which is a property of the thing that has, not of the thing had; Abelard excludes the dual-subject and absolute-entity-with-*respectus* views.[104] On Brito's view, a *habitus* accident (and each of the *sex principia*) is an absolute mode caused and left (*derelinquitur*) in a subject by something extrinsic, whereby the subject is compared to that extrinsic thing as contained to containing thing, and which, unlike on other versions of this view, is not founded on a relation.[105]

John of St. Thomas, who best develops what subsequently became the standard Thomistic view, acknowledges that predicates in the logical category *habitus*, like those in all the *sex principia*, are expressed by extrinsic denomination, as Aquinas says. But, like Suárez, he distinguishes two kinds of extrinsic denominations. First, some are relations of reason like 'being seen'; in these, nothing changes in the denominated

[103] Rubio, *Logica mexicana*, c. 10, q. un. (Pillehotte ed., 448-51); Morisanus, *In Aristotelis logicam, physicam, ethicam, apotolesma*, Logica, d. 9, q. un. (Frankfurt: Typis Iohannes Friedrici Weisii, 1625), 138-39; Complutenses, *Cursus sive disputationes in Aristotelis dialecticam et philosophiam naturalem*, d. 16, q. 1 (Alcala de Henares:: Apud Ioannem de Orduña, 1624), 644-48; q. 6 (Compluti ed, 659-60); John of St. Thomas, *Cursus phil.*, Logica, pt. 2, q. 14, aa. 1, 5 (Vives ed., 1:425-28, 442-43); q. 19, aa. 1, 4 (Vives ed., 1:539-43, 552-55); Goudin, *Philosophia*, Logica majoris prima pars, d. 2, q. 6, a. 4 (Madrid ed., 1:245); Eduardo Hugon, *Cursus philosophiae thomisticae*, Logica ([Paris: P. Lethielleux, 1927], 1:74-75, 83); Owens, *Metaphysics*, 208-9; Charles de Koninck, "Prolégomènes à la dixième catégorie," *Philosophia perennis* 3 (1996): 5-23. See Pasnau, *Metaphysical Themes*, 245, on how Nicolas of Strasbourg, Alexander of Alexandria, James of Viterbo, Dietrich of Freiburg, Franciscus de Prato, and Durandus of St. Pourçain held that the *sex principia* are real modes in the Suárezian sense of mode, and so are perhaps forerunners of the realist modal view.

[104] Abelard, *Logica 'Ingredientibus'*, 256-59. Cf. Nielsen, *Twelfth Century*, 236-38.

[105] Brito, *Quaestiones super librum praedicamentorum*, q. 8, in William E. McMahon, "Radulphus Brito on the Sufficiency of the Categories," *Cahiers de l'institut du moyen-age grec et latin* 39 (1981): 90-92.

subject. Second, some are categorical; in these, the presence of the extrinsic thing from which the subject is denominated brings about a change in the subject. He explains this change by positing a mode or "*respectus*" in the subject. For example, wearing involves either a sort of action (and so change) of the subject, as in the display of ornamentation in wearing make-up, or a sort of passion (and so change) of the subject, as in being covered by clothes, that results from the extrinsic thing, and it involves a link between the person who has and the artifact that is had in a way different from other actions and passions.[106]

On John's view, there are two kinds of modes: those that are reductively in some nonmodal category and those that are in categories that just contain modes.[107] First, a mode is reductively in a nonmodal category if and only if it pertains to the constitution of a member of a category that is not itself a mode. For example, to be a complete substance, a substance must be incommunicable, unable to be part of or assumed by another substance; this is explained by a mode of subsistence, which is not a being with its own act of existence but a constitutive principle of complete substances. Second, a mode is in a category that just contains modes if and only if it is a mode that does not constitute a member of another category but is a being *per se*, with a complete nature and its own act of existence. These modes are not really separable from the extrinsic things from which they result but are "principles of fittingness" (*principia convenientes*) between a subject and an extrinsic thing.[108] When I wear clothes, I am affected by and fitted to them and dependent on them as clothed by them. The mode depends on the clothes as to its origin, and so is not separable from them; if I take off the clothes, the mode ceases to be. Furthermore, in *habitus*, unlike in *ubi, quando,* and *situs*, the extrinsic thing does not measure—that is, provide a standard or

[106] John of St. Thomas, *Cursus phil.*, Logica, pt. 2, q. 14, a. 5 (Vives ed., 1:443); q. 19, a. 1 (Vives ed., 1:540-41); q. 19, a. 4 (Vives ed., 1:554); *In I-II STh*, *De habitibus*, d. 13, a. 1, nn. 87, 90 ([Quebec: Laval, 1949], 21-22).

[107] John of St. Thomas, *Cursus phil.*, Logica, pt. 2, q. 14, a. 1 (Vives ed., 1:427). Cf. Suárez, *Disp. Metaphys.*, disp. 7, s. 1, nn. 18-19 (Vives ed., 25:256-57).

[108] John of St. Thomas, *Cursus phil.*, Logica, pt. 2, q. 14, a. 1 (Vives ed., 1:425-27).

rule for judging—the denominated substance, but rather is just simply and "nakedly" applied to the substance.[109]

The relation between the clothes and the mode reflects the unique sort of causality involved in the causing of modes. Modes do not require a direct and *per se* cause;[110] they can come to be indirectly through another event, such as the act of getting dressed. The conditions that occasion the emergence of the mode are said to be the "origin" of the mode. Clothes do not efficiently or formally act on a person to bring about a mode. Rather, the clothes are applied to the person; this application makes a difference of fittingness (*convenientia*) to the person, and it "leaves behind" (*derelinquitur*) a mode of fittingness and dependence in the person. For most Scholastic thinkers, a thing fits with itself or with another when the latter is either in accord with the nature of the former, fulfills some potency of the former, or displays the nature of the former in a better manner than if the latter had not come together with the former.[111] Many artifacts fit with human nature when they are physically applied to the human body, not because they directly follow upon human nature, but because they reveal that nature well and because they fulfill a human potency for engaging with the world. When I hold and use an artifact, I am rendered able or better able to do certain things, and my rational nature, with its open-ended range of possible ways of engaging with the world, is revealed and expressed. This relation of fittingness brings about an intrinsic change in the person because it actualizes that range of possibility in a definite way. When I wear clothes or hold a tool, I do not merely take on a new relation of spatial adjacency to that artifact; in addition to these relations, an intrinsic mode of *habitus* must be posited to explain my relation to artifacts adjacent to me. This is consistent with the fact that many artifacts have an element of conventionality to them: the structure or style of my clothes may be conventional, but the effect they have on me and the potencies

[109] John of St. Thomas, *Cursus phil.*, Logica, pt. 2, q. 14, a. 5 (Vives ed., 1:443).

[110] John of St. Thomas, *Cursus phil.*, Logica, pt. 2, q. 19, a. 1 (Vives ed., 1:543).

[111] See, e.g., *STh* III, q. 1, aa. 1-2 (Leonine ed., 11:6-7, 9-11); Suárez, *Disp. Metaphys.*, disp. 10, s. 1, n. 6 (Vives ed., 25:330).

they actualize in me are not conventional, but follow upon rational nature.

At this point, a Suárezian might object by distinguishing two kinds of modes. On the one hand, some modes have a *per se* cause, a cause by which they are drawn out (*educere*) from the potencies of their subject. For example, the sensible shape of a thing is a mode that is caused to complete the quantitative figure or magnitude of the thing. These modes exert formal causality over their subjects, actualizing and perfecting them. On the other hand, some modes merely "result" from certain conditions, without a direct *per se* cause; these are not drawn out from the potencies of their subject but merely exist in the subject given certain conditions, and they do not formally cause their subject, or actualize or perfect it.[112] *Habitus* would seem to be in the latter category—but if that is correct, then *habitus* cannot actualize a potency in the subject, as it is supposed to do. John's response is to deny an aspect of the distinction. Every mode is drawn out from the potencies of matter, even if it does not have *per se* causes, as in the case of *habitus*, and every mode completes, actualizes, and perfects its subject, and so is a formal cause.[113]

John bases his realist modal view in part on Aquinas's claim that acts and, through the mediation of acts, subjects are proportioned to their circumstances, such as their place and time, but these extrinsic circumstances leave a property in the act and the subject. Likewise, John reasons that a subject's circumstances, like his clothes, leave a mode in a person through the mediation of his relation to them. Aquinas says that the categories *quando* and *ubi*, which result from the circumstances place and time, are both human "conceptions" and "properties of the acts," while the circumstances themselves are both modes of what is done in the acts and outside the acts. But he goes on to say that acts, strictly speaking, do not have accidents, but rather the circumstances are "conditions" of the

[112] Suárez, *Disp. Metaphys.*, disp. 7, s. 1, nn. 17-19 (Vives ed., 25:255-57); disp. 16, s. 2, nn. 3-4, 16 (Vives ed., 25:575, 579). See also Pasnau, *Metaphysical Themes*, 253-58, 272.

[113] John of St. Thomas, *Cursus phil.*, Phil. Nat., pt. 1, q. 4, a. 2 (Vives ed., 2:83).

person acting, through the mediation of acts. This suggests that circumstances can belong to a subject as its modes.[114] In the case of *habitus*, clothes are not merely external to a subject but also belong to it through a mode.

John's view offers a plausible interpretation of all the relevant texts from Aquinas. Aquinas claimed, in the text from *De potentia* quoted above, that clothes are not a form but are just spoken of in *habitus* as if they were a form.[115] John concurs: extrinsic things constituting *habitus* are not forms inhering in a person. Rather, because of these extrinsic things, modes come to be in the person which ground the extrinsic denominations by which these accidents are named.[116] Even though these accidents are signified as purely extrinsic, not as inhering modes, Aquinas claims that "nothing prevents something from being inhering, which nevertheless is not signified as inhering."[117] In like manner, Bernardus Morisanus argues that, since categorical extrinsic denominations are said intrinsically of their subjects, there must be something intrinsically and absolutely in the subject that accounts for this denomination.[118] So, on the realist modal view, while it is true that Aquinas holds that *habitus* and the other *sex principia* are named by extrinsic denominations, nothing in the texts that make those claims contradicts the claim that there is a real mode that underlies those denominations, and indeed other texts indicate that Aquinas also holds that there are such real modes. The extrinsic denomination view and intentional modal view do not take into account all that Aquinas says on this issue.

Furthermore, the realist modal view makes sense of Aquinas's texts on the categories as "modes of being." Aquinas seems to suggest that some modes of being, such as *actio* and

[114] IV *Sent.*, d. 16, q. 3, a. 1, qq. 1 (*Opera omnia* [Parma: Fiaccadori, 1858], 7.2:759-60); John of St. Thomas, *Cursus phil.*, Logica, pt. 2, q. 19, a. 1 (Vives ed., 1:540).

[115] *De Pot.*, q. 7, a. 10, ad 8 (Marietti ed., 2:211).

[116] John of St. Thomas, *Cursus phil.*, Logica, pt. 2, q. 14, a. 5 (Vives ed., 1:442). Cf. III *Phys.*, lect. 5 (Leonine ed., 2:111-15); V *Metaphys.*, lect. 9 (Marietti ed., 237-40).

[117] *De Pot.*, q. 8, a. 2 (Marietti ed., 216-19).

[118] Morisanus, *In Aristotelis logicam*, Logica, d. 9, q. un. (Frankfurt ed., 138-39).

passio, are really reducible to others.[119] But he also seems to say that each categorical mode of being is a real grade of being, having an act of existence and essence.[120] He furthermore says that *habitus* is a medium and quasi-action between two things, with no indication that he means this in a merely linguistic sense.[121] While some modes of being, like *actio* and *passio*, are reducible to some other mode, in the sense that they are referred to one effect external to an agent, each mode of being, including *actio* and *passio*, is a distinct real mode in a subject, which grounds distinct modes of predication. For example, the *actio* of heating and the *passio* of being heated are both referred to one effect, the heat in the thing being heated, but while the *actio* refers the agent to this patient, it also involves a real change in the agent, explained by a real mode. Likewise, *habitus* refers the wearer to the things worn, but still really affects the wearer, which is explained by a real mode; in both cases, the reality of the mode is indicated by the way in which the subject—the agent in the case of *actio* and the wearer in the case of *habitus*—is denominated.[122] In this way, Aquinas can be plausibly read as a realist about all the categories.

On the realist modal view, the dependence of the mode on the extrinsic thing explains the relational aspects of *habitus* without making *habitus* a categorical relation, a pure *respectus*, or a *respectus extrinsecus adveniens*. Explaining this involves another key distinction of John's, the distinction between real relations, or relations according to being (*relationes secundum esse*), and transcendental relations, or relations according to what is said (*relationes secundum dici*). A real relation is entirely dependent for its existence on the real existence of its foundation and its term. On John's view, it is a form really

[119] III *Phys.*, lect. 4 (Leonine ed., 2:109-10); IX *Metaphys.*, lect. 8 (Marietti ed., 446-48); *De Pot.*, q. 10, a. 1 (Marietti ed., 2:253-56).

[120] *De Verit.*, q. 1, a. 1 (Leonine ed., 22.1:3-8); *De ente et essentia*, c. 1 (*Opera omnia* [Rome: Leonine ed., 1976], 43:369-70).

[121] V *Metaphys.*, lect. 20, n. 1062 (Marietti ed., 277).

[122] John of St. Thomas, *Cursus phil.*, Phil. Nat., pt. 1, q. 14, a. 4 (Vives ed., 2:275-76), citing *De Pot.*, q. 8, a. 2. Cf. *ScG* II, c. 9 (*Opera Omnia* [Rome: Leonine ed., 1918], 13:284); Wippel, *Metaphysical Thought*, 227.

different from its foundation and its term, and inheres in the subject of the foundation, and orients it towards another (*ad aliud*) as toward a pure term. The relation of similarity is a relation in this sense. A transcendental relation is dependent on another (*ab alio*) as its cause, effect, measure, or as an extrinsically affecting thing, but it does not orient its subject towards another as toward a term, and it is really identical to its subject. For example, prime matter is transcendentally related to the substantial form that actualizes it: it is dependent on that form as formally causing it, but it is not oriented by a real relation over and above its own entity toward that form; rather, to be transcendentally related to or dependent on substantial form is just what it is to be prime matter.[123]

A mode of *habitus* is transcendentally related to an extrinsic thing, and so is dependent on that thing but is not a real relation or orientation to it. This transcendental relation is identical to the mode, which is the medium whereby a subject has something outside itself, such as clothes, because the clothes, having been applied to the body, engender this mode of dependence.[124] Some who hold this view, such as Rubio, Goudin, and the Complutenses, call *habitus* a mode and a *respectus*, but by *respectus* they mean a dependence on an extrinsic entity, not an orientation towards that entity, as on the pure *respectus* view.[125] This view does not deny that we have an

[123] John of St. Thomas, *Cursus phil.*, Logica, pt. 2, q. 17, a. 2 (Vives ed., 1:498-503). Mastrius and Belluto, *Philosophiae*, p. 2, t. 3, d. 8, q. 1, n. 7 (Venice ed., 235), object to the Thomistic view that identifies a transcendental relation with its foundation; they allow (n. 12) that they are really identical, but contend that they are formally distinct, that is, they have distinct but inseparable quiddities. So an accident that is both an absolute mode and a transcendental *respectus* is not *per se* one. Cf. Suárez, *Disp. Metaphys.*, disp. 47, s. 1, nn. 7, 10 (Vives ed., 26:783-84). Antonio Rubio, *Logica*, *Q. generalis pro omnibus sex ultimis praedicamentis* (Pillehotte ed., 455), responds that some absolute forms essentially include a transcendental relation, without compromising *per se* unity, since what is essentially in something is in its *per se* unity.

[124] John of St. Thomas, *Cursus phil.*, Logica, pt. 2, q. 19, a. 1 (Vives ed., 1:541-43). See John Deely, *Four Ages of Understanding* (Toronto: University of Toronto Press, 2001), 76-77.

[125] Rubio, *Logica mexicana*, c. 10 (Pillehotte ed., 446); Complutenses, *Cursus sive disputationes in Aristotelis dialecticam et philosophiam naturalem*, d. 16, q. 1, concl. 1-2

orientation towards our clothes, but that this orientation is explained by a real relation, not by a mode of *habitus*. We must posit that mode to explain the unique sort of dependence and fittingness we have with our clothes, and how wearing clothes causes new completion and actualization in us.

Another Suárezian objection might be raised at this point: *habitus* can be explained as a unity of order. Sometimes things that are extrinsic to one another have the unity of order: they have relations to one another whereby they are, for example, oriented to the same goal, or jointly are in a place, or have a common shape, as with the parts of a house.[126] This is a genuine unity, less than the unity of a being, or the unity of a subject with its accidents, but greater than the unity of an aggregate, like a pile of rocks.[127] The Suárezian could argue that my clothes and I have unity of order: we are different things, but located in the same place, with the same shape and position, and my clothes are ordered to the goal of warming and ornamenting me, while I am ordered to a goal of expressing myself through them. No further being needs to be posited.

A proponent of the realist modal view can respond that wearing clothes causes more in me than that. I "fit" with my clothes, and they actualize my potencies for engaging with the world; this is best explained by a mode that is also a transcendental relation. In this manner, Rubio argues that by nature we are naked and without tools, but, because of our reason, we have a natural aptitude for an accommodation with and joining to clothes and tools; once we are dressed or hold tools, this aptitude is actualized, and this actualization of a natural aptitude or potency must be explained in terms of a new real accident, which is a mode inhering in the person, not an action performed by the person, though it is directed towards facilitating action.[128]

(Compluti ed., 644-48); Goudin, *Philosophia*, Logica majoris prima pars, d. 2, q. 6, a. 1, concl 2 (Madrid ed., 1:242).

[126] Suárez, *Disp. Metaphys.*, disp. 51, s. 2, n. 10 (Vives ed., 26:982).

[127] Suárez, *Disp. Metaphys.*, disp. 36, s. 3, n. 13 (Vives ed., 26:490); disp. 51, s. 5, nn. 11-12 (Vives ed., 26:1002).

[128] Rubio, *Logica mexicana*, c. 10, q. un. (Pillehotte ed., 450).

Another objection is that if *habitus* were a mode that some subject can have, then this would contradict Aristotle's claim that, in categorical *habitus*, the having is not itself had, since that would lead to an infinite regress of havings. Admittedly, this would not necessarily defeat the view, since Aristotle might have been wrong. But the modal realist can respond that although we "have" the mode, we do not have it in a way that would require positing another having between the subject and the mode, because modes immediately inhere in their subjects. "Having" a mode does not match any kind of having listed by Aristotle in any of his texts.

From his examples, it is clear that John follows Aquinas in thinking that this mode arises only as a result of human rational activity, though he thinks that animals can have *habitus* when they are clothed, and he also includes walls having coverings, such as paintings, in *habitus*.[129] He does not explain why this category only results from human activity; but, as we have seen, Rubio and Albert do, as do two twentieth-century Thomists, Charles de Koninck and Joseph Owens. De Koninck argues that *habitus* result from the potentially infinitely open-ended scope of human reason. We need to express and reveal ourselves, and we do so in part through our clothing, which can reveal our feelings, self-understanding, subjectivity, and social roles.[130] Furthermore, much of our experience of the world and of ourselves is mediated through our clothes: I am aware of myself in feeling my clothes around me, and thereby also aware of the world and of my shared materiality with the world.[131] By wearing different sorts of clothes we are completed in different ways: we are by nature incomplete in our external coverings, so

[129] John of St. Thomas, *Cursus phil.*, v. 1, Logic pt. 2, q. 19, a. 4, p. 555, following, probably, Suárez, *Disp. Metaphys.*, disp. 39, s. 2, n. 37 (Vives ed., 26:521); disp. 53, s. 2, n. 3 (Vives ed., 26:1010-11).

[130] DeKoninck, "Prolégomènes," 6-9, 18-19. This account resembles some of the claims of Karol Wojtyła that actions of the person reveal the person. cf. John of St. Thomas, *Cursus phil.*, v. 1, Logic pt. 2, q. 21, a. 6, pp. 596-99, following *De Verit.*, q. 7, a. 5 (Leonine ed., 22.1:205-6); *ScG* III, c. 49. Cf. Aquinas, *STh* II-II, q. 168, a. 1, ad 3 (*Opera omnia* [Rome: Leonine ed., 1899], 10:350); Cajetan, *In II-II STh*, q. 168, a. 1 (Leonine ed., 10:350).

[131] DeKoninck, "Prolégomènes," 20-23; Aristotle, *De anima* 2.11.423b15-17, 25-26.

that by reason we can adapt ourselves to an open-ended variety of environmental and social conditions.[132] De Koninck does not mention modes, but he seems to have something like them in mind when explaining how *habitus* completes us. Owens is more explicit in endorsing the modal theory: he says that *habitus* is in the subject through its dependence on an extrinsic thing. He suggests that this sort of dependence is found even when artifacts are not immediately adjacent to the body and also in relation to other persons in institutions like marriage.[133] These extrinsic things affect a person in a way that limits and actualizes in a determinate way the person's potentially infinitely open-ended range of ways of relating to the world.

Furthermore, the realist modal view is well supported by and makes good sense of Aquinas's account of human reason's relation to material natures. Aquinas discusses this in texts that are similar to the text cited at the beginning of this article. These texts provide further evidential motivation for the realist modal view. When Aquinas discusses human reason's relation to material natures, he compares the infinite effects of human reason to the particular effects of animal nature.[134] Lower animals have instruments and coverings as body parts by nature. Even those extrinsic instruments that animals produce, such as the nests of birds or the insect-gathering sticks of apes, are the result not of reason, but of natural impulse based on cognition of particulars.[135] But the human body is adapted by the rational soul for the expression of the potentially infinite effects of reason, and so the human body shares in reason's open-ended cognitive, appetitive, and productive scope. This is seen in the ability of the hands to fashion any sort of artifact and the ability of the vocal organs to express anything known by reason; reason can use both the human body and artifacts, as its

[132] DeKoninck, "Prolégomènes," 12-18. Cf. Cajetan, *In II-II STh*, q. 6, a. 1 (Leonine ed., 9:84-85).

[133] Owens, *Metaphysics*, 208-9.

[134] See, e.g., *STh* I, q. 76, a. 5, ad 2 (Leonine ed., 5:228).

[135] See Cajetan, *In II-II STh,* q. 66, a. 1 (Leonine ed., 9:84-85).

instruments.[136] Furthermore, because of reason, humans affect themselves in ways different from the ways in which lower animals affect themselves. By reason, we can invent artifacts which have as their end the modification of the human body, for the sake of changing how we relate to the world, as when we build houses to protect ourselves.[137] When we invent and use such artifacts, we do not only take on a new spatial relation to them and new actions towards them. Rather, the open-ended range of ways that we could engage with the world is actualized in a definite way. An artifact confers new "powers" or "habits" on me for efficaciously engaging with the world. Such a self-affecting is unprecedented among lower material things, and it is plausible to explain it through a new kind of being, a *habitus*.

The category *habitus* can be compared to *habitus* in the category of quality, such as virtues and vices. Just as they cannot produce genuine artifacts, so nonhuman animals cannot have virtue and vices, because reason is required to have these. But lower animals can naturally have bodily dispositions, such as beauty and strength, which are similar to qualitative *habitus* in that they are tendencies to act in a certain way. Because we have reason, we not only can have these dispositions naturally, but we can form them in ourselves, just as we make artifacts. Our bodies can be formed to obey reason, as when we train our hands to play a musical instrument. And we can train non-human animals to have incomplete qualitative *habitus*, like our virtues or vices. Similarly, we can give them accidents in the category of *habitus* by putting artifacts, like clothes, on them, for our own purposes. Lower animals, like all material things, can be modified by human reason in ways of which they are not

[136] I *Peryermeneias*, lect. 2, n. 2 (*Opera omnia* [Rome: Leonine ed., 1882], 1:11); lect. 6, n. 8 (Leonine ed., 1:32); *STh* I, q. 91, a. 3, ad 2 (Leonine ed., 5:394). This account of human rationality as directly involving and requiring artifacts is similar to that of the "extended mind" theorists Andy Clark and David Chalmers, "The Extended Mind," in Richard Meany, *The Extended Mind* (Cambridge: MIT Press, 2010), 27-39; and of the phenomenologists Martin Heidegger, *Being and Time,* trans. John Macquarrie and Edward Robinson, (Oxford: Blackwell, 1962), 70-71, 95-101; and Maurice Merleau-Ponty, *The Phenomenology of Perception*, trans. Colin Smith (London: Routledge, 2002), 164-67.

[137] I *Sent*., d. 39, q. 2, a. 1 (*Opera omnia* [Parma: Fiaccadori, 1856], 6.1:522-23).

capable by nature.[138] Humans can produce modes of *habitus* in lower animals (and in inanimate things, as when we put paintings on a wall), for material things have an open-ended range of possibilities for obeying human reason. Reason's activity expands outward into the material world, in order to act more effectively and actualize our possibility for engaging with the world, so that we reach perfection. When we apply one material thing to another for the sake of completing these possibilities, it is plausible to hold that a mode of *habitus* results in the material thing, just as it is plausible to posit such a mode in myself when I bring an artifact into adjacency with myself. Artifacts complete us and other things in various ways, and this completion is, metaphysically, a mode.

That artifacts intrinsically and really affect us, and so real modes of *habitus* should be posited, is further seen from Aquinas's claim that the use of artifacts affects our ethical state, as in his discussion of the virtue of modesty, which moderates our use of external things. One can be immoderate in this use either through excessive or deficient use of externals relative to the customs of a place or through inordinate attachment to externals, as when one seeks excessive pleasure through ornamentation in clothing.[139] Much of the virtue of modesty can be explained as part of the virtue of honesty: clothing and other externals signify one's role or state in life and should truthfully

[138] See *De Pot*., q. 3, a. 8, ad 5 (Marietti ed., 2:62); *Compendium theologiae* I, c. 104 (*Opera omnia* [Rome: Leonine ed., 1979], 42:120); *STh* I-II, q. 50, a. 3, ad 2 (Leonine ed., 6:319); Cajetan, *De potentia neutra et de natura potentiae receptivae*, q. 1, n. 1 (*Opuscula omnia* [Lyon: Apud haeredos Iacobi Iuntae, 1562], 3:206); q. 2, n. 3, p. 207; *In I STh*, q. 106, a. 1 nn. 5-6 (Leonine ed., 5:483); q. 111, a. 3 (Leonine ed., 5:518); da Fonseca, *In IX Metaphys*., c. 1, q. 4, s. D (Frankfurt ed., 607); Suárez, *Disp. Metaphys*., disp. 16, s. 2, nn. 17-18 (Vives ed., 25:579-80); disp. 43, s. 4, n. 17 (Vives ed., 26:650); John of St. Thomas, *Cursus phil.,* Nat. Phil. pt. 1, q. 4, a. 2 (Vives ed., 81-84); Lawrence Feingold, *The Natural Desire to See God according to St. Thomas and His Interpreters* (Naples: Sapientia Press, 2010), 107. On these other sorts of *habitus*, and on the ways in which lower natures are obedient to human rationality, see my "Habits, Potencies, and Obedience: Experiential Evidence for Thomistic Hylomorphism," *Proceedings of the American Catholic Philosophical Association* (2014): forthcoming.

[139] *STh* II-II, q. 169, a. 1 (Leonine ed., 10:356-57).

represent these things.[140] But this does not explain everything about modesty, which also requires that the externals be fitting (*convenientes*) to the wearer, since externals can add to the beauty of the human body.[141] Bodily beauty is a disposition (*habilitatio*) of the body, a proportion among its parts with a perfection of color.[142] We can, through treating the body as an artifact, increase this beauty through applying artifacts to the body, as when one uses jewelry to augment one's beauty; these artifacts supplement and follow upon our natural inclinations.[143] Although artifacts have much about them that is conventional, our inclination to produce them is not, nor is their effect. If the application of artifacts to the body can supplement and affect bodily dispositions, then this application is not something purely extrinsic to the body but something that intrinsically affects the body. We can immodestly desire the increase in beauty that comes from their use; what we immoderately desire is not just the artifacts themselves, but the artifacts as applied to and intrinsically affecting us and our way of comporting ourselves toward the world. This moral difference in modesty is founded on a real metaphysical difference, which is well explained through a mode.

CONCLUSION

Based on all the foregoing, I can now offer a quasi-definition of *habitus* and an account of its extension. Something is a *habitus* if and only if it is a really existing mode left in its subject by something extrinsic to the subject, where the extrinsic thing fits with the subject, the subject is dependent on the extrinsic thing, one of the subject's unlimitedly open-ended potencies for rationally engaging with the world is actualized by the extrinsic thing, and the extrinsic thing has been applied to the subject for some humanly rationally guided purpose or use.

[140] *STh* II-II, q. 168, a. 1, ad 3 (Leonine ed., 10:350); q. 169, a. 1, ad 3 (Leonine ed., 10:357).

[141] Cajetan, *In II-II STh*, q. 169, a. 2, nn. 2-3 (Leonine ed., 10:169-72).

[142] *STh* II-II, q. 145, a. 2 (Leonine ed., 10:147).

[143] *In I Cor.*, c. 11, v. 5, lect. 2, n. 598 (Lander, Wy.: Aquinas Institute, 2012), 224.

Owens is correct, I think, that the range of extrinsic things that constitute such a mode is broader than the clothing and weapons generally mentioned. Any tool that is actively being used actualizes one's potencies for engaging with the world in a definite way and the user is thereby dependent on the tool, and so any tool that is actively being used brings about a mode of *habitus*. This includes entering a building, using any vehicle or animal for transportation, and using lexical artifacts like written texts. Likewise, John of St. Thomas seems to me correct in saying that any time a human person puts one artifact on another for the sake of ornamenting or otherwise fitting with the latter, a mode of *habitus* results in the latter. Furthermore, Owens seems right to me in including engagements with other people who are adjacent to one in some way, as when one comes together with another to perform a political action or a sexual act, as constituting a mode of *habitus*.

A realist understanding of *habitus* is important for fully understanding human persons and their relation to the world, as well as for understanding the nature of accidents and of categories; merely understanding *habitus* as a kind of extrinsic denomination is insufficient for understanding these things, and all other view of *habitus* reduce to these two views. While this category was underexplored by Aristotle, its importance is highlighted by the debates over it in the Scholastic literature. Attentiveness to this topic may give one a deeper taste of the complexities of Scholastic metaphysics, a greater openness to the rich realism of accidents, and an appreciation for the grandeur of the human person expressed in the realist modal view.[144]

[144] I am grateful to John Boyle, Gloria Frost, Marie George, Matthews Grant, Robert Pasnau, Faith Pawl, Tim Pawl, Sydney Penner, Mike Rota, Christopher Schabel, and some anonymous referees for their comments on earlier drafts of this paper.

BOOK REVIEWS

Aquinas and Radical Orthodoxy: A Critical Inquiry. By PAUL DEHART. New York: Routledge, 2011. Pp. 254. $125.00 (cloth). ISBN: 978-0-415-89241-4.

The reliance of Radical Orthodoxy, primarily in the persons of John Milbank and Catherine Pickstock, on Thomas Aquinas is notorious, both in the sense of being well known through the publication of *Truth in Aquinas* (2001) and in the criticism that book has received from such Thomist luminaries as Lawrence Dewan, Anthony Kenny, and Bruce Marshall. While some were more receptive (e.g., David Burrell, Adrian Pabst), none straightforwardly defended the work as true to the texts of Aquinas. DeHart is firmly in the camp of distinguished Thomist critics in that he is convinced that virtually everything that Milbank and Pickstock say about Aquinas is wrong. Yet, he hopes to avoid being purely negative by (1) providing an explanation for their errors, and (2) arguing that it is precisely those positions of Aquinas that they get wrong which are most important to retrieve for the task of contemporary theology. To anticipate my conclusion: I find DeHart's exegetical deconstruction of Radical Orthodoxy's Aquinas thoroughly convincing, but I find his attempt to retrieve something positive from this exercise less successful.

The bulk of the book is taken up with highly detailed presentations and refutations of Milbank's and Pickstock's interpretations of Aquinas on (1) analogy, (2) metaphysics, and (3) epistemology. Since it would be impossible to do justice to the intricacies of DeHart's case here, I limit myself to summarizing his results in each area, beginning with analogy. Milbank's interpretation of Aquinas on analogy is shaped by his dissatisfaction with the grammatical approaches championed by Nicholas Lash, Herbert McCabe, and David Burrell. All three propose that we understand analogy in Aquinas not fundamentally as a metaphysical theory about created and uncreated being but as an analysis of how certain words denoting creaturely perfections, such as 'good' and 'living', can be positively attributed to God in a nonmetaphorical manner. Such terms can be properly predicated of God because their semantic range is in principle unlimited. The predication remains analogical, however, because our "mode of signification" (e.g., how God is good), remains inescapably tied to our creaturely finitude. While the difference between

asserting that God is good and knowing how God is good is black-letter Thomist teaching, Milbank sees in this limiting of our ability to speak adequately of God the consequence of giving linguistics priority over ontology. Thus, as he sees it, Lash and company make common cause with the Kantian agnosticism characteristic of modern secularity. DeHart thinks that Milbank is being unfair to Lash and company, but his concern is with Milbank's claim that Aquinas bases his doctrine of analogy on the Neoplatonic idea that all creatures are good because they participate in God's own goodness. Thus, "affirming goodness of any creature involves the human mind in a dynamism whereby a certain implicit grasp of the creator's goodness itself is already vouchsafed precisely in apprehending the creature's mode of goodness as one of deficient participation" (47). For Milbank, the divine perfections are visible, albeit remotely, in created perfections, and when we see a created thing reflecting perfection we gain a glimpse of the related divine plentitude. Since the created goodness that we know is a participation in God's goodness, our mode of signifying God's goodness is "an inchoate but nonetheless actual experience of God's mode of perfection" (60).

DeHart's response is thorough and devastating. While granting that the metaphysics of participation plays a role in Aquinas's approach, he shows how this in no way implies a proper knowledge of God in this life: "It is a fact that creaturely perfections are present in God in a more eminent fashion. We can indeed know that this is so, but this does not mean that we therefore know these as they are in God; indeed, we cannot know their eminent exemplification in God's unimaginable simplicity" (61).

At this point, DeHart introduces his explanation for why someone as intellectually gifted as John Milbank gets Aquinas so wrong. The reason is that Milbank is not interested in Aquinas himself but rather Aquinas as the linchpin for Radical Orthodoxy's genealogy of how Christianity lost its cultural dominance to a secularism devoid of beauty and meaning. That genealogy will be a familiar one to Thomists: Duns Scotus ruined everything. DeHart's point, however, is not to assess the viability of the genealogy, which has been subjected to harsh criticisms by those schooled in the texts of the Subtle Doctor, but to show its potential for distorting Aquinas. When Aquinas is called upon to be the symbol of everything that modernity is not, his positions are determined beforehand. Accordingly, nothing about Aquinas's theory of analogy can offer aid and comfort to those who would follow Kant in relegating reason to the world of our experience. The problem, of course, is that Aquinas did not formulate his theories in order to combat Kant. Indeed, what appears as lazy agnosticism within our contemporary context could very well be a consequence of the medieval appreciation of the distance between human creatures and the divine majesty.

DeHart next moves to Milbank's view of the place of metaphysics in Aquinas's system. While the assertion of metaphysics as a discipline capable of operating apart from revelation is associated with Thomism and *appears* to

have obvious support from Aquinas's texts, Milbank makes the quite shocking claim that a consideration of the deep logic of Aquinas's thought yields a different judgment. Aquinas, according to Milbank, established the conditions for the evacuation of metaphysics in the face of revealed theology. Aquinas does this, primarily, by treating our knowledge of being *qua* being in a way that requires the extraphilosophical assumption of an infinite divine being that can only be known by revelation. Here Milbank is relying upon the argument that the category of finitude requires the existence of an extraphilosophical infinite. If this is true, and Milbank posits that Aquinas believed it was, metaphysics requires *sacra doctrina* for its own rational coherence. In particular, Milbank points to the "obvious" vicious circularity of the Five Ways. To be sure, Aquinas follows Aristotle in holding that physical change is a matter of a thing's movement toward its own perfection. Yet Aquinas, according to Milbank, also holds that since "creaturely perfections can only be apprehended as participant in absolute perfection," the conclusion from movement to a first mover as cause presupposes "the first mover as a kind of tacit principle" (67). With respect to metaphysics, the search for "the 'adequate cause' of its subject matter ('*ens commune*,' the existent-in-general or being-qua-being) can only conclude with God as the perfection of infinite being"; but to make its philosophical categories—such as existence, essence, and substance—metaphysical, arguments must go beyond philosophy and posit the revealed God as "the proper locus and perfection of these principles" (67-68). Thus Aquinas knowingly set metaphysics on the path to its incompleteness as a strictly rational discipline with a dependence on revealed theology. Left to its own devices, the more a purely philosophical metaphysics seeks to understand finite objects, the more it undermines the possibility of a purely finite starting point.

How does DeHart counter what he calls Milbank's "interpretative lunge" concerning the mind of Aquinas? Without following him into the details of his refutation, it can be said that DeHart correctly places the burden on Milbank to show why his assertion of Aquinas's true intent should in any way be persuasive to an honest reader of the texts. After marshaling passage upon passage in which Aquinas plainly asserts, or assumes, the possibility of an independent metaphysics, as well as pointing out instances in which Milbank seems to have misunderstood basic Thomistic principles, DeHart concludes that all Milbank has to offer is his own belief that Aquinas's philosophical arguments need theological support, and not proof that Aquinas thought so. Contrary to Milbank's reading, Aquinas takes special pains to uphold a theory of divine participation while also ensuring that metaphysical concepts can, when properly employed, apply to created realities: "Whereas Milbank must question whether finite things are existent in the proper sense, Aquinas readily assumes the latter and understands that it is rather the fact that term 'existent' can be applied properly to God that stands in need of argument" (70).

As was the case with analogy, DeHart judges that the best explanation for Milbank's quite weird reading of Aquinas on metaphysics is the desire to present Aquinas as the anti-Kant. The mistakes are too numerous, the lunges too strained, to allow another explanation.

Next DeHart turns to the epistemology found in Pickstock's contribution to *Truth in Aquinas* and a reply Milbank made to critics. Since DeHart's appraisal of each is basically the same, I shall focus on Pickstock's proposal. Pickstock's goal is to show that Aquinas's theory of truth as the correspondence of mind to reality is thoroughly theological and for this reason successfully escapes the common complaints leveled at modern correspondence theories, namely, that they present a static view of the mind "mirroring" the world and lack an epistemological mechanism with which to measure the extent to which ideas in the mind "mirror" extramental reality. Her arguments stand in contrast to Bruce Marshall's effort in *Trinity and Truth* to appropriate aspects of Aquinas to construct a theological account of truth that meets the standards of contemporary analytic philosophy. Marshall fails, according to Pickstock, because in presenting a viable Thomism, he jettisons the antimodern elements that make Aquinas's theory successful as an alternative. Aquinas, for example, bases his epistemology upon an ontology of the "fittingness" (*convenienta*) of all things, including the knower and the known. Thus when the mind grasps the truth of a concrete reality, a relation of fittingness prior to the act of knowing is unveiled. Moreover, such an ontology allows one to speak of the object's transcendental qualities of existence, goodness, truth, and beauty, and even more radically of its relationship to the archetypal pattern in the mind of the creator. Thus the act of human knowing involves a simultaneous knowing, albeit inchoate, of the divine ideas. Indeed, our knowing brings forth an interior *verbum* akin to God's primordial action of creation. In this way, "Aquinas's theory of knowledge can be read theologically as participatory in God's knowledge of creatures because the latter is itself essentially that of an artist, whereby God knows each and every created thing in its singularity" (102).

DeHart does yeoman's work in disentangling the various threads of Pickstock's notoriously complex position and in showing how it lacks a solid basis in Aquinas. He focuses on two aspects. The first is that Aquinas does not view the production of an interior word as creative, much less artistic. The aesthetic imagery upon which Pickstock relies refers to translating an interior word to an external communication and not the act of knowing itself. More important is Pickstock's claim that knowing an object involves "gauging its relation to its archetype or exemplar in God's mind." Such a position, whatever its possible merits, is an impossible interpretation of Aquinas since he not only never says anything like that, but emphatically denies such access to the divine mind and its ideas prior to the beatific vision. Knowledge of the divine ideas is simply not part of human knowledge according to Aquinas.

The last two chapters engage Milbank's claims that a vision of God is required for all knowledge—which vision for him supplies a "graced supplementation"—and his notion that the truth of the Trinity is available to reason and indeed necessary for its proper functioning. Together these ideas give serious primacy to Platonic over Aristotelian elements in Aquinas's thought and erase any firm boundaries between faith and reason, or nature and supernature. Again the details are too much for exposition here; suffice it to say that in piling on arguments contrary to Milbank's interpretations, DeHart turns what Milbank calls the hermeneutics of Sherlock Holmes against Milbank himself. Holmes famously said that when you have eliminated the impossible, whatever remains, however improbable, must be the truth. Milbank, accordingly, argues that once the standard reading of these issues in Aquinas has been rendered impossible, Milbank's own conclusions, however unlikely, must be true. DeHart begs to differ: "Meanings have continually been foisted upon the texts that they cannot bear, and the radically orthodox Aquinas that emerges from their pens is (reluctantly as it must be admitted) largely a work of fiction" (188). Milbank's Aquinas, in other words, is a real impossibility.

Yet, as I have said, DeHart desires his work to be about more than showing how wrong Radical Orthodoxy is about Aquinas. He wants to show that these thinkers' genealogically inspired reading of the Angelic Doctor obscures precisely those elements that contemporary theologians need the most. He highlights three issues. The first he calls "glory as rupture," referring to Aquinas's claim that we are "designed" for total communion with God but are incapable of achieving or even imagining it apart from grace. Milbank misses the "rupture" by enfolding so much of the Christian mystery in our natural desire for God. Second, Aquinas insists that theology cannot operate apart from other intellectual pursuits, in particular a metaphysics capable of rendering aspects of our common reality intelligible. Today's theology desperately needs to recover Aquinas's confidence that human beings can know creation and through creation its creator. Again Milbank misses this because of his fear that any concession to knowledge apart from revelation supports the narrative of secularism. Third is the unique capacity for metaphysical argumentation to make credible the theological claim that God created *ex nihilo*. Such an argument will require "reconstituting the class notions of 'substance' and 'form' (albeit enriched by more materialist motifs and post-Aristotelian discoveries)" (195). For obvious reasons, the Aquinas of Radical Orthodoxy cannot be part of this project.

This positive conclusion is quite brief and a bit unsatisfying after so many pages of negativity. The problem is not the dismantling of Radical Orthodoxy's claim to be representing Aquinas—which is important work well done—but the failure to keep the reader's interest after the umpteenth take down. After all, if Milbank were convinced by DeHart's arguments, he would be perfectly entitled to say: "Well, I wish Aquinas thought something like this,

but I see now that he didn't. Even so, I am right." For that reason, it would have been better, in my opinion, to frame the critical chapters in light of the conclusion. In that way, the reader could consider DeHart's view of the importance of retrieving metaphysics as he goes through the ways the real Aquinas can do what Milbank cannot. Of course, he could always write a sequel.

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The Intimate Strangeness of Being: Metaphysics after Dialectics. By WILLIAM DESMOND. Washington, D.C.: The Catholic University of America Press, 2012. Pp. 352. $55.00 (cloth). ISBN: 978-0-8132-1960-8.

This latest book from one of the most creative philosophers of our time explores the prospect of constructing a metaphysics in the wake of the modern erosion of confidence in such an enterprise (4) and in the face of a number of powerful explicit critiques of it from Kant to Heidegger. In line with his numerous previous productions, and especially his trilogy on a metaxological metaphysics, Desmond argues for the return of metaphysics by recurrence to its ground in the dense milieu of phenomena that give themselves to embodied and responsive selves in communion with each other. As he does so, Desmond assesses Kant's and Heidegger's critiques of metaphysics and their postmodern developments (chaps. 4, 5). Yet ultimately this assessment is a sideshow to the critique of the speculative dialectic of Hegel, who offers a reconstruction of metaphysics this side of Kant's destruction (chaps. 1, 3, 5, 9).

Throughout his distinguished philosophical career, Desmond has shown the ability to ramify and refresh the major features of his analysis of the everyday as well as his critique of the modern philosophical tradition. This book is no exception. Desmond's fidelity to the matrix of our acting and thinking which enfolds us is again explored, and his powers of description and discrimination—what he would call finesse—rarely fail him. Crucial for Desmond is our experience of excess in our encounter with a reality, at once plural and imbricated, and irreducible to percept and concept. In addition, reality gives itself to us neither as purely multiple nor unitary but rather as a complex unity of both. To be faithful to reality, we have to acknowledge the 'more' in every phenomenon and at a limit acknowledge the 'more' that sustains the matrix. Analysis of the latter was the defining characteristic of the third and final book in Desmond's hugely important metaxological trilogy, *God and the Between*. In the milieu, in the between, the proper response to reality is wonder. Desmond worries, however, that wonder can too quickly

give way to perplexity, which represents a cognitive narrowing, and wonder gets further reduced when it gives way to curiosity which flattens phenomena into objects to be known, thereby flattening calculative rationality (chap. 9). Desmond's reflections on curiosity in chapter 9 are marvelously redolent of Augustine and open up further avenues of investigation into the relation between Desmond's work as a whole and an equally ramified Augustine who also sees the neighborliness of philosophy and religion. If profiling curiosity as an alienation from the milieu represents a good example of development in Desmond's thought, an example of refreshment provided by this text is Desmond's locution of "intimate strangeness," which poetically captures our participation both in and with givens that forever remain other.

As already indicated, the central opponent in this book is Hegel the reconstructor of metaphysics rather than Kant, Heidegger, Nietzsche, or Derrida, who are destroyers or deconstructors. The reason is obvious. Hegel represents a solution to the overcoming of metaphysics, by the presentation of a nonclassical metaphysics in the new grammar of self-determining Spirit. From Desmond's perspective there is something truly promising for metaphysics in Hegel's dialectical thought, since it avoids both the Eleatic reduction to one and the Ionian reduction to the unsynthesizable many. But Hegel is a promise denied rather than fulfilled: speculative dialectic rests on a systemic truncation. It culls the given by reducing the dense overdetermination of reality into a manageable indeterminacy; it masters every step of the dialectical development of reality, including knowledge's overcoming of mystery, by pretending to show how knowledge—which admittedly is more than instrumental reason—is conceptually adequate to the whole of which it is a part; it acknowledges the insights of art and religion, but is invested in translating these insights into a conceptual medium; and finally its friendliness to Christianity becomes questionable when the God who is 'beyond' (*Jenseits*) is overcome as an idol and is replaced by the complex whole to which is ascribed self-transcending momentum and in which worship is not the creature's acknowledgement of the utter gratuity of her existence, but essentially the acceptance of the whole and one's place in it.

This basic outline of this critique of speculative dialectic is familiar from Desmond's trilogy and his *Hegel's God: A Counterfeit Double*? What is new about this text is his view that the analogy of being is understood to be a 'companion' of his own metaxological metaphysics rather than the problem to which postmetaphysical thought and Hegel's speculative dialectic are regarded as answers, however adequate these answers may be. It is worth noting that early in his career Desmond had a somewhat negative assessment of analogy. This book offers his deepest and most positive analysis of the analogy of being to date and draws attention to the way in which his metaphysical project and that of Aquinas and his followers overlap and can be regarded as critiques of the Hegelian speculative option. Of course, the Thomistic critique of Hegel is not dealt with here thematically after the manner of a Cornelio Fabro, but it

rather appears as a function of its proximity to Desmond's own articulation of a metaxological metaphysics which is truer to Hegel's basic intuition of a complex plural unity than Hegel's own articulation of the monistic-tending self-determination of Spirit.

While in previous works Desmond had left open the scope of the rapprochement between his metaxological metaphysics and the analogy of being, in chapter 9 of this book, he provides a broad outline as to what this rapprochement would look like and sets conditions as to how the analogy of being might be interpreted as retrieving authentic metaphysical resources in addition to being enlistable in a critique of reconstructors and deconstructors of metaphysics. In his reflections Desmond shows himself to be aware of both the Aristotelian warrant for Aquinas's view that "being is spoken in many ways," as well as Aquinas's decision to go beyond an ousiology by invoking a prime instance. Neither is Desmond a stranger to distinctions between the analogy of attribution and the analogy of proportionality. Yet he does not discuss the elaboration of these different forms of analogy over the centuries, or address which should be preeminent. The lack of discussion might indicate that Desmond is not deeply familiar with the historical trajectory of analogy through Cajetan and Suarez or with the voluminous modern commentary tradition—not that he claims any such expertise.

In any event, Desmond also sets some conditions—albeit relatively soft ones—that must be met if the rapprochement between metaxology and analogy is to be more than verbal. First, in noting the paucity of Aquinas's explicit discussion of analogy in the *Summa theologiae*, Desmond seems to imply that a Thomistic doctrine of analogy works best if seen in the light of Aquinas's entire metaphysical elaboration. The failure to provide the larger framework will narrow and thin a view that is in principle both broad and rich.

Second, Desmond shows himself to be aware that there are two broad lines of interpretation of analogy—the linguistic, on the one hand, and the ontological, on the other (234-37)—without rehearsing a who's who of this debate. For example, there is no mention of McInerny, McCabe, or Burrell who support the linguistic view, or of Gilson, Owens, Przywara, or Fabro, who support the ontological view. Desmond does not offer a judgment as to which line of interpretation more adequately captures Aquinas's intent. On grounds of metaphysical fruitfulness, however, Desmond is decidedly in the ontological corner.

Third, Desmond sanctions the theological dimension of analogy and does not object to referring to God as the transcendental signified (*pros hen*) (339-40), no matter how much this is forbidden by Heidegger and his postmodern epigones. And fourth, whereas once Desmond was inclined to think that analogy could or should be understood as enabling conceptual control of phenomena and even the divine, this text very much says otherwise. With regard to the analogy between God and all else that is, Desmond underscores apophasis and seems at times to recall the formula of the Fourth Lateran

Council to the effect that the similarity (*similitudo*) between God and creature is superseded by the ever-greater dissimilarity (*dissimilitudo*) (241-47). Simply concerning the matter of interpreting Aquinas's view of God, he joins a number of other scholars who in recent years have underscored the Dionysian dimensions of Aquinas's reflections. With the conditions of rapprochement met, Desmond is convinced that Thomism and metaxological metaphysics have the capability of being more than companions; maybe they are best understood as partners in reinvigorating metaphysics after its collapse due to exhaustion and explicit critique. Together they can combat postmodern sophistications and also join forces against Hegel's speculative dialectic which, in the final analysis, completes the death of metaphysics by putting an end to wonder, mystery, and transcendence, as well as eliminating God as the referent of our signs and the addressee of our prayers.

Desmond understands himself to be a metaphysician and not as one engaged in the construction of a Christian or Catholic philosophy. Still, in and through his trilogy it has become increasingly evident that a metaxological metaphysics is hospitable to religion in general and Christianity in particular. It is not only, however, that 'God' is allowed into metaphysical discourse, but that this God who is totally other can be further specified. This God is equally immanent and transcendent and is thus the God who is the condition of sacramentality as well as its object. This God admits multiple names and yet is finally unnamable. The Christian Neoplatonic figuration of Desmond's metaphysics is as obvious here as it was in his trilogy, and this is, of course, the deep grammar of thought he shares with Aquinas, which makes 'porous' the boundary between philosophy and religion, and between philosophy and theology. If one were to attempt to find a modern version of Thomism, or even of analogy, which Desmond's metaxology most nearly resembles, it would be hard to do better than Erich Przywara's articulation of the analogy of being. Desmond's metaxological metaphysics seems to recall Przywara's *Analogy Entis* (1932) in its fidelity to the given, in its underwriting of wonder, in its holistic understanding of a nonreductive relation that repeats itself throughout our investigation of the universal and regional domains of the phenomena that give themselves for our wonder and admiration, in its dual commitment to transcendence and immanence or a transcendence in immanence, in its elaboration of the imbrications of the philosophical and the theological, in its chastening our speech about God by apophasis, in its openness to the mystical as well as the sacramental, in its authorization of prayer and worship as different than thought and perhaps both its condition and its fruit.

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Dynamic Transcendentals: Truth, Goodness, and Beauty from a Thomistic Perspective. By ALICE RAMOS. Washington, D.C.: The Catholic University of America Press, 2012. Pp. 259. $65.00 (cloth). ISBN: 978-0-8132-1965-3.

Being is true in itself, but its truth is not just some lifeless or passive property of *being knowable*. Being is good, but its goodness is not just some lifeless or passive property of *being desirable*. The truth and goodness of being are, rather, active attributes of being. Having come from the One True Good, beings tend (each in its own way) to be and to become like the One True Good. And this tending-to-be-and-to-become-like-the-One-True-Good is something dynamic in things, a dynamic that is now returning (or likening) beings to the One True Good, who is now giving them being. Persons are caught up in the dynamic of the transcendentals in a particularly noble way, for persons tend to be and to become true and good precisely by knowing and loving the true and the good. By knowing and loving the true and the good, persons are being likened to the One True Good, God, as to him who knows and loves all. Such, in broad strokes, is the portrait of being that I find in the pages of *Dynamic Transcendentals*—a remarkable collection of essays by Alice Ramos.

The collection is divided into three parts. The first is on truth, the second on the perfection of the universe, and the third on moral knowledge and art. In considering truth, chapters 1 and 2 provide an overview of the metaphysics of truth—how truth permeates creation and is measured by the divine mind by which all things are measured and to which all things seek conformity. Chapter 3 is a noteworthy essay on "Affections and the Life of the Mind." It is standard for Thomists to hold that it is one thing to know the truth and another to be a morally good person. The distinction is in effect the denial of Plato's thesis that knowledge is virtue. The Thomist position, however, can easily be misunderstood to mean that in real life knowing the truth and being a good person have nothing to do with each other. This essay is a masterful corrective to that misunderstanding. Ramos explains how in real life (not just in the abstract) certain moral virtues are essential prerequisites for truth seeking and truth finding. A culture of individualistic autonomy, unrestrained concupiscence, rampant *curiositas*, and "aesthetic self invention" so warps the characters of persons that their likening to God as knower is impeded. In our society, agents of truth are threatened on the one side by despair of ever finding truth and on the other side by a superficial and distracted glance at it (*curiositas*). Full flourishing as an agent of truth, especially in our culture, requires persons thoughtfully to aim at growing in hope, humility, and *studiositas*, and to call others to that same path. Ramos points to the lives of Jacques and Raissa Maritain as contemporary examples of lives lived in such a way.

The second part of the book, on the perfection of the universe, introduces a theme that continues until the end: the beauty of being. Ramos is careful *not* to take a stand on whether beauty is a transcendental attribute of being (although the subtitle suggests she thinks it is). She explores the more modest claim that the whole universe of finite beings is beautiful insofar as it is well ordered (chap. 4), and that evil and suffering do not ultimately show otherwise (chap. 5). The remaining essays of the book together show the great variety of topics in Aquinas's thought in which beauty makes an appearance. The order of the cosmos is a grand display of beauty; moral character (especially temperance) is spiritual beauty; a life lived in consonance with Christ is beautiful; and ultimate human happiness calls us to a particular sort of beauty, namely, glory. Chapter 7, "On The Good and Glory" is an especially noteworthy account of honor, praise, and glory, their role in human life, and their connection with happiness. Humans are happy not only when we praise God, but when, in the eternal now of the beatific vision, God praises us. In the end, God approves of our virtues like a craftsman approving of his own work. Humans desire approval, and this desire is not only a narcissism reflecting the Fall, but a manifestation of being made in the *imago Dei* on the way toward happiness. To be sure, in the fallen state the desire to know and be known, to love and be loved, tends to degenerate into vainglory. But in wisdom the same desire can also be moderated so that one seeks approval from the right being (God) for the right reasons (virtue) at the right time (eternity) and in the right way (in truth). Chapter 8 raises the theme of the transfiguration of the world. In this second part of the book, there are many scattered seeds of a Thomistic theology of glory.

The final part of the book is on moral knowledge and art. Chapter 9 gives an account of how nonvirtuous persons can still recognize virtue in others. The nonvirtuous still retain *synderesis*, and it is *synderesis* that allows one to see the virtue (spiritual beauty) in others. Chapter 10 responds to a certain desperate need in our culture to see once again the distinction between the pleasant good, the useful good, and the honorable good (*bonum honestum*). The honorable good is a well-ordered character. The honorable good *is* the spiritual beauty of being a good person. In a culture of sexual license, the honorable good is particularly worth pointing out, for chastity is above all an honorable good. Sexual sin disfigures the soul. Only the chaste are beautiful in spirit. Such thoughts from ancient times are a welcome star guiding those who are looking for something better than what the world advertises.

Those looking for a purely historical-critical study of Aquinas on the transcendentals will not find it here. This collection of essays is remarkable because it exemplifies something Pope John Paul II called for in *Fides et Ratio*: "Philosophy needs first of all to recover its *sapiential dimension* as a search for the ultimate and overarching meaning of life" (*FR* 81). In these pages, Ramos starts with the results of the best recent historical and critical studies of Aristotle, Pseudo-Dionysius, and Aquinas; indeed, she begins where the

historical-critical studies end. Given what the experts say was the wisdom of Aristotle, Pseudo-Dionysius, and Thomas Aquinas, what does their wisdom mean for us as human beings in our world? The reader is treated to an inquiry into being that covers truth, knowledge, love, desire, affective knowing, person, *imago Dei*, likeness, perfection, participation, God, providence, evil, shame, guilt, morality, art, and glory. In more than a few of the essays, the topics at hand are discussed in light of an opening statement about the current state of Western culture and prevailing opinions. Many of the essays are thus a kind of metaphysical commentary on the days of our life here below. These are sapiential essays that treat being, not only *sub specie aeternitatis*, but also as we live out our being clothed in circumstances.

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Imagination, Meditation, and Cognition in the Middle Ages. BY MICHELLE KARNES. Chicago: The University of Chicago Press, 2011. Pp. xii + 268. $ 50.00 (cloth). ISBN: 978-0-226-42531-3.

Any visitor to the annual International Congress of Medieval Studies in Kalamazoo, Michigan or to the Medieval Academy of America annual conference will be aware that medieval studies is by no means one thing. Rare is the scholar who can (or wants to) converse with both the Scholastic philosophers on the one hand and the Langland scholars on the other. Michelle Karnes is one of those rare scholars, as this ambitious and well-crafted volume demonstrates. This study begins with Aristotle's theory of cognition, journeys through St. Augustine, St. Bonaventure, and *Piers Plowman,* and ends with the Middle English translations of the pseudo-Bonaventurean *Meditationes de vita Christi.* Such an interdisciplinary scope is admirable and marks clear and hopeful promise for a growing dialogue in medieval studies between philosophers and theologians on the one hand and literary critics on the other.

Karnes, a literary critic herself, aims to demonstrate how medieval cognitive theory, specifically the Bonaventurean strong understanding of the role of the imagination, influenced and infused devotional practices such as meditations on the life of Christ. She argues that, under such influence, medieval writers conceived of the imaginative meditation as a path "from sensory knowledge of [Christ's] humanity to spiritual knowledge of his divinity" (20). Her case is built fundamentally around two central chapters on

the thought of Bonaventure. The first chapter thus serves as a kind of prequel, tracing the history of the imagination, primarily in the Aristotelian tradition, from the Philosopher himself, through Avicenna and Averroës, up through Albert the Great and Thomas Aquinas. For Karnes, the Aristotelian tradition develops a sophisticated account of the necessity of the imagination (*phantasia*) to bridge the gap between sensory knowledge of material things and immaterial intellectual understanding. Imagination prepares and assembles sensory input into a form from which the intellect can abstract intelligible species. Thomas Aquinas extends this tradition and expands imagination's power by arguing that imagination's phantasms conduce not only to the knowledge of an object's essence but also to knowledge of its particularity. With this claim, the stage is set for the second chapter's "Bonaventurean Synthesis."

Refreshingly, Karnes makes no effort to puff up a case for Bonaventure by contrasting him with Aquinas. Instead, she suggests that Bonaventure shares Aquinas's fundamental Aristotelian conceptions in much of his own theory. Bonaventure's account is distinct in the way he synthesizes Augustine's cognitive theory with this tradition. Karnes's own account of Augustine and Bonaventure follows the mainstream account of the Augustinian "illumination theory" developed so carefully by Stephen Marrone's two-volume history, *The Light of Thy Countenance* (Leiden: Brill, 2001), with no apparent knowledge of the critical revisionist account offered by Lydia Schumacher (*Divine Illumination* [Oxford: Wiley Blackwell, 2011]), which was published at the same time as Karnes's book. The distinctive feature of Bonaventure's synthesis was to understand that the presence of Christ in all human knowing as its exemplary cause and regulating and motivating principle creates the foundations for a "cognitive mysticism," an ascent to the knowledge of God in and through human cognition. Christ, the "species" of the Father as generated exemplar, acts upon the human imagination as the intelligible species is abstracted from the phantasm. The presence of the light of Christ is present in every act of human knowing. Karnes then argues that this "cognitive mysticism" is not simply posited in Bonaventure's Scholastic writings on cognition, but put into play in his meditative spiritual writings, too.

Thus follows a chapter that considers Bonaventure's *Itinerarium* and *Lignum vitae* as exemplary cases of just the sort of "cognitive mysticism" theorized in other places. Karnes's reading of the *Itinerarium* shares real affinities with the cognitive realism of contemporary Bonaventure scholars such as Gregory LaNave, with a few important differences, which I will discuss below. Her reading of the *Lignum vitae* is crucial to her project as a whole, as it argues that Bonaventure enriches a young but vibrant tradition of meditations on Christ through a deeper synthetic Augustinian/Aristotelian account of the cognitive role of imagination. For Bonaventure, in the imagination, "Christ acts on the mind's image of himself in order to lead the cognizing meditant from his humanity to his divinity" (139). Karnes's

"cognitive mysticism" essentially boils down to this: "spiritual union begins with the mind's proper us of its own images" (140).

In the next three chapters, Karnes traces the trajectory of the Bonaventurean synthesis in the pseudo-Bonaventurean *Meditationes vitae Christi*, Langland's *Piers Plowman*, and other later texts, into the Middle English translations of the fourteenth century. Karnes's case in these chapters is not so much that the later authors inherit all the ins and outs of Bonaventure's Scholastic cognition theory, but rather that they inherit a deep Bonaventurean confidence in the fundamental capacity of the imagination to lead the meditator from Christ's humanity to his divinity. When early modern authors decry their medieval predecessors as fancifully subject to a vivid imagination, Karnes will agree that they were deeply concerned with the imagination. Yet the medieval imagination was not the antirational enthusiasm feared by the early moderns, but a rich inheritance of confidence in the integral place of imagination in cognition and reasoning itself.

Karnes is a fresh and stimulating reader of texts. Her reading of Bonaventure both suffers and gains from this fresh perspective. On the one hand, Karnes brings new life to Bonaventure's illumination theory—no longer a last-ditch effort to preserve an Augustinian tradition in the face of an encroaching Aristotelianism, or, as Schumacher would have it, a Franciscan apologetic invention that distorts Augustine. Instead, Karnes discovers a deeply Aristotelian and Augustinian integral vision, both theoretically sophisticated and practically applicable, of natural human knowledge's path to supernatural knowledge of God through meditation. On the other hand, Karnes's fresh eyes for the text make no reference to the ways Bonaventure strives not only to connect but also to distinguish natural human knowing from knowledge of God as such. Karnes avoids exploring Bonaventure's own term "contuition" as a name for the kind of knowing one has of God in any act of knowing. Similarly, she avoids the language of "spiritual senses," a notion much studied in Bonaventure and a crucial means by which Bonaventure both establishes parallels between natural knowledge and knowledge of God and distinguishes between them; spiritual senses are *like* corporal senses, but they are not the same. Karnes seems to suggest a kind of seamless flow from the constructive work of meditation on the life of Christ to the unitive mystical knowledge of God. Bonaventure, I think, resists this too-easy flow.

This criticism should not discourage the potential reader. Indeed, as I say above, I applaud Michelle Karnes's engagement with the Scholastic tradition, too often "where angels fear to tread." Her summaries of the Aristotelian tradition are sound and compelling, and her awareness of Bonaventure's deep Aristotelianism is a welcome reminder to us all of the shared patrimony of Bonaventure and Aquinas, two great doctors of the Church. I hope readers of this journal respond in kind and begin to explore the medieval literary legacy.

And on this journey into a foreign land, Karnes's later chapters can be a fascinating guide.

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The Assault on Priesthood: A Biblical and Theological Rejoinder. By LAWRENCE B. PORTER. Eugene, Ore.: Wipf & Stock, 2012. Pp. 422. $46.00 (paper). ISBN: 978-1-61097-292-5.

As rich as the teaching of the Second Vatican Council was, there are points of emphasis and de-emphasis that continue to raise concern. Often the most important concepts are the most problematic. Take, for example, "communion," which, on the eve of his resignation, Pope Benedict XVI called *the* central concept of the council. Yet, in the same address to the Roman clergy, distinguishing between the "real council" and the "council of the media," Benedict lamented that the latter propagated a "political hermeneutic" according to which the liturgy was seen primarily as a "community activity" rather than an "act of faith."

Something similar happened to the concept of the priesthood. The council deepened our understanding of the ministerial aspect of the priesthood, but, in doing so, lightened the emphasis on its sacrificial nature. Furthermore, though it broadened the magisterial teaching on bishops and the laity, it gave less attention to elaborating a theology of the priesthood.

In *The Assault on Priesthood*, Lawrence Porter laments these conciliar de-emphases, and he is not alone. Avery Dulles and Joseph Ratzinger raised similar complaints, and John Henry Newman had foreseen the day when a shift in the theology of the priesthood would result in confusion over its essence. Porter tries to repair the damage by exploring a range of biblical passages that deal with the priesthood. He focuses on ten examples of the Levitical priesthood and on the priestly ministries of Jesus and Paul. Porter's method is both original and practical, relying on scriptural insights to formulate concrete applications to everyday ministry. His goal is not to put together a comprehensive theology of the priesthood but to survey the main concerns that have occupied the Church since Vatican II.

Thomas Aquinas does not play a major role in Porter's project, but he does appear frequently. A few preliminary remarks about Aquinas's theology of the priesthood are therefore in order. In his commentary on the Letter to the Hebrews, Aquinas lays what many deem the cornerstone of his theology of the

priesthood: "Only Christ is the true priest, the others being only his ministers" (chap. 7, lect. 4). This principle features prominently in the *Catechism of the Catholic Church* (par. 1545). The priesthood of Christ is one and unique. Ordained ministers share in it to the extent that they are empowered to continue Christ's ministry. Without eschewing the proper hierarchical ordering of bishops over priests, Aquinas views holy orders as remarkably sacerdo-centric in contradistinction to the episcopo-centric emphasis of Vatican II. Porter illustrates the latter through a comparison of the Decree on the Pastoral Office of the Bishops (*Christus Dominus*) to the Decree on the Ministry and Life of Priests (*Presbyterorum Ordinis*), uncovering the theological sophistication of the former and the "poorly formulated" theology of the latter. *Presbyterorum Ordinis*, like *Lumen Gentium*, avoids "cultic language" in favor of "pastoral service," placing the "work" of priests ahead of their "life" (xxxv). As a result, "priests themselves find it difficult to determine exactly where they belong in the people of God" (xlv). Aquinas, Porter believes, was clearer in the matter. The priest's identity revolves around the power to confect the Eucharist *in persona Christi.* This sacerdo-centric view emerges from the way Aquinas distinguishes between priest and bishop. In question 40, article 5 of the *Tertia pars* of the *Summa theologiae*, he asserts that, in one sense, a bishop has no power superior to that of a priest since both are able to consecrate the species of bread and wine. The bishop's power is rather one of jurisdiction and authority in ecclesial governance. The distinction between priest and deacon is sharper since the former can consecrate the Eucharist while the latter cannot (see *STh* III, q. 82, a. 1).

Aquinas did not develop a full, systematic theology of the priesthood, but if he had, he may have begun on a natural level. "Natural reason," he writes in the *Summa* (*STh* II-II, q. 85, a. 1), "prescribes that man make use of certain sensible things, offering them to God as a sign of due obedience and honor [*ex naturali ratione procedit quod homo quibusdam sensibilibus rebus utatur offerens eas Deo, in signum debitae subiectionis et honoris*]." Since sacrifice is the supreme act of worship and the constitutive mark of religion, it is also the specifying act of the priesthood. Aquinas thus considers the priesthood "reasonable," not only to the extent that it has an intermediary role, but more importantly in the sense that to offer sacrifice is an essentially human activity disclosed through man's inexorable religious inclination. Porter capitalizes on Aquinas's point in order to justify his own use of anecdotes drawn from pagan rituals.

The bulk of Porter's book deals with the Old Testament, from which he draws key themes: Aaron illustrates the dignity and fragility of priests, Jonathan the importance of pastoral stability, Eli the dangerous allure of sex and money, Ahimelech the recurrence of anticlerical hatred, Zadok the temptation to political power, Ezra the importance of learning, Simon the Just the need to combine aesthetic and social sensibilities, Mattathias the courage to be counter-cultural, Caiaphas the call to moral integrity, Zechariah the

virtues of a "simple priest," Jesus the preeminence of the New Priesthood, and Paul the mutual relation of preaching and sacraments. Porter performs a thorough exegesis on the relevant biblical passages with particular attention to their literal meaning. He quotes them at length, virtually eliminating the need for the reader to have a Bible at hand. He then gives the cultural and cultic background crucial for grasping their meaning. This leads to an examination of how the Church Fathers and other prominent authors interpreted the passages throughout history. Finally, Porter proposes specific ways in which the lessons gleaned from the passages can be applied to ministry today.

As for Aquinas, Porter extolls his example of priestly humility, noting that the *Doctor communis* refused episcopal appointments at least twice. He contrasts this with the *curricula vitae* of the American prelates William O'Connell and Francis Spellman. He also notes Aquinas's solicitude for the observance of liturgical precepts and the use of sensible beauty in the liturgy (*STh* I-II, q. 100, a. 2; II-II, q. 81, a. 7). He analyzes Aquinas's argument for the illicitness of killing by clerics (*STh* II-II, q. 64) and his "defense" of Zechariah's questioning of the angel in the temple.

Porter's straightforward prose and refusal to get bogged down in academic quibbles is refreshing. However, his innovative method of using fundamental biblical narratives as a framework for addressing contemporary issues in priestly ministry occasionally diverges from traditional theological methodologies. More specifically, he does not always read the Old Testament explicitly through the lens of the New. He acknowledges the differences between Christ's priesthood and the priesthood of the Old Testament, relying on Aquinas to justify his extensive use of the latter. Indeed Aquinas, as he rightly points out, notes the insufficiency of the Old Testament for an adequate understanding of Christ's priesthood, placing the accent on the dissimilarity between the two as the key to understanding the latter. The priesthood of the Law neither washed away sins nor was eternal as is the priesthood of Christ. Yet, as Porter also indicates, Aquinas did not hesitate to compare Christ's priesthood to the priesthood of the Old Testament, asserting that the priesthood of the Law was more accurate in foreshadowing Christ's priesthood than the priesthood of Melchizedek, insofar as the former involves blood-shedding and the latter does not (see *STh* III, a. 22, q. 6). Porter's justification of a *ressourcement* of the Old Testament, however, should actually have been made the hermeneutical key for interpreting all the biblical passages he selects. In other words, when interpreting passages of the Old Testament, he should have viewed them primarily through the lens of Christ to preserve the desired typology he introduces at the beginning of the book. Instead, he often takes the moral message from the Old Testament and applies it immediately to contemporary priestly ministry without passing it through the prism of Jesus's high priesthood.

Ahimelech, for example, is extolled as an "outstanding example of solidarity" (120) in his decision to die alongside his brother priests (1 Sam

22:11-19). Yet according to Old Testament typology, the full meaning of Ahimelech's death is attained only in light of the death and resurrection of Christ. Only in this way is Ahimelech's natural solidarity with his priests raised to the level of supernatural grace. To make this clearer, Porter could have utilized the council's teaching that, by humility and obedience, priests conform themselves to Christ through a deep spiritual communion of self-emptying (*Presbyterorum Ordinis* 15). Without this, Ahimelech's example is applicable to any situation in which people feel connected by a common cause. By passing Ahimelech through the Christological prism of Philippians 2:7-8, his example would have been transformed and elevated to a whole new level that confers a spiritual dimension on a priest's solidarity with Jesus and, through him, with his brother priests.

Porter's book still has much to offer in the way of correcting a skewed theology of the priesthood since the Second Vatican Council. Priestly life and ministry were just as much victims of the "council of the media" as was the concept of "communion." Borrowing Benedict's language, we could say that priestly ministry has often been considered primarily as "activity for the community" rather than as "acting from faith." Porter retrieves the sacred character that ensures that priests have an indispensable role in sanctifying the Church and evangelizing the world. He concludes that the "most distinctively sacral task" of the priest is "presiding at the altar" where "Christ's sacrifice is renewed and celebrated" for the salvation of the world (352).

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