

THE LAW OF NATIONS AS DEVELOPING MORAL LAW:  
TWO INTERPRETATIONS OF *IUS GENTIUM* IN THE  
THOMISTIC TRADITION

BARRETT H. TURNER

*Mount St. Mary's University  
Emmitsburg, Maryland*

Il n'y a pas de notion plus épineuse pour un philosophe ou un juriste que la notion de droit de gens.

Jacques Maritain, *La loi naturelle ou loi non écrite* (1950)

SINCE THE Second Vatican Council, Catholic moral theology has increasingly wrestled with the question of development in the Church's moral and social doctrine. For example, scholars continue to dispute the nature, limits, and causes of the change in the Church's teaching on religious liberty and the death penalty. Yet discovering an adequate way of describing the development of moral doctrine has been difficult going. John T. Noonan, Jr., in his well-known explorations of change in Catholic moral doctrine, could find no more of a principled rationale for doctrinal developments such as those on usury, slavery, and religious liberty than the twofold love commandment of Christ, empathy, and experience.<sup>1</sup> According to Noonan, not even human nature or the natural law limits how Church teaching can develop, for our knowledge of human nature is historically conditioned and changes.<sup>2</sup> With respect to

<sup>1</sup> John T. Noonan, Jr., "Development in Moral Doctrine," *Theological Studies* 54 (1993): 676; idem, *A Church That Can and Cannot Change: The Development of Catholic Moral Teaching* (Notre Dame, Ind.: University of Notre Dame Press, 2005), 222. See also idem., "Experience and the Development of Moral Doctrine," *CTSA Proceedings* 54 (1999): 43-56.

<sup>2</sup> Noonan, *A Church That Can and Cannot Change*, 213.

the specific development of the Church's teaching on religious liberty as promulgated by *Dignitatis Humanae*, Noonan could only arrive at the bare conclusion that the Magisterium is capable of the "flat rejection of propositions once taught."<sup>3</sup> In his response to Noonan, Avery Dulles argued that the development on religious liberty can be made intelligible by noting how changing social conditions call forth new applications of unchanging teaching, permitting the theologian to see "that there has been true progress without reversal, even on the plane of propositional declarations."<sup>4</sup> While Dulles offered an important response to Noonan in noting how new conditions could change what the moral law demands, he did not offer a theory of the development of moral doctrine.

As St. John Paul II suggested in two encyclicals, any Catholic theory of the development of moral or social doctrine should attend to the changing relationship between the principles of moral theology and the changing conditions of human life. In *Sollicitudo Rei Socialis* (1987) he wrote that the Church's "teaching in the social sphere" is both "constant" in regard to its "fundamental inspiration" and "ever *new*" on account of "necessary and opportune adaptations suggested by the changes in historical conditions and the unceasing flow of the events which are the setting of the life of people and society" (SRS 3). This is the case not merely within nations but also in regard to "the *configuration of the world*," which "has undergone notable

<sup>3</sup> Ibid., 157: "The promulgation of *Dignitatis [humanae] personae* was a triumph of development. It showed that the development could mean the flat rejection of propositions once taught by the ordinary magisterium."

<sup>4</sup> Avery Dulles, S.J., "Review of *A Church That Can and Cannot Change: The Development of Catholic Moral Teaching*," *First Things*, October 2005; also idem, "Dignitatis Humanae and the Development of Catholic Doctrine," in *Catholicism and Religious Freedom: Contemporary Reflections on Vatican II's Declaration on Religious Liberty*, ed. Kenneth L. Grasso and Robert P. Hunt (Lanham, Md.: Rowman and Littlefield, 2006): 61: "The most satisfactory position, I believe, is . . . that there has been true progress without reversal, even on the plane of propositional declarations." See also Avery Dulles, S.J., "John Paul II on Religious Freedom: Themes from Vatican II," *The Thomist* 65 (2001): 161-78; idem, "Continuity and Change in Catholic Social Teaching," *Journal of Law, Philosophy and Culture* 2 (2008): 73-88.

changes and presents some totally new aspects” (SRS 4). He similarly stated in *Veritatis Splendor* (1993) that while human nature is “the measure of culture” and that “some things do not change and are *ultimately founded upon Christ*,” nonetheless the application of the unchanging core of Catholic moral teaching occurs “in the light of different cultural contexts” and “in the light of historical circumstances” (VS 53). A Catholic theology of the development of moral doctrine therefore must attend to the interplay between on the one hand the Church’s authoritative exposition of the unchanging deposit of faith and the natural law, and on the other hand the changing conditions of human life.

Without giving a full treatment of a theory of the development of moral doctrine or of any particular case of it in detail, this article only offers a grounding for such a theory in the recovery of a concept from the Thomist tradition that relates the unchanging natural law to changing social conditions. This concept is the “law of nations” (*ius gentium*). Such a concept will be useful for later proposing a full treatment of development in moral doctrine in general, and specific doctrinal changes in particular. In fact, the law of nations has already begun to be used to explain doctrinal developments in religious liberty and the death penalty.<sup>5</sup> Yet the precise meaning of *ius gentium* in the Thomist tradition is itself a matter of debate.

According to this debate, the law of nations is either a universal body of customary law that assists in keeping the natural law, or simply the conditional conclusions of natural-law principles arrived at under new social and political conditions. This debate suggests that the Thomistic tradition has resources for discussing not only the development of the natural law in society, but also for discussing how Catholic social doctrine itself

<sup>5</sup> Basile Valuet, O.S.B., *La liberté religieuse et la tradition catholique: Un cas de développement doctrinal homogène dans le magistère authentique*, 3d ed., 6 vols. (Le Barroux, France: Éditions Sainte-Madeleine, 2011), esp. 2:768-94; Barrett H. Turner, “*Dignitatis Humanae* and the Development of Moral Doctrine: Assessing Change in Catholic Social Teaching on Religious Liberty,” (Ph.D. diss., The Catholic University of America, 2015); Barrett H. Turner, “Pope Francis and the Death Penalty: A Conditional Advance of Justice in the Law of Nations.” *Nova et vetera* (Eng. ed.) 16 (2018): 1041-50.

develops. The various figures and lines in the debate affirm the immutability of the natural law in itself while they also affirm a socio-historical, conditional element of justice that is added to the natural law even on a universal scale. Two lines in the debate have sought to clarify precisely in what sense the law of nations is distinct from the natural law and in what ways it can change, building upon St. Thomas Aquinas's fundamentally ambiguous account of the law of nations. The first line arose among Dominican theologians who employed Thomas's theology of law in response to Spanish claims in the New World, led by Francisco de Vitoria (d. 1546). I will call this the Salamanca line. Among its adherents were Domingo de Soto (d. 1560), Melchior Cano (d. 1560), Domingo Báñez (d. 1604), Francisco Suárez (d. 1617), and Charles-René Billuart (d. 1757). The second line emerged from the more recent attempt to reconcile Catholicism to liberal democracy and subjective human rights in the Neo-Thomist revival, led by Jacques Maritain (d. 1973). I will call this the Neo-Thomist line. Adherents included Yves Simon (d. 1961), Marie-Michel Labourdette (d. 1990), Benoît-Dominique de la Soujeole, and John Finnis.

Of these two lines, the Salamanca is better able to account for change in the law of nations without falling into historicist or relativist interpretations of the natural law or the ordinary exercise of the Magisterium in moral doctrine. Maritain's position, on the other hand, is liable to present a theory of doctrinal development that never quite explains how our current knowledge of the natural law should always constitute a permanent advance in the truth. However, the modifications that Labourdette made to the Neo-Thomist line offer a powerful model for understanding development in moral doctrine, thanks to his attention to the conditional nature of some demands of the natural law.

This article first locates the origins of the two divergent interpretations of the law of nations within the Thomist tradition in the ambiguity with which Thomas discusses whether the *ius gentium* is natural or positive law. The second and third sections respectively delineate the essential features of each of these distinct approaches to interpreting Thomas. The Salamanca,

which was the common opinion of Thomists until the twentieth century, holds that the law of nations is essentially universally binding custom added to the natural law, and hence positive in content. The law of nations is only morally necessary for keeping the natural law and is therefore mutable depending on conditions. The Neo-Thomist line, which became ascendant in Thomism under the influence of Maritain, holds that the law of nations is a set of strict conclusions from natural-law principles and thus belongs essentially to the natural law. These conclusions are known more perfectly under or extended more concretely within progressive civilizational conditions. A fourth section evaluates what these two lines of interpretation can contribute to a Thomistic theory of the development of the moral law, and consequently to a Catholic theology of the development of moral doctrine.

#### I. SAINT THOMAS'S AMBIGUOUS DOCTRINE OF THE LAW OF NATIONS

Thomas's treatment of *ius gentium* is ambiguous insofar as it is unclear whether he holds that the law of nations is essentially of the natural law, or whether it is a set of institutions and customs added to the natural law by human agreement. In texts treating of the law of nations in itself, he teaches the former, while in texts treating of institutions that are part of the law of nations, he says the latter. This ambiguity stems from his choice of authorities in the unusual and late texts in which he distinguishes the law of nations from natural and positive law. In the Treatise on Law (*STh* I-II, q. 95) he draws upon St. Isidore of Seville to identify the law of nations as a body of human positive law deduced as conclusions from natural-law principles. In the Treatise on Justice (*STh* II-II, q. 57), however, Thomas attempts to reconcile the Roman jurist Ulpian with his own account of natural law as particular to the rational animal. Ulpian claimed that all animals follow the *ius naturale* and that only humans follow the *ius gentium*. The law of nations would then be specific

to humans as such, not a body of positive law derived from natural law.<sup>6</sup>

As noted by historians, Thomas paid much more deference to the formulas of the Roman jurists concerning *ius naturale* and *ius gentium* than did his predecessors and his teacher, St. Albert, who eschewed the jurists' categorizations.<sup>7</sup> Not only do the jurists appear to disagree with one another about the precise contours of the law of nature and the law of nations, but it is also unclear in what way their formulae could be compatible with the account of natural law laid down by Albert and Thomas as proper to man, the rational animal. Ulpian, for example, asserted that "natural law is what nature teaches all animals" (*ius naturale est quod natura omnia animalia docuit*) and that the "law of nations is what human nations use" (*ius gentium est quo gentes humanae utuntur*).<sup>8</sup> The jurist Gaius, however, simply identified the law of nations and the natural law: "what natural reason establishes among all men and which is kept equally among all, is called the law of nations, for nearly all nations practice this law."<sup>9</sup> That the Roman jurists did not consistently distinguish natural law and the law of nations compounds the difficulty of Thomas's eventual attempt to harmonize them with Isidore's teaching.<sup>10</sup>

<sup>6</sup> The relevant texts fall late in Thomas's career, during his second Parisian teaching period, no earlier than 1269 and no later than 1272. Dates from Jean-Pierre Torrell, O.P., *Initiation à saint Thomas d'Aquin: Sa personne et son œuvre*, 2d ed. (Fribourg: Éditions Universitaires, 2002), chap. 11. The phrase "law of nations" (*ius gentium*) occurs in St. Thomas's work at *Quodl.* II, q. 4, a. 2; I *Polit.*, lect. 4; V *Ethic.*, lect. 12; and *STh* I-II, q. 95, a. 4; II-II, q. 12, a. 2; and q. 57, a. 3.

<sup>7</sup> Odon Lottin, O.S.B., *Le droit naturel chez saint Thomas d'Aquin et ses prédécesseurs*, 2d ed. (Bruges: Charles Beyaert, 1931); Jean-Marie Aubert, *Le droit romain dans l'œuvre de saint Thomas* (Paris: J. Vrin, 1955), 91-122; Michael Bertram Crowe, "St. Thomas and Ulpian's Natural Law," in *St. Thomas Aquinas, 1274-1974: Commemorative Studies*, ed. Armand A. Maurer et al. (Toronto: Pontifical Institute of Mediaeval Studies, 1974), 261-82.

<sup>8</sup> Ulpian is cited in Justinian, *Digest* 1.1.1.3. Unless otherwise indicated, all translations in this article are my own.

<sup>9</sup> *Ibid.* 1.1.9: "quod vero naturalis ratio inter omnes homines constituit, id apud omnes peraeque custoditur; vocaturque ius gentium, quasi quo iure omnes gentes utuntur."

<sup>10</sup> In addition to the historians noted above, see the opinion of Alexander Passerin d'Entrèves on how the disparate formulae of the Jurists cohere in Roman law (*Natural*

Perched ambiguously between natural and positive law, Thomas's *ius gentium* seems to be a subset of the natural law, either as conclusions from natural-law precepts which are discovered by reason and repromulgated in human positive law (*STh* I-II, q. 95, a. 4), or as that part of the natural law which concerns what is naturally right for the human creature (inclination to society), abstracting from inclinations common to lower beings (inclination to procreation [V *Ethic.*, lect. 12; *STh* II-II, q. 57, a. 3]). The ambiguity in Thomas's teaching concerns whether the law of nations is essentially and strictly of the natural law, or a law enacted or instituted by human decision that assists in keeping the natural law but is not strictly demanded by it. Though at times Thomas seems to hold that *ius gentium* is simply natural law (though this is disputed by various commentators), he complicates a simple identification by teaching that private property is an institution of the law of nations and as such is added to natural law by human agreement. But something cannot be both natural law and added to natural law, at least not in the same sense.

Our issue here is not whether the natural law is the same for all men, or its mutability (*STh* I-II, q. 94, aa. 4-5). For Thomas, the law of nations is not the "change" in the natural law that happens when the application of the general, common principles of the natural law fails to generate the secondary precepts which are right for most cases. In other words, we are not dealing here with the few cases in which the secondary precepts fail in regard to rectitude on account of "some particular impediment" (e.g., returning a deposit to a madman or conspirator). The law of nations does not pertain to such cases, for it pertains to the usage of the peoples in general.

Indeed, the problem for Thomas is distinguishing the law of nations from the natural law itself. In question 95, article 4 of the *Prima secundae*, he has to account for Isidore's division between the natural law, the law of nations, and civil law, which categories

Isidore inherits from the Roman jurists. Since Isidore speaks of both *ius naturale* and *ius gentium* as common to all people (obj. 1), Thomas must provide a way of distinguishing what appear to be identical categories.<sup>11</sup> He has already divided human positive law according to the two ways in which it is derived from the natural law (*STh* I-II, q. 95, a. 2). In the mode of “conclusion” (*conclusio*), a legislator promulgates a law that can be deductively drawn from the principles of the natural law, similar to the way conclusions in theoretical disciplines are drawn from first principles. Thomas’s example is that murder is contrary to human as well as to natural law, *non esse occidendum* being deducible from *nulli esse malum faciendum*. In the mode of “specification” (*determinatio*), by contrast, the legislator has to establish a determinate ordinance in order to fulfill the natural law’s general requirement to live harmoniously in society. This mode is like a builder’s moving from the general form of a house to its specific details—a house of such-and-such dimensions, rooms, and floors. Thomas’s example is that the punishment for a crime would be such and such, which derives from the general obligation of civil power to punish injustice.<sup>12</sup> Importantly, the force of a *determinatio* comes entirely from its human promulgation, whereas a *conclusio* gets “something of its strength from the natural law” (*ibid.*). Both modes of derivation yield “human positive law,” but

<sup>11</sup> All Latin quotations of St. Thomas are taken from the Leonine edition (*Sancti Thomae Aquinatis doctoris angelici Opera omnia iussu Leonis XIII. P. M. eddita*, cura et studio fratrum praedicatorum [Rome: Leonine, 1882-]), cited by volume and page number, unless otherwise noted. *STh* I-II, q. 95, a. 4, obj. 1: “Comprehended under [positive] law is the law of nations, which, as Isidore says, is thus so named because ‘it is used by nearly all nations.’ But just as he himself says, ‘natural law is common to all nations.’ Therefore the law of nations is not contained under positive law, but rather under natural law” (“Sub hoc enim iure comprehendit *ius gentium*, quod ideo sic nominatur, ut ipse [Isidorus] dicit, quia *eo omnes fere gentes utuntur*. Sed sicut ipse dicit, *ius naturale est quod est commune omnium nationum*. Ergo *ius gentium* non continetur sub iure positivo, sed magis sub iure naturali” [Leonine ed., 7:177]). Thomas refers to Isidore’s *Etymol.* 5.6 and 5.4, respectively.

<sup>12</sup> Cf. *V Ethic.*, lect. 12. For further discussion on the derivation of positive from natural law, see John Finnis, *Natural Law and Natural Rights* (Oxford: Oxford University Press, 1980), 281-90.



are “positive” (*posita*) in different senses: the deduction is a kind of human repromulgation or clarification of the natural law’s ineluctable and specific demands, while the specification is more of a creative act of the legislator finding a fitting way of achieving what the natural law demands only in a general way; the specification is therefore “positive” in a way that the deduction is not.<sup>13</sup> Both are promulgated by human law and are positive in that sense.

Thomas collates these two modes of derivation with Isidore’s law of nations and civil law in article 4 of question 95, seeming to identify the law of nations with the first mode, that of deductions (*conclusiones*) from natural law. He writes:

To the law of nations pertain those things that derive from the law of nature as deductions [*conclusiones*] from principles, such as just purchases, sales, and other things like that. Without those things humans are not able to live together, which is from the law of nature, since man is naturally a social animal. . . . Those things, however, which are derived from the law of nature in the manner of the specification of a particular [*particularis determinationis*] pertain to civil law, according to what any city determines is suitable for itself.<sup>14</sup>

On this interpretation, Isidore’s *ius gentium* would be a body of deductions from the natural law universally necessary for life in society, while the *ius civile* would consist in the specifications of particular cities. Yet where article 2 gave the more evident conclusion of murder as an example of a *conclusio*, Thomas in article 4 gives the examples of “just purchases, sales, etc.,”

<sup>13</sup> For the two senses of positivity in Thomas’s treatment of human law see James Bernard Murphy, *The Philosophy of Positive Law: Foundations of Jurisprudence* (New Haven: Yale University Press, 2005), chap. 2; and Aubert, *Le droit romain dans l’œuvre de saint Thomas*, 105-8, 122.

<sup>14</sup> *STh* I-II, q. 95, a. 4: “Nam ad ius gentium pertinent ea quae derivantur ex lege naturae sicut conclusiones ex principiis, ut iustae emptiones, venditiones, et alia huiusmodi, sine quibus homines ad invicem convivere non possent; quod est de lege naturae, quia homo est naturaliter animal sociale, ut probatur in I Polit. Quae vero derivantur a lege naturae per modum particularis determinationis, pertinent ad ius civile, secundum quod quaelibet civitas aliquid sibi accommodum determinat” (Leonine ed., 7:178).

examples given in Justinian's *Institutes*<sup>15</sup> as institutions contained in the law of nations. These are less evidently connected with the natural law, however, at least in a strict sense. Thomas does not specify whether he means that there is a general need for laws about buying and selling, or whether he is referring to specific laws about types of contracts or more minute regulations of just exchange. In any case, the law of nations here is a body of positive law—such as civil laws prohibiting homicide—that as necessary conclusions stem from the natural law's content. It is possible that Thomas means that the law of nations includes both strictly necessary deductions from the natural law (the prohibition of homicide) and deductions that are less strictly necessary (institutions pertaining to property), in contrast with civil law as such, which is comprised of the specifications unique to this or that civil code, not including laws found in the law of nations.

In reply to the first objection, that natural law and the law of nations would then be identical, Thomas utilizes Ulpian to make a further distinction. Since deducing "things not very remote from their principles" is a specifically human activity *qua* rational, the law of nations is "in a certain mode natural to man" and not to other animals. That the law of nations is universal like the law of nature is no difficulty, for "in such matters humans easily consent." Yet the act of deducing by human reason itself distinguishes the law of nations "from the natural law [*a lege naturali*], above all from that which is common to all animals."<sup>16</sup> In light of Thomas's definition of natural law properly understood as the rational creature's participation in the eternal law, thereby excluding brute animals from governance by natural law (*STh* I-II, q. 91, a. 2, ad 3), his reference to natural law as being common to all animals displays unusual deference to Ulpian. Ulpian designates *ius naturale* as the "animal" or body-dependent norms for human behavior, such as the liceity of male-female coupling. At least, the comment is strange if *lex naturalis* and *ius*

<sup>15</sup> Justinian, *Institutes* 1.2.2.

<sup>16</sup> *STh* I-II, q. 95, a. 4, ad 1.

*naturale* are synonyms, which is a point of disagreement between the two interpretive lines discussed below.

When Thomas discusses the derivation of positive law from natural law in his commentary on Aristotle's *Nicomachean Ethics* (V *Ethic.*, lect. 12), he appears to diverge from what he said previously about the necessary relation of the law of nations to the natural law. He states that "in such manner," that is, the manner of a deduction being drawn from principles (*sicut conclusio ex principiis*), "positive or legal law [*iustum positivum vel legale*] cannot arise from natural law [*a iuri naturali*]."<sup>17</sup> Did not he previously say that human positive law in the mode of deduction is derived from natural law? Here the contradiction is only apparent, for in the Treatise on Law Thomas speaks of *lex posita* being derived from *lex naturalis*, whereas in the Commentary he speaks of *iustum/ius positivum* and *iustum/ius naturale*. Positive law in the first sense (*lex posita*), at least as far as the mode of *conclusio* goes, has some of its strength from natural law and some from the fact of its human institution. In other words, it is natural in content but positive in promulgation: murder is evil of itself, yet a law proscribing it is positive insofar as a human legislator has written that law. On the other hand, *ius positivum* is positive in content as well as in promulgation, and so is susceptible to variation among political communities: "natural justice [*iustum naturale*] exists always and everywhere [but] this is not applicable to legal or positive justice [*iusto legali vel positivo*]."<sup>18</sup> It is reasonable to suppose that here Thomas confines *ius positivum* to positive law in the more limited mode of specification (*determinatio*). This would explain why Thomas

<sup>17</sup> "Uno modo sicut conclusio ex principiis; et sic ius positivum vel legale non potest oriri a iure naturali; praemissis enim existentibus, necesse est conclusionem esse" (V *Ethic.*, lect. 12 [Leonine ed., 47:305]). My translation is a modified version of St. Thomas Aquinas, *Commentary on Aristotle's Nicomachean Ethics*, trans. C. I. Litzinger (Notre Dame, Ind.: Dumb Ox, 1993), 325-26. Although this is a commentary, Thomas brings in the notion of derivation from the principles of the natural law from *STh* I-II, q. 95, a. 2.

<sup>18</sup> "sed cum iustum naturale sit semper et ubique, ut dictum est, hoc non competit iusto legali vel positivo" (V *Ethic.*, lect. 12 [Leonine ed., 47:305]).

includes what “the jurists call the law of nations [*ius gentium*]” under Aristotle’s category of “natural justice” (*iustitia naturalis*), since according to the jurists the law of nations is “the law which follows the inclination proper to the nature of man, insofar as man is a rational animal.”<sup>19</sup> This law includes what “all people are accustomed to follow,” such as the keeping of pacts and the inviolability of ambassadors. Thomas includes with the law of nations under natural justice what the jurists call “natural right,” “which follows the inclination of nature common to man and other animals, as the union of male and female, the education of offspring, and so forth,” paraphrasing Ulpian.

In question 57 of the *Secunda secundae*, Thomas again employs the formulas of the Roman jurists to distinguish further *ius gentium* and *ius naturale*. In article 2, he distinguishes natural law (*ius naturale*) and positive law (*ius positivum*) on the basis of whether a work is adequate to another man, in two different senses: *ius naturale* is drawn from the very nature of the commensuration (*ex ipsa natura rei*), as “when someone gives so much so as to receive just as much”; *ius positivum* is drawn from human agreement (*ex condicto, sive ex communi placito*), as “when someone is satisfied if he receives so much.” Next, in article 3, Thomas further distinguishes two ways in which something pertains to natural law (*ius naturale*). As previously (in *STh* I-II, q. 95, a. 4), he must do so in order to answer the question of whether *ius gentium* just is *ius naturale*—a natural question, given that some make *ius gentium* a type of human law (Isidore) while others identify it with natural law (Gaius). The first way in which something pertains to *ius naturale* is “according to an absolute consideration of the matter, as the male from his own conception has a commensuration to the female for generating from her, and a parent to a son for nourishing him.” The second way is “accor-

<sup>19</sup> “Illud autem ius, quod consequitur propriam inclinationem naturae humanae, in quantum scilicet homo est rationale animal, [Iuristae] vocant ius gentium, quia eo omnes gentes utuntur, sicut quod pacta sint servanda, quod legati etiam apud hostes sint tuti, et alia huiusmodi” (ibid.). On this point, see Aubert, *Le droit romain dans l’œuvre de saint Thomas*, 113-14.

ding to something that results from it, namely, personal property [*proprietas possessionum*].” Personal property is not naturally just in the absolute sense, since “if a field is considered absolutely, there is no reason why it should belong to this person rather than that one.” Only when the field “is considered with respect to the advantageousness of cultivating it and using it peacefully” does a reason emerge for it to belong to one and not another. Thomas notes that animals generically can grasp whether something is naturally commensurate to another in the absolute sense, but only humans can grasp what is naturally commensurate to another in the second sense, which is “proper to reason.” To conclude his argument, he harmonizes Isidore’s distinction of *ius naturale* and *ius gentium* (cited in the *sed contra* and already discussed above) with Gaius’s identification of them: “what natural reason establishes among all men is kept among all nations and is called the law of nations.”<sup>20</sup> In theory, anyway, Thomas situates the law of nations (*ius gentium*) within natural law (*ius naturale*) according to the specifically human mode of grasping what is naturally commensurate to another beyond the common animal mode. Again, he describes the *ius gentium* either as that part of natural law repromulgated in human positive law (conclusions) or that part of the natural law whose precepts pertain particularly to man *qua* rational (*ius gentium* vs. *ius naturale*).

Whatever Thomas means by defining *ius gentium* as specifically human natural law, his discussion of particular institutions of the law of nations gives it a decidedly positive content. There is a good example in the case of property, which Thomas identifies as pertaining to *ius gentium*. On the one hand, he says that “natural reason institutes” the law of nations (*STh* II-II, q. 57, a. 3, ad 3) and that its proximity to natural law as a set of conclusions is why men “easily consent to it” (*STh* I-II, q. 95, a. 4, ad 1). On the other hand, he specifies that the division of

<sup>20</sup> “Et ideo hoc quidem est naturale homini secundum rationem naturalem, quae hoc dicitur. Et ideo dicit Gaius iurisconsultus, *quod naturalis ratio inter omnes homines constituit, id apud omnes gentes custoditur, vocaturque ius gentium*” (*STh* II-II, q. 57, a. 3 [Leonine ed., 9:6]).

possessions is “according to human arrangement” (*secundum humanum conductum*), accordingly is “just because posited” (*iustum positum*), and is therefore an addition to the natural law (*STh* II-II, q. 66, a. 2, ad 1). He is more explicit in *Quodlibet* II (q. 4, a. 2), where he assigns parental rights to *ius naturale* and property rights to *ius gentium vel civili*.<sup>21</sup> In a corresponding article (*STh* II-II, q. 10, a. 12), he assigns property rights only to *ius civili*, indicating that his doctrine of private property is positive in content as well as in promulgation.<sup>22</sup> He says that the division of possessions, as well as servitude, “are induced not by nature but through the reasoning of men with respect to their usefulness for human life. In this way the law of nature has not been changed except by addition” (*STh* I-II, q. 94, a. 5, ad 3).<sup>23</sup> Property has a kind of “necessity” for human life in order to avoid discord and ensure diligent work (*STh* I, q. 98, a. 1, ad 3; II-II, q. 66, a. 2).<sup>24</sup>

Due to his deference to the formulae of various authorities, Thomas names the law of nations as a kind of deduction from the natural law, yet acknowledges that it is comprised of positive institutions deriving from human consent. Thomists have disagreed as to whether Thomas’s treatment of the law of nations across these texts is consistent. Domingo Báñez understands Thomas to use the term “law of nations” equivocally, adopting the sense of Isidore in the *Prima secundae* (q. 95) and the sense of the jurists in the *Secunda secundae* (q. 57), without a substantive contradiction in position.<sup>25</sup> Jacques Maritain holds

<sup>21</sup> *Quodl.* II, q. 4, a. 2 (Leonine ed., 25:223).

<sup>22</sup> *STh* II-II, q. 10, a. 12 (Leonine ed., 8:94).

<sup>23</sup> “Et hoc modo communis omnium possessio, et omnium una libertas, dicitur esse de iure naturali, quia scilicet distinctio possessionum et servitus non sunt inductae a natura, sed per hominum rationem, ad utilitatem humanae vitae. Et sic in hoc lex naturae non est mutata nisi per additionem” (*STh* I-II, q. 94, a. 5, ad 3 [Leonine ed., 7:173]). I follow the Freddoso translation over the Dominican Fathers in translating “induced not by nature but through the reasoning of men.”

<sup>24</sup> In addition to personal property, servitude is another institution added to the *ius naturale* by reason (I *Polit.*, lect. 4; *STh* I-II, q. 94., a. 5, ad 3).

<sup>25</sup> Domingo Báñez, O.P., *Decisiones de iure et iustitia* (Venice, 1595), 12b.

that Thomas is only apparently inconsistent, and that he uses “law of nations” in the same sense in every text as the rationally deduced secondary precepts of the natural law. Maritain thus holds that, for Thomas, private property is an institution strictly necessary and demanded by the natural law, for it is “added” only in the sense of being discovered by reason to be such a secondary precept of the natural law.<sup>26</sup> Francisco de Vitoria represents a contrary view, namely, that Thomas contradicts himself across the various texts, for what Thomas says in the *Prima secundae* (q. 57, a. 3), “speaks against those things which he says in this article [I-II, q. 95, a. 4].”<sup>27</sup> In a later section we will discuss Maritain’s line, but it is to the line of interpretation initiated by Vitoria we now turn.

## II. VITORIA’S SALAMANCAN LINE

Responding to Spanish adventuring in the Americas, Francisco de Vitoria established a new line of Thomistic political theology that explored questions of political power and human rights in an international context. His famous *releccio* evaluating the Spanish claims to the lands of the Amerindians, *De indiis* of 1539, hinges on the right of communication and travel that belongs to the law of nations (q. 3, a. 1). Yet Vitoria’s most extensive treatment of *ius gentium* is not found in *De indis*, but in his commentary on the *Secunda secundae*. Vitoria interprets Thomas’s doctrine of *ius gentium* as a body of universal positive institutions (that is, specifications, *determinationes*) added to the

<sup>26</sup> Jacques Maritain, *La loi naturelle ou loi non écrite* (1950), in *Œuvres complètes*, ed. Jean-Marie Allion and others (Fribourg: Éditions Universitaires, 1999), 16:733-38; idem, *Man and the State* (Washington, D.C.: The Catholic University of America Press, 1998), 98-99; Paul M. Van Overbeke, “Saint Thomas et le droit: Commentaire de I-II[ae], q. 57,” *Revue Thomiste* 55 (1955): 538-64, albeit with serious reservations (*ibid.*, 560-61).

<sup>27</sup> Francisco de Vitoria, O.P., *Comentario al tratado de la ley* (ed. Vicente Beltrán de Heredia, O.P. [Madrid: Consejo Superior de Investigaciones Científicas, 1952], 29); see also Peter Haggemacher, *Grotius et la doctrine de la guerre juste* (Paris: Presses Universitaires de France, 1983), 327-33.

natural law by agreement of the human race; this would become the common opinion of Thomists for two hundred years.<sup>28</sup> In this section, I will describe this Salamanca line as held by the leading figures of the Salamanca School. I will first give their general definition of the law of nations and then outline the implications of their definition for changes in social teaching. Next I will analyze the components of their definition of the law of nations, addressing some speculative concerns along the way.

Following Vitoria, the Thomists of the Salamanca line define the law of nations as positive law, located midway between natural and civil law, morally necessary for keeping the natural law without being strictly deduced therefrom, founded in a human agreement, and promulgated by universally or near universally adopted customs. Báñez, for example, distinguishes the law of nations from natural law and civil law by noting that

those things which have been introduced by the law of nations are neither principles known per se nor are they things which are deduced from them by necessary consequence, although they are gathered from them by a consequence so greatly probable and useful to human society that there are no nations which do not admit such a consequence.<sup>29</sup>

Suárez similarly notes that the law of nations “is not an evident deduction” from the law of nature but is nonetheless “very near to the law of nature” and “so greatly useful and agreeable with nature” that it is accepted by all.<sup>30</sup> On account of its proximity to

<sup>28</sup> Annabel S. Brett, *Changes of State: Nature and the Limits of the City in Early Modern Natural Law* (Princeton, N.J.: Princeton University Press, 2011), 13: “Vitoria followed Aquinas in seeing the *ius gentium* as a function of natural reason but departed from his position in [the *Secunda secunda*] by understanding it as a kind of positive right. Furthermore, he provided a new source of its positivity in the consensus of all mankind.”

<sup>29</sup> Báñez, *De iure et iustitia* (Venice ed., 12b): “Deinde probatur conclusio ex differentia inter ius naturae et inter ius gentium et ius civile positivum. . . . At vero ea quae introducta sunt iure gentium neque sunt principia per se nota neque ex illis per necessariam consequentiam deducuntur, quamvis colligantur per consequentiam usque adeo probabilem et utilem humanae societati, ut nullae sint nationes, quae talem consequentiam non admittant.”

<sup>30</sup> Francisco Suárez, S.J., *Tractatus de legibus ac Deo legislatore* (1613), 2.19.9 (ed. Luciano Pereña et al. [Madrid: Consejo Superior de Investigaciones Científicas, 1971-81],



and moral necessity for keeping the natural law, as well as its universally binding character, one can call the law of nations a “natural law” *secundum quid*. In contrast to natural law, which is immutable, the law of nations can change and develop as positive law, at least in part. Proponents of the Salamanca line ground the binding character of the law of nations in the quasi-political authority of the entire human race, which promulgates the *ius gentium* by customs whose utility for attaining the ends of the natural law under a certain set of social conditions is easily recognized by rational creatures. The law of nations admits of different types of social necessity, as clarified above all by Suárez, consisting either in the universal adoption of a custom by each people (e.g., personal property), or in institutions relating peoples to one another (e.g., inviolability of ambassadors, law of war, right of travel and communication).

For four hundred years, until Maritain, Thomists typically did not speak of the *ius gentium* as the part of natural law specific to the inclinations of man *qua* rational being (in contrast with *ius naturale*, those natural inclinations shared generically with all animals). Following Vitoria, Thomists instead spoke of *ius gentium* as a body of universal, positive institutions “almost” or “morally” necessary for keeping the social demands of the natural law and of *ius naturale* as more or less equivalent to *lex naturalis*. For these Thomists, the law of nations is universally binding yet mutable within a certain range, namely, the set of permissible means to natural-law ends. The law of nations may be identified with the natural law from the existential perspective of any person living in this or that age on account of the force and scope of *ius gentium*. At the same time, the law of nations can change with changing social conditions, should a custom be recognized as better realizing what the natural law demands. In this

4:136): “Eo vel maxime quod ea quae ad hoc ius pertinent, et pauca sunt, et iuri naturali valde propinqua; et quae facillimam habent ab illo deductionem, adeoque utilem et consentaneam ipsi naturae, ut licet non sit evidens deductio tanquam de se omnino necessaria ad honestatem morum, sit tamen valde conveniens naturae et de se acceptabilis ab omnibus.”

existential-historical perspective, the *ius gentium* is a kind of evolving natural law.

The *ius gentium* is a “middle” category between natural law and positive (civil) law, but it is essentially positive (involving specifications/*determinationes*), dependent on human agreement for both its content and its promulgation.<sup>31</sup> In arriving at this position, the proponents of the Salamanca line had to reinterpret Thomas’s harmonization of his own natural-law doctrine with Isidore and the Roman jurists.<sup>32</sup> The jurists “commonly

<sup>31</sup> Francisco de Vitoria, O.P., *Comentarios a la secunda secundae de santo Tomás*, II-II.57.3 and II-II.66.2 nn. 4-5 (ed. Vicente Beltrán de Heredia, O.P., 6 vols. [Salamanca: Biblioteca de Teólogos Españoles, 1932-52], 3:12-17 and 3:325-26); Domingo de Soto, O.P., *De iustitia et iure, libri decem* 1.5.4, 3.1.3, and 4.2.2 (Salamanca, 1553 [44-46, 196-98, and 288-91]); Cano, Vat. Lat. 4648, f. 3-4 (Pereña, ed., 248-49); Báñez, *De iure et iustitia*, II-II.57.3 (Venice ed., 13a); Luis Molina, S.J., *De iustitia et iure opera omnia* 1.5 (Venice, 1593-1611 [13]); Molina, Lisboa, Biblioteca Nacional, Fundo Geral 2841, f. 69-73 (Pereña, ed., 270); Suárez, *De legibus*, 2.17, 19, 20 (Pereña, ed., 4:100-111, 124-49); 7.4.3-5 (Vivès ed., 6:145-47). Citations of the Salamancans will include name, abbreviated title, and location (book, question, article or book, chapter, paragraph), followed by volume and page number of any critical edition. Citations of Soto and Cano manuscripts refer to those appended to Francisco Suárez, S.J., *Tractatus de legibus ac Deo legislatore* (1613), ed. Luciano Pereña et al. (Madrid: Consejo Superior de Investigaciones Científicas, 1971-81), vol. 4, and are cited by manuscript number, “Pereña, ed.,” and then page number. The first three books of Suárez’s *De legibus* is cited according to this same critical edition. For further books, the edition of *De legibus* contained in the Vivès *Opera omnia* is cited by volume and page (Francisco Suárez, S.J., *Opera omnia*, 9th ed., ed. M. André, and C. Berton, 28 vols. [Paris: Ludovicus Vivès, 1856]).

The manuscript of Soto that Pereña transcribes (Roma, Biblioteca Vaticana, Ottob. lat. 781 [or 871], f. 6-7) is from Soto’s October 1540 lectures on *Summa theologiae*, II-II, qq. 57-58. These lectures antedate his published treatise *De iustitia et iure*; the manuscript includes Soto’s own marginal corrections and additions (Vicente Beltrán de Heredia, *Domingo de Soto: Estudio biografico documentado* [Salamanca, 1960], 583-84; Jaime Brufau Prats, “Introducción general,” in Domingo de Soto, *Relecciones y opusculos*, vol. 1, *Introducción general, De Dominio, Sumario, Fragmento: An liceat . . .* [Salamanca: Editorial San Esteban, 1995], 32-34). There is confusion in the literature as to whether this manuscript is numbered 781 or 871.

<sup>32</sup> Billuart, for example, in including the law of nations under *ius positivum*, admits that “although Saint Thomas does not openly teach this conclusion here [IIaIIae.57.3 co.], however he teaches it openly enough when he resolves the arguments to the contrary” (Carolus Renatus Billuart, *Summa sancti Thomae hodiernis academiarum moribus accommodata*, 9th ed., 9 vols. [Paris: Letouzey et Ané, 1900], 4:4b).

distinguish natural law [*ius naturale*] from the law of nations in that natural law is common even to brute animals, while the law of nations is proper to humans.”<sup>33</sup> To the Salamancans, who had absorbed Thomas’s rational inclination model of the natural law and who equated *lex natura* with *ius naturale*, the jurists’ definitions of natural law and the law of nations could only seem a category error.<sup>34</sup> To be sure, Vitoria and other Salamancans thought the disagreement was partly semantic,<sup>35</sup> a disagreement caused by Thomas slipping back and forth between two different verbal taxonomies.<sup>36</sup> Ultimately, however, the Salamancans rejected the jurists’ system because it identified too closely the material element of natural law with the formal, rational element. The jurists “extend the law of nations too far” insofar as they include the natural moral law in it.<sup>37</sup> On the other end, the jurists extend what they call the natural law to brute animals, who do not participate in the eternal law by reason. According to Soto, the jurists’ use of the term *ius naturale* fails when one sees that “there are many natural laws [*naturalia iura*] which are particularly fitting to human but not to brute nature.” This would include the precepts of the Decalogue regarding divine worship and lying, even if material overlap with animal behavior exists in certain moral norms, as in the male-female basis of marriage.<sup>38</sup>

<sup>33</sup> Suárez, *De legibus*, 2.17.3 (Pereña, ed., 4:102), who has in mind Ulpian’s formula: “The law of nations is what human peoples use . . . natural law [*ius naturale*] is what nature has taught all animals” (*Dig.* 1.1.1.3).

<sup>34</sup> Whether *lex* and *ius* are more or less synonymous terms in Thomas is debated. See Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law 1150-1625* (Grand Rapids, Mich.: Eerdmans, 1997), 22-27.

<sup>35</sup> Even as he recognizes that the disagreement is of a semantic nature (“Disputatio est de nomine . . .”), Vitoria calls the theologians’ “proper” use of terms “better” than the Jurists, who “[take] them in an enlarged way” (Vitoria, *Comentarios*, IIaIIae.57.3 n. 2 [Beltrán de Heredia, ed., 3:14]).

<sup>36</sup> Vitoria, *Comentarios*, IIaIIae.57.3 n. 2 (Beltrán de Heredia, ed., 3:13); Molina, *De iustitia et iure*, t. 5 d. 69 a. 3 (Venice ed., 5:421-22); Báñez, *De iure et iustitia*, IIaIIae.57.3 (Venice ed., 12a); Suárez, *De legibus* 2.17.4 (Pereña, ed., 4:103).

<sup>37</sup> Vitoria, *Comentarios*, IIaIIae.57.3 n. 2 (Beltrán de Heredia, ed., 3:13). Soto uses the same phrase in *De iustitia et iure* 3.1.3 (Salamanca ed., 198a).

<sup>38</sup> Soto, *De iustitia et iure* 3.1.3 (Salamanca ed., 198a).

Suárez is even less optimistic than Soto about finding a material convergence between a purported animal-level natural law and a rational, human-level natural law, since even the lowest human inclinations *semper involvit modum rationalem*. Thus “even in the same work materially common with brute animals, the natural law prohibits many things for humans from which brutes are not prohibited by natural instinct,” such as, “wandering concubinage or simple fornication or sexual congress with mother or sister.”<sup>39</sup> On the other hand, “it would be absurd to deny that the precepts of worshipping God, honoring one’s parents and neighbor . . . returning a deposit, keeping faith, speaking the truth,” and so on are part of the natural law (*ius naturale*).<sup>40</sup> These things are natural to rational animals and are traditionally assigned to the natural law, not the law of nations. If the jurists are correct, there would be no natural law against fornication, because brute animal nature does not observe generically any law against promiscuous coupling.<sup>41</sup> Vitoria argues similarly: if we should extend “natural right” to brute animals, why stop at those inclinations shared by humans and brute animals? Why not include the natural inclination of self-preservation found among all irrational beings? Fire would then follow the natural law, since it also seeks to conserve itself in being, yielding a natural law “to ascend and to burn,” which is obviously excessive.<sup>42</sup> Accordingly, the Salamancan line starts from a rejection of the jurists’ *ius naturale-ius gentium* distinction, at least as used by those jurists who identify *ius naturale* with absolute adequation flowing from animal bodies and *ius gentium* with specifically rational adequations flowing from consequences.<sup>43</sup> In this, the Salamancans distance themselves

<sup>39</sup> Suárez, *De legibus* 2.17.6 (Pereña, ed., 4:106).

<sup>40</sup> *Ibid.* (Pereña, ed., 4:107).

<sup>41</sup> Suárez, *De legibus* 2.17.6 (Pereña, ed., 4:107); see also Vitoria, *Comentarios*, IIaIIae.57.3 (Beltrán de Heredia, ed., 3:13-14).

<sup>42</sup> Vitoria, *Comentarios*, IIaIIae.57.3 (Beltrán de Heredia, ed., 3:13).

<sup>43</sup> See also Cano, *Vat. Lat.* 4648, f. 3-4 (Pereña, ed., 248); Báñez, *De iure et iustitia*, IIaIIae.57.3 (Venice ed., 12a); Molina, *De iustitia et iure*, t. 5, d. 69, a. 3 (Venice ed., 5:421-22).

from Thomas's attempt to accommodate the jurists' use of the terms.

At the same time, the Salamancans reject universality among humans as a sufficient means of distinguishing the law of nations from the natural law. The jurist Gaius defined the law of nations as "what natural reason constitutes among all humans," and therefore "nearly all nations use it" (*Dig.* 1.1.9). The main objection the Salamancans raise to this definition is the principle Thomas himself conveys in his commentary on the *Ethics* (*V Ethic.*, lect. 12), namely, that positive law (*ius positivum*) does not arise necessarily from natural law (*ius naturale*), and that whatever follows as a strict conclusion from natural law is in fact natural law.<sup>44</sup> Vitoria argues that if something in the law of nations follows "by good consequence" from the natural law, then "it already would be natural law."<sup>45</sup> No matter how distal, a strict deduction from natural-law principles remains a precept of the natural law and is essentially distinct from a specification or addition to the natural law. Vitoria gives the prohibition of fornication as an example of a "tertiary precept" of the natural law that is distal from the first moral principles and correspondingly difficult for the uneducated to know with certainty. Nonetheless the prohibition of fornication remains a natural-law prohibition, since it follows by good consequence from natural-law principles pertaining to marriage and the procreation and education of offspring.<sup>46</sup> The other Salamancans agree. No matter how distant the deduction, if a conclusion follows necessarily from natural-law principles *per se nota*, then

<sup>44</sup> "Uno modo sicut conclusio ex principiis, et sic ius positivum vel legale non potest oriri a iure naturali. . . . et ideo necesse est quod quicquid ex iusto naturali sequitur quasi conclusio sit iustum naturale" (Leonine ed., 47:305).

<sup>45</sup> Vitoria, *Comentarios*, IIaIIae.57.3 n. 4 (Beltrán de Heredia, ed., 3:16). Brett is therefore incorrect to say that it was Suárez and not Vitoria who pointed out that *ius gentium* cannot be a body of strictly necessary conclusions from natural law without being natural law itself: Annabel S. Brett, "Francisco de Vitoria (1483-1546) and Francisco Suárez (1548-1617)," in *The Oxford Handbook of the History of International Law*, ed. Bardo Fassbender and Anne Peters (Oxford: Oxford University Press, 2012), 1089.

<sup>46</sup> Vitoria, *Comentarios*, IIaIIae.57.2 n. 4 (Beltrán de Heredia, ed., 3:9-10).

the conclusion belongs to natural law and not to the law of nations.<sup>47</sup>

While defining the law of nations as essentially a body of universal positive law, those in the Salamanca line admit that the law of nations is natural in the sense that it is morally necessary for keeping the natural law under a certain set of social circumstances. The *ius gentium* does have a kind of secondary naturalness in the Salamanca doctrine owing to its usefulness in keeping the natural law. This is distinguished from the usefulness of civil law insofar as the law of nations is used by all or nearly all peoples while civil law is more parochial. In this way the Salamanca line reinterprets Thomas's category of the naturally just *secundum quid*. For example, Thomas distinguishes between nature's primary and secondary intentions (IV *Sent.*, d. 36), saying that nature intends generation primarily and intends only secondarily the corruption necessary for generation. Soto offers this as an example of how nature can primarily intend liberty for all, but secondarily intend slavery for those who should be punished. Hence slavery is "not natural in the first way . . . but is accidentally natural, that is, under the condition of sin it is given as a punishment."<sup>48</sup>

Accordingly the Salamanca line reinterprets Thomas's second sense of *ius naturale* (in *STh* II-II, q. 57, aa. 2-3)—that which is naturally right on account of what follows from it—as a category of utility for keeping the other ends of the natural law.<sup>49</sup> Personal property is not naturally right absolutely, but rather on account of its utility for the common use of goods while preserving peace in society. This utility is not strictly deduced by natural reason from natural-law principles. Rather, the Salaman-

<sup>47</sup> To cite just one example, see Suárez, *De legibus* 2.17.8 (Pereña, ed., 4:108); 2.17.9 (Pereña, ed., 4:110).

<sup>48</sup> Soto, *de dominio*, n. 25, in Domingo de Soto, O.P., *Relecciones y opusculos*, ed. Jaime Brufau Prats et al. (Salamanca: Editorial San Esteban, 1995-2011), 1:150: "Unde servitus non est primo modo naturalis quia natura intendit libertatem, sed est de per accidens naturalis, id est ratione peccati est data in poena."

<sup>49</sup> E.g., Vitoria, *Comentarios*, IIaIIae.57.3 (Beltrán de Heredia, ed., 3:12-14); Soto, *De iustitia et iure* 3.1.3 (Salamanca ed., 198a).

cans hold that human reason creates institutions that serve the absolute, immutable ends of the natural law, but that these institutions are not strictly necessary or required in order to keep those ends. Indeed, the Salamanca line amplifies Thomas's explicit wording by distinguishing in what sense the derivation of the law of nations from the natural law is necessary. As seen above, a *conclusio* of human law appears to be strictly deduced from the natural law, in Thomas's thought. Although positive in promulgation when contained in a civil code of law, the *conclusio* itself is of the natural law. This is why *conclusiones* have their force in part from natural law. On the other hand, *determinationes* are not deduced from natural-law principles, but are specifications of natural law necessary for some matter required for social life but not strictly demanded by natural law itself (e.g., tax brackets, traffic laws, zoning laws). Different political communities can have diverse civil laws precisely because of this latter type of derivation of human law from natural law. The Salamancans seem to distinguish yet another sense in which something can be a conclusion from natural law without being strictly deduced from it, with the concept of "moral necessity." The law of nations is, to use Vitoria's phrase, "almost necessary" (*pene necessarium*) in the sense that it would not be morally possible to keep the natural law without its panoply of institutions and customs.<sup>50</sup> In the strictest sense, however, the law of nations is actually a body of universal specifications of the natural law.

To understand how there can be such universal specifications, we should recall something Thomas says about private property (*STh* I, q. 98, a. 1, ad 3): the institution is necessary in the current state of mankind for avoiding discord on account of common possession, while "in the state of innocence" common use would have been possible due to the "absence of every danger of discord." Yet after the fall, the common ownership of property may still be observed "among many good men." Therefore, a human institution (private property) can be described as necessary for

<sup>50</sup> Vitoria, *Comentarios*, IIaIIae.57.3 (Beltrán de Heredia, ed., 3:16). See also his *De temp.* 1.3; *De indiis* 3.1.2. See also Cano, Vat. Lat. 4648, f. 3-4 (Pereña, ed., 248).

the social peace demanded by the natural law without being absolutely necessary.<sup>51</sup>

The Salamancans assert on this basis that the institutions of the law of nations are “almost necessary” for keeping the natural law. In interpreting question 57, article 3 of the *Secunda secundae* and other texts, they strike a balance between regarding the *ius gentium* as quasi-natural regarding it as being essentially positive law promulgated by human consent. Soto clarifies that this form of necessity is

not simply necessary, but by another mode dependent on human agreement. . . . When Thomas says that the law of nations is inferred from natural law [*ex iure naturali*] as a conclusion, he doesn’t understand this as by a totally necessary consequence . . . but he understands that it follows by a certain natural convenience.<sup>52</sup>

<sup>51</sup> See Thomas’s comments regarding “natural and absolute necessity” stemming from material and formal causality (*STh* I, q. 81, a. 1).

<sup>52</sup> “Scilicet quod ius gentium sit illud quod non est simpliciter necessarium, sed aliquo modo dependet ex consensu hominum. . . . quando sanctus Thomas dicit ius gentium inferri ex iure naturali tamquam conclusionem, non intelligit per consequentiam omnino necessariam . . . sed intelligit ut sequatur per quandam convenientiam naturalem.” See also Soto, *De iustitia et iure* 3.1.3.ad 2 (Salamanca ed., 198a); *De dominio* n. 22 (in Soto, *Relecciones y opusculos*, 1:142-44). To identify a Salamanca consensus about property in general is not to deny substantive divergences in particular. For example, Soto takes a half-way position on private property that does not fit neatly within the Salamanca line that property is not absolutely but only morally necessary for keeping the natural-law command to live in society peacefully. On the other hand, he attributes to the natural law a command that a division of possessions be made, and to the law of nations the actual enacting or establishing of such a division (*De dominio* n. 22). He calls these the first and second intentions of the natural law, making the institution of property in the law of nations seem more like a strict demand of the natural law (much like St. Thomas’s use of primary and secondary precepts when discussing polygamy in his *Sentences* commentary). Cajetan, by contrast, attributes to the law of nations that a division should be made, and to “positive law” (meaning civil law) that this field would belong to this or that man (see his commentary on *IIaIIae*.66.2 in the Leonine *Omnia opera*, 9:86). Báñez and Billuart attribute the moral necessity of property at least in part to the condition of human sin, to “the malice of men” (Báñez, *De iure et iustitia* [Venice ed., 12b-13a]), or “from the corruption of nature” men regard their private advantage as greater than the common good (Billuart, *Summa sancti Thomae* 4:4b).



Therefore, the “necessity” of the law of nations is a moral and fitting necessity, not a necessity strictly deduced from the natural law, as for example the prohibition of murder is deduced strictly from the first principles of natural law. Other theologians in the Salamanca line agree with Vitoria and Soto, speaking of the necessity of the law of nations as “fitting,” “not absolute,” and “useful” for obtaining a certain end.<sup>53</sup> An example they frequently use is the inviolability of ambassadors, without whom it would be difficult to observe the natural-law command to live at peace with other men. Yet the inviolability of ambassadors is not so absolutely necessary that two warring nations could not mutually revoke this custom without violating natural law.<sup>54</sup>

The law of nations, therefore, is a body of universal specifications (*determinationes*) of the natural law that are morally necessary for keeping the natural law. They are institutions so universally convenient for keeping the natural law in any given age, with its set of social conditions, that from the existential perspective of a person within that age, the law of nations may be practically indistinguishable from natural law. For this reason, Báñez observes that people are not accustomed to calling *ius gentium* positive law, since it is so close to the natural law and observed everywhere, just like the natural law.<sup>55</sup> The law of nations then is composed of those specifications that are so useful for keeping the natural law that they can be called—albeit improperly—“natural,” “necessary,” and even “conclusions” of the natural law.

The secondary, derivative use of these terms has confused even erudite commentators on the Salamanca line. For example, Soto refers to the deliverances of the law of nations as

<sup>53</sup> Cano, Vat. Lat. 4648, f. 3-4 (Pereña, ed., 248-49). See also Báñez, *De iure et iustitia*, IIaIIae.57.3 (Venice ed., 12b); Molina, Lisboa, Biblioteca Nacional, Fundo Geral 2841, f. 69-73 (Pereña, ed., 270); Suárez, *De legibus* 2.17.9, 2.19.9 (Pereña, ed., 4:109-11, 136); Billuart, *Summa sancti Thomae*, 4:5a: “neque conclusio sic necessario deducta, sed tantum utilis et congruens humanae societate.” See *STh* I, q. 82, a. 1 on “necessity from the end” (final causality).

<sup>54</sup> Báñez, *De iure et iustitia* (Venice ed., 13b).

<sup>55</sup> *Ibid.* (Venice ed., 13a).

“conclusions” from the principles of the natural law when commenting on question 95, article 4 of the *Prima secundae*, a text in which Thomas identifies the law of nations with those positive laws derived from the natural law by way of conclusion.<sup>56</sup> Soto’s adoption of the term “conclusion” to describe the law of nations has elicited charges of inconsistency in his doctrine of *ius gentium* from Suárez, Haggemacher, and Höpfl, who claim that the term commits Soto to arguing for a strict, even if lengthy and difficult to establish, logical connection between the principles of natural law and the law of nations.<sup>57</sup> Hamilton notes to the contrary that Soto means *conclusio* “in a loose sense” in *De iure et iustitia* (1.5.4).<sup>58</sup> Indeed, Soto elsewhere describes the law of nations in Vitoria’s terms, as morally but not strictly necessary deductions. He later clarifies his earlier remarks:

For when we said that the law of nations is elicited from principles of nature, it is not to be understood that the illation is completely necessary, but that it is fitting from the nature of the thing in order to such an end. For it does not so necessarily follow from the necessity of cultivating fields or of their peaceful possession to the division of lordship, as from that principle “what you should not do to others etc.” is elicited “you shall not kill,” but rather because lordship is most fitting and most expedient to that end.<sup>59</sup>

Again we see that the necessity of the law of nations is of the looser sort, based as it is on the final cause rather than the essence

<sup>56</sup> Soto, *De iustitia et iure* 1.5.4.

<sup>57</sup> Suárez, *De legibus* 2.17.8, 2.19.3 (Pereña, ed., 4:108, 128); Haggemacher, *Grotius et la doctrine de la guerre juste*, 347; Harro Höpfl, *Jesuit Political Thought: The Society of Jesus and the State, c. 1540-1630* (Cambridge: Cambridge University Press, 2004), 302-3.

<sup>58</sup> Bernice Hamilton, *Political Thought in Sixteenth-Century Spain: A Study of the Political Ideas of Vitoria, De Soto, Suárez, and Molina* (Oxford: Oxford University Press, 1963), 100.

<sup>59</sup> Soto, *De iustitia et iure* 3.1.3 (Salamanca ed., 198): “Quando enim diximus ius gentium elici ex principiis naturae per viam illationis, non intelligitur quod illatio sit omnino necessaria, sed rei naturae in ordine ad talem finem conveniens. Haud enim ex necessitate colendi agros vel pacifice eorum possessionis consequitur tam necessario dominiorum divisio, quam ex illo principio, Id ne facias aliis etc. elicitur, Non occides, sed quia est illi fini congruentissimum atque expedientissimum.”

of the natural law. Even Suárez, who earlier in his work charges Soto with inconsistency, comes around to Soto's loose use of the term: "we understand, with Soto and others, that the precepts of the law of nations are called conclusions of the law of nature not absolutely and through a necessary illation, but by making a comparison to the specification [*determinatio*] found in civil and private law."<sup>60</sup> Despite sometimes calling the law of nations a body of "conclusions," the Salamancan line holds that the law of nations consists of specifications of and not deductions from the natural law, albeit universal ones.

In interpreting Thomas in this way, the Salamancans develop in the law of nations a new Thomistic category of universal law that is nonetheless capable of change. The law of nations is mutable, unlike natural law proper.<sup>61</sup> The mutability stems from the fact that the law of nations is only morally necessary for keeping the natural law under a certain set of conditions. Should the conditions change, the possibility arises, at least in principle, that the law of nations will change. The Salamancans foresee no way to change the entirety of the law of nations, at least in part on account of the difficulty of obtaining consent for a wholesale change from the whole human race. In addition, the conditions assumed in promulgating certain institutions, such as the need to have private property in light of the likelihood of contentions in society, would not seem to change universally. The Salamancans do, however, envision the possibility of a partial mutation or abrogation in the law of nations. This could happen in different ways. One would be when a new custom emerges at the regional level in light of regional circumstances, but then spreads to other regions in the event that the custom be found more conducive to keeping the natural law. Alternatively, the partial mutation could happen when institutions of the law of nations no longer apply to certain communities or times (e.g., mutual suspension of the

<sup>60</sup> Suárez, *De legibus* 2.20.2 (Pereña, ed., 4:141): "cum Soto et aliis intelligimus praecepta iuris gentium vocari conclusiones iuris naturalis non absolute et per necessariam illationem, sed comparatione facta ad determinationem iuris civilis et privati."

<sup>61</sup> Vitoria, *Comentarios*, IIaIIae.57.3 n. 5 (Beltrán de Heredia, ed., 3:16-17); IIaIIae.66.2 n. 5 (Beltrán de Heredia, ed., 3:326).

use of ambassadors between two parties in a war; commonality of property among religious or in the early Church).<sup>62</sup>

The primary example offered by the Salamancans themselves for this kind of evolution in the law of nations is the elimination of slavery in Christendom, both in itself and as a punishment of an unjust aggressor in war. The right of victors to enslave their enemies was one of the premier institutions of the law of nations according to Roman law. Its utility had to do with resolving a war. The loss of natural liberty was regarded as a just punishment for the defeated, a merciful alternative to execution, and useful for reducing the likelihood of later uprisings by dispersing the population. Soto justifies the morality of such enslavement on the grounds of justice and mercy: if an emperor has the power of death, he has *a fortiori* the power to punish by servitude; and slavery existed “from consent or agreement of men for the sake of saving their lives.”<sup>63</sup> Yet Catholic medieval culture eventually eliminated slavery as it was found in Greco-Roman culture, transmuting it into arrangements more conducive to mutual dependence and personal liberty. By the time of the Salamancans, even slavery as a punishment in war between Christian peoples had been replaced by the practice of holding prisoners of war for ransom. On the other hand, in war with Muslims, Christians would reduce Muslim prisoners of war to perpetual slavery, and vice versa. Vitoria even argues that it is sometimes lawful for the victors in war to kill all enemy combatants, in order to prevent later hostilities, yet this only applies to “the infidel” and not to fellow Christians.<sup>64</sup>

This disparity between the way Christians treated Christian prisoners of war and the way they treated Muslim prisoners of war gave the Salamancans a ready-made example of how the law of nations could be modified in part by the introduction of better

<sup>62</sup> Báñez, *De iure et iustitia* (Venice ed., 13a); Billuart, *Summa sancti Thomae*, 4:4b.

<sup>63</sup> Soto, *De dominio*, n. 25 (*Relecciones y opusculos*, 1:150). Vitoria likewise says that executing prisoners of war is not prohibited by the natural law, but by the law of nations (*De iure belli* 3.6).

<sup>64</sup> Vitoria, *De iure belli*, 3.5

institutions for keeping social peace, even at an international level. Vitoria's view is typical:

It is indeed possible to abrogate the law of nations in part . . . as the law of nations is that captives in a just war should be slaves, but Palude says that this is not done among Christians. For if the Spanish capture the French in war, the French are captives but not slaves, because they are able to appear in court and other such things, which however would not be permitted were they slaves.<sup>65</sup>

Soto, Cano, Báñez, Molina, and Suárez all make similar remarks about this change in the law of nations regarding the impermissibility of slavery among Christians.<sup>66</sup> Soto and Báñez attribute the change not merely to an abstract "spiritual responsibility of human beings for one another" (*pace* Hamilton),<sup>67</sup> but to the formal sacramental brotherhood that informs a community of nations by virtue of a common baptism. Hence some Salamancans, such as Báñez, even speak of the change in the law of nations being made "in favor of the gospel and of baptism" and the "Church" as the promulgating authority of this change. Were the law of nations identical to the natural law, he argues, even the Church would not be able to introduce such an abrogation, for the law of nature is immutable and grace does not destroy nature.<sup>68</sup> While faith does not exempt one from keeping

<sup>65</sup> Vitoria, *Comentarios*, IIaIIae.57.3.5 (Beltrán de Heredia, ed., 3:16-17). See also *De iure belli* 3.3, where Vitoria argues that to enslave even innocents among "the Saracens" is permitted, "but since it seems to be accepted in the law of nations that Christians cannot enslave one another, it is not lawful to enslave fellow-Christians, at any rate during the course of the war." Rather "one may take prisoners . . . but not to enslave them, only to hold them to ransom" (*De iure belli* 3.3, translation from Francisco de Vitoria, O.P., *Political Writings*, ed. Anthony Pagden and Jeremy Lawrance [Cambridge: Cambridge University Press, 1991], 318-19). For the Latin text, see Francisco de Vitoria, O.P., *Relecciones jurídicas y teológicas*, ed. Antonio Osuna Fernández-Largo et al., 2 vols. (Salamanca: Editorial San Esteban, 2017), 2:284, 286.

<sup>66</sup> Soto, *De domino* n. 25 (*Relecciones y opusculos*, 1:151); Cano, Vat. Lat. 4648, f. 3-4 (Pereña, ed., 248); Báñez, *De iure et iustitia* (Venice ed., 13b); Molina, *De iustitia et iure* 1.5 (Venice ed., 13); and Suárez, *De legibus* 2.20.8 (Pereña, ed., 4:147-48) and 7.4.6 (Vivès ed., 6:146).

<sup>67</sup> *Pace* Hamilton, *Political Thought in Sixteenth-Century Spain*, 105.

<sup>68</sup> Báñez, *De iure et iustitia* (Venice ed., 13b).

the law of nations, Soto says, from “the decency of Christian liberty” a custom could be introduced that changes the law of nations, again using the example of Christians no longer enslaving each other as prisoners of war.<sup>69</sup> The law of nations becomes a progressive adjunct to the natural law, capable of developing under new conditions and even in light of the gospel’s progress in societies. This would not be possible if the law of nations were intrinsically immutable, commanding what is *per se* good or prohibiting what is *per se* evil.

The common opinion of the Salamanca line, however, is that the law of nations cannot be abrogated or change in its entirety. This is not from any natural necessity or intrinsic principle, but from the difficulty of obtaining the consent of the nations to an entirely new set of means for keeping the natural law, which renders the possibility of an entire change “morally impossible.”<sup>70</sup> Undoubtedly, one reason why the law of nations cannot be entirely changed is that it is so close to the unchanging natural law. It seems “morally impossible” indeed to say that the entire experience of the human race in matters of this sort is in need of total replacement. Suárez identifies two theoretically possible ways of modifying the law of nations: the agreement of all nations, or the gradual introduction of an alternative custom that then prevails against current usage.<sup>71</sup> Moreover, the advent of political mechanisms for obtaining universal consent, such as the United Nations Organization, calls into question whether such change in the law of nations is still morally impossible.<sup>72</sup>

<sup>69</sup> Soto, *De iustitia et iure* 4.2.2 (Salamanca ed., 290b).

<sup>70</sup> Suárez, *De legibus* 2.20.8 (Pereña, ed., 4:147), 7.4.9 (Vivès ed., 6:147); Molina, *De iustitia et iure* 1.5 (Venice ed., 13); see also Báñez, *De iure et iustitia* (Venice ed., 13a).

<sup>71</sup> Suárez, *De legibus* 2.20.8 (Pereña, ed., 4:147): “Nihilominus tamen non repugnat mutatio ex vi materiae, si nationes omnes consentirent vel si paulatim introduceretur consuetudo contraria et paevaleret.”

<sup>72</sup> Hamilton observes that the UNO as an instrument for capturing and enforcing world opinion “would not sort ill with the ideas of Vitoria and Suárez” (Hamilton, *Political Thought in Sixteenth-Century Spain*, 98 n. 1), even if international law is not identical to the idea of the law of nations in Salamanca thought, on account of the fact that modern international law consists of contracts between states. For more on the differences between modern international law and the law of nations of the Salamanca

Much less commonly, the Salamancans point to the condition of sin (*sub ratione peccati*) as making parts of the law of nations permanent in this life, for example, the need for personal property to safeguard the peaceful use of the goods of the earth. Universally abrogating the institution of personal property would therefore be morally impossible. If this is so, certain institutions of the law of nations may remain until the Second Coming. Yet other institutions of the law of nations may outlive their usefulness in later ages owing to a change in conditions, though they were observed universally in prior ages.

One difficulty for the Salamancan line is explaining how a body of universal positive law can be promulgated in diverse societies apart from any formal political authority. If the law of nations is not natural law proper, and since there was no equivalent of the United Nations Organization when the Salamancans wrote, it appears impossible for a universal body of law to arise from reason by human agreement.<sup>73</sup> The Salamancans, after treating this question rather occasionally at first, settle upon the solution that universally adopted custom arose with the “virtual consent” of the human race.<sup>74</sup> The conclusion arises from three premises: that political authority is vested first in the people and transmitted to the ruler;<sup>75</sup> that custom is one

line, see J. Th. Delos, O.P., *Somme théologique: La justice; tome premier, 2a-2ae, questions 57-62*, 2d ed., trans. M. S. Gillet, O.P. (Paris: Desclée, 1948), 219-22.

<sup>73</sup> Furthermore, Salamancan political theology argues that neither the pope nor the Holy Roman emperor possessed universal political authority, against contemporary civilian canonists and the extreme papalists. See, e.g., Vitoria, *De potestate ecclesiae prior*, 5.1 and *De indiis* 2.1-2. For the Jesuit theologians of the period, see Höpfl, *Jesuit Political Thought*, 348-49.

<sup>74</sup> That is, *ex consensu/statuto humano*. See, among others, Vitoria, *Comentarios*, IIaIIae.57.3 nn. 1, 3 and IIaIIae.62.1 nn. 22-23 (Beltrán de Heredia, ed., 3:12, 14-15, 78-80); Suárez, *De legibus* 2.17.8 (Pereña, ed., 4:108-9).

<sup>75</sup> This is clearest in the Jesuit theologians and in Cajetan, in whom the “transmission theory” of political power was most developed and who built upon the Dominican inheritance from Vitoria, who articulated more of a parallel between pope and king in a “designation theory” (e.g., *De potestate civili* 1.5). See Yves R. Simon, *Philosophy of Democratic Government* (Chicago: University of Chicago, 1951), 158-76; Höpfl, *Jesuit Political Thought*, 224-30.

way in which the people exercise this authority in establishing an institution apart from a legislator; and that these dynamics apply as much to the human race as a whole—a kind of universal people or people of peoples—as they do to particular peoples.

In fact, the political authority of the entire human race limits the power of any particular people. On this basis Vitoria appeals to the law of nations to judge the validity of Spanish occupation in the New World.<sup>76</sup> The law of nations is true law made by the human race as a whole: “The whole world, which is in a sense a commonwealth, has the power to enact laws which are just and convenient to all men; and these make up the law of nations.”<sup>77</sup> For example, the right of a prince to restrain foreigners in order to protect innocents who are not his subjects is based on “the law of nations and the authority of the whole world.”<sup>78</sup> Suárez says the same:

The basis of this duty and right is because the human race, however divided into various peoples and kingdoms, always has a certain unity, not natural alone, but also in a sense political and moral, which discloses a natural precept of mutual love and mercy extended to all, even foreigners and those from whatever nation.<sup>79</sup>

Vitoria is just as clear that these laws are found in customs such as that of not killing prisoners of war.<sup>80</sup> In the case of the division

<sup>76</sup> *De indiis* 3.1.

<sup>77</sup> *De potestate civili* 3.4 (trans. in Vitoria, *Political Writings*, 40).

<sup>78</sup> *De iure belli* 1.4 (trans. in Vitoria, *Political Writings*, 305). Suárez argues that the right to wage war at all is from the law of nations, since there could have been ways of repairing offenses other than warfare and thus warfare is not strictly necessary (*De legibus* 2.19.8).

<sup>79</sup> Suárez, *De legibus* 2.19.9 (Pereña, ed., 4:135): “Ratio autem huius partis et iuris est quia humanum genus, quantumvis in varios populos et regna divisum, semper habet aliquam unitatem, non solum specificam, sed etiam quasi politicam et moralem, quam indicat naturale praeceptum mutui amoris et misericordiae quod ad omnes extenditur, etiam extraneos et cuiuscumque nationis.”

<sup>80</sup> Vitoria, *De iure belli* 3.6: “But as many practices in war are based on the law of nations, it appears to be established by custom that prisoners taken after a victory, when the danger is past, should not be killed unless they turn out to be deserters and fugitives” (trans. in Vitoria, *Political Writings*, 321).



of possessions, Vitoria favors the explanation that all this happened by “virtual and interpretive consent” when men in history tacitly agreed to divide property “by each occupying his place, leaving alone the places of others.” This virtual consent “suffices for the law of nations, because the law of nations is certainly established, as many hold, by that consent which is virtual.”<sup>81</sup> Cano likewise defines an institution as belonging to the law of nations if “it is a custom observed among most nations from the beginning of the world.”<sup>82</sup> Suárez also extends this explicit position of Vitoria and the earlier Salamancans in his own extensive analysis of “universal custom,” though some scholars regard this as an innovation by Suárez.<sup>83</sup>

In summary, the Salamancan line established by Vitoria understands the law of nations as a mediating category between the natural law and the civil law of any particular state, consisting of morally necessary, positively constituted institutions added to the natural law and promulgated by human consent, in order that the natural law may be kept more easily in society and between societies. The law of nations is valid everywhere, like natural law, but the law of nations is not necessarily valid for all time, having some degree of mutability similar to civil law. Since it is universal, originating from the “quasi-commonwealth” of the whole world, it is prior to any particular political community and places

<sup>81</sup> Vitoria, *Comentarios*, IIaIIae.62.1 n. 23 (Beltrán de Heredia, ed., 3:79): “potuit fieri divisio ex consensu virtuali et interpretativo occupando unusquisque suum locum, dimittendo loca aliorum. . . . Et iste consensus sufficit ad ius gentium, quod ius gentium certe ut plurimum constat solo isto consensu, scilicet virtuali.” Brian Tierney misses this text and consequently understates the development of Vitoria’s thought on the question of the grounding and origin of the law of nations. Instead Tierney assigns the breakthrough on consent to Suárez (“Vitoria and Suarez on *ius gentium*, Natural Law, and Custom,” in *The Nature of Customary Law*, ed. Amanda Perreau-Saussine and James Bernard Murphy [Cambridge: Cambridge University Press, 2007], 110-14).

<sup>82</sup> Cano, *Vat. Lat.* 4648, f. 3-4 (Pereña, ed., 249): “apud omnes nationes sit consuetudo a plurimis observata a principio mundi, ut constat esse in his quae sunt iuris gentium.”

<sup>83</sup> Suárez, *De legibus* 2.19.9 and 2.20.1, on the law of nations consisting in the “customs” (*mores, consuetudines*), “use” (*usus*), and “tradition” (*traditio*) of the nations; see also 7.4.3-5 on changing the universal customs found in the law of nations.

demands on that community.<sup>84</sup> For this reason, the law of nations may seem existentially indistinguishable in moral force from the natural law in a given age for the average person, but it differs from natural law in that the law of nations can be modified. Hence what is permitted or forbidden by the law of nations at a given moment in time may change if conditions in society or between societies change, as happened with the obsolescence of enslaving prisoners of war in conflicts between nations in late medieval Christendom.

### III. MARITAIN'S NEO-THOMIST LINE

If the Salamancans understand *ius gentium* to be a body of positive, customary law added to natural law but universally binding, then the Neo-Thomist line initiated by Maritain understands *ius gentium* to contain the full implications of the natural law as better and better known and followed. These implications are worked out by discursive reasoning in human societies, in time and under the influence of the gospel of Jesus Christ. The law of nations historically advances mainly in the sense that our knowledge of the natural law's unchanging

<sup>84</sup> There is not space enough in this article to discuss Suárez's precision of *ius gentium* into *ius intra gentes* and *ius inter gentes*, the former composed of positive rights derived from natural law but so fitting for keeping it that they are found in most civil codes or at least common law; and the latter composed of positive arrangements between nations as social entities, still grounded in some way in natural law. Scholars somewhat disagree as to whether *ius inter gentes* is only customary or may include pacts between individual nations, that is, whether Suárez would include what we call international law in *ius gentium*. See Heinrich A. Rommen, *The State in Catholic Thought: A Treatise in Political Philosophy* (repr.; Providence, R.I.: Cluny Media, 2016), 588-92; Hamilton, *Political Thought in Sixteenth-Century Spain*, 106-9; Haggemacher, *Grotius et la doctrine de la guerre juste*, 349-51; John P. Doyle, "Francisco Suárez on the Law of Nations," in *Religion and International Law*, ed. Mark W. Janis and Carolyn Evans (The Hague: Martinus Nijhoff, 1999), 109-12; Höpfl, *Jesuit Political Thought*, 303-4; Brett, *Changes of State*, 85-86; Brett, "Francisco de Vitoria (1483-1546) and Francisco Suárez (1548-1617)," 1090; Tierney, "Vitoria and Suarez on *ius gentium*, Natural Law, and Custom," 121-24; Brian Tierney, *Liberty and Law: The Idea of Permissive Natural Law, 1100-1800* (Washington, D.C.: The Catholic University of America Press, 2014), 210-11.

demands becomes increasingly clear, for example, in the movement from polygamy to monogamy. Doubting the Whig vision of history inherent in this position, later figures in the Neo-Thomist line modify Maritain's position by emphasizing that reason's deductions from the natural law are conditioned by this or that set of concrete social conditions. These later figures, such as Yves Simon, shift the emphasis in what changes in the law of nations from human reason being purified from erroneous deductions to human reason responding to increasing civilizational complexity by positing conditional norms of natural law.

Where the Salamancans struggle to explain how reason universally promulgates a law, the Neo-Thomists propose a solution. The law of nations is not natural law in the sense of Maritain's natural knowledge of moral first principles "by inclination," but further, strictly necessary deductions from those principles. As a deduction made by reason, the *ius gentium* will resonate across cultural boundaries and will find expression in various civil codes without being limited to them. The law of nations would then be "the common law of civilization," to quote Maritain. Any change in what the law of nations requires, Maritain and his disciples argue, stems from a historical progression in knowledge from confused, imperfect deductions to increasingly refined, distinct knowledge of the natural law's demands.

The essential features of Maritain's interpretation are that the law of nations is in content strictly deduced from the first principles of the natural law by discursive reasoning; that the reasoning that establishes the law of nations results in a positive promulgation in the legal regimes of the various peoples; and that the need for culture and time to achieve the deductions that constitutes the law of nations also explains centuries-long refinements or clarifications in the law of nations, for example, the elimination of polygamy and slavery. On these major points, Maritain is followed by Aubert, Simon, Labourdette, Finnis, and others.<sup>85</sup> At the same time, some of Maritain's collaborators see

<sup>85</sup> Aubert, *Le droit romain dans l'œuvre de saint Thomas*, 97-122; Benoît-Dominique de La Soujeole, O.P., "Insaisissable 'jus gentium'?", *Revue thomiste* 92 (1992): 293-303;

a need to supplement his theory with an emphasis on how natural law relates to the changing conditions of social life. This section accordingly expounds the origin and main features of Maritain's position, follows with Aubert and Finnis, and then closes with the later positions of Labourdette and Simon. Labourdette and Simon emphasize the necessity of certain civilizational conditions for reducing what is in potency in the law of nations to act, thereby mediating between Neo-Thomist and Salamancan concerns.<sup>86</sup>

The modern groundwork for Maritain's interpretation was laid by Thomas Pègues and Odom Lottin.<sup>87</sup> Breaking with the Salamancan line, which had become the common opinion of Thomists, Pègues characterizes the law of nations (*le droit de gens*) in his *Commentaire français littéral de la Somme théologique* as being constituted by reason making "immediate and premier" deductions from the nature of things. Commenting on question 57, article 3 of the *Secunda secundae*, Pègues says that these conclusions are formulated "instinctively" by reason and so "the law of nations is the same among all men." Unlike natural right (*le droit naturel strict*), which "is constituted by the natural relation of things among themselves" (e.g., male-female, parent-offspring), an act of ratiocination is needed to formulate the law of nations. Pègues holds that the law of nations is strictly deduced according to a natural necessity, not mere necessity on account of an end or a moral necessity. Further, he warns against conflating positive international law, which is composed of treaties between nations, and the law of nations, which is not

John Finnis, *Aquinas: Moral, Political, and Legal Theory* (Oxford: Oxford University Press, 1998), 190 n. 13, 196 n. 56, 200 n. 76, 268 ; Léon Charette, "Droit naturel et droit positif chez saint Thomas d'Aquin," *Philosophiques* 8, no. 1 (1981): 125ff.

<sup>86</sup> Yves R. Simon, *The Tradition of Natural Law: A Philosopher's Reflections*, ed. Vukan Kuic (New York: Fordham University Press, 1992), esp. 146-58.

<sup>87</sup> In Suárez's day, some "modern Thomists" apparently held a position similar to Maritain's: "They think that the law of nations has an intrinsic necessity to its precepts. Then it would only differ from natural law in that natural law is known without discursive thought or with very easy discourse, while the law of nations would be grasped after many and more difficult steps in reasoning" (Suárez, *De legibus* 2.17.8 [Pereña, ed., 4:108]).

positive in the sense of being determined by reason.<sup>88</sup> Maritain was aware of the *Commentaire*, having relied on prior volumes as early as 1909 in his initial study of Thomas.<sup>89</sup> The volume containing Pègues's treatment of *ius gentium* antedates Maritain's treatment of the same by at least a decade. While Maritain does not follow Pègues on a number of points, he does follow him in reassigning the content of the law of nations to natural rather than positive law. Pègues, for his own part, does not explain in his commentary how the law of nations in the *Secunda secundae* (*STh* II-II, q. 57, a. 3) harmonizes with the *Prima secundae* (*STh* I-II, q. 95, a. 4).

Lottin's monograph of 1931, in contrast, does attempt to harmonize these disparate texts of Thomas. To explain how the *ius gentium* could be positive in the Treatise on Law and yet natural in the Treatise on Justice, Lottin focuses on the authorities used by Thomas. If in question 95, article 4 of the *Prima secundae* Thomas defends "the prestige of a received authority" (Isidore) in distinguishing between natural right and the law of nations, then in question 57, article 3 of the *Secunda secundae* Thomas "gives the impression that to his mind the law of nations, which is a work of natural reason, is a specifically human natural right."<sup>90</sup> Lottin's attention to Thomas's use of sources enables him to argue that the latter text reveals Thomas's own position, while the earlier text pays more deference to Isidore. Maritain combines the notion that the law of nations is a discovery of natural reason from Pègues with Lottin's insistence

<sup>88</sup> Thomas Pègues, O.P., *Commentaire français littéral de la Somme théologique de saint Thomas d'Aquin* (Toulouse: Édouard Privat, 1925), 173-74.

<sup>89</sup> Jean-Luc Barré, *Jacques and Raïssa Maritain: Beggars for Heaven*, trans. Bernard E. Doering (Notre Dame, Ind.: University of Notre Dame, 2005), 268.

<sup>90</sup> Lottin, *Le droit naturel chez saint Thomas d'Aquin et ses prédécesseurs*, 64, 67. Yet Lottin's observation about Thomas's inconsistent application of the different senses of *ius gentium* complicates Maritain's line of interpretation. Sometimes Thomas uses *ius gentium* in the positive institution sense, as with slavery after a just war; at other times he uses *ius gentium* in the natural conclusion sense, as with property.

that the text from the Treatise on Justice reveals Thomas's mind most directly.<sup>91</sup>

The cornerstone of Maritain's own position is his common distinction between the "ontological" and "gnoseological" elements of the natural law.<sup>92</sup> According to the former, the rational animal attains a knowledge "by inclination" of the first principles of the natural law as "*quasi* conclusions." According to the latter, humans deduce by ratiocination further, strictly necessary conclusions from the principles already known by inclination. While the two categories overlap somewhat in content, the *ius gentium* constitutes the "gnoseological" aspect of natural law. The law of nations is positive only insofar as it is discovered and promulgated by human reason in civil codes; it is natural insofar as it contains whatever is strictly deduced from natural-law principles. Thus, the law of nations is the natural law unfolded gnoseologically. Maritain claims his distinction between knowledge by inclination and knowledge by deduction is the "only way to realize the inner consistency" of Thomas's texts.<sup>93</sup> He thereby affirms both the positivity of the law of nations, insofar as the agreement of various legal codes evinces a universal process of human moral reasoning, and also the naturalness of the law of nations, insofar as it is composed of logically necessary conclusions from the natural law. He turns the premise of Thomas's *Commentary on the Ethics* against the Salamancans. For them, the law of nations could not consist of implications of the natural law strictly deduced from the natural law's principles, for then the law of nations would just be natural law. For Maritain, the

<sup>91</sup> Lottin, *Le droit naturel chez saint Thomas d'Aquin et ses prédécesseurs*, 89 n. 4.

<sup>92</sup> Maritain, *La loi naturelle ou loi non écrite*, 702-17, 733-38, 867-71; Maritain, *Man and the State*, 84-101.

<sup>93</sup> E.g., Maritain, *Man and the State*, 98 n. 13: "The only way to realize the inner consistency of all that, and correctly to grasp the Thomistic distinction between Natural Law and *jus gentium*, is to understand that a precept which is *like* a conclusion derived from a principle of natural law but which in actual fact is *known through inclination, not through rational deduction*, is part of *natural law*; but that a precept which is *known through rational deduction, and as a conclusion conceptually inferred* from a principle of natural law, is part of *jus gentium*."

law of nations is indeed just the name given to reason's growing awareness of what the natural law strictly demands.

What humans know by reason's deductions from the natural law is a knowledge more fragile than knowledge of the first principles, which are known by inclination. It requires more reasoning to grasp these tertiary precepts than to grasp primary or secondary precepts, and thus there is more opportunity for moral error to creep into the process of discovery. On the basis of this observation, Maritain infuses a progressive component to his theory of natural law to explain how imperfect or false illations from natural law were thought to be moral norms in prior ages. Past civilizational epochs held as morally licit institutions and customs that are in fact incompatible with natural law and human dignity, such as divorce, polygamy, slavery, prohibition of exogamy, permission of suicide, and so on. The natural law therefore evolves not intrinsically but only in a progressively clearer "gnoseological" awareness of the rights and duties of the human person. As the collective, discursive reasoning of the human race better grasps what is good and evil, the "common law of civilization" develops from confused to precise moral knowledge.<sup>94</sup>

While Maritain articulates a coherent account of how reason promulgates the *ius gentium*, he stumbles over Thomas's examples of its specific institutions. In order to incorporate Thomas's comments on personal property into his account, Maritain adopts the language of necessity from an end (that is, convenience of means), especially in light of social conditions. From the natural law (*la loi naturelle*) comes humankind's joint title to the goods of the earth. Yet "in reason of the finalities of the common good," the law of nations (*droit des gens*) establishes private ownership by reason "according to the mode of necessity." The institution of property accounts for what motivates human work and protects the individual from the community. At the same time, Maritain absolutizes personal property as a "necessary conclusion, not contingent," thereby equivocating

<sup>94</sup> Maritain, *La loi naturelle ou loi non écrite*, 863-80.

between necessity based on final causality (a necessity of means toward an end) and natural or absolute necessity.<sup>95</sup> Maritain cannot quite solve the ambiguity of private property in Thomas's texts.

Jean-Marie Aubert's historical study of Roman law in Thomas argues that Thomas successfully harmonized his account of natural law with the formulae of the Roman jurists, resulting in just the kind of law-of-nations doctrine described by Maritain.<sup>96</sup> Some of his conclusions are as follows: *lex naturalis* and *ius naturale* are not equivalent; *ius gentium* is specifically human because it discloses what is naturally just according to an act of reason eliciting ethical implications from the natures of things; *ius gentium* contains strict conclusions from the *lex naturalis* in content even as these may also be civil laws; and therefore *ius gentium* is not *ius positivum*, let alone *ius civile* (which are specified by reason).<sup>97</sup> At the same time, Aubert can only fit all of Thomas's comments on private property into the category of *conclusio* from the natural law by omitting Thomas's comments about property being from "human agreement" and belonging to *ius positivum* ("secundum humanum conductum, quod pertinet ad ius positivum" [*STh* II-II, q. 66, a. 2, ad 1]).<sup>98</sup> Again, Thomas's actual treatment of specific institutions belonging to the law of nations remains a thorn in the side of the Neo-Thomist line.

John Finnis also follows Maritain in identifying the law of nations as a "matter of natural law/right."<sup>99</sup> While *ius gentium* is positive law in the sense that it comprises a section of "the whole of the law administered by a state's courts," nonetheless the *ius gentium*, that is, "the law about murder, theft, rape, and so forth . . . is wholly or substantially part of, or a deduced conclusion from, the permanent principles and precepts of the natural

<sup>95</sup> *Ibid.*, 740-41.

<sup>96</sup> Aubert, *Le droit romain dans l'œuvre de saint Thomas*, 97-122.

<sup>97</sup> *Ibid.*, 102-8, 120.

<sup>98</sup> *Ibid.*, 116.

<sup>99</sup> Finnis, *Aquinas*, 196 n. 56, where he assigns *pacta sunt servanda* to the law of nations.



law.”<sup>100</sup> A further example would be laws pertaining to *emptio et venditio*, which “are matters of positive law . . . [yet] in their general structure are so necessary to a just social life that they are a matter of deduction from basic moral (natural law) principles . . . and can be called *ius gentium*—law common to all peoples—as distinct from *ius civile*.”<sup>101</sup> Finnis admits, however, that Thomas’s texts on private property do not fit: “Aquinas’s location of the institution of property in the domain of *ius gentium* . . . does little or nothing to clarify” in what way property is “not natural.”<sup>102</sup> Like Maritain, Finnis must characterize personal property as strictly natural in order to harmonize Thomas’s texts.

Marie-Michel Labourdette and Yves Simon, later adherents of this Neo-Thomist line, narrow the gap between the Salamancans and Maritain. They modify Maritain’s line by emphasizing that the natural law progresses more in the sense that its tertiary demands are actuated by social conditions which are historically situated and subject to change. The law of nations, then, is the natural law’s demands under a social condition. Labourdette and Simon accordingly share with the Salamancans a greater willingness to discuss the law of nations as a changing natural law, not merely a change in human knowledge of the natural law. The first of these scholars is Marie-Michel Labourdette.<sup>103</sup>

<sup>100</sup> Finnis, *Aquinas*, 268, giving a more definite meaning to *STh* I-II, q. 95, a. 4 than the text itself gives. In a footnote, Finnis adds that “Aquinas does not adopt the theory suggested in Justinian’s *Digest* 1.1.5 and *Institutes* 1.2.2, that in whole or part the *ius gentium* is required by reason only in view of certain wrongful or other bad features of the human situation (e.g. wars).” This is true in the main; see also Aubert, *Le droit romain dans l’œuvre de saint Thomas*, 117-18. Even so, Thomas does make a contrary comment about the division of goods in *STh* I, q. 98, a. 1, ad 3, where he declares personal property unnecessary in “the state of innocence” and “even now among many good men.” This is undoubtedly the source of the Salamancan treatment of common property in the Acts of Apostles and among religious congregations as proof that personal property is not strictly necessary.

<sup>101</sup> Finnis, *Aquinas*, 200 n. 76.

<sup>102</sup> *Ibid.*, 190 n. 13.

<sup>103</sup> I am drawing here on La Soujeole’s exposition of Labourdette, in “Insaisissable ‘jus gentium’?”, 293-303. At the time of La Soujeole’s writing, only photocopies for student

Labourdette's commentary on question 95, article 4 of the *Prima secundae* and question 57, article 3 of the *Secunda secundae* does not deviate in the main from the other Neo-Thomists. He identifies *ius gentium* as flowing from "nature considered with the consequences that imply such and such situation, natural right not entirely inscribed in nature, and the formulation of the natural law by way of conclusion."<sup>104</sup> Labourdette clarifies that the natural law's direction "is grasped at the plane of synderesis" as nature rationally understood (*ius gentium*), but that what is naturally right (*ius naturale*) is inscribed in our nature. Natural law's direction must account for *ius naturale* even as it rises above it. For example, marriage and the education of children is built upon natural male-female complementarity even as the guidance of reason raises the human intention of such coupling to a higher plane.<sup>105</sup> Nature as reasonable requires a work of reason to unroll further conclusions from the principles of natural law. By conceiving of reason's work as a sort of positive promulgation, Labourdette harmonizes the positivity of the law of nations in the Treatise on Law with the law of nation's proximity to *ius naturale* in the Treatise on Justice.<sup>106</sup> Accordingly, the *ius gentium* of Thomas is natural law and not a prototype of international law, although international law can be drawn from the law of nations.

All the same, Labourdette adds an element of conditional positivity to the law of nations that Maritain lacks. The law of nations "derives from human nature but supposes a certain state, a set of historical circumstances outside of which nature does not manifest any demand because in fact the problem [of a moral

use of Labourdette's "long course" on the *Secunda pars* were available (293 n. 1). Since I began writing this article, printed volumes have begun to appear. Accordingly, I have updated La Soujeole's citations of Labourdette's commentary in the footnotes that follow, giving the more recent published citation first with the page of the photocopy available to La Soujeole in brackets.

<sup>104</sup> Marie-Michel Labourdette, *La justice*, vol. 12 of "Grand cours" de théologie morale (Parole et Silence, 2018), 42 [22].

<sup>105</sup> Ibid.

<sup>106</sup> Labourdette, *La justice*, 43 [23].

norm] does not pose itself.”<sup>107</sup> To illustrate, Labourdette claims that there can be no question of how to formulate an international law derived from natural-law principles without the existence of nation-states. Nation-states are the condition for the natural-law demand that international law be established for the peaceful coexistence of those states. The natural law cannot make its more distal demands known prior to the emergence of those conditions under the aspect of which the natural law would command.

La Soujeole amplifies this historical element in the law of nations by drawing on the distinction between potency and act. Prior to the emergence of certain civilizational circumstances (e.g., the emergence of the modern nation-state), the demands of the law of nations are in potency (e.g., that those nation-states live peacefully by means of international law). La Soujeole accordingly posits two avenues of development in the law of nations. The first is the development of humankind’s knowledge of the natural law (Maritain’s position); the second is the development of culture that “permits an ‘actuation’ of natural right” (Labourdette’s supplemental position).<sup>108</sup> Such actuations of natural law “only manifest themselves in certain existential states of humankind, namely, certain *states of civilization*.”<sup>109</sup> With the cultural development of humankind, some relations between things change, and so what reason demands in light of the nature of things changes. “Supposing humankind to be in this state of organization,” Labourdette explains, “human nature

<sup>107</sup> La Soujeole, “Insaisissable ‘jus gentium’?,” 301, quoting *La justice*, [12]: “décoile de la nature humaine mais à supposer un certain état, un ensemble de circonstances historiques, en dehors desquelles la nature ne manifeste pas cette exigence parce qu’à vrai dire le problème ne se pose pas.” This passage is not found in the recently published version of Labourdette’s *La justice*, at least at the page cited by La Soujeole; it is taken from the 1990 photocopy. The same example of nation-states being a necessary condition for the emergence of modern international law occurs in M.-Michel Labourdette, O.P., “Jacques Maritain nous instruit encore,” *Revue thomiste* 87 (1987): 662.

<sup>108</sup> La Soujeole, “Insaisissable ‘jus gentium’?,” 302.

<sup>109</sup> Labourdette, “Jacques Maritain nous instruit encore,” 662: “certaines exigences de la nature (relevant donc du droit naturel) ne se manifestent que dans certains états existentiels de l’humanité, en particulier, certains *états de civilisation*.”

itself demands this or that conduct.”<sup>110</sup> This makes culture, in La Soujeole’s words, “a real, and not only noetic, principle of actuation of circumstances grounded in nature.”<sup>111</sup> In other words, culture does not merely furnish conditions in which we may better come to know the unchanging demands of the natural law and of human dignity, but culture also creates conditions that elicit new demands of the natural law which were only potential prior to the cultural change. La Soujeole contrasts Labourdette with Maritain on this point: “With Maritain, [Labourdette] has no difficulty admitting the role of history in the knowledge of natural right, but he goes further than his friend in admitting that proper cultural development makes a part of the given of nature pass from the virtual to the actual.”<sup>112</sup>

Indeed, Maritain does not address this possibility, for he limits the work of new cultural circumstances to making a certain “gnoseological” deduction from nature easier—but the deductions were always already morally possible apart from changes in cultural or social circumstances. To use one of Maritain’s examples, the development of various agricultural means gave humankind the noetic occasion to see how degrading slave labor is precisely by making it less necessary to have slaves for agriculture. Consequently humans could see more easily that slavery is contrary to the dignity of man, and thereby commit to its elimination. For Maritain, the advancement in the practice of agriculture does not in such a case actualize a change in the relation of things leading to a new deduction; it only enables the recognition of what human dignity requires, which could and in

<sup>110</sup> Ibid.: “A supposer l’humanité en cet état d’organisation, c’est la nature humaine elle-même qui exige telle ou telle conduite.”

<sup>111</sup> La Soujeole, “Insaisissable ‘jus gentium’?,” 302: “la culture aussi comme un principe d’actuation *réelle* et non seulement noétique, de exigences fondées en nature.”

<sup>112</sup> Ibid., 303: “Avec J. Maritain, il ne fit aucune difficulté pour admettre le rôle de l’histoire dans la connaissance du droit naturel, mais il est allé plus loin que son ami en admettant que la développement proprement culturel fasse passer du virtuel à l’actuel une partie du donné de nature.”

fact should have been realized long before.<sup>113</sup> Maritain emphasizes that he means not only slavery “in its absolute form” but also in the other forms not condemned by medieval theologians.<sup>114</sup> He applies to slavery the same primary-secondary precept framework that Thomas applies to marriage and polygamy in the *Sentences* commentary. Absolute servitude is contrary to the primary precepts of the natural law, whereas “the other more or less attenuated forms of servitude” are opposed to the secondary precepts of the natural law. Yet even if these latter are more capable of being tolerated than the former, this is no argument against eliminating all servitude as “better states of organization” emerge alongside “a better awareness of the dignity of the human person.”<sup>115</sup> The attenuated forms of servitude were not as obviously contrary to the natural law as absolute servitude, just as polygamy is not as obviously against the natural law’s procreative precept as homosexual actions are. La Soujeole’s point about Labourdette is that he embraces Maritain’s point while adding that cultural development can effect an objective, intrinsic change in the law of nations. Where Maritain would assert that the attenuated forms of servitude were always contrary to human dignity, but were only acknowledged as such when the conditions were ripe for their elimination, Labourdette would say that such attenuated forms of servitude were not contrary to human dignity per se, but that once the conditions arose that allowed for their elimination in favor of other labor arrangements better suited to the dignity of the human person, then their elimination was morally obligatory.

Yves Simon similarly articulates a position that mediates between the Salamanca and Neo-Thomist lines by positing an intrinsic development in the law of nations through the conditions of culture and society. Simon agrees with Maritain that moral conclusions strictly deduced from natural-law principles

<sup>113</sup> Maritain, *La loi naturelle ou loi non écrite*, 869-71; see also Jacques Maritain, *The Rights of Man and Natural Law*, trans. Doris C. Anson (New York: Charles Scribner’s Sons, 1949), 105-11.

<sup>114</sup> Maritain, *Rights of Man and Natural Law*, 105.

<sup>115</sup> *Ibid.*, 107-10.

just are a part of the natural law by an “unqualified necessity.”<sup>116</sup> His example is that lending at interest, apart from any consideration of extrinsic titles and so on, is a violation of commutative justice. Simon refers here to conclusions and “antecedents,” that is, natural-law principles. Due to their logical connection, conclusions will only be as necessary as their antecedents. Yet there are “qualified antecedents” that involve some condition, and the relation between the natural-law conclusion and the natural-law premise will therefore be one of conditioned necessity.

Simon identifies the “law of nations” with these conditioned conclusions of the natural law, which are necessary but only under some condition of society that demands such and such a conclusion.<sup>117</sup> Hence for Simon, the law of nations is composed of “deductions from natural law which indeed involve contingent conditions, but these contingent conditions are commonly realized when societies are sufficiently developed.”<sup>118</sup> Given that these conditions which actualize the demands of the natural law are common to social life, the law of nations will tend toward universal observation across societies, but only supposing a certain level of development. Private property as an institution, for example, is only realized “within certain limits” and “under common circumstances of civilized life.” In want of such conditions, such as “in a very small tribe in a tropical forest,” private property would not be a necessary obligation of the natural law.<sup>119</sup> Beyond the general conditioned conclusions of the law of nations, someone cannot proceed logically to specific civil laws. From the recognition of private property as a natural institution under the requisite civilizational conditions, one cannot logically deduce whether and what sort of inheritance tax should exist. Simon warns, “do not try to obtain more precision,

<sup>116</sup> Simon, *Tradition of Natural Law*, 150.

<sup>117</sup> *Ibid.*, 152. Delos similarly understands the *ius gentium* as “draw[ing] from the natural law’s first principles] indefinitely concrete applications, adapted to changing historical circumstances” (Delos, *La justice*, 219).

<sup>118</sup> Simon, *Tradition of Natural Law*, 152-53.

<sup>119</sup> *Ibid.*, 154.

more specification, by way of logical connection. It will not work.”<sup>120</sup> Instead, this is the realm of the “prudential determination” of the lawgiver.<sup>121</sup>

In asserting the need for certain civilizational circumstances for the law of nations to arise, Simon moves away from Maritain’s doctrine that the earlier stages of moral development represent mankind’s imperfect, confused knowledge of the natural law’s implications.<sup>122</sup> Simon grants such imperfect, confused knowledge, but holds that earlier civilizational stages of applying the natural law to social life lacked requisite conditions for modern deductions regarding private property (e.g., an Amazonian tribe). While essentially agreeing with Maritain that the law of nations has a strictly logical connection to natural-law principles, Simon is able to assert with the Salamancan line an important role for the conditions of culture and society in accounting for how the law of nations arises. To use an example of the Salamancans, Simon can say that the enslavement of prisoners of war was probably the best way to respect their humanity in civilizational conditions where POW camps and internationally enforced war conventions were not even cognizable, let alone practicable—the alternative being slitting the throat of every male capable of bearing arms. Simon and the Salamancans seem to overlap, then, in requiring civilizational progress in order for there to be a development in the law of nations. Yet this alignment in attending to social conditions in determining the law of nations should not obscure an essential distinction. Simon still labels the connection between the natural-

<sup>120</sup> Ibid.

<sup>121</sup> Ibid.

<sup>122</sup> To my knowledge, Maritain speaks similarly to Simon about civilizational conditions in only one text: “The Law of Nations, or the common law of civilization, deals, like natural law, with the rights and duties which follow from the first principle in a *necessary* manner, but this time *supposing* certain conditions of fact, as for instance the state of civil society or the relationships between peoples. It also, therefore, is universal, at least in so far as these conditions of fact are universal data of civilized life” (Maritain, *Rights of Man and Natural Law*, 70). This is so broad that even a Salamancan theologian could agree. I am not aware of any other texts in Maritain on this point.

law principles and the law of nations as a logical necessity, while the Salamancans describe this connection as moral necessity (necessity of the end). The Salamancans hold to the looser necessity of the *determinatio* whereas even the Neo-Thomists who recognize the conditional nature of the law of nations still hold that it is composed essentially of *conclusiones*.

#### IV. EVALUATION

Both the Salamancan and the Neo-Thomist interpretations of the *ius gentium* give an account of how the institutions necessary for keeping the natural law develop in civilizational-moral time, albeit in distinct ways. The Salamancan line emphasizes the mutability of the *ius gentium* in itself, because it is a body of institutions morally necessary for keeping the natural law in this or that state of mankind or social circumstance. Personal property, the inviolability of ambassadors, and the enslavement of enemies taken in wartime are examples of such morally necessary conventions and are not strict, logical deductions from the natural law. Since there is nothing new under the sun, the expectation is certainly that these institutions will be universally observed and tend not to change in general. Some, however, could and have changed, such as in the renunciation of the right to enslave prisoners of war in a state of Christendom. According to Maritain's Neo-Thomist line, on the other hand, the *ius gentium* does not change intrinsically but its gnoseological element is clarified over time. Private property is a strictly necessary deduction for keeping the natural-law doctrine of the universal destination of goods. The approval of servitude of any type was simply a confused, erroneous deduction from the principles of the natural law. The law of nations will never change in itself; only our awareness of it will. As we saw, some adherents of this line, such as Labourdette and La Soujoule, modify Maritain's position by describing the law of nations as the actualization of certain conditional precepts of the natural law by changes in social circumstances, prior to which point such commands of the natural law were merely potential precepts.



Despite these essential differences, each line can accommodate important features of the other so that on certain points they may appear practically not to differ. For example, the Salamancan line acknowledges Maritain's insight that at any moment of civilizational-moral time, a culture's knowledge of the natural law can be confused or imperfect. Accordingly, the moral sense of the general person will not be sufficient for knowing the moral law's demands. Vitoria, for example, held that the wise must instruct the people so that they know the more remote yet strictly necessary precepts of the natural law. Vitoria called these the "tertiary precepts" of the natural law, which include the prohibition of fornication.<sup>123</sup> This implies that a people will tend toward failure in perceiving the requirements of the natural law as the relation between the realities involved becomes more complex, which offers more opportunities for the passions, sinful habits, or depraved customs to interfere in the process of deducing logically necessary but remote precepts. In either case, both lines are familiar with Thomas's observation regarding the fragility of human knowledge of the natural law.<sup>124</sup>

Furthermore, when the Salamancan line posits a progression in the law of nations under the influence of the Church, one detects a similarity with Maritain's assertion that the knowledge of the law of nations develops not only under civilizational conditions but also under the influence of the gospel. Yet the Salamancans do not adopt Maritain's assumption that the historical progression is always toward a more perfect awareness of the moral law itself. Instead they speak more of the transition from means permissible at one time to the adoption of superior means for keeping the natural law.

Labourdette's, La Soujoule's, and to a lesser extent Simon's attention to the role of circumstances in the application of

<sup>123</sup> Vitoria, *Comentarios*, IIaIIae.57.2 n. 4 (Beltrán de Heredia, ed., 3:9-10). Vitoria calls these the "tertiary precepts" of the natural law. Presumably the prohibition of fornication is "tertiary" because the prohibition of adultery—as one of the Ten Commandments—is a secondary precept. Fornication violates the ends of matrimony, but this is not as immediately evident as it is in the case of adultery.

<sup>124</sup> *STh* I-II, q. 94, a. 4.

natural-law principles to this or that cultural moment offers a bridge between the Salamancan and Neo-Thomist lines. The import of natural law to this or that situation could be one of strict deduction (Neo-Thomist) or of a less strict, morally necessary arrangement (Salamancan). Perhaps the *ius gentium* can be spoken of loosely as a universally valid law which gains its moral force by either mode of necessity. Vitoria himself speaks in this way in his public lecture *De indiis*, presumably so as not to alienate those holding to the viewpoint of the Roman jurists that he elsewhere personally rejects: “the law of nations (*ius gentium*), which either is or derives from natural law, as defined by the jurist: ‘What natural reason has established among all nations is called the law of nations.’”<sup>125</sup> Even in their positive law interpretation, the Salamancans understand the *ius gentium* in the main as practicably unchangeable, in part because of the usefulness of certain institutions and the fact that human nature lives in the state of sin between the fall from grace and the Second Coming.

On the other side, nothing prevents the Neo-Thomist line from acknowledging a category of international positive law morally necessary within and between nations for maintaining peace. Maritain simply cannot call such a category the law of nations, given his definition of the latter. As Labourdette and La Soujeole note, the law of nations is itself prior to and the foundation for an international order of nation-states, the formation of such an order being one of the conditional demands of the natural law contingent on the actual existence of nation-states. More significantly, Maritain cannot see such a body of inter-

<sup>125</sup> *De indiis* 3.1, citing *Institutes* 1.2.1 (trans. in Vitoria, *Political Writings*, 278). Vitoria has replaced *homines* in the *Institutes* with *gentes*. See also *De temperantia* 1.3. Vitoria speaks this way primarily in his public *releccios*, which suggests that he was speaking ambiguously for rhetorical purposes, knowing that there would be some in his audience who held to the jurists’ conception of *ius gentium*. Indicating such a mixed audience is Vitoria’s extensive apology in the introduction to *De indiis* for the theologian’s competence over against civil lawyers in regard to the rights of the Amerindians. On the other hand, Vitoria could speak his mind more directly when commenting on the *Secunda pars*, for his students would have been more exclusively theologians.

national law as possible prior to an international organization of states, along the lines of a United Nations. He thus envisions that modern nation-states will fulfill their obligations to the whole world “not only by virtue of *natural law* and *jus gentium*, but also by virtue of the *positive laws* which the politically organized world society will establish and which its government will enforce” (note the future tense).<sup>126</sup> In contrast, the Salamancan line does not understand universal positive law to require formal political organization, since “[t]he whole world, which is in a sense a commonwealth, has the power to enact laws which are just and convenient to all men; and these make up the law of nations.”<sup>127</sup> For the Salamancans, there exists prior to any international treaty or the formation of any organization an international political unity and authority. A divergence therefore remains between the Neo-Thomists and the Salamancans on whether the consent needed for such universal positive law can be promulgated by reason through custom alone, or whether a formal, international government is necessary to obtain such consent, such as one would find with a United Nations Organization.

The Neo-Thomist line, especially as articulated by Maritain, gives a plausible harmonization of Thomas’s texts only if one ignores what Thomas says about the institutions contained within the law of nations. For all of Maritain’s strength in explaining how changes in conditions afford human beings a better epistemic viewpoint of the natural law’s demands, he leaves little room for conditions themselves to activate what was only potential in the natural law. That Labourdette, La Soujoule, and Simon feel the need to round out Maritain’s theory by adding a Salamancan-like emphasis on conditions and mutable institutions in the law of nations indicates that Maritain’s position does not fully capture the role of culture and history in the development of morals. This is related to another weakness of Maritain’s thought, namely, his identification of institutions as “strict

<sup>126</sup> Maritain, *Man and the State*, 198.

<sup>127</sup> Vitoria, *De potestate civili*, 3.4 (trans. in Vitoria, *Political Writings*, 40).

conclusions from natural law” that are in fact only morally necessary for keeping the natural law. Private property is one example, but so is the humane treatment of prisoners of war.<sup>128</sup> Remember that Maritain sees POW camps and the moral rejection of slavery as changes in our knowledge of the natural law (gnoseological element) rather than changes in the conditioned application or extension of the natural law itself. Yet nothing stops one from both rejoicing that POWs are no longer enslaved, and also understanding that the enslavement of prisoners of war was reasonable—even merciful—given the conditions of human societies in which such a practice emerged. The enslavement of prisoners was an alternative to summarily executing them. One could not simply allow the fighting men among one’s enemies to go free after war, and one had a right to exact retribution for the injustice and damages caused by an unjust aggressor. It would appear that the custom was not merely a matter of error on thegnoseological side of the ledger. Maritain accordingly tends to read back into the natural law a modern custom that is better at keeping the natural law and the dignity of the human person as is possible only in modern conditions (both in regard to awareness of human dignity and also the existence of international treaties codifying and restricting the rights of war better to keep international peace). The Salamancan line identifies such customs as only “morally necessary” to keep the natural law, and thus is more flexible in accommodating diverse socio-political arrangements.

As insufficient as Maritain’s position is for explaining the development of moral doctrine, including social doctrine, his doctrine of thegnoseological element in the natural law must be acknowledged by the Salamancan line in order to complete their picture of the mutual interplay between social conditions and the demands of the natural law. A change in conditions that leads to a reconfiguration of the law of nations may also be an opportunity for seeing something as a new extension of the natural law under said changed circumstances. To attain an adequate

<sup>128</sup> Maritain, *La loi naturelle ou loi non écrite*, 735.

grounding for a theology of the development of moral doctrine, either one must add to the Salamanca line a Maritain-like account of conditions changing our knowledge of what is possible in the natural law, resulting in new possibilities in the law of nations; or one must modify Maritain—as Labourdette and La Soujole do—by adding the power of new conditions to activate what was potential in the natural law itself (and not merely in our gnoseological awareness). These two lines so modified practically converge in being capable of presenting an interplay between new conditions and new extensions of the natural law that elicit developments in social doctrine, without prejudice to the human institutions and magisterial teaching that were necessary for past configurations of human society.

#### CONCLUSION

Either the Salamanca or Labourdette's version of the Neo-Thomist interpretation of *ius gentium* permits an explanation of how the natural law and its applications can develop on account of changing socio-political conditions. With new conditions come new possible applications or extensions of the natural law—perhaps hitherto unarticulated because unthinkable or impracticable—and therefore the possibility of new customs or institutions that are better ways of keeping the natural law being adopted by the nations. Accordingly, the Thomistic concept of the law of nations can ground an account of how the Church's interpretation of the natural law and its application can likewise develop in response to changes in social conditions. Hence this fruitful debate between the Salamanca and Neo-Thomist lines suggests ways for philosophers and theologians to speak more precisely about how changing socio-political conditions can lead to changes in how the natural law is applied, extended, and promoted in this or that state of civilization.

With the modification of Maritain by Labourdette and others, the debate has come full circle to the Salamanca insistence on the conditional nature of the law of nations. Much has been gained on the way, namely, a progressive sense of the interplay

between changing conditions and human institutions and the possibility of unlocking, as it were, new extensions and precisions in natural law itself. The concept of the law of nations therefore gives to modern theologians a way to speak about how certain moral and legal standards can develop, without implying that the natural law or human nature is mutable or unknowable in its essential structure. This potential of the law of nations concept for grounding a theology of the development of moral doctrine fits well with Johannes Messner's description of the relevance of *ius gentium* in the modern world:

The reason why the earlier traditional natural law school [i.e., the Salamanca line] classed *ius gentium* so decidedly under positive law as distinct from natural law lies in the intention of the school to stress the variability of *ius gentium*. In this, in spite of its essentially static views of society, it kept the door open for the understanding of the dynamic development of mankind's sense of law and for the expression of this development in a progressive common human law.<sup>129</sup>

The generally recognized principles of law today, by contrast with earlier times, include freedom of conscience, of religious practice, of speech, of association, and also include the principles, realized in social legislation, which guarantee a certain minimum of protection of human labor. Since the content of these principles represents the natural juridical consciousness of peoples at the present stage of their development, it forms *present-day ius gentium*. This reference to a *ius gentium* of today is intended, on the one hand to draw attention to the essentially progressive character of *ius gentium* and, on the other hand, to the evolutionary impulse which it transmits to the legal consciousness.<sup>130</sup>

The potential for “dynamic development” in the law of nations can also help the theologian explain the pathways of development in the Catholic Church's social doctrine. So long as we are speaking of moral objects that are conditioned on a certain state of civilization or are only morally necessary for keeping the natural law, what was permitted can become impermissible, and what was not morally required can become so.

<sup>129</sup> Johannes Messner, *Social Ethics: Natural Law in the Western World*, 2d ed., trans. J. J. Doherty (St. Louis: Herder, 1965), 281.

<sup>130</sup> *Ibid.*, 283.

The two lines of this Thomistic debate overlap in holding that, while the natural law never changes intrinsically, a change in social realities results in a change in what the natural law itself demands or in what customs or institutions are necessary for keeping the natural law. The two lines, however, display unequal potential for discussing the development of Catholic doctrine. Maritain's account, at least, suffers from a tendency to see even the moral teaching of the Church as often captive to erroneous deductions from the natural law, and therefore as unreliable or uncertain. The Salamanca line and Labourdette's version of the Neo-Thomist are consonant with Avery Dulles's insistence that much of the development of Catholic social doctrine hinges on applications of the natural law in light of civilizational conditions, not changes in doctrinal principles themselves. In sum, the Thomist concept of the law of nations suggests a starting point for explaining past development of moral doctrine and for anticipating future development. Such a theory can be advanced without calling into question the immutability of the natural law in itself, and the authority and general reliability of the Magisterium even in interpreting the moral law in a non-definitive way, for the development of moral doctrine can only derive from the natural and divine law and, upon pain of cutting off one's own root, can never contradict it.<sup>131</sup>

<sup>131</sup> My thanks to Joshua Hochschild, John Meinert, Greg Murry, Joshua Brown, Francis Feingold, and the anonymous peer reviewers of *The Thomist* for their helpful criticisms of earlier drafts.

## THE ROLE OF NATURAL PHILOSOPHY IN THE BEGINNING OF METAPHYSICS

GLEN COUGHLIN

*Thomas Aquinas College  
Santa Paula, California*

**T**HIS ESSAY concerns an issue controverted in Thomistic circles, namely, whether one must prove the existence of immaterial beings in natural philosophy before one can begin the scientific study of metaphysics. By “metaphysics,” I mean a science<sup>1</sup> of being just as being (*ens commune* or *ens inquantum ens*)<sup>2</sup> and not as restricted to some determinate sort

<sup>1</sup> Here the context is Aristotelian and Thomistic science, not modern experimental science or its adumbrations. This meaning of “science” is that of the *Posterior Analytics*, not that of Bacon or Newton or Einstein. See Aristotle, *Posterior Analytics* 1.2-6.71a1-75a37 (*Aristotle’s Prior and Posterior Analytics, A Revised Text with Introduction and Commentary*, W. D. Ross [Oxford, 1949]); see also St. Thomas Aquinas, I *Post. Anal.*, lect. 4-14 (*Sancti Thomae Aquinatis doctoris angelici Opera omnia iussu Leonis XIII, P.M. edita, cura et studio Fratrum Praedicatorum* [Rome and Paris: Leonine Commission, 1989], 1/2:18-25 [Marietti ed., 28-126]). (I shall cite the Leonine editions for those works of St. Thomas which are available in that edition. I shall also include a reference to the Marietti edition paragraph numbers when this would be helpful. All translations are my own unless otherwise noted.) For further discussion of the differences between these two “sciences”, see Glen Coughlin, “Introduction” and “Appendix 1” in *Physics, Or Natural Hearing*, trans. and ed. Glen Coughlin (South Bend, Ind.: St. Augustine’s Press, 2005), ix-xx, 206-22.

<sup>2</sup> *Super Boet. De Trin.*, q. 5, a. 1 (Leonine ed., 50:138, ll. 154-56): “There are certain things we can speculate about which do not depend on matter according to their existence [*esse*], because they are able to be without material, whether they never be in material, like God and angel, or in certain cases they are in material and in certain ones not, like substance, quality, being [*ens*], potency, act, one and many, and such things, about all of which is theology, that is, divine science, because the principal thing among those known in them is God. Which (science) is called by another name, ‘metaphysics,’ that is, ‘beyond physical (science),’ because to us, for whom it is necessary to arrive at



of being, such as quantified or mobile being, the subjects respectively of mathematics and natural philosophy.<sup>3</sup> Being as such includes immaterial beings, such as separate intelligences and intellectual souls, as well as material beings, such as plants and animals.<sup>4</sup> All Thomists hold that such immaterial things exist. But do we have to know that they exist before we begin the science of being as such? And, if so, how do we go about learning that they exist?<sup>5</sup> My claim is the traditional one,<sup>6</sup> that we do have to know of the existence of immaterial beings to begin the scientific study of metaphysics, and that we learn of their existence through natural philosophy.<sup>7</sup>

---

the nonsensible from the sensible, learning it occurs after physical [science].” See also *Metaphys.*, pro. (St. Thomas Aquinas, *In duodecim libros Metaphysicorum Aristotelis expositio*, ed. M.-R. Cathala, O.P., and R. M. Spiazzi, O.P. [Turin and Rome: Marietti, 1950], 1-2).

<sup>3</sup> *In Boet. De Trin.*, q. 5, a. 3, ad 6 (Leonine ed., 50:141, ll. 322-37). See also VI *Metaphys.*, lect. 1 (Marietti ed., 1147).

<sup>4</sup> *In Boet. De Trin.*, q. 5, a. 4, ad 6 (Leonine ed., 50:156, ll. 314-19): “To the sixth it is to be said that metaphysics considers singular beings, not according to their proper notions, through which they are such or such a being [*ens*], but according as they share the common notion of being; and thus even matter and motion belong to its consideration.” See also XI *Metaphys.*, lect. 1 (Marietti ed., 2159): “this science determines [the truth] about sensible substances insofar as they are substances, not insofar as they are sensible and mobile. For this properly belongs to natural [science]. But the proper consideration of this science is about substances, which are not ideas, nor separated mathematical [things], but first movers, as will be clear below.”

<sup>5</sup> I here take it for granted that metaphysics is primarily about a sort of extramental being. Metaphysics also studies the order of the sciences, the axioms, and so on, but these are not its primary interest, and so, even if one might say, in the absence of a proof that there are immaterial things, that metaphysics could be pursued because these sorts of questions can be, this would not address the primary interest of the metaphysician. On the various matters treated by metaphysics, see Duane Berquist, “The Matter and Order of Wisdom,” in *Philosophia perennis* 3, no. 2 (Fall 1996): 3-64 (available at [http://at-studies.com/files/5314/2678/3485/The\\_Matter\\_and\\_Order\\_of\\_Wisdom.pdf](http://at-studies.com/files/5314/2678/3485/The_Matter_and_Order_of_Wisdom.pdf)).

<sup>6</sup> John Wippel, “Metaphysics and *separatio*,” in *Metaphysical Themes in Thomas Aquinas* (Washington, D.C.: The Catholic University of America Press, 1984), 90, 104 n. 87.

<sup>7</sup> I would like to thank John Baer and Travis Cooper, as well as the two anonymous reviewers of *The Thomist*, for their helpful suggestions about this essay.

## I. GENERALIZATION

We might think we can bypass the problem of proving the existence of the immaterial and go directly to metaphysics. If metaphysics is about being in common or being as being, one might think that there can be a science of metaphysics simply because we have the universal name “being,” and especially because St. Thomas Aquinas and Aristotle say that in pursuing a science we should start with what is more general.<sup>8</sup> It seems that metaphysics is not only possible right away, but ought to be the very first philosophy we study, perhaps after logic. “Being” certainly does seem to name something more universal than “mobile being,” the subject of natural philosophy, for the adjective “mobile” qualifies and limits the noun “being.” But there are problems with this simple position.

A new science demands a new mode of definition, and mere generality does not suffice. The discussion of figures, though more general than the discussion of triangles, does not belong to some more universal science of mathematics. The division of the speculative sciences, according to St. Thomas, is based not upon generality, but upon the degrees of materiality found in the definitions of the subject-genera of the sciences.<sup>9</sup> The reason for this is that every habit (and science is a habit of knowing something by way of a syllogism)<sup>10</sup> is defined in terms of its

<sup>8</sup> Aristotle, *Physics* 1.1.184a10-b14 (*Aristotle's Physics*, Sir David Ross [Oxford, 1936]); cf. Aquinas, I *Phys.*, lect. 1 in toto (Leonine ed., 3:3-6).

<sup>9</sup> I *Post. Anal.*, lect. 15 (Leonine ed., 1/2:57, ll. 43-66; 58, ll. 102-39 [Marietti ed., 130, 132]); lect. 41 (Leonine ed., 1/2:154-55, ll. 242-300 [Marietti ed., 366-67]); lect. 43 (Leonine ed., 1/2:165, ll. 281-96 [Marietti ed., 393]); *In Boet De Trin.*, q. 5, a. 1 (Leonine ed., 50:138, ll. 113-40); VI *Metaphys.*, lect. 1 (Marietti ed., 1156-58, 1160-63); II *Phys.*, lect. 3 (Leonine ed., 3:62-63 [Marietti ed., 159-65]); lect. 1 (Leonine ed., 3:88 [Marietti ed., 243]); III *Sent.*, d. 14, a. 3, qcla. 4, ad 2 (*Scriptum super Sententiis Magistri Petri Lombardi*, vols. I-II, ed. P. Mandonnet [Paris, 1929]; vols. III-IV, ed. R. P. Moos [Paris, 1933, 1947]; 3:460); *STh* I, q. 1, a. 1, ad 2 (Leonine ed., 4:7).

<sup>10</sup> I *Post. Anal.*, lect. 4 (Leonine ed., 1/2:20, ll. 140-53 [Marietti ed., 36]).

object.<sup>11</sup> But the objects of science are things insofar as they are intelligible. Because intelligibility is due to removal from matter,<sup>12</sup> the object of every speculative science is something removed from matter, and the kinds of intelligibility (and so the species of science) are determined by the kinds of removal.<sup>13</sup>

The ways in which the sciences differ *per se*, then, is by the presence or absence of matter in their subject-genera. Some things have sensible matter in their definitions, like natural things (e.g., horses and dogs, rocks and fires, cannot be or be understood without reference to sensible qualities like color, weight, hardness, etc.); others do not, but only have “intelligible matter.” Squares and rectangles, being accidents, cannot exist apart from a substance in which they inhere. That substance is then a sort of matter, but it is perceivable only by the intellect, and so is called “intelligible matter.”<sup>14</sup> Things defined with sensible matter are studied by natural philosophy, those without, but with intelligible matter, by mathematics. Those things without any matter in their definition at all (e.g., being, one, and separate substances), are studied by metaphysics.<sup>15</sup>

Here things become a little more complicated because St. Thomas gives more than one description of the science of metaphysics. Sometimes he says it concerns being as being, sometimes the first causes, sometimes the immaterial. How can it be about all three of these? It is not about all of them as

<sup>11</sup> I *Post. Anal.*, lect. 41 (Leonine ed., 1/2:154-55, ll. 242-300 [Marietti ed., 366-67]); *STh* I-II, q. 54, a. 2 (Leonine ed., 6:342-43); III *Sent.*, d. 33, q. 1, a. 1, qcla. 1 (Moos, ed., 3:1018-20).

<sup>12</sup> *STh* I, q. 14, a. 1 (Leonine ed., 4:166); III *De Anima*, lect. 7 (Leonine ed., 45:203-4 [Marietti ed., 677-80]); *ScG* I, c. 45 (Leonine ed., 13:136).

<sup>13</sup> See the references in note 9.

<sup>14</sup> See *In Boet. De Trin.*, q. 5, a. 1 (Leonine ed., 50:138, ll. 149-54); q. 5, a. 3 (Leonine ed., 50:149, ll. 270-74). For further discussion of intelligible matter, see Paul O'Reilly, “What Is Intelligible Matter?”, *The Thomist* 53 (1989): 74-90; Augustin-Gabriel, “Matière intelligible et mathématique (I),” *Laval théologique et philosophique* 172 (1961): 173-96; idem, “Matière intelligible et mathématique (II),” *Laval théologique et philosophique* 182 (1962): 177-210.

<sup>15</sup> *In Boet. De Trin.*, q. 5 *passim* (Leonine ed., 50:136-56), especially the bodies of the four articles; II *Phys.*, lect. 3, in toto (Leonine ed., 3:61-63); VI *Metaphys.*, lect. 1 (Marietti ed., 1156-65); II *Post. Anal.*, lect. 9 (Leonine ed., 1/2:206-7, ll. 71-86 [Marietti ed., 494]).

subjects, though it is in a sense about all of them. It is about being as being in the sense of a subject-genus, that is, what the science seeks to understand. It is about the first causes because the first causes of all are the causes of being as such, and every science looks for the principles and causes of its subject. It is about immaterial beings because (as we eventually discover) the first causes are, in fact, immaterial beings.<sup>16</sup>

The simple fact that the name “being” is general, then, does not establish a new science; we must insist that a new science have a new mode of definition, one differing from those of natural philosophy and mathematics with regard to the presence or absence of matter in the definition. We may depend upon our mere experience to recognize the existence of the subject-genus of natural philosophy, but naming that same sort of thing with a more general name, unless that name is involved with some more extreme removal from matter, will not bring us any closer to metaphysics. We must start our metaphysics, then, with definitions that separate from all matter. How might we establish that possibility, and so the possibility of metaphysics? Most obviously, by discovering the actual existence of purely immaterial beings. We will here, however, consider positions that question the necessity of that approach.

In general, there are only two roads to the truth: direct experience and thought. The latter can be divided into three ways or acts: seizing the whatness of a thing, forming a statement or judgment about a thing, and forming an argument.<sup>17</sup> In what follows, we will examine whether any of these can lead us to a knowledge of the immaterial.

<sup>16</sup> *Metaphys.*, pro.; see also *In Boet De Trin.*, q. 5, a. 4 (Leonine ed., 50:154, ll. 175-206).

<sup>17</sup> *Post. Anal.*, pro. (Leonine ed., 1/2:4-5:32-50). Cf. *In Boet. De Trin.*, q. 5, a. 3 (Leonine ed., 50:147, ll. 89-95), where St. Thomas distinguishes only two acts of the mind, seizing the whatness and forming a judgment. Why he here distinguishes only these two ways is beyond the scope of this paper, but it is clear enough that an argument is not a mere statement. It is noteworthy, however, that by making the division in the *De Trinitate* commentary into two instead of into three, he leaves open the possibility

## II. DISCOVERING IMMATERIAL REALITIES

### A) *By Experience*

I take it for granted that most men do not have direct experience of immaterial natures such as angels and God. One might more plausibly say we have direct experience of the immateriality of our intellects, though even this is far-fetched. Saint Augustine himself said that for years he could not conceive of anything except as a body, including, presumably, his own intellect.<sup>18</sup> This might be expected, because all our knowledge takes its origin in sensation, and so we may easily remain at the level of sensation, never realizing that there are nonmaterial things.<sup>19</sup> And St. Thomas spends significant time proving that the intellect is immaterial—an odd undertaking if this is apparent from experience.<sup>20</sup> Direct experience, then, is not a road to knowledge of the immaterial.<sup>21</sup>

### B) *By the First Act of the Intellect*

The second possible route to seeing that there are immaterial realities is that of Avempace.<sup>22</sup> Saint Thomas reports that Avempace held that one could abstract from material things the essences of immaterial things:

For since our intellect is naturally apt to abstract the quiddity of a material thing from material, if in that quiddity there is again something material, it

---

that the separation associated with metaphysics is a result of argument, perhaps even in natural philosophy.

<sup>18</sup> *Confessions* 5.10.19.

<sup>19</sup> See, e.g., *STh* I, q. 44, a. 2 (Leonine ed., 4:457-58); q. 75, a. 1 (Leonine ed., 5:194-95).

<sup>20</sup> See *STh* I, q. 75, a. 2 (Leonine ed., 5:196-97); III *De Anima*, lect. 7 (Leonine ed., 45:203-4 [Marietti ed., 677-85]); lect. 10 (Leonine ed., 45:219-20, ll. 64-86 [Marietti ed., 732-33]); *ScG* II, cc. 49-51 (Leonine ed., 13:381-86); *Q. D. De Anima*, aa. 1-2 (Leonine ed., 24/1:3-21).

<sup>21</sup> See Therese Scarpelli Cory, *Aquinas on Human Self-Knowledge* (Cambridge: Cambridge University Press, 2014), 57, 177-85.

<sup>22</sup> This is a Latinized form of his Arabic name, Ibn Bajjah (1095-1138/9).

will be able to abstract again, and since this cannot go on to infinity, at length it will be able to arrive at understanding some quiddity which is wholly without matter. And this is to understand immaterial substance.<sup>23</sup>

We might compare this view to what occurs in mathematics. We can remove sensible matter from our notion of, say, a triangle, and if we find our triangle still sullied with the sensible we can purge it further until we get a purely quantitative object. Why can't we arrive at an immaterial conception of being in the same way?

One might argue that this process, if it could occur, would only show us what immaterial things are, not that they are possible as real existent beings. But this response misses a fundamental point. If we really could abstract such an essence, it would by that fact be known to be possible, for it would exist in the thing from which we were abstracting it. It would be like the abstraction of any other universal. Just as we draw the notion "plant" from the particular plants we see around us, and so know that the nature "plant" is possible, so would we abstract this supposed immaterial essence and thereby know it to be possible. The very fact that we could abstract it from what is before us would prove that it is in what is before us and so would prove that it is a real possibility. Thus, the grasp of such an immaterial being would be sufficient to ground a new science.

Saint Thomas's critique of this view is devastating. The following text follows immediately upon the text quoted above:

This would be said efficaciously, if immaterial substances were the forms and species of these material things, as the Platonists posit. But if we do not posit this, but suppose that immaterial substances are of a wholly other notion from

<sup>23</sup> *STh* I, q. 88, a. 2 (Leonine ed., 5:367): "Cum enim intellectus noster natus sit abstrahere quidditatem rei materialis a materia, si iterum in illa quidditate sit aliquid materiae, poterit iterato abstrahere, et cum hoc in infinitum non procedat, tandem pervenire poterit ad intelligendum aliquam quidditatem quae sit omnino sine materia. Et hoc est intelligere substantiam immaterialem." See also *In Boet. De Trin.*, q. 6, a. 4 (Leonine ed., 50:170-71, ll. 123-53).

the quiddities of material things, however much our intellect might abstract the quiddity of a material thing from matter, it would never arrive at something similar to immaterial substance. And therefore we are not able to understand immaterial substances perfectly through material substances.<sup>24</sup>

We cannot abstract the quiddity of an immaterial thing from a material thing for the very simple reason that it is not in the material thing to begin with. If immaterial things are of a wholly other notion (*ratio*) than material ones, then the notions we get from material things will never be the same as the notions of immaterial things. Since abstraction is only the drawing of one aspect of a thing away from another,<sup>25</sup> we cannot arrive at the notions of immaterial things from material things by way of abstraction. One cannot get blood from a turnip and one cannot get an angel from a potato—it's just not in there. This is exactly why St. Thomas says that Avempace's notion of simple abstraction being a road to the knowledge of immaterial things is an error.

The upshot is that immaterial things are so profoundly different from material things that we cannot divine what they are merely by noting something inherent in material things. The names we use of immaterial things and of material ones, like being, one, potency, act, and so on, are not univocal, but analogous. As St. Thomas says elsewhere: "quiddity and all such

<sup>24</sup> Ibid.: "Quod quidem efficaciter diceretur, si substantiae immateriales essent formae et species horum materialium, ut Platonici posuerunt. Hoc autem non posito, sed supposito quod substantiae immateriales sint omnino alterius rationis a quidditatibus materialium rerum; quantumcumque intellectus noster abstrahat quidditatem rei materialis a materia, nunquam perveniet ad aliquid simile substantiae immateriali. Et ideo per substantias materiales non possumus perfecte substantias immateriales intelligere." See also *Q. D. De Anima*, a. 16 (Leonine ed., 24/1:145, ll. 292-98): "But this argument is wholly insufficient. First, indeed, because the quiddities of material things are of another genus from the separated quiddities, and they have another mode of existing [*alium modum essendi*]. Whence, from this, that our intellect understands the quiddities of material things, it does not follow that it can understand separated quiddities."

<sup>25</sup> See esp. *In Boet. De Trin.*, q. 5, a. 3 (Leonine ed., 50:148, ll. 159-79); *STh I*, q. 84, aa. 6-7 (Leonine ed., 5:323-26); q. 85, a. 1 (Leonine ed., 5:330-32).

names are said in a way equivocally of sensible things and of those [i.e., immaterial] substances.”<sup>26</sup>

### C) *By the Second Act of the Intellect*

If the first act of the intellect, abstraction of a nature, cannot get us to metaphysics, perhaps the second act, judgment, can. Some grounds for this position are purportedly found in the following statements:

It is to be known, therefore, that, according to the Philosopher, in the third book of *De anima*, the operation of the intellect is twofold: one, which is called the “understanding of indivisibles,” by which it knows, about each thing, what it is; the other, by which it composes and divides, namely, by forming affirmative or negative statements. And these two operations indeed correspond to two which are in things. The first operation looks to [*respicit*] the very nature of a thing, according to which the thing understood obtains some level [*gradus*] among beings, whether it be a complete thing, like some whole, or an incomplete thing, like a part or an accident. The second operation looks to [*respicit*] the very existence [*esse*] of the thing, which certainly results from the bringing together of the principles of the thing in

<sup>26</sup> *In Boet. De Trin.* q. 6, a. 3 (Leonine ed., 50:167, ll. 80-82): “quiditas et omnia huiusmodi nomina fere equivoce dicantur de sensibilibus et de illis substantiis.” See also *IV Sent.*, d. 49, q. 2, a. 7, ad 12 (*Sancti Thomae Aquinatis Opera omnia* [Parma: Typis Petri Fiaccadori, 1858], 7/2:1213): “speculative sciences proceed from self-evident principles which are taken from sense, as is said in *Posterior Analytics* II; and therefore, through them we are not able to arrive at the essences of those things which exceed all sensible forms; whence, through no speculative science which we acquire at present do we know what God is, or what an angel is, except under certain likenesses, knowing more about them what they are not than what they are; and because of this the Philosopher says in the beginning of the *Metaphysics* that science about God is not a human possession, because, indeed, we are not able to have it to the full.” See also *ScG III*, c. 41 (Leonine ed., 14:102-4). The first text cited in this note speaks of equivocation. It is clear, however, that St. Thomas cannot mean pure equivocation, but rather analogy. In some texts, he includes analogical names under equivocal names (*STh I*, q. 13, a. 10, ad 4 [Leonine ed., 4:161]); in others, he contrasts analogical names and equivocal names (*I Sent.*, d. 25, q. 1, a. 2 [Mandonnet, ed., 1:607]), sometimes giving the latter a more precise name, “pure equivocals” or “equivocals by chance” (*STh I*, q. 13, a. 5 [Leonine ed., 4:146-47]; *ScG I*, cc. 33-34 [Leonine ed., 13:102-4]).



composites or goes along with the simple nature itself of the thing, as in simple substances.<sup>27</sup>

Later in the same article, St. Thomas adds,

In those things, however, which are able to be divided according to existence, separation is found rather than abstraction. . . . Substance, however, which is the intelligible material of quantity, is able to be without quantity, so that to consider substance without quantity belongs to the genus of separation more than to that of abstraction. Thus, therefore, a threefold distinction is found in the operation of the intellect. One according to the operation of the intellect of composing and dividing, which is properly called “separation,” and this befits the divine science or metaphysics.<sup>28</sup>

<sup>27</sup> *In Boet. De Trin.*, q. 5, a. 3 (Leonine ed., 50:147, ll. 89-105): “Sciendum est igitur quod secundum Philosophum in III De anima duplex est operatio intellectus: una, que dicitur *intelligentia indiuisibilium*, qua cognoscit de unoquoque quid est, alia uero qua componit et diuidit, scilicet enuntiationem affirmatiuam uel negatiuam formando. Et hee quidem due operationes duobus que sunt in rebus respondent. Prima quidem operatio respicit ipsam naturam rei, secundum quam res intellecta aliquem gradum in entibus obtinet, siue sit res completa, ut totum aliquod, siue res incompleta, ut pars uel accidens. Secunda uero operatio respicit ipsum esse rei; quod quidem resultat ex congregatione principiorum rei in compositis, uel ipsam simplicem naturam rei concomitatur, ut in substantiis simplicibus.” See also I *Sent.*, d. 19, q. 5, a. 1, ad 7 (Mandonnet, ed., 1:489); I *Sent.*, d. 38, q. 1, a. 3 (Mandonnet, ed., 1:903). Whether the claims that the text indicates the path to knowing real existence, that this is the ground for Thomistic metaphysics, and that it indicates, in addition, a glaring difference between Aristotelian and Thomistic metaphysics, are issues beyond this article. I limit myself to asking whether knowledge of the subject-genus of metaphysics demands knowledge of the existence of immaterial beings, and whether such knowledge is gained in natural philosophy. Among those who accept the text as indicating an act of judgment unmediated by natural philosophy as the gateway to metaphysics are Etienne Gilson, *Being and Some Philosophers* (2d ed.; Toronto: Pontifical Institute of Mediaeval Studies, 1952), 201-7; Jacques Maritain, *Existence and the Existent*, trans. Louis Galantieri and Gerald B. Phelan (New York: Image, 1956), 25-44; Joseph Owens, *An Elementary Christian Metaphysics* (Houston: Center for Thomistic Studies, 1985), 96-97; idem, “Metaphysical Separation in Aquinas,” *Mediaeval Studies* 34 (1972): 302-3; John Wippel, *The Metaphysical Thought of Thomas Aquinas: From Finite Being to Uncreated Being* (Washington, D.C., The Catholic University of America Press, 2000), 60-61; idem, “Metaphysics and *separatio*,” 69, 102-4; John Knasas, *Being and Some Twentieth-Century Thomists* (New York: Fordham University Press, 2003), 69-70; idem, *The Preface to Thomistic Metaphysics: A Contribution to the Neo-Thomist Debate on the Start of Metaphysics* (New York, Peter Lang, 1990), 71-72, 74.

<sup>28</sup> *In Boet. De Trin.*, q. 5, a. 3 (Leonine ed., 50:149, ll. 256-58, 270-79): “In his autem que secundum esse possunt esse diuisa magis habet locum separatio quam

Separation (i.e., negative judgment) differs from abstraction in that it looks to the existence of things and is therefore found in things which are actually separated in reality; abstraction, properly speaking, draws away from each other different aspects of a being at least one of which does not depend on the other for its intelligibility, even if they are found together in reality.<sup>29</sup> Those, therefore, who say that essence is attained by abstraction and existence by judgment claim that being in common is attained by recognizing both these distinctive contents and, by way of the judgment “it is,” their union in the existent things around us:

First, the knowing subject apprehends *what* the given object is, next it judges *that* the object is, and this instantaneous recomposition of the existence of given objects with their essences merely acknowledges the actual structure of these objects. The only difference is that, instead of being simply experienced, such objects now are intellectually known.<sup>30</sup>

The question arises, supposing we grant all of this, is the grasp of being which we have at this early stage of thought sufficient for beginning metaphysics?

On this point there is disagreement among those who follow this view so far. Jacques Maritain, for his part, seems to think

---

abstractio. . . . Substantia autem, que est materia intelligibilis quantitatis, potest esse sine quantitate; unde considerare substantiam sine quantitate magis pertinet ad genus separationis quam abstractionis. Sic ergo in operatione intellectus triplex distinctio invenitur: una secundum operationem intellectus componentis et diuidentis, que separatio dicitur proprie, et hec competit scientiæ diuinæ siue metaphisicæ.”

<sup>29</sup> *In Boet. De Trin.*, q. 5, a. 3 (Leonine ed., 50:148, ll. 159-75). Saint Thomas nowhere explicitly says—in texts in which he is indisputably speaking in his own voice rather than as a commentator—how the separation characteristic of metaphysics is possible. I maintain that the separation is the result of an argument proving the existence of a positively immaterial being, that is, something which can subsist without matter.

<sup>30</sup> Gilson, *Being and Some Philosophers*, 204. I will not here question the Gilsonian reading of the text of *In Boet. De Trin.*, q. 5, a. 3. However, granting it for the sake of argument, I will dispute the consequences drawn from it.

that in the original grasp of *ens* we can already see that *ens* need not be material. As he puts it:

Such objects [i.e., transcendentals, such as being, one, etc.] are trans-sensible. For though they are realized in the sensible in which we first grasp them, they are offered to the mind as transcending every genus and every category, and as able to be realized in subjects of a wholly other essence than those in which they are apprehended. It is extremely remarkable that being, the first object attained by our mind in things—which cannot deceive us since being the first, it cannot involve any construction effected by the mind nor, therefore, the possibility of faulty composition—bears within itself the sign that beings of another order than the sensible are thinkable and possible.<sup>31</sup>

Maritain immediately adds that this is only the recognition of a possibility, that we would need to have some “reasoning from the data actually given to us in sensible existence” in order to know that there are in fact such immaterial things.<sup>32</sup> Nevertheless, for Maritain the full latitude of the possibilities of being is immediately established and we are set to begin metaphysics.<sup>33</sup>

But the same objection presents itself, namely, that the immaterial and the material do not share any character univocally. It cannot be, then, that the mere judgment that a material thing exists makes clear the reality or even the possibility of the existence of an immaterial thing, for that judgment, if true, only unfolds what is present in the material being in front of us.

There are two possible understandings of Maritain’s view. Either the notion of being that we obtain at the beginning of intellectual awareness or through the “intuition of being” is one single univocal notion appropriate for the immaterial as well as the material, or it is not univocal but nevertheless contains actually, and not by inferential implication, the concepts both of

<sup>31</sup> Jacques Maritain, *The Degrees of Knowledge*, trans. Gerard B. Phelan (New York: Charles Scribner’s Sons, 1959), 214.

<sup>32</sup> *Ibid.*

<sup>33</sup> In *Existence and the Existent*, Maritain says the ground of metaphysics is an “intuition of being,” which he distinguishes from the “vague being of common sense.” Still, the description he gives of this intuition does not imply that the grasp of being which the metaphysician cherishes is had by anything other than a direct, unmediated judgment. See *Existence and the Existent*, 28-31.

the material and of the immaterial. Neither is possible. We have already argued that there is no notion of material being appropriate to immaterial being because these are *omnino altera*. Nor can any notion other than that of material being be obtained from material being, for there is in fact no other sort of being or existence latent within it.

Maritain's *caveat*, that he means only to say that we see the possibility, not the actual reality, of the various sorts of being from our initial encounter with being, is of no avail. Freeing the notion of being from any particular material essence (or even from many such essences) does not permit us to say it is even *possible* that it be freed from every material essence. The fact that being is not the same as the being of a dog does not imply that angels (or, for that matter, horses) can exist.

Another view, akin but more subtle, is subject to similar criticism. John Wippel objects to the claim that metaphysics must wait upon another science, natural philosophy, to prove the existence of positively immaterial being (i.e., beings that are without matter, such as God or angels) before inquiring into its own subject. That subject is *ens commune* or being as being, which Wippel calls negatively immaterial being, that is, being understood as open to immaterial and material being.<sup>34</sup> Both positively and negatively immaterial being are treated by metaphysics, but not in the same way. The subject of metaphysics is *ens commune*; positively immaterial being is treated as the cause of that subject-genus.<sup>35</sup> Because it is the cause of being as being, Wippel argues, if we need to prove that positively immaterial being exists before we even begin metaphysics, we seem to be saying that we need to have uncovered the cause of being as

<sup>34</sup> Wippel, *Metaphysical Thought*, 9, 17, 52-53. These expressions come from Wippel, not St. Thomas, but they seem accurately to reflect a distinction St. Thomas makes himself. See *In Boet. De Trin.*, q. 5, a. 1 (Leonine ed., 50:138, ll. 154-60); *XI Metaphys.*, lect. 1 (Marietti ed., 2146).

<sup>35</sup> Saint Thomas cannot mean that every positively immaterial thing is a cause of being, for he thinks only one of them, God, is such a cause. See *ScG II*, c. 15 (Leonine ed., 13:294-95).

being before we have even started pursuing the science which is charged with that very task.<sup>36</sup> Wippel suggests, then, that there must be some other way to start. That way involves *separatio*, which St. Thomas identifies as the mode of removal from matter peculiar to the science of metaphysics.<sup>37</sup>

In particular, it seems that Wippel wishes to appeal to the separability of substance, which is the primary sort of being,<sup>38</sup> in order to ground metaphysics. He cites the following text: “Substance, however, which is the intelligible matter of quantity, is able to be without quantity; whence to consider substance without quantity belongs more to the genus of separation than of abstraction.”<sup>39</sup> This passage occurs in the midst of a discussion of the order in which accidents arise in a substance. Just as sensible qualities like hot and red presuppose quantity, whereas quantity can be defined without sensible qualities, so quantity presupposes substance, though substance can be defined without quantity; such a notion of substance is only negatively immaterial. But unlike quantity, which even if defined without sensible qualities cannot actually be without them, substance can actually be without quantity, and thus without matter.<sup>40</sup> Things which can exist apart are removed from each other in the mind by *separatio*, not by *abstractio*: “according to the operation by which we compose and divide,

<sup>36</sup> Wippel, *Metaphysical Thought*, 56, 58; idem, “Metaphysics and *separatio*,” 89-90, 102. I will consider this objection toward the end of this article.

<sup>37</sup> Wippel, *Metaphysical Thought*, 47; idem, “Metaphysics and *separatio*,” 78. *In Boet. De Trin.* q. 5, a. 3 (Leonine ed., 50:149, ll. 275-79): “Thus, therefore, a three-fold distinction is found in the operation of the intellect. One according to the operation of the intellect of composing and dividing, which is properly called “separation,” and this befits the divine science or metaphysics.” See above for my discussion of the need for varying degrees of removal from matter in the definitions of the subject-genera of essentially distinct sciences.

<sup>38</sup> Wippel, *Metaphysical Thought*, 47; idem, “Metaphysics and *separatio*,” 78-79.

<sup>39</sup> *In Boet. De Trin.*, q. 5, a. 3 (Leonine ed., 50:149, ll. 270-74): “Substantia autem, que est materia intelligibilis quantitatis, potest esse sine quantitate; unde considerare substantiam sine quantitate magis pertinet ad genus separationis quam abstractionis.”

<sup>40</sup> See *STh* I, q. 76, a. 4 (Leonine ed., 5:223-24); *Q. D. De Anima*, a. 9 (Leonine ed., 24/1:81, ll. 212-17); *I Sent.*, d. 8, q. 5, a. 2 (Mandonnet, ed., 1:228-29).

we distinguish one [object of thought] from another by understanding that the one does not inhere in the other.”<sup>41</sup>

Wippel also points to the fact that to seek that by which a thing is a being is not the same as to seek that by which a thing is this or that kind of being, so that the answers to these inquiries are not necessarily the same:

Without presupposing that there is any thing which is not living and material and mobile, we can still ask why any thing which we experience enjoys being. To ask this is very different from asking what kind of being it enjoys. If these two questions are not identical, it follows that the answer to the one does not have to be identified with the answer to the other. That by reason of which something is recognized as enjoying being need not be identified with that by reason of which it enjoys this or that kind of being. Therefore, we may investigate one and the same physical and changing thing from different perspectives. We may study it insofar as it is material and mobile, or insofar as it is living, or insofar as it is quantified. But we may also study it insofar as it enjoys reality at all, i.e., insofar as it is a being.<sup>42</sup>

Applying this to the claim about substance, we can consider substance, the primary sort of being, merely as being. The earlier text seems to warrant our saying that the notion of substance does not include quantification, so that it can be considered apart from that and all its attendants, such as sensible matter and motion.

Wippel argues, then, that this negative judgment which is at the root of metaphysics is not the statement that some being is not material, but the statement that substance, and therefore being, need not be material. He thus concludes that one can achieve the understanding of being as being, the subject of

<sup>41</sup> *In Boet. De Trin.*, q. 5, a. 3 (Leonine ed., 50:148, ll. 161-62): “secundum operationem qua componit et diuidit, distinguit unum ab alio per hoc quod intelligit unum alii non inesse.”

<sup>42</sup> Wippel, *Metaphysical Thought*, 61; see also idem, “Metaphysics and *separatio*,” 103.

metaphysics, without a prior proof of the real existence of an immaterial being, but by the process of separation.<sup>43</sup>

There can be no argument to the effect that the notion of *ens commune* or of substance requires material. All parties agree on this. The question is the means by which we grasp that fact: Do we need an argument from natural philosophy, or can the intuition of being get us there, or does the separation of substance from quantity do the trick, or is there some other way? If the subject of metaphysics is *ens commune*, or substance taken without any necessary reference to material, that subject must be known to be coherent before the science is undertaken. We may be tempted to say, "I see no reason that there cannot be immaterial being," but this would be beside the point in the pursuit of knowledge. It is as if one should say, "I do not see that water includes hydrogen in its definition, so I will have a science of hydrogen-free water." It is not enough not to see a problem; one must see that there is no problem. We have not seen every possible argument; we only have seen the ones we have already come up with. The future of philosophy may be, for all we know, relentlessly materialist. If we do not have positive assurance that being as being need not involve matter we may only be spinning out the consequences of a self-contradictory concept, a concept that will not be discovered to be such, perhaps, until some distant future, if ever. Simple failure to detect the presence of matter in the notion of being or substance is therefore inconclusive.<sup>44</sup>

How, then, can we find the assurance we need of the legitimacy of the notion of an *ens commune* that does not necessarily include material? The text of St. Thomas concerning the separability of substance from quantity simply does not address the question of how we know that substance is separable from

<sup>43</sup> See Wippel, *Metaphysical Thought*, 60-62; idem, "Metaphysics and *separatio*," 102-4. A similar text is found in John F. Wippel, *Metaphysical Themes in Thomas Aquinas II*, Studies in Philosophy and the History of Philosophy 47 (Washington, D.C.: The Catholic University of America Press, 2007), 40-41.

<sup>44</sup> See Wippel, "Metaphysics and *separatio*," 104: "At least *separatio* will have indicated that, *insofar as one can determine*, there is nothing within the intelligible content of being as such to imply that it must be material" (emphasis added).

matter; it only says that it is.<sup>45</sup> Saint Thomas's statement may be reflective of an argument that he does not present here. Just as St. Thomas assumes but does not prove (in this text) that there is a God, so he may assume and not prove that substance is separable from matter. This should not be surprising, as the burden of questions 5 and 6 of the *expositio* on Boethius's *De Trinitate* is not to pursue the sciences but to reflect on their differences and methodologies.

How, then, do we understand this separability? As we have seen, the fact that I do not see a contradiction when I try to think of substance as immaterial does not permit me to say that the notion is coherent. Nor will induction help: on that basis, one would certainly expect all beings to be material, just as we often think that all bodies must have mass simply because all the bodies we experience have mass. Is it possible that there be a body without mass? Or is there a latent contradiction here? This is a matter for argument. Similarly, we need some reason to grant the separability of substance and matter even on the level of the negatively immaterial.

Given the context of St. Thomas's remark about substance—that is, a discussion of the order in which accidents come to a substance—one might think that, just as we can recognize without argument that mathematical objects do not have sensible matter in their definitions, so we can see that substance does not have quantity or matter in its definition. We might here invoke the priority of substance to quantity as we invoke the priority of quantity to sensible quantity in order to ground mathematics. But if we are going to claim that it is by *separatio* and not by *abstractio* that we know this about substance, we would have to add that substance is able to exist without quantity and matter. This would presuppose a deeper knowledge about substance, for it is not obvious that any real substance is or can be without quantity, just as it is not obvious that any quantity can exist without being really joined to

<sup>45</sup> In Boet. *De Trin.*, q. 5, a. 3 (Leonine ed., 50:149, ll. 270-74).



sensible matter (in fact this latter is impossible). Earlier in the paragraph in which St. Thomas says that the consideration of substance belongs more to separation than to abstraction, he says,

Similarly, when we say that form is abstracted from matter, this is not understood about substantial form, because substantial form and the material corresponding to it depend on each other, so that one cannot be understood without the other, for this reason, that the proper act is in its proper material.<sup>46</sup>

Of course, this text does not contradict the claim that there are immaterial substances, but it certainly should give one pause. How can there be a form that is not the act of a material? Isn't form always the form *of* something, of some subject? Or could there be a being which neither is nor has form? We need some reason to think that this is not a self-contradiction. Without such a reason, we do not know that form (and so substance) is at all separable from matter.

Instead of focusing on the statement about substance and its supposed indifference to matter, one might insist that the difference between the questions "Why is it this sort of being?" and "Why it is it a being at all?" indicates different intelligibilities such that a thing can be considered as a being without being considered as this sort of being, in particular, without being considered as material.

Though the argument has an air of plausibility, it fails because, while it is not necessary that the answers to two different questions be the same, neither does anything prevent two different questions from having the same answer. "What is  $2 + 2$ ?" "What is  $10 - 6$ ?" We cannot deduce from the fact that these questions are different that their answers are different. Just so, in the absence of further evidence, we cannot say that the answer to the question "What makes a being this sort of

<sup>46</sup> *In Boet. De Trin.*, q. 5, a. 3 (Leonine ed., 50:149, ll. 258-63): "Similiter autem cum dicimus formam abstrai a materia non intelligitur de forma substantiali, quia forma substantialis et materia sibi correspondens dependent ad inuicem, ut unum sine alio non possit intelligi, eo quod proprius actus in propria materia fit."

being?” is not always the same, at least in part, with the answer to the question “What makes a being a being at all?” We cannot presume that the answer in each case is not inextricably bound to the answer, “matter,” whether that answer be partial or complete. What makes a dog a dog and what makes a rock a rock are distinct, but in each case what makes them these sorts of being as well as what makes them beings at all certainly does involve matter.

The fact that we have different questions indicates that we *may* have different answers, not that we *do* have different answers, and the fact that we *do* have different answers does not require that the answers be different in *every* way—here, in particular, that one or more of the answers does not involve matter. And if all beings are like this, then no beings could be immaterial and there would be no removal from matter by way of *separatio* and so no science of metaphysics.<sup>47</sup> It would be as false to say that there are predicates that name something able to be without matter as to say that there are predicates that name things that in fact have no matter. To take a parallel case, “regular solid” does not include in its very *ratio* that the set of such solids be limited to five, but this fact does not indicate that there can be more than five, even if we have not yet found the argument proving that there are only five.<sup>48</sup> Had that proof never been found, the truth of the matter would remain unchanged. So too, “being” does not contain in its *ratio* that it is limited to material, but this does not mean that it is not. The witness of St. Augustine, who admits that at one point in his life he could not even conceive of being which was not material, again comes to mind.<sup>49</sup>

Wippel also addresses the objection that his view has left us a metaphysics built on sand, on mere possibility.<sup>50</sup> He claims that

<sup>47</sup> See Aristotle, *Metaphysics* 6.1.1026a 27-32; VI *Metaphys.*, lect. 1 (Marietti ed., 1170).

<sup>48</sup> That there are, in fact, only five, is proven by Euclid (*Elements*, 13.18).

<sup>49</sup> *Confessions* 5.10.19.

<sup>50</sup> Wippel, *Metaphysical Thought*, 61.

he is not grounding metaphysics on bare possibility because the existence of the real objects with which he begins is no mere potential, but is given as actual in our experience of sensible beings. This last point is certainly true, but the argument itself is unpersuasive. But the real existence of sensible being offers no assurance (without an argument from natural philosophy) that an existence without material is even a coherent idea. And if it is not really possible to separate matter and being, we cannot justify the *separatio* needed to begin metaphysics.

*D) By the Third Act of the Intellect within Metaphysics*

Could we, then, entirely leave aside the demand for knowledge of even negatively immaterial being before we launch into metaphysics? Joseph Owens suggests that we can, immediately entering metaphysics simply by considering being as being, assuming only the reality of things within the material cosmos and their existences, and all this even without Wippel's insistence that we see from the start some possibility for negatively immaterial being. Owens grants that we need the third act of the mind to get to the immaterial, but denies that we need the immaterial before we start metaphysics; we can start metaphysics with sensible, mobile being.<sup>51</sup>

In fact, we may grant, if the science of metaphysics is as St. Thomas describes it, that there must be a universal notion of being which, though applicable to material beings, nevertheless prescind from or excludes matter.<sup>52</sup> For example, we might define being or the existent as "what exists," or as "*quod habet esse*,"<sup>53</sup> expressions that have no overt reference to matter. Metaphysics begins with the sensible being around us, which, insofar as it is being, has a unique intelligibility, one different

<sup>51</sup> See Knasas, *Being and Some Twentieth-Century Thomists*, 65-70; Owens, "Metaphysical Separation," 303.

<sup>52</sup> *In Boet. De Trin.*, q. 5, a. 4, ad 6 (Leonine ed., 50:156, ll. 314-19); II *Sent.*, d. 3, q. 3, a. 2 (Mandonnet, ed., 2:116); IV *Metaphys.*, lect. 1 (Marietti ed., 529-32); III *Metaphys.*, lect. 4 (Marietti ed., 384).

<sup>53</sup> E.g., *STh* I-II, q. 26, a. 4 (Leonine ed., 6:190-91); XI *Metaphys.*, lect. 3 (Marietti ed., 2197).

from that of mobile being as such.<sup>54</sup> The latter, for example, is analyzed into form and matter, the former into essence and existence.<sup>55</sup>

The being that places a thing under the subject of metaphysics is the being that is immediately known in sensible things through each ordinary, everyday judgment, and that is everywhere universalized by the ordinary man in a subsequent concept. . . . It is what is first grasped through judgment in the concretion of the sensible thing, as the thing is immediately known in sensible experience. It is not something esoteric or far-fetched, but is familiar to everyone in every cognitive act.<sup>56</sup>

This original grasp of being, which is had through judgment,<sup>57</sup> does not actually include the possibility of the immaterial. From the consideration of being as being, taken in its sensible manifestation, we can argue to the existence of a subsistent, infinite, immaterial being, using some form of the argument in *De ente et essentia*.<sup>58</sup> Owens is not saying that we have an “intuition of being” in Maritain’s sense, for he clearly

<sup>54</sup> According to St. Thomas, being as being is the subject of metaphysics, while mobile being is the subject of natural philosophy. Though mobile being and quantified being are parts of being, natural philosophy and mathematics are not parts of metaphysics. Owens states his position briefly in “Metaphysical Separation,” esp. 302-4. For a summary of Owens’s position, see Knasas, *Being and Some Twentieth-Century Thomists*, 65-69; idem, *Preface to Thomistic Metaphysics*, 71-74. See also *In Boet. De Trin.*, q. 5, a. 1, ad 6 (Leonine ed., 50:141, ll. 322-33); *Metaphys.*, pro.; III *Metaphys.*, lect. 4 (Marietti ed., 384); IV *Metaphys.*, lect. 1 (Marietti ed., 530); VI *Metaphys.*, lect. 1 (Marietti ed., 1165); XII *Metaphys.*, lect. 1 (Marietti ed., 2421); *ScG II*, c. 37 (Leonine ed., 13:353-54).

<sup>55</sup> Owens, *Elementary Christian Metaphysics*, 303.

<sup>56</sup> *Ibid.*, 370-71; see also Owens, “Metaphysical Separation,” 302-3.

<sup>57</sup> Owens, *Elementary Christian Metaphysics*, 48-49: “The activity by which the human mind grasps anything, then, is always complex. Through simple apprehension, it knows the thing according to the thing’s nature, and at the same time through judgment it knows the thing according to the thing’s being.” See also *ibid.*, 195-96.

<sup>58</sup> *De ente et essentia*, c. 4 (Leonine ed., 43:377, ll. 127-46). See Owens, *Elementary Christian Metaphysics*, 80-83; idem, “Metaphysical Separation,” 306. Knasas states that Owens is the only Thomist to develop metaphysics based exclusively on the notion of sensible being (*Being and Some Twentieth-Century Thomists*, 65-66).

states that we must argue, based on the notion of being obtained in our original encounter with reality, to the existence of the immaterial; nor is he agreeing with Wippel that we must have a “negatively immaterial” notion of being before we start metaphysics.

As originally grasped by the human intellect, being, though a transcendent aspect, does not at once manifest itself as transcendent. When its primary sense is reached in subsistent being, its literal meaning is seen to extend beyond the sensible and beyond the finite orders.<sup>59</sup>

We might defend Owens’s view by looking at the difference between mathematics and natural philosophy. In mathematics, we merely consider in a new way what was considered in another way in natural philosophy. The sphericity of the moon, for example, is treated in one science as the limit of a sensible body, whereas in the other it is treated apart from sensible matter.<sup>60</sup> Why not similarly say that we can treat physical things either as beings or as mobile?

In the case of mobile being and mathematical, the subject-genera exist in the same external objects: everything mobile is quantified and everything quantified is mobile.<sup>61</sup> We would not be extending our reach to beings beyond our original ken, either at the beginning or at a later stage of our new science. Would we have a new science? Yes, if we defined our subject-genus without sensible matter; no, if we did not.<sup>62</sup> The

<sup>59</sup> See Owens, *Elementary Christian Metaphysics*, 97 n. 21. One might argue that Owens’s view of *ens commune* is the same as Wippel’s. I would not agree, and I will treat them differently for the purposes of this essay.

<sup>60</sup> See II *Phys.*, lect. 3 (Leonine ed., 3:62 [Marietti ed., 159-61]); VI *Metaphys.*, lect. 1 (Marietti ed., 1156-61); *In Boet. De Trin.*, q. 5, a. 3, ad 1 (Leonine ed., 50:149-50, ll. 291-302).

<sup>61</sup> VI *Phys.*, lect. 5 (Leonine ed., 3:284-87 [Marietti ed., 796-805]); XI *Metaphys.*, lect. 1 (Marietti ed., 2162). See also Coughlin, ed., *Physics*, 141-42 n. 19; and Glen Coughlin, “The Ground and Properties of Time,” *The Aquinas Review* 19 (2013-14): 23-78, esp. 25-35 (<https://thomasaquinas.edu/pdfs/aquinas-review/2013-14.pdf#page=31>).

<sup>62</sup> *In Boet. De Trin.* q. 5, a. 3, ad 4 (Leonine ed., 50:150, ll. 335-42). Einstein, for example, seems to think of mathematics as true (as opposed to consistent) only if it is

extension of the genus in terms of number of referents or even number of kinds of referents is not what is crucial here; what is crucial, what causes there to be a new science, is, as we saw above, the mode of definition and, particularly, the way that mode incorporates or does not incorporate matter.

In mathematics, then, we know we have a new mode of definition because we know that we can define quantitative objects like circles, triangles, and numbers fully and completely without reference to sensible matter. We see that “three-sided plane figure” has no reference to sensible matter and yet no defect as a definition of a triangle—any such reference would be accidental to the notion of a triangle. Our certitude about this is finally based on the point of resolution of mathematics, the imagination.<sup>63</sup> Because we can recognize that the principles of mathematics are present in the homogenous space of our imaginations, and that we do not need heat or weight or any other sensible quality to define the objects of mathematics, we are assured that mathematics as a science separate from natural philosophy is possible.<sup>64</sup>

What would be the corresponding assurance that we can treat being as being in some way other than that which is used by the natural philosopher? We cannot start metaphysics with a concept of being still wrapped up in matter. We would still be in natural philosophy, for definition with matter is the hallmark of that science.

On the other hand, a definition that does not refer to matter could not be a principle of our science at this stage either, for it would have to be either common to the material and the immaterial, or else proper to the immaterial. The latter poses an obviously fundamental problem: if we do not know that there

---

resolved to sensible matter. See Albert Einstein, *Relativity: The Special and General Theory* (New York: Wing Books, 1961), 3-5.

<sup>63</sup> *In Boet. De Trin.*, q. 6, a. 2 (Leonine ed., 50:164-65, ll. 95-116).

<sup>64</sup> Saint Thomas goes so far as to say that mathematical objects have only a remote foundation in extramental reality and compares them in this regard with logical intentions: *I Sent.*, d. 2, q. 1, a. 3 (Mandonnet, ed., 1:67).

are immaterial things already, we do not even know that any supposed “definitions” or “*rationes*” of them are not self-contradictory. In any case, for St. Thomas the subject of metaphysics is not the positively immaterial separate substances.<sup>65</sup>

If the definition of the subject of our science does not include or exclude matter, it must, in a manner reminiscent of the “absolute nature,”<sup>66</sup> be indifferent to matter, that is, it must be in some sense common to the material and to the immaterial. But if one supposes here at the beginning of metaphysics (as Owens must allow, given his claim that we only prove the existence of immaterial being in metaphysics itself) that there may in fact be no immaterial being—or even more, that immaterial being may contain a latent contradiction—then the definition without matter, to be employed at the beginning of metaphysics, would be true of, at most, the material. Thus, the definition would be only a dialectical and imperfect definition of the material, like the definition of “anger” in *De anima* as “a desire for revenge.”<sup>67</sup> Such definitions, though they are of things which are essentially material, do not mention matter, but the complete definition of anger would have to include some reference to the material in which such a physical passion exists. This sort of dialectical definition is not sufficient for the subject-genus of a science.<sup>68</sup>

To see this insufficiency more clearly, we need to add to our previous discussion of the presuppositions of science. Every science is about something and says something about it.<sup>69</sup> What it speaks about is the subject-genus (e.g., mobile being or quantitative being) or some things contained under the subject-genus (e.g., plants or numbers). The science aims to

<sup>65</sup> *In Boet. De Trin.*, q. 5, a. 4 (Leonine ed., 50:154, ll. 75-206).

<sup>66</sup> The absolute nature is the nature considered as it exists neither *in re* nor *in mente*; it is the nature all by itself, considered without any *esse* or accidentally connected forms. See *De Ente*, c. 3 (Leonine ed., 43:374, ll. 26-51).

<sup>67</sup> Aristotle, *De anima* 1.1.403a29-b1.

<sup>68</sup> I *De Anima*, lect. 2 (Leonine ed., 45:11-12 [Marietti ed., 24-29]). See also *STb* I, q. 20, a. 1, ad 2 (Leonine ed., 4:253).

<sup>69</sup> I *Post. Anal.*, lect. 2 (Leonine ed., 1/2:10, ll. 17-27 [Marietti ed., 14]).

demonstrate certain attributes or even certain causes or effects of that subject-genus, or of some part of it.<sup>70</sup> The predicate of our conclusion will be something we see to exist or to be true of the subject-genus (or its part) by way of an argument, the middle term of which is, ultimately, the definition of the subject-genus.<sup>71</sup> We see prime matter in natural philosophy as implied by mobile being (or especially its part, substantially changeable mobile being); we see that the predicates of our conclusions belong to their subjects through the definitions of those subjects.<sup>72</sup>

So we see why we must begin with a more than dialectical knowledge of the existence and the definition of the subject-genus: these are first principles of the science, than which there is nothing more basic within the science. We cannot prove the existence of the subject-genus within the science of that subject-genus. And yet we must know it exists in some way: if we do not know that the thing we are talking about exists, either by direct experience or by an argument from what is given in direct experience, we are not only ignorant of its actual existence, but even of its possible existence. As we saw earlier, the fact that we see no contradiction in its notion guarantees nothing. Thus, Aristotle argues that to have science we must know that the subject exists and what it is,<sup>73</sup> and, moreover, that knowing that it is comes before knowing what it is.<sup>74</sup> Saint

<sup>70</sup> *I Post. Anal.*, lect. 15 (Leonine ed., 1/2:57, ll. 34-42 [Marietti ed., 129]).

<sup>71</sup> *Ibid.*; cf. also *I Post. Anal.*, l. 23, nn. 192-97 (Leonine ed., 1/2:84-85, ll. 1-97).

<sup>72</sup> Again, there can be many middle terms, but the ultimate one, the one to which the argument must reduce, is the definition of the subject-genus. See *I Post. Anal.*, lect. 2 (Leonine ed., 1/2:11-12, ll. 50-112 [Marietti ed., 16-17]); lect. 41 (Leonine ed., 1/2:153-54, ll. 129-92 [Marietti ed., 362-63]).

<sup>73</sup> Aristotle, *Posterior Analytics* 1.10.76a32-36; see also *I Post. Anal.*, lect. 18 (Leonine ed., 1/2:67, ll. 37-58 [Marietti ed., 152]).

<sup>74</sup> Aristotle, *Posterior Analytics* 2.1.89b31-35; see also *II Post. Anal.*, lect. 1 (Leonine ed., 1/2:175, ll. 97-110 [Marietti ed., 411]).



Thomas says, “It is vain to seek what a thing is if one does not know that it is.”<sup>75</sup> A little before, he gave the reason:

For because there is no quiddity or essence of a non-being, no one is able to know the “what it is” about what does not exist; but one is able to know the signification of the name, or the notion composed from many names: just as one is able to know what this name “goat-stag” . . . signifies, because it signifies a certain animal composed from a goat and a stag: but it is impossible to know the “what it is” of a goat-stag, because there is no such thing *in rerum natura*.<sup>76</sup>

On the understanding of Owens, we do know that beings exist, because we know that material beings exist. We may also have a less perfect, merely dialectical definition of these just insofar as they are beings, a definition that does not include matter. This definition, whatever it is, is presented as the most fundamental one within the science, and it is denied that any definition of the subject can rely on any prior science, such as natural philosophy. This definition must therefore be sufficient for the science. This could be true only if, first, the definition expresses

<sup>75</sup> II *Post. Anal.*, lect. 7 (Leonine ed., 1/2:199, ll. 162-63 [Marietti ed., 476]): “Vanum autem est *querere quid est*, si aliquis nescit *quia est*.”

<sup>76</sup> II *Post. Anal.*, lect. 6 (Leonine ed., 1/2:194, ll. 17-26 [Marietti ed., 461]): “Quia enim *non entis* non est aliqua quiditas uel essentia, de eo *quod non est nullus* potest scire ‘quod quid est,’ set potest scire significationem nominis, uel rationem ex pluribus nominibus compositam, sicut potest aliquis scire quid significat hoc nomen ‘*tragelaphus*’ vel ‘*yrrocervus*’ (quod idem est), quia significat quoddam animal compositum ex yrco et ceruo; set *impossibile est* scire ‘quod quid est’ yrrocervi, quia nichil est tale in rerum natura.” Saint Thomas’s reference to a thing existing “in rerum natura” might seem to indicate that the object of science must be real outside the mind. Yet this would do away with the sciences of mathematics and logic. Rather, he means the nature must exist in the sense of being possible, as we might say “there is *such a thing as a dodecahedron*.” This is opposed to a mere figment of the imagination, such as a goat-stag. It is worth noting that St. Thomas says we cannot know what a goat-stag is not because it does not actually exist, but because there is no *such* thing, that is, there is no such sort of thing (“*nihil est tale in rerum natura*”). We might say, to take another example, “there is no such thing as a greatest prime number,” meaning not that we do not find one existing right now, but that the very kind of thing has no purchase on reality, precisely because it is a self-contradiction. See also *STh* I, q. 2, a. 2, ad 2 (Leonine ed., 4:30): “the question, ‘what is it?’ follows upon the question, ‘whether it is?’” (“*questio quid est, sequitur ad questionem an est*”); Aristotle, *Posterior Analytics* 1.8.93a26-27: “to seek what it is, not knowing that it is, is to seek nothing.”

whatever is essential to its subject and, second, it may thus give rise to *per se* properties. But clearly a dialectical definition is not sufficient for either task.

Matter is, after all, not incidental to material beings but included in their very definitions.<sup>77</sup> With regard to the dialectical definition of anger proposed in *De anima*, St. Thomas says, “But that the first definition (the dialectical definition of anger) is insufficient appears manifestly. For every form which is in determinate matter, unless there be put in its definition material, that definition is insufficient.”<sup>78</sup> To be material is not a mere accident in material things. Moreover, from such a dialectical definition, mistakenly understood as complete, one would draw false conclusions. For example, if there is no material component in the definition of anger, one would think that anger is an accident of a separated substance. Nor would it be a passion, but an act of the will alone,<sup>79</sup> and, moreover, a very stable or even permanent one.<sup>80</sup> Horace’s dictum, “anger is brief madness,”<sup>81</sup> would be denied. Moreover, it is generally true that the definition of the subject-genus must be sufficient for the science because there is nothing prior to it within the science, and so nothing from or through which one might elaborate a sufficient definition. If there were, that other thing would be the real subject-genus, for the predications of the science would finally be about that thing.<sup>82</sup>

<sup>77</sup> *De Ente*, c. 2 (Leonine ed., 43:370, ll. 1-37); see also *II Post. Anal.*, lect. 7 (Leonine ed., 1/2:198, ll. 35-38 [Marietti ed., 471]).

<sup>78</sup> *I De Anima*, lect. 2 (Leonine ed., 45:11 [Marietti ed., 25]): “Quod autem diffinitio prima (i.e., dialectica) sit insufficiens, manifeste apparet. Nam omnis forma que est in materia determinate, nisi in sua diffinitione ponatur materia, illa diffinitio est insufficiens.”

<sup>79</sup> *STh* I, q. 59, a. 1 (Leonine ed., 5:92).

<sup>80</sup> *II Sent.*, d. 7, q. 1, a. 2 (Mandonnet, ed., 2:184-85); *STh* I, q. 64, a. 2 (Leonine ed., 5:141-42); *De Verit.*, q. 24, a. 10 (Leonine ed., 22/3:707, ll. 303-13); *De Malo*, q. 16, a. 5 (Leonine ed., 23:304-6).

<sup>81</sup> Horace, *Epistles* 1.1.62.

<sup>82</sup> *I Post. Anal.*, lect. 17 (Leonine ed., 1/2:57, ll. 40-42 [Marietti ed., 5]).

But do we not know that the definition does have reference to a real thing because, even if it is an imperfect definition of anger, it is still of something we know to be real, namely, anger? We might then try to carry this thought over to the case at hand and say that our dialectical definition of being or one, or other such things, has real reference to the material beings around us, and so we know that our definition does not express something impossible.<sup>83</sup> But it does not follow that it is possible as stated; in other words, the addition of the proper material principle might be necessary for the very possibility of what is correctly laid out in the dialectical definition. For example, anger as dialectically defined certainly exists, but perhaps its existence has a real dependence on what is not stated in the definition, the material element of anger—and as we know, it certainly is so dependent. Moreover, our inability to see an absurdity within or following from the definition as given does not imply that there is none.

It is clear, then, that a dialectical definition is not up to snuff as a principle of metaphysics or of any other science. Owens's view, then, cannot stand.

The attempt to begin metaphysics with a matter-free definition of material being cannot succeed. We may reflect too that, if we do have a proof of the immaterial from natural philosophy, we avoid all these problems and immediately recognize that we need a new and more universal science. Lacking that proof, we lose that immediate motivation for a new science; our inquiry is reduced to a quixotic essay in search of a subject.<sup>84</sup> It is unnatural, it seems to me, to seek knowledge of immaterial beings when we do not even know they are

<sup>83</sup> This akin to Wippel's statement, discussed above, that metaphysics, as he understands it, is based not on possibility but on the actuality of sensible being (*Metaphysical Thought*, 61).

<sup>84</sup> Wippel, for example, criticizes Knasas on the grounds that the latter would begin metaphysics with sensible things (in this, Knasas is following, as it seems to me and to him, Owens) and prove the existence of the immaterial within metaphysics, thus abrogating the demand that a science does not prove the existence of its own subject (*Metaphysical Thought*, 58-59 n. 110). Knasas responds in *Being and Some Twentieth-Century Thomists*, 68-69 n. 77.

possible, or even to seek knowledge of material being defined, for some unknown reason, without matter.

These considerations help us see what is wrong with the purported likeness to mathematical science. Mathematical objects are completely and fully defined in abstraction from sensible matter: any sensible matter they might exist in outside the mind is accidental to what the mathematical objects are.<sup>85</sup> The sphere, as such (i.e., as the mathematician considers it), is neither bronze nor gold, except accidentally. But it is not the case that the adjective “material” in “material being” expresses something merely accidental; it is more like “rational” in “rational animal,” an adjective that qualifies the noun *per se*. We cannot simply remove the “material” in “material being” and be assured that we have an intelligible subject, as we can when we remove the “bronze” in “bronze triangle.” While the abstract definitions of mathematics are real definitions and we know it, the definition of being without matter might turn out in our hands to be nothing but a mare’s nest.

### *E) By the Third Act of the Intellect within Natural Philosophy*

Having seen that we cannot base metaphysics directly on experience of something immaterial or on abstraction of an immaterial notion from a material being, or on an “intuition of being,” or on a separation in judgment, or on an argument precipitously metaphysical, we are left with one option only: to have a science of metaphysics, we must arrive at the notion of a thing to be defined without matter by way of an argument starting from what is already known in natural science, namely,

<sup>85</sup> VI *Metaphys.*, lect. 1 (Marietti ed., 1161): “Mathematics differs from physics in this, therefore, that physics considers those things the definitions of which are with sensible matter. And therefore it considers things not separated insofar as they are not separated. Mathematics, indeed, considers those things the definitions of which are without sensible matter. And therefore, even if the things it considers are not separated, still, it considers them insofar as they are separated.”

mobile being. This is implied by many texts of St. Thomas. For example,

To the second it must be said that certain things are knowable by us through themselves, and for manifesting such things speculative sciences use their definitions for demonstrating their properties, as happens in the sciences which demonstrate *propter quid*. There are, indeed, things which are not knowable by us from themselves, but through their effects. And if, in fact, the effect measure up to the cause, the very quiddity of the effect is taken as a principle for demonstrating that the cause exists and for investigating its [i.e., the cause's] quiddity, from which, further, its properties are shown. If, however, it be an effect which does not measure up to the cause, then the definition of the effect is taken as a principle for demonstrating that the cause exists, and some conditions of it, however much the quiddity of the cause be forever unknown; and so it happens in [the case of] separated substances.<sup>86</sup>

Note that St. Thomas affirms that we can show that the separated substances exist by way of a demonstration, and that in that demonstration the definition of the effect will play the role of a middle term. Moreover, it is clear from the corpus of this article that he is referring to sensible effects:

The quiddities of separated substances are not able to be known through those things which we take from the senses, as is clear from what has been said, however much we may be able, through sensible things, to come to knowing that the aforesaid substances exist and some of their conditions. And so through no speculative science is “what it is” able to be known about some separated substance, however much we be able to know through speculative sciences that these exist and some of their conditions, e.g., that they are intellectual, incorruptible, and things of this sort.<sup>87</sup>

<sup>86</sup> *In Boet. De Trin.* q. 6, a. 4, ad 2 (Leonine ed., 50:171, ll. 159-75): “Ad secundum dicendum, quod quedam res sunt a nobis per se ipsas cognoscibiles, et in talibus manifestandis scientie speculative utuntur earum diffinitionibus ad demonstrandum ipsarum proprietates, sicut accidit in scientiis que demonstrant propter quid. Quedam uero res sunt que non sunt nobis cognoscibiles ex se ipsis set per effectus suos; et si quidem effectus sit adaequans causam, ipsa quiditas effectus accipitur ut principium ad demonstrandum causam esse et ad inuestigandum quiditatem eius, ex qua iterum proprietates eius ostenduntur; si autem sit effectus non adaequans causam, tunc diffinitio effectus accipitur ut principium ad demonstrandum causam esse, et aliquas conditiones eius, quamuis quiditas cause sit semper ignota. Et ita accidit in substantiis separatis.”

<sup>87</sup> *In Boet. De Trin.*, q. 6, a. 4 (Leonine ed., 50:170, ll. 136-46): “Quiditas autem substantiarum separatarum non potest cognosci per ea quae a sensibus accipimus, ut ex

As we have already seen, St. Thomas understands the quiddities of sensible things to include sensible matter, so the science he is speaking of here must be one that considers things that have sensible matter in their definitions—and, unless he is speaking loosely and even *per accidens*, sensible matter must be included in their definitions insofar as they are principles of the arguments in question. He is not speaking about probable or dialectical arguments. But, as we know, there are only three fundamental speculative sciences, and only one of these deals, *per se*, with the quiddities of sensible substances, namely, natural philosophy.

John Knasas, echoing Owens,<sup>88</sup> points out that St. Thomas explicitly says only that progress to the immaterial is from the sensible, but does not say that this occurs within natural philosophy. While true, the point is of little probative value. This interpretation is a tortured one, intended to defend a thesis, not the natural reading an unbiased reader would give the text. Owens cites the following text: “sensible effects, from which natural demonstrations proceed, are more known to us in the beginning, but when we shall have come to knowledge of the first causes through them. . . .”<sup>89</sup> The context is a discussion of an objection that, if natural science lends principles to metaphysics and metaphysics turns around and proves the principles of natural science, we are involved in a vicious circle.<sup>90</sup> Are we really to believe that, in such a context, the

---

praedictis patet; quamuis per sensibilia possimus deuenire ad cognoscendum praedictas substantias esse, et aliquas earum conditiones; et ideo per nullam scientiam speculatiuam potest sciri de aliqua substantia separata quid est, quamuis per scientias speculatiuas possimus scire ipsas esse, et aliquas earum conditiones, utpote quod sunt intellectuales, incorruptibiles, et huiusmodi.”

<sup>88</sup> Joseph Owens, “Aquinas and the Proof from the Physics,” *Mediaeval Studies* 28 (1966), 119-50, at 131; Knasas, *Preface to Thomistic Metaphysics*, 35.

<sup>89</sup> *In Boet. De Trin.*, q. 5, a. 1, ad 9 (Leonine ed., 50:141, ll. 371-75): “effectus sensibiles, ex quibus procedunt demonstrationes naturales, sunt notiores quoad nos in principio, set cum per eos peruenerimus ad cognitionem causarum primarum. . . .”

<sup>90</sup> *In Boet. De Trin.*, q. 5, a. 1, ad 9 (Leonine ed., 50:141, ll. 361-71).

expression “natural demonstrations” is not to be understood as referring to demonstrations in natural science? And that these demonstrations in natural science do not lead to knowledge of first causes, that is, immaterial causes? Even if St. Thomas does not explicitly attribute the arguments in question to natural science, we should recognize that neither does he explicitly deny this nor explicitly attribute these arguments to metaphysics. Given all we have seen in this article, it is much more reasonable to take the text as one of St. Thomas’s characteristically formal statements, that it is from the sensible *as such*, and therefore from within natural philosophy, that one reaches out to the immaterial.<sup>91</sup>

### III. THE NEED FOR NATURAL PHILOSOPHY

This is only to be expected. All our knowledge begins in sensation and so with the natures and attributes of material things; we must approach immaterial things through material things. But material things are of a wholly other nature than the immaterial; consequently, we cannot approach the latter by simply looking at what is intrinsic to material things. We must get from the material to the immaterial by a necessary link, but one which appeals from what is actually present in material things to what is not actually present. The link must, therefore,

<sup>91</sup> See also, for example, *Q. D. De Anima.*, a. 16 (Leonine ed., 24/1:145-46, ll. 310-32): “And therefore one must say otherwise, that the intellectual human soul, due to union with the body, has an act of seeing inclined to phantasms; whence it is not informed so as to understand something except through species taken from phantasms. . . . To this degree, then, is the soul, while it is united to the body, able to ascend to the knowledge of the separated substances, so far as it is able to be led by the hand through species taken from phantasms. But this does not happen in such a way that it be understood about them what they are, since those substances exceed every proportion of these intelligibles; but we are able in this way to know ‘that they are’ in some way about the separated substances; just as through deficient effects we come to causes which exceed, so that we can know about them only that they are; and while we know that they are causes which exceed, we know about them that they are not such as are their effects. And this is to know about them more what they are not than what they are.” The species taken from the phantasms are, of course, the quiddities of natural bodies and their accidents. See also *I Sent.*, d. 3, q. 1, a. 2, ad 2 (Mandonnet, ed., 1:94).

be founded on some form of extrinsic causality, either final or agent or exemplar,<sup>92</sup> and so can only be established by argument, the third act of reason, for judgment and abstraction alone cannot bring out anything but what is intrinsic to the subject. For this reason, St. Thomas says, “our intellect is not proportioned to knowing something by natural knowledge except through sensibles; and therefore it is not able to arrive at pure intelligibles except by arguing.”<sup>93</sup>

### A) An Example from the “*Physics*”

The arguments in question will have to conclude to the existence of nonmaterial realities. Such an argument is given by Aristotle in the *Physics*. He argues that there must be a first mover and that this first mover must have infinite power. Since no body can have infinite power, we draw the negative

<sup>92</sup> *De principiis naturae*, c. 3 (Leonine ed., 43:41, ll. 47-51): “He takes ‘causes’ as much for what is extrinsic as for what is intrinsic. Matter and form are said to be intrinsic to the thing in virtue of the fact that they are parts constituting the thing, efficient and final are said to be extrinsic because they are outside the thing.” See also III *Sent.*, d. 10, q. 2, a. 1, qcla. 3 (Moos, ed., 3:344): “One can note, too, the formal cause, and this in two ways, either inhering, or exemplar.” I do not here mean to suggest that just any kind of extrinsic causality can be used, but that only an extrinsic kind can be used. It seems to me that we must use agent causality, but that is not my direct concern here.

<sup>93</sup> I *Sent.*, d. 3, q. 1, a. 2, ad 2 (Mandonnet, ed., 1:94): “sed intellectus noster non est proportionatus ad cognoscendum naturali cognitione aliquid nisi per sensibilia; et ideo in intelligibilia pura devenire non potest nisi argumentando.” See also the *corpus* of this article, where St. Thomas contrasts the way we know *per se nota* propositions immediately from sensation to the way we come to the immaterial: “those which are known to us as self-evident, are made known immediately through sense; just as, the whole and the part being seen, we immediately know that every whole is greater than its part, without any inquiry. Whence the Philosopher says, ‘we know the principles when we know the terms.’ But sensibles being seen, we do not come to God except by advancing, according as those things are caused and everything caused is from some agent cause and the first agent is not able to be a body, and so we do not arrive at God except by arguing.” In the same text, he specifies that certain other philosophers did not come to see that God exists because they did not acknowledge the agent cause.



conclusion that the first mover is not material.<sup>94</sup> This separation or negative judgment, a result of argument, is the sort of thing St. Thomas means when he says that what characterizes metaphysics is separation. There is no particular reason to think that, when St. Thomas says that what is appropriate to metaphysics is separation rather than abstraction, he means to restrict us to judgments made immediately from experience, or to exclude separations which are the results of arguments—in particular, arguments in natural philosophy. He certainly does not say this.

### *B) Three Objections*

A number of problems may be raised; here I will only address a few of the more pressing ones.

One might claim that if we are to prove something about immaterial beings, if only their existence, and if we are to do so from natural philosophy, the premises of our syllogism must already contain a claim that transcends material being. The conclusion cannot contain more than the premises, so there is no way to argue from the material to the immaterial (or, for that matter, from the created to the uncreated; the same argument would apply):

It is illusory to attempt to base a knowledge of being as being on the demonstrated existence of immaterial things. Either “is” is freed from its sensible and changing context (prior to the proof of the existence of immaterial being, and thus is meaningful when we conclude to the existence of such beings), or “is” remains as we first find it immersed in sensibility and change. In the latter case, “is” means “is sensible, material, and changeable,” and to assert that “An *immaterial, immobile* thing is *sensible, material, and changeable*” is a contradiction.<sup>95</sup>

The meaning of the words in the premises must be the same as their meaning in the conclusion; if not, we fall to equivocation.

<sup>94</sup> *Physics* 8.10.266a10-b6; 267b17-26. See also VIII *Phys.*, lect. 21 (Leonine ed., 3:444-450 [Marietti ed., 1141-56]); lect. 23 (Leonine ed., 3:458 [Marietti ed., 1172]).

<sup>95</sup> George Klubertanz, *Introduction to the Philosophy of Being* (2d ed.; New York, 1963), 52 n. 28.

Yet the truth of the matter, however odd, is that we do argue from the material to the immaterial (and from the created to the uncreated). Saint Thomas, as we saw, goes so far as to say that we can know nothing about the immaterial except by argument from the material.<sup>96</sup> He, at least, must think it is possible so to argue. Exactly how we pull it off is a little more difficult to say. It seems that we first prove the existence of immaterial things, and when we do so, we are not yet aware that “being” must be equivocal.<sup>97</sup> We prove, for example, that there is a first mover or we recognize that we have an intellectual power. Only later do we realize that such things must be unbodily.<sup>98</sup> To do so, we must use demonstrations that have negative conclusions. For example, we might argue that the first mover must have infinite power, but no body has infinite power, and conclude that the first mover is not a body. The major premise is seen by noting that every body has finite power, so that what has infinite power cannot be a body (i.e., no body has infinite power). But we see that in order to explain motion, there must be something of infinite power. Once we see all this, we can see that the first mover is immaterial.<sup>99</sup> We have proven, starting from notions that include matter, that there is a transcendent, nonmaterial being. The negative premises are seen by way of the negations

<sup>96</sup> *I Sent.*, d. 3, q. 1, a. 2, ad 2 (Mandonnet, ed., 1:94).

<sup>97</sup> I say “equivocal” rather than “analogous” (though both are true; see the texts cited at the end of note 25) in order to emphasize that, because at least two definitions are involved, one cannot say that “being” (or “one,” etc.) as said of the material is applicable to immaterial “being” and thus one cannot get from one to the other simply from what one grasps in the original usage. If the meaning of the word is different, then we need to bridge the gap between the meanings. This is why one cannot see the possibility of the immaterial by looking at the material and what it contains, whether one is looking at the simple concept of material being or at the subject of a judgment, affirmative or negative. So long as the meanings of being as said of the immaterial and the material are not the same, we cannot see the former in the latter.

<sup>98</sup> Thus, St. Thomas first shows that God exists, and only later shows that he is immaterial, and is even identical with his essence and existence (*STh* I, q. 2, a. 3 [Leonine ed., 4:31-32]; q. 3, aa. 1-4 [Leonine ed., 4:35-43]).

<sup>99</sup> Aristotle, *Physics* 8.10.266a11-b6; 267b17-26.

of the predicates of affirmative claims. We see what turns out to be immaterial at first only as a cause, then we later see that many of the predicates said of material things are to be denied of it. This most of all brings home the fact that nothing is said univocally of the immaterial and the material. Every positive predicate must be hedged round with negation: yes, God exists, but he does not have an existence which actuates a material essence; yes, God is one, but not by the unity of continuous magnitude; and so on.<sup>100</sup> We arrive at negative judgments or separations. These separations permit us to distinguish the subject whose existence we have just proven from the subjects of natural philosophy—to see, in fact, that there must be some more universal science because being turns out to be more universal than we had thought, that being as such and mobile being are not coterminous and that there must be a new mode of definition for our newly expanded subject.

Another objector might claim that St. Thomas himself clearly says that the subject of metaphysics is being as being and that he sees the goal of science as the uncovering of the principles of the subject of the science.<sup>101</sup> Metaphysics must be looking for the cause of being as such. If, then, one has to prove the existence of immaterial beings before beginning metaphysics, one will already have found the cause of the subject just to start the science, the goal of which was purportedly to find that very cause. For the causes of being as being are the immaterial, immobile beings, especially the first one, God himself.<sup>102</sup>

I suggest that the objection fails due to the fallacy of the accident. To discover that there is an immaterial first mover is to discover God or some inferior immaterial substance as the principle of motion, not as the principle of being. Even supposing we agree that the immobile mover of the *Physics* is

<sup>100</sup> See, e.g., *In Boet. De Trin.*, q. 6, a. 3 (Leonine ed., 50:168, ll. 156-68).

<sup>101</sup> IV *Metaphys.*, lect. 1 (Marietti ed., 533). We saw this objection used by Wippel as a motivation to look outside of natural philosophy for the grounding of metaphysical *separatio*.

<sup>102</sup> Wippel, "Metaphysics and *separatio*," 89-90, 92-94, 104.

indeed God,<sup>103</sup> we still would not know him, at the end of the *Physics*, under the aspect of cause of being, but under the aspect of first mover. It is as if a highway patrolman pulled over a wanted murderer for speeding; at first, he recognizes the culprit only as breaking the highway code, but he accidentally stops a murderer. When he investigates further, he is happy to uncover the further predicate. In the case before us, we know the first mover as such, and we prove that it is immaterial. Yet if the first mover is indeed immaterial, we will know that the word “being” can be extended to something beyond matter and that there is a science beyond physics precisely because there is something which cannot be explained by the principles of physics, but which is itself the principle of physical phenomena.<sup>104</sup> We may, in our new science, go on to look for the cause of the newly discovered subject, “being as such” or *ens commune*, where we mean this to name something that extends beyond material being. After this argument, we know that metaphysics is not only possible, but necessary, and that its goal

<sup>103</sup> As Wippel notes, this is a controverted claim; one might well think it is only able to cause motion, that it is not intelligent, etc., in short, to grant it very little of our common ideas about God. The argument only demands that we see it as an immaterial, infinitely powerful mover. See *ibid.*, 89 n. 52. The crucial point here, though, is that the argument does demand that we see it as immaterial.

<sup>104</sup> *In Boet. De Trin.*, q. 5, a. 2, arg. and ad 3 (Leonine ed., 50:142, ll. 12-15; 144, ll. 138-50). In an exchange of articles, Mark Johnson and John Knasas debated the interpretation of these texts. The final reply of Johnson seems to me definitive. John Knasas, “*Ad mentem Thomae*: Does Natural Philosophy Prove God?”, *Proceedings of the American Catholic Philosophical Association* 61 (1987), 209-20; *idem*, “Immateriality and Metaphysics,” *Angelicum* 65 (1988), 44-76; Mark F. Johnson, “St. Thomas’s *De Trinitate*, q. 5, a. 2 ad 3: A Reply To John Knasas,” *The New Scholasticism* 63 (1989): 58-65; John Knasas, “‘Does Natural Philosophy Prove the Immaterial?’: An Answer to Mark Johnson,” *American Catholic Philosophical Quarterly* 64 (1990): 265-70; Mark F. Johnson, “Does Natural Philosophy Prove the Immaterial?: A Rejoinder,” *American Catholic Philosophical Quarterly* 65 (1991): 97-105; *idem*, “Immateriality and the Domain of Thomistic Natural Philosophy,” *The Modern Schoolman* 67 (1990): 285-304.

is to uncover the cause of being as such, which will turn out to be God.<sup>105</sup>

In fact, not only can natural philosophy prove the existence of immaterial beings, but only natural philosophy can do so. The science of metaphysics presupposes their existence, as we saw above. Furthermore, it seems that the study of immaterial substances would have to be grounded in the study of some other substances (since accidents have their principles in the substances of which they are accidents),<sup>106</sup> but the only other substances available are the material ones treated in natural philosophy. Thus, the only candidate for proving the existence of immaterial substances, and so of any immaterial thing at all, is natural philosophy.

A third objection is that, if St. Thomas really agreed with the thesis of this essay, he ought to have said so somewhere, especially as he explicitly discusses some other ways in which metaphysics uses natural science in the commentary on Boethius's *De Trinitate*.<sup>107</sup> A sufficient answer to this would require a consideration of that text and of others, some of which are dismissed on the grounds that they merely offer an interpretation of Aristotle's thought,<sup>108</sup> which is supposedly different from what is said in texts that indisputably present St. Thomas's own views.<sup>109</sup> The texts in question must be dismissed if the claim that metaphysics does not presuppose a proof from natural philosophy of the existence of positively immaterial being is to be supported: "If they [the disputed texts] do reflect [St. Thomas's] personal position, it will follow that for him the existence of the science of being as being is contingent upon our prior knowledge of the existence of separate entity."<sup>110</sup> In short,

<sup>105</sup> Wippel grants that if such arguments are possible in natural philosophy, they could be a road to metaphysics (*Metaphysical Thought*, 61-62).

<sup>106</sup> See *De Ente*, c. 6 (Leonine ed., 43:380, ll. 50-58).

<sup>107</sup> See esp. *In Boet. De Trin.*, q. 5, a. 1, ad 9 (Leonine ed., 50:141, ll. 347-81). See Wippel, "Metaphysics and *separatio*," 97-98 and n. 73.

<sup>108</sup> Wippel cites in particular the following texts: III *Metaphys.*, lect. 6 (Marietti ed., 398); IV *Metaphys.*, lect. 5 (Marietti ed., 593); VI *Metaphys.*, lect. 1 (Marietti ed., 1170); and XI *Metaphys.*, lect. 7 (Marietti ed., 2267).

<sup>109</sup> *Metaphys.*, pro.; *In Boet. De Trin.*, q. 5, a. 4 (Leonine ed., 50:154, ll. 175-206).

<sup>110</sup> Wippel, *Metaphysical Thought*, 58.

there are, in fact, texts of St. Thomas that propose the traditional understanding of the source of metaphysics. Nevertheless, resolution of this textual disagreement could only come by way of a close reading of both the undisputed and the disputed texts and probably some others, and that is work for another day.

### CONCLUDING REFLECTIONS

The principle at work here is this: act is before potency. If we are to come to know, the knowledge we seek must be based on some actual pre-existent knowledge. The fundamental problem for us as humans is that we are animals, and so the proper objects of our minds are the whatnesses of material things. For we must begin from what we know and go to what we do not know, and what we know first is the natural object of our mind. Because color is the proper object of sight, we see everything else by way of seeing color, as we see a motion and a shape and a man by seeing color. Following Aristotle, St. Thomas says that the proper object of the human mind is the quiddity of material things.<sup>111</sup> If so, we cannot know anything except by way of material things just as we cannot see anything except by way of seeing color. We know everything we know starting from those quiddities. Not only that, but just as we must always keep before our minds the phantasms of things,<sup>112</sup> so must we keep in mind the quiddities of material things. Lacking these, we have no foothold in reality. Given, then, that the quiddities of immaterial things are utterly different from the quiddities of material things, and that all the names shared by immaterial and material things are equivocal, even if analogous, we will never get from one to the other by generalization, abstraction, or simple judgment. Because the immaterial is extrinsic to the material, we shall arrive at the immaterial only

<sup>111</sup> *STh* I, q. 84, a. 7 (Leonine ed., 5:325).

<sup>112</sup> *Ibid.*

by arguments from extrinsic causes, that is, agent and final and exemplar causes. To quote again a fundamental text, “our intellect is not proportioned to knowing something by natural knowledge except through sensibles; and therefore it is not able to arrive at pure intelligibles except by arguing,”<sup>113</sup> and, I add, by arguing within natural philosophy.

<sup>113</sup> I *Sent.*, d. 3, q. 1, a. 2, ad 2 (Mandonnet, ed., 1:94): “sed intellectus noster non est proportionatus ad cognoscendum naturali cognitione aliquid nisi per sensibilia; et ideo in intelligibilia pura devenire non potest nisi argumentando.” See also *STh* I, q. 84, a. 8 (Leonine ed., 5:328): “Omnia autem quae in praesenti statu intelligimus, cognoscuntur a nobis per comparisonem ad res sensibiles naturales” (“All things which we understand in our present state are understood by us by comparison with natural sensible things”).

THE REUNIFICATION OF NATURALISM AND  
PERSONALISM IN THE CONJUGAL ACT:  
A CONTRIBUTION OF SERVAIS PINCKAERS

MICHELE M. SCHUMACHER

*University of Fribourg  
Fribourg, Switzerland*

AS SERVAIS PINCKAERS has shown in numerous contexts, the modern era is marked by a great irony: the nominalist attempt to protect—as it were—divine freedom from human freedom eventually led to the Sartrean attempt to protect human freedom from the divine. In both cases, nature—with its normative qualities—must be strictly denied. For nominalism, nature represents a menace to the Creator’s freedom whimsically to change his mind from one moment to the next. For Sartrean existentialism, “there is no human nature, since there is no God to conceive it.”<sup>1</sup> Within this context, Christian morality has been reduced, as Pinckaers observes, to the “voluntary interaction between two freedoms.”<sup>2</sup> As strictly subhuman, nature is no longer considered as directive, or normative, for human action, and by no means is it considered transparent to the divine will or intentions. If, then, modern man is to meet God as Lawgiver, it will be a meeting conducted between spirits.

<sup>1</sup> Jean-Paul Sartre, *Existentialism and Human Emotions* (New York: Philosophical Library, 1957), 15. Similarly, “we remind man that there is no lawmaker other than himself, and that in his forlornness he will decide by himself” (ibid., 50, 51).

<sup>2</sup> Servais Pinckaers, *Morality: The Catholic View*, trans. Michael Sherwin (South Bend, Ind.: St. Augustine’s Press, 2001), 34.



Such a spiritualized view of morality is ascribed by the young Joseph Ratzinger—as differing from the great champion of nature, the more mature Ratzinger—to the Second Vatican Council’s teaching with respect to marriage. Acting as a theological advisor to the archbishop of Cologne, the thirty-five-year-old Ratzinger reported that the council had “eliminated” the “dual dowry” that antiquity had bestowed upon Christian ethics, namely, “the procreative function of marriage and the habit of judging ‘in accordance with nature’.” With respect to the first, it had been commonly held that “the concept of end supplies the basic norm for judging marital ethics.” With respect to the second, it had been held that nature—precisely as the work of the divine Logos—was charged with divine meaning and intention. As if to challenge these criteria, which had been operative for at least two millennia, the council—so the young Ratzinger reported in his commentary—accorded a place to “neither the concept of the ‘prime end of procreation’ nor the concept of marital behavior ‘according to nature’.” Instead, he suggested that

a moral teaching whose norms came “from below” (from a concept of nature that was not all that unequivocal) was now supplanted by a teaching whose norms came “from above,” from a spiritual view of marriage and family. And so, the text [of *Gaudium et Spes*] points to conscience, to the Word of God, to the Church interpreting the Word of God, as proper guides for morality in marriage.<sup>3</sup>

In this way, Ratzinger suggested, the council opted to move away from naturalism toward, or in favor of, Christian personalism:

It is simply not the same, whether a person asks himself if his actions are “in accord with nature” . . . [or whether, instead, he asks if] his actions are responsible actions in view of other persons with whom he is related in the marriage community, and whether his actions are responsible in view of the Word of the personal God who has indicated the fundamental pattern of

<sup>3</sup> Joseph Ratzinger, *Theological Highlights of Vatican II*, with introduction by Thomas P. Rausch, trans. Henry Traub, Gerard C. Thormann, and Werner Barzel (New York: Paulist Press, 1966), 237-39.

conjugal love by comparing it with love for the Church as exemplified in Christ (Eph 5, 25-33).<sup>4</sup>

At issue was not so much the debate between the covenantal view of marriage in the Scriptures and a juridical or contractual one.<sup>5</sup> Rather, in keeping with the council's high regard for human freedom, emphasis was placed upon the challenge of uniting human intentions with divine purposes. In the council's own words, "The intimate partnership of married life and love has been established by the Creator and qualified by His laws," while being nonetheless "rooted in the conjugal covenant of irrevocable personal consent."<sup>6</sup>

As for the Creator's "laws," the young Ratzinger seems to suggest that these cannot be simply equated with natural law in the traditional sense of the term, such that nature's inclinations might be understood as prescriptive for moral action, including the conjugal act. Within the specific context of "harmonizing conjugal love with the responsible transmission of life,"<sup>7</sup> it would seem that equal regard could not possibly be granted to those natural inclinations that man shares with the animals—"such as," St. Thomas specifies, "sexual intercourse, education of offspring and so forth"—and those inclinations that are also natural, but nonetheless *proper* to man: "according to the nature of his reason," such as the "natural inclination to know the truth about God and to live in society."<sup>8</sup> After all, the "sexual characteristics of man and the human faculty of reproduction wonderfully exceed the dispositions of lower forms of life," the council

<sup>4</sup> *Ibid.*, 239.

<sup>5</sup> From the purely contractual perspective, John Ford argued, for example: "Even a marriage in which there is no mutual help, no life in common, hatred instead of love, and complete separation, both bodily and spiritually, remains a true marriage in the sense that the essence of marriage is still there" (John Ford, "Marriage: Its Meaning and Purpose," *Theological Studies* 3 [1942], 333-74, at 348).

<sup>6</sup> *Gaudium et Spes*, 48. Translations of the documents of the Second Vatican Council are taken from Walter M. Abbott, S.J., *The Documents of Vatican II* (New York: Guild Press, 1966).

<sup>7</sup> *Gaudium et Spes*, 51.

<sup>8</sup> *STh* I-II, q. 94, a. 2.

recognized.<sup>9</sup> Furthermore, it is “by our will that we employ whatever powers we may have,” as St. Thomas points out.<sup>10</sup> As specific to man, reason and will are thus called upon—or so it is reasoned by many interpreters of the teaching of the Second Vatican Council—to dominate the natural inclinations: if not by technical mastery,<sup>11</sup> then by a personalistic consideration that treats marital love as possibly the highest of the goods of marriage or, at least, as the good from which other goods proceed.

At any rate, in what Theodore Mackin points to as a “seismic shift in methodology,”<sup>12</sup> the Second Vatican Council failed to present procreation as the primary end of marriage and of the marriage act, thereby vindicating the teaching of certain personalist theologians, among whom figured, with a certain prominence, Herbert Doms.<sup>13</sup> These theologians argued—as Ratzinger summarized nearly twenty years later—that “the classic treatment of marriage in Canon law, based on its ‘ends’, did not

<sup>9</sup> *Gaudium et Spes*, 51.

<sup>10</sup> *STh* I, q. 5, a. 4, ad 3.

<sup>11</sup> See Pope Paul VI, encyclical letter, *Humanae Vitae* (July 25, 1968), 17-18.

<sup>12</sup> Theodore Mackin, *What Is Marriage? Marriage in the Catholic Church* (New York: Paulist Press, 1982), 239.

<sup>13</sup> See Herbert Doms, *The Meaning of Marriage*, trans. George Sayer (New York: Sheed and Ward, 1939); originally *Vom Sinn und Zweck der Ehe* (Breslau: Ostdeutsche Verlagsanstalt, 1935); and idem, “Amorces d’une conception personaliste du mariage d’après S. Thomas,” *Revue thomiste* 45 (1939), 754-63. Doms was largely influenced by the tradition of Dietrich von Hildebrand, who innovatively presents love as the primary *meaning* of the conjugal act, while simultaneously admitting the traditional Augustinian presentation of procreation as the primary *end* of marriage. (See Dietrich von Hildebrand, *Marriage: The Mystery of Faithful Love* [Manchester, N.H.: Sophia Institute Press, 1984, 1991]; originally *Die Ehe* [Munich: Kösel-Pustet, 1929]). Doms breaks from this tradition by abandoning the hierarchical language of ends and making the personal communion of the couple—their “two-in-oneness” (*Zweieinigkei*t)—the primary end of marriage to which all other ends are subordinate. For a thorough exposition of the differences between Doms and Von Hildebrand and an excellent presentation of the rival positions of the theologians who identify themselves as personalists—those following Doms in denying the primacy of procreation, and those following Hildebrand who holds to the primacy of procreation as the *end* of marriage and the primacy of love as the *meaning* of marriage—see John S. Grabowski, “Person or Nature? Rival Personalisms in 20<sup>th</sup> Century Catholic Sexual Ethics,” *Studia moralia* 35 (1997): 283-312.

do full justice to the essence of marriage.”<sup>14</sup> They reasoned that the notion of “end” fails to account for the particularly human character of marriage—whence, one might add, the specific relevance of the formulation of *Humanae Vitae*, in its preference for the word “meaning,” or “significance” (*significationem*).<sup>15</sup> “In no way did these theologians [or the council, for that matter] deny the importance of fecundity in the complex values of human sexuality,” Ratzinger acknowledged, now as the head of the Congregation for the Doctrine of the Faith. However, “they assigned a new place to it within the framework of a more personalistic perspective in the way of considering marriage,” which represents, he admitted, a “significant deepening” of Catholic doctrine. Nonetheless disturbing for Ratzinger was what

<sup>14</sup> Joseph Ratzinger, *The Ratzinger Report* (San Francisco: Ignatius Press, 1985), 88. It is worth noting that the new *Code of Canon Law* promulgated in 1983 was intended to reflect the “substantial ‘novelty’ of the Second Vatican Council” (John Paul II, apostolic constitution *Sacrae Disciplinae Leges* [January 25, 1983]). This included, as Luigi DeLuca points out, a more personal understanding of marriage: one that “involves the integral, reciprocal gift of two *persons* and not merely of two *bodies*” (Luigi DeLuca, “The New Law of Marriage,” *The Catholic Lawyer*, 50 no. 1 [1985], 70-93, at 74). In contrast to the 1917 code, which “reduced the object of marital consent . . . to the ‘handing over and receiving of the right to the body for those acts which are per se apt for the generation of offspring’”—whence the domination of “the remedy of concupiscence” in the Church’s juridic teaching on marriage (*ibid.*, 70)—the new code presents the spouses as, more specifically, “giv[ing] and accept[ing] each other” (Canon 1057 §2), [thereby] indicating that there is an integral gift of oneself to the other” (*ibid.*, 87). Furthermore, the new code fails to mention the hierarchy of the ends of marriage, as did the 1917 code (*ibid.*, 73). See also Cormac Burke, “Marriage: A Personalist or an Institutional Understanding?,” *Communio* 19 (1992), 278-304, at 283-85; and Mackin, *What Is Marriage*, 283-97.

<sup>15</sup> See Pope Paul VI, *Humanae Vitae* 12. The word *meaning* “highlights the subjective and psychological dimension. . . . ‘Meaning’ is born in consciousness *with the rereading of the* (ontological) *truth of the object*. Through this rereading, the (ontological) truth enters, so to speak into the cognitive, that is subjective and psychological dimension” (Pope John Paul II, *Man and Woman He Created Them: A Theology of the Body*, trans. Michael Waldstein [Boston: Pauline Books & Media, 2006], 620). Similarly, Karol Wojtyła points out that “the objectivity of a right conscience allows the spouses to establish an authentic harmony between what the conjugal act objectively ‘signifies’ (*significa*) and the ‘meaning’ (*significato*) that the spouses themselves attribute to it in their own inner attitude, in the subjective action and in their intimate experience.” (Karol Wojtyła, “The Anthropological Vision of *Humanae Vitae*,” trans. and introd. William May, *Nova et vetera* [Eng. ed.] 7 [2009]: 731-50, at 743).

he observed in the wake of the council as “a new line of development” opposing personalism and naturalism. In what thus amounted to a reversal of his comments twenty years earlier, Ratzinger noted that the council—in accord with “the constant teaching of the Church”—did in fact point to “the internal order and language of nature” as morally normative: “based on the unity of person and nature in man.” However, he also noted that “an exaggerated personalism” had led some theologians to reject this internal order in favor of the subjective will of the person as “the sole point of reference” for sexual and conjugal ethics. He concluded that this is “one of the reasons that *Humanae Vitae* was rejected.”<sup>16</sup>

In this way, the cardinal and future pope pointed to the correspondence between the typically modern dialectic of person and nature—a dialectic that arguably even he did not escape in his original commentary on *Gaudium et Spes*, quoted above—and the consequential rejection of the “inseparable connection,” defined by Paul VI, “between the unitive significance and the procreative significance” of the marital act.<sup>17</sup> It seems that we have not advanced an inch beyond the nominalist presumption that nature is in no way prescriptive of the Creator’s intentions for his creature. In the case at hand, the presumption is made that the natural fertility cycle of the woman and the shared fertility of the couple are not necessarily related to the Creator’s intention for human persons, who are, after all, perfectly capable of overruling nature’s dictates.

<sup>16</sup> Ratzinger, *Ratzinger Report*, 88.

<sup>17</sup> Pope Paul VI, *Humanae Vitae* 12: “nexu indissolubili . . . inter significationem unitatis et significationem procreationis, quae ambae in actu coniugali insunt”. On the personalist-naturalist debate, see Nicholas J. Healy, Jr., “Christian Personalism and the Debate over the Nature and Ends of Marriage,” *Communio* 39 (2012): 186-200; Lisa Cahill, “Catholic Sexual Ethics and the Dignity of the Person: A Double Message,” *Theological Studies* 50 (1989): 120-50; Todd A. Salzman and Michael G. Lawler, *The Sexual Person: Toward a Renewed Catholic Anthropology* (Washington, D.C.: Georgetown University Press, 2008), 48-92; Burke, “Marriage: A Personalist or an Institutional Understanding?”; José Granados, “The Body, the Family, and the Order of Love: The Interpretive Key to Vatican II,” *Communio* 34 (2012): 201-22, especially 205-7.

Such, I will argue, is a timely and highly significant example of the pertinence of Pinckaers's doctrine. Not only has he—perhaps more than any contemporary moral theologian—alerted us to the pervasive and highly divisive influence of nominalism, he has also shown us how to overcome it in an effective way. In so doing, he likewise points beyond the rivalry of the two ends of the marital act, with procreation “stand[ing] for nature, with its biological force and the moral obligations it imposes,” as he puts it, and union “on the side of the person's freedom and sentiment of love, and also on the side of reason, which claims to rule nature through knowledge.”<sup>18</sup> Pointing beyond the “either-or” option that typifies nominalist doctrine—either divine freedom or human freedom, either naturalism or personalism, either objectivity or subjectivity, either freedom or sensibility, either freedom or law<sup>19</sup>—Pinckaers insists upon an integral anthropology that implies the perfect harmony of naturalism and personalism.

## I. THE UNIFICATION OF NATURALISM AND PERSONALISM WITHIN AN INTEGRAL ANTHROPOLOGY

The primary challenge at the heart of this divide between naturalism and personalism, as Pinckaers diagnoses it, comes from the consideration of nature and freedom as contraries.

If we think of freedom as something dependent only on our voluntary decision, and totally indeterminate before we take that decision, then we will be led to think of the natural as something necessarily predetermined. In this view, it is hard to see how we can reconcile the natural and the free. We will see the natural inclinations of both intellect and will as tendencies both blind and coercive.<sup>20</sup>

Hence, for many of our contemporaries, it is considered the highest level of freedom to resist nature and thus also (as befits the “pro-choice” slogan, for example) to refuse what the

<sup>18</sup> Servais Pinckaers, *The Sources of Christian Ethics*, 3d ed., trans. Sr. Mary Thomas Noble (Washington, D.C.: The Catholic University of America Press, 1995), 445.

<sup>19</sup> See *ibid.*, 350-51.

<sup>20</sup> *Ibid.*, 400-401.

Aristotelian tradition considered the highest natural perfection: that of reproduction.

The most natural act [Aristotle teaches] is the production of another like itself, an animal an animal, a plant a plant, in order that, as far as its nature allows, it may partake in the eternal and divine. That is the goal towards which all things strive. . . . Since then no living thing is able to partake in what is eternal and divine by uninterrupted continuance, it tries to achieve that end in the only way possible to it . . . so it remains not indeed as the self-same individual but continues in something like itself—not numerically, but specifically one [that is to say, of the same species].<sup>21</sup>

From this perspective it should not be surprising that St. Thomas considers a thing “perfect when it can reproduce its like.”<sup>22</sup> So fundamental to nature is the inclination to generate—or in the case of the human being, whose dignity supersedes other species, to procreate—that the word *nature*, coming from *natus* (to be born), has come to designate that which is handed on from genitor to offspring, namely, as Marie-Joseph Nicolas observes, “the essence of the species that is communicated by generation.”<sup>23</sup> Nature’s purpose is nonetheless “different as regards corruptible and incorruptible things,” St. Thomas argues. Since—to draw upon Aristotle’s insight above—no corruptible thing is everlasting, nor permanent “except in the species, it follows that the chief purpose of nature is the good of the species; for the preservation of which natural generation is ordained.” When it comes to incorruptible substances, on the other hand, they “survive, not only in the species, but also in the individual;

<sup>21</sup> Aristotle, *De Anima* 2.4.415a28-415b3 (trans. J. A. Smith, in Richard McKeon, ed., *The Basic Works of Aristotle* [New York: Random House, 1941], 561).

<sup>22</sup> *STh* I, q. 5, a. 4. Translations of the *Summa theologiae* are taken from the translation by Laurence Shapcote, O.P., ed. John Mortensen and Enrique Alarcón, vols. 13-20 of the Latin/English Edition of the *Works of St. Thomas Aquinas* [Lander, Wyo.: The Aquinas Institute for the Study of Sacred Doctrine, 2012]). Cf. *ScG* I, c. 37.

<sup>23</sup> Marie-Joseph Nicolas, “L’idée de nature dans la pensée de saint Thomas d’Aquin,” *Revue thomiste* 74 (1974): 533-90 at 543: “Mais de l’idée dominante de ‘principe de génération’, le mot ‘nature’ en est venu à désigner ce qui est la fin même de la génération, c’est-à-dire l’essence de l’espèce qui se communique par la génération.” Cf. *STh* III, q. 2, a. 1.

wherefore even the individuals are included in the chief purpose of nature.”<sup>24</sup>

Given what St. Thomas calls the “*duplex natura*”<sup>25</sup> of the human person—a nature that is at once physical and spiritual—it follows, as Nicolas reasons, that

the intention of nature in human sexuality is not like that of animal sexuality to safeguard the species: it is to procreate a human person, who is significant in him- or herself (*etiam individua sunt de principali intentione naturae*), and consequently to lead him or her to full stature and autonomy by means of education.<sup>26</sup>

In the human species, in fact, the natural inclination to reproduce—an inclination that is often but incorrectly understood as a purely biological impulse—necessarily includes the inclination to educate one’s offspring: an inclination that engages the entire personality of both parents and their progeny.<sup>27</sup> As Pinckaers puts it, “we are dealing with the *bonum prolis*, the good of the child, with all that this includes, especially education, not merely the *generatio prolis*, or generation.”<sup>28</sup> In the confines of the family and the home, children receive their primary moral, religious, human, and social formation. It is there that they learn their mother tongue and that they receive their primary religious and moral formation, including such important lessons as the difference between good and evil and how to live in society. It is thus not surprising that Pinckaers recognizes human sexuality as “naturally linked with our other inclinations, even the most spiritual.”<sup>29</sup>

<sup>24</sup> *STh* I, q. 98, a. 1.

<sup>25</sup> “There is a twofold nature in man, rational nature, and the sensitive nature” (“in homine est duplex natura, scilicet rationalis et sensitiva”) (*STh* I-II, q. 71, a. 2, ad 3).

<sup>26</sup> Nicolas, “L’idée de nature dans la pensée de saint Thomas d’Aquin,” 571: “l’intention de la nature dans la sexualité humaine n’est pas comme dans la sexualité animale de sauvegarder l’espèce : elle est de procréer une personne humaine qui vaut par elle-même (*etiam individua sunt de principali intentione naturae*), et par conséquent de la mener jusqu’à sa pleine stature et autonomie par l’éducation.” Cf. *ScG* III, c. 122.

<sup>27</sup> See the argument of St. Thomas in *ScG* III, c. 122.

<sup>28</sup> Pinckaers, *Sources of Christian Ethics*, 446.

<sup>29</sup> *Ibid.*, 443.



Nor should we be surprised that, as applied to man, the term *nature* refers not only or primarily to that which we have in common with other animals and thus to that which might be contrasted with reason or to that which does not obey reason. Instead, St. Thomas explains, in the case of man, *nature* designates *first of all* intellect and reason inasmuch as they are “the principal part of man’s nature, since in respect thereof he has his own specific nature.” Hence, for example, it is “natural to man to take pleasure in contemplating the truth and in doing works of virtue.”<sup>30</sup> In fact, Pinckaers recognizes the morality of St. Thomas as rooted in “the natural inclination (of the spiritual order) of the will towards the good,” the good, more specifically “as it appears to reason.” Hence the “decisive moral question” is “to know and to love the true good, to seek the true happiness.”<sup>31</sup>

Pinckaers suggests that the true good is more specifically the good that is connatural to man and thus perfective of his dual nature—a nature, it bears repeating, that is at once bodily and spiritual and thus sensitive and rational. That is why, in fact, the natural inclinations that the human person shares with other corporeal beings are experienced by him or her in a unique—that is to say, personal—manner. Only persons, after all, are capable of “interioriz[ing]” these inclinations and of “freely orientat[ing] them” in view of their own personal fulfillment.<sup>32</sup> This means not only that the lower inclinations—those of the sensitive appetites, for example—are ordered by the rational inclination of the will. It also means that they are, as St. Thomas explains, granted a participation in human freedom.<sup>33</sup>

<sup>30</sup> *STh* I-II, q. 31, a. 7. See also *STh* III, q. 18, a. 1, ad 3.

<sup>31</sup> Servais Pinckaers, footnote 2 to *STh* I-II, q. 8, a. 1 (in Thomas d’Aquin, *Somme théologique* II [Paris: Cerf, 1984], 80): “La morale de S. Thomas s’enracine donc dans l’inclination naturelle (d’ordre spirituel) de la volonté vers le bien. . . . La question morale décisive sera de connaître et d’aimer le vrai bien, de rechercher la vraie béatitude.”

<sup>32</sup> International Theological Commission, “In Search of a Universal Ethic: A New Look at the Natural Law” (2009), no. 63 ([http://www.vatican.va/roman\\_curia/congregations/cfaith/cti\\_documents/rc\\_con\\_cfaith\\_doc\\_20090520\\_legge-naturale\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_con_cfaith_doc_20090520_legge-naturale_en.html)).

<sup>33</sup> Saint Thomas argues that in man the sensitive appetite “has a certain share of liberty, in so far as it obeys reason” (*STh* I-II, q. 26, a. 1: “aliquid libertatis participat, in quantum obedit rationi”).

In fact, given the hylomorphic structure of our human nature, we can, Pinckaers notes, “spontaneously move from the emotions to the spiritual, and, on the contrary, the spiritual can rebound through sensation, for good and for bad.”<sup>34</sup> Because man is a single substance, he is not, as thirteenth-century Augustinians thought, composed of three souls, namely a vegetative soul, an animal soul, and a spiritual one. Instead, Pinckaers says, he is “of one single soul functioning vitally at these three levels as an interior principle of unification and convergence.”<sup>35</sup> As a consequence, the passions might be said to participate in the virtue proper to the spirit. It is only “reasonable,” Pinckaers argues—by “application of hylomorphism to the moral order”—“that a virtue-centered morality consists precisely in the integration of feelings in the virtuous person.”<sup>36</sup> Such is what Marie-Dominique Chenu calls “an intimate penetration” of the spirit in the passions (wherein it is said to be “at home”),<sup>37</sup> or what the International Theological Commission calls “emotional intelligence.”<sup>38</sup> Virtue cannot even exist in us, Pinckaers maintains, “without the participation of our senses and even our bodies.”<sup>39</sup> That is why the *Catechism of the Catholic Church* follows St. Thomas in presenting moral perfection as “consist[ing] in man’s being moved to the good not by his will alone, but also by his sensitive appetite.”<sup>40</sup>

<sup>34</sup> Servais Pinckaers, “Reappropriating Aquinas’s Account of the Passions,” in *The Pinckaers Reader: Renewing Thomistic Moral Theology*, ed. John Berkman and Craig Steven Titus (Washington, D.C.: The Catholic University of America Press, 2005), 273-387, at 278.

<sup>35</sup> Pinckaers, *Sources of Christian Ethics*, 438; cf. *ScG* IV, c. 81.

<sup>36</sup> Servais Pinckaers, *Passions and Virtue*, trans. Benedict M. Guevin (Washington D.C.: The Catholic University of America Press, 2015), 2. See the excellent exposition by Paul Gondreau, “The Passions and the Moral Life: Appreciating the Originality of Aquinas,” *The Thomist* 71 (2007): 419-50.

<sup>37</sup> Marie-Dominique Chenu, “Les passions vertueuses: L’anthropologie de saint Thomas,” *Revue philosophique du Louvain* 13 (1974): 11-18, at 16: “par une pénétration intime grâce à laquelle l’esprit est chez lui dans les sensibilités.”

<sup>38</sup> International Theological Commission, “In Search of a Universal Ethic,” 57.

<sup>39</sup> Pinckaers, *Passions and Virtue*, ix.

<sup>40</sup> *Catechism of the Catholic Church* 1770; cf. *STh* I-II, q. 24, a. 3.

Indeed, “unless we accept the fact that natural inclinations penetrate to the heart of our free will and stand at the origin of our actions,” we cannot admit “a real rootedness” of sexuality in the human personality. The sexual inclination of the human being so differs from that of the animals that Pinckaers does not hesitate to refer to the specifically “human and moral dimension of sexuality,” which in turn he recognizes as providing a special basis for the fulfilment of the commandment to love our neighbor: a commandment that “expresses one of the principles of our free, spiritual fruitfulness.”<sup>41</sup> As if to foreshadow the *Catechism*’s presentation of human sexuality as “affect[ing] all aspects of the human person in the unity of his body and soul”—namely, “affectivity, the capacity to love and to procreate, and in a more general way the aptitude for forming bonds of communion with others”<sup>42</sup>—Pinckaers argues that “human sexuality,” like human nature in general, “has a psychological, moral, and even spiritual aspect.”<sup>43</sup>

To be sure, he admits, the biological drive to preserve and foster life is a “characteristic feature” of the sexual inclination of human persons, but this does not preclude the fact that the same inclination “engages the entire personality through the bonds of affection.” From this comes the distinction between the two ends of marriage and of the marital act, the procreative and the unitive, which are recognized as “naturally aid[ing] each other.”<sup>44</sup> Indeed, far from conflicting with one another, these two ends are recognized by Pinckaers as “converging,”<sup>45</sup> with our biological dimension being “vitaly integrated” in our spiritual nature.<sup>46</sup> It is thus not surprising that, as applied to human persons, the natural inclination to sexual union and the rearing of offspring

<sup>41</sup> Pinckaers, *Sources of Christian Ethics*, 441-42.

<sup>42</sup> CCC 2332.

<sup>43</sup> Pinckaers, *Sources of Christian Ethics*, 441.

<sup>44</sup> Pinckaers, *Morality*, 103, 104.

<sup>45</sup> Pinckaers, *Sources of Christian Ethics*, 445.

<sup>46</sup> *Ibid.*, 441. Hence this inclination is called natural “not in the sense of a compelling force, but rather in the sense of an inclination realized with the help of free will.” This means that “we are beyond the biological and moving into the human and moral plane, which includes the biological” (*ibid.*, 445).

may be regarded as “the inclination to marriage”<sup>47</sup> and that this inclination is acknowledged as that with which “our other natural inclinations converge.” Hence, for example, Pinckaers recognizes the inclination to self-preservation as being “reinforced” not only by the experience of being “two in one flesh,” whereby they are “enabled to give existence to other beings like themselves” but also the experience of mutual support whereby “their capacity for action and their concern for self-defense grow and intensify.”<sup>48</sup> In fact, the inclination to self-preservation “is capable of redoubling its potential” in spiritual beings, Pinckaers argues, in virtue of the love of friendship, whereby we seek the preservation and well-being of the other as well as ourselves.<sup>49</sup>

As for the inclination to live in society, it “finds its first, most natural, and in a sense most complete realization in marriage.” After all, one might discover in the mutual support of spouses and in the natural bond between parents and children what Pinckaers points to as “the primitive types” of social relationships and even “paradigms” of the most basic forms of government. So too the inclination to truth is fostered, he argues, by the mutual love that opens the way to a deeper self-knowledge that is likewise sustained by the experience of the difference and complementarity of the sexes, not only on the biological level, but also on the psychological.<sup>50</sup> In short, “human sexuality is naturally linked with our other inclinations, even the most spiritual, and is in fact necessary if the latter are to find true fulfillment in the realities of life.”<sup>51</sup>

<sup>47</sup> *Ibid.*, 441.

<sup>48</sup> *Ibid.*, 442.

<sup>49</sup> *Ibid.*, 425.

<sup>50</sup> *Ibid.*, 442-43.

<sup>51</sup> *Ibid.*, 443.

II. THE PRIMORDIAL INCLINATION TO THE GOOD:  
AN INCLINATION TO PERFECTION THAT UNIFIES THE VARIOUS  
NATURAL INCLINATIONS

Beyond the unity, assured by our hylomorphic nature, of all our natural inclinations—not only those that are proper to us as human, but also those that we share with the other animals, and even those that we share with all natural beings—Pinckaers recognizes still another source of unity: a common rootedness of the natural inclinations in the fundamental inclination to goodness and truth. In fact, although Pinckaers admits that it is legitimate and even necessary at times to distinguish the various natural inclinations belonging to the human person, “we must never forget to regroup them again in a dynamic synthesis.” Together they “form a sheaf of closely linked yearnings and energies,” and “they act only together, as members of an organism.”<sup>52</sup> That is why the “humanization” of our natural inclinations does not entail “a violence done to them,” as the International Theological Commission explains.<sup>53</sup>

Of course, this is not to deny—as Pinckaers readily admits—that the human being, like other beings with sensation, might also be naturally inclined *away* from what is evil or dangerous. However, “the movement from within tends to what is suitable more than it recedes from that which is unsuitable,” St. Thomas argues.<sup>54</sup> Hence “the inclination of the appetitive power is, of itself, more eager in tending to pleasure than in shunning sorrow.”<sup>55</sup> As if to echo the *Catechism*’s presentation of love as “the most fundamental passion . . . aroused by the attraction of the good,”<sup>56</sup> and St. Thomas’s presentation of love as “a first cause,”<sup>57</sup> Pinckaers emphasizes the fact that love of the good (as inseparable from love of truth) is primary with regard to all other inclinations of natural law:

<sup>52</sup> *Ibid.*, 452.

<sup>53</sup> International Theological Commission, “In Search of a Universal Ethic,” 79.

<sup>54</sup> *STh* I-II, q. 35, a. 6, ad 2.

<sup>55</sup> *STh* I-II, q. 35, a. 6.

<sup>56</sup> CCC 1765.

<sup>57</sup> *STh* I-II, q. 28, a. 6.

Saint Thomas somewhat clarifies the natural foundation of volition by saying that the will spontaneously seeks not only the good in itself, but also all that is appropriate to human nature, including objects proper to all its faculties considered good. We spontaneously will truth, being and life, and all that is necessary to maintain it, and so on. From this derive the various precepts of natural law.<sup>58</sup> . . . Let us note, however, that from this point of view, desire of the good is primary, with the love of truth and of the conservation of being appearing as kinds of goods, but inseparable from the love of the good.<sup>59</sup>

In short, the inclination to the good is a fundamental—or “primitive”—instinct that is perhaps best described by the spontaneous attraction that it causes in us.<sup>60</sup> As such, it should not be understood as an inclination following upon knowledge—whether of a sensitive or of an intellectual nature—but as one that is still more fundamental: a natural, innate desire which is primary and foundational with respect to every elicited desire, expressing the Creator’s rights over the creature. As such it also conditions all of our inclinations, including those that are of a spiritual nature. In fact, Pinckaers presents the fundamental human inclination to goodness and truth as “superior” to even the human will and reason, since it provides a “certain light which inspires and clarifies all of their endeavors.”<sup>61</sup> Englobing and

<sup>58</sup> Cf. *STh* I-II, q. 94, a. 2.

<sup>59</sup> Servais Pinckaers, “Appendice I: Notes explicatives,” in Thomas d’Aquin, *Somme théologique*, I-II, qu. 6-17: *Les actes humains*, vol. 1, trans. Henri-Dominique Gardeil and Servais Pinckaers (Editions de la Revue des jeunes), nouvelle édition (Paris: Cerf, 1997), 331: “S. Thomas précise quelque peu le fondement naturel du vouloir en disant que la volonté recherche spontanément, non seulement le bien en soi, mais aussi tout ce qui convient à la nature humaine, notamment les objets propres de toutes ses facultés considérés comme bons. Nous voulons spontanément la vérité, l’être et la vie, et tout ce qui est nécessaire pour l’entretenir, etc. De là découlent les différents préceptes de la loi naturelle. . . . Notons cependant que le vouloir du bien est premier, de ce point de vue, l’amour de la vérité et de la conservation dans l’être apparaissant comme des sortes de biens, mais indissociables de l’amour du bien.”

<sup>60</sup> Pinckaers, *Morality*, 99.

<sup>61</sup> Pinckaers, footnote to *STh* I-II, q. 19, a. 1, in Thomas d’Aquin, *Somme théologique*, tome 2 (Paris: Cerf, 1984), 90. This rich passage merits being quoted in its entirety: “The natural inclinations to good and truth are therefore not inferior to reason and free will, like pieces of blind and crude nature inserted therein, but are superior to them, like a certain spiritual spontaneity and light that inspires and illuminates all their endeavors” (“Les inclinations naturelles au bien et à la vérité ne sont donc pas inférieures à la raison et à la volonté libre, comme des morceaux de nature aveugle et brute insérés en elles, mais

gathering all of the other natural inclinations together “into one dynamic stream,”<sup>62</sup> this most basic of all of our natural inclinations simultaneously assures their “profound harmony” with “the quest for the good in the free will and of the truth by reason.”<sup>63</sup>

Such is the overwhelmingly positive tenor of the foundation of Pinckaers’s doctrine of freedom and natural law. Unlike a nominalist conception of freedom—freedom exercised in the absence of any force of attraction or repulsion, whence its designation as “freedom of indifference”—Pinckaers’s understanding of freedom implies the “thrust toward excellence,” or perfection, which he qualifies as one of freedom’s most “essential feature[s].”<sup>64</sup> The good that impels us is proper, or connatural, to us:<sup>65</sup> it cannot be reduced to simply a biological good, nor, on the other hand, to a good that would exclude the biological dimension, which is, after all, likewise proper to human nature.

It follows that the specific good of the human person will not consist in “a preformed idea in which [human] action should be cast as in a mold, nor in a pre-established plan that only needs to be followed and implemented.” Instead, Pinckaers suggests, it should be understood as “the fullness befitting a being capable of producing his own action, of drawing from himself [as an incarnate nature], of inventing and creating, in some way, his action and his perfection.”<sup>66</sup> That is why we cannot simply

elles leur sont supérieures, comme une certaine spontanéité spirituelle et une lumière qui inspirent et éclairent toutes leurs démarches”).

<sup>62</sup> Pinckaers, *Morality*, 98.

<sup>63</sup> Pinckaers, footnote to *STh* I-II, q. 19, a. 1, in Thomas d’Aquin, *Somme théologique*, 2:90: “Ainsi les inclinations naturelles sont-elles en harmonie profonde avec la quête du bien dans la volonté libre et de la vérité par la raison.”

<sup>64</sup> Pinckaers, *Sources of Christian Ethics*, 412.

<sup>65</sup> See *STh* I-II, q. 26, a. 1.

<sup>66</sup> Pinckaers, “Appendice I: Notes explicatives,” in Thomas d’Aquin, *Somme théologique*, I-II, qu. 6-17: *Les actes humains*, vol. II, translation, notes and appendix by Servais Pinckaers (Editions de la Revue des jeunes) (Paris: Cerf, 1997), 164: “le bien ne consiste pas dans une idée préformée où l’action devrait se couler comme dans un moule, ni dans un plan préétabli qu’il suffirait de suivre et d’appliquer. Elle est la plénitude convenant à un être capable de produire son action par lui-même, de tirer de soi, d’inventer et de créer, en quelque façon, son agir et sa perfection.”

transpose physical and biological accounts of goodness or health to the moral plane.<sup>67</sup> In fact, Pinckaers proposes that the challenge of overcoming the destructive influence of nominalism upon both anthropology and morality entails the rediscovery of a spiritual nature “which does not oppose human freedom but lies at its origin and forms it.”<sup>68</sup>

Our “instinct” for truth and goodness differs radically from the animal instinct that is most readily associated with the term, namely, “impulses of a lower order” which exist on “the psychosomatic plane” and which pose “the most insidious threat to the freedom and morality of actions” in virtue of a certain determinism.<sup>69</sup> To be still more specific, these spiritual inclinations—inclinations that St. Thomas collectively refers to as “rational instinct” (*instinctus rationis*) because they are proper to man—are not directed in the same “determined and compelling way” as are, for example, the biological inclinations of hunger or thirst.<sup>70</sup> They are nonetheless analogous to these biological inclinations, which serve human freedom by preserving and fostering human life. The spiritual inclinations to goodness, truth, and happiness serve human freedom still more directly: by acting as “intimate springs that water the human heart and mind.”<sup>71</sup> In this way they are said to “cause and increase freedom at its very source.”<sup>72</sup> Far from infringing upon our free determination, as a nominalist understanding would have us believe, these primitive spiritual inclinations impelling us to seek

<sup>67</sup> See *ibid.*, 2:165.

<sup>68</sup> Pinckaers, *Sources of Christian Ethics*, 402.

<sup>69</sup> *Ibid.*, 333. Similarly, “All natural inclinations, summed up in the inclination toward good or happiness, were thus subject to choice and to the will’s free determination. It was as though they were uprooted from the will’s depths, to be placed before it, beneath it, and subject to its choice. They were no longer a part of the essence of freedom” (*ibid.*).

<sup>70</sup> *Ibid.*, 404. See also *ibid.*, 385; and Servais Pinckaers, “L’instinct et l’Esprit au cœur de l’éthique chrétienne,” in Carol-Josaphat Pinto de Oliveira, ed., *Novitas et veritas vitae: Aux sources du renouveau de la morale chrétienne. Mélanges offerts au Professeur Servais Pinckaers à l’occasion de son 65<sup>e</sup> anniversaire* (Paris: Cerf; Fribourg, Switzerland: Editions Universitaires Fribourg, 1991), 213-23, at 221-22.

<sup>71</sup> Pinckaers, *Morality*, 96.

<sup>72</sup> Pinckaers, *Sources of Christian Ethics*, 401-2. Similarly, “Spiritual inclinations in no way limit freedom but rather incite and develop it” (*ibid.*, 404).



truth and embrace goodness—including, most especially, the truth concerning the good proper to man—are in fact “intimate determinations that liberate us.”<sup>73</sup> In fact, from the Thomistic perspective, the natural desire for happiness is said to be causal with regard to all other human desires.<sup>74</sup>

As for natural law, which Pinckaers presents as “the expression of our natural inclinations, especially the spiritual ones,” it is thus “an inner law,” penetrating “to the heart of our freedom and personality to show us the demands of truth and goodness.”<sup>75</sup> That is why it operates by attraction rather than constraint,<sup>76</sup> and is realized in the evangelical law that Pinckaers characterizes as a “law of freedom.”<sup>77</sup> To be sure, the moral good discerned by reason “imposes itself,” assuming a certain “character of obligation and of law,” as the International Theological Commission recognizes in a document that might well have been inspired by Pinckaers.<sup>78</sup> This obligation is hardly one that follows upon an arbitrarily imposed moral imperative, however. On the contrary, it follows “the law of one’s being,”<sup>79</sup> since—it bears repeating—its precepts are ordered according to man’s natural inclinations,<sup>80</sup> including the inclination to sexual intercourse and the educating of offspring, and not excluding the spiritual inclination to goodness, truth, and beatitude. It is, in fact, these transcendental realities that order all of the natural inclinations toward the good that define man as such.

The natural human “desire for the good and for beatitude” is said by Pinckaers actually to gather “within itself all the natural

<sup>73</sup> *Ibid.*, 404.

<sup>74</sup> “Every man naturally wills happiness: and all other desires are caused by this natural desire” (*STh* I, q. 60, a. 2).

<sup>75</sup> Pinckaers, *Sources of Christian Ethics*, 452. See also *ibid.*, 405.

<sup>76</sup> See, for example, Pinckaers, *Morality*, 97. Similarly, Pinckaers presents “a morality of attraction, not obligation” (*Sources of Christian Ethics*, 359).

<sup>77</sup> Pinckaers, *Sources of Christian Ethics*, 185.

<sup>78</sup> International Theological Commission, “In Search of a Universal Ethic,” 43. “The good is more than a duty,” Pinckaers insists. “It signifies a quality, a perfection that attracts and causes our love” (*Morality*, 99).

<sup>79</sup> International Theological Commission, “In Search of a Universal Ethic,” 43.

<sup>80</sup> “Wherefore according to the order of natural inclinations, is the order of the precepts of the natural law” (*STh* I-II, q. 94, a. 2).

inclinations”—those that we share with animals and with other living beings and those that are proper to us as spiritual creatures—and to trace “in its development, the trajectory of ordering to the final end”: that is to say, the end that defines us as human, as creatures made in God’s image for the purpose of being further likened to him.<sup>81</sup> After all, as St. Thomas reasons, “every inclination is to something like and suitable to the thing inclined.”<sup>82</sup> Hence, as Pope John Paul II puts it in an insight that might also have been inspired by Pinckaers, “natural inclinations take on moral relevance only insofar as they refer to the human person and his authentic fulfilment, a fulfilment which for that matter can take place always and only in human nature.”<sup>83</sup> The term of a natural inclination is not so much the thing or the object that attracts, therefore, as the being or the subject that is perfected thereby: “not knowledge, but being knowledgeable; not the good, but being good.”<sup>84</sup>

Natural law is thus “law,” Pinckaers explains, because it spurs the moral agent to act in accord with the dynamism of his own nature: a dynamism—it bears repeating—that cannot simply be reduced to certain biological tendencies (a common, but unjustified reproach against Catholic moral teaching, especially in matters of sexuality).<sup>85</sup> In fact, Pinckaers follows St. Thomas in presenting the good proper to the human person in a “maximalist” sense: “in line with man’s tendency towards his full development through a constant effort to be the best he can be.”<sup>86</sup> “Good” is understood in the sense of “perfection,” for, in St.

<sup>81</sup> Servais Pinckaers, “Aquinas on Nature and the Supernatural,” trans. Sr. Mary Thomas Noble, in Berkman and Titus, eds., *Pinckaers Reader*, 359-68, at 363.

<sup>82</sup> *STh* I-II, q. 8, a. 1: “Nihil autem inclinatur nisi in aliquid simile et conveniens.”

<sup>83</sup> Pope John Paul II, encyclical letter *Veritatis Splendor* (August 6, 1993), 50.

<sup>84</sup> Jean-Hervé Nicolas, footnote to *STh* I, q. 5, a. 5, in Thomas d’Aquin, *Somme théologique*, tome I (Paris: Cerf, 1984), 187: “le terme du mouvement appétitif est non pas précisément la chose même qui attire, mais l’étant lui-même, rendu parfait par elle: non pas la science, mais être savant; non pas le bien, mais être bon.”

<sup>85</sup> See the acknowledgement and refutation of this argument by Pope John Paul II in *Veritatis Splendor*, 46-50.

<sup>86</sup> Pinckaers, “Appendice I: Notes explicatives,” in Thomas d’Aquin, *Somme théologique*, I-II, qu. 6-17: *Les actes humains*, 2:164: “dans la ligne de la tendance de l’homme vers son plein épanouissement par un effort constant vers le plus être.”

Thomas's own words, "by nature, the good of each thing is its act and perfection,"<sup>87</sup> and "every being seeks in its own way its perfection, which is each one's good."<sup>88</sup>

As for the good proper to man, it will necessarily entail the good of body and of soul, that is, of both the corporal and spiritual dimensions that define him. Hence, natural law "refers to man's proper and primordial nature, the 'nature of the human person', which is *the person himself in the unity of soul and body*, in the unity of his spiritual and biological inclinations and of all the other specific characteristics necessary for the pursuit of his end."<sup>89</sup>

### III. PROCREATION AS A SPECIAL FORM OF MAN'S COLLABORATION IN GOD'S CREATIVE WORK

Because "freedom for excellence"—as Pinckaers dubs St. Thomas's own understanding of freedom—is activated by the natural desire for the good, which in turn exercises an attraction that is binding only to the extent that it is absolute, Pinckaers ultimately points the way to a noncompetitive conception of divine and human causality. Indeed, he does not hesitate to refer to human freedom as "the point of contact between the action of God in man and properly human action."<sup>90</sup> It is thus possible to speak of a "participated theonomy," whereby man interiorizes and interprets his natural inclinations, which he recognizes as the expression of "creative wisdom," so as in turn to apply them "as fundamental norms" of his moral action.<sup>91</sup>

Such, as we have seen, is the natural law, properly speaking. Because in fact "all the things to which man has a natural inclination are naturally apprehended by reason as being good, and consequently as objects of pursuit, and their contraries as

<sup>87</sup> ScG I, c. 37.

<sup>88</sup> *Comp. Theol.* 1.113. Similarly, "goodness signifies perfection which is desirable; and consequently of ultimate perfection" (*STh* I, q. 5, a. 1, ad 1).

<sup>89</sup> Pope John Paul II, *Veritatis Splendor*, 50.

<sup>90</sup> Pinckaers, *Sources of Christian Ethics*, 380.

<sup>91</sup> International Theological Commission, "In Search of a Universal Ethic," 63.

evil, and objects of avoidance,”<sup>92</sup> knowledge of the good is ordered according to man’s natural inclination rather than the other way around, as is often thought to be the case.<sup>93</sup> It is not simply as a matter of course, therefore, that St. Thomas recognizes reason following the lead of natural inclinations, which the ancients called “seeds of virtue” (*semina virtutum*).<sup>94</sup> Instead he assumes that the natural inclinations serve the perfection of their subject, precisely because they are the work of the Creator in the creature, drawing it to the end that not only suits, or befits it, but even completes, fulfills, and actualizes it.<sup>95</sup> As St. Thomas puts it, the “good of order existing in things created,” and thus the order of inclinations to nature-specified ends, “is itself created by God.”<sup>96</sup> Because, moreover, as the Angelic Doctor also teaches, “whatever is according to nature is ordered by the Divine Reason, which human reason ought to imitate,”<sup>97</sup> nature is recognized by Pinckaers as a sort of school “where man can learn to act with perfection, in imitation of God.”<sup>98</sup> Such is also the origin of the Thomistic analogy between natural and voluntary actions, with the good at the origin of our

<sup>92</sup> *STh* I-II, q. 94, a. 2.

<sup>93</sup> See Rupert Johannes Mayer, “Zum *desiderium naturale visionis Dei* nach Johannes Duns Scotus und Thomas de Vio Cajetan: Eine Anmerkung zum Denken Henri de Lubac,” *Angelicum* 85 (2008): 737-63, at 757.

<sup>94</sup> See, for example, Pinckaers, “Aquinas on Nature and the Supernatural,” 362; and Pinckaers, *Sources of Christian Ethics*, 334, 439, 452.

<sup>95</sup> Pinckaers argues that “St. Thomas does not treat the passions in the *Summa [theologiae]* as a physiologist, nor a psychologist, nor as a pure philosopher, but as a theologian; because while remaining on the level of the senses, where he meets the psychologist, he aims beyond, to man’s relation with God, as his true beatitude” (“Dans la *Somme*, S. Thomas ne traite donc pas des passions en physiologiste, ni en psychologue, ni en pur philosophe, mais en théologien, car, tout en se maintenant au niveau de la sensibilité, où il rencontre le psychologue, sa visée s’étend au-delà, vers les relations de l’homme avec Dieu, comme sa véritable béatitude”) (Servais Pinckaers, “Les passions et la morale,” *Revue des sciences philosophique et théologique* 74 [1990]: 379-92, at 382).

<sup>96</sup> *STh* I, q. 22, a. 1.

<sup>97</sup> *STh* II-II, q. 130, a. 1.

<sup>98</sup> Pinckaers, “Appendice I: Notes explicatives,” in Thomas d’Aquin, *Somme théologique*, I-II, qu. 6-17: *Les actes humaines*, 1:329: “La nature devient alors comme l’école où l’homme peut apprendre à agir en perfection, à l’imitation de Dieu.”

voluntary actions being compared to the God-given form at the origin of our natural actions.<sup>99</sup>

We should not be surprised, then, that Pinckaers understands the demands of natural law as having “their source both in God and in our human nature.”<sup>100</sup> After all, St. Thomas maintains that the “Divine intellect, which is the Author of nature, adjusted delights to operations on account of the operations.” This means, for example, that sexual intercourse is pleasurable, precisely because God wants us to procreate, in view of the great good (*bonum excellens*) of the preservation of the human species.<sup>101</sup> That is also why “there is the greatest necessity,” St. Thomas argues, “for observing the order of reason in this matter: so that if anything be done in this connection against the dictate of reason’s ordering it will be a sin.”<sup>102</sup> Observance of the order of reason is not achieved in the absence of our spiritual inclinations toward truth and goodness, therefore, which touch “the essence of our personality in our longing for happiness and love.” These too, Pinckaers argues, are “the work of God . . . [who] conforms the human person to the likeness of his wisdom and goodness, and, as an interior master, calls him to participate more deeply in his created freedom.”<sup>103</sup> When, on the other hand, man “follows the inclinations of his sensitive nature against the order of his reason”<sup>104</sup> or willingly acts “in opposition to the order established in general throughout natural things,” he is said by St. Thomas to

<sup>99</sup> “Just as a natural thing has its species from its form, so an action has its species from its object, as movement from its term. And therefore just as the primary goodness of a natural thing is derived from its form, which gives it its species, so the primary goodness of a moral action is derived from its suitable object. . . . And just as, in natural things, the primary evil is when a generated thing does not realize its specific form . . . so the primary evil in moral actions is that which is from the object, for instance, *to take what belongs to another*” (*STh* I-II, q. 18, a. 2). See also *Comp. Theol.* 1.113.

<sup>100</sup> Pinckaers, *Sources of Christian Ethics*, 452.

<sup>101</sup> See *STh* II-II, q. 153, a. 2; and q. 142, a. 1. Not surprisingly then, the *Catechism* cites Pius XII’s teaching that it is in accord with the Creator’s intention that “spouses should experience pleasure and enjoyment of body and spirit” in the sexual act (CCC 2362).

<sup>102</sup> *STh* II-II, q. 153, a. 3.

<sup>103</sup> Pinckaers, *Morality*, 70-71.

<sup>104</sup> *STh* I-II, q. 71, a. 2, ad 3.

act viciously and sinfully.<sup>105</sup> The moral value of actions is thus judged according to the conformity of human freedom with the authentic human good.<sup>106</sup>

In this way, Pinckaers calls upon the teaching of St. Thomas to point us beyond the nominalist opposition between human freedom and divine freedom, as it was played out throughout much of the modern era in the opposition between freedom and necessity, or between person and nature. Following St. Thomas, Pinckaers insists upon the unity of human reason and divine reason. To argue, as they both do, that the inclination to truth underlies our reasoned choices and our willed acts, means that we are capable of grasping the meaning of things within a created order, so as to be likewise capable of seizing thereby the divine *ratio*: God's intentions for his creatures, including human beings. After all, in virtue of our senses and intellects, we are capable of receiving the species of other things. Furthermore, although we can only attain to particular goods with our senses, we can apprehend the universal good with the intellect.<sup>107</sup> Because, in fact, the human soul is capable of receiving the form of other beings, it is "in a way, all things," and is even said by St. Thomas to "approach to a likeness to God *in Whom all things pre-exist*."<sup>108</sup> For this same reason, the human person is, as the International Theological Commission specifies, "capable of freely interiorizing the divine intentions manifested in the nature of things" and of formulating them "for himself under the form of a moral law that inspires and orientates his action."<sup>109</sup> Human

<sup>105</sup> *STh* II-II, q. 130, a. 1. See also *STh* I-II, q. 94, a. 3, ad 2. Similarly, "When therefore an action proceeds from a natural force, in accord with the natural inclination to an end, then the action is said to be right; since the mean does not exceed its limits, viz., the action does not swerve from the order of its active principle to the end. But when an action strays from this rectitude, it comes under the notion of sin" (*STh* I-II, q. 21, a. 1).

<sup>106</sup> See Pope John Paul II, *Veritatis Splendor*, 72.

<sup>107</sup> Hence, "we should form our estimate of things not simply according to the order of the sensitive appetite," St. Thomas reasons, "but rather according to the order of the intellectual appetite" (*STh* I-II, q. 4, a. 3).

<sup>108</sup> *STh* I, q. 80, a. 2 (emphasis added).

<sup>109</sup> International Theological Commission, "In Search of a Universal Ethic," 70.

reason is therefore, as Jean-Pierre Torrell would have it, “the resting place of the divine design for man.”<sup>110</sup>

This means, of course, that the end of our actions is not—and Pinckaers insists upon the point—something “to be left to the whim of the person acting.” On the contrary, the morality of human actions is judged by the congruity between human purposes and divine intentions—between, on the one hand, “the pole of orientation” of man’s “intentions and through them of his external actions” and, on the other hand, “the ultimate, objective and true end of man,” as defined by his created nature.<sup>111</sup> After all, it is in virtue of this nature that we are capable of grasping God’s purpose, intention, or meaning for our lives and for each of our powers—whence the distinction between end and object<sup>112</sup>—and thus of willfully acting as cooperating causes in bringing these to fulfilment.

Drawing attention to the richness of the vocabulary of St. Thomas when he addresses the goodness of human acts, Pinckaers points out that their perfection and plenitude might be said to accord with “the language of *Genesis*,” when the Lord declares “good” the various works of his creation (Gen 1:12, 18, 21, 25, 31). Unlike the poverty of moral language today, wherein the “good” is understood in minimalist terms—namely, as that which is nothing more than licit—Pinckaers promotes a morality that is profoundly dynamic, with the “good” designating the

<sup>110</sup> Jean-Pierre Torrell, *St. Thomas Aquinas*, vol. 2, *Spiritual Master*, trans. Robert Royal (Washington, D.C.: The Catholic University of America Press, 2003), 261.

<sup>111</sup> Servais Pinckaers, *Le renouveau de la morale: Etudes pour une morale fidèle à ses sources et à sa mission présente*, with preface by Marie-Dominique Chenu (Paris: Téqui, 1978), 138.

<sup>112</sup> Pinckaers explains that “end” is proper to the will, whereas “object” is proper to each of the human faculties as its principle of actualization. Hence, for example, the proper object of the intelligence is truth, whereas the object of the sensitive appetite is the sensitive good. “The will, on the other hand, has as its proper object the good in itself, which, not yet being possessed, becomes the reason for the end to be pursued; and it can therefore be said that the end is the proper object of the will” (“L’intelligence a pour objet propre le vrai, l’appétit sensible, le bien sensible, et les forces corporelles, l’œuvre physique. La volonté, elle, a pour objet propre le bien en soi, qui, n’étant pas encore possédé, prend raison de fin à poursuivre; aussi peut-on dire que la fin est l’objet propre de la volonté”) (ibid., 132).

plentitude sought by and befitting man: a plentitude that is necessarily ontological before it is moral, and moral because it is ontological.<sup>113</sup> In fact, as Pinckaers's confrere Michel Labourdette explains, "every form, every nature in the universe, has its appetite, that is to say, its inclination to be and to be better, to attain that for which it was made: that in which it finds its full actuality, its best state."<sup>114</sup>

As for the spiritual creature, he is, Pinckaers explains, a "receiver of the metaphysical good in this world," which he "transforms through his actions, as it were, into the moral good."<sup>115</sup> In so doing, he is caught up in "the very dynamism of the divine action which creates and governs."<sup>116</sup> Hence, human actions and the whole visible cosmos that they order and exploit are "like 'steps'" along the way of our return (*reditus*) to God—

<sup>113</sup> See Pinckaers, footnote 3 to *STh* I-II, q. 18, a. 1, in Thomas d'Aquin, *Somme théologique* 2:136. The "tragedy" of the nominalist understanding of freedom in terms of indifference, in contrast, is that it "turns away from spiritual interiority and from the life that flows from it as a vital yearning for truth, goodness, and happiness" (Pinckaers, *Morality*, 97).

<sup>114</sup> Michel Labourdette, *Cours de théologie morale I: Morale fondamentale* (Paris: Parole et silence, 2018), 83: "Toute forme, toute nature dans l'univers, a son appétit, c'est-à-dire son inclination à être et à mieux être, à atteindre ce pour quoi elle est faite, en quoi elle trouvera sa plus haute actualité, son meilleur état." Hence, between the moment in which a corporal being simply "is" and the moment in which it is "achieved in being," or perfected, there is, as it were—Jean-Hervé Nicolas explains of the perspective of St. Thomas—a certain "interval" during which it is moved towards its proper perfection by way of its own operations or actions. In virtue of these and of the acquisitions obtained thereby, a being develops its natural potentialities, rooted within the natural form whereby each being "is what it is" and whereby it is simultaneously disposed "to become perfect in the line of what it already is" (Jean-Hervé Nicolas, footnote 1 to *STh* I, q. 5, a. 1, in Thomas d'Aquin, *Somme théologique* 1:187: "entre le moment où il est et le moment où il est achevé dans l'être, 'par-fait', il s'écoule un intervalle durant lequel il se meut vers sa propre perfection, il agit; et par ses opérations, par les acquisitions qu'elles lui obtiennent, il développe les virtualités qui sont en lui, dans la forme par laquelle il est ce qu'il est et est ouvert à devenir parfait dans la ligne de ce qu'il est déjà").

<sup>115</sup> Pinckaers, *Sources of Christian Ethics*, 409. We are not far from the insight of Henri de Lubac, when he argues, "Nature obeys its ontological ordination by desire, just as the free will must obey the moral law by love" ("La nature obéit à son ordination ontologique par le désir, comme la volonté libre devra obéir à la loi morale par l'amour") (Henri de Lubac, *Surnaturel: Études historiques* [Paris: Aubier, 1946], 490).

<sup>116</sup> Pinckaers, *Sources of Christian Ethics*, 229.



Marie-Dominique Chenu explains of the perspective of St. Thomas—by which “the end of human nature, beatitude and perfection” are all simultaneously realized.<sup>117</sup> Most especially in the pursuit of the good that befits, or corresponds to, his nature, man cooperates with the Creator in the ongoing work of his creation: the perfecting of his nature and his person. After all, “when we love a thing, by desiring it, we apprehend it as belonging to our well-being,” St. Thomas says.<sup>118</sup> In the final analysis, therefore, an act is moral not simply because it is natural, but because it accords with the intrinsic requirements, or demands, of personal perfection, which can only be determined and realized as specific to human nature. Hence, the moral quality of an act might be judged according as it leads, or contributes, to both the good of humanity and the good of the acting person, who is perfected, or fulfilled, within fruitful and loving communion.

From this perspective, the natural inclination to self-preservation should be understood, Pinckaers explains, as “progressive” rather than “conservative”: as integral to the dynamism of natural perfection.<sup>119</sup> Such, of course, is also the case of the properly human inclination to marriage. It is “because of the interior demand of love”—a demand that “penetrate[s] to the heart of our free will,” so as to touch upon the very meaning of our persons—“that marriage tends toward physical and spiritual fruitfulness in generation and education.” Such is the “law of giving, written at the heart of every love,”<sup>120</sup> the “law of generosity inscribed on the soul as well as the body of every man and woman.”<sup>121</sup> For if love “does not know how to give, if it is not fruitful,” it “will sooner or later die.”<sup>122</sup> That is why “to

<sup>117</sup> Marie-Dominique Chenu, *Introduction à l'étude de Saint Thomas d'Aquin*, 3d ed. (Paris and Montreal: Vrin, 1974), 267: “Les actes humains (et par eux tout le cosmos qu'ils organisent et exploitent) sont comme les 'pas' par lesquels se réalise, sur la voie du retour, la fin de la nature humaine, béatitude et perfection à la fois.”

<sup>118</sup> *STh* I-II, q. 28, a. 1.

<sup>119</sup> Pinckaers, *Sources of Christian Ethics*, 425.

<sup>120</sup> *Ibid.*, 441.

<sup>121</sup> *Ibid.*, 446.

<sup>122</sup> *Ibid.*, 441.

infringe upon this law is,” Pinckaers teaches, “to compromise the very life of love in its truth and depth.”<sup>123</sup>

We are not far from what Karol Wojtyła refers to as “the law of the gift . . . inscribed deep within the dynamic structure of the person”: the law according to which “one becomes most fully oneself” when “one becomes a gift for others.”<sup>124</sup> Far from implying that man is thereby constrained by his own body and its sex, this law points to the very “freedom of the gift” that is expressed in and through the body, in accord with its (the body’s) “spousal” meaning or attribute: “*the power to express love,*” and not just any love, but “*that love in which the human person becomes a gift* and—through this gift—fulfills the very meaning of his being and existence.”<sup>125</sup> Hence, as Pinckaers concludes, “we are free not in spite of our sexuality but because of it, since through sexuality the inclination toward the other, which provides the human and moral dimension of sexuality, is exercised in a special way.”<sup>126</sup>

Far from disregarding their natural inclinations and the natural (and thus also the sacramental) “language” of their proper bodies,<sup>127</sup> spouses are thus said to “interpret”<sup>128</sup> them as guides, or norms, pointing the way to properly moral action: action that contributes to authentic human perfection. In the words of John Paul II:

The person, by the light of reason and the support of virtue, discovers in the body the anticipatory signs, the expression and the promise of the gift of self, in conformity with the wise plan of the Creator. It is in the light of the dignity of the human person—a dignity which must be affirmed for its own sake—that reason grasps the specific moral value of certain goods towards which the person is naturally inclined. And since the human person cannot be reduced to a freedom which is self-designing, but entails a particular spiritual and bodily

<sup>123</sup> Ibid., 446.

<sup>124</sup> Karol Wojtyła, “The Personal Structure of Self-Determination” in idem, *Person and Community: Selected Essays*, trans. Theresa Sandok, O.S.M. (New York: Peter Lang, 1993), 194. Reference here is made to *Gaudium et Spes*, 24.

<sup>125</sup> Pope John Paul II, *Man and Woman He Created Them*, 185-86. See also idem, “A Meditation on Givenness,” trans. Maria MacKinnon, *Communio* 41 (2014): 871-83.

<sup>126</sup> Pinckaers, *Sources of Christian Ethics*, 442.

<sup>127</sup> See Pope John Paul II, *Man and Woman He Created Them*, 531-47.

<sup>128</sup> International Theological Commission, “In Search of a Universal Ethic,” 63.

structure, the primordial moral requirement of loving and respecting the person as an end and never as a mere means also implies, by its very nature, respect for certain fundamental goods, without which one would fall into relativism and arbitrariness.<sup>129</sup>

Because in fact human persons are capable of discovering the objective meaning of the human body, they are also capable of subjectively appropriating it by way of ethical acts that respect and foster that meaning. Within the context of the conjugal act, they are not merely passive recipients of a message inscribed within their bodies, therefore, but actors who freely engage in this concrete act with knowledge of its significance. Such, indeed, is the condition of their free, and thus human, engagement. That is why Pinckaers presents true love as “tyrannical”: as unwilling to accept “half measures”<sup>130</sup> and as consequently willing to accept both the “privations that correct the excesses and the deficiencies to which the passions lead,” and “the effort of submitting oneself to a discipline.”<sup>131</sup>

Such are the demands of chastity, which Pinckaers presents as integrating sexuality within the human person “by reason’s interior mastery” in service of love.<sup>132</sup> The natural desire to have children is one that “impose[s]” itself on us, Pinckaers notes. So too does the desire for goodness and truth, whence the question “to know which will dominate, what will direct us: our desires, our passions, or reason that presents to us the good and the true.”<sup>133</sup> It nonetheless bears repeating that although the perfection of the moral act entails that the passions be governed by reason, it also entails that man be moved to the good not only by his will, but also by his sensitive appetites. We should not be surprised, then, that St. Thomas follows Aristotle in teaching that reason governs “not by a *despotic supremacy*,” over the passions, “which is that of a master over his slave;” but rather “by a *politic*

<sup>129</sup> John Paul II, *Veritatis Splendor*, 48.

<sup>130</sup> Pinckaers, *Passions and Virtue*, 16.

<sup>131</sup> *Ibid.*, 15; cf. CCC 1766-2340.

<sup>132</sup> Pinckaers, *Sources of Christian Ethics*, 439; cf. CCC 2339, 3242, 2346, 2395.

<sup>133</sup> Pinckaers, *Passions and Virtue*, 33.

*and royal supremacy*, whereby the free are governed.”<sup>134</sup> Hence, for example, the man who has the “habit of chastity” is said by the angelic doctor to form moral judgments “by a kind of connaturality.”<sup>135</sup> As for Pinckaers, far from opposing one inclination (the sexual impulse in view of procreation, in the case at hand) to another (the spiritual desire to seek truth and goodness), he suggests that reason allows us to perceive their unity within the good of marital love that is both (inseparably) procreative and unitive and to adapt our behavior (by the exercise of responsible parenthood through marital chastity) in view of preserving this unity.

#### CONCLUSION: THE UNITY OF HUMAN ACTIONS WITHIN THE CREATIVE WORK OF DIVINE PROVIDENCE

The point in all of this of course is that “the inseparable connection established by God between the unitive significance and the procreative significance which are both inherent to the marriage act”—to return to the formulation of *Humanae Vitae* 12—points to the perfect unity of divine creation and divine providence, which has foreseen that we should act as cooperating causes in the great good of procreation. In fact, St. Thomas ventures beyond the Aristotelian affirmation that a thing must first be perfect before it can become a cause of others to argue that in so doing it resembles God, who is the universal cause of all being: “Therefore, since a created thing tends to the divine likeness in many ways, this one whereby it seeks the divine likeness by being the cause of others takes the ultimate place. Hence [as] Dionysius says . . . ‘of all things, it is more divine to become a co-worker with God’; in accord with the statement of the Apostle: ‘we are God’s coadjutors’ (1 Cor. 3:9).”<sup>136</sup>

<sup>134</sup> *STh* I-II, q. 17, a. 7.

<sup>135</sup> *STh* II-II, q. 45, a. 2.

<sup>136</sup> *ScG* III, c. 21. Similarly, Pinckaers argues that human beings are made in the image of the Creator, “because they are called by their actions to imitate God in some way, even in his creative activity” (“Les êtres spirituels sont ainsi faits à l’image de leur créateur parce qu’ils sont appelés par leurs actes à imiter Dieu en quelque façon, dans son activité

Of course, this is not to deny that with regard to all other living beings of a biological nature, “an ontological threshold is crossed” in the generation of a human being, whose soul is directly created by God. The properly human activities of knowing and willing, precisely as immaterial, “do not contain, in their internal structure, an organic activity,” as Georges Cottier explains. That is why we cannot attribute to the father and mother, who transmit human life “through organic functions,” the being of a child possessing these spiritual faculties.<sup>137</sup> In the words of St. Thomas,

it belongs to man to beget offspring, on the part of the naturally corruptible body. But on the part of the soul, which is incorruptible, it is fitting that the multitude of individuals should be the direct purpose of nature, or rather the Author of nature, Who alone is the Creator of the human soul.<sup>138</sup>

Because, on the other hand, human generation really does terminate in a child whose soul is created immediately by God, Cottier joins Paul VI in affirming that human parents “collaborate” with the Creator—by way, the Swiss philosopher adds, of a sort of “synergy” between their own action and that of the Creator.<sup>139</sup>

This, arguably, is the highest point of the mystery of naturalism and personalism as it is played out in the dynamic unity of nature and reason—or what Pope Benedict identifies as the “harmony of objective and subjective reason”—within their

créatrice même”) (Pinckaers, “Appendice I: Notes explicatives,” in Thomas d’Aquin, *Somme théologique*, I-II, qu. 6-17: *Les actes humains*, 1:326).

<sup>137</sup> Georges Cottier, *Défis éthiques* (Saint Maurice, Switzerland: Editions Saint-Augustin, 1996), 185: “avec l’être humain un seuil ontologique est franchi, par rapport à l’ordre entier des vivants biologiques. L’âme humaine est directement créée par Dieu. . . . Les activités proprement humaines, dans ce qui les distingue des activités des autres animaux, n’impliquent pas, à titre intrinsèque, un organe matériel, comme la vue requiert l’œil. Les activités de l’intelligence et de la volonté sont en elles-mêmes des activités spirituelles qui ne comportent pas, dans leur structure interne, une activité organique. Elles sont immatérielles. C’est pourquoi la production dans l’être d’un sujet possédant ces facultés spirituelles ne peut être attribuée au père et à la mère qui transmettent la vie par une activité qui s’exerce grâce à des fonctions organiques.” Cf. *Comp. Theol.* 1.93.

<sup>138</sup> *STh* I, q. 98, a. 1.

<sup>139</sup> See Cottier, *Défis éthiques*, 186: “synergie.” Cf. Paul VI, *Humanae Vitae*, 1.

common source, namely the “creative reason of God.”<sup>140</sup> As such, it is also realized within the dynamic unity of human action within divine causality. Because God has created human nature with intellect and will, he has set man free willingly to cooperate—or to refuse to cooperate—with God’s own work of creating and perfecting human life. “For we are his workmanship, created in Christ Jesus for good works, which God prepared beforehand, that we should walk in them” (Eph 2:10). Ultimately, in fact, Pinckaers shows us that naturalism and personalism are united in the providential action of God, who calls upon human persons to participate in the work of their own perfection: a perfection that reaches a certain (natural and thus also spiritual) excellence in their free and responsible collaboration with the Creator in the transmission of human life.

In this way Pinckaers’s theology responds to what Joseph Ratzinger recognized in 1989 as “one of the most pressing tasks of theology today,” namely, a renewed emphasis upon creation in view of once again “discern[ing] a spiritual message in the material world.”

We have to make evident once more what is meant by the world’s having been created “in wisdom”. . . . Only then can conscience and norm enter again into proper relationship. For then it will become clear that conscience [which he elsewhere defines as “reason that is open to the language of being”<sup>141</sup>] is a “consciens,” a “knowing along with” creation and, through creation, with God the Creator. . . . And then it will be apparent how harmony with creation, whose wisdom becomes our norm, does not mean a limitation upon our freedom but is rather an expression of our reason and our dignity.<sup>142</sup>

<sup>140</sup> Pope Benedict XVI, “The Listening Heart: Reflections on the Foundations of Law,” Visit to Bundestag, Berlin, September 22, 2011: [http://www.vatican.va/content/benedict-xvi/en/speeches/2011/september/documents/hf\\_ben-xvi\\_spe\\_20110922\\_reichstag-berlin.html](http://www.vatican.va/content/benedict-xvi/en/speeches/2011/september/documents/hf_ben-xvi_spe_20110922_reichstag-berlin.html).

<sup>141</sup> Ibid.

<sup>142</sup> Joseph Ratzinger, “Difficulties Confronting the Faith in Europe Today” (A Meeting of the Congregation for the Doctrine of the Faith with the Presidents of the European Doctrinal Commissions in Vienna, 2-5 May, 1989), *Communio* 38 (2011): 728-37, at 732-34.

## SANCTIFIED THOUGHT AND AFFECTION IN AQUINAS'S TEACHING ON NATURE AND GRACE

ROMANUS CESSARIO, O.P.

*Ave Maria University  
Ave Maria, Florida*

THE WORK OF Fr. Servais-Théodore Pinckaers occupies a signal place within the Thomist commentatorial tradition.<sup>1</sup> Consider, for instance, one well-known feature of Fr. Pinckaers's work, namely, his signature 1960 article that reminded the theological world that virtue is not a habit, at least in the modern sense of the term. This essay finds its pedigree within the Thomist commentatorial tradition.<sup>2</sup> Vernon J. Bourke

<sup>1</sup> An earlier version of this article was delivered as the concluding keynote address at "Virtue Applied: The Theology of Virtue and Contemporary Questions," a conference in honor of Servais-Théodore Pinckaers (1925-2008), University of Fribourg, Switzerland, Oct. 27, 2018, organized by Fr. Michael Sherwin and supported by the Swiss National Science Foundation.

The Pinckaers-Sherwin scientific relationship is a remarkable example of the Thomist commentatorial tradition at work in the twenty-first century. On the existence and worth of this tradition, see Romanus Cessario, O.P., and Cajetan Cuddy, O.P., *Thomas and the Thomists: The Achievement of Thomas Aquinas and His Interpreters* (Minneapolis: Fortress Press, 2017).

<sup>2</sup> S.-Th. Pinckaers, "La vertu est tout autre chose qu'une habitude," *Nouvelle revue théologique* 82 (1960): 387-403; English version, "Virtue Is Not a Habit," *Cross Currents* 12 (1962): 65-81. Pinckaers observes that virtue ensures a constant disposition in the self for choosing the good ends of human perfection. The psychological modification in the capacities of the soul (*potentiae animae*) accounts for the promptness and facility of action which the virtuous person displays in the performance of the good deed. The creative powers of the virtuous person are actually heightened by the development of virtue rather than restricted. On the other hand, vice crimps the soul. There are a thousand ways to do good creatively, but only one way to act viciously, even if it takes a variety of forms. Pinckaers later developed this insight in his *Sources of Christian Ethics*. See also my *The*

(d. 1998), a North American Thomist, illustrates a proximate link in the chain of interpreters who correctly taught about Aquinas's use of *habitus*. Bourke's 1938 doctoral dissertation from the University of Toronto, *Habitus as a Perfectant of Potency in the Philosophy of St. Thomas Aquinas*, just underwent a new printing in 2017.<sup>3</sup> One of course may cite other ligaments to the commentatorial tradition, especially from among French-speaking Thomists.<sup>4</sup>

Father Pinckaers's highly regarded disdain for moral casuistry led him to eschew the discussion and adjudication of individual moral cases. On one of the few occasions that I heard him speak about a particular moral problem, I frankly found myself taken aback. A young Dominican at the Albertinum required an exam in order to obtain his faculties for hearing confessions. Father Pinckaers and I were among the assigned examiners. The question of what moral obligation governs one's paying government taxes arose. As an American with an eye on the assiduousness of the Internal Revenue Service, I was in the process of pointing out the grave moral responsibility that obliges one to respect tax assessments. Legal justice, I insisted, requires payment down to the last penny. Father Pinckaers interrupted my instruction to the candidate with this presumably Gift-of-the-Holy-Spirit correction. "No, you don't have to pay every Franc demanded," he told the young priest; "Everyone knows governments overcharge!" I thought to myself, could this view ever qualify as a Probabiliorist opinion about tax paying? In any case, I recall this personal experience with Father Pinckaers to explain why I begin this communication with a very concrete moral case, one that has bedeviled Catholic moral theologians and priest confessors for a long time.

*Moral Virtues and Theological Ethics* (2d ed.; Notre Dame and London: University of Notre Dame Press, 2008), esp. chap. 2.

<sup>3</sup> Andesite Press, 2017.

<sup>4</sup> For a bibliography of Fr. Pinckaers's work and information on his intellectual formation, see S. Pinckaers, O.P., *The Pinckaers Reader*, ed. J. Berkman and C. S. Titus (Washington, D.C.: The Catholic University of America Press, 2005).



## I. SANCTIFIED AFFECTION

Catholic teaching on masturbation affords one of the few instances in the *Catechism of the Catholic Church* (CCC) where remnants of post-Tridentine casuistry appear explicitly. CCC 2252 includes a list of factors that may attenuate the masturbator's moral culpability. At the same time, the text upholds the harm that autoeroticism brings to a person. One eminent twentieth-century Christian theologian explains this delicate matter in the following words.

For me the real evil of masturbation would be that it takes an appetite which, in lawful use, leads the individual out of himself to complete (and correct) his own personality in that of another (and finally in children and grandchildren) and turns it back; sends the man into the prison of himself, there to keep a harem of imaginary brides. This harem, once admitted, works against his ever getting out and really uniting with a real woman. For the harem is always accessible, always subservient, calls for no sacrifices or adjustments, and can be endowed with erotic and psychological attractions which no woman can rival. Finally, among these fantasies the man is always adored, always the perfect lover; no demand is made on his unselfishness, no mortification ever imposed on his vanity. In the end, they become merely the medium through which he increasingly adores himself.<sup>5</sup>

These words come from the pen of the English novelist and Christian apologist Clive Staples Lewis (1898-1963). In this brief excerpt from a letter sent in 1956 to a certain Keith Masson, Lewis draws attention to the place that the sense passions of the soul hold in the Christian life.

Because the topic of the *passiones animae* requires considerable explanation for a contemporary audience, I follow the practice of Eric D'Arcy who, in a simplified manner, translates the phrase as "emotions."<sup>6</sup> Of course, the complexity

<sup>5</sup> C. S. Lewis as cited in L. W. Dorsett, *Seeking the Secret Place: The Spiritual Formation of C. S. Lewis* (Grand Rapids, Mich.: Brazos Press, 2004), 123-24.

<sup>6</sup> E. D'Arcy, *The Emotions*, vol. 19 of *Summa theologiae*, Blackfriars edition (New York: McGraw-Hill Book Company, 1967), xxi-xxvi.

of Aquinas's psychological theory remains.<sup>7</sup> On the other hand, English speakers, at least, will recognize the general subject area under discussion when one speaks of "passions."

To speak about sanctified thought and affection in Aquinas's teaching on nature and grace requires first of all a remark on the place that the impulse (concupiscible) and contending (irascible) emotions hold in the theological life—or, better, the theolical life, an expression that appears twice in the English translation of the *Catechism of the Catholic Church*.<sup>8</sup> The expression "theological life" means in short the uplifted life of grace, virtues, gifts, and beatitudes. It would make no sense to speak about an uplifted life unless a foundation for the structure existed. In other words, the "theological life" describes how divine grace perfects human nature.

In his *Passions and Virtue*, recently translated into English, Fr. Pinckaers observes that the humanization of the emotions did not receive significant attention from modern moral theologians, especially of the casuist stripe. "In the world of casuistry," he writes, "the question of the passions is reduced to a determination of the sinful character of the antecedent or consequent passion to the will."<sup>9</sup> Confessors, for instance, when a person confessed having experienced movements of either the contending or the impulse emotions, were accustomed to ask this question of a penitent: "Did you give your consent to them?" Most often, in fact, this question arose within the context of the penitent's confessing lustful or unchaste thoughts. It would have been easy to conclude that Christian living required of a tempted person a firm use of will power in order to hold at bay threatening and unruly emotions. One may easily take away from such counsel the image of a divided soul.

<sup>7</sup> For a brief explanation in English, see J. P. Reid, O.P., *Fear and Anger*, vol. 21 of *Summa theologiae*, Blackfriars edition (New York: McGraw-Hill Book Company, 1965), 139-83.

<sup>8</sup> CCC 2607 and 2803.

<sup>9</sup> S. Pinckaers, O.P., *Passions and Virtue*, trans. B. M. Guevin (Washington, D.C.: The Catholic University of America Press, 2015), 5.

Even today, secular critics complain that the Church demonizes emotions. If the publication of *Humanae Vitae* in July 1968 marks a symbolic point of rupture in the theretofore accepted practice of moral theologians, we may say that casuistry has been out of favor for about half a century. At the same time, postconciliar moralists have not spent much time explaining virtuous emotions. Those theorists, for example, who still exercise themselves with versions of what *Veritatis Splendor* calls teleogisms discuss human emotions mainly as grounds for rationalizing immoral activity.<sup>10</sup> To take Lewis's abovementioned example, moralists who discount the moral harm of masturbation sometimes justify their laxism by appeal to the emotional instability of adolescents and those others given over to the solitary vice.<sup>11</sup> Lewis's explanation of the harm that autoeroticism causes to the Christian soul made to love God and neighbor should give such theorists moment for pause. Only a sophist would attempt to gainsay the concision, limpidity, and cogency of Lewis's thought, which finds an echo in the Magisterium's insistence that masturbation fails to achieve the "mutual self-giving" that God made venereal pleasure to accompany.<sup>12</sup> At the same time, Lewis leaves unanswered the kind of question that many an adolescent would likely pose to his or her spiritual director or confessor, namely, "What am I to do when lustful urges, which manifest themselves in the bodily members, seem to overcome me?" Few spiritual guides of this period, I would dare to estimate, hold out the promise that human emotions can gain a rectified stability within the theological life. Otherwise put, they fail to instruct on how grace can shape nature's affection.

<sup>10</sup> See *Veritatis Splendor* 73 and 74.

<sup>11</sup> Efforts to minimize the culpability that attaches to an immoral act should be evaluated in light of *Veritatis Splendor* 63: "It is possible that the evil done as a result of invincible ignorance or a non-culpable error of judgment may not be imputable to the agent, but even in this case it does not cease to be an evil, a disorder in relation to the truth about the good."

<sup>12</sup> For example, see CCC 2352.

## II. SANCTIFIED THOUGHT

Let me make an important clarification. The four centuries of casuist dominance did not leave the Church without some instruction on living the Christian life. We know that the casuist period in moral theology, which ran roughly from the mid-sixteenth century to the mid-twentieth, also witnessed the production of some of the masterpieces of Western Christian spirituality. Francis de Sales's *Introduction à la vie dévote* (1609), Louis de Montfort's *Traité de la vraie dévotion à la Sainte Vierge* (1712), and the several spiritual treatises composed throughout the eighteenth century by Alphonsus Liguori (d. 1787) provided spiritual consolation to Catholics worldwide. These Catholic instructions, to be sure, helped people cope with disordered emotional commotion in their lives. One may argue, in fact, that these spiritual authors aided Catholics in discovering the formative influence of divine grace on the human person. A pronounced emphasis on the power of grace to transform the believer appears especially in the thoughtful works of De Montfort, who counsels his readers to let themselves be formed in Mary's womb so as to grow into the image of her Son.<sup>13</sup> By and large, however, the great spiritual authors of the post-Tridentine period developed their treatises in conjunction with the ethos of casuistry. Francis de Sales's rejection of the Thomist thesis on infused moral virtue in favor of a charity-based approach to Christian living sets the tone for the modern period, for charity of course resides in the will, the rational appetite.<sup>14</sup> All in all, the modern spiritual authors remained skittish about the possibility of a person's developing virtuous emotions, that is, sanctified affections. Consider one example: Saint Alphonsus liked to attend Neapolitan operas, but he would remove his glasses so as to avoid visual contact with the luxurious stage settings and, one assumes,

<sup>13</sup> See R. Cessario, "Mary in the Dominican Tradition," *Nova et vetera* (Eng. ed.) 1 (2003): 27-42.

<sup>14</sup> For further information, see Cessario, *Moral Virtues and Theological Ethics*, 104, esp. n. 24.

the bosomy *prima donnas*. This somewhat mechanical application of pastoral theology would make for a hard sell today.

The period of Thomism that flourished under the inspiration of Pope Leo XIII prompted some important theological reflection on the positive role that human emotions can hold in the moral life. Pinckaers himself cites the early twentieth-century authors H. D. Noble, O.P., and M. Corvez, O.P. In 1908, the former published a two-part article, “La nature de l’émotion selon les modernes et selon saint Thomas.”<sup>15</sup> He concludes that the moderns differ from Aquinas. Corvez, for his part, between 1949 and 1952 edited the three volumes of the *La revue des jeunes* edition of the *Somme théologique* that deal with “Les passions de l’âme” (*STh* I-II, qq. 22-48). One may opine, however, that these pioneer restorers of Catholic teaching on humanized emotions made little headway in overcoming the view that, by the twentieth century, had become a commonplace, namely, that one best understands human emotions as physiological expressions of a material nature. The opioid crisis in North America and the #MeToo movement in the United States supply the most obvious and recent evidence to suggest that we require a more sophisticated account of human emotions than that proposed by materialist theorists who reject the immateriality of the human soul. Can one seriously envisage the cosmic dance of the eternal masculine and feminine choreographed satisfactorily by government-enforced protocols such as requiring consent forms before sexual engagement, attending anger management sessions, and the like?

Jacques Maritain, in his *Three Reformers*, anticipated our present circumstances and located their remote causes within the arc of modern philosophy.

The rationalist self had wanted to be self-sufficient. It refused to lose itself in the abyss of God, where it would have found itself, and now it can only seek itself in the abyss of sensitive nature, where it will nevermore find itself. Love, which was the panting of the spirit, and which presupposes as a condition of

<sup>15</sup> H. D. Noble, O.P., “La nature de l’émotion selon les modernes et selon saint Thomas,” *Revue des sciences philosophiques et théologiques* 2 (1908): 225-45 and 466-83.

*self*-surrender the *self* and its immanent life, has gone. Nothing but egoism remains and there is no *ego*, but only a stream of phantoms. Rousseau's man is Descartes's angel acting like a beast.<sup>16</sup>

Is it too overreaching to suppose that Maritain drew upon elements of basic Thomist teaching on the workings of infused moral virtue as exercises of both sanctified thought and sanctified affection?

For many reasons, including the fragility of theories that pit rational will against sense emotion, attentive scholars deem the Thomist teaching on the humanization of man's emotions one of the most important lessons for contemporary Catholic moral theology. To return to the Thomist commentatorial tradition, allow me to stress the importance of recognizing a continuous—that is, without identifying discrete periods—commentatorial tradition that follows the work of Aquinas. The Thomist commentatorial tradition perpetuates a sapiential approach to theology. When its authors treat human emotions within the theological life, they stand united in upholding the pre-ethical anthropology of the *imago Dei*. They—that is, the noneclectic commentators—also rely on the Aristotelian account of the human soul and its powers.<sup>17</sup>

Among the several benefits that derive from their adhering faithfully to the commentators, Thomists recognize that the virtue of prudence enables them to give an account of how reason can, in fact, shape the emotional life of an individual. *Veritatis Splendor* points to this teaching when it insists that

knowledge of God's law in general is certainly necessary, but it is not sufficient: what is essential is a sort of "connaturality" between man and the true good. Such a connaturality is rooted in and develops through the virtuous attitudes of the individual himself: prudence and the other cardinal virtues.<sup>18</sup>

<sup>16</sup> J. Maritain, *Three Reformers: Luther, Descartes, Rousseau* (New York: Thomas Y. Crowell Company, 1929), 100.

<sup>17</sup> For further information, see J. A. Weisheipl, s.v. "Thomism," *New Catholic Encyclopedia* (New York: McGraw-Hill, 1967), 14:126.

<sup>18</sup> *Veritatis Splendor* 64.

Bona fide Thomist authors from the sixteenth century on offer the best commentary on this important feature of Church teaching that does not assume a divided soul as its default position. Instead, Thomists assert that sanctified thought and affection create a harmonious interplay of the soul's rational powers and human emotions.

### III. THE THEORY

In 1974, Marie-Dominique Chenu published an article titled "Les passions vertueuses: L'anthropologie de saint Thomas."<sup>19</sup> He opens the article by recalling briefly the condemnations of Aquinas by ecclesiastics of an Augustinian stripe that occurred within a few years of his death. Aquinas's canonization in 1323 effectively nullified these critiques, which otherwise would have undermined one of Aquinas's central moral teachings, namely, that the sensitive powers of the soul, the capacities for emotional reactions, supply apt "seats" for virtuous formation. "Saint Thomas held," writes Chenu, "that, contrary to his Augustinian contemporaries, the impulse and contending passions [emotions] present, even down to their physiological engagement, proper subjects for virtuous formation."<sup>20</sup> Chenu observes that Aquinas did not flinch from drawing the consequences that his "radical opinion" about the constitution of the human being—namely, that "the intellectual principle is united to the body as its form"—entailed.<sup>21</sup>

Chenu identifies the principal places where Aquinas develops his teaching on the formation of a virtuous emotional life. One should single out the *Quaestio disputata De virtutibus in communi* and the *Quaestio disputata De virtutibus cardinalibus*. In these texts and others, Aquinas and, following him, Thomists never cede to the emotional life of man a control that the rational

<sup>19</sup> M.-D. Chenu, "Les passions vertueuses: L'anthropologie de saint Thomas," *Revue philosophique de Louvain* 72 (1974): 11-18.

<sup>20</sup> *Ibid.*, 12.

<sup>21</sup> *STh* I, q. 76, a. 1. See also CCC 365.

powers of the soul cannot engage. Even in the face of strong arousal of emotion, accompanied by what Aquinas calls a *corporis transmutatio*—a physical eruption of sorts—the human person retains the capacity to integrate these emotions and to shape them in conformity with virtuous *habitus*. Aquinas’s doctrine of the unity of the human soul, with powers really distinct from the essence of the soul, undergirds his confidence about the development of rectified sense appetite. “One thing has one being as a substance,” he writes, “but there can be many activities. And so there is one soul but many powers.”<sup>22</sup> Sense powers, as the name *potentia* suggests, are capacities that can be developed by way of a passive reaction. To develop this thought, Aquinas describes the sense powers of the soul as being “in a midway condition.” He further explains: “For the bodily change [*corporis transmutatio*] conjoined to their acts shows that they use a bodily organ, but that they are in some way lifted above matter is shown by this, that they are moved on command and obey reason.”<sup>23</sup> Of course, Aquinas holds clearly that the “principal act of virtue is choice.”<sup>24</sup> Still, he equally insists that “by the habit of virtue, the ultimate fulfillment of goodness is conferred on the act of virtue, such that the irascible and concupiscible [contending and impulse] follow the command of reason without difficulty.”<sup>25</sup>

One should not pass over lightly the qualification that Aquinas introduces when he signals what makes moral virtue a requirement for Christian perfection—that is, “the ultimate fulfillment of goodness,” to borrow his own phrase. To put it differently, the Common Doctor holds that the sensitive powers of the soul—the contending and the impulse emotions—when virtuously formed or shaped confer this “ultimate fulfillment of goodness” on the virtuous act. Why, one inquires? Virtuous emotions embrace the

<sup>22</sup> See *STh* I, q. 77, a. 2, ad 3.

<sup>23</sup> *De Virtut. in Comm.*, a. 4, ad 4. Translations of *De virtutibus in communi* and *De virtutibus cardinalibus* are taken from Thomas Aquinas, *Disputed Questions on Virtue*, trans. R. McInerney (South Bend, Ind.: St. Augustine’s Press, 1999).

<sup>24</sup> *De Virtut. in Comm.*, a. 4, arg. 2.

<sup>25</sup> *De Virtut. in Comm.*, a. 4, ad 2.



truth about the good of the human person “without difficulty.”<sup>26</sup> Recall that *habitus* formation renders the action that flows from this metaphysical perfectant of the soul prompt, joyful, and easy.<sup>27</sup> How strange this conviction must sound to those who regard the discipline of Christian living as an intolerable burden, if not an unwarranted imposition on the human being’s natural movements.

Aquinas entertains no such uncertainty. Instead, he employs the familiar analogy of the slave and the free man. Reason governs the emotional powers of man not by a royal or despotic rule but by a political rule. This political rule allows Aquinas to claim reasonably that the emotions remain true seats of virtue.<sup>28</sup> Though he admits that the rebellion of the sense appetites against reason cannot be wholly removed by human virtue, at the same time he acknowledges that divine power can remove all such rebellion. In a startling phrase, he alerts us to the extraordinary power of divine grace. He says that the removal of all rebellion to right reason on the part of the sense appetites can be effected “by the divine power which is even capable of changing natures.”<sup>29</sup> He surely absorbed the full meaning of the biblical text that reports Jesus as saying, “Come to me, all you who labor and are burdened, and I will give you rest. . . . For my yoke is easy, and my burden light” (Matt 11:28, 30). Many texts from Saint Paul also come to mind.

The Thomist teaching on the power of divine grace and the dynamics of the infused virtues seems especially useful in our present circumstances. A recent Gallup poll (June 5, 2018) offers this alarming statistic about the number of Americans who deem the use of pornography morally acceptable: “One of the biggest spikes was among men ages 18-49. Already a majority last year (2017) at 53 percent, the number soared 14 percentage points to

<sup>26</sup> Ibid.

<sup>27</sup> For further information, see Bourke, *Habitus as a Perfectant of Potency in the Philosophy of St. Thomas Aquinas*.

<sup>28</sup> See *De Virtut. in Comm.*, a. 4, ad 8.

<sup>29</sup> *De Virtut. in Comm.*, a. 4, ad 7.

67 percent this year (2018).”<sup>30</sup> One should note that the majority of candidates for both marriage and the priesthood come from Catholic men within this age group.

The “ultimate fulfillment of goodness” survives physical death. Aquinas dares even to assert that though the separated soul enjoys only its rational powers, there remains in heaven something of the virtues of temperance and fortitude. Why? The virtues of personal discipline can never escape their “derivation.” What does he mean? Aquinas answers in article 4 of his disputed question on the cardinal virtues, which asks, “Whether all the cardinal virtues remain in heaven.”<sup>31</sup> One objector observes that the sense parts of the soul do not exist in the separated soul. Aquinas, however, remains resolute about the permanence of virtuous formation:

The object of the act is the object of the power; hence such powers are connected; and thus after death they do not remain in the actually separated soul, save virtually, as in a root because the powers of the soul flow from its essence. But these virtues are in the irascible as far as their derivation [*derivationem*] goes, but according to origin and beginning they are in reason and will because choice is the principal act of moral virtue and it is an act of rational appetite. But by a kind of application this choice terminates in the passions of the irascible and concupiscible because of temperance and fortitude.<sup>32</sup>

This explanation, Chenu observes, reveals the surpassing dignity that Aquinas gives to the emotional life of man.<sup>33</sup> The virtues that shape man’s emotions shine even in heaven. While Aquinas maintains that the virtues of temperance and fortitude remain in heaven, their virtuous acts no longer serve an end to be attained but an end already obtained. Chenu concludes by acknowledging,

<sup>30</sup> Mark Pattison, “Americans’ Acceptance of Porn Hits New High This Decade,” Catholic News Service, June 7, 2018 (<https://cruxnow.com/church-in-the-usa/2018/06/americans-acceptance-of-porn-hits-new-high-this-decade/>)

<sup>31</sup> *De Virtut. Card.*, a. 4.

<sup>32</sup> *Ibid.*, ad 13 (English translation by R. McInerney [South Bend, Ind.: St. Augustine’s Press, 1999], 140).

<sup>33</sup> Chenu, “Les passions,” 15.

sadly, that Aquinas's finely tuned "morale des passions" did not enjoy success among the bulk of Catholic theologians. Instead, the Augustinian model of virtue, which placed the virtues only in the higher powers of the soul, continued to influence mainline Catholic thought. One may reasonably suppose that C. S. Lewis would have been obliged only to encourage continence on someone who may have been moved intellectually by his analysis of solitary masturbation but was not sufficiently mature emotionally to avoid the practice.

To conclude, let me point out some contemporary research on the humanization of the passions. About a decade ago, Fribourg-trained Paul Gondreau published an article entitled "The Passions and the Moral Life: Appreciating the Originality of Aquinas," which captures the salient features of Aquinas's teaching on the human emotions within the theological life.<sup>34</sup> Earlier, Gondreau's doctoral thesis was published in Europe under the title of *The Passions of Christ's Soul in the Theology of St. Thomas Aquinas*.<sup>35</sup> Two American editions followed.<sup>36</sup> This major work on the rectification of human emotions exposes an oftentimes neglected feature of Aquinas's virtue theory. Gondreau reminds us of the thoroughgoing Christological inspiration that stands behind Aquinas's insistence about the rectification of the sense passions of the soul. When Aquinas affirms that divine power can change the nature of things, he surely thinks above all of the substantial holiness of Christ's human nature. So the Common Doctor easily can proclaim, "Christus perfectissime habuit omnes virtutes."<sup>37</sup> Aquinas's teaching on human emotions within the theological life offers, in the measure available to human persons, the same hope of transformation to believers, the members of Christ's body. Given the largely unsuccessful remedies for emotional upset proffered by the human and medical sciences, what Aquinas

<sup>34</sup> *The Thomist* 71 (2007): 419-50.

<sup>35</sup> *Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters* (Münster, Achendorff, 2002).

<sup>36</sup> Scranton, Penn.: University of Scranton Press, 2009; reprint, Providence, R.I.: Cluny Media, 2018.

<sup>37</sup> *STh* III, q. 15, a. 2; see also *ibid.*, ad 2.

teaches about rectified emotion should form part of all moral instruction given within the Church of Christ, especially in Roman Catholic seminaries. I cite Gondreau's work inasmuch as it offers one example of a certain theological wisdom that, I contend, finds a special home in Fribourg. As one indebted to the Dominicans of the Albertinum and to my own alma mater, the University of Fribourg, allow me to express the hope that this sapiential style of theology—"Theology at Fribourg"—will remain strong and alive, so as to bear much fruit.<sup>38</sup>

<sup>38</sup> For discussion of an earlier period, see R. Cessario, O.P., "Theology at Fribourg," *The Thomist* 51 (1987): 325-66.

## BOOK REVIEWS

*Children of God in the World: An Introduction to Theological Anthropology.* By PAUL O'CALLAGHAN. Washington, D.C.: The Catholic University of America Press, 2016. Pp. vii + 595. \$39.95 (paper). ISBN: 978-0-8132-2900-3.

English-language graduate courses in theological anthropology have been in want of a good textbook for years. Rondet's has long been out of print; Journet's and Hardon's, while excellent in themselves, contain neither the detail nor the depth that a graduate course requires; and other significant contributions to the subject area have tended toward addressing one or more particular areas of controversy (e.g., the relationship between nature and grace, or the complementarity of man and woman) rather than theological anthropology as a whole. The prospect of filling this void is daunting for any author. As O'Callaghan notes in this book (18), the treatise on theological anthropology may be a relatively recent phenomenon in the history of theology, built on the backs of a collection of Scholastic treatises, but in its brief lifespan it has been asked to address such wide-ranging topics as biblical criticism, gender theory, hermeneutics, and neuroscience. O'Callaghan's textbook is thus as welcome as it is ambitious, providing a complete overview of the treatise on theological anthropology in its current form, doing justice to the myriad of interdisciplinary fields with which it has come into contact in the last half century, and offering the studious reader a series of generous bibliographies in its notes that touch on nearly every topic of importance or controversy that it addresses.

Part 1 ("Methodological Considerations": chaps. 1-3) situates O'Callaghan's approach to theological anthropology within the wider fields of social anthropology, philosophy, and theology. From the start, we see the breadth of O'Callaghan's erudition, as he places the book's subject on a map of contemporary thought that stretches from Scholastic theology to the history of religions to important works of literature from any number of periods, languages, and cultures. Within this broad field, O'Callaghan orients himself by dividing the scientific question of "what" human nature is (18-20) from the philosophical and theological question of "who" human persons are (21-25, 33). O'Callaghan argues that, by focusing on the concrete situation of the human species, reflection on human nature fails to account for the transcendent aspirations of human persons towards immortality (16); by studying what is determined and

universal in human nature, it fails to account adequately for the uniqueness and liberty of human persons (22-24); by focusing on knowledge outside the context of love, it risks turning knowledge into a means of domination (27). A phenomenological approach to the experience of human persons overcomes these limitations, but even then, unaided reason encounters certain “binomials” of human experience that appear mysteriously irreconcilable (26): the relationships between concreteness and transcendence, universality and uniqueness, determination and freedom, and knowledge and love (24-25, 31-33). In this context, the person of Jesus Christ “reveals man to himself” (*Gaudium et Spes* 22, quoted on 64), not only in the sense of revealing the healing of human nature by grace and its elevation to glory, but even revealing the very intelligibility of human nature as such: only “Christ, the incarnate Logos, is the one who gives a unitary and harmonic intelligibility . . . to human nature” (80-81).

Part 2 (“The Historical Development of the Doctrine of Grace”: chaps. 4-11) begins with a nuanced meditation on the *imago Dei* in Scripture (chap. 4). Honing in on the patristic distinction between image and likeness, while ably placing it in the context of contemporary biblical scholarship (93-95), O’Callaghan sees in the term *imago* two important aspects of human existence: the human person is filial (in relation to God) and social (in relation to other human persons) (96). While the *imago Dei* is present equally in all human persons (98-99), Part 4 (“Christian Anthropology”: chaps. 18-25), which addresses a range of disputed questions about the *imago Dei*, suggests that it cannot be reduced merely to the level of nature or to the higher powers of the soul, as Augustine’s psychological analogy of the Trinity would have it (419); there is “an important” but not exclusive expression of it in “the union between [male and female]” (533), as well as the other forms of human sociality that radiate out from family life (498-89). The rest of part 2 unpacks O’Callaghan’s discussion of the *imago Dei* with a comprehensive survey of the ways in which the theological tradition has articulated its transformation by grace into the likeness of God: in Pauline literature as incorporation into Christ (chap. 5), in Johannine literature as eternal life (chap. 6), in the Eastern Fathers as divinization (chap. 7), in Augustine as the reception of the Holy Spirit (chap. 8), in the medievals as created grace (chap. 9), in Luther and certain early Reformers as faith (chap. 10), in the Council of Trent through the sacraments (also chap. 10), and in the early modern and modern periods through the various positions taken in the *De auxiliis* controversy, the heterodox Augustinianisms of Baius and Jansen, and the proto-*ressourcement* of Petavius and Scheeben (chap. 11).

O’Callaghan describes part 3 (“The Christian Theology of Grace”: chaps. 12-17) as “the central part of this treatise” (10). Like part 2, it begins with an extended meditation on Scripture, this time on Rom 8:29-30: “For those whom he foreknew he also predestined. . . . And those whom he predestined he also called; and those whom he called he also justified; and those whom he justified

he also glorified” (RSV; 215). Developing Barth, he interprets foreknowledge and predestination as the election of the Church (217-24). Drawing on the writings of Josemaría Escrivá, he creatively interprets calling as the vocation of the persons in the Church to holiness and apostolate (224-35). Synthesizing these two lines of interpretation, he treats justification as the person’s free response to the offer of grace that is present in his personal vocation (235-38). Finally, following Pannenberg, he views glorification as the eschatological participation in eternal life that grace begins now and perfects hereafter (238-42). Within this context, chapter 13 offers the reader a sublime and unparalleled reflection on the role of the Holy Spirit as uncreated grace, drawing each one of us up through the Church in response to our personal vocation into a loving communion with the Trinitarian persons. Subsequent chapters address the other fundamental aspects of the theology of grace: created grace (chap. 14), the infused virtues and the gifts of the Holy Spirit (chap. 15), justification and merit (chap. 16), and the need for grace (chap. 17).

One hesitates to critique such an otherwise excellent book. But while O’Callaghan’s focus on person over nature places him comfortably within the field of Thomistic personalism represented by John Paul II, the adversarial manner in which O’Callaghan often frames the distinction is somewhat unnecessary to his aims. It may simply be the echo of rhetorical effect from the classroom lectures on which the book is based, but the reader does wonder at certain points whether O’Callaghan has done sufficient justice to the difference between the Stoic understanding of nature and the Thomistic understanding of nature. Certainly, we can agree that the Stoic understanding of nature entails a comprehensiveness and control that are subject to the pitfalls that O’Callaghan describes. Nonetheless, the Thomistic understanding of nature carefully preserves the integrity and intelligibility of nature alongside its openness to grace: in a variation on the oft-repeated Thomistic axiom, we might say that grace not only perfects nature but also presupposes it. Thomas was aware of the potential objection that the integrity of nature could seem to make the will’s motion necessary. But he carefully avoided it by distinguishing between necessary and free modalities in natural motion. By nature, all human persons necessarily desire happiness, as Augustine had long ago observed at the beginning of the *Confessions*. But only by free choice, as Augustine explores throughout the same work and as Thomas repeats, does a given human person pursue his happiness in some particular object.

O’Callaghan’s adversarial framing of the person/nature distinction also affects his discussion of created grace. Explaining the character of Trinitarian indwelling, O’Callaghan identifies in Thomas a shift from an “assimilative” understanding of indwelling (at the level of nature) to a “relational” one (at the level of the person) (284-85). However, O’Callaghan passes over the fact that the key word in the texts of Thomas dealing with the so-called “assimilative” understanding of indwelling, *similitudo*, is the Latin word for “likeness” in Genesis 1:26. This is not to suggest that one should let the pendulum swing the

other way and *replace* the relational with the assimilative understanding of indwelling. It is merely to observe that the two go hand in hand: the human person enters personal communion with the Trinitarian persons precisely insofar as he becomes a “partaker of the divine nature” (2 Pet 1:4).

One is tempted to overlook the distinction between the divinization of the person and the divinization of nature in the person as an exercise in obscurantism, but it has important ramifications for Thomas’s understanding of the relationship between sin and grace. On O’Callaghan’s reading, “Aquinas . . . teaches that the theological understanding of sin and evil is not constitutive of the treatise of grace” (180). There is a sense in which this could be true if it were phrased relatively. In the mid-twentieth century, Lottin showed that Aquinas backed away from the more extreme “Augustinianism” of the Lombardian school, for which the essence of original sin is that we are personally culpable (albeit venially) for the presence of concupiscence in our nature. With Anselm, Aquinas saw the essence of original sin as nature’s loss of grace, limiting personal sin to that which implicates the will. How, then, do individual human persons share in the sin of Adam? Here, Thomas does not abandon Peter Lombard’s Augustinianism altogether. He distinguishes between *peccatum naturae* (a sin committed by human nature itself), the spoiling of original justice, which causes *culpa naturae* (guilt of nature) in all persons who supposit human nature, and *peccatum personale* (personal sin), which causes *culpa personalis* (personal guilt) in all persons who commit it. The grace of justification thus entails a twofold cleansing and elevation: it heals individual human persons from personal sin and raises them to a personal relationship with the Trinitarian persons, as O’Callaghan lucidly describes, but it only does so insofar as it heals and elevates human nature in those persons to a participation in the life of God. Since human nature is shared among all human persons, the cleansing and raising of nature in the person thus forms the ontological basis of the relational character of our redemption—a point which de Lubac first brought to the fore in *Catholicisme*.

These difficulties notwithstanding, O’Callaghan deserves high praise for filling an important gap in theological scholarship. Not only does his work, as intended, provide the contemporary classroom with a textbook that has been needed for decades, but the breadth and depth of his erudition will additionally earn this book an important place as a reference text for scholars, as well as deserved recognition as a constructive contribution to theological anthropology in its own right.

JACOB W. WOOD

*Franciscan University of Steubenville*  
*Steubenville, Ohio*



*Thomism and Predestination: Principles and Disputations*. Edited by STEVEN A. LONG, ROGER W. NUTT, and THOMAS JOSEPH WHITE, O.P. Ave Maria, Fla.: Sapientia Press, 2016. Pp. 336. \$39.95 (paper). ISBN: 978-1-9325-8979-5.

This collection of thirteen essays, with an introduction by Steven A. Long, examines the principles of the Thomist theology of predestination and the disputes that have arisen about it among Aquinas's disciples. While the promotion of the book might lead one to suppose that the volume delivers a coherent and complete defense of the classical Thomist account, the limitations arising from the fact that it is the product of papers given at a conference mean that the collection is not entirely that. Nevertheless, it deserves a warm welcome, because the issues connected with predestination that are debated among Catholic theologians have never been solved to general satisfaction, and the loss of interest in Thomism during the twentieth century hindered theological progress in them.

Two essays (chaps. 1 and 4) offer a general orientation around the central questions, although Thomas Joseph White, O.P.'s "Catholic Predestination" would have been more usefully placed first overall. White prescribes a retrieval of a balanced medieval Augustinianism, in contrast to the Calvinist and Barthian versions of the modern period, with Calvin's elision of divine causation and permission, the irresistibility of grace and its restriction to the elect, and Barth's subordination of Calvinism to what effectively amounts (claims White) to universal salvation in Christ. For a Catholic theology of predestination that avoids these extremes, he offers six principles from Aquinas: (a) that everything morally good in a human being comes from God's creative power and providential assistance; (b) that moral "evil stems from a . . . free, . . . culpable, and naturally defective" human act (103); (c) the primacy of divine grace over free human cooperation; (d) the offer of "the possibility of salvation to all human persons," where "the mystery of perdition originates from the free defective resistance to or refusal of . . . grace" (109); (e) God's eternal foreknowledge of all the saved, where "his divine will for their salvation is the effective cause of their predestination to divine glory" (114); and (f) God's innocence of moral evil, where "reprobation occurs in light of the antecedent permissive decree of God, which is in no way causal of sin" (116).

What, however, is the status of the classical Thomism that White favors? Does it genuinely represent Aquinas, and is it sound? In the first and most significant chapter, Serge-Thomas Bonino, O.P., places the current state of the question on predestination in the context of the shift among Thomists away from the classical interpretation found in Réginald Garrigou-Lagrange, O.P. Bonino goes through the different factors that have contributed to a general rereading of Aquinas: scriptural and patristic renewal, the "demonization" of Aquinas's commentators (36), and the tendency to find diverging lines of thought in his corpus. Bonino concludes against several theologians that it

cannot be inferred from scriptural teaching on communal and “economic” predestination that the traditional question of individual predestination to eternal life is a false problem. As for Aquinas’s appropriation of the Fathers, which has recently enjoyed enthusiastic appreciation, Bonino notes that, paradoxically, its progress brought Aquinas’s mature doctrine in the *Summa theologiae* closer to the very Augustinian position on predestination with which theologians now feel uncomfortable. While many believe that the later Thomist tradition dealt in debates foreign to Aquinas and introduced concepts like “physical premotion” that distort our understanding of him, Bonino confirms the presence within Aquinas’s mature thought of the classic positions articulated by such commentators as Domingo Báñez, O.P., and Garrigou-Lagrange.

In contrast, the revisionist approaches are found wanting because they sacrifice some element of Aquinas’s teaching, striving to retain grace’s primacy and divine knowledge of sin without God’s sovereign causality through physical premotion and his antecedent permissive decree of sin. If they do not reject physical premotion outright, they limit its scope. For Bonino, such attempts fail through their substitution of the eternal presence of creatures to God for divine causality as the medium of divine knowledge, such that God knows creatures because they exist rather than, as Aquinas holds, that creatures exist because God knows them. Jacques Maritain’s “breakable motion” (44), moreover, not only fails to retain an adequate understanding of God’s knowledge of sin, but also undermines grace’s primacy by conceding the last word in salvation to the creature. Bonino recommends that theologians sacrifice none of the relevant data, whether metaphysical or revealed: while Thomists may not be able to demonstrate the ultimate “conciliation” of all these truths, recognizing the limits of their science, they can hold in obscurity that such conciliation is possible and show that it is not impossible.

Not all the remaining chapters follow Bonino’s recommendation in detail. Lawrence Feingold (chap. 7) takes the view that the modern primacy of the division of actual grace into efficacious and sufficient, found in the commentators, introduced a false dilemma into theology. Feingold opts instead for Aquinas’s division into operative and cooperative grace as primary and, rejecting the classical Thomist causal account of divine knowledge, appears to risk having God’s eternal knowledge determined by the presence to him of creatures, the very thing Bonino seeks to avoid. Despite a nod to Bonino, Matthew Lamb’s account of Bernard Lonergan, S.J., on the intelligibility of predestination (chap. 9) is more of a piece with Feingold: adherence to Lonergan goes hand in hand with the dismissal of Báñez as a reliable interpreter of Aquinas on divine motion. Michael Waldstein’s essay (chap. 11), though its argument is hung on the hook of presenting Balthasar as a Thomist critic of Barth’s predestinarian theology, stands out as more of a continuation of a distinct debate on pure nature with Long (see the latter’s introduction on 1 and 14-19).

Despite the volume's diversity, most chapters more or less directly favor the agenda set by White and Bonino. Some frame the questions in interesting ways that escape a narrow approach of concentrating solely on traditional points of contention. Michael Dauphinais (chap. 5) highlights the crucial role of God's goodness by exploring Aquinas's *Commentary on Ephesians*, which makes clear that, in the Common Doctor's words, "God's predestining will has no other ratio than the communicating of the divine goodness to his sons" (128). In chapter 3, "From Eternal Sonship to Adoptive Filiation," Roger W. Nutt shows how Aquinas's treatment of Christ's own predestination adds clarity to our understanding of how the eternal reality of predestination in fact unfolds in this temporal order. No presentation of Aquinas on predestination can be complete without attention to the content of the *Summa's* Christological *Tertia pars*.

That said, the really controversial points are rooted back in the *Prima pars*. On this score, Long's essay on the role of divine causality in predestination (chap. 2) provides a very thorough defense of the classical position. Though Aquinas never used the phrase "physical premotion," Long makes the case that the doctrine is nevertheless present in his works and defends in its connection the fundamental importance of divine simplicity, where God is Pure Act and in no way dependent on creatures. He criticizes Maritain (whose theory he previously accepted) for holding that a creature will receive an unbreakable motion for a free act if it first does not negate a breakable motion, since that negation of a negation involves a paralogism and must reduce to a positive effect; Francisco Marín-Sola, O.P., for conceding to a creature in receipt of a lesser grace the excessive power to apply that grace to a greater effect, and for proposing that grace may be "fallibly efficacious," which Long claims is contrary to divine simplicity (65); and Lonergan for a weak presentation of both divine and creaturely motion that is inadequate to Aquinas's texts. The most pellucid treatment of physical premotion, however, is from Joseph G. Trabbic (chap. 6), who elegantly refutes Brian Shanley, O.P.'s claim that the classical doctrine lowers the transcendent God to the level of a secondary cause. According to Trabbic, physical premotion does not compromise but rather requires divine transcendence.

What is said in favor of classical Thomism is not limited to defenses of Aquinas's metaphysical theology. In an interesting contribution (chap. 12), Christopher M. Cullen, S.J., shows how St. Ignatius Loyola in his *Spiritual Exercises* adhered to the Thomist position on physical premotion and so on, prior to the rise of alternative theories among the Jesuits. From the Dominican tradition of spirituality, Romanus Cessario, O.P., adds (chap. 10) the classical position on the grace of predestination in the Marian devotion of the priest-tertiary Louis-Marie Grignon de Montfort—a happy addition to the volume.

However, while these contributions, like those of Dauphinais and Nutt, round out the case in favor of classical Thomism, what is crucially missing from this volume is a study of the texts of Báñez himself and so of the relationship of

his teaching to that of Aquinas. This is surely what is required to verify the credentials of such doctrines as physical premotion.

One of the more difficult aspects of this teaching is how our sinning escapes such motion. Thomas M. Osborne, Jr., sets out (chap. 8) the positions taken by some of Aquinas's early modern interpreters on how to hold both that God causes sin's act and that he does not cause sin itself or its deformity. On this issue, Thomists have disagreed over whether the material aspect of sin is subject to premotion. Osborne's assessment shows how individual Thomists, by drawing not only on Aquinas himself but on commentators who preceded them, clarified the issues in the light of Scotist claims about sin as privation (Cajetan), Protestant teaching that God is the cause of sin (Cano and Soto), and the Molinist doctrine that God does not cause sin's material aspect (Báñez, Alvarez, and Lemos). With its discussion of key distinctions, such as natural and moral causality and natural and moral contrariety, this chapter I found to be the most informative and enjoyable. It shows the fascinating creativity of Aquinas's commentators but underlines how serious is the lack of the inclusion of a study of Báñez's wider teaching on premotion and grace.

Perhaps more difficult still than the role of physical premotion in sin is God's decree permissive of sin. Negative reprobation, the other side of the coin to predestination in Aquinas's account, includes not only punishment by reason of sins freely committed, but God's permission of sins in the first place. In the shadow of Jean-Hervé Nicolas, O.P.'s refusal from the 1980s to continue his previous, thoroughgoing defense of this decree, Bonino insists that it remains the default solution and cannot be jettisoned on the basis of God's universal salvific will and divine innocence. Bonino argues that it follows securely from "several inescapable doctrinal constraints" (40), including the sovereignty of divine causality in the metaphysical order, the primacy of grace, and God's knowledge of sins. He does not think that one can infer a priori the permission of sin (and negative reprobation) as a means to the end of manifesting God's justice, even though sins, once committed, do become an opportunity for such manifestation (47-48). Rather, Bonino holds that reflection on the reasons for sin's permission can only be a posteriori, once reprobation is presupposed. While Garrigou-Lagrange had taken from Aquinas the explanation that the reprobation of some serves the predestination of others, Bonino and Long, like Nicolas, emphasize creaturely fallibility, such that God allows some creatures to be what they are, that is, to act according to their natures and to fail.

In the final chapter, Barry David, interpreting Aquinas's treatment of predestination in the genre of Christian *confessio*, suggests it would better elicit thanksgiving among its readers if Aquinas's opinion on minority predestination were amended in terms of majority predestination, with universal predestination reckoned possible (which is how he characterizes Barth). Barry raises here the question of the difficulty of interpreting the contents of Scripture. To me, this suggests that without a fresh and full verification of a basis in Scripture for the various elements of the Thomist account of

predestination—a verification not really undertaken in this volume—that theology cannot hope to persuade.

SIMON FRANCIS GAINE, O.P.

*Pontifical University of St. Thomas Aquinas*  
Rome, Italy

*The Cleansing of the Heart: The Sacraments as Instrumental Causes in the Thomistic Tradition.* By REGINALD M. LYNCH, O.P. Washington, D.C.: The Catholic University of America Press, 2017. Pp. xii + 225. \$65.00 (cloth). ISBN: 978-0-8132-2944-7.

As this volume's title suggests, Reginald Lynch offers insight into how the sacraments pertain to the very "essence and purpose of the Church's life" (2). The book has four, complementary chapters.

Chapter 1, "Historical Considerations," begins by situating the subject of the book, Aquinas's teaching on sacramental causality, in relation to the influence of St. Augustine, the school of St. Victor, Peter Lombard, and the later medieval schools. Lynch points out a number of distinctions made by Augustine in his works against the Donatists that had lasting significance for sacramental theology. Lynch argues that "perhaps most importantly, Augustine drew a clear distinction between a sacrament and its fruit: while Baptism itself cannot be repeated, the fruition or grace of the sacrament can be lost and subsequently regained" (11). This important contribution became the catalyst for many further Scholastic developments. "Hugh of St. Victor . . . began a final synthesis of Augustinian sacramental doctrine that would become normative for many scholastic authors" (14). Hugh's synthesis includes the doctrine that the sacraments contain grace as a medicine is contained in a container. Peter Lombard, who had studied under Hugh, then offered an even more developed account of sacramental causality. After a few pages about Aquinas, the chapter moves through the positions of the subsequent schools, especially the teachings of the Franciscans and Dominicans. The chapter also treats the reforms of Trent and ends with a helpful section on "contemporary considerations," which discusses figures from the twentieth century—such as Casel, Leeming, Schillebeeckx, Rahner, and Chauvet—and the teaching of the Second Vatican Council. Lynch concludes his historical presentation by positioning the Thomist perspective on sacramental causality against the other dominant perspectives: "Unlike its medieval, modern, and contemporary alternatives, the Thomist approach to sacramental causality offers an integration between cause and effect, sign and sacred reality, that relates intrinsically to the human person in

the order of grace . . . [and does so] with a degree of clarity and theological precision that is not often found in contemporary sacramentology” (66). A careful study of this chapter gives the reader an advanced understanding of how the doctrine of sacramental causality developed from the Donatist controversies through the twentieth century, and how major figures like Albert the Great, Bonaventure, Aquinas, and Scotus sought to clarify the nature of sacramental efficacy.

In the second chapter, Lynch considers Aquinas’s teaching on sacramental causality in his *Commentary on the Sentences*. At the heart of the mechanics of his early position lies the distinction between divine and creative modes of efficient causality. As a result, the first section of this chapter provides a treatment of Aquinas’s teaching on divine causality and creation. *Creatio ex nihilo* differs from human artistic productivity on many important levels: “While a creaturely artist uses tools to accomplish a work of art, God’s role as first principle implies that the act of creative artistry must not only be *ex nihilo* but also immediate. Because nothing preexistent can be involved in a properly creative act, creation necessarily proceeds directly from the eternal will of God who is the principal cause of all” (74-75). There is, however, another sense in which God does work *as an artist* when he uses tools to influence “that which he has already created” (78). This opens the way for types of instrumental mediations, like the Incarnation and the sacraments, in which God acts upon creation as the principal agent yet with the help of intermediaries. By mapping Aquinas’s doctrine of divine causation in the first section of this chapter, Lynch is able to pinpoint a critical question in relation to sacramental causality: if the ultimate effect of the sacraments pertains to the supernatural order, in what sense can created instruments be said to cause this effect? As Lynch details in the second section of the chapter, by adverting to the doctrine of analogy, Aquinas teaches that an instrumental efficient cause is perfective or dispositive depending on whether its causation reaches its ultimate effect (perfective causality) or merely disposes for the ultimate effect (dispositive causality). Water can be used to clean something. Or it can be used to dispose, such as by moistening soil to receive seed, in which case it does not produce the ultimate effect of the soil’s reception of the seed. “In the *Sentences*, Aquinas uses this distinction between perfective and dispositive efficient causality to describe the instrumental causality of the sacraments. Aquinas teaches that the sacraments ‘reach’ (*pertingere*) a certain proximate effect that takes place in the soul, even though their power as instruments does not reach the ultimate finality of the action” (81). “Among Thomas’ contemporaries,” Lynch adds, “it was commonplace to speak of grace as something created *ex nihilo*” (82). As a result, “[Thomas’s teaching in the *Sentences* on] dispositive causality is an attempt to preserve the principal agency of God with respect to grace” (83-84). The chapter ends with a summary of the uses of the concept of the Greek word “*organum* [instrument],” which Aquinas adopts in the *Sentences* but not with

the penetration that is on display in his later expositions of sacramental instrumentality.

The third chapter moves through Aquinas's post-*Sentences* works, marking developments in his thinking on sacramental causality. Lynch begins his consideration with the disputed questions *De veritate* and *De potentia Dei*. He notes that, despite what appears to be the same language in regard to causality, there are a number of shifts in Aquinas's thought on grace in both works. By clarifying the nature of grace as a created accident in the soul, Aquinas is able more fully to associate the instrumental action of the sacrament with its causation. "While there are important parallels to be drawn between the act of creation and the concreation of grace, the two are not entirely congruent. This incomplete correspondence between creation and re-creation removes one of the principal objections to the involvement of created instrumental causality in the production of grace in the soul" (118). Lynch goes on to consider Aquinas's *Summa contra Gentiles* and *Summa theologiae*, in which the Angelic Doctor further augments the developments of his *De veritate* and *De potentia Dei*. In regard to the sacraments, Aquinas completely drops the language of "dispositive" causality; rather, in the *Summa theologiae*, "Aquinas distinguishes two kinds of causes: principal and instrumental, with no further division within the category of instrument" (121). In the *Summa theologiae*, Aquinas also clarifies the relationship between the sacraments' nature, which is that of both sign and cause. As Lynch explains, principal agents do not take on the character of a sign in relation to their effects whereas instruments can be considered as a sign in proximity to their effect: a knife can be both a cause and a sign of a cut. "In this way [instruments] cannot be causes alone but are signs and causes inasmuch as they are moved by the principal agent. . . . Sacraments are instruments in the full sense because they are ordered to the holiness of another (*aliquid sacrum*) as both signs and causes" (122-23). To explain, Lynch also refers to a helpful exposition of Aquinas's teaching by Cajetan that illumines the development of the Angelic Doctor's thinking. Cajetan refers to the music produced by a harp when moved by a musician. A harp can make "noise" when played by a "nonharpist," but it makes music when moved by a real musician (125). Likewise, the sacraments cannot touch the soul by their natural elements, but, as instruments moved by God to confer grace, they do touch "the heart because of the power of God" which is at work within them (126). Lynch concludes the chapter with considerations of Domingo Báñez's development of Aquinas's doctrine of instrumentality vis-à-vis the obediencial potency of creatures and of John of St. Thomas's position on sacramental grace.

The final chapter examines Aquinas's teaching on sacramental causality in light of Melchior Cano's theory of moral causality. Cano's thought is of interest not only for its influence on later sacramental theology but also for how he formulated it in relation to Renaissance humanism. As Lynch points out, the concerns of humanism affected Thomists in various ways. "Cajetan engaged the humanist question in theology by reinvesting in biblical commentary and the

study of ancient languages” (159). Other Thomists took more inspiration from humanism than just that of higher standards of intellectual cultivation. “In Vitoria, and then more clearly in Cano, we see a decision not only to be in dialogue with humanism but to invest in humanist methodology itself” (*ibid.*). The result of this decision was that the speculative and scientific commitments of Aquinas’s legacy gave way to more practical and logical concerns. For Aristotle, logical pursuits were ordered to metaphysical realism and precision. However, for the Renaissance Thomists who followed humanists like Valla and Agricola, the methodological shift made “persuasion and probability [count] for more than rational certainty” (160). As a result, the use of dialectic by the Scholastics to present and pursue truth gave way to rhetoric “that produces conviction in its audience” (166). Cano’s work reflects these methodological commitments, which caused him to break with the mainline Thomist tradition on sacramental causality.

Lynch begins by helpfully mapping Cano’s reasoning on the question of sacramental efficacy. Cano recognizes “two species of efficient causality: ‘natural’ causes and ‘moral’ causes” (171). The key distinction between the two is that moral causes do not yield “contact with the effected end” (*ibid.*). Instead, the moral cause works by inducing “another to action” (172). Coming close to earlier *sine qua non* theories of sacramental causality, “Cano’s moral cause,” in other words, “seems to imply some power of persuasion (if not efficient motion) present in the cause itself” (175). Having sketched out Cano’s understanding, Lynch then demonstrates that this approach cannot maintain the intrinsic connection between the sacraments and grace required by Trent’s *ex opere operato* doctrine. In particular, Lynch presents the response of Báñez to Cano’s teaching. As Lynch summarizes him, Báñez, who sided with Cajetan’s reading of Aquinas against Cano, points out that, “while Christ’s passion is certainly the meritorious cause of our redemption, this assertion must be accompanied by a discussion of the role of the sacramental elements themselves as physical instruments in the conferral of grace” (183). Ultimately, what is at stake is the *ratio* of the Incarnation itself. Christ’s death is not efficacious merely at the level of persuasion but as the “physically efficacious” instrument by which salvation is accomplished (185). It is from the physical efficacy of the Incarnation that the sacraments derive their instrumental power as causes of grace. Lynch ends this chapter by demonstrating how the issues at play in Cano’s teaching and the Thomistic response have deep significance in understanding the *de auxiliis* controversy and the trend toward nominalism in contemporary theology.

The importance of what Lynch has accomplished in this work cannot be overemphasized. The scholarship is of the highest quality. Simply put, there is no theological work within the last fifty years that treats this topic with as much clarity as Lynch does in these pages. His engagement with Aquinas’s major commentators, teasing out their key lines of insight and development, makes this volume of value to all students and scholars of sacramental theology. Lynch concludes the volume with the words, “Because of the importance of their



effects, the efficacy of the sacraments will always be of central relevance and should never be marginalized or forgotten in theological discourse” (205). Indeed, there is scarcely a single theological topic bearing more directly on how the faithful are to pursue Vatican II’s “universal call to holiness” than the causal efficacy of the sacraments in the order of grace. *The Cleansing of the Heart* gives the Church a remarkable resource—most certainly a standard-bearer for years to come—in support of this lofty end.

ROGER W. NUTT

*Ave Maria University*  
Ave Maria, Florida

*Divine Causality and Human Free Choice: Domingo Báñez, Physical Premotion and the Controversy “de auxiliis” Revisited.* By R. J. MATAVA. Leiden: Brill, 2016. Pp. xii + 365. \$194.00 (hardback). ISBN: 978-90-04-31030-8.

*Divine Causality and Human Free Choice* is an adventurous, if occasionally unsteady, attempt to summarize the infamous controversy *de auxiliis* and to offer a Thomist solution to the problems of divine causality and human freedom. Matava characterizes his work as “an exercise in historically informed philosophical theology” (8) that seeks to understand the “less-studied” side of the controversy, namely, the development of the “classical Thomist” position of Domingo Báñez, rather than the more commonly studied position of his great rival, the Jesuit Luis de Molina. The first four chapters are historical. Matava introduces readers to the controversy between Báñez and Molina, outlines Báñez’s position on divine causality and human free choice, explains Báñez’s critique of Molina, and explains Molina’s critique of Báñez. After a transitional fifth chapter on Bernard Lonergan’s critique of Báñez and Molina, Matava offers his own interpretation of Aquinas with a close reading of *STh* I, q. 45, a. 3. In his historical treatment of the controversy, Matava treats all of the classical *loci*, both medieval and modern: physical premotion, middle knowledge, sufficient and efficacious grace, predestination, providence, free choice, indifference, the composed and divided senses, *de dicto* and *de re* modality, the “grounding objection,” and so forth. In his more systematic proposal, Matava expands this already wide field to include technical questions about the relation of creation in order to argue that God’s causality of human free choices is best construed as one instance of the broader mystery of creation.

Matava’s work is a must-read for anyone interested in these issues, although I suspect many will find points on which to disagree with him. Unlike most

modern theologians who enter into the ready-made academic debate about “compatibilism” and “libertarianism,” Matava quotes liberally from the texts of Báñez and Molina. For this reason alone, *Divine Causality and Human Free Choice* marks a great advance over most works on the subject. Although Matava sometimes depends too much on William Lane Craig and Thomas Flint for his understanding of Molina, his work is especially useful for reminding us of the theological resurgence of these debates with Norbert del Prado and Reginald Garrigou-Lagrange. After Matava notes Báñez’s “uncompromising commitment” to what he calls “classical Thomism,” one might expect *Divine Causality and Human Free Choice* to be a spirited defense of the great Dominican Scholastic, but Matava’s account is more neatly dialectical: “both Báñez and Molina,” he argues, “are right in their critiques of each other and, consequently . . . both of their own respective positions are deficient” (322). Both share suppositions that rendered the controversy unavoidable and unsolvable at the time. It comes as little surprise, then, that Matava interprets the controversy *de auxiliis* as a key moment in the genealogy of modernity.

As a result, *Divine Causality and Human Free Choice* is marred by some dubious historical claims. Matava presents Ockham as the leader of nominalists and speaks of “classical Thomism” as representing the dominant theological paradigm in early modern Scholastic Catholicism. In truth, few agreed with Ockham, and Thomism was but one school among many during the sixteenth, seventeenth, eighteenth, and nineteenth centuries. Nor was the Thomist tradition unified. The “classical Thomism” of Báñez and Medina attacked the humanistic Thomism of Cajetan, Vitoria, Las Casas, and Cano as readily as it attacked Franciscans and Jesuits. One also hears echoes of the old Lutheran historiography adopted by Catholic historians like Joseph Lortz and Erwin Iserloh—and subsequently adopted by both existentialist and transcendental Thomists—when Matava says that the Church lacked the theological resources to deal decisively with the issues raised by the controversy. The implicit promise is that modern theologians now possess the requisite sophistication to deal with these issues once and for all. Matava’s interpretation of Aquinas purports to offer an articulation of a unified relationship between nature and grace, an eschatology that makes better sense of the canon of Scripture as a whole, and a new spirituality that avoids both fatalism and Pelagianism (7)—all things, presumably, that the previous tradition lacks.

Báñez’s chief role in this study is to criticize Molina, whose chief role appears, unfortunately, to be to suffer the criticism of Báñez. On Matava’s reading, Báñez is the father of the modern “grounding objection,” the argument many modern philosophers believe fatal to Molina’s *scientia media*. On such a reading, Molina’s characteristic *scientia media* fails to rise to the level of true knowledge because it “requires there to be contingent states of affairs that obtain prior to creation” (146-47). Depending as it does upon God’s knowledge of how free creatures might respond to his grace, Molina’s argument compromises God’s impassibility. One might expect to hear Molina’s response

in the chapter on Molina's criticism of Báñez, but the chapter largely serves to defend Báñez from Molina's attacks rather than to explain the Jesuit's position. As a result, it is a bit anticlimactic when Lonergan emerges to offer his well-known, but perfunctory, criticism of Báñez for failing to understand Aquinas on motion and thus making causation a *tertium quid* between God and the creature. Báñez deserves better than that. Besides, Lonergan's criticism seems to be vitiated by the celebrated Dominican's insistence that we read his argument metaphysically, rather than physically, and so avoid being misled by the phrase "physical premotion" (43).

Matava also assumes Molinism to be the single Jesuit tradition. This is largely unconvincing. In 1613, Claudio Acquaviva, the father general of the Jesuits, enjoined the Society's theologians to follow Suárez and Bellarmine, not Molina. Congruism became the official teaching of the Society two years later under the new father general, Muzio Vitelleschi. Matava believes he can surmount these historical difficulties, but, like most attempts to collapse congruism into Molinism, he fails to distinguish God's foreknowledge and vision at key points in his argument. Molina's entire point of departure, however, was to banish Scotus's *signa rationis* from discussions of God's eternal decree in order to rescue the Angelic Doctor from concessions to the Subtle Doctor made unwittingly by Dominicans and Jesuits alike. As almost every Jesuit after Suárez was at pains to point out, too, the *scientia media* was part of God's *scientia simplicis intelligentiae* and so by definition *ante decretum*. It was in no way dependent upon God's *scientia visionis*, which is of course *cum decreto*. One would wish that Matava had foregrounded these issues in order to clarify what was—and what was not—at stake in this debate. Seventeenth- and eighteenth-century theologians agreed that the things God foreknows *ante decretum* according to his *scientia simplicis intelligentiae* were divided between the *scientia rerum naturalium* (which is *absolute necessaria*) and the *scientia rerum liberarum creaturis futurarum sub hypothesi* (which is *contingens*). The things that God foresees *cum decreto* were divided between the *scientia rerum decretarum absolute* (which God knows via his *visio absolutorum*) and the *scientia rerum decretarum sub hypothesi* (which God knows via his *visio conditionalium*). Of course, the things that God shall decree to exist, both those decreed absolutely and those decreed contingent upon other things, are included among all possibles by definition. Much of the confusion about the *scientia media* in modern writers arises from the fact that the *scientia conditionalium liberorum creaturis* falls under both the *scientia rerum liberarum creaturis futurarum sub hypothesi* (which God foreknows via the *scientia simplicis intelligentiae*) and the *scientia rerum decretarum sub hypothesi* (which God foresees via the *scientia visionis*). The *scientia rerum liberarum creaturis futurarum sub hypothesi*, however, includes the *scientia conditionalium liberorum* by definition. The *praescientia conditionalium liberorum* is *directa*, and the *visio conditionalium liberorum* is *reflexa*. No other difference is posited

in God's *scientia*, which, as Molina was keen to point out, is one. At no point does it depend upon the creature's response to his grace.

Once this (admittedly technical) point is acknowledged, many of Matava's readings of Molina appear forced. Take, for example, Matava's reading of the clause *quod positis omnibus requisitis ad agendum* in Molina's famous definition of free choice (105). At no point is it clear that Molina interprets free choice as the zero-sum game that Matava insists it is. Matava attempts to bolster his critique of Molina's Augustinian and Scotistic conception by pointing to the Jesuit's remark that God and the creature are partial causes acting as a single joint cause in the creature's free response. To secure this reading, however, Matava must downplay Molina's insistence that, by partial causes, he means that both God and the free creature are complete causes *in their own orders* (108-9). As a result, what Matava criticizes as Molina's position, he later defends as Báñez's (178). When faced with the teaching of the Council of Trent, Matava can muster no better argument than that Báñez's reading of the council is "possible" (199)—all the while neglecting to admit the rather obvious fact that Molina's reading is clearly in harmony with the text of the council and its intentions. Such a hermeneutic is, not unlike Báñez and Molina at their worst moments, more polemical than historical.

While Matava's investigation of the original sources is laudable, his work unfortunately displays a too-common tendency among Catholic theologians: resurrecting Baroque sources only to scapegoat them. Not enough credit is given to the sources in their own right and in their own context. Be they fitted or forced, Báñez and Molina appear to have been inserted into an already existing narrative. Greater awareness of modern assumptions—and modern prejudices—is called for in such a project, and fewer hints of the *odium theologicum* it purports to overcome.

TRENT POMPLUN

*University of Notre Dame*  
*Notre Dame, Indiana*

*Deification in the Latin Patristic Tradition*. Edited by JARED ORTIZ. Washington, D.C.: The Catholic University of America Press, 2019. Pp. ix + 313. \$75.00 (cloth). ISBN: 978-0-8132-3142-6.

Is there a true theology of deification in the Latin Christian tradition? The question is a contested one. While research on *theosis* in the Eastern tradition

flowered in the twentieth century, it has commonly been asserted, as Jared Ortiz notes, “that the Latin Fathers did not seriously hold a teaching about deification” (9) or that any such teaching would have been imported from the East (8). In recent years, though, scholars have argued that genuine teaching on deification can be found in the Western tradition. Most attention has been given to medieval Latin or even to Reformed theology rather than to the Latin Fathers, apart from Augustine. This interesting and wide-ranging volume takes a large “first step along the way” to filling this gap (2), presenting significant evidence “that many Latin authors do hold deification as an integral part of their theological vision, have deeply engaged it, and have done so by drawing on a common Christian tradition which they developed in unique ways” (4).

One reason it is commonly claimed that the West lacks a teaching on deification involves terminology. The technical vocabulary of deification (words with the root *deif-*) is quite rare among the Latin Fathers, even though they often refer to the idea of humans being assimilated to God and sharing in the divine life. Because of this, as Ortiz notes in the Introduction, John Scotus Eriugena observed in the ninth century that “while the use of the term deification is very rare in Latin books, we certainly find the meaning [*intellectus*] in many of them” (2). Eriugena’s distinction raises the question of what the meaning of deification actually is, especially in light of concerns raised in recent decades by Gösta Hallonsten and others that a precise concept is being diluted by too loose an application. Hallonsten, who appears as a critical background interlocutor throughout this volume, argues that the theme and the true doctrine of deification must be distinguished; the latter—employing technical terms, a dynamic anthropology of image and likeness, a Platonic concept of participation, and the energies/essence distinction—should be reserved for the Eastern tradition (“Theosis in Recent Research: A Renewal of Interest and a Need for Clarity,” in *Partakers of the Divine Nature: The History and Development of Deification in the Christian Tradition*, ed. Michael J. Christensen and Jeffrey A. Wittung [Madison and Teaneck, N.J.: Fairleigh Dickinson University Press, 2007], 287). Daniel A. Keating has responded that the picture is more complex; some of these elements are central to the teaching of Latin Fathers, and some are not found in the early Greek Fathers themselves (“Typologies of Deification,” *International Journal of Systematic Theology* 17 [2015]: 276.) The principle that “the *intellectus*” of a theology of deification “can be present, even if the terms are not,” guides the essays here (3). The authors offer persuasive evidence that these Latin theologians employ “key elements of a theology of deification,” understanding “salvation as participation in God and the communication of his divine life to us” (3-4).

Ortiz grounds the volume well with an opening chapter on deification in the Latin liturgy, the primary locus of theological experience where “Latin Christians of the patristic period were regularly being deified” (9). Deification, Ortiz argues, is a “crowning theme” in early Latin liturgical prayers and mystical texts (10). Deification takes place liturgically, making

“worshippers into gods” (29), as the Christian is transformed and grows “in union with and likeness to God”; it is made possible by the “magnificent exchange” of the Incarnation, for Christ’s own “divinized humanity . . . is the basis for our own divinization” (11-12). Subsequent chapters follow in chronological order from the third to the seventh century. The possible breadth of the *intellectus* of deification is demonstrated by their differences, though key elements become clear: participation in divine life or attributes (sometimes only eschatologically), assimilation to Christ, the formula of exchange, and divine adoption. The essays are well edited and helpfully unified by concluding sections that present the essential aspects of the theology of deification in each.

Thomas Heffernan proposes that the *Passion of Perpetua and Felicity*, although it does not employ “technical philosophical language,” portrays the martyr’s being deified by participation in the divine attributes, emphasizing “transcendence, incorruptibility, the gift of healing, revivifying the dead, and an intimate union with God reserved for the martyr alone” (30-31). Mark A. Frisius makes the challenging claim that deification, although almost universally thought to have no place in Tertullian’s thought, is in fact “integral to his soteriology” (59). Tertullian’s rigorist ethics has as its end, he argues, an imitation of Christ that is perfected eschatologically, made possible by Christ’s role as “sequester,” purifying human flesh and uniting it to divinity. In the eschaton, perfected human flesh becomes like the angels, incorruptible, and “the individual human . . . receives the divine image and qualities” (74). Benjamin Safranski argues that for Cyprian, deification has an ecclesial context, begun by rebirth in baptism, so that “the Christian begins to be divine through assimilation into Christ’s body, adoption as a coheir with Christ, and sanctification as a temple of the Holy Spirit” (76). Our “deification by imitation” of Christ in baptism is fulfilled especially by imitating the mercy of God in almsgiving (91). James L. Papandrea offers an interesting chapter on Novatian, arguing that the latter fits on “a trajectory . . . from Irenaeus to Athanasius” that “has as its focal point the concept of the *communicatio idiomatum*” (94) first clearly expressed by Novatian in “the language of loaning and borrowing” (104). In Christ, “the human nature receives *immortalitas* and the divine nature receives *fragilitas*” (107), and so “our humanity [can] receive sanctification and immortality, culminating in resurrection and eternal life” (110).

While the third-century sources often seem to focus on deification as the communication of specific divine attributes such as incorruptibility, many fourth-century Fathers offer a more developed notion. Janet Sidaway argues that Hilary of Poitiers “had an unusual but rich theology of deification” that “focuses on the way we can ‘become God’ in the sense of sharing in the perfect, glorified humanity of the incarnate Son” (131). The exchange formula for Hilary is anthropocentric, evidenced by his view of the Transfiguration as “anthropophany” rather than theophany—in it, we see Christ’s glorified humanity, prefiguring the glorification to come through brotherhood with him

(124-25). Brian Dunkle, S.J., offers a fine chapter on Ambrose, demonstrating that Ambrose's teaching on deification is rhetorically shaped for different audiences. For the more advanced, he tends to use "formulas of divine/human exchange and 2 Peter 1:4" to "speak directly of God's union with humanity through Christ." To mixed audiences, he more often employs "themes of divine adoption and 'image and likeness,' which imply indirectly the union between God and the baptized" (134), and uses the language of nature and grace to convey the idea of deification to congregants who "want to know how baptism changes them" (151); here Dunkle responds directly to Hallonsten's charge that such language conveys a static anthropology incompatible with the Greek view of *theosis* (134). Dunkle suggests that Ambrose may have avoided the language of deification due to its "pagan resonances" (139). A number of other authors in this volume similarly suggest that the terminology of deification is avoided within the context of heresy or idolatry. For instance, Vít Hušek argues that the meaning of deification in Jerome's thought "is based on adoptive sonship, which enables us to become sons of God and to participate in divine life," calling us to moral excellence (154). Yet Jerome is "cautious and conservative on the topic of deification" (166), avoiding all Greek and Latin technical terms (153) as well as the Platonic concept of participation, always insisting that "our participation in God is not a change of human nature" (160) but instead requires us to exercise our freedom for moral excellence (167). Hušek proposes that Jerome's caution may have had anti-Origenist roots (168).

The fourth- and fifth-century Fathers discussed in the following three chapters—Augustine, Peter Chrysologus, and Leo the Great—offer some of the clearest examples of deification theology, especially in their references to the "wonderful exchange." Ron Haflidson notes the scholarship already done on Augustine's theology of deification (169-70). The reader should be aware that, as Haflidson is building on this previous research, he focuses only upon Augustine's eschatology. For Augustine, the saints not only enter but "become" God's Sabbath rest because their "eternal praise of God is incited and sustained by a deified knowledge of God's goodness" (181), a knowledge that begins on earth but is fulfilled in heaven by "the perfection of the knower" (188). David Meconi, S.J., insightfully examines Peter Chrysologus's theology of deification in its historical context in wealthy, imperial Ravenna. Peter's use of the exchange formula in his preaching is strikingly expressed in mercantile terms, giving his words "a remunerative tone" (193). He seeks to persuade Christians to appropriate and live the divine life won for them as children of God, appealing to those wondering "to which sovereign court they belong" to "embrace God as our only Father, our only defender and provider" (201). Daniel Keating demonstrates convincingly that Leo the Great expresses a theology of deification "in a way comparable to others of his day, including Augustine in the West and Cyril of Alexandria in the East," especially in his use of the language of participation in the divine nature (215) and in his "dynamic anthropology, Christologically and pneumatologically grounded, that expresses

both the realistic and ethical aspects of our deification” (226). Although using no deification terminology, Leo “richly” applied the exchange formula throughout his career, showing “his conviction that Christ became fully what we are so that we might become what he is and might partake of the riches of divine life and power” (229-30).

Chapters on Boethius and Benedict of Nursia with Gregory the Great conclude the survey. Michael Wiitala argues that although Boethius never refers to Christ in his *Consolation of Philosophy*, he “developed a distinctly Neo-Platonic notion of deification that is nonetheless compatible with the orthodox Catholic Christianity he professed” (231). Wiitala speculates that the *Consolation’s* message is that Lady Philosophy “can identify *that* happiness is only attainable through deification, [but] she cannot on her own sufficiently identify *how* to achieve deification” (232). Luke Dysinger, O.S.B., argues for “an understated but real doctrine of divinization” in the *Rule of Benedict* and Gregory’s biography of Benedict in the *Dialogues* (271). In the *Rule*, “the divinizing light and divine voice of scripture” give the monk a “heart opened wide by the practice of asceticism” to see Christ in others (271, 261). Gregory locates his “theology of divinization . . . in his doctrine of contemplation” illuminated by the divine light (264). Dysinger shows effectively why even Gregory Palamas considered these saints to be “paradigms of *theosis*” (270-71).

Norman Russell’s concluding chapter on deification in the Greek and Latin Fathers is the crown of this volume, an appendix of sorts to his magisterial *The Doctrine of Deification in the Greek Patristic Tradition* (Oxford: Oxford University Press, 2004). Russell offers a definition of deification—“the appropriation of divine life through participation in the incarnate Word in whom human nature has been divinized through its assumption by the Word, a participation that is accomplished sacramentally with the necessary support of the moral life”—judging that these elements are “well represented” in the Latin Fathers discussed here (273-74). There is agreement between East and West that “deification is Christologically based, ecclesialogically expressed, and eschatologically oriented” (293), while “undeniably,” particular emphases also exist, which Russell attributes to “differences in the reception of the Origenian tradition” (291-92).

This well-researched collection of essays opens new avenues into a fascinating and little-known dimension of Latin patristic theology. It provides a worthy contribution to what will surely be an ongoing discussion of the content and limits of the *intellectus* of deification.

DARIA SPEZZANO

*Providence College*  
*Providence, Rhode Island*



*Aquinas among the Protestants*. Edited by MANFRED SVENSSON and DAVID VANDRUNEN. Oxford: Wiley Blackwell, 2018. Pp. xi + 314. \$94.95 (hard), \$39.95 (paper). ISBN: 978-1-119-26589-4 (hard), 978-1-119-26594-8 (paper).

This collection of essays testifies to the revival of constructive engagement with the thought of Thomas Aquinas among Protestant theologians in recent years. Thomas has long been treated by Protestants as the theologian *par excellence* of the Roman Catholic Church, and to Catholics it has often seemed that Protestant theologians have treated him merely as a foil who made the truth of Reformation theology stand out more clearly, rather than a theological source who could be incorporated in a positive way. This collection goes some way toward showing that Protestant theologians in the centuries following the Reformation made constructive use of Thomas as well as showcasing contemporary Protestant engagements with Thomas. The first seven essays, gathered under the heading “The Protestant Reception of Aquinas,” reveal the positive use of Thomas by Protestant thinkers in the five hundred years since the start of the Reformation. The next seven essays, constituting a section entitled “Constructive Engagement,” show how Protestant theologians might continue to use Thomas as a resource for thinking about issues ranging from faith’s relationship to reason to virtue and the moral life.

The first section covers a wide range of figures, including well-known Reformation-era Thomas-sympathizers such as Peter Martyr Vermigli (1499-1562) and Girolamo Zanchi (1516-90), as well as early modern figures such as Richard Hooker (ca. 1554-1600), the Anglican biblical scholar William Whitaker (1547/8-95), and the Lutheran scholastic Johann Gerhard (1582-1637). Nineteenth- and twentieth-century Reformed thinkers such as Abraham Kuyper (1837-1920), Herman Bavinck (1854-1921), and Herman Dooyeweerd (1894-1977) are also treated, as are the contemporary German Lutherans Wolfhart Pannenberg (1928-2014) and Eberhard Jüngel (b. 1934). The essays tend to focus on particular aspects of each figure’s thought (e.g., Hooker on law or Gerhard on analogy), so it is not always clear how broad the influence of Thomas is in those figures. But taken together, the essays show that some Reformation-era and early modern Protestants were happy to draw on Thomas as a source, and were unafraid to modify his thought, sometimes in a distinctly Protestant way, sometimes in answer to other exigences.

Some essays, such as David Sytsma’s on Whitaker, present hitherto little-noted influences flowing from Thomas into Protestant authors. Particularly surprising, at least for this reviewer, was how extensively an exegete like Whitaker drew upon Thomas, citing not only the *Summa theologiae* but also his Pauline commentaries. Some essays, such as Torrance Kirby’s on Hooker, offer expositions of thinkers influenced by Thomas but make little reference to the texts of Thomas himself, making it difficult to evaluate the nature of that influence. For example, Kirby notes that Hooker understands God as “*causa sui*

and therefore *gubernator sui*" (95), which strikes me as rather different from Thomas's notion of God as *uncaused*. Indeed, Kirby cites Hooker's description of the eternal law as the law "which God hath eternallie purposed himself in all his works to observe" (96), which sounds more like later nominalist construals of the absolute and ordained will of God than it does Thomas's account of God himself as law. Unfortunately, Kirby offers no textually based exposition of Thomas to address the question of whether Hooker is in fact departing from Thomas on this point, and readers are left to draw their own conclusion.

One of the essays in the first section, by John Bolt, while substantively concerned with Thomas in the work of several early twentieth-century Reformed thinkers, is framed autobiographically in terms of the author's own growing doubts about the negative depiction of Thomas in the writings of authors such as Kuyper and Francis Schaeffer (1912-84) and his coming to appreciate certain motifs of Thomas's thought. Bolt's essay thus serves not only as an account of one strand of Reformed anti-Thomism but also shows how someone within the Reformed tradition might come to reappraise Thomas. In this way, it blurs somewhat the distinction between the retrieval of past Protestant engagements with Thomas and contemporary engagements with Thomas by Protestant theologians.

One gets the impression that as we move into the nineteenth and twentieth centuries Thomas is less often positively appropriated and more often used to represent a distinctively Roman Catholic perspective. This may have to do with the development of more distinctly "Protestant" and "Catholic" intellectual traditions over time, though in the case of thinkers such as Pannenberg and Jüngel criticisms of Thomas may have more to do with their engagement with modern thought than with confessional identity. One weakness of essays on specific figures is that it can be difficult to spot larger trends, though editors Manfred Svensson and David VanDrunen do attempt in their introduction to give something of an overview, noting a movement from "critique and appreciation" in the early modern period to "an era of ignorance" stretching from the Enlightenment to the middle of the twentieth century (14). They also note the variety of engagements with Thomas in the last seventy years, ranging from Anglican Thomists like Eric Mascall (1905-93) to various sorts of postliberalism, suggesting that there is no monolithic "protest" engagement with Thomas.

The essays in the second half make use of Thomas in discussing topics that, for the most part, reflect twentieth-century Thomist preoccupations: faith and reason, the nature of theology, analogy, nature and grace, virtue and social ethics. There is, unfortunately, no extended engagement with Thomas's Trinitarian, Christological, or sacramental theology, but this is hardly surprising since modern Catholic theologians have, until fairly recently, tended to neglect those areas of Thomas's thought as well. All of these essays attempt to draw on Thomas for constructive purposes. Some might have been a bit more careful about appropriating some of the standard Catholic narratives concerning how

Thomas differs from other medieval thinkers, particularly Scotus. And in one case, we get what I judge to be a somewhat garbled account of Catholic debates over “pure nature.” But the essays are all interesting and worth reading.

One of the best essays, by J. V. Fesko, takes up the traditionally controversial topic of justification and shows that, historically speaking, Thomas’s notion of “infused habit” is not as alien to the Reformed soteriology as is sometimes thought, and argues that this concept has much to offer contemporary Reformed theologians. Not all the essays, however, focus on Protestant-Catholic differences. Indeed, a number of the essays, such as Sebastian Rehnman’s essay “Philosophy Explored” or Michael Allen’s “The Active and Contemplative Life,” use Thomas to discuss their topic—and along the way give solid accounts of Thomas’s views—but spend relatively little time on how the position they develop conforms to or departs from classic Protestant approaches to these questions. Thomas has been completely appropriated as a theological source, taking his place alongside Paul and Augustine and Calvin and Luther. In these cases, the Protestants Thomas is “among” are the authors themselves, and one is left to figure out for oneself—or to ignore as not particularly interesting—the question of how “protestant” or “catholic” the position developed is.

Though not every reader will find every essay equally useful—someone well-versed in Thomas might not need yet another exposition of Thomas on a particular topic, and someone new to Thomas might find that some essays spend too little time expositing Thomas—most readers will find many of them both useful and interesting. Taken as a whole, this collection can be seen as a sign of hope that Thomas’s theology might serve as a place of fruitful encounter between Protestants and Catholics and not simply as a battlefield.

FREDERICK CHRISTIAN BAUERSCHMIDT

*Loyola University Maryland*  
*Baltimore, Maryland*

*The Aristotelian Tradition of Natural Kinds and Its Demise.* By STEWART UMPHREY. Washington, D.C.: The Catholic University of America Press, 2018. Pp. ix + 260. \$75.00 (cloth). ISBN: 978-0-8132-3041-2.

There are “two great waves of natural-kinds realism,” according to Umphrey: the more recent beginning in Mill and others in the nineteenth century, whereas the original, premodern wave spanned Aristotle through the medievals (1). This book is an erudite philosophical history of that original wave and its demise, the latter beginning with Galileo and ending with Darwin. Although a central current in the history of philosophy, the question about

whether the species that we instinctively pick out of the natural world are really there or something we concoct and then project has never before received a book-length study. This should be all the more concerning, given the assumption among Thomists that Darwin has not really dealt the deathblow to our philosophy of nature. Fortunately, Umphrey fills this lacuna and thereby offers a good assessment of “what happened” among philosophers of nature toward the elimination of the everyday view that dogs really are one kind of thing—and by the way, ants are another, and elms and planets a third and fourth.

Umphrey’s work is a historical companion to his more topical treatment of the same subject, *Natural Kinds and Genesis: The Classification of Material Entities* (Lanham, Md.: Lexington Books, 2016). There, he argues that although contemporary science seems to eliminate the idea that any species of organism is a natural kind, it “does not make it easy to decide that there are, or are not, natural kinds” altogether, leaving open the possibility that molecular compounds could be an example (13). Although, for a student of St. Thomas, this conclusion sacrifices too much—particularly when Umphrey simply grants that there are no species of organisms that “form disjoint classes in virtue of their intrinsic natures” (11)—the aim in both books is to “pave the way for . . . a renewal” of natural philosophy in the face of both “protometaphysical antirealism” and “philosophical naturalism” about natural kinds (17), an aim the perennial philosophy would support. In spite of being a companion to the 2016 volume, this newer volume can easily be read on its own, in part thanks to Umphrey’s substantial review of the earlier work in his prologue. His language for describing natural kinds, especially in the prologue, may be a bit foreign to a student of Aristotle and the medievals—indicating an analytic influence and perhaps rooted in Umphrey’s inclination to view old natural-kinds realism in light of the new—but his frequent references to “continuants,” “dividuals,” “grades of worldly involvement,” “singleton,” “disjoint,” and “s-resemblance classes” are usually explained without residual obscurity. The book is divided into seven chapters, the first two on the precursors to Aristotle’s natural kinds (the pre-Socratics and Plato), the second two on Aristotle’s theory and the Christian and Scholastic incorporation of it that also began its unraveling, and the last three on its demise in modern philosophy of nature (especially Galileo, Bacon, Descartes, Locke, Newton, Kant, and Darwin).

In the first chapter, Umphrey concludes that, although the earliest Greek poets and pre-Socratics had a notion of nature and “have some idea of kinds . . . they seem unaware of natural kinds as such” (24). The later pre-Socratics were less uniform: Anaxagoras allowed “no individual continuants and no natural kinds in the primary sense” (39), whereas the atomists “were the first natural philosophers to admit individual continuants” (40), the atoms, but were ambiguous about natural kinds for these atoms, and Empedocles offered “the first evidence of philosophical reflection on natural kinds” (43). One of Umphrey’s points in the first chapter is that although Aristotle’s view of natural kinds “has its native home in everyday thought” (2), his “bio-centric” (15)

replacement of the pre-Socratic views, all of which in one way or another rejected natural kinds, was itself revolutionary, equal in gravity only to the neo-pre-Socratic reinstatement of this rejection in the modern era.

The second chapter discusses Plato. While we find the forms in Plato first, a step toward natural kinds, Umphrey offers a somewhat unusual interpretation of Socrates as not quite asserting the “forms as beings,” and uncommitted about whether they are “immanent in things” or “transcendent” (47); likewise, “we cannot be sure” (a persistent refrain in this chapter) that the kinds we find in the *Timaeus* should “be regarded as natural” (67). Plato “entertained seriously” both the reality of types and the possibility that they “are artificial or conventional rather than real” (75). Ultimately, Umphrey concludes, Plato “was, it seems, non-dogmatically and self-consciously a natural-kinds anti-realist” (77). However, Umphrey does not posit mere discontinuity between Plato and Aristotle—he entitles both chapters 2 (on Plato) and 3 (on Aristotle), “*Eidos* and *Genesis*.” Rather, he thinks that, in positing natural kinds, Aristotle was in a sense following his teacher (and *his* teacher) by turning to “invariant forms and their definitions, together with the Socratic-Platonic insistence that we pay close attention to what is first for us” (15).

That critical third chapter is a grand sweep of Aristotle’s natural philosophy and metaphysics, explaining both his embrace of natural kinds and the tensions within this embrace. Aristotle recognized that what is “first for us” is not only found in “the ways in which people talk about things” (79) but also among the natural phenomena that we experience. Thus, even though his *Physics* begins with a proposal to found the science on the more known to us, he must spend the entire first book of the *Physics* refuting or appropriating his predecessors’ views of nature because of their tendency to “denigrate our everyday understanding of things” (81). And since what are first for us are living things, here Aristotle seems most confident about natural kinds, whereas the very substantiality of elements (for example) is, in Umphrey’s estimation, somewhat ambiguous. Likewise, positing both the celestial matter, “the most revisionary consequence of Aristotle’s cosmological perspective” (99), and the “supra-natural” God, “the most revisionary consequence of Aristotle’s theological perspective,” is “sketchy” (100) and has “a conjectural air” (102). The uncertainty in both cases derives from Aristotle’s “Odyssean” (103) circumspection and a resistance to “the temptation to reduce what is right before us to what is far away, or to systematize his various findings and conjectures” (102-3). As regards the reality of Aristotle’s natural kinds, Umphrey admits that there have been multiple interpretations (depending on how one understands the extramental reality of universals) and points out troubles for the view that Aristotle was an “immanent realist” (106), suggesting that he implicitly admitted a certain “moderate antirealism.” With Darwin clearly in mind, Umphrey’s most serious problem with Aristotle’s view, however, centers around reproduction and spontaneous generation; both the instrumentality of seed and the possibility of generation without seed seem to make the continuity of species open to

doubt, and his biology more “seems to favor” the possibility that “small eidetic variations might accumulate over generations” (117). Thus, Aristotle’s “*genetic* account” of species “does not square with his . . . *eidetic* account,” and this could “lead one to reject [animal] species as natural kinds, and even to doubt that substantial forms could . . . explain the existence of continuants” (ibid.).

Scholasticism’s wholehearted acceptance of natural-kinds realism, the subject of the fourth chapter, is a mixed blessing according to Umphrey, since creation in Christian revelation “[undercuts] . . . Greek distinctions between nature and history, natural and conventional, natural and sacred” (123). Umphrey follows the Averroist reading of Aristotle where the human soul is in no way immortal and God “cares not at all about the natural world” (127), a reading that is debatable but not unheard of. But this is a strange chapter in some ways, both because of a number of misreadings of St. Thomas Aquinas—for instance, Umphrey’s Aquinas claims “you are essentially your soul” (126) and “your essence . . . [is] your intellect” (ibid.)—and mistaken assessments of Christian theology—which he says raises “obedience above contemplation” (124) and wherein Christ is “doubtfully . . . the same natural-kind type as those around him” (129). Some of these mistakes or debatable claims matter to the argument, since from them Umphrey concludes that Aquinas’s “synthesis of Aristotelian philosophy with Christian doctrine is unstable” (126). Umphrey is particularly insightful, however, in pointing out that Ockham’s well-known problems with natural kinds arose from his “focus first of all not on what exists but on our ways of apprehending what exists” (135), such that he ends up with “at most one natural kind in the primary sense of the term,” material things (139).

In chapters 5 and 6, both entitled “*Lex* and *Motus*,” we see a new perspective on the story of the rejection of Aristotelian natural philosophy and the mathematization of nature in the age of Galileo, Descartes, and Newton. Umphrey attends to the implications of the “metaphysical foundations” (146) of this paradigm shift and therefore to the philosophers most involved (especially Descartes, Locke, Leibniz, and Kant). As a result, the centrality of the matter of natural kinds becomes clearer. We find the early moderns mathematizing nature because of their stress on the image of nature as a machine, while also trying in various ways to shake off the corollary that nature has ends because all machines have ends—some saying that the ends are real but in the inscrutable mind of God (Descartes), others that they are just heuristic scaffolding, to be jettisoned when their ateleological account is discovered (Kant). Likewise, the moderns’ description of nature through laws (which replace Aristotle’s forms), Umphrey notes, leans heavily on their “biblical or theological” worldview (158). Umphrey himself doubts, however, that “the reality of such laws” logically implies that they have “been legislated” (159), as many modern physicists would agree. Umphrey points out the basic unanimity about natural kinds in the modern paradigm shift: from Descartes to Bacon to Hobbes to Boyle to Locke, we find that natural kinds and even continuants are either “superfluous” or “idols” (161), merely Ockhamist “nominal essences”

(185). In particular, Descartes finds himself stuck. He “must, it seems, affirm as well as deny the existence of at least one natural kind,” us (180). In a surprisingly lengthy discussion of Kant’s role in the debate about natural kinds in biology, final causes and species are useful fictions. This is a bridge to Darwin, as Umphrey finds “our timeless logical ‘tree’ featuring typological species<sub>t</sub>” being gradually replaced by “the real historical ‘tree’ featuring genealogical species<sub>g</sub>” (211). Thus, “Kant . . . refined and deepened the problem implicit in Descartes’s view of man’s hyphenated nature,” and although many philosophers then took this in new directions, “in no case did it renew interest in natural kinds” (216).

With Darwin’s *On the Origin of Species*, the subject of the final chapter, natural kinds are dropped “into the dustbin of metaphysical curiosities” (ibid.). Darwin managed to do what the Galilean natural philosophers could not, for in elevating the machine as the paradigm for all of nature they had to ignore or offer a postdated check to biology, since physics made only modest progress in reducing life to mechanism. Darwin’s theory, however, offered hope insofar as it implied that the animate might arise from the inanimate just as (he argued) one species could evolve from another. In spite of using “a relaxed view” (225) of laws of nature and offering what is essentially “an *historical* discipline” (227) with “very little predictive power” (225), Darwin understood himself as modeling “his theory on Newton’s mechanics” (228-29), for again “biological species [are] nominal essences . . . more or less arbitrarily delimited” (229). At length, Umphrey defends the argument of *On the Origin of Species*, giving special attention to the charge that Darwin is inconsistent, even incoherent, about the reality of species, natural kinds. The strategy of the book, Umphrey argues, is to replace species as a class with a common form (“typological species”) with species as a group with a common ancestor (“genealogical species”), where even a “genus” is now nothing more than that common ancestor. Thus, Umphrey admits, “race” is more the word Darwin should be using (229), but his equivocal use of “species” is part of the dialectic against “creationists” (233). Umphrey grants, however, that Darwin appears not to “have a well-defined species-concept,” and wonders whether such a concept that does not simultaneously imply “that there is something special about species that makes them different in kind from other taxa” (ibid.) is even possible for Darwin’s account. For “by ‘historicizing’ these natural kinds he was not modifying them but setting them aside” (230), and these different groups of animals only “seem to differ in kind from one another” (231). Likewise, Darwin copes with the fact that “we humans think we are special . . . [by] subjecting this prejudice to mild ridicule” (235-36), though he seems to end up “a property dualist” and to “[make] little effort to clarify his position or defend it against physicalistic and behavioristic alternatives” (239). Indeed, Umphrey points out that “Darwin’s theory does not require that” organisms even “be genuine continuants” (234). So, the condition for the possibility of a natural kind is also on the chopping block now.

This book is full of remarkable asides, dangling questions, and provocative insights, especially in its final pages on natural philosophy after Darwin. A salient example: Umphrey indicates that with the elimination of natural kinds, the question “What is man?” and others like it must be set aside, since “these questions presuppose that man<sub>t</sub> [i.e., as a kind] exists, or that there is such a thing as human nature, and these presuppositions Darwin rejects. Instead he asks how man<sub>g</sub> [i.e., the genealogical species] originated” (235). This change from the “what is man?” to the “how is man?” profoundly clarifies the difference in spirit between classical and modern philosophical/scientific inquiry. Similarly, Umphrey cogently puzzles over our instinct that there are natural kinds, on the one hand deriving it from evolution’s “fundamentally pragmatic” attention to the useful and advantageous (242), but on the other, pointing out that we then need “an evolutionary psychology of natural philosophy” (243). For such a subdiscipline would somehow have to explain the origin of an animal that “[wants] to know what there is, and why, quite apart from any practical benefit such knowledge may bring”: beings, in other words, that contemplate “not only for life but for the truth” and that “offer and appraise arguments of the sort presented in this book” (244). That is, although Umphrey seems to have no doubts about the fundamental truth of Darwin’s theory—he claims that from it, “terrestrial life may at last be seen aright, as it is in reality” (230), adding at one point that “there is little prospect of a return to Aristotelian species<sub>t</sub>” (234)—questions still remain, and more work must be done. As he says in the introduction, this “is not so much a detailed history . . . as it is a series of soundings, or excavations, which together reveal in outline the full story yet to be told” (14). This is not only because of the aforementioned “new scientific essentialism” implicit “in chemistry and atomic physics” (235) but also because these “questions . . . cannot be answered by cognitive science or common sense alone” (243). These and other speculations, combined with Umphrey’s frequent but always passing references to contemporary science, are stimulating and motivate one to take a look at *Natural Kinds and Genesis* for deeper consideration.

CHRISTOPHER A. DECAEN

*Thomas Aquinas College*  
*Santa Paula, California*