THE THOMIST

A SPECULATIVE QUARTERLY REVIEW
OF THEOLOGY AND PHILOSOPHY

Em:ToRs: THE DoMINICAN FATHERS oF THE PRoVINCE OF ST. JosEPH
Publishers: Sheed & Ward, Inc., New York City

VoL. IV OCTOBER, 1942

THE PHILOSOPHY OF LANGUAGE

INHERITANCE or creation? Whence comes that original system of signs that is called language? From whom did man receive it as a legacy? Was it from Nature? Was it from Society? Or, on the contrary, was man, himself, its inventor? Did he bring it forth complete in its parts from his own creative fecundity? What is the structure of those signs? How explain their infinite plasticity? To what can their flexibility and their unlimited expressiveness
How is it that, being so small, so rudimenbny, they are at the same time as diverse and as complex as our sentiments, as universal and as unfathomable as the intuitions of our minds? Finally, what is their function, their destiny? To what use they passed? Of what :reality are they carriers? To whom are they addressed? What is the purpose that they serve?

These few questions open a vast field for investigation; are charged with interest and with mystery" But would be further complicated by any attempt to exhaust them or explain them in one short study. In this paper, therefore, we restrict ourselves to the philosophical aspects of language, avoiding the field of the historian of language, and of' the linguist himself. If at times we appear to encroach on the domain of

another discipline, it will be only because we see there reflections of philosophic truth, because we find there elements of a nature to reveal indirectly the essence of things. In virtue of an unexplained unity, facts that are apparently most dissimilar have astonishing conformities, which, when they are perceived, are transformed into degrees of light directed upon the structural lines of the object under consideration.

I. PROVISIONAL NOTIONS

Before proceeding to the exposition and justification of our views regarding the origin, nature, and finality of language, it is important that we define our terms, stating with clearness what is to be understood by the word *language*, for the least variation in the understanding of the term might lead to ambiguities and mistakes. It is to be noted that the word can be taken in a broad and improper sense; it then designates any class of signs among living beings. When there is a communication by means of signs there is language. Although it is a matter of indifference whether they are addressed to one or another of the senses-the languages of touch and smell are examples-these signs are usually addressed to sight and hearing. This gives rise to language that is visible or in the form of gestures, and to language that is audible or expressed by cries. As long as languages are determined in accordance with this material order, it must be said that animals, which can communicate by signs, have a language. That is to say, they make use of signs, whether they come to them by nature or are acquired by training.[1] Thanks to an association of images, fixed by nature or by repeated experiences, animals, without perceiving the relation of meaning, make use of it and give that relation life. Through the intermediary of signs, the role of which they do not understand, they become conscious of certain objects and of certain things to be

[1] Bruta exprimunt suos conceptus signis naturalibus. *(De Ver.,* q. 9, a. 4, ad 10; q. 24, a. 2, ad 7). Experimentum quod quaedam animalia non participant, nisi parum. Experimentum enim est ex collatione plurium singularium in memoria receptorum. *(I Metaph.,* lee. 1, n. 16.)

done. As a matter of fact ancient authors/' as well as modern, [8] do not hesitate to designate as language the cries, gestures, and songs by which some animals enter into affective and practical relations with beings of their own kind.

However, if we hold to the strict and proper meaning of the word, it must be admitted that *language* has the characteristics of a phenomenon that is typically human. It is truly the appendage of the rational creature, his most marvellous means of exteriorizing and of relations. Its superiority over the gesture or the cry of an animal is not of design but of nature. While these retain their sign value with a sort of physiological harmony, with an automatic release of sensation, while they are only the instinctive and mechanical reactions to the confused impressions that traverse the somnambulistic consciousness of the animals, while they seem to be invariable, even adhering to circumstantial psychic states or to particular needs, human speech is based upon knowledge of the sign, perception of its peculiar value, understanding of its essential character of relation, of its fascinating power of evocation. Moreover, since in its use it is not restricted to images but is wholly subject to the discernment of reason and to free will, it enjoys complete enfranchisement with respect to the reality for which it is the substitute. It can vary in accordance with an incalculable number of circumstances. In consequence of this independence in regard to the matter to be represented we can see that it does not consist simply of a system of signs employed by human beings, but that it represents an organic system of symbols, a synthesis of which man makes use for the exteriorizing of his inner life and for communicating with his fellow men.

[2] Si homo uteretur sola cognitione sensitiva, quae respicit solum ad hie et nunc, sufficeret sibi ad eonvivendum aliis *vox significativa,* sicut et eaeteris animalibus, quae per quasdam voces, suas conceptiones invieem sibi manifestant. . . . *(Oomm. Perih.,* L. I, lee. 1, n. 9.) Sicut et caeteris animalibus, quae per quasdam voces suas eonceptiones sibi manifestant. *(Ibid.,* lee. Sl, n. 2.)

[8] J. Vendryes, *Le Langage;* H. Delaeroix, *Le Langage et la Pemsee;* Louis Arnould, *Les Anes en Prison;* Darmesteter, *La Vie des Mets;* Brunot, *La Pensee et la Langue;* A. Meillet, *Les Langues dans l'Europe Nouvelle;* E. Baudin, *PsychologieJ,* p. Henri Collin, *Manuel de Philosophie Thomiste,* p. 497-507.

II. THE PSYCHOLOGICAL GENESIS OF LANGUAGE

What is the origin of these symbols? Should the cause from which they took their rise be looked for within the individual or outside of him? Between these two poles the minds of those who have made researches have continually oscillated. Some have been convinced of the radical inability of the individual to create means of expression for himself; others, with more confidence in the quality of man's native resourcefulness, have wished to find something in him that would account for that means. The former have attributed the origin to God, or to society, or to nature; the latter have counted on the inventive powers of intelligence and freedom. An examination of these various opinions calls for distinctions and for precision of terms that will permit us to get at the heart of the subject.

The Traditionalists, among whom are Joseph de Maistre, De Bonald and Lammenais, and the Ontologists, whose most illustrious representatives were Rosmini and Ubagh, trace the origin of language *to a revelation, primitive* or *personal.* According to them, man was created in a state of natural dumbness, and had to receive from God in person the marvellous art of translating his sentiments and thoughts into articulate forms.[4] They even believed that they found a confirmation of their views in Sacred Scripture. Is it not taught in the second chapter of Genesis that God had all the animals pass before the head of the human family, who gave a name to each one? It goes without saying that it would be beyond our present purpose to discuss the altogether exceptional case of the first man, to take into account the prerogatives claimed for him as a perfect man, crowned with the gifts of nature and grace. The claims of the Traditionalists and Ontologists are connected with ideas of another order. The principles upon which they rely have nothing to do with traditional theology. Since they were incapable of explaining the fundamental ideas of human reason, they were forced to admit in

[4] For other reasons, Democritus, Locke, and Adam Smith taught also that man was born dumb.

nature itself a need of revelation. Accordingly, man was indebted to God for teaching him directly the first rudiments of thought. Then, conceiving an essential solidarity between the use of thought and that of speech, they drew the logical conclusion that the elements of human speech were also of divine origin. Thus they took a position which, in addition to resting on doubtful postulates, implies adherence to the most naive forms of illuminism, and, in addition, is unable to account for the obvious fact of multiplicity of idioms!

French sociologists, whose influence is daily becoming wider in our hemisphere, hold that it was to society, rather than to the individual, that man owed the privilege of speech. In their opinion man was so social that it was sociability, rather than rationality, that predominated in him; his social character was the root from which sprang all the essential properties of the individual, the vital principle that engenders and explains them effectively. Thus if, in the course of evolution, reason is separated from instinct it is because of social constraint. Likewise, if the human individual is a member of a family, if he acquires the sense of responsibility, if he is provided with speech, we must look for the explanation in the pressure brought to bear on him by that diffuse, imperceptible, and yet ever-present reality which is society. In short, they hold that society was primitive in relation to man, and consequently had to answer for his essential attributes.

With such premises it is only logical to contend that the origin of language is outside the individual, and to accord to it even an existence independent of individuals. "It exists, so to say, outside the individual," writes Mauss, andA. Meillet attempts to justify the strange assertion in noting that "... the characters of exteriority as regards the individual, and of coercion, by which M. Duckham defines the social fact, appear ... with evidence of the highest order in language." [5]

In this philosophy of the Sociologists there is an arbitrariness exceeding by far that for which the followers of the traditional

• Cited by Henri Berr, *L'Evolution de l'Humanite,* III, p. xvii.

school are so bitterly condemned. Not only should exceptions be taken to it, but a formal refutation should be made. However, for the present we shall be content to make the observation that, whatever the point of view, it is wrong to claim that society is *historically earlier* than the individual. How indeed can one conceive a society without individuals however subtile and fluctuating one may imagine it to be? Could, by any chance, a whole subsist before its parts? Could a complex being exist without the coming together of simple, atomic elements? Again, that sort of demiurge interposed between society and the individual, and distinguished by the name *social constraint,* becomes a pure and simple myth when it is set up as an adequate principle of human perfection. It is true that society disposes of resources that are more efficacious than those of the individual. Possessing that fulness of productivity that Aristotle calls *sufficiency,* it clothes the individual with its influence, stamps him with its effigy and cooperates in his development. Through the ministry of its institutions it becomes, in the bosom of an agglomeration, a source of differentiation, of solidarity and progress; but those very institutions, unless they turn into mere abstractions, must be composed of individuals and reap benefits from them. It would therefore be just as great an illusion to think that an intermediary can be introduced between the individual and society as to suppose that society can be given historical precedence. The individual and society are on an equal footing and give mutual support. The causality of the social organism in regard to its members-and consequently in regard to its constraint-is not total but *only relative to their greater perfection.*

These truths hold for language, as well as for all the inventions and all the industries of man. Though language can make progress and be perfected in society, its origin is not therefore to be attributed to society. It is simply fantastic to imagine language as a sort of ideal entity, hanging on to the social structure, and susceptible of being appropriated by individuals in the measure of their communion in the life of the ensemble. We grant, of course, that it is social in its remote finalities, **but**

that would not prevent it from coming into existence through individuals who think and speak. " It plunges its roots into the depths of the individual consciousness; from there it draws its power to unfold on the lips of man." [6] Like all social functions it has the individual as its source and as the immediate principle of realization, althopgh it is social by reason of the end that polarizes and specifies it.[7] In the following pages we shall show that, far from being the product of society, it is one of society's principal factors.

God and society being removed as realities immediately responsible for the origin of language, those who refuse to look for its source in the fathomless potentialities of our spiritual faculties have only the resource of turning to the side of physical nature. They find in Plato an illustrious predecessor. Although he did not teach openly, as did Heraclitus, Democritus, and Epicurus, that men are dumb at birth and attain to speech in a slight degree after the manner in which dogs learn to bark, he belongs, so it seems to us, to the group of those who give exclusive credit to nature for the formation of languages. In his *Cratylus* he attempts to liken the elaboration of language to the unfolding of ideas. As we know, it is in virtue of a mechanism put together beforehand, and through the impulse of energies which escape from the control of our will, that ideas spring up in our brain and that they expand there in images, in copies, in imitations of what is real. Our liberty of action has nothing to do with the infinite plasticity of our cognitive faculties and of their innate tendency toward reproduction. [8] It is a case of determinism, of a :reaction that is not capable of being coerced. Plato believed that the origin of language was much the same. Consequently he extolled a *natural relation between words and the objects that they represent;* he taught that the former are the copy of the latter. "When they are well fixed," he says, "they resemble the objects that they designate and are *images*

• J. Vendryes, *Le Langage,* p. 4!<!0.

[7] It is in this sense that there are social desire and virtues.

• *Summa Theol.,* I-II, q. 17, a. 6. It is only attention that is subject to liberty of action in the case of primitive notions.

of things." [9] By having recourse to the distinction between the matter of language and its form he evades the difficulty raised by the concrete diversity of languages. Syllables, of which their matter consists, can vary in different peoples. "If each legislator does not work on the same syllables, it should not be forgotten, that all smiths do not work on the same piece of iron when making a tool for the same purpose; nevertheless, as long as they give the *same form,* even if it is not the same piece of iron, the instrument is good, whether it be made among us or among the barbarians." [10]

This comparison is illuminating; it indicates the bias by which Plato was led to accord to language a natural value of signification. Cutting and weaving, he says, do not depend upon opinion. There is for these acts a necessary mode, a process that is determined in its essential lines. The instruments that serve for their execution are also subject to stable conditions, imposed by their use, regardless of the modalities of time, place, or person. Likewise, if there is question of naming we have to do with an operation which does not depend upon opinion, but which also is subordinated to essential exigencies. There are, consequently, a true and a false way of naming. The true way is to model the names on the essences to be represented.

The confusion is evident! In the first place, language is not, as Plato supposed, the substitute for things, but for ideas. Next, how could a sign ·that is outside and has a *natural meaning* be the manifestation of universal timeless representations? We kn,ow that a natural signification is necessarily individualized, bound by time and place. It is, therefore, found to be unsuited to reveal phenomena that are in no way related to it.[11] There is no possible adequation between the individual and the universal. Finally, speech, from the fact that it is free, free with respect to use and formation, cannot be likened in all points to the instruments of the artisans, although these, it should not be forgotten, are not natural products, but *artificial.* It is indis-

• *Cratylm,* 439 a.

[10] *Op. cit.,* 889 d-890 a.

[11] The sign can be individuated in its material elements without being so in its signification, on the condition, however, that it is artificial.

putable that it should correspond to intrinsic exigencies, possess a structure adapted to its finality-yet such that there remains in it a much greater indetermination than there is in tools. The finality that is aimed at is not like that of tools, does not belong to a particular order; on the contrary, it is as comprehensive and as complex as that of the intellect and the wilL Proportionally considered, it is seen to dispose of possibilities that are infinitely more numerous and more varied than those that are observed in the instrumental order. Let us add, moreover, that it is necessary that it be free from the limitative conditions which are connected with all that belongs to nature.

AU who have believed in the naturalness of language have finally taken a view that is very much like that of Plato. They have discovered in it a particular case of determinism. They have doubtless taken into account that in the two kingdoms, the inorganic and that of life, it is the latter which progresses in suppleness; but in spite of their recognition of that increasing elasticity, they have been unable to avoid the sphere of necessity. Determinism, whether it be the most relaxed or the most complicated, is always determinism. Moreover, to cite only one case that is quite representative, we do not hesitate to couple the name of Pere Marcel Jeusse [12] with that of Plato; he also failed to free himself completely from the entanglement of necessity. The enchainment that he puts between the phenomena of language and those of physical nature, although the finest and thinnest one can imagine, remains nevertheless a chain. It is too closely related to the social determinism of the sociologists.

In the following pages we should like to present with accuracy the complete development of his theory, but we have to admit that we cannot. The burden of citations with which he loaded his text makes it difficult, at times, to see the logical connection. AU the same, at the risk of failing to simplify, we will try to trace its principal points.

D'Udine wrote in *L'Art et le Geste,* "Gesture was at the beginning!' Pere Jeusse takes this axiom and dresses it up with

a *Archives de Philosophic,* 1991l4, cahier 4: Frederic Lefevre, *Les Cahie1·s d'Occident,* n. 10.

principles, as well as with a collection of documents. He refrains from a philosophic consideration, but really presumes facts more in virtue of his theories than in virtue of probative force in the documents. In his mind ideas, as by a retroactive influx, direct the order and form of events.

Let us imagine a universe as being a vast pantomime, that is to say, a vast dynamic ensemble, made up or actions and reactions. These could be regarded as so many *gestures* or gesticulations designed in time and space. What we call essence is really not essence, but gesture scanned on the surface of our planet. Let us plunge man into this variable and fleeting complex. (Here when I say man I do not mean the soul, but the whole human composite.). What will he do? Naturally, he will begin to gesticulate.

Man is endowed with organism. Now, it is a fact, which we see more and more clearly established, that living organisms are accumulators and transformers of energy. Tissues store up this energy in a potential state; incessant deflagrations transform it into active energy, which excites those hundreds of thousands of gestures that make up our behavior. The explosive substances need only a spark for detonation. Life, says Bergson, has made this explosive substance by storing within us solar energy. When a living being makes a movement he thus frees energy that has been imprisoned within him. In so doing he gesticulates. Under the various names of reflexes, tendencies, involuntary movements, instincts, habits, we see inclinations to gesticulate, dispositions to react in the same way to certain changes produced on the ·surface of the body. Moreover, there are not only simple reflexes, there are also real chains of reflexes in most of our vital activities. Life is a play that is made up of gestures which are mutually stimulating. We are in absolute physiological automatism.

D'Udine said that" gesture was at the beginning," and Bulow said that "rhythm was at the beginning"; but, according to Marcel Jeusse, it should be said that" rhythmic gesture was at the beginning."

No activity of matter can evade rhythm. This .follows from

what we have already said. The periods of nervous explosions that we have mentioned are followed by brief intervals of repose. The motive power of our nervous system has a general and mysterious need of alternations, of pushes, checks, recoils. Among spontaneous peoples, in whom the psychic is not clearly differentiated from the psychologic, expenditure of energy, which is called dynamogeny, is seen expressing itself in the form of rhythmic gestures. Let us go a little further. That system of rhythmic gestures, constituting the ensemble of our personality, takes on, in addition, the aspect of a complex of imitations. In other words, gesture is imitation. " In the presence of an object," says Delacroix, " our whole body reacts by means of a gesticulation that is more or less manifest, and takes an attitude which imitates the object." The expenditure of energy, or the labor, which is in direct proportion to the excitability of the subject, is imitation. D'Udine writes that "all artistic genius is a *mime specialisee."* In the child, particularly, mimicry and mechanical reproduction constitute the greater part of his imitations. It is even said that images and ideas are only gestures, "looking-glass imitations." Besides, and this is moreover a new application of the theory, gestures have a tendency toward conservation, to subsist in the consciousness and to reproduce themselves. "The acts of a living being, once performed, tend," says Bergson, " to an automatic self-imitation." What was is revitalized: gestures performed consolidate, become organized schemes, stereotypes in which life is displayed anew. How do those rhythmic gestures, imitative forms, fixed according to various types, become language?

Here determinism gives way a little. The will, but a Bergsonian will, that is to say a will activated by social constraint, is concerned. It creates nothing, invents nothing, but makes use of the entire automatism that forces of nature produce in us. Everything comes about through a psychologic release, but it remains for voluntary energies to make use, for social ends, of gestures performed automatically. Its action is nothing but manipulation of reflexes marvellously multiplied and ordered so as to enrich life. The spontaneous smile becomes a deliber-

ate sign of benevolence, the contracting of the brow, a sign of concentration. The result is that we raise to the condition of a sign what was only a physiological reaction. Another result is that *language is essentially gesticulatory,* a gesticulatory recitation of action in broad lines. The childhood of humanity knew only that gesticulatory language. Human language is necessarily imitation, gesticulations intuitively imitative of innumerable environing actions, gesticulations spontaneously wantoning in the organism and employed in social relations. It follows that there is a continued echo of the cosmos in us and, through us, in the life of society. This spontaneous language was projected as "*Chinese shadows*, in the mimeographic figures of the very first hieroglyphics. It is normal for ideographic writing to have preceded the syllabic.

If language is essentially gesticulatory, it might be thought that oral language shows a deformation. Such a thought would be just if oral language were not capable of reduction to gesticulatory language. In fact, leaving manual gestures aside, there are laryngo-buccal gestures. At first they were used as sonorous adjuvants, but, little by little, and always by way of energetic explosives, they supplanted the gestures to aid which had been their office. Although they were less expressive than manual language, in which, says Pere Jeusse, "the name is the essence of the thing," or, better, its essential action imitated in reality, they finally came to have a preponderance. Nevertheless, the influence of the primitive gestures has been perpetuated. At the base of every language or of all linguistic systems it would be possible to discover traces of some hundreds of those rhythmic, flexible, and living schemes. That precious pearl, the wisdom of the people, would be stereotyped in them, as in typical molds. And from them science and virtue would be derived. Such, according to Pere Marcel Jeusse, were the steps by which came that mysterious thing that is human speech, faint and mysterious echo of the eternal and creative Word.

It would follow, then, that the work of writers, the effort of literary and art societies, arose to spoil those original rhythmic schemes. Parasitic and bastard language, superfluity of civi-

lized societies! The tendency of the mind to dominate a system always more expansive with ideas in reciprocal dependence was the cause of the breaking of the pure line of gesticulatory expression. The intervening of thought resulted in the stiffing of the spontaneity of life and instinct. Details, conjunctions, articulations, members of all sorts are so many artificial enclaves by which natural language has been dislocated and its native forms broken.

At the close of this exposition, which we would have preferred to make more explicitly and with more delicate distinctions, it will be seen that we have not been arbitrary in placing Pere Jeusse among those who, holding to the naturalness of language, attribute its formation to determinant factors. There is no doubt as to what is symbolic, as he holds that language is formed by automatism and after the images of the essences of things. The will invents nothing, makes up no form; its action is only manipulation, utilization of reflexes released by the play of the forces of nature. And we have indications, even proof, that such is the exact sense of his assertions in the fact that he sees gesture as having incontestable priority over verbal expression. Being evident determinism and the most direct copy of the real, it is only logical that it should be proposed as the type par excellence of language. Moreover, the use of reason-the order and clarity, the logic and beauty that it diffuses over matter-should in such a view appear as a disturbing element, as a virus corruptive of the grand work realized in the human organism by the play of cosmic energies. Would it be an exaggeration-yielding like the author to the influence of a Bergsonian atmosphere-to think that the use of the symbolic is conditioned by a certain determinism? It is, no doubt, confided to a personal and free will, without which it would be pure mechanism; for all that, however, nothing prevents it from being activated by social constraint. That is sufficient to make it liable to suspicion.

III. THE TRUE CAUSE OF LANGUAGE

The theories that attribute the formation of language to God, to society, and to nature have seemed to us to be deficient, defective. Besides showing inability to account for its principal characteristics, they lower language either to the rank of borrowed reality or to the condition of purely psychological phenomena. They deprive it of various degrees of its own proper perfection, of its human character. It becomes necessary to abandon those blind alleys and to turn to the schools of Aristotle, St. Augustine, and St. Thomas. The latter school, in particular, teaches that human language owes its existence to the creative power of man, to the constructive virtue of his spiritual faculties. Reason and will were provided with that ethereal tool, that transparent organ, and they formed it to suit their purpose. They undoubtedly depended upon nature, upon their inclinations and needs; but to them rightly belongs the credit for making the symbolic molds and for elevating these to the rank of substitutes for perceptions, thoughts, and feelings. They created them, determined their meaning, and limited their usage.

These assertions are too absolute to be proposed without distinctions and reservations. To safeguard their value of truth we will :first distinguish between the things of knowledge and the things of the purely emotional order; then by means of analogy we will extend the name of language to the reactions by which these things are exteriorized, being careful, however, to reserve the proper sense of the word to the oral expression of the things of knowledge. Thus we shall be in a position to divide the ensemble of human mediums of expression into two great categories, the :first of which will comprise conceptual or logical language, and the second emotional, or physiological. [13] We shall also be in a position to establish an order, a hierarchy, or values, putting oral conceptual language in the first rank, and reducing emotional language to the condition of imperfect, analogical

•• We pass over language of touch, smell, semaphore, and the like, as being of little importance in relation to our purpose.

realization of the idea of language.[14] We really believe that oral language is the first type, the type par excellence. There is proof of this in the fact that there are no emotional languages, but only oral and written languages. The idea of language has been taken from these and then extended to all sorts of manifestations of consciousness. That is what leads us to emphasize the difference between language and tongues, the former representing the specific type, the latter the individual types. This distinction of the parts, or aspects, of the subject will permit us to give credit to the biological and physiological factors for their share of influence, and, in so far as it is merited, to render justice to the empiricism of Pere Marcel Jeusse.

Because it is an imperfect form of the genus, emotional language is not a work of the human intellect in the same degree as is spoken language. Like emotion, of which it is only the external reflection, it is endowed with automatism and presents identical characteristics among different peoples. It is found even among animals.[15] In this there is nothing astonishing for one who recognizes the causes to be physiological and even physicaL

For an understanding of their mechanism it is important to bear in mind that the original repercussions and the external effects of emotion are not separate things, but things forming a whole, a united whole, a vital wholeo Thus they are something like sound and its harmonies. Of themselves, groans, cries, tears are not signs of pain; they are its attendants, its natural prolongations. All those phenomena of the emotional order, although distinct from each other, hold together, constitute a oneness. In order for one of them to become the sign of others there must first be a perception of their contiguity, solidarity,

"Voces significantes naturaliter, non ex proposito aut cum imaginatione aliquid significandi, sicut voces brutorum animalium, interpretationes dici non possunt. *(Comm. Perih.,* L. I, lee. 1, n. 3.) Non omnes voces sunt significativae, et earum quaedam sunt significativae naturaliter, quae longe sunt a ratione nominis et verbi. *(Ibid.,* lee. Sl, n. 4.)

'"Verum est quod hujusmodi passiones (ira, gaudium) significant naturaliter quasdam voces hominum, ut gemitus infirmorum et aliorum animalium. . . . *(Ibid.,* lee. n. 5.)

and concomitance. Thanks to experience acquired through this automatic association, a visible part of the complex phenomenon can be the means of knowing the parts that remain hidden. Consequently, for the physiological reactions to become signs it is necessary that the person who verifies them should have first acquired the idea of sign, and that he should have been led to perceive the relation of significance. Such is the role of reason in the formation of emotional language. The relation of the sign to the object that is signified is founded on a natural relation of effect to cause; it results from the very order of things, but, more than that, it is necessary that the passage be made from the relation of causality to the relation -altogether formal-of significance. It is only on this condition that the outward traces of emotion become a language. We are still far from the theory of gestures as direct images of things.

In animals, which perceive concrete signs, which even make use of them, which however are incapable of grasping the idea of the things by which they live, it is very difficult to explain the perception of emotional language otherwise than by organic sympathy. We know from numerous experiments, but particularly from those tried on Marie Heurtin, at Poitiers, on Helen Keller, in the United States, and on Lydwine Lachance, at Montreal, that in men no language is possible until the meaning of the relation of significance has been formed. We would go even so far as to say that there can be a sign in them, but there is no language as long as there is no idea, no purpose, no intention of signifying.[16] This would reduce the means of communication possessed by animals to the rank of analogical language, and only by attribution.

The reduction of the role of the intellect in emotional language is due moreover to the circumstance that this form of language is not related to the things of knowledge, but to the things of simple emotion. Whereas the former are worked out

[10] Voces signifi.cantesnaturaliter, non ex proposito aut cum imaginatione aliquid signifi.candi,sicut sunt voces brutorum animalium, interpretationes dici non possunt. Qui enim interpretatur aliquid exponere intendit. *(Ibid.,* lee. 1, n. S.)

and completed in the mind, the latter are produced in the organism and are extended as in concentric orbits to the whole body. " The nervous process of the i<fea of pain remains within the brain, the nervous process of pain itself, on the contrary, sets going the mechanism of tears and all else that becomes representative of suffering." [17] The nervous release of the affective state reaches the organs gradually, those of blood circulation, those of respiration, and those of muscular reaction. Emotion irradiating thus in the whole body has in its reactions a natural means of exteriorization. To this extent the role of the intellect is seen to be lessened.

Finally, although emotional language is undeniably expressive, the medium that it constitutes is nevertheless difficult to explain. What it carries and transmits to the inquirer cannot be formulated; it is neither articulate nor written. The signification that it clothes, without being necessarily beyond the content of the words, lies outside of their magic circle. There is a repugnance in it to be taken over by them. It is the ineffable part locked within the communion of soul with souL In short, emotional language has not as its function the revealing of ideas that haunt the mind, but the manifestation of the reactions of the individual in regard to what overcomes him under the form of those ideas. He discloses his affective states, his dispositions, with respect to realities that come to him mysteriously. "Language serves man not simply for the expression of something, but also for the expression of himself." [18]

Indeed, underlying the illumined zone where speech ripens there is a personality, and it is with difficulty that this conceals itself. What it does not say, what it cannot say, finds expression in the play of features, in gestures and in attitudes. It even filters through words and creates for them an atmosphere which often says much more than they do themselves.

[17] Baudin, *loc. cit.,* p. 445. Regarding the experimental plane we see there the reason why there are natural signs of emotion, whereas there are no such signs of thought.

[18] G. Von der Gabelentz, quoted by J. Vendryes m*Le Langage,* p. 168.

They are accompanied by intonations, inflections, rhythms of duration and intensity, a whole orchestration that softens or enlivens their accents, and provides them with a significance that is foreign to their content. This meaning which derives from mimicry or is seen through the evanescent halo of words is what is called emotional language. It is as a living, natural rhythm establishing contact of speech with the subject who speaks, putting speech in steady continuity with its vital source, and thus restoring to it the elements of dynamism and vibration that habit and usage caused it to lose.[19]

Conceptual or oral language, to which the rest of this article will be devoted, belongs to an order altogether higher than that of emotional language. Between the two there is the full distance of analogy. Both undoubtedly have the gift of evocation, but the things they make known are different. Whereas one serves phenomena which pertain to a part of the corporeal organism, the other serves only the intellect.[20] Whereas one consists in the external reflection of passional movements, the other consists in a coordination of symbols which are conveyors of ideas, suited for communicating the life of thought, for carrying it from mind to mind. For a better understanding of its nature we will describe briefly the various forms that it can take, and the elements of which it is made up. These precise distinctions regarding them will furnish us with information necessary for the discovery of its origins.

In the first place, it is a :fact of experience, indeed it is a principle, that the human mind is conscious in a high degree. It is witness not only of the appearance in itself of external objects and of its own conceptions, but also of changes in the other psychological recesses of the whole individual of which it is a part. All manifestations of life meet in it under the form of representations or repercussions. It knows the former by apperception, the latter by turning back on itself, or by refl.u-

[19] Zundel, *Le Poe1ne de la Liturgie,* p. S57.

[00] We know that the organism does not share subjectively in the operations of the intellect. "Intelligere enim non est per organum corporaie, sed indiget objecto corporali." *Comm. De Au.,* L. I, lee. fi!, n. 19.

ence. It follows that it is the born interpreter of what springs up from its own depths when stimulated from without, no less than it is of what is produced in the other faculties. It also follows that it can reason sometimes on its own representations, sometimes regarding the purposes of the will, sometimes on the agitations of the heart. In the first case it perceives, in the second it directs, in the third it desires or regrets. Accordingly the external acts of the mind, conceptual language, will sometimes have to formulate ideas, sometimes orders, sometimes sentiments. Only in this condition will it be a perfect mirror of the things of intellectual consciousness. [21] It will therefore be in that respect logical (speculative), active (practical), and affective. In the three cases it will be the instrument of the intellect, an instrument adapted to the multiple intellectual functions.

Long discussions have been devoted to the question which of those three branches of conceptual language was the first to come into existence. Some, confusing affective language with emotional, have believed that it must have been the first in *time-prius generatur animal quam homo.* The imperfect is a necessary period for improvement on the way towards perfection; it goes ahead of it and makes ready for the perfect.

With the same considerations in mind, others have claimed priority for practical language; arguing that life of the animal seems to be more of a complex of needs than of passions, that there is ground for judging that in the animal passions are subordinated to needs and are for their service, that, moreover, some of the needs of man-those related to his material part-

[21] Quia intellectus vel ratio, non solum concipit in seipso veritatem rei tantum, sed etiam ad eius officium pertinet secundum suum conceptum alia dirigere et ordinare; ideo necesse fuit quod sicut per enuntiativam orationem significatur ipse mentis conceptus, ita etiam essent aliquae aliae orationes significantes ordinem rationis secundum quam alia diriguntur. Diriguntur autem ex ratione unius hominis alius homo ad tria; primo quidem, ad attendendum mente, et ad hoc perlinct oratio vocativa. . . . *(Comm. Perih.,* L. I, lee. 7, n. *5.)*

Et ideo sola oratio enuntiativa, in qua verum vel falsum invenitur, ir,terpretatio vocatur. Coeterae vero orationes, ut optativa et imperativa, magis ordinantur ad exprimendum affectum, quam ad interpretandum id quod intellectu habetur. *(Ibid.,* lee. 1, n. 3.)

are imperious and urgent in the higher degree notwithstanding their grossness, and have a character of incomparable necessity. Consequently, they say, it was fitting that practical language, which was ordained to satisfy them, should come first of all.

However, the conclusions in favor of affective and practical languages seem unacceptable to one who wishes to hold the view that conceptual language is contemporary with the intellect and shares the same lot. It seems more in conformity with truth to hold that in fact and by right the different parts of language were formed concurrently; although it must l?e granted that the part belonging to the practical order developed .more rapidly and soon gained a notable preponderance over the others. Indeed, it is beyond all question that the speculative functions of the intellect precede its practical use. The utilization of anything whatever proceeds from a rather large number of at least confused intuitions. In the search for any good at all there is included in the form of implication the idea of good itself, which is already the result of the coming together of several simple elements. Moreover, in the field of experience an analysis of empirical perceptions of the ages of magic as well as of reason has demonstrated that, if human knowledge, in its initial phase, is of a utilitarian bent, it contains, in the form of sayings, maxims, and apothegms, a very appreciable nucleus of speculative ideas. Still we acknowledge that rudimentary knowledge has always been manifested in its ensemble as fundamentally practical. Taking its origin from tendency, magnetized by interest, it showed itself first of all as protecting life, as realizing adaptability to its environment. It must, however, be repeated that this required a certain speculation. The elaboration of the least technical and the fabrication of the simplest instrument is based on knowledge of the real. Operations, instruments, are materialized ideas, ideas converted into usage. Their manipulation and their application to matter have been able to concur in bringing out more and more clearly the idea contained in them; but for their own realization it was necessary that the idea should be

at least obscurely conceived. Consequently, it is difficult to that all the modes of language did not make their appearance at the same time.

Besides being multiple, conceptual language has component parts which it arranges in groups of words, in phrases. The noun and the verb-to which grammarians reduce all grammatical categories-have in themselves, of course, the value of signs, but their significan€e, taken by itself, is found to be incomplete in most cases. They are really elements, parts of speech.[22] Usually this crystallizes in sentences, in phrases, so that in the concrete conceptual language consists in a series of phrases that are more or less coherent, more or less linked together.

This fact is itself a consequence of that other fact; spoken language is a function of the mind. We speak only in sentences because our mind proceeds only by positive or negative declarations. It is only within the complex organism of these that the power of spoken language is fully expanded. It is only when the mind formulates them for itself that it commences to live its own life. Only at that precise moment does it attain its specific object, truth.

Explanation of this statement would require lengthy consideration. Let it suffice now to observe that human thought has two fundamental processes, namely, apprehension and judgment. When the latter is not made spontaneously-which is more frequently the case-there must be recourse to reasoning. And so the role of this third function is seen to be reduced to that of an auxiliary of judgment. We are therefore in a measure justified in not considering it now.

Apprehension represents the initial point in the process of knowledge. It is a touching, apparition, seizure, clasping. It means nothing more than the placing of the ideality of the external object in the field of consciousness, .a placing that is

[22] Nomen et verbum magis interpretationis principia esse videntur, quam interpretationes. Tile enim interpretari videtur, qui exponit aliquid esse vemm vel falsum. Et ideo sola oratio enuntiativa, in qua verum et falsum invenitur, interpretatio vocatur. *(Ibid.,* lee. 1, n. 3.)

accompanied with a vital, although confused, perception. It is accomplished spontaneously, mechanically. At this stage the intellect acts more like *nature;* or better, nature operates in it. Hence it elaborates ideas as the stomach secretes its juices. It has the sureness of instinct; its processes are as infallible as automatisms. If its conceptions as well as the oral terms that translate them do not tell the truth, they are none the less true in the order of ontological truth, that is to say, they are true replicas, adequate copies, of the real.

Apprehension is the act of the faculty turned towards the exterior, extended towards it, on purpose to take it to itself, to identify itself with it. Judgment is characterized by an attitude and a process that are the opposite; being the peculiar product of the intellect, the effect of its initiatives, it follows that it bears the stamp of the originality of the intellect, that it shares in its possibilities of interiority and depth. Now, it is known that the intellect, by reason of its total spirituality, is capable of reflecting upon itself, of entering wholly into itself. Diaphanous under every aspect, it is susceptible of a double face, ontologie and psychic, at the same time. What it already is ontologically, it becomes anew by introspection, or psychically. This turning back on itself, this progress towards its own interior is accomplished by reason of the fact that it is conscious not only of the objects that it apprehends, but also of the acts by which it grasps them and by the favor of these, of its own nature. Its perception is not limited to the *forms* and *reasons* that the cosmos projects into it; it is extended to the essence of that projection, even to that of the actions which led to it. It knows that the whole internal subject at its disposal is proportionally a representation of the external. It does not merely make use of signs, it knows the sign even in its function of representative reality. At this stage it proves itself to be from things, but to be measured by them, to be in vital conformity with them. In reality it knows truth, it lives on it and expresses it mentally or in words. Its own states become the object of its contemplation, of its joys and complacencies. Again, in reality, it affirms that what it knows

through apprehension actually exists, and in making the affirmation it judges. All of those judgments bear upon what exists or upon the *quality* of what exists.

The consequences of this analysis are evident. Our mind begins to enjoy the form of activity that is proper to its specific nature when its internal discourse is developed in judgments and is expressed outwardly in affirmations. Then it is that it is properly realized as intellect. Therefore, if one agrees that conceptual language is a function of the intellect one is compelled to admit that the most natural way to speak is that which is effected in the form of sentences. When the data of apprehension are materialized in oral terms, then the assertions of judgment crystallize in sentences. These, then, are like a sensible clothing of the life of the intellect.

Such is conceptual language as it appears to us, a fluid, sonorous radiation, capable of conveying the life of thought, a multiple, varied radiation, differentiated like the functions of the intellect, a self-organizing radiation in imitation of the reality that it propagates in complexes of sounds, in unions of oral terms, in sentences or discourse.

That this type of language, which is the only one really worthy of the name, could not be the result of natural automatism, is evident from our refutations of the arguments made by those who claim that it is. What we have said above apropos of its forms and integrating elements inclines us also to reject every mechanistic theory. Moreover, it enables us to establish with evidence that the use of speech supposes consciousness-not only actual but represented-of the sign and of its possibilities of mediation. In him who is its beneficiary it supposes a directing power, a capability for converting into organs of transmission a formless matter, a sonorous substance that is in itself indifferent with respect to expression. That is sufficient to incline us to think that conceptual language is an institution, a creation, of man. Right there is the secret of its origin! There the explanation of how it came into the service of society! We hold that, if nature inclined the human individual to speak, languages, all things considered, are none the

less the result of his invention. He fabricated their material according to his pleasure, as shown in convention and usage, and also according to an infinity of obscure contingencies.

That we may point out at once the part of nature, we observe in the firstplace what is only too evident, that nature, gave man the apparatus which he needed in order to speak. His phonetic organs comprise essentially

a bellows--the lungs--and a resonant pipe-the trachea-artery-closed at its upper extremity by a double enlargement, the vocal cords, or in one word, the glottis. It is therefore a wind instrument, one with two reeds. The superiority of the human apparatus over all other instruments is already seen in the disposition of the glottis. The vocal cords have a suppleness such as the necessarily rigid reed of an oboe could not have. Thanks to a delicate mechanism, which brings several pairs of muscles into play, the cords can take different positions. One can keep them closed or can open them more or less fully, make them vibrate completely or only partly, and modify their tension. As results from those facts, there are the varieties of resources which are turned to account in language.

Nevertheless that phonetic apparatus would be very imperfect if it consisted of the glottis alone. It could cause only vowels to be heard, and moreover there would be fewer differences in them than there are in the vowels as we pronounce them normally.

But the indispensable complement of the phonetic apparatus is furnished by all of the cavities upon which the glottis opens, namely, the pharynx, the nasal chambers, and especially the buccal cavity. The roof of all these cavities, which for the most part are elastic, serves the voice as a resonator giving the proper tone to each vowel. In this resonator there are flexible and ductile organs that can modify its dimensions and capacity. First of all there is the cover of the palate, which can close the access to the nasal chambers and prevent the production of all resonance in that quarter; but principally there is the tongue, which with the glottis has the essential role in phonation. [23]

In gifting man with a phonetic apparatus of such scientific complexity and such rare delicacy, nature made him the possessor of incalculable possibilities of phonation, fitted him with ability to speak Before he could realize those possibilities

•vendryes, *op. Cit.,.pp.* 22-24.

man had to yield to the action of an internal pressure, to a movement started by a mysterious command from within, proceeding from an instinctive need" In short, there had to be in him a tendency to speak [24] That too was bestowed upon him by nature, not indeed, in a finished state, but as a sort of *general* inclination, indifferent to this or that formulation in the concrete.

Nevertheless, it should not be thought that this natural tendency offers the character of a distinct, independent growth; it is seen to be intimately connected with the social instinct implied in it, or as grafted upon it. It lives upon the social instinct, drawing from it substance and strength. Since he is a social being naturally experiencing the need of communicating with his fellow beings, man by that very fact finds himself naturally inclined to speak. [25] In order that this inclination may be actualized, it is not necessary that his will should be brought :into action by social determinism, which at this moment is not yet existing; it needs nothing more than the pressure of a deep desire to enter into relation with others and to exchange ideas with them. It goes without saying that this desire is not felt unless there is provocation of sensible contacts.

It might be said that the first social intercourse was not a matter of signs, of words, of sounds charged with ideas is the mind began society, which realized its first ties, provided human groups

[24] *Comm. Pe1ih.,* L. I, lee. 6, n, 8.

[25] Si quidem homo esset naturaliter animal solitarium, sufficerent sibi animae passiones, qnibus ipsis rebus conformaretm, ut em·um notitiam in se haberet; sed quia homo est animal natura1iter politicum et sociale, necesse fuit quod conceptiones 1.mius hominis iunotescerent aliis, quod fit per vocem; et ideo necesse fuit esse voces significativas, ad hoc quod homines ad invincem conviverent. Unde illi, qui sunt diversarum linguarum, non possunt bene convivere ad invicem. *(Comm. Perih.,* L. I, lee. :2, n. 2.)

Hoc etiam evidentissime declaratm per hoc quod est proprium hominis locutione uti, per quam unus homo aliis suum conceptum lotaliter potest exprimere. Alia quidem animalia exprimunt mutuo passiones suas in communi, ut canis in latratu iram, et alia animalia passiones suas diversis modis. Magis igitur homo est communicativus alteri quam quodcumque aliud animal. . . . *(De. Reg. Prine.,* L. I, c. l, n. l.)

with elements of cohesion. How could there have been anything different? To exchange things, to barter, there must first be a mutual understanding. How can there be mutual understanding without an exchange of signs? This sort of exchange had to take the lead over others and consequently to be initiaL Association was begun by the mind interpreted by language. Doubtless social instinct could have been actualized without speech, but the better part of its productivity would have been frustrated. It would not have known the marvellous developments that it achieved and the sublime works that it realized the course of ages. Without the agency of the spoken word it would not have arrived at the perfect establishment of that specifically human commerce which is of ideas, affections, and sentiments. We are consequently far from declaring, as sociologists do, that society formed language; on the contrary we hold that language made it possible for society to be realized, if not totally, at the very least with respect to its perfection. In other words, language is first and foremost a factor of specifically human solidarity, After that it is an instrument of social prosperity; it is ordained in a definite manner to the promotion of the group, the unity of which it cements. Thanks to it, the members of society itself can enjoy an intense spiritual influence. There are, for example, the scientific, artistic, and moral advances, the realization of which it made possible. Let one consider only the diffusion of all the modalities of the religious and humane culture that has been effected through the printmg press.

Language was born of a spontaneous tendency, of a need of exteriorization, related to the similar need that springs from the social instinct. Still it would be childish to think that nature puts on our lips a fully organized language with its structures, grammatical categories, and syntactic forms. No! We have to invent the instrument, make the symbols, and impose a meaning on them. The phonetic apparatus, the sonm·ous material and the aptitude for composition, or the symbolic fabrication, were furnished to us by nature, but not the wrought object. It left the care of that to our initiative.

It was the error of several philosophies not to have observed that the human individual besides being, like all other animals, a center of nature's activity-agens *per naturam-declares* himself to be the whole principle of his works in the :field of enterprises that are properly human. Endowed with intelligence and hands he has the faculty of originating them. He decides not only their execution, but also their structural lines, their *form-agens per inteUectum et voluntatem.* In other words, sharing in the mysterious power of the Creator, he draws them forth from his bosom, from his fancy and his love. Except the raw material that he utilized he is responsible for their whole being. He sketches them in the recess of his consciousness, conceives them according to various ideas which he places one after another in light, and causes to glisten, one after another, like precious jewels before the eyes of his intellect and imagination; and he who has the good luck to throw a spell over his sensibility, to magnetize his love and to captivate his liberty, knows the signal privilege of having a part in being.

It is wrong to see a deforming activity of nature in reason which thus invents definite plans or determined possibilities of realization. On the contrary reason is the indispensable factor that completes nature, giving fixed forms to originally indetermined tendencies, forms that render them effectively capable of being materialized. As long as an inclination remains in its natural generality it is deprived of the conditions required for its productivity.

It is to man, not as a blind agent of nature, but as an intelligent and free artisan-ex *humana voluntate et ratione-that* the formation of languages must be attributed. [26] The proof of

•• Oratio est significativa, non sicut instrumentum virtutis, scilicet naturalis; quia instrumenta naturalia virtutis interpretativae sunt guttur et pulmo, quibus formatur vox, et lingua et dentes et labia, quibus litterati et articulati soni distinguunter: oratio autem et pertes eius sunt sicut efl'ectus virtutis interpretativae per instruments praedicta. Sicut enim virtus motiva utitur naturalibus instrumentis, sicut brachiiset manibus ad faciendum opera artificialia, ita :virtus interpretativa utitlll" gutture et aliis instrumentis naturalibus ad faciendum orationem. Unde *oratio et partes eius non sunt res naturales, sed quidam artificiales effectus.* Et ideo ... oratio significat ad placitum, id est secundum institutionem humanae rationis et voluntatis

this is furnished by the readily verifiable fact that languages vary among different peoples.[27] Moreover, the significance of words in each language is not firmly fixed. It evolves with time and undergoes changes in accordance with different uses and various contexts. The usage and meaning of the same words may improve or deteriorate. Such fluctuations are undeniable declarations that their character is artificial, arbitrary.

These statements, however, need to be understood with slight qualification in the light of a few observations. In the first place one will have little difficulty in imagining that the primitive embryos of language were constituted in the obscurity of semiconsciousness, without reflections and without prior calculations, by spontaneous affirmation alone of the constructive power of reason. Sometimes unfavorable circumstances could have paralyzed it, but they could not prevent it entirely from following its inclination, from freeing its creative energies. Its original tendency toward fabrication surmounted all obstacles. Likewise the nocturnal state in which it was held-a state of confusion and of subjection with respect to the imagination-could not keep its influence from being felt in many attempts at molding and in many rudiments of logical organization.

On the other hand, at the time of the elaboration of those primitive nuclei not only was there a concurrence of the specific tendencies of the mind; there were also the particular characters of each group of individuals-the factors of individuation being as natural and as active as the specific inclinations.[28] Hence language, on several grounds, was the product of the human composite. Reason which makes and

... sicut et omnia artificiali causantur ex humana voluntate et ratione. . . . Ipsa autem ratio est, quae movet virtutem corporalem motivam ad opera artificialia, quibus etiam ut instrumentis utitur ratio. (Comm. *Perih.*, L. I, lec. 6, n. 8.)

[27] Nec voces, nec litterae naturaliter significant. Ea enim, quae naturaliter, sunt eaedem apud omnes. Significatio autem litterarum et vocum, de quibus nunc agimus, non est eadem apud omnes.... Non solum ratio *significandi* est ex impositione sed etiam ipsarum *formatio* fit per artem, etc. . . . (Ibid., lec. 2, n. 8; lec. 4, n. 11.)

[28] *Summa Theol.*, I-II, q. 51, a. 1; q. 68, a. 1.

arranges it is not abstruse, but it is sustained by the lively forces of the imagination, immersed in the modalities of the sensible, conditioned by dispositions of the corporeal. To fashion it the whole organism made a contribution. It is not astonishing, therefore, that in our languages there are found traces of successive impregnations, layers which recall those of alluvial lands. Under vestigial form they conserve the souvenir of an infinity of historic contingencies as marks of many national temperaments. An incredible number of cultural influences is refracted in them. This is what produced their variety, their individuality, their numerical diversity. Among the multiple ways of pursuing one and the same finality, each people chose instinctively the .one that was best suited for it, that agreed best with the individuality of its inclinations.

An artificial product, but effected under the pressure of a twofold natural tendency-namely, with respect to its specificness and its individuation-such in the concrete is la:q.guage as it appears to us. These views will be confirmed by a short examination of both its physical and its metaphysical constitution.

IV. PHYSICAL NATURE OF LANGUAGE

A language is a sort of universe, a universe of symbols. Here the word universe is used for something that is not only metaphorical, but also, and properly, analogical. Between the two realities when brought into contact there are seen to be more than vague comparisons; there are precise and numerous conformities. Both are repercussions, sensible repercussions, repercussions materialized by a spiritual word. Both have the office of bearing witness, of manifesting an intimate mystery of life. Both constitute a close ensemble evolving at the command of a certain internal necessity. Both have a great similarity of structure. This last resemblance will hold our attention for the moment.

Symbols belong to the category of artificial signs, whereas the informations of the sensible universe are connected with that of natural signs. Consequently, the symmetry that we

notice in their constitution will be only analogical. Whereas the latter are the effect of the activity of nature, the former come from the world of art. Still, they no less than the latter need to be physicaHy constituted. It is on this one condition that they can aspire to something beyond, something they can evoke, reveal-the structure being the soul of the symbol, that upon which its aptitude for revealing rests. Between it and the intellect an accord is established which is the principle of an ontological communion. Upon it also the mode of signifying depends intimately. Thus, with respect to one and the same symbolized reality, there are as many symbols as there are symbolic forms or different structures. Consequently, there is in it the most variable element, that \vhich gives the best account of the evolution of languages.

To constitute that type of symbol which is speech, two elements are indispensable. There is needed at first-as for aU things of nature-a material, a sonorous material, a sound emitted by an animal organ, a "*vox.*" Through this human speech is connected with the phenomena of nature, is identified with the animal cry. This amounts to saying that the two arise originally from the same foundation, that they have generic characters in common.

For the animal cry to become a phone and a word, it must be fashioned, it must undergo the cutting and chiseling of diction. Only when it receives the resulting form does it pass from the animal plane to the human. However, it goes without saying that this form, in consequence of its external and artificial character, .is among the perfections of the accidental, contingent order.[29] There is only analogy between the hylomorphic composition of the realities of nature and that of the elements of language.

•• Vox est quoddam naturale, nomen autem et verbum significat ex institutione humana, quae advenit rei naturali sicut *materiae,* ut *forma* lecti ligno; ideo ad designandum nomina et verba et alia consequentia dicit, *ea quae mnt in voce,* ac si de lecto diceretur, ea quae sunt in ligno. *(Comm. Perih.,* L. I, lee. 2, n. 4.)

Artificialia sunt quidem in genere substantiae ex parte materiae, in genere autem accidentium ex parte formae; nam formae artificialium accidentia sunt. Nomen ergo significat formam accidentalem ut concretam subjecto ... etc. *(Ibid.,* lee. 4, n. 5.)

If, carrying an investigation further, we try to explain the formation of the oral symbol and of the spoken style, if we ask by virtue of what sorcery did diction reach that wonder-work of morphology, we must, by passing through the phonetic apparatus, go back to the intellect and the will. These, in fact, have the faculty to move and direct not only the members of the body, but also its phonetic apparatus. In proportion as they take control they manipulate them with increasing facility and suppleness. There is an active play of the tongue travelling with incredible speed from the palate to the teeth and regulating the necessary access to the resonance chambers; there is a lively series of implosions and explosions varying in duration, loudness, and intensity; there are as many phenomena as words!

To exercise that moving and regulating function, the intellect and the imagination make plans for themselves, and before there is any utterance, they speak within themselves a language, called "verbal image," of which the oral phrase is only the duplicate sound. St. Thomas remarks that we could not explain the works of art without taking into consideration the intellect, the intellect in connection with the will, and the imagination. As to what concerns language, it is not sufficient to have something to express and the will to express it; it is necessary to have the idea and the sensible images of the form that is to clothe the sensible expression. It is the organic superposition of representations-immaterial and sensible-the psychic unity that precedes speech and that makes its structure, which constitutes the verbal image.[30] It can really be

[30] Quia verbum exterius, cum sit sensibile, est magis notum nobis quam interius secundum nominis impositionem, per prius vocale verbum dicitur ver.burn quam verbum interius, quamvis verbum interius naturaliter sit prius, utpote exterioris causa efficiens et finalis. Finalis quidem, quia verbum vocale ad hoc a nobis exprimitur, ut interius verbum manifestetur; unde oportet quod verbum interius sit illud quod significatur per verbum exterius; verbum autem quod exterius profertur, significat id quod intellectum est, non ipsum intelligere, neque hom intellectum quod est habitus vel potentia, nisi quatenus et haec intellecta sunt: inde verbum interius est ipsum interius intellectum. Efficiens autem, quia verbum prolatum exterius cum sit significativum ad placitum, eius principium est voluntas, sicut et ceterorum

found to be complex, but it is rightly sufficient that it realize a *complete phonetic possibility*. This implies a spiritual element to which an oral image is subordinated. By reason of that organic duality the verbal image can look from one side "into the depths of thought and from the other it can be reflected in the productive organism of sound." To that extent the mind which has the disposal of the verbal image can, through the will, command the modelling of the sounds and the combination of words. To that extent also, spoken language takes on the aspect of a sculpture in medallions and a filigree. The phonemes, from the combination of which a definite language results, are not infinite in number. Vendryes reduces them to sixty.[31] He explains this limitation by the fact that, being mutually interdependent, they constitute as it were a coherent and closed system. This results from the fact that the phonetic apparatus, supple as it is, is subjected to a certain inertia, is unable to modify at every instant the general curve of its movement. When it takes a position for the formation of one sound, it finds itself as if determined towards the emission of other sounds. The whole tendency impressed on the organs implies a momentary restriction in the choice of means of expression. In order to vary them indefinitely it would be necessary to change the initial tendency at every instant to pass from one register to another, as when one ventures into foreign languages. There is, therefore, in ransom for the incompatibility that is seen between the general tendency

artificiatorum praeexistit in mente artificis imago quaedam exterioris artificii, ita in mente proferentis verbum exterius, praeexistit quoddam exemplar exterioris verbi. Et ideo, sicut in artifice tria consideramns, scilicet finem artificii, et exemplar ipsius, et ipsum artificium jam productum; ita etiam in loquente triplex verbum invenitur; scilicet id quod per intellectum concipitur, ad quod significandum, verbum exterius profertur; et hoc est verbum cordis sine voce prolatum; item exemplar exterioris verbi, et hoc dicitur verbum interius *quod habet imaginem vocis* (in I, q. 34, a. 1, it is said: ipsa imaginatio vocis verbum dicitur); et verbum exterius expressum, quod dicitur verbum vocis; et sicut in artifice praecedit intentio finis, et deinde sequitur excogitatio formae artificiati, et ultimo artificiatum in esse producit; ita prius verbum cordis in loquente est verbo quodhabet imaginem vocis, et postremum est verbum vocis. (De *Ver.*, q. 4, a. 1.)

[81] *Op. cit.*, p. 40.

impressed on the organs of phonation and the emission of certain sounds, a sort of internal equilibrium, a sort of agreement between the phenomena of one and the same language" Those which do not enter into that concert find themselves excluded by the very limitation of the set of keys laid under contribution. These considerations throw a certain light on the manner in which languages are evolved.

Finally, if it is proved by numerous evidences that an infinity of circumstances held together by a purely contingent tie has contributed to the formation of symbols, this would not entail the rejection of the laws formulated by Darmestete:r. Not only contingent factors have affected "the life of words"; there has also been the mind" And how could it be that essential tendencies as well as the laws of their own progress and development should not appear in the oral formation? It seems therefore beyond all question that a certain necessity, derived from the ends that it pursues, presided at the evolution of language" The study of the physical composition of language has confirmed our views regarding its origin. Will an unfavorable light be thrown upon them by a study of its metaphysical essence? That remains for us to ascertain.

V. METAPHYSICAL EssENCE OF LANGUAGE

The metaphysics of language is related to semeiology. Whereas natural philosophy considers the texture--component elements-metaphysics concentrates upon its significance, its relation to something beyond, its reliability, or relation to that thing with the sign. Metaphysics tries to bring to light the thing signified and the nature of the relation linking it with the sign. Undoubtedly these aspects are closely bound together, they are even inseparable; but they are really distinct, really superposed; it is one thing to know how and of what a symbol is constituted, another to clear up the mystery of its significance.

A language, as we have already said, is a complex of signs. The sign is a substitute, a *suc.cedaneum.* It takes the place of

another in its absence. It represents that other before an understanding faculty. " *Signum est quod representat aliud a se potentiae cognoscenti":* the sign is that which has the function of representing something other than itself to an intelligent being.[32] It comprises two things: in the first place a value of manifestation or of representation of ordaining the sign to an understanding subject, virtually directing it towards the subject; in the second place, a relation binding it to the thing signified, of which it takes the place. Thus the sign appears as an intermediary between two poles, namely, the thing signified and the knowing subject. Nevertheless, that which constitutes the sign specifically and therefore distinguishes it is its relation to the thing signified. That is evident from the fact that it possesses in common with other realities the privilege of addressing itself to the faculties of understanding, and the virtue' of manifesting to them something that is unknown. Light, for example, is directed to understanding beings and enjoys in all their orders marvellous possibilities of revelation. Yet, it is not a sign; it does not depend upon an absent thing; it does not draw therefrom its reason for being; it is neither a duplicate nor a substitute. This proves that the value of manifestation, although implied in the essence of the sign, is not its distinctive mark.

If, applying the data to language, we ask ourselves what is the understanding faculty to which it is directed, we declare that it is the intellect of the interrogator. Its role is to establish communications of soul with soul, to make someone known in a mind: *proprium vocis significativae est quod generet aliquem intellectum in anima audientis*;[33] Everybody agrees upon that: the intellect of the interrogator is the end *cui.*

However, it is not the same when there is question of determining in a precise manner just what words signify-some claiming that they directly designate external things, others that they designate activities of the mind (formal concept),

[32] This question of sign is treated at length by John of St. Thomas, *Cursus Phil.*, Vol. I, p. II, qq.

[33] *Comm. Perih.*, L. I, lee. 5, n. 16.

yet others that they designate objects of thought (interior words or objective concepts).

To throw some light on this subject we observe that it is impossible for oral terms to designate external things directly. If they are referred to, it is necessarily by the roundabout way of the mind. In other words, a person speaks what is in his thought. The words convey directly to the interrogator what is unfolded in the speaker's mind. If it were not so, it would be necessary to speak in another way. It would be necessary that the words used should never take on the abstract form nor be connected in logical order. The sign, in consequence of its being a substitute, must conform to the mode of being proper to the thing signified, must be measured by it in some sort of way. To signify an individuated and concrete thing accurately, it would have to possess a *mode of signifying* which itself would be individuated and concrete. Likewise, to represent what is not logically constructed in reality, it should have no logical construction itself. Therefore, in order that oral discourse, which is abstract and logically coordinated, may be a strictly true sign, it is necessary for it to be related directly to the thought, and, through the intermediary of this, to the external objects. [34]

What does it signify in the thought? Is it the life of the thought, its acts, or its representations? External speech is clearly the prolongation of the internal word, its sonorous utterance. A summary analysis of its texture enables us to see that it is loaded with intellectual concepts. [35] Undoubtedly

[34] Non enim potest esse quod significent immediate ipsas res, ut ex modo significandi apparet: significat enim hoc nomen homo naturam humanam in abstractione a singularibus. Uncle non potest esse quod significet immediate hominem singularem: uncle Platonici posuerunt quod significaret ipsam ideam hominis separatam. Sed quia hoc secundum suam abstractionem non subsistit realiter secundum sententiam Aristotelis, sed est in solo intellectu; ideo necesse fuit Aristoteli dicere quod voces significant intellectus conceptiones immediate et eis mediantibus res. *(Comrn. Perih.,* L. I, lee. 9!, n. 5.)

[35] Verbum vocale ad hoc a nobis exprimitur ut interius verbum manifestetur. *(De Ver.,* q. 4, a. I.)

Hoc ergo est primo et per se intellectum, quod intellectus in seipso concipit de re intellecta, sive illud sit definitio, sive enuntiatio. . . . Hoc autem sic ab intellectu

it is not opposed to expressing the intimate life of the mind-the life of its intimate dispositions and of its developments-but only when it is refracted in objects or when it becomes the matter of the representation can it manifest that life.[36] Thought, that subtile force, that force capable of fascinating re:fluences, enjoys, as we have already mentioned, the mysterious faculty of turning back towards its source and of representing this to itself. It is in this way that the life itself which produces the :representation becomes its matter. However, even in this case the role of language is limited to the revealing of the objects of thought. These, incapable of self-exhibition, need the ministry of representation; they are revealed, set free by the representation. This leads us to believe that it consists essentially in an intimate relation with them.[37] They are related to it as to their end *cujus gratia.* With all its fibres it tends towards them, tries to :reflect them. If it is ordained to the hearer exteriorly, it is only because he is its destination; interiorly, it is completely turned towards the conceptions of mind.[38]

The conclusions already arrived at in connection with the physical constitution of language suggest other considerations. This time we look no longer upon it as a simple sign, but as a work of art, as an artificial sign, as a sign expanding in words, in discourse. The questions that now come to our mind for solution are the following. How did language acquire its value as a representation? And, consequently, what is the nature of the relation that it holds to the ideas it expresses?

To give an altogether satisfactory reply to these two ques-

conceptum dicitur verbum interius, hoc enim est quod significatur per vocem ... quo mediante (vox) significat :rem. *(Ibid.,* q. 9, a. *5;* I, q. 34 and *35, passim,* etc.)

Verbum autem quod exterius profertur significat id quod intellectum est, non ipsum intelligere, neque hoc intellectum quod est habitus vel potentia, nisi quatenus et haec intellecta sunt. *(Ibid.,* q. 4, a. 1.)

[37] A relation of reason, as we shall see. The expressed words have a transcendental and predicamental relation with the internal word that is their exemplar, but not with that which they signify.

[38] Verbum interius est causa verbi exterioris finalis quidem, quia verbum vocale ad hoc a nobis exprimitur, ut interius verbum manifestetur, etc. *(De Ver.,* q. 4, a. I.)

tions, it is absolutely necessary to bear in mind that the sign is of various types. That is seen as soon as the two terms involved in its essence are taken into consideration. Thus, with respect to *the thing that is represented,* it is either formal, or instrumental. It is formal when it is an imitation, a representation of traits, a substitution of the physiognomy of the thing that is represented. For example, an idea, an image, a portrait are signs of the formal type. They have such an *internal* continuity with the thing which is signified that, if attention is paid to their essence, if they are considered in their purely representative function, they are seen as making it appear spontaneously. [39] By some sort of magic they manage, while being seen, to efface themselves before it. Or better, they contain it in accordance with some mode that cannot be explained. There is a mysterious presence, a spirit of some strange kind. The thing that is represented divides itself in two; it emigrates to the sign in a spiritual way, it :fills the sign with its own being, and in doing this transforms itself into an element of representation. In this way one and the same act of the intellect suffices for the two: the sign and the thing that the sign signifies.[40]

One sees at once that language does not belong to the category of formal signs. In that there could not be such an internal continuity, such as adherence between the words and the objects of thought that they express. The case is quite different. It is not that of one which is prolonged in another under the appearance of a shadow, of a reflection, of a profile. There is really no appearance of one in the reverberation of the other. Neither is there a sketch of traits or a facsimile. One is not the other as in a mirror, nor has it the *intrinsic* power of causing the other

•• We could not admit with M. Maritain that the formal sign is unknown. If that were so, one would have to ask himself what purpose it can serve.

•• Duplex est metus animae in imaginem: unus quidem in ipsum imaginem, secundum quod res quaedam est; alio modo in imaginem, in quantum est imago alterius; et inter hos duos motus est haec differentia, quia primm1 motus · quis movetur in imaginem, ut est res quaedam, est alius a motu qui est in rem; secundus autem motus, qui est in imaginem, in quantum est imago, est unus et idem cum illo qui est in rem. *(Summa Theol.,* Ill, q. *25,* a. 8.)

to be seen, but, by reason of a pre-established relation, one in making itself seen gives to the mind an impulse that is to lead it to knowledge of the other.[41] In this case the sign does not have its representative value from its constituent elements, from the intelligible matter that it has *intrinsically,* but rather from its *extrinsic* ties with the thing it signifies. Such is the very definition of the instrumental sign.[42] Consequently, language would not be the image of ideas, but a simple *instrument of evocation.*

The bringing of the sign into connection, not with the thing it signifies, but with the intellect to which it would speak, opens up new perspectives in regard to the metaphysical essence of language. Relative to the intellect to which it manifests an absent reality, the sign (whether it is formal or instrumental does not matter) has a value that is sometimes conferred upon it by nature, sometimes by simple art. It is therefore either natural or artificial. The classic illustration of the natural sign is seen in smoke. This, besides being constituted by intrinsic elements which are in themselves objects of study and knowledge, holds a natural, although extrinsic, relationship with fire. Of fire it is the natural instrumental sign. Beyond all question, as a natural effect, it makes the fire known just as any effect makes its cause known; between the two there is a connection established by laws over which the human art has no control; nevertheless, it is only when its association, its natural contact with fire, has been perceived that it is raised to the rank of sign and that it makes the fire known, not by logical induction, but by spontaneous evidence of concomitance.

The approved example of the artificial sign is taken from the emblem or the flag. This represents one's country and one's nation by virtue of a relation in which there is nothing of the natural order. It is placed upon its material elements in con-

[01] Non attenditur ibi aliqua ratio similitudinis, sed sola ratio institutionis, sicut et in multis aliis signis, ut tuba est signum belli. *(Comm. Perik.,* L. I, lee. *!t,* n. 9.)

[02] Signum est, quod praeter species quae ingerit sensui, aliquid facit in cognitionem venire. (St. Augustine.)

sequence of an explicit convention, and more often in consequence of conventions that are custom and usage. Accordingly, the institution of the artificial sign, the recognition of its representative value, depends entirely on free will, and its caprices. We see by this definition that language belongs to a conventional order. The relation that binds it to the objects of thought can come from many contingent factors, but especially from usage, from usage that is commonly accepted, although with more or less consciousness. The formation of symbols that are proper to each group depends, in a certain measure, upon the obscure tendency of the ethnic group, upon a mysterious instinct of orientation originating in the depths of individuality, but the significance that the symbol conveys to the mind of the hearer is, on the contrary, to be attributed wholly to the intellect and the wilL Between the ideas and the words formed for their expression there is no natural solidarity whatever. That is why their significance is unstable, it varies in accordance with an infinity of causes. It is subject to extensions, thus being brought out in figures of speech, and to transpositions, thus being seen in metaphors and analogies. Notwithstanding the temporal and individual character of the matter upon which it rests it is even capable of being universal and timeless. This would be inconceivable were it not for the free will of man, for his autonomy, his dominion over his thought and his means of expression, hls total freedom with respect to both symbols and the extent of their significance. It would be just as inconceivable if the intellect were not always exercising control over the verbal molds. Accordingly, it is seen that the artificiality of language is far from fettering the fulfillment of its mission as an intermediary; on the contrary, it is seen as its necessary condition. As we said in the beginning, the natural sign has a significance that is necessarily individual; the artificial sign on the contrary has a capacity of signifying that is given to it by the intellect and the human will. This is what explains its infinite power of expressiOn.

The riches of the artificial sign are marvellous. An unfathomable destiny has .enriched it with the power of extending nature,

even of exceeding it by several degrees. Like nature, although after the manner of something that is purified, immaterialized, it has been made for the transmission and perpetuation of life. The life which it has the mission of propagating is far superior to that which nature multiplies; it belongs to the order of spirit and grace. By means of language the greatest intentions of the mind become communicable, virtually inheritable; by means of sacraments the very life of God falls to the lot of man. Sublime perspectives are opened before the mind. The empire that has been given to it over the artificial sign permits it not only to go out of its prison; it is assured of dominion over splendid kingdoms. It is made the holder of the rights of inheritance over all the treasures ·of profane culture and over the entire capital of the riches of grace.

We cannot but feel that there would be something lacking in this study if we closed it without emphasizing some conclusions that follow from the principles that have served as a basis and norm. The first is that, contrary to all the claims of positivists, there is an ontology of language. Its :finality, its essence, its laws are governed by necessity. When one thinks that it is subject only to a lot of contingent bonds, one takes only superficial views of the question. Pure contingency is impossible. It must always be supported by necessity; it is always grafted upon an essence consisting of invariable relations. From what has been said it results that conceptual language consists necessarily in a relation with the content of the thought. The determination of this relation, like the formation of symbols, belongs to the reason and will of man; but the relation is none the less indispensable. Without that connection of words with the representations in the mind there could be no conceptual language. That is what establishes conceptual language in the speci:ficnessof its essence.

From that truth one concludes that the intrinsic end of conceptual language consists in expression, :i.n interpretation. One could not assign any other finality to it as its own and proper to it, as any other reason for its being. It was conceived and established to bear witness to ideas that surge in the field of

consciousness. Upon that intrinsic finality several finalities of an extrinsic character can be grafted, but without it they cannot subsist. It is by virtue of its own proper finality that conceptual language lends itself to various practical usages. Being a means of expression it can serve to give orders and to direct their execution. Its specific function :renders it capable of voluntary utilization, of subordination to the purposes of the individual who makes use of iL All the branches of social life -morality, arts, economy-owe a goodly part of their progress to its perfection as an instrument of interpretation.

In consequence of that finality it should be held that the destiny of language is more intimately bound to that of the mind than to that of the wilL It follows the mind in its :fluctuations, marks its advances and its recoils. It has progressed with the mind from a mysterious state to the logical, from the synthetic and concrete mode to the analytic and abstract. It reveals the essential inclinations of the mind, registers its desires to know and its preferences. In the ages of philosophy, of science, and of machinery it has felt a movement of convergence towards the ends desired by the mind; its vocabulary has been proportionately modified and enriched. This could not have come about if it had not been the instrument of thought, its means of expression.

Moreover, in consequence of the fact that its essential function is to manifest the conceptions of the mind, language tends, as if by a congenital inclination, to the greatest possible logic and clearness, at least to such logic and dearness as aid expressiveness. There are undoubtedly elusive truths, which are sensed rather than grasped, and which the current coins of words cannot represent; but, notwithstanding that or anything else, the more transparent is language for the radiations of though the more perfect it is. That is why, again contrary to those who see in language only an absolute relativism, we are not loath to fix a scale of perfection in the whole system of languages. The criterion that would permit the fixing of an order in them would be the same as the criterion of their resemblance to thought. The more refined, purified, transparent they would

be, so much the more would they take on the very characters of thought, so much the more would they yield to its least inflections, likewise so much more of perfection would they have. They would then succeed in making everything understood, even the obscurity of the mystery that torments the mind.

Finally, if in every order of being the characteristics of the genus ought to appear in all the individuals of the species, it is evident that the inherent laws of language ought to have repercussions in the arts that are founded upon it. Logic, rhetoric, poetry, literary arts in general, ought to be considered as disciplines, each one of which is consecrated to expression according to its own mode. They would therefore be in the wrong if they took obscurity as an end. Since they serve language as matter adapted to their respective finalities, they ought to aim at clearness. This does not mean that clearness can always be realized and that it is necessary to sacrifice depth of thought for its sake. A glimmer filtered through the opacity of mystery sometimes causes more exquisite delight than a continuous stream of light.

LOUIS LACHANCE, O. P.

Sherbrooke Seminary,
Sherbrooke, Quebec.

THE COGNITIVE ASPECT OF EMOTIONS

TRADITIONAL psychology considers emotiqnal states as the conscious reflexes, so to speak, of the movements of the sensory appetites. Whenever a value embodied in some particular is apprehended by the cogitative power *(vis cogitativa)* and a correspondent movement of the appetite ensues, there is in the consciousness one of the passions of the soul *(passiones animae)*, varying according to the objective relation between the good and the person. It has, perhaps, been too little emphasized that this psychology takes into account, not only the subjective side, but also the total situation in which the person is involved. In this sense, Thomistic psychology is very " modern." It is only recently that psychology has discovered this dependence of mental states and total behavior sets on the general situation.

In traditional psychology, the apprehension of the moving agent, the good or the evil, as embodied in some object, is achieved by the fourth internal sense, the cogitative power *(vis cogitativa)*.[1] The cognition of the goodness or badness of the object, event, or situation, precedes the movement of the appetite and, therefore, the consciousness of an emotional state. Thus far, the old conception agrees with certain recent theories. If, however, these theories conceive of the emotions as a mere mirroring of a biologically relevant set of circumstances or even-as did the famous James-Langi-Sergi theory-consider emotions as the awareness of bodily changes, wrought by biological forces released in their turn by the environmental circumstances, Scholastic tradition disagrees. A mental cognitive factor has to enter into play. For the appetites, and their emotional effects too, the proposition is valid that nothing can be willed but what is previously known. Replace " willed " by " sought " and the statement applies to the appetites not less than to rational will.

[1] R. Allers, "The *Vis Cogitativa* and Evaluation," *The New Scholasticism*, XV (1941)' p. 195.

There is a great divergence of opinions regarding the nature and definition of emotions. The Wittenberg Symposion on *Feelings and Emotions,* of 1928, lists as many definitions as there are contributors. And things have not changed since then. It seems, therefore, advisable to summarize briefly the conception of emotion underlying the present discussion.

An emotion is a mental state of peculiar character by which an individual responds to the awareness of a pleasant or unpleasant situation, or any other aspect of a situation entailing goodness or badness. This response is of the whole individual, mental and bodily, not of the mind or of consciousness alone.

Emotion, therefore, presupposes the awareness of the value-aspect of a situation. This awareness may be purely sensory apprehension such as is found also in animals and credited, by traditional psychology, to the *vis aestimativa,* one of the internal senses. Such a mere sensory awareness may occur also with man. UsuaHy, however, the value-awareness is, in man, of a higher order, namely an intellectual apprehension, founded on the sensory awareness of a particular value as embodied in the actually present situation.

The bodily alterations associated with emotion become partly conscious and color the emotional consciousness. Emotion may be described as the consciousness of a change " affecting " the whole human person. It refers to objects as causes, not in the way of cognition nor in the way of appetition.

Contrary to some modern notions, traditional psychology does not credit emotion with any cognitive power. Nor is it the foundation of evaluation. Neither " interest " nor " pleasure " constitutes the awareness of value or goodness. A thing is of " interest " because it is good, or bad; it does not become good or bad because the person is interested. The philosophy of values, as conceived by R. B. Perry/ is as much a reversal of the true state of things, as James' theory is such a reversal in regard to the relation between emotion and bodily changes. Professor Perry has remained true to the spirit of his master.

"For a criticism of .Perry's philosophy of values, cf. H. E. Cory, "Value, Beauty, and Professor Perry," THE THOMIST, IV 1.

The only thing which is indubitably true is that there obtains a close relation between the awareness of values and emotional states. This relation has been interpreted in a new manner by two authors. Max Scheler, in his *Der Formalismus in dell' Ethik und die materiale Wertethik* [8] has advocated a theory of emotional cognition of values. Alexius von Meinong has spoken of values as " dignitatives " and as being the proper object of a particular class of cognitive emotional states. Values are, according to this philosopher, "presented" to consciousness by means of emotional states. [4] It is not the intention of the present writer to enter into a detailed criticism of these two theories. Only a few objections, which apparently cannot be met by these conceptions; will be mentioned.

There is first the fact to which G. E. Moore has referred, that we evaluate not only objects but our feelings themselves. This remark has been directed mainly against those who make feeling-states, of pleasantness or unpleasantness, the very basis of evaluation. But it applies no less to the· theories of emotional value cognition. In both cases it leads to an infinite regress. Furthermore, it is inconceivable that a feeling-state be felt by a .feeling of second order. [5] Secondly, the testimony of simple consciousness is evidently opposed to the theory of emotional value cognition. Everyone, probably, knows of cases in which he is aware of a value, embodied in some particular object, and nonetheless does not react emotionally. We may perfectly_ " see " the value of a painting, and nevertheless dislike it, not of course because we, e. g., disapprove of it as immoral or something similar, but because it "leaves us cold." Nor is it true that a value is recognized at one time and not recognized at another time, although our emotional reactions may present considerable differences. A symphony does not become less beautiful, even to our own mind, if it does not appeal to us in the mood in which we find ourselves at a particular time.

[3] Halle a. S.: M. Niemeyer, 1916. Appeared first in Bussed's *Jahrbuch fiir PhilQaophie und phaenomenologische Forschung.*

• "Uber emotionale Praesentation," *Sitz. Ber. Wiener Akad. d. Wissemch.* Phil. Kl. 1917.

• G. E. Moore, *Principia ethica.*

Also, the relation between emotions and values is shown by immediate consciousness as being of another kind than the cognitive relation between, say, a sense object and a perception, or an intellectual truth and a judgment. Language takes account of this difference. We see, perceive, think something, or we think " of " something. But we are sad because or about, angered by, ashamed because of, worried about, and so forth. Language is, of course, not always a reliable guide. But it is, after all, the crystallization, as it were, of popular psychology and to a certain extent a witness for the general ideas of mankind.

Scheler emphasized very much the " objectivity" of values and credited therefore the " intentional feelings," of which he spoke, with a true cognitive capacity. It is doubtful whether such "intentional feelings" can be demonstrated at all. It seems to this writer as if there were always a separation possible, by introspective analysis, of the feeling, or emotional state, on one hand and the value awareness on the other. The main argument is, of course, the actual occurrence of the two states independently of each other.

While philosophers and psychologists in general were agreed that feelings are " merely subjective " and denote only a modification of the ego as a response to certain affections, a thinker who then was hardly noticed had developed, incidentally, a very different conception. This conception was worked out neither with a philosophical nor with a psychological intention. The man who had a novel interpretation of emotional states to offer was interested not in philosophical but in religious questions. But his was an uncanny capacity for psychological analysis, equalled only by a contemporary of his who in other things was his opposite. The one author is the Danish theologian Soren Kierkegaard; his opposite is Frederick Nietzsche.

Kierkegaard wanted to show what man can be at his best, when fully realizing his situation and surrendering to divine grace. Nietzsche wanted to "unveil " the depths of human nature and show man at his worst, although he too desired man

to rise above his baseness. While :Kierkegaard made man's rise dependent on the recognition of the essential :finiteness of human nature, Nietzsche hoped that man would rise above himself by his own power. While the one proclaimed, with an earnestness not equalled, perhaps, since the times of the Fathers, man the creature of the infinite God, the other proudly exclaimed," God is dead," and saw in all religion the expression of cowardice and resentment.

Sharpsighted though Nietzsche was and though he anticipated many of the psychological insights of later times, he nevertheless proved less able to gauge the depths of human nature than did Kierkegaard. Nietzsche's understanding of the mind was handicapped by his pronounced naturalistic attitude, his biologistic outlook, his enthusiasm for science and evolutionary ideas. Accordingly, he could not conceive of emotions otherwise than as biologically valuable phenomena, indicative of health or disease, strength or weakness, power or slavery. Nietzsche's ideas, therefore, may be left out of consideration in the present context.

Of the Kierkegaardian ideas, however, only those regarding emotional states have to be considered here. Kierkegaard was not, as has been. remarked, primarily a psychologist. His penetrating analysis of emotions is merely one link of the chain of reasoning by which he endeavors to develop a philosophical anthropology, an idea of man based on philosophical principles indeed, but even more on revealed truth and on the testimony of conscience. Kierkegaard is introspective to the highest degree, and he is so with unusual success. His views have gained influence on writers who are far from sharing Kierkegaard's impassioned religiosity.

Two emotions received particular attention in Kierkegaard's works: dread and despair. On the first he wrote a seperate treatise, *The Concept of Dread,* and the second is one of the fundamentals of his *The Sickne8 unto Death.* [6] These two

[6] *The Sickness unto Death,* trans. W. Lowrie. Princeton: Princeton University Press, 1941. *Der Begrijj d:er Angst,* trans. Schrempf. Jena: E. Diederichs, 1912.

works the author himself characterized as "psychological." The analysis of these two states which will be given below is largely indebted to Kierkegaard, but also to some authors who made dread an object of special study and who were dependent in many ways on the ideas of the Dane. It seems, therefore, unnecessary to report on Kierkegaard's views in detail.

Scientific psychology did not come under the influence of Kierkegaard or Nietzsche. Among those who were concerned not so much with the study of mental facts and operations, but with the mind itself or with human personality, some made their own--consciously or unconsciously took over.:...._many of the ideas contained in the· writings of Kierkegaard and Nietzsche. Psychoanalysis makes use of several notions and terms introduced by Nietzsche. Another current in psychopathology is largely fed from Kierkegaardian sources. Freud stated that he was not acquainted with any of Nietzsche's works when he conceived the basic notions of his system. The similarity, however, is too striking for mere coincidence. We have no reason to doubt Freud's statement. But, as this writer has pointed out elsewhere [7] there were many channels through which Nietzsche's ideas may have reached Freud and been taken over by him without his knowing whence these ideas came to him.

Not only psychopathologists and psychologists who were interested in questions scientific or experimental psychology could not and would not answer, but also philosophers came under the influence of both Nietzsche and Kierkegaard. The former's ideas spread over a wide field. They will not occupy us here. The latter's notions became effective especially in the philosophical work of Martin Heidegger.[8] Of this work only those parts will be considered which deal with the nature and significance of emotional states. Heidegger's most detailed analysis is of dread. Some remarks on other emotions occur incidentally.

Heidegger's philosophy is too complicated to be even

• *The Successful Error,* New York, Sheed and Ward, 1940.

[8] *Sein und Zeit,* Halle a. S.: Niemeyer, 19!t7. *Was ist Metaphysik'l* Bonn: Cohen, 19!t9.

sketched.[9] His interpretation of dread forms an integral part of the system, but this part may be detached from the whole and considered in the light of descriptive psychology. A brief summary of Heidegger's views on dread will enable us to put forth the corrections and enlargements this view seems to demand.

Heidegger emphasizes justly the difference between fear and dread, as Kierkegaard had done before. Fear, the German philosopher claims, is the response to something threatening (the term *das Abtriigliche* would be best translated by " nocive ") apprehended as coming from a definite direction which is known as is the threatening thing itself. It is approaching; it is not yet here, but is within a relatively close distance. Fear implies the possibility that the threat will not be realized. Since the thing feared is known, it belongs to the world in which man dwells.

Dread or anxiety is quite different. That which is dreaded is essentially the unknown, that" where we are not at home"; it is, as an expressive German word has it, *das Un-heimliche,* which term names exactly the general mood of strangeness, of uncanniness, which takes hold of the mind in an utterly new and unknown situation. As the dreaded something is unknown, so is the direction and the region from which it will strilm. One may refer to the dread some experience when there is apparently nothing to be dreaded, e. g., in complete silence. *Ipsa quies rerum mundique silentia terrent* (Cf. Valerius Flaccus, *Argonautica,* II, 41). The well-known dreadful property of complete darkness equally belongs here. Therefore, dread has an all-surrounding character. It is everywhere, there is no escaping, esp((cially since the dreaded unknown, unknown though it be, is anticipated as inevitable. From somewhere it is sure to strike, and to strike with an annihilating power. It does not

• Heidegger is exceedingly difficult reading, even for one who is perfectly acquainted with the German language. The articles published by W. H. Cerf, "An Approach to Heidegger," and by W. H. Werkmeister, "An Introduction to Heidegger's Existential Philosophy," *Philosophy and Phenomenological Research,* I (1940), 177, and II (1941), 79, are helpful towards a first understanding.

strike as yet, else we would cease to be, but it is not at any distance, it is immediately close to us. As an unknown it cannot be placed; nevertheless it is everywhere, surrounding us, bearing down on us, oppressing us. (Oppression is one of the most prominent characteristics of the experience of dread, which gives to this state its name in Greek, Latin, and German, the common root " ang " which refers to restriction or confinement in a too narrow space.)

Heidegger considers then two aspects of dread: the mind, or rather the person, dreads something and dreads because of something, that is, man is aware-although with a peculiar kind of awareness-of the threat and of the threatened. [10]

[10] Heidegger's way of dealing with the German language is peculiar and quite often arbitrary. He gives new and unwonted significance to certain terms and coins new ones. Sometimes the use he makes of words throws an unexpected light on connotations which are usually overlooked. But sometimes also the reader can hardly help feeling that many of Heidegger's statements, ostensibly of ontological import, are in truth only gathered from language. This becomes manifest whenever one tries to render Heidegger's ideas in another language than German. Then statements he presents as evident become more than questionable. Werkmeister, in the article mentioned in note (9), expres$eS similar views.

One is tempted to ask why and how a philosopher of undoubted capacity, passionately interested in the problems of being, should rely so much on evidence as peripherical as meanings of words are. This may be partly explained by remembering that Heidegger is a pupil of Husserl. The latter believes that to every mode of experience belongs and corresponds a mode of being, at least in the sense of *esse intentional,e.* What the ultimate ontological conception of Husserl may have been is not a problem of the present discussion.

The other root, which may be assumed with good reason, is to be discovered in Heidegger's own development and work. One of his earliest writings, in fact the one by which he received the *venia legendi* in philosophy, deals with language. The title is *Die Kategorien- und Bedeutungslehre des Duns Scotus* (Tiibingen Mohr, 1916) . Its topic is an analysis of the *Grammatica Speculativa,* a treatise which figures among the writings of Duns Scotus, but whose author is, as M. Grabmann was able to show, Thomas of Erfurt (Thomas Erfordiae) of the fourteenth century (Grabmann, *Mittelalterliches Geistesleben,* Vol. I. Munich: M. Hueber, 1926). Incidentally, Grabmann mentions a fact which may serve as an explanation for the mistaken attribution. Thomas was rector in a convent *apud Scotos* at Erfurt, and thus himself became *Scotus.* The famous author curiously has overlooked this connection.

The treatises *De Grammatica Speculativa* or *De Modis Significandi* contain usually a reference to a strict correspondence between modes of being, of understanding, and of signifying. This idea is maintained even by authors who, by their

That which is threatened and that for which man, when in dread, trembles is, according to Heidegge:r, the "being-in-the-world." This being-in-the-world is to this philosopher the very mode of being, the existence of man *is* being-in-the-world. This particular interpretation will not be questioned for the moment. It is, however, necessary to inquire into the justness of the phenomenological or descriptive analysis.

It is trHe that dread puts before the person the possibility of annihilation. This annihilation, contrary to what Heidegger seems to imply, is not the loss of being-in-the-world, but the loss of value. This becomes clear if one surveys the modifications of dread. All of them have in common the feature of an imminent "fall." Dread dreads the fall from a value level held or attained to one much lower, finally down to the absolute non-value which, of course, is also the level of non-existence. *Ens et bonum convertuntur.* [11]

Heidegger has a very peculiar concept of *das Nichts,* the Nought. It is nothing and nevertheless is powerful enough to threaten with annihilation. There is indubitably a relation of dread and Nought. But it appears to this writer in a manner rather different from Heidegger's interpretation. The Nought is not, as Heidegger believes, that which threatens with annihila-

adherence to nominalism and, accordingly, to the view that words are arbitrary signs *(signa ad placitum)-while* concepts are natural signs *(signa naturalia)-* ought to abandon the strict correspondence between concepts or their modes, and words.

Heidegger's rather striking tendency to treat an ambiguity in words as if it necessarily referred to a two-sided ontological fact, and his whole habit of making much out of idioms and peculiarities of language, may be traced back to the ideas with which he became imbued when studying the treatise of Thomas Erfordiae. This is the more probable since throughout the work dealing with " Scotus " he attempts to modernize the medieval notions as much as possible. He discovers striking similarities between the views of the medieval author and certain modern, particularly Husserlian, ideas. Thus, the melting into one of his fundamental philosophical intuitions with the conception of the *modistae,* seems a not improbable explanation.

[11] This and many of the following remarks summarize briefly a more detailed study the present writer published years ago. " Zur Phaenomenologie und Metaphysik der Angst," *Religion und Seelenleben,* VII (l93!Z), 127-165. (Proc. of the Section of Psychology, Deutscher Kathol. Akademikerverband.)

tion, but that whereto man is driven by a power infinitely superior to his own, and where annihilation awaits him. Dread makes us feel " powerless." But such a notion is meaningless in face of the Nought; it has a meaning only if we are faced by some power superior to our own. The Nought is not that which threatens but rather that-if such an expression be permitted-whereto we are threatened. Dread reveals to man his nothingness.

Heidegger has not quite overlooked this, inasmuch as he declares that in dread man is faced by his finitude. But finitude without an infinite gives no sense. The infinite is, *natura rei,* the primary; the finite is only because of and in regard to the infinite; it is secondary. That the infinite is "discovered" only by starting from the finite does not make any difference. We know of many instances in which that which is prior in nature *(natura)* is secondary in our knowledge *(quoad nos).* Nor should we be disturbed by the verbal form of negation. Language repeatedly has a negative name for what is actually the positive. " Innocence " is one of the most striking examples.

Man in understanding himself as finite grasps at the same time, however vaguely and inadequately, the infinite. The infinite is what threatens with annihilation. Being in its fullness, the *OV,* confronts finite and contingent being with the necessity of realizing its finiteness and contingency.

By this one also understands the close relation obtaining between dread and the attitude of revolt. The finite being, made aware of its finiteness, revolts and asserts itself in a *non serviam.* (Here may be found also the reasons for the dread and the unruly pride or ambition which are at the bottom of so-called neurotic troubles. Kierkegaard has seen something of this, although he was not primarily interested in psychopathology.)

Dread, then, discloses to the person experiencing this emotion something of his, or of man's, nature. This" knowledge," if it deserves to be called so in its initial stages, becomes true knowledge only in reflection. Reflection, however, is not possible while dread lasts, since this emotion paralyzes all activi-

ties. The awareness of finitude is none the less effective; even while dread lasts man is conscious, only in an implicit and unreflected manner, of his contingency and finitude. One wonders whether something of this sort is adumbrated in the words: " The fear of the Lord is the beginning of wisdom."

The awareness of finitude and contingency, that is, of the nature of a created being, explains also the close relations obtaining between dread and the sentiment of guilt. Anxiety of conscience is, in its pure cases, not simply fear of punishment. Servile fear, says St. Bernard, is the lowest degree of obedience. Such an anxiety may arise irrespective of all ideas of punishment, just as a good action may be achieved irrespective of all reward. The good conscience does not imply any idea of future reward; good is not done for the sake of being a deserving one *(bene meritus),* but for the sake of the right and good itself. It is the most perfect exercise of freedom, which St. Anselm defined as "rightness sought for itself" *(rectitudo propter se servata).* The knowledge of having failed to preserve this rightness and thus having failed to maintain one's position in regard to the order of goodness brings about the sentiment of guilt, just as the awareness of one's failing to acknowledge the position in regard to the order of being is at the bottom of dread. Dread indeed may cease to exist, or even may cease to be possible, when man fully realizes his being as contingent, finite, dependent, and maintained in existence by the infinite power and being Himself. *Superba anima formidinis ancilla,* as St. Johannes Climacus has it. (It is, incidentally, not uninteresting to note that among the several pseudonyms Kierkegaard used, also figures the one of Climacus.) However, it may be doubtful whether freedom from dread can be achieved in this life. The full realization and acceptance of what it means to be a creature can be had, perhaps, only in "seeing [God] face to face."

Kierkegaard has written extensively, in *The Sickness unto Death,* on a state, one can hardly say of Inind, rather of the human person, which he calls" despair." In fact, the word he

uses has no equivalent in English nor in any other language besides those of the German family. [11a]

It is doubtful whether despair as conceived by Kierkegaard may be referred to as an emotion, because this despair is a state of things essentially hidden to consciousness. Man is in a state of despair, but he does not know it. This despair exists in two forms: " desperately wanting to be oneself " and " desperately wanting to be not oneself." In both cases, it seems, this despair is of the nature of a revolt. He who desperately wants to be himself desires to make himself the absolute. This was Nietzsche's kind of despair-" If there were God, how could I support not being God myself." Therefore, " God is dead." But he who desires, with equal desperation, not to be himself, who desires as it were to become transformed into another, is also in revolt against his given-by Fate or by God, according as he sees it-person. He wants to be more by becoming another. Both enterprises are condemned to fail. They cannot even be started, unless in an imaginary and fictitious way. (Here too, the relation to problems of the psychology of neurosis is apparent.) An impossible enterprise, one bound to fail, one whose failure can be foreseen with absolute certainty, may condition a state of despair. We say," I despair of ever reaching this or that goal," because we are conscious of the impossibility.

Now, what Kierkegaard calls despair is apparently not the

[11a] It is not without interest to observe the expressions used by various languages for such a fundamental fact as despair. Latin, of course, is the source for the English and the French word, also that of the Italian or any other Romance language. The Greek has several terms, one which simply means "loss of hope," but two others which perhaps are particularly characteristic of the Greek mentality. They refer indeed to the incapacity of understanding (ci.?rovoeial1cu), or the insolubility of the situation *(ti1ropeiv).* The German term, however, is *Verzweifelung,* which implies the notion of two *(zwei)* and of doubt *(Zweifel),* and thus indicates that in despair there is no solution possible, that all doubting in regard to the outcome is over, that the terrible event or state has become irrevocably real. That this is one aspect of despair did not escape Aquinas, who says that desperation, exceeding the measure of fear *(mensura timoris),* sets in when there is no chance of any change taking place. But popular psychology, or the prevailing mentality of a people, evidently has felt one feature more characteristic there and another elsewhere.

emotion itself but a mode of this senseless craving to get rid of oneself, existentially, in becoming another, or, essentially, by being thoroughly and exclusively oneself, that is, independently so. The author uses the formula, " desperately wanting," thus indicating that despair is something inherent in this nonsensical endeavor. But this formula leaves the question open whether or not. true despair may be found also outside of the situation envisioned by Kierkegaard. He seems to imply that despair and this craving are really distinct, although perhaps they are not separable in the sense that despair exists independently of this craving. It might be that only the craving gives rise to a state of true despair, but it might also be that despair can be attached, as it were, to other situations.

To answer this question a very thorough analysis of despair, real and alleged, is necessary, an undertaking which cannot be started here. One thing, however, seems to be sure. Despair is the response of the person to a final situation entailing a great evil. This is also the meaning Aquinas gives to *desperatio.* Despair, then, is another form in which man becomes aware of and is faced by the absoluteness of his finitude. The aspect of finitude as revealed in despair is different from the one revealed in dread, or anxiety of conscience. These two latter states reveal to man his status within the realm being and of value. Despair teaches him-or it might teach him, if he did not, as Kierkegaard indicates, manage by some trick to remain unaware of his own desperate state-the limitation of his power. In the two forms of Kierkegaardian despair there is visible the catastrophe and final defeat of the "will of power," the central idea of Nietzsche. Long before man can have evolved, as Nietzsche hoped he would, to a superhuman state, he falls prey to despair.

The " origin " of dread has been placed, by authors who hold a more biological view, in the fact of death and of all those situations which, consciously understood or not, are premonitory of the finitude of life. But it seems more in accordance with facts to say that the dread of death (the usual term, "fear of death," ought to be discarded because death is essentially

unknown) is but one instance of the general dread related to the revelation of finitude. That life ends is only one side of this finitude.

Human finitude presents a threefold aspect. It is finitude of being, and to its revelation corresponds the emotion of dread, and on a less deep level the emotion of fear, since the frightful situation has the note of threat in common with the dreadful situation. Finitude is, secondly, the limitation of the realization of the ideal, be it a true or a false one. Man is condemned to remain always far below that which he wishes to be. Of course, there are many, too many, who never admit to themselves, much less to others, that they are far from what they want or at least once wanted to be. If they still admit their previous ideals, they are apt to talk of them smilingly, in a half pitying way, deriding the foolishness of youthful ideas, and emphasizing how much wiser, how much more sensible, more aware of "what life really is" they have become. These are the people who, according to Kierkegaard, are in a state of despair without knowing about this state. Were they to become conscious of their actual state, they would have made the first step beyond it, just as contrition is the step by which man elevates himself, helped indeed by divine grace, above the level on which to commit the sin was " natural " to him. Despair is the emotion corresponding to the finitude which is evident in the distance between the ideal view and the real being of man. If one is willing to make a concession to the terminology adopted by some, one may say that dread is related to the finitude of existence and despair to the finitude of essence. Man, however, is not only impotent to realize himself, to become fully himself, that is, to actualize all his potentialities, but also is incapable of realizing his purposes in the world without. The greatest achievements, even if for the moment they gave intense satisfaction to their creator, are inevitably below what inspiration and expectation depicted to his mind. The incapacity to deal with the objective world as he would like to do reveals to man another aspect of his finitude, one by which he is made aware that he is not able to form the world, not even

of the infrahuman beings, according to his desires. There is resistance of matter, of things and persons; there are material and temporal conditions independent of man's will.

These experiences, innumerable and of divers impressiveness, make evident to man not only his lack of power, the fact that he is far from almightiness, much though he may dream of it, but also assure him that he belongs to the world. No experience is so much able to refute the theoretical (although never practical) solipsism than the resistance encountered on the part of others. And nothing gives so much right to a realistic interpretation of " being-in-the-world " than the fact of the stubborness and unmalleability of material things. The importance of the experience of resistance for the justification of realism has been emphasized by several thinkers in recent times (e. g., N. Hartmann).

"Being-in-the-world" means also "being with others" *(Mitsein,* as Heidegger says). Thus, it overcomes the loneliness of the individual, sometimes so much that the individual person ceases to be wholly himself and gets lost, engulfed by the "many." (Incidentally it may be noted that in this point not only is Heidegger definitely indebted to Kierkegaard, but there is also a curious similarity in the ideas of Kierkegaard-Heidegger on the one hand, and Nietzsche on the other. One recalls the latter's word of the" too many." Heidegger, for that matter, is not altogether independent of Nietzsche either.)

In this aspect of human finitude there is a feature which Kierkegaard might have called a " dialectical " reversal. The very fact which, envisioned from one side, depresses man by revealing his finitude, gives to him, seen from another side, a security he never would call his own were he perfectly isolated. It is on the level of this awareness-which, however, need not be and usually is not explicitly realized-that communion with others develops.

It is one of the most striking features in Heidegge.r's philosophy that he so much dwells on the tragic, or at least uncomfortable, sides of human existence, and that he has no word either on love or pity or any of the " *SympathiegefUhle* ,. to

which Scheler has devoted so much attention and on which he has shed so much light.[12] But if it is true that emotional states have, whatever their role may be besides, the function of revealing to man, in a peculiar manner, something of his position in the order of being, his "ontic status," and, accordingly, of his nature, it would be exceedingly improbable that only the negative emotions, like dread or despair, should be gifted with such a power.

Generally speaking, it seems that these negative emotions hinder objective knowledge more than the positive emotional states do. There is, of course, a blindness for facts born of optimism. But the distortion of objectivity wrought by pessimism usually goes much farther. It is not only because he has greater courage and a more hopeful outlook that the optimist generally achieves more than the pessimist. History seems to teach that the pessimists never achieved anything truly noticeable. It is also, and perhaps chiefly, because the optimist, as long as he still uses his reason, has a truer conception of reality.

The emotional reaction released by the awareness of the insurmountable resistance offered by reality is obviously anger. This is in accordance with the notion that the *malum arduum* is the adequate object of the irascible appetite and conditions anger. Although this emotion may sometimes set free unexpected forces in the person, it is mostly impotent anger, especially since many facts which make us angry belong to the past. That this or that occurred, was done, by oneself or by another, is the most common reason for anger. The time-factor is, in fact, one of the greatest restrictions imposed on man's will. The action done, the event realized, are beyond any human power. To make undone what has been done is often enough the heart's desire, never to be fulfilled. In anger more forcibly than in any reflection and analysis man is made aware of the inexorability inherent in the laws of matter and of time. But he is also made aware of the fact that he himself is part of this reality which so stubbornly refuses to be subjected. He IS

[19] *Wesen und Formen der Sympathiegefiihle,* !i!d ed. Bonn: Cohen, 19)!8.

made aware of the fact that the laws governing reality govern his own existence too.

To repeat this once more: when passion has taken hold of the mind, such an awareness does not arise in consciousness. But the experience from which the reflecting mind can elaborate and, as it were, extract such an insight is real in the emotional situation of anger. The same is true, respectively, of all other emotions if they reach a certain intensity. If they are not so intense as to fill the whole mind, expelling all reasoning and all reflection, such an insight may develop also while emotion lasts. On the other hand, the deeper the emotion, the greater the chance that the mind, retrospectively, becomes aware of the facts revealed.

When man realizes that he is a part of reality, and at the same time that he is unique as an individual person and as a representative of rationality in the realm of being, he is enabled to develop another, very different attitude in regard to reality, the attitude namely of love. This word is so ambiguous that it is exceedingly difficult to deal with its object. First, love has been given so vague a significance by common language that its true meaning is rather obscured. People use the word indiscriminately for referring to a mere liking, say of some food, and for the highest emotion uniting friend and friend, lover and beloved, man and God. Secondly, many ways of using the word rest on a *denominatio a potiori.* This is true of Plato's Eros, as well as of *amor* in Aquinas. The *amor naturalis* is love only by analogy. Plato, however, and even more the medieval writers, had in mind the highest and purest forms of love when they gave this term so wide a signification. In modern times one kind of love, namely the love arising between the two sexes, has been considered as the only true and the primary love, of which all other forms of love are modifications or derivatives, This view is developed to an extreme in psychoanalysts.

It is true that love, in the full and strict sense, can be spoken of only in regard to persons. Love between man and woman is, therefore, true love. But from this it does not follow that this particular kind of love is the origin of all other kinds. This

naturalistic misinterpretation has been criticized by Scheler and by others. True love may be said to be characterized by the following features: true love desires the highest good of the beloved; it is, therefore, by its very nature, not only desirous but is compelled to give. Its other fundamental traits are best summarized in the statement contained in the chapter *D'e Caritate* in the treatise *De Adhaerendo Deo.*[13] This passage reads as follows: Love draws the lover outside himself and puts him in the place of the beloved; and he who loves is more with the person loved than with self. *(Trahit enim amor amantem extra se et collocat eum in locum amati; et plus est qui amat ubi amat quam ubi animat)*. These words, then, indicate the ecstatical natme of true love, its movement towards the beloved, and its tendency to unite itself with the beloved. *No* detailed analysis of love can be attempted h.ere. Nor is it th.e intention of this article to contribute to descriptive psychology of emotional states. Their description is of interest only in so far as it makes visible somehow the " cognitive aspect."

If dread emphatically makes man aware of his nothingness, his finitude and contingency, love assures him of his being and worth. The lover loves to give, and only what has worth can make gifts. *"Bonum dijjusivum sui"* not only points out a characteristic of goodness; it states also the only source from which any giving can originate. He who can give and whose gifts are appreciated, is assured of his worth, and with this, because of the convertibility of being and value, he is alsG assured of his true being. The nothimgness which, contrary to what Heidegger is not outside of man, but inside, rooted in his very being, is overcome and, as it were, in love.

This tendency to give is not a mere " expression " 0'§ it is love's nature. Desiring the good of the beloved nocesMrily brings forth the will of having the beloved particip&te mevery

[18] Co!itallec!. amoag the w0rks of St. Albert, but, in faet, M. l!.u shGwn, oy JahR of :KW!tl, a Benedictine wh.a wrote at the end of the f-rtee!llth or in the early centlll'.f. *Mitt&tdterliches Geia,teslefaen,* Vol. I. MWiich: M. Hueber, pp. 4$9-.5iM.

good oneself highly appreciates. The incapacity of the beloved to participate may become a serious hindrance to love. Some say that it is silly for two people " made for each other " not to marry because one, for instance, is an ardent admirer of music whereas the other remains cold to the greatest compositions. It is not so silly, after all. Love wants to give, and this means, where no tangible good is in question, to share. Love may become crippled if it is deprived of its fundamental manifestations. True, many marriages between people who are widely different and do not share all interests, likings, and "loves," are happy enough. One may, however, doubt whether these marriages realize all the happiness of which the two people are actually capable.

Much may be learned in regard to these things from the observation of children. They have nothing "real" to give; they are not able to do great things, they have not many possessions of their own, and those they have they know to have come from the very persons they love and to whom they desire to demonstrate their _love. They feel a strong need of such demonstration, which is in fact more than a mere demonstration. Most of the human emotions, perhaps one may go farther and say most of the performances of the mind, reach their full completion and actuality only if they become externalized in one way or another. But if a child acquires something of his own, something not given to him, but, for instance, found, he will bring it to his mother or father and make of the thing a gift. A colored pebble it may be, or some other insignificant object. The innate wisdom of love has taught parents not to reject such a gift and not to judge it from their own viewpoint, but to enter into the spirit of the child, to admire what he admires, to praise what he gives. It is a serious and sometimes even disastrous mistake to make fun of a child's childish gifts. By appreciating them you give the child a renewed assurance of his personal worth. This is the more necessary as without such a certainty the worth of other persons becomes hidden to the child's and, later, the adult's mind.

In this sense, then, love is the true antagonist of dread (as

Kierkegaard has seen). Dread isolates, love unites. A faint reminiscence of this opposition between love and dread seems to be at work in the instinctual clinging to others so often observed in states of dread. But the clinging of dread is of a nature widely different from the nature of love's clinging. The first is exacting, and expresses a never satisfied, because essentially incapable of satisfaction, demand; the latter is essentially giving and taking at the same time, expression of the movement towards oneness, characteristic of love.

To assert that the main features of love apply also to hatred sounds paradoxical, but only as long as one does not penetrate beneath the surface of appearances. In fact, hatred constitutes as strong a bond between the hater and the hated as does love between the lover and the beloved. A life filled with hatred for a certain person may be emptied of its significance if this person disappears. The void created under such circumstances, even when the death of the hated person has been brought about by the hater himself, may become so intense that hatred originally aimed at one person may spread, as it were, to others.

Hatred is the opposite of love on the level of human relations. But dread is the opposite of both, of course of love more than of hatred, because it isolates and separates the individual from his likes. Hatred may become also a bond uniting several people against one hated person (conspiracy). Hatred is less antagonistic to dread because it eventually leads to increasing isolation. It has a corrosive power, and destroys, sometimes gradually, all loving relations, leaving the individual alone with his hatred. This may be some of the reasons why there is often disunity among conspirators. The apparent reasons seem to be others, like envy, ambition, and the like. Common hate, after all, constitutes a unity directed at an extrinsic goal, while love links one person directly to the others.

Love is said to be blind. Doting mothers are unaware of even the greatest defects in their children. A lover " idealizes " the beloved person, so much so that he appears to her eyes as the paragon of everything, however mediocre and insignificant, if not worse, he may appear to the outsider. The blindness of

love is accused of bringing about many disappointments and disillusions. The gloriole of the beloved vanishes often very quickly. Marriages of love, remarked the sceptical Montaigne, more often end with disaster than do marriages of reason. In the latter case there is an objective evaluation of the other; one enters the married life with open eyes, not enraptured by passion and trusting a totally phantasmagoric image, created by oneself.

However, this generally accepted statement on the blindness of love is in need of correction. Scheler has emphatically protested against this belief, and he claims that " love makes seeing." The present writer too has pointed out that love does not always blind, and that it may even be particularly sharpsighted, in a definite sense.[14]

One thing love sees much more clearly than the objective and disinterested eye of the casual observer. Love discovers the potentialities of the beloved. Its illusion often consists in taking for actualities what is still potential. And its guilt is often that, because of this illusion, it forgets the task of striving for the highest good of the beloved, that is, for his perfection and, therefore, the actualization of his potentialities. In fact, without some attitude of love one never would discover the values of persons or of things. Love itself is no means of cognition of objects, not even of personal values, but it is, so to speak, the medium in which such a cognition becomes possible. Love makes pervious to the positive aspect of reality the mind which else may remain utterly unaware of goodness, beauty, all kinds of values. Similarly, hatred and its modifications, envy or jealousy, also make sharpsighted. Notwithstanding its will to detract, to deny values in the envied person, envy reluctantly is forced to acknowledge these values. It actually lives by this reluctant recognition.

One may, perhaps, add that the achievement of love is the correlate, on the level of philosophical anthropology, to the

[14] M. Scheler, *op. cit.*, note (Hl); R. Allers, *Psychologie des Get:chlechtslebens*, Munich, Reinhardt, 1922, also in: *Handbuch der vergleichenden Psychologie*, ed. G. Kafka, Vol. lli, *ibid.*

commandment of love in morals and faith. Only by loving himself man may become aware of the values he represents, however insignificant arid humble his personality and station may appear to him. Psychology teaches us how great a handicap the loss of the awareness of self-value becomes in the establishment of social relations. He who is not sure of his self-value cannot truly love; he " has nothing to give " since he doubts the value of himself and love demands that he give himself. Thus, self-love, in the correct sense of the term, is indeed the basis on which love of one's neighbor alone can develop. **H.** Bergson is right when he remarks that true hatred of mankind, true misanthropy, arises only when a man has first learned to hate himself.

While love reveals to man his own value, it also makes him aware of his obligations in regard to his fellows. The mere intellectual realization of the indebtedness to others and the fact that the actualization of human potentialities requires most of all the influence of the human and social agents is not sufficient for producing a truly effective sense of obligation. Such a sense develops only if there is a concrete awareness of the ontological equality and the moral solidarity of mankind. To accept one's place within this uniform multitude, it is necessary again to be sure of one's personal value.

Although the role of emotions has been very much misunderstood by those who emphasize the furthering of emotional reactions in education, they have seen something of truth. Without at least some emotionality, knowledge remains largely ineffective. Being sure of self-value, man can also, without apprehending this as a threat for his value and existence, recognize values higher than his own. Without the capacity for love, true admiration and respect hardly develop. Both these emotional states are responses to, and at the same time conditions of, the recognition of higher values.

Related to admiration is wonder. To" explain" wonder as an effect of an alleged " instinct of curiosity " is an enterprise condemned to failure. Besides the questionableness of the notion of " instinct " there are other reasons for discarding such

a simplistic interpretation. [15] Wonder results, eventually, in a movement of curiosity and an attempt to clarify the wondrous facts. But wonder is first, and curiosity second. Plato saw more clearly than these defenders of instinct when he claimed that wonder was the beginning of wisdom. In the attitude of wonder man also is made aware of his limitations, but this awareness is different from the depressive one by which man is referred back to his finitude. Wonder reveals to him the greatness of being and, to some extent, his own greatness too. It is man's prerogative that he may ask questions.

The list of examples cannot be prolonged indefinitely. Interesting and conclusive though a complete list of emotions and their analysis in regard to the thesis might be, it would mean a previous survey of all emotions and an attempt to group them according to some basic principle. This is feasible, but makes necessary a discussion too long to be attempted here. Only two further emotions, therefore, will be mentioned.

Compassion is not based, as many believe, on the realization of hardships or sufferings which may strike oneself, but on those envisioned in another. Compassion is a realization of the pain suffered by another as this other's. It does not become fictitious for all its object being another person's suffering. Compassion also must be distinguished from the emotions aroused by a tragedy witnessed on the stage. The real suffering of a fellow being lacks the " cathartic " power Aristotle attributes to the tragedy produced on the stage. True compassion is neither to be confused with the shudder we feel when faced with misfortune, pain, suffering of all kinds, and even less with the shudder of disgust. These other emotions very often color compassion and deprive it of its pti.re and original nature. The frequency of their admixture, however, does not alter the essential nature of compassion. Nor must the note of condescension, of superiority, which so easily is added to compassion lead us

[15] On instinct see: K. Geldstein, *The Orwanism.* New York: AmeF. Btmk Co., 1939, and by the same: *Human Nature in the Light of Psychopathology,* William James Lectures, Cambridge, Mass: Univel'sity Press, 1940. Furthermore Bierens de Haan, *Der lnstinkt,* 194(').

astray. The healthy person feels, whether he wants to feel this way or not, superior to the sick and disabled person. He who is able to give alms because of his means, hardly can fail to feel superior to him who receives. It is quite significant that apparently throughout all forms of civilization the suppliant assumes a posture placing him " below " the man capable of helping. The tendency for and the longing for superiority are so strong in man that they often destroy all true compassion.

A man may help another without feeling compassion. He may do so out of a sense of duty or obligation, or because he considers such an action as according to his own dignity-*noblesse oblige-or* because the aspect of suffering is painful to him and he wants to be relieved himself more than to relieve the other. True compassion probably is rare. But so are all great and true emotions. The term " genius" has often been used in regard to emotional capacities. There are, according to this idea, people who are particularly gifted in the way of emotional reactions, as others are in regard to intellectual, scientific, artistic, or political achievements. In fact, the individual differences regarding emotional reagibility are hardly less, and perhaps are even more marked, than those regarding other powers of the mind. The persons capable of true compassion are exceptions.

This, however, does not diminish the importance of compassion for an understanding of the place held by emotions in human existence. The emotional dullness of the many is as little an objection against the interpretation of emotions attempted here as the incapacity for understanding higher mathematics or abstract speculation is an argument against listing such capacity among the powers of the human mind. One suspects that the emotional dullness is, with many, due less to an original incapacity than to other factors, among which the fear of further consequences and the preference for an undisturbed life play a prominent role.

Compassion unquestionably makes man aware of the general fate of mankind. While dread and some other emotions reveal to man his individual, personal finitude, compassion makes him

realize the finitude of mankind in general. Being more than simple contemplation of and shuddering at another person's suffering-which attitude leaves man in isolation-it contributes to the realization of mankind's solidarity. It ensures the individual of his "belongingness." He realizes himself as a member of the great community of mankind. It is revelatory that views which deny the equality of men also incline towards a devaluation of compassion, which such ideologies consider as weakness, sentimentality, and unworthy of the "heroic mind." [16]

The second emotion, the comments on which close this brief summary, deserves particular attention. Disgust [17] is aroused whenever we see, or smell, or taste certain things, eventually also when we touch them, especially slimy, cold things. It is, however, doubtful whether all these reactions, related though they be, are of the same nature. It is possible that a distinction must be made between disgust as a true emotion and the kind of impression we call nauseating.

Nausea is, primarily, a mere vegetative reaction by which the organism responds to substances which do not agree with the stomach. Nausea is a general state in which unpleasant sensation on the part of the stomach, vomiting, or at least the tendency for it, stands in the foreground. The other bodily symptoms, such as faintness, cold perspiration, general feeling of dis-ease, seem to be secondary phenomena. The close relations obtaining between the oral cavity, the sense of taste, tactual sensations, deglutition, on one hand, and the functions of the stomach-as shown by the various secretory reflexes released from the mouth-on the other hand, supply an explanation for the fact that there are also nauseating tastes, even if no experience of them has been had before. In most cases, how-

[16] For a complete and penetrating analysis of compassion, see Max Scheler's work referred to in note (12).

[17] There are very few studies on disgust. G. Kafka's article: "Zur Psychologic des Ekels," *Zsch1·. Ang. Psych.*, XXXIV (1929), 1, deserves mention, although the theory proposed therein-namely that disgust is ultimately related to and rooted in sexuality-is unacceptable. Cf. J. Hirsch, *Ekel und Abscheu, ibid.*, 471!.

ever, the nauseating influence of tastes or smells seems to rest on association and previous experience. It has been repeatedly observed that children show little reluctance against things which an adult would qualify as nauseating.

The emotion of disgust is apparently conditioned mostly by visual and tactual impressions. If the purely sensory factors of these impressions are considered, there is little which can explain the particular effect they have on most people. Coolness and sliminess, for example, are sensations like many others, and it is not intelligible why they should acquire such a peculiar note. Nor is, say, a carrion, if considered as a mere complex of visual impressions, anything more than color, shape, and location. Still more incomprehensible is, if only the mere sensa are considered, the disgust many people experience when seeing blood.

The reaction of disgust seems to be primarily related to decaying organic matter or any part of an organism separated from the whole to which it belongs. An amputated limb is felt by many as a disgusting thing while it has nothing of such a quality when still in its place in the organism. Wounds are disgusting because they strongly suggest the corruptibility of organic matter; they become the more so the more the note of decay is visible (suppuration) . The clean wound as :resulting from the knife of the surgeon is less disgusting than a torn and irregular wound resulting from an accident. The same hair we admire on a woman may appear disgusting if we see it fallen out and separated from the head of which it is an ornament.

One can hardly doubt that disgusting objects remind man of his corruptibility. The situation depicted often by the poets and sculptors of the later Middle Ages, and shown also in several famous paintings of the early Renaissance, gives expression to this idea: a tombstone representing a corpse in decay, snakes and worms peering out of the chest covered only with remainders of flesh, and the inscription: " Thus I look, you will look the same"; the *Trionfo della morte* in the Campo Santo at Pisa, said to be a work of Traini, showing people, richly clad, on horseback, shuddering before an open grave and its content;

the legend also of Buddha who escaped his guardians and, the first time he left the precincts of his castle, encountered a man sick, an old man, and a corpse, and thus was made aware, by this single experience, of the futility and uncertainty of earthly things.

With some people everything reminding them of decay or disintegration takes on the character of the disgusting; To them, a sick person, whatever his ailment, is essentially disgusting. Decaying matter and disintegrating wholes become meaningless. Chemists and physicians have often been said to lack the "natural" reaction of disgust, because they do not hesitate to handle things which to others are definitely disgusting. Partly this is, of course, the effect of habit. But partly it is also due to the fact that the disgusting things are not devoid of meaning to those students. It is not mere callousness which may make a physician speak of "a beautiful cancer." It has been said that" a chemical substance out of place is dirt, while dirt as a subject of chemical investigation is a substance." Something out of place is meaningless; whatever is meaningful, because belonging to a greater whole, loses the quality of disgustingness.

The experience of disgust thus points out, as it were, to man the value of wholeness. It does so, indeed, by contrast. But this is not an unusual fact. We appreciate innocence especially by the experience of guilt, health especially by the experience of sickness, and the possession of many things especially when and because we are threatened with losing them or actually have lost them.

One feature in the behavior of disgust deserves notice. The individual feeling disgusted draws back from the disgusting thing as if it were dangerous or, at least, threatening with contamination. Actually, the disgusting thing seldom is in any sense dangerous or harmful. 'On the other hand, there is a close relation between dread and disgust. Some people are thrown, by the experience of disgust, into a state of mind closely resembling dread. Disgust may become, with some, so intense that they faint or are unable to move. Heidegger might say that

behind the decaying matter dwells the NoughL This is true to a certain extent, but it is hardly all.

Disgust refers to possibilities of decay and decline. It is not without deeper signification that we call " disgusting" a man's behavior which lowers him below the level of average humanity. The dissolute, the drunkard, the sloven, and so forth are " disgusting " because they place before our eyes such a possibility. Some people consider disgusting all kinds of animals. This reaction is observed also in regard to apes, those animals which appear as an infrahuman caricature of human nature. It is also noteworthy that the range of what is qualified as disgusting varies considerably with individuals and, especially, with their station in life or the demands they make on themselves and others. The attitude of moral primness which so easily degenerates into pharisaism conceives of many things as disgusting which to another mentality are not so. As it is with morals so it is with many other things. The concepts of cleanliness vary considerably, and what to one person is sufficiently clean is disgustingly dirty to another. In this attitude the positive aspect of disgust becomes apparent. The line defining what is conceived of as disgusting also defines, so to speak, the person's worth and station.

Disgust thus becomes an opposite of admiration. If the first reveals possibilities of human nature below ourselves, admiration makes us envision possibilities above ourselves, But both are possibilities of human nature in which everyone participates. The admirable achievement or the personality deserving admiration is, therefore, of a comforting nature, even if we do not think that we can attain the same height of perfection. That there are saints and heroes at aU gives us more confidence in human nature, and thus implicitly in our own.

The present discussion seems to have reached the point where a preliminary summary becomes permissible, It is not claimed that the conception of emotions suggested here defines emotion in every respect. It must be admitted that emotions have other functions besides *revealing to man something of his " ontic*

status." But it is claimed that this aspect of emotions is of a great importance.

The mere experiencing of emotions is not equivalent to a full knowledge of their ontological import. Such a knowledge develops only if the awareness supplied by emotional states is lifted, as it were, to the level of refl.ection. In regard to this, emotion is much the same as sensory awareness. The mere *sensa* have not any significance; a *sensum* as such is meaningless. It becomes significant only when synthesized with others, and also with memories and, most important, with intellectual notions. A thing merely sensed is just there. Only when it is recognized as such does it become meaningful. Recognition as such means more, in human life, than the awareness that something has been" seen before." Recognition is expressed by calling the thing sensed " a" thing of such or such a nature. Even if it is to the perceiving mind not more than " a thing," its "somethingness" is an abstract notion. Similarly," emotional cognition " does not supply the mind with any definite knowledge unless it be combined with reflection.

The re-presentation of emotional states encounters great difficulties. It is even questionable whether such a re-presentation exists at all. Many have pointed out that remembering an emotional situation means living through it a second time. The " objective " data of the situation may be recalled and imagined, but the emotion is not an emotion recalled; it is a truly reproduced emotion, that is, actually present. Although the intensity of emotion may be much less in the case of re-presentation, it is often enough sufficient to create a state of mind equalling the one which existed in the actual experience. There are also many instances of emotions of a great intensity being released by purely imaginary situations. (This phenomenon makes desirable an analysis of emotional states referring to personal, actual or fictitious, experiences and emotions referring to other persons, as for instance when witnessing a play. This problem, however, is too complicated to be approached here.)

Consideration should be given to a feature of emotional

states which, as it seems, has not yet found the attention it deserves. Common language often speaks of " deep " or of " shallow " emotions. The same terms are, it is true, used also in reference to insight; one person is credited with a deeper insight into some matter than another possesses. We speak furthermore of deep and shallow as attributes of personalities. But it seems that depth is a property primarily of emotions. We are "deeply" moved. Depth seems to have different significations when applied to knowledge and to emotions. Depth of knowledge refers to the structure of things knowable. He has a deeper knowledge who knows more about the relation of the fact considered with other facts. The more one knows about causal relations, about the significance of phenomena and their interconnections, the deeper knowledge one has. Depth when spoken of in regard to emotions, however, does not refer to the " objective " world, but to the person affected. · Depth is not of layers of reality-or ideality, as the case may be, briefly of the "non-ego "-but of the subject himself. [18]

It would seem that the expression " depth " is, indeed, more appropriate when applied to emotions than to any other experience. "Deeper" insight or knowledge, in the usual sense, is, in fact, "broader," encompasses a greater number of relations between different terms. It is questionable whether the use of "layer" and, correspondingly, of "depth" in regard to the objects of science is legitimate. [19] bntologically speaking, what

[18] It is hardly necessary to point out that the depth referred to here has nothing to do with the depth of which " depth psychology " boasts. The depth of which *this psychology*, e. g., psychoanalysis, speaks is of the same nature as is depth of knowledge. The " layers " psychoanalysis considers as building up human personality are conceived in terms of science and not of experience.

[19] Thus far one may agree with the claim made by the "Circle of Vienna" in a programmatic pamphlet stating the general intentions of the group: " Science," they wrote, " knows of no depth; it keeps strictly to the surface of phenomena." Science, in the strict sense in which this term is used, may indeed not be able to penetrate below the " surface." But this statement has a philosophical significance only if it is previously assumed that knowledge exists only by and within science. Such a statement, however, is itself no longer of science but of philosophy. A thinker who denies to science, justly, the capacity of seeing below the surface and at the same time asserts that science is the only legitimate form of knowledge, com-

1s below the surface is the realm of substantial being which unquestionably is beyond the grasp of science. There is only one point in the whole field of possible experience where the knowing mind grasps, although hardly in an adequate manner, substance itself, and this is in self-experience. Self-experience does not mean, in this sense, introspection, not even an introspective analysis directed at" functions" or" acts." Although this kind of self-experience is exceedingly valuable, much more so than certain psychologists, blinded by their ideal of a so-called scientific psychology, are willing to admit, it is not the immediate awareness of the being self. The being self remains, as it were, still behind, or beneath, the acts apprehended by even the most careful introspection. It is in " deep " emotional states that consciousness grasps something of the self's very being. [20]

* * *

In reviewing some of the current theories on emotions, those pretending to give some" explanation" in terms of biology ma;y be discarded. There is, in this regard, little progress since Callides proposed the theory of pleasure as a repair or restoration after " depletion." [21] Nor need those conceptions be considered which make emotions indicative of the helpful or .harmfuL These too are old. Originally the reference was to a higher

mits a serious logical fallacy, and speaks of things of which he, by his own principles, cannot know anything.

[20] This explains why so many people have a definite aversion against all kinds of deeper emotion and take pains to escape any situation which might result in their being truly and deeply moved. They are deadly afraid of meeting themselves. Kierkegaard has some very pertinent remarks on this matter too. The means by which any such experience is avoided are manifold. To describe them is the task of psychology, or anthropology. The less anyone is sure of being a true person or of possessing true worth, the more will he endeavor to escape the "descent into the hell of self-knowledge," to use an expression by which Kant named what he deemed to be the necessary condition for any ascent to a higher knowledge or form of existence.

[21] *Gorgias*, 494 b; see also *Timaeus*, 64 a-65 b; Aristotle, *Ethica. Nicoma.chica*, VII, 14, *1154* a *25* ff. Only such theories are considered which have some bearing on the particular problem under discussion.

state of perfection (as in Spinoza: Pleasure is the passage of man from a lesser to a greater perfection). An age which has learned to regard the purely vital functions as the only relevant ones and is dominated by materialism is bound, of course, to distort the original meaning.

The so-called definitions devised by H. Spencer for pleasure and pain and, in wider application, for emotions in general, are no definitions but simple restatements of what is observable to everyone.[22] The criticism to which these alleged definitions were subjected by several authors [23] proved no reason against repeating the same platitudes. Thus E. L. Thorndike speaks, instead of pleasure and pain, of satisfying and annoying stimuli. Satisfying means " those states of affairs which, in the case of human beings, are welcomed, cherished, preferred to exist rather than not to exist." [24]

Not much more useful are the theories which connect emotions with "frustration." If by this is meant that emotions arise when an appetitive movement does not immediately find an outlet, there is some truth in the conception, although it does not cover all cases. Especially, such a theory fails to explain the joy of possession. Incidentally, this conception too has its predecessors, for instance in the idea of Herbart that emotions result from the mutual irihibition of " ideas."

The psychological study of emotions has suffered by the general prejudice that "feelings," pleasure and pain, must be considered as the simpler and more elementary phenomena and that the" higher" emotions accordingly must be analyzed into such feelings plus some other factors. This conception starts with the unproven assumption that " simple feelings " are the same under all circumstances, that is, that there is only one kind of pleasantness or unpleasantness. Recent researches,

•• H. Spencer, *Principles of Psychology,* Sd ed., New York, 1896, Vol. I, p. 250.

•• E. g., H. R. Marshall; *Pam, Pleasure, and Aesthetics,* New York, 1894.

•• E. L. Thorndike, "A Pragmatic Substitute for Free Will." *Essays in Honor of W. James,* New York, 1908, p. 588. The tautological nature of this "definition" has been pointed out, for instance, by H. Cason, "The Pleasure-Pain Theory of Learning," *Psychological Review,* XXXIX (1982), 440.

however, have shown that even " simple" pleasure may be qualitatively different. Pleasure of satisfaction is of another nature than pleasure of function (as found in play activity) or pleasure of creation. [25]

However, the authors dealing with emotions, notwithstanding the differences of interpretation, are agreed on one point: emotions are subjective states, that is, they have no direct reference to the objective world. They are indicative, to consciousness, not of situations without, but of situations within. They are considered as " states " of the subject, or the manifestations of such states to consciousness. They are not *gegenstiindlich,* but *zustiindlich.* [26]

The nature of emotions as modes of the subject is referred to in various manners according to the general conception of the authors. Introspection, says R. S. Woodworth, "renders attractive " although not evident the conclusion that feelings are reactive attitudes of the organism. [27] F. Krueger states that emotions are distinct from all other modes of experience but are in connection with them; they are " complex qualities of the actually existing totality of experience." [28] A. Willwoll sides with Krueger, as do many other authors, for instance Stieler .[29] A particular feature emphasized by E. Raitz de Frentz is the passivity of emotions. They are subjective and arise in consequence of impressions or situations without any activity on the part of the subject, as pure responses. [30] One is reminded of

[25] To have consistently disregarded these facts is one of the serious mistakes psychoanalysts make. They consider pleasure of satisfaction, as corresponding to the attainment of an instinctual aim, the only form of pleasure. Cf. the present writer's comments on this point, *The Successful Error,* New York, 1940, Sheed and Ward, p. 187.

•• This feature may be absent in simple feelings, especially of the sensory kind. But emotions are modes of the person, notwithstanding their reference to objective facts or situations.

[27] R. S. Woodworth, *Experimental Psychology,* New York, 1939, H. Holt.

[28] F. Krueger, *Des Wesen der Gefuhle,* Leipzig, 1887, p. H8.

[29] A. Willwoll, *Sede und Geist,* Freiburg i. B., Herder, 1988, p. H9; G. Stieler, "Die Emotionen," *Arch. f. d. gesamte Psychologie,* 1925, L, 343.

[30] E. Raitz de Frentz, " Bedeutung, Ursprung und Sein der Gefiihle," *Schola.stik,* 1927, II, 402.

the concept of *passiones animae*, which term, as one knows, refers in a narrower sense to emotional states, although it has a general signification too. It is true that even in a purely receptive attitude the mind is more spontaneously active than in emotions. Perception entails activity at least in so far as there is a turning towards the object, a paying attention to it, and so forth.

There is, however, another property of emotions which, perhaps, is more characteristic and allows us to penetrate more into the nature of these mental states than mere passivity. Psychologists apparently have hardly noticed this property of emotion, but it has been pointed out by E. Husserl. While all other mental phenomena, especially those of cognition, present to the reflecting mind various aspects or sides, this peculiarity is found missing in emotions. Husser!, to describe the changing aspects of other mental phenomena, uses the term *abschatten*, that is, being differently shaded, or appearing in different shades. Nothing of the sort is discoverable in emotions. "If I look at an emotion, I have something absolute, it has no sides which might present themselves as such at one time and otherwise at another time. I may think truly or falsely about an emotion, but what stands before the look is absolutely there in its qualities, intensity, and so on." [31]

Nor can it be denied that in this " absolute " the mind is aware of a modification, not so much of itself, but of that of which the mind itself is part and manifestation. Husser! emphasized even more forcibly than Descartes had done the certainty of the *ego cogitans.* In this sense he stands within the great tradition stemming from St. Augustine's *scio me scire* and leading, without any interruption, down to Descartes and to all the philosophers influenced by him. It was more than courtesy shown to the French institutions that had invited him which made Husser! call his lectures at Paris *Meditations Cartesiennes.* [32]

[31] E. Husser!, *ldeen zu einer reinen Phaenomonologie und phaenomenologischen Philosophie,* Hall\! a. S., M. Niemeyer, 1913, p. 81.

[••] E. Husserl, *Meditations Cartesiennes,* Paris, A. Colin, 1981.

The expression "modifications of the subject " or of the ego, if one prefers, is still in need of clarification. What modifies the ego, so that it becomes cognizant of its being modified? The note of passivity inherent to emotional states indicates that these modifications somehow come from " without." This "without" must not be taken in a spatial sense. It designates the whole realm of the non-ego, including therefore not only things and persons, but truths and values too. On the other hand, emotional states are in peculiar manner personal and " subjective." The latter term has been given, in modern philosophy, a depreciating note, quite undeservedly. The subjective experience can be considered of lesser value or importance only if it has been previously ascertained that "public knowledge," capable of verification by everyone wielding the appropriate methods, is superior to any other knowledge under all conditions. This contention is much less "self-evident" than the empiricist believes. The whole question of the relative worth and importance of the " subjective " and the " objective" has, therefore, to be examined anew. This examination should be the first task of empiricism. With this school rests the. burden of proof, as is always the case whenever philosophy pretends to correct and supersede the evidence of common sense. It is not enough simply to declare that any statement not subject to "verification," fashioned according to the pattern of science, is *ipso facto* " meaningless." As long as this claim has not been founded on some evident principle it is "meaningless" itself, because it cannot be proven by any kind of experiment. This must be kept in mind if one desires to defend the right of any psychology not of the " scientific " type. Discussions as carried on here are considered inacceptable by those who are addicted to the idolatry of science and disregard aU other forms of experience.

Since emotions are modifications of the experience the ego has of itself, they are, at least in this fundamental aspect, beyond the grasp of" scientific" psychology. Accordingly, the perusal of the textbooks and of periodicals filled with the studies of experimentalists proves fruitless if the reader is look-

ing for some information on the nature of emotional states. However " objective " and " scientific," the psychologists cannot help being aware of the existence and the role of emotions. Some restrict their statements to the outward manifestation of emotions, .bodily changes and behavior; others consider the total situation in which the organism develops an emotional reaction. Some allow even certain data of introspection to creep in. The result of their observations and ideas reads about this way: Emotions ensue whenever the organism is placed in a situation which has some bearing on its welfare. Emotions of lesser intensity prove helpful; if too intense they may become a hindrance to adequate reaction. Of middle intensity they are reinforcing agents for appetitive or conative behavior. They are indicative of" interests," of the useful and harmful, or, with man, of any sort of value.

Is there any relation between the generally accepted interpretation of emotions and the conceptions tentatively submitted on the foregoing pages? The answer depends on the idea one forms of the situations to which the organism, or rather the person- since we do not know anything of emotional states in animals, of which we can observe only behavior resembling our own when experiencing emotion-responds by an emotion. According to the thesis defended here; these situations must be of such a nature as to provoke a realization of the "ontic status" of man in general and of the individual person in particular.

In this regard it is noteworthy that emotions develop with age, and that there is a definite parallelism of cognitive and emotional capacities. This is to say that emotions become more differentiated the greater the capacity for distinction between situations becomes.. In the newborn infant and up to an age of about three months one observes only a general pattern of excitement. [33] At the age of three months the reaction patterns of distress, excitement, and delight are clearly distinguishable. Distress is differentiated, around the age of six

•• G. M. Stratton, "Excitement as Undifferentiated Emotion," Symposium on *Feeling and* ed. C. Murchison, Worcester, Mass., 1928, Clark University Press.

months, into fear, disgust, and anger. Six months later, delight has developed into elation and affection; the latter becomes further differentiated into affection for adults and for children at an age of eighteen months. At the same time appears jealousy, as a derivative of anger. True joy is observed only when the child has reached the age of two years.[34] These observations show the role played by cognition as a condition for emotion to arise. It is not simply the set of physical factors acting on the organism which releases emotion; these factors become effective only if they are cognized, in one way or the other.

Aquinas speaks of the cogitative power *(vis cogitativa)* as an instinct, namely, as that by which the appetite is urged to activity. Perhaps it is more correct to say that the data apprehended by this internal sense have this urging power.[35]

The proper object of the *vis aestimativa,* or *cogitativa* if we refer to man, is the particular envisioned under the aspect of goodness or value. Since the apprehending power is one of the internal senses, accordingly based on and making use of material agents or organs, its object cannot but be a particular. The *vis cogitativa,* however, stands in an especially dose relation to the rational faculties.[36] If the external senses and the *sensus communis* do not operate without the concurrence of reason, this is even more the case with the cogitative power.

•• K. M. B. Bridges, "Emotional Development in Early Infancy," *Child Development,* III (1932), 324.

•• One ought to take account of this particular meaning of " instinct " in Thomistic terminology and not to confuse it with the signification of the same word as used in contemporary biology. Instinct, in the modem sense, is a hypothetical agent by the virtue of which an organism apprehends certain situations and reacts on them in an appropriate and constant manner. The Thomistic "instinct" names but the beginning of what today is called instinctual behavior, or the cognitive conditions of this behavior. Instinct in the modern sense comprises the apprehending achievements of the *vis aestimativa,* the ensuing movements of the appetites, the concomitant emotions, and finally the external behavior which results from these factors.

[36] For references and a more detailed statement, see this writer's article quoted above, note (1), also some incidental remarks in: "The Intellectual Cognition of Particulars," THE THOMIST, II (1941), 96.

The gradual appearance and differentiation of emotions, mentioned before, and the parallelism with the development of intellectual capacity is an interesting corollary.

Supposing that the situations which condition the emotional response do so by virtue of their value-aspect, the question arises why or how this particular aspect can put man face to face with his ontological position in a more effective manner than does any other aspect cognized.

At first sight it seems improbable, not to say preposterous, to assume that the awareness of the value-side of being should disclose more of the ontological structure than the side of being being, apprehended by the intellect. But it must be noted the question is not about the ontological status of being *experienced* but of being *experiencing.* It is about the human person becoming aware of his own" ontic status."

It is obvious that the human person does not know himself in the same way he becomes cognizant of other beings. Nor is his knowledge of the operations he performs acquired in the same manner.

Between the particular intuited and the knower, the universal known and the intellect, there is some transition from one sphere to another. The thing sensed (*sensibile in actu)* is surely the sense in action *(sensus in actu),* and so is the thing known *(intelligibile in actu)* the intellect in action *(intellectus in actu).* But the thing sensed *(sensibile in actu)* is not the particular sensed thing in its concrete existence, nor is the thing known *(intelligibile in actu)* the universal form ,or nature as embodied in the particular in which it is envisioned by the intellect. What is apprehended, be it by the senses, be it by the intellect, is the " intentional object." Although this intentional object evidences its origin in a realm independent of the apprehending mind, the " world " of intentiomil objects is not identical with the " world " of objects, material and particular, ideal and universal.

In self-knowledge there is no intermediary by which one " world " enters another. It may be contended that knowledge of a man's body is transmitted to the mind much as is knowl-

edge of other bodies. Somesthesia, after all, is one of the achievements of sensory organization, and it may well be that here too a sensible species *(species sensibilis)* and the whole process *oi* sensory awareness enter into play. We have, in fact, an image of our own body, although it is usually not clearly developed. But it underlies all our knowledge regarding the postures of the body and the localization of stimuli affecting the body in some spot, and may become disturbed by pathological processes. [37]

Awareness of the body, however, is not awareness of self. When we know ourselves thinking, we have no direct knowledge of any bodily functions being involved. It does not matter whether or not the brain is active in thinking, either as the " organ of thought " or as supplying the sensorial basis for abstract thought. The main point is that man is conscious of his thinking without knowing anything of his brain. Also, we know our bodies as "ours," as "belonging" to ourselves. The self may be confused, in common language, with the body. But phrases like **"I** have burned my hand," reveal the awareness of truth's existing also in the average, non-reflecting, unsophisticated mind.

The facts have been somewhat obscured by the Cartesian proposition, especially by the *ergo.* This word implies that man knows himself to be because he thinks. The state of things is apparently better described by saying: *cogito cogitationes meas-I* think my thoughts. In fact, every one of our thoughts-or, generally speaking, of our mental states-is directly and unmistakably characterized as "mine." There is no need for reflection on this fact; it is primarily and absolutely evident. There is no way of even " methodologically " doubting the fact that every mental state observed directly is my own. The Augustinian formula " I know that it is I who

[37] Many years ago the present writer described such disturbances of "' autotopognosis." The image of one's own body, as a frame of reference for our consciousness of posture, etc., has been called, by others, the " body-schema." R. Allers, "Uber Stornngen der Orientierung am eigenen Korper," *Zentralblatt f. Nervenheillcunde,* 1909.

knows " (*scio me scire)* renders the facts better than the Cartesian proposition. [38]

This knowledge or awareness of one's self, however, is of a peculiar kind. It is, immediately, only awareness of being (or of existence, to use this term of certain recent philosophies). Existence as such is in no way determined; existence is simple "thereness" or *Dasein,* as Heidegger says. This philosopher, indeed, makes the attempt to characterize existence by certain properties, or features, or whatever term seems appropriate. Heidegger is perfectly conscious that all these terms connote meanings he wants to be excluded. He, therefore, coins for these determinations of existence the term "existentials." From this, incidentally, it becomes clear that one misinterprets Heidegger's notion of existence if one sees in it the same as the *esse* or *existere* in Scholasticism and other traditional philosophies. (The relations between *esse* and *Dasein* and the shape the whole question of the real distinction between essence and existence takes on in Heidegger' s philosophy are very much in need of clarification.)

What Heidegger overlooks is that besides these so-called "existentials" there are other determinations-or at least one such determination-which are fundamentally important. Perhaps he does not overlook this fact, but deprives it, because of his general outlook, of its significance. The fact referred to is that man is conscious of worth. The term conscious must not be unduly stressed. It is not the same consciousness by which we know, for instance, a tangible fact or a thinkable truth. One might speak of a " co-consciousness," comparable to the knowledge of the ego, which in Kant's words must accompany all our mental acts. This ego is not only there, not only being, but also being gifted with a definite worth.

Worth or value implies a relation. This is not to be understood in the trite, and false, sense that value refers to a relation

[38] In recent times R. Honigswald has emphasized the basic importance of the fact " I know that I know " and of the indefinite prolongation of which this statement is capable. Of course, there is no actual infinite regress, because the " I !mow" is on every step the same. Cf. *Prinzipien der Denkpsychologie,* 2d ed., Leipzig, Teubner,

obtaining between a subject and an object, as if things had value only " for me." The :relation alluded to here is one obtaining between values. No value is apprehended in perfect isolation. All evaluation entails an outlook on the total order of values.

It has been too little recognized that our judgments of values and of their height rest on considerations different from most others which allow any kind of scaling or :rating. Magnitudes are judged by means of some unit in comparison with which these magnitudes are greater or smaller. The term "unit" does not mean that in all estimations we refer to a known and measurable unit; but the procedure of estimation is of the same kind as if we applied a yardstick. In evaluation, however, we proceed quite differently. Magnitude in the common sense starts from a zero point; the first step beyond this point defines the unit. Evaluation knows of no such zero. There is no zero of moral goodness or aesthetic beauty. Nor can one say, in a meaningful manner, that one moral or aesthetic value is so many times greater than some other value. The " measures " of aesthetic values by accidental factors, such as the number of people who like the object under consideration, or the price paid for a painting, the copies sold of a book, and so forth, are no true "measures " of aesthetic values.

What do we mean when we say, e. g., that a painting by Tintoretto rates higher than one by Carracci, or that Shakespeare's plays are "better" than Massinger's? Many will answer that such an utterance indicates simply the greater pleasure we derive from one of the two things submitted to comparison. Even superficial observation is enough to disprove this statement, notwithstanding its incessant repetition by authors of renown. It is a compliment to the taste and understanding of the public if a work of great art is liked by many, but to be liked by many is not necessarily a criterion of great art. Were this the case, greatness of art would become utterly relative, so that what was great art yesterday is no longer so today, but may rise to the former height tomorrow The nonsense of such an opinion is still more evident if turns to moral values.

'l'he judgment on values rests on a very curious process which may be called the " appreciation starting from the maximum." Man carries with himself, somehow, an "idea" of an absolute value, representing the maximum of each class of values, absolute beauty, absolute goodness. By declaring a painting very beautiful, we do not state that it is distant by so many steps from. the zero of beauty, but that it approaches more than any other work the" ideal beauty," although we have never experienced this ideal, nor ever will, at least not in this sublun,.,.-W'Oi'ld. The same true of goodness.

Every value of which we become aware is placed, automatically as it were, somewhere on a scale, the upper end of which serves as starting point'. A valuable thing is not simply valuable, but it is always so much valuable, that is, it is always put in relation to the maximum of value.[89]

Although the estimation starting from the maximum is, perhaps, characteristic of evaluation only, the fact that a given object denotes, in itself, its place in the order to which it belongs, is not exceptional. It is rather the general aspect of cognition. A sense impression need not be of the utmost, hardly tolerable intensity to be apprehended as very strong. One may suppose that a person who never saw any other shade of red besides a pale pink would be able to conceive of a greater redness altkough he might be quite incapable of imagining such a shade. There are analogies to the *via erninentiae* on all levels of being and of ex)!)erience.[90]

•• It seems possible to construct, by making use ·of these and ather facts of evahta-tion, an " axiological " demonst1:'atioo of the existence Ill God. Such an attempt has been made by M. Scheler, *Der Formalismus in der Ethik mid die tn•teriale Wertethik,* Halle a. S., Niemeyer, 1916. Th.e reasoni• of tli.i-s pllliliisepber, however, are marred by his misunderstanding of the ideiiS af *II'Y'm!lnum bonum* and *eM realissim11-m.* He in fact conteruis that uiol.gical l'efiecti•n leads te the no.ti- 0.f *summum bonum,* while metaphysical speculation fJllds with tlte concept gf *em rea.lissimum,* but that there is no convincing evideRce, in reasOfi, to be found for tile identity of the two. The la.ek of clarity ir1 these points expl.-.iM s&:naewhat that Scheler, later, arrived at the impassible conception of a GGd. m development; *Di& Stellung des Menscken im Kosmos,* Darmstadt, Beieltel.

•• The facts alluded to here were, as far as the present writer CIU'I ascertain, fir'st empluwi!etl· by J. PiklPr in a series of *Sckriften zur des*

Self-evaluation implies, therefore, an apprehension, however imperfect it be, of the place the individual holds, as embodying a definite value, in the order of values, the special order of " personal " and the order of values in general. But value does not exist by itself; it is the value of some being. By evaluating something we assign to it a place not only in the order of values but also in the order of being. It is even so that our judgment on the ontological position of some being rests more on evaluation or the value we apprehend as belonging to the thing than on a comprehensive analysis of the properties of the thing. We are guided in such a factual analysis by the value which we apprehended.

These evaluations follow their own laws which defy, in a way," rational," that is, any, demonstration comparable to the methods of science. There are evident principles which cannot be reduced to more fundamental ones. Thus, the obvious superiority of persons above things is an evident principle. It can be correlated, of course, to ontological or metaphysical

But if we say that, e. g., the human person possesses the greatest dignity among all material things, because of his rational nature, we are led to ask what are the foundations of the greater dignity of the rational nature. And proceeding further, we arrive at statements which assert the greater worth of a simple, a spiritual, an immortal substance, or the greater worth of the cognition of universals, or the greater worth of self-determination. Ultimately we have to recur to last and evident principles of evaluation. [41]

However, the fact that evaluation is back of the most funda-

Empfindungsvorganges, especially one discussing Weber's law, Leipzig, l!H9-l9!il9, Barth. See alsp Ch. Hartshorne, *Philosophy and Psychology of Sensation,* Chicago, 1934, University of Chicago Press; J. P. Ledvina, *A Philosophy and Psychology of Sensation, with Special Reference to Visioo,* Washington, D. C., 194-1, Catholic University of America Press. without being influenced hy thtl few psychologists who held suoh views, D. W. Pratt has developed a similRr milerpmation of sensations, especially in the field of audition. See his *Aesthetic Analysis,* New York, 1936, Cromwell.

[41] These last principles cannot be discussed here. AlthoHgh one may n{)t agree with his statement in all points, the remarks of M. Scheler on this point, in his great work on ethics, deserve fullest attention.

mental insights does not amount to asserting that value or goodness is prior to being or truth. Although such an opinion may be maintained, and has been maintained/ [2] it cannot be demonstrated by a mere reference to acts of the human mind or, if one prefers, of the human person. Evaluation and its proper object, value, may be prior only with regard to ourselves.

Thus, it seems that evaluation is at the bottom of all our attitudes in regard to reality, including our own sel£.[48] Evaluation, however, must be considered as a true cognitive operation; it cannot be located in the appetitive powers. One may, if one likes, call it " preconscient," although it is probably more correct to speak of a pre-reflective or unreflected cognition. There is no doubt that unreflected cognition, not only of values, holds an important place in human life. A great part of our performances, our orientation to our surroundings, and similar traits of conduct are either originally unreflected, or have become so by secondary automatization. The impressions received by the senses are immediately utilized for regulating behavior, without being made the object ·of reflection.

One ought to distinguish between " preconscious " and unreflected processes of the mind. Mental events on which reason does not throw its light are not yet, for this reason, " unconscious" or "preconscious." The failure to discriminate

•• The ideas submitted in this article have a certain resemblance, *as* this writer discovered while casting his essay into its final form, to the views of H. Guthrie; *lntroducticm q.u probleme de l'hiatoire de la philosophie*, Paris, 1987, Alcan. The resemblance is, this writer feels, more apparent than real. The particular ontological conceptions of Dr. Guthrie cannot be. considered here. A careful analysis would be needed to arrive at a sufficient clarity in regard to Dr. Guthrie's notion of a priority of value *as* set over against what he calls the mathematico-logical approach in philosophy. In the present context, we have to deal exclusively with the cognitive aspect of emotions and with ontology only in so far *as* certain references to metaphysics may help to a better understanding of the reasons why emotional states play such a prominent role in a full reali2ation of man's " ontic " situation.

•• This seems, on further reflection, to be necessarily so. Evaluation being the achievement of the *vis cogitativa,* which not only co-operates in forming the final shape of sensory awareness and the phantasm but as *ratio particularia* is an essential factor in all particular actions, is the very pivot of attitude and behavior. Its cognitive achievements, therefore, cannot but be at the bottom of all attitudes in regard to reality.

between the various levels of mental performances-especially the sensory and the rational level-has induced many to extend unduly the field of the "unconscious." Much has been called by this name which, in truth, is not unconscious but sub-rational, not " outside " of consciousness, but simply -not fully realized, since such realization entails reflection and, therefore, an operation on the part of the rational faculties.

The fact of unreflected cognition or awareness implies a further peculiarity which also may give rise to an objection against the views submitted. Emotional .responses are not only "irrational" in the sense that they are independent of and previous to any intellectual control. They are " irrational " also in the sense of being quite often unreasonable, unfounded, and meeting disapproval from others as well as from oneself.

Emotions are not judged by their own standards. An action is judged according to the principles regulating action in general; it is considered right or wrong. A statement is true or false, according to principles of the concrete or the abstract order. An emotion, however, is justified or not. It :is neither true nor false, neither right nor wrong in itself. It is "in correspondence " with the objective situation, or not. The kind of situation is not a content averred by the emotion itself, but is ascertained by an analysis generally subsequent, achieved by the cognitive powers. It is wrong to feel glad because of the misfortune of another; but gladness felt as such is not wrong, nor is it right. It is wrong only under the given circumstances. It is justified if one feels grief because of the loss of a dear person; it is not justified to be sad because of the loss of a " beloved " object. Grief itself, however, is neither justified nor unjustified. Thus, emotions do not know of any intrinsic regulative principle. They are given their place in an order which is not itself emotional or directly related to emotion. The order according to which emotions are said to be justified or not is the order of either the moral or the aesthetic values.[44]

[44] The facts referred to above constitute, as may be remarked parenthetically, an objection which cannot be met by any theory making values dependent, in their

There can be no doubt that emotions often occur without an objective situation supplying a sufficient reason for this type of emotional response, or for any type. This fact seems to make questionable the view proposed here, namely, that man, in emotion, becomes aware of his" ontic status." *H* emotions are so frequently out of place and not of the right kind, they cannot be considered as a reliable source of any kind of awareness. Furthermore, emotions are called " merely subjective " for several reasons, among which one has to be referred to in this context. To the same objective situation different men respond very differently. Emotion as a state by which man becomes cognizant of his " ontic status," would reveal different aspects to each individual.

This objection, however, may be met by two cpnsiderations.

cognition and their existence, on emotions. *H* it were the emotion itself which constitutes value, the fact of an •• unjustified " emotion could not be observed at all.

It may be that the joy a person eventually feels because of the fall of his enemy differs in kind from the joy the same person feels when meeting his beloved. The existence of such qualitative differences may be assumed in consideration of the strict correlation of the objective and subjective sides in mental phenomena. But this is not the question. The question is rather whether the individual, while experiencing such a joy, is aware of any difference. That this is not the case can be surmised from many observations and also from the lack of a correspondent vocabulary.

The judgment others or, eventually, the subject himself, may pass on such an .. unjustified" emotion is not founded on another emotion. If we feel unpleasant because we reacted in an unjustified manner, we feel this way because of the judgment we formed on our behavior. But the judgment is not based on a second emotion.

These considerations have, incidentally, a bearing on the much discussed question of the role of emotions and their education. To develop emotionality, or the capacity of emotional reactions, to pay attention to the child's emotions, is right only if, at the same time, care is taken that the emotions arise on occasions which justify such a reaction. There is no sense in developing, e. g., a capacity of enthusiasm if the mind is .not directed toward· the things which deserve enthusiasm. Aesthetic reactions witheut a cultivated taste and an understanding of true art are of no value.

Since man easily reacts emotienally to situations which, by their nature, do net warrant such a reaction, control is as important as development. There are many instances in which to remain unmoved is wrong. But there are probably not fewer in which to react emotionally is unjustified, or which demand another kind of emotional responSe than the uneducated mind is likely to give.

First, one must be careful not to confuse " objectivity" of a cognitive process with" reliability." A cognitive performance may be beset by many dangers of error, and yet reveal, under certain conditions, the true state of things and thus be " objective." The fact that mistakes or errors occur is, in itself, no decisive argument against any method or procedure.

Secondly, the unreliability of emotions, taken in their cognitive aspect, may not exist at all. There need not be a strict correlation between certain objectively defined situations and equally well defined emotions. For man to become aware, in the medium of an emotional state, of his " ontic status " the only condition is that there be emotions. The " ontic status " is, in fact, prior to and independent of any particular situation. This status, accordingly, is immutably the same whatever the situation. Even an unjustified emotion may reveal this status. The revealing power, e. g., of shame, is the same whether one is ashamed because he committed a sin, or because he was guilty of a breach of conventional rules. Whether or not the particular emotional response is justified does not abolish the fact that an emotion of this or that nature has been experienced. Whether we fear an imagined or a real danger, fear is in both cases the same experience. Or as a famous psychiatrist once put it: "If you dream of a tiger, the tiger is fictitious, but the fear is real." We may love a person "unworthy our love." But what love can reveal to us in regard to the " ontic status " of man may become apparent whatever the nature of the beloved and however unfounded our attitude may be.

There are further emotional attitudes which, by their very nature, are always and essentially unjustified, like hatred. Hatred, in the true meaning of the term, is directed against persons. VVe " hate " other objects only in a metaphorical sense, either by personifying them (as we may" hate" a horse which is the cause of an accident to a beloved person) , or by using the word "hatred" instead of the more correct " abhor." The sentiment of hatred may also spread from a hated person to other things related to him, just as love makes valuable and loveable things which we associate with the beloved, like a

token of remembrance. Although totally unjustified, these emotions may reveal something of the " ontic status " of man.

It is quite correct to speak of emotions as "subjective" states. They have no direct reference to the objects which are known by the cognitive powers. One really ought to devise a particular term for designating the " object " of which emotional states mediate the cognition.[45]

The subjectivity of emotions, thus, cannot be made into an argument against the cognitive function envisioned here. What is cognized is not that by which the particular emotion is actually released. Justified or not, the emotion retains its character and with it its ontic reference.

Another objection, however, apparently carries more weight. There are emotions which may be called " spurious " and may be said to lack the feature of a " genuine " mental state. The notion of genuine and non-genuine mental states has been proposed by W. Haas and A. Pfaender. A genuine state is one in which the person lives, as it were, in his totality, while a non-genuine mental state allows for the various " layers " of consciousness to remain unintegrated. A man who is assiduously devoting all his attention to his work, but in whose mind there is some constant worry, for example, about his child sick at home, is in a non-genuine state. This term does not connote any evaluation; it is purely descriptive. Nor does this term

•• A. v. Meinong tried to overcome a similar terminological difficulty. He uses the name " object" for the intentional correlate of perception, and the name "objective" for the correlate of judgments *(das Objectiv).* To orective states corresponds the " desiderative," and to emotions, as has been remarked before, the " dignitative." Since the theory of "emotional presentation " of values seems inacceptable to the present writer, he cannot adopt Meinong's terms. But the attempt of the Austrian philosopher deserves to be repeated. A good deal of misunderstanding probably could be avoided, if " object " were not used indiscriminately for sensed things and intellectually apprehended relations between terms *(Sackverhalte),* and in many other ways too. The "existential" of Heidegger cannot be used either, because of the particular connotations this term has in this philosoppher's system. The knowledge mediated by emotion does not, as interpreted here, refer to any " features " or " characteristics " of existence or the existent being in itself, but to the place this being holds within the order of being in general, especially viewed as the order of *bona.* The present writer admits that his endeavors to devise a suitable name have failed.

imply any difference in" intensity"; a man may be more attentive in a non-genuine manner than another is in a genuine manner.

There is however a certain type of non-genuine emotions in which much of their true nature is lost. What is alluded to may be best exemplified by the habit or attitude of " sentimentality." A sentimental person not only reacts emotionally in an unjustified manner-that is, out of proportion with the actual event releasing the emotion-but his emotions are felt by the observer to be shallow, and somehow distorted, as if they were turned from their original and appropriate direction by a secret agent within this person's mind. The impression of shallowness may, curiously enough, persist notwithstanding a great display of emotional manifestations. This is true also of certain abnormal personalities, usually qualified as " hysterical."

The emotions of the sentimental person are non-genuine because this type is so self-centered and so much addicted to a continuous contemplation of himself-frequently in the manner of self-pity-that he never is capable of a truly integrated state of consciousness. The emotional state never really gets hold of such a person. His way of experiencing emotions is paralleled by the way certain people seemingly enjoy art, music, or poetry, whereas in truth the only thing they enjoy is their capacity of enjoying. They are, to put it rather crudely, continuously admiring themselves for their understanding of art, etc. It is as if they were continuously saying to themselves: "How wonderfully do I appreciate this." And thus, they are focused mainly on themselves and not at all on the object. This object is to them a mere opportunity for displaying, chiefly before the audience of their own consciousness, their capacity for appreciation. The sentimental person behaves much in the same manner. One only has to listen to his repeated assurances that his is an exceedingly emotional and sensitive nature to become aware of the strong element of egocentrism. The emotional reactions of such sentimental people are often inadequate, out of proportion. They will weep bitter

tears, for instance, because of the suffering of animals, object emphatically and unreasonably against any kind of experiment performed on "the poor rabbit," and be utterly unmoved by the fact that there are children starving, people living in crowded slums.

Everyone presumably knows such types. They impress even the casual observer as artificial, untrue, as play-actors. They themselves, however, believe in the depth and the genuineness of their emotions. If, however, these emotions are not really what they are believed to be, can they reveal to such individuals anything about their antic position? A negative answer imposes itself. But, then, how can anyone trust his emotions? If the sentimental person deceives himself, everyone may be in the same situation. He may know as little as the sentimental individual about the reality of his emotions. Anyone relying on whatever knowledge he may gather by means of his emotional experiences may be seriously misled and arrive at notions lacking all objective validity. Consequently, all conclusions drawn from emotional experience are not to be relied upon, and must be discarded. To this reasoning one may counter that the same distinction pointed out before, applies here too, namely the one between objectivity and reliability.

Secondly, it has to be admitted that not every experience qualified as deep and genuine emotion by the subject can be credited with these properties. It may be true that there are no sure criteria by which a subject would be enabled to ascertain the genuineness of his emotions, although even this allows for certain restrictions. But there is the fact that non-genuine and shallow emotions are recognized as such by the observer. Of course not by any observer, and perhaps by none in some cases. The mere fact, however, that such a "diagnosis" is possible at all ought to make us doubt the assertion that no reliable criteria may be found.

One of these criteria consists in the effect emotion has on the total life and the personality of him who experiences the emotion. By way of illustration one may refer to the well-known error of naturalistic alienists in considering as pathological all

kinds of visions or ecstatic phenomenon, simply because states, apparently of the same nature, occur in mentally diseased people. However, there is an enormous difference. The ecstatic state of supernatural origin-or even a natural ecstasis as occurs sometimes with artists-results in a heightening of life, in a further step onwards and upwards in unfolding of personality, an enrichment of the mind. The pathological state, on the other hand, is a symptom of progressing disintegration of personality .[46]

Similarly, true and genuine emotions, even those of a depressive nature, have, or at least may have, a positive influence on personality. Sorrow and grief often have deepened a man's understanding of himself and of human nature. Non-genuine emotions have no such influence. The sentimental personality does not become richer, deeper, more perfect, by indulging in those non-genuine emotions. Rather, the longer this habit persists, the more superficial such a person becomes, Also, he gradually loses the capacity for true appreciation of values. Everything appears to him as equally important, because he reacts on the most insignificant events with what he considers a deep emotion. Thus, he is unable to react with a greater intensity when a serious reason arises, because he has, so to speak, spent his emotional energy on so many petty occasions. He deplored the loss of a pet so much that his reaction cannot be any stronger when his mother dies. Such a degeneration of the sense of values cannot but become conducive towards a gradual impoverishment of personality.

•• One of the most striking examples of this incapacity for appreciating things not strictly of the psychiatrist's special field may be found in Dr. G. Zilboorg's new book, *A History of Medical Psychology,* New York, 1942, Norton. This author does not hesitate to qualify Socrates, of all men, a schizophrenic because he " heard voices," the voice of his *daimonion.* Up to now we were used to seeing the naturalistic psychiatrist talk of the nenrotic and psychotic states of saints; now the philosophers are getting their diagnosis too. However, it must be emphasized that not all psychiatrists, even if they are far from any belief in things supernatural, commit such silly and superficial mistakes. The famous French psychiatrist P. Janet, for instance, acknowledged that no hysterical personality can develop the character nor be capable of the achievements of which the life of St. Teresa of Jesus gives testimony.

True, fully developed and genuine emotions are probably as rare as all other perfect things are. Not every person is capable of experiencing emotion so that his experience would become a true revelation of the "ontic status." This, however, does not deny the capacity of such a knowledge to those who, because of nature or because of other reasons, are incapable of deep and genuine emotions. Not the fact that an emotion does not reach a perfect stage, but mistaking the imperfect state for the real thing, is the great obstacle.[47] Man somehow is aware of the fundamental role played by emotions in his life, and he is often somehow-although hardly admitting this to himself-ashamed of lacking higher emotionality. He may turn this defect into a virtue and become a stoic. Or he may close his eyes to the fact and convince himself that his very imperfect emotional experiences are all one may expect. If, however, he realizes where he stands, he may attain the same knowledge as anyone capable of the most intense and deep emotional responses.

Reference may be made, in this context, to a point touched upon before. Every kind of experience which exists in different degrees enables the mind to conceive of degrees not actually experienced. (The psychological as well as the ontological aspect of the *via eminentiae* deserves a closer study than can be given it here. But the fact is easily ascertained, even though its interpretation, on the psychological and the ontological level, may present some difficulties.) This "extrapolation" beyond the degree actually experienced enabies man to grasp, if in a less impressive, but still in an adequate manner, the true nature of the emotion he experiences. The only condition-but it is one hard to fulfill-is that a man be perfectly honest in regard to himself and that he be willing to subject even his emotions to an examination so as to find out whether they are genuine and justified, or lacking genuineness and related to objects not justifying the kind of response. The great obstacle

[47] It is hardly necessary to point out that "perfection" as used here refers exclusively to the state of full development. A thing is perfect if it is all it can be by its nature. No moral connotation, of course, is intended.

is, of course, man's vanity. This is the more the case, since emotion, by being characterized as subjective and personal, seems to " belong" more to the person himself than ideas, images, concepts, and suchlike phenomena, which are related to the objective world. Man dislikes acknowledging that he has been deceived by appearances, or mistaken in his judgment; but he dislikes more acknowledging that his "feelings" are wrong.

It seems well to emphasize once more that the emotional state does not in itself supply a true knowledge of the "ontic status." Emotion is only the medium by which (the *id quo)* such a cognition becomes possible. The cognition results from a subsequent reflection on the emotional state and its " objective reference." There are analogies to this in the field of sensory knowledge. A mere awareness of sensa, or of the senses being somehow affected, does not amount to cognition.

Although, e. g., the threat of infinite power, the impending or, at least, possible annihilation of the contingent and finite being is" given in" the emotion of dread, this implication becomes a content of consciousness only by way of reflection. Nothing, therefore, could be more mistaken than to displace or even only to devaluate the importance of reason for man, governing his life and perfecting his personality. To the contrary, reason remains the only guiding light which enables us to see things as they are, their universal nature, and to envision purposes and goals for our will to achieve.

One further question has to be considered briefly. It may seem, at first sight, as if by speaking of a" cognitive aspect" of emotional states a new form of cognition were suggested for which no place can be found in the system of traditional psychology. It seems as if a cognitive faculty were postulated of which the generally accepted theory is ignorant. This impression, however, rests on a misunderstanding. Not only does the view submitted in this article not introduce any new faculty of the cognitive order, but this view can be maintained in a consistent manner only if the notions on the faculties of human nature are maintained just as they are taught by traditional psychology.

Emotions (or the *passiones animae)* arise-according to traditional interpretation-as correlates to the movement of the sensory appetites. These appetites are aroused by the awareness of goods or evils, envisioned in the particular object or situation actually confronting the individual. This awareness is the achievement of the cogitative power *(vis cogitativa).* This internal sense, then, is the faculty which mediates the cognition implied in emotion. It has been shown elsewhere [48] that evaluation is a performance of the *vis cogitativa.* Any apprehension under the aspect of goodness rests on the activity of this faculty. This has been overlooked and certain authors have been forced by this neglect into rather amazing construction, as, e. g., crediting the appetitive faculties with a cognitive capacity.

A certain doubt may prevail regarding the origin of the awareness of self-value. It is hardly possible that a sense, even one of the internal senses, should be able to make the person himself an object of cognition. However, this problem differs in no way from the other of the awareness of individual existence. [49]

Before summarizing the views suggested, tentatively, it seems advisable here to point out that the role of emotions already considered is not the only one these mental states play in the total economy of man's life and his relations to the non-ego. Emotions fulfill several other tasks.

•• See note (1) .

•• Any more detailed discussion of the origin of our knowledge about ourselves is excluded here. Such a discussion would mean a thorough analysis of the many factors which have been credited with the capacity for furnishing the mind with such a knowledge. Somesthesia chiefly has been made responsible, although there are several reasons which discountenance such a theory. For the ends envisioned in this article it is sufficient to point out that a knowledge of self-value is in no way more mysterious-which does not mean that there is no mystery involved-than a knowledge of self-existence. Perhaps it is an ultimate fact, not susceptible to any further analysis or elucidation, that man simply knows himself as existing and as having a certain worth. The problem, then, becomes not how man knows of his existence and worth *simpliciter,* but how he arrives at an opinion on his existence as related to other existing beings, and on his worth as compared with the order of values, especially personal values. On this latter problem the discussions of the foregoing pages, this writer ventures to hope, did throw some light.

A cognition of values by means of emotional states, crediting them with "intentionality " is a fiction, forced on certain philosophers and psychologists by their incapacity to account otherwise for the apprehension of values. Here the notion of the *vis cogitativa* fills an important place which is left empty by the modern psychological conceptions. The fact, however, that emotions as such are not *id quo* values are known does not prevent them from wielding a great influence on our attitude in regard to values. There is a mutual influence (:flowingto and fro, so to speak) of emotions and the correlated movements of the sensitive appetites on one hand, and the performance of the *vis cogitativa* on the other. The value aspect of things apprehended by this power releases an orective movement, and the corresponding emotion, in turn, makes the cognitive faculty more pervious to the value-object. Although values may be recognized without any emotional response ensuing, there is no doubt that these values are apprehended with greater clarity if such a response takes place. Of this fact, an explanation may be given in the terms of the views suggested here. However; a discussion of this point is better reserved for another place.

Secondly, emotions act on the appetites as reinforcing factors. It is, perhaps, not possible to state in a general manner anything about the priority of emotion and movements of the appetites as conscious phenomena. Apparently, there are instances in which the mind is conscious first of an emotion and then of some longing, which then is said to be conditioned by the emotional state; and there are instances in which the sequence seems to be reversed, the longing or desiring [50] arising first, and the emotion following.

In the latter case, emotion is definitely experienced as strengthening the orective movement. This seems even to be the main function of emotion. It acts, if such a comparison seems permissible, much as a reinforcing valve in a radio set.

[50] It would be well if the relation of " desire " in the usual sense of the word, and of *desi.derium,* as listed by Aquinas among the *passiones animae,* could be clarified. But this matter too must be discarded because of the lengthy analysis it demands.

The weak currents arriving at the receiving part of the set (the antenna) are reinforced so that they can cause audible vibrations in the effector part, i.e., the loudspeaker. Emotions as such are hardly ever the motive agents which determine action or behavior (with the exception, of course, of purely expressive forms of behavior). The causes of action are the values as apprehended in the objective world or the non-ego. But these values, as apprehended, usually possess too little dynamic force to release any kind of energic action. Their efficacy has to be rendered greater by the intervention, or intercalation, of emotions. This is especially true of values which must be apprehended as something more than a reaction to mere pleasantness.

Some authors, among whom M. Scheler and N. Hartmann deserve mention, hold that the higher a value is the less capable it becomes of determining behavior. This is true in way of description, but does not, as these philosophers assume, state anything on the nature of the higher values or, for that matter, of any value. In fact, rare though such instances are, we know of people to whom a value such as theoretical truth appeals at least as strongly as sensuous values appeal to the majority of average personalities. Still rare, but more numerous than the cases referred to before, are those who react with a noticeable intensity on high moral values, people to whom the suffering of their fellow-creatures" means more" than the greatest achievement of art or the most intense sensuous pleasure, or even the gratification of vanity.

Since exceptions do not confirm, but rather invalidate any rule, we may safely assert that there is no rule stating the inefficacy of higher values. It is not the higher values which are ineffective, it is the human person who is irresponsive. These, obviously, are totally different assertions: the efficacy of the higher values is denied, not absolutely, but only in certain cases (not *simpliciter*, but only *secundum quid)* .

Some people who have developed a particularly thorough understanding of values may act according to this understanding alone, without emotion intervening. But these are exceptional cases. The average person reacts on values only if a

corresponding emotion of sufficient strength is aroused. In so far it is indeed desirable that emotions be considered in education, but it is a mistake to make the development of emotional life as such a goal of educational measures.

The least important aspect of emotions is doubtless the one which has been considered fundamental by many more or less naturalistically minded philosophers, the aspect namely which connects emotion with stimuli or situations furthering or endangering life. This may be true in some instances, it may be true particularly of brutes, but it is assuredly not generally true of man. Most of the emotional states of man have no direct reference to the preservation or furthering of life. Such a relation has to be constructed, and usually is constructed on the basis of evolutionistic notions. Whether or not such an explanation is sound need not be investigated here. From the viewpoint of descriptive psychology, at least, there is hardly any indication of such a connection.

To summarize briefly the main ideas submitted in the foregoing pages: It is submitted that emotions make apparent to the mind the " ontic status " of man, that is, the place he holds within the order of being. This knowledge, as it is mediated by emotion, is unreflected and reaches clarity and definiteness only by reflection on the whole of the emotional situation when, subsequently, the intellect is focused on this situation. The cognitive aspect of emotion does not belong to the emotion as such but to the cogitative power, the apprehensions of which release the emotional state. The proper object of this apprehension is the value side of being. Values are not apprehended simply as this or that value, but always and necessarily as values of this or that height. A good of a lower order is not taken for the highest possible good, even if no higher good has been as yet experienced. To this connotation of the place held by a value datum there are analogies also in other fields of experience.

Emotion, however, does not simply reveal the value aspect of some object or situation. This is done effectively by the *vis cogitativa,* whether or not an emotional response ensues. Emotions have been characterized as "merely subjective." This is

not true, inasmuch as they have some kind of "objective reference." It is true, however, inasmuch as emotional states reveal the particular relation of the subject to the order of values and thus the subject's own value.

Man is capable of attaining a view of his " ontic status " also by mere reasoning without emotion necessarily intervening. The impressiveness of a more immediate or experimental awareness is, of course, much greater. In this lies one part of the importance a well-developed emotional life has for the unfolding of personality. Mere emotion, a mere indulging in emotional upheavals, without the clarifying activity of reflection being added, is more harmful than good. However important emotion may be, it is still the light of reason which proves the only reliable guide.

Emotions, as revelations of the " ontic status," point mainly at the finiteness of human nature. If what they reveal is correctly understood, man becomes more conscious of his position as a creature, a contingent and finite being. At the same time, he is relieved from the depressing idea the knowledge of finiteness, contingency, and utter dependence may condition. He then realizes that nowhere has his position been defined better than in the words of the Eighth Psalm: "What is man?" Man is nothing; he is not worthy that God be mindful of him. Yet he has been made a little less than the angels. His position is so high in the order of created being that he nearly reaches the level of the angelic nature.

While the depressive and, generally speaking, negative emotions reveal to man his nothingness, his true " not being "--as compared with Being Itself-other emotions assure him of his worth. Dread, threatening with annihilation and revealing its intrinsic possibility, forcibly points out to man his finiteness, limitation, his being nothing, although he be somehow. But love, and all other emotions which reveal to man his capacity of worth, his chance of growth, and the indestructibility of his worth, notwithstanding the acknowledgment of values greater than those he may call his, these emotions mean not only en-

hancement of vitality, not only joy and pleasure, but also the glad recognition of the order of values within which man holds, paradoxically, such a prominent place.

Rudolf Otto, in his book on *The Holy* speaks of the various aspects of Divine nature: God as the *m-ysterium tremendum,* the *mysterium fascinosum,* and so forth. Rational speculation may indeed lead us to similar conceptions. But we tremble not simply because we know that there is a reason for trembling, and we do not love simply because we know that there is a reason to love. Our faith may be intellectually perfect, and yet be " cold." Rational conviction may be sufficient for will to determine itself towards an act of faith and the obedience to divine law. Reason may also convince us of the :finiteness of our nature and of the existence of God. Reason, thus, may become conducive also to conversion. And faith need not be less strong, conviction not less deeply rooted, willingness to comply with the commandments not less effective, for aU lack of emotional response. Emotion is not a *conditio sine qua non* for religious life. If it were, no constancy and continuity of this life could be guaranteed, since emotion depends on so many factors beyond all control by conscious will.

On the other hand, a well-developed emotional life may contribute much to the deepening of religious attitudes. It is not in vain that, for instance, the gift of tears is listed among the particular graces accorded by God to some elect persons. Nor is it without a profound significance that the saints were, generally speaking, as great in regard to their emotional responses as in regard to other achievements. The poetic joyfulness of St. Francis of Assisi, the quaint humor of St. Philip Neri, the ardent love for poor and suffering people so universally characteristic of saintly personalities, like many other features known in hagiography, need only be mentioned to make evident the close relation between a perfect life and a capacity for sound emotional response.

Emotional response, however, is sound when it is" justified," that is, proportionate to the objective situation to which it

responds. A mere cultivation of emotionality, as an end in itself, will cause more harm than good in the advance toward the perfect life. Emotion too, whatever its importance, its spontaneity, its impressiveness, must be subjected to the control of the rational faculties. It is not emotion itself which decides on its rightness or wrongness. Such judgment is passed by reason only. Here as everywhere it is right reason to which the ultimate judgment belongs, and it is good will to which belongs execution.

RUDOLF ALLERS

Catholic University of America,
Washington, D. C.

THE MORALITY OF IMPERFECTIONS

[Second Installment]

III. THE LAw OF CHRISTIAN PERFECTION

A FINAL and even more decisive argument against the positive moral imperfection can be constructed upon St. Thomas's ideas of the law of Christian perfection. It takes up where the preceding argument leaves off and pursues the reaches of finality upon the much loftier plane of divine grace and charity. In the course of its presentation and development many problems will be suggested which lie outside the direct line of our purpose. Questions like the exact relationship of nature and grace, the possibilities of a purely ethical order, the regency of charity over all other virtues, and the relative pre-eminence of intellect or will in beatitude must be put to one side. The argument focuses directly upon the obligation of Christian perfection here in this life. Hence, certain preliminary nations of the essence kinds, and possibilities of Christian perfection are indispensable.

To begin, therefore, with the essence of Christian perfection, we note with SL Thomas that charity lies at the very roots of tpe wayfarer's spiritual growth and stature during this present life. The reason for this assertion is simple and profound. Everything, the Angelic Doctor tells us, is said to be perfect according as it realizes its proper end which is also its ultimate perfection. But charity conjoins us to God, the ultimate end of human life. Therefore, the essence of Christian perfection for the wayfarer consists in charity, that is, primarily in charity towards God, secondarily in charity towards neighbor. Hence Christian perfection in this life will be measured according to our observance of the two great precepts of charity. [1]

[2] *Summa Theol.*, II-II, q. 184, a. 1: " ... unumquodque dicitur esse perfectum inquantum attingit proprium finem, qui est ultima rei perfectio. Caritas autem est quae unit nos Deo, qui est ultimus finis humanae mentis: . . . Et ideo se-

As to the kinds or grades of perfection, St. Thomas usually places at the head of the list that perfection which he styles absolute. It belongs to God alone and consists in a simple and uninterrupted act of love infinitely perfect both on the part of the act and on the part of the object loved. God is infinitely lovable and loves His infinite goodness without end or measure. [2]

Over against this absolute perfection of God St. Thomas sets a relative perfection of charity which pertains to intellectual creatures. This sort of perfection comprehends a vast and widely varying range of subjects according to which St. Thomas stakes off the following subdivisions.

In the first place, there is the perfection of the blessed in heaven. This kind of perfection mounts up to a lofty height or totality of love on the part of its possessors inasmuch as their utmost powers of loving are ever bent to full capacity upon the object of their love. Still, this perfection retains a definite cast of the partial and finite about it since the charity of the blessed, however intense it may be, can never exhaust or sound the depths of the divine goodness and loveliness in which it is absorbed continuously. [3]

Secondly, we have the perfection of the wayfarer still journeying towards his goal. This sort of perfection too is rather sweeping in extension but St. Thomas contents himself with the traditional division into a threefold heading which has long since been consecrated by the approval of spiritual writers.

First, there is the perfection of the beginner which concerns itself primarily with the resistance of evils deadly to charity.

cundum caritatem specialiter sttenditur perfectio vitae Christianae." *Ibid.,* a. "Per se quidem et essentialiter consistit perfectio Christianae vitae in caritate: principaliter quidem secundum dilectionem Dei, secundario autem secundum dilectionem proximi, , . ."

There is some discussion here among the Thomists on the precise significance of the term *"specialiter."* Cajetan contends that it is synonymous with " *essentialiter,"* as St. Thomas most certainly implies in the second article. Sylvius, however, thinks it should be contrasted with the term " *gemeraliter* " to indicate that Christian perfection consists generally in the other virtues but specially in charity. This difference of opinion has no direct bearing on our problem.

• *Ibid.,* q. a. 8; q. 44, a. 4, ad q. 184, a.

• *Ibid., loc. cit.*

From a more objective standpoint it consists of an habitual love of God above all things with our whole heart, whole mind aud strength, so that a person may think nothing, love nothing, and do nothing that would compromise entirely or go directly contrary to his love for God.[4] Looked at from this viewpoint, St. Thomas refers to it as *common* or *necessary* perfection or even merely *sufficient.*

The second grade of perfection under the general heading may be described as that of the journeyman who has served his apprenticeship at the very forges of perfection and is now ready to direct his craftsmanship towards the production of a masterpiece. He is no longer preoccupied primarily with the negative duty of avoiding serious sins, but positively bends his energies towards progress in the life of virtue. Viewed more objectively, this perfection implies an interior charity, its radical basis, a definite transformation from a more or less static condition to a dynamic force dedicated to action.[5]

Finally, the highest form of perfection open to the wayfarer is referred to by St. Thomas, speaking objectively, as the perfection of supererogation or of the counsels. Let it be well understood, however, that this perfection does not derive its name from any presumption that it might consist intrinsically and essentially in an observance or practice of the counsels. It is indeed the normal result of a sedulous practice of the counsels, and the faithful observance of the counsels is the usual sign of this degree of perfection. But radically and essentially it is interior charity possessed to a high degree. It is also true that interior charity uses the external observances of the counsels as

[4] *Ibid.,* q. 24, a. 9; also, *In Ephesios,* c. 6, lect. 4; *In Philip.,* c. 3, lect. *De Perfect. Vitae Spir.,* c. 5.

[5] *Ibid.,* q. a. 9: " . . . diversi gradus caritatis distinguuntur secundum diversa studia ad quae homo perducitur per caritatis augmentum. Nam primo quidem incumbit homini studium principale ad recedendum a peccato et resistendum concupiscentiis eius, quae in contrarium caritatis movent. Et hoc pertinet ad incipientes, in quibus caritas est nutrienda vel fovenda ne coiTUmpatur. Secundum autem studium succedit, ut homo principaliter intendat ad hoc quod in bono proficiat. Et hoc studium pertinet ad profidimtes qui ad hoc principaliter intendunt ut in eis caritas per augmentum roboretur."

normal instruments of its exercise, and overflows into external works of this sort, but the intrinsic or dynamic force in back of these works is the reality which St. Thomas has in mind when speaking of this highest degree of perfection open to the wayfarer.[6] Hence, just as in the case of the other virtues, St. Thomas here refers to this degree of perfection as the *weU being (bene esse)* of charity to indicate that it implies a fuller measure of perfection superadded over and above what is necessary.[7] The fortunate possessor of this perfection should be considered as perfect and in the same category with the Apostle who desired to be dissolved and to be with Christ.[8]

It should be noted that the proximate basis of this threefold division is neither wholly objective nor subjective but involves both elements. Charity, the radical basis of all perfection, is in itself an ultimate species and not susceptible, as is a genus, of a further threefold division into kinds of perfection. Not even the varying degrees of habitual charity offer a proximate criterion for the division, for St. Thomas maintains that the most infinitesimal degree of grace or charity conceivable suffices to resist all temptations and merits eternal salvation.[9] On the other hand, a person receiving a very high degree of charity at the first instance might be conceived of as remaining more or less static in the same measure of perfection and in the state of a beginner for a lifetime. The divisions are those of states or stages of perfection in operation with proportionate degrees of habitual charity normally underlying them.

[8] *Ibid.*, q. 186, a. 2: " ... ad perfectionem aliquid pertinet tripliciter. Uno modo, essentialiter, ... Et sic ... ad' perfectionem pertinet perfecta observantia praeceptorum caritatis. Alio modo, ad perfectionem pertinet aliquid consequenter .... Tertio modo, instrumentaliter et dispositive; sicut paupertas, continentia, abstinentia et alia hujusmodi." *Quodlib.*, I, a. 14.

[7] *Q. D. de Caritate*, a. 11: "Quaedam autem perfectio est sine qua caritas esse potest; quae pertinet ad bene esse caritatis; quae scilicet consistit in remotione occupationum saecularium, quibus afl'ectus humanus retardatur ne libere progediatur in Deum."

[8] *Ibid.*, q. 24, a. 9: "Tertium autem studium est ut homo ad hoc principaliter intendat ut Deo inhaereat et eo fruatur. Et pertinet ad perfectos, qui cupiunt dissolvi et esse cum Christo."

[9] *Ibid.*, Ill, q. 62, a. 6, ad 3; q. 79, a. 6, ad 2.

The question as to the possibility of perfection obviously narrows down to a discussion of the last three types mentioned above. Common perfection offers very slight cause for worry in this regard; it is not only possible but necessaxy for the existence of charity since without it there can be no union with God or claim to perfection. Yet it is no trivial matter to realize and sustain this degree of perfection, because it is sufficient for salvation and satisfies the strict exigencies of the Decalogue. But there is no special difficulty about its possibility. [10] At first sight, it would seem an idle query to put with regard to the higher degrees of perfection since their actual existence is usually taken for granted. The contrary is the truth. The possibility of these higher degrees of perfection offers a special difficulty in all treatises of the subject found in standard works and the difficulty is peculiarly tantalizing in the doctrine of St. Thomas.

He raises the question at the beginning of his tract on charity. [11] Here he makes all of his objections against the possibility of any earthly perfection higher than that which is called common or necessary. The *Sed Contrra,* the body of the article, and the responses to objections, as would be expected, defend the possibility of a grade of perfection more excellent than mere common perfection which implies the merest sufficiency required for a substantial observance of the precepts. The same order of approach and defense of the affirmative position occurs in his tract on the various states of manY

Towards the end of the tract on charity, however, where he attacks the same problem from the viewpoint of obligation, there seems to be a complete reversal of position on St. Thomas's part. The objections defend the possibility of higher perfection or at least the possibility of observing perfectly the precept of charity in this present life, whilst the article, *Sed Contra,* and responses favor the negative thesis against the

[10] *Ibid.,* II-II, q. 24, a. 8; q. 44, a. 4, ad 2; q. 184, a. 2.

[11] *Ibid.,* q. 24, a. 8.

[12] *Ibid.,* q. 184, a. 2. The objections are against, the article and responses are for, the possibility of higher perfection.

possibility of higher degrees of perfection. [13] In his *De Caritate* of the *Quaestiones Disputatae*, the objections affirm, the four *Sed Contra* deny, the body of the article affirms, the responses deny, and St. Thomas answers the four *Sed Contra* in favor of the possibility of higher perfection.n

The fact of the matter is that St. Thomas finds himself hard put to it to reconcile and strike a middle course between certain authorities in patristic literature as well as in Holy Writ which have every appearance of being contradictory. St. Jerome had branded with a curse any one who should say that God has commanded the impossible. [15] On the other hand, St. Bernard explains that God in commanding the impossible has not made sinners of men, but rather He has made them humble. [16] St. John proclaims: "If we say that we have no sin, we deceive ourselves, and the truth is not in us." [17] And St. Paul is just as insistent in saying: " And let these also first be proved: and so let them minister, having no crime." [18] St. Thomas himself runs a close second to these authorities in announcing on the one hand that no degree of charity falls merely under the counsels, but the very summit and perfection of charity, even that of the blessed in heaven, is universally commanded under the precept of love. [19] On the other hand, there is, he tells us, a certain margin of perfection in charity to which we are not bound and to which the counsels are ordained. [20]

[13] *Ibid.*, q. 44, a. 6.

[14] *Q. D. de Caritate*, aa. 10, n.

[15] St. Jerome, *In Expos. Cathol. Fid.:* " Maledictus est qui dicit Deum aliquid impossibi!e praecepisse ... " (As quoted by St. Thomas, *Summa Theol.*, II-II, q. 44, a. 6, obi. 1.)

[16] St. Bernard, *In lib. De diligendo Deum*, c. I: "Mandando impossibilia non praevaricatores homines fecit, sed humiles."

[17] St. John, *I Epist.*, i, 8: " Si dixerimus quoniam peccatum non habemus, ipsi nos seducimus, et veritas in nobis non est."

[18] St.. Paul, *I Epist. ad Tim.*, iii., 10: "Et hi autem probentur primum; et sic ministrent, nullum crimen habentes."

[10] *Summa Theol.*, II-II, q. 184, a. 3, ad 2: "Perfectio autem divinae dilectionis universaliter quidem cadit sub praecepto, ita quod etiam perfectio patriae non excluditur ab illo praecepto. . . ."

•• *Ibid.*, q. 44, a. 5, ad 3: " ... perfectio caritatis ad quam ordinantur consilia est media inter duas perfectiones praedictas .... " Compare with, q. 184, a. 3,

In spite of the apparent conflict, St. Thomas's final answer is in the affirmative, defending the possibility of superior degrees of perfection. He arrives at this conclusion through an enumeration and analysis of the impediments to perfection of the Christian life. Impediments to the perfection of charity may be grouped under a threefold heading.

The first category embraces those contrary inclinations of soul by which we are turned away from the incorruptible good and become immersed in the creature. Man can most certainly remove this type of impediments since it includes nothing more or less than mortal sin. Certainly a man once placed in the way of perfection can by an ordinary correspondence with grace avoid all obstacles that would turn him directly away from God.[21]

Secondly, there are the preoccupations and distractions of secular affairs, such for example as those attendant upon a business career or upon the married state. These also can be removed, that is, by a practice of the evangelical counsels of poverty, chastity, and obedience, or the other counsels improperly so called, such acts of virtue which here and now are not enjoined by affirmative precepts directly reducible to the principles of identity and contradiction. Such impediments reveal their close relationship to the counsels in the fact that they are not intrinsically repugnant to interior charity, not even to that of the highest degree of perfection, just as the counsels, their normal remedies, do not constitute intrinsically the higher degrees of perfection. St. Thomas hails Abraham, Isaac, and Jacob as perfect wayfarers, but they did not practice the counsels of perfection except by preparation and disposition of soul.[22] It was a mark of perfection in the Apos-

ad £: "... Et similiter non est transgressor praecepti qui non attingit ad medics perfectionis gradus, dummodo attingat ad infimum."

[21] *Q. D. de Caritate,* a. 10: "Impeditur autem homo in hac vita ne totaliter mens ejus in Deum feratur, ex tribus. Primo, quidem ex contraria inclinatione mentis; quando scilicet memtper peccatum conversa ad commutabile bonum sicut ad finem, avertatur ab incommutabili bono. Sccundo, per occupationes secularium rerum ....

Contr. Gent., c. 180: "Nee obstat quod aliqui perfectissimae virtutis viri matrimonio usi sunt, ut Abraham, Jacob et Isaac."

tie, St. Thomas thinks, that he should be prepared to become anathema for the brethren, just as it was also of perfection that he should insist on providing for himself while preaching the GospeJ.[23] It seems, therefore, that readiness of heart with regard to an acceptance of the counsels or rejection of secular affairs is the only universal and intrinsic condition required by St. Thomas for the higher degrees of perfection. An actual commitment of oneself in these matters, though it may or may not be exacted of this or that individual, still remains pre-eminently conducive to this grade of perfection from the external and instrumental viewpoint.

Infirmities consequent to our fallen nature, such as weariness, sluggishness of body *(gravitas corporis),* burdens of the corruptible flesh (onus *carnis corruptibilis),* commotions or disturbances of the lower appetites, and, finally, venial sins come under the third classification of impediments.[24] St. Thomas refuses to admit that these can be entirely removed from the path of the wayfarer. To be delivered completely from such impediments to charity was the privilege of Christ Incarnate and His Blessed Mother. The state of original justice also, in a lesser degree, assured exemption from these impediments. Adam, whom St. Thomas portrays as the perfect man, could not sin venially or be subjected to the revolts of passion as long as he remained steadfastly conjoined to God in charity.[25] Our state of fallen nature, however, lost these prerogatives along with its original innocence.

The impossibility of avoiding all venial sins, especially with-

[23] *Q. D. de Carita'te,* a. H, ad 6: " ... et haec perfectio in Paulo apparet, qui dicebat *(Rom.,* ix, 3) : Optabam ego ipse anathema esse a Christo pro fratribus meis." *Ibid.,* ad 7: "Et propter hoc Paulus qui secum necessaria deferebat, non ntens hac concessione, supererogabat . . ."

[24] *Ibid.,* a. 10: " ... Tertio vero ex infirmitate praesentis vitae, cujus necessitatibus aliquatenus oportet hominem occupari, et retrahi ne actualiter mens ejus feratur in Deum; dormiendo, comedendo . . . ex gravitate corporis, . . ." And in *III Contr. Gent.,* c. 130, St. Thomas adds: " ... commotiones phantasmatum et pertnrbationes passionum."

[25] *Summa Theol.,* I, q. 96, a. 3: "Ita tamen quod in illis qui excederentnr, nullus esset defectus sine peccatum, sive circa animam sive cirea corpus." Cf. also, I, q. *95,* a. 2; I-II, q. 89, a.' 3.

out a very singular favor from God, must be noted. Man has the spiritual virility to avoid each venial sin as it is presented to him singly under the form of temptation. But, as St. Thomas wisely remarks, while he is bending his efforts against this or that temptation to venial sin from one direction, another temptation, pride in his present successes, for instance, will often creep in from another angle to rob him of a total victory. [26] Of course man is obliged to the proposed and actual resistance of every venial sin. But it must be said, practically speaking, that he cannot in this life avoid all venial sin collectively considered.

The impossibility of removing these impediments, however, does not prevent men from being perfect wayfarers. After all, these impediments, although incompatible with the perfection of paradise, do not directly oppose the perfection of the wayfarer. Not even venial sins offer direct repugnance or contrariety to the higher degrees of charity which merit for their possessor the title perfect. [27] Venial malice or culpability, it is true, cannot be consonant with charity after the manner of an ingredient entering into its constitution. It is especially impossible to conceive of a compromise between venial sin and charity on the plane of action. But an actual venial sin can be in harmony with habitual charity (and vice versa) in the same subject or person; nor does it involve a total disavowal of one's dedication

•• *Ibid.,* I-II, q. 74, a. 3, ad 2: "... Sed talis corruptio fomitis non impedit quin homo rationabili voluntate possit reprimere singulos motus inordinatos sensualitatis, si praesentiat: puta divertendo cogitationem ad alia. Sed dum homo ad aliud cogitationem divertit, potest etiam circa illud aliquis inordinatus motus insurgere: sicut cum aliquis transfert cogitationem suam a delectabilibus carnis, volens concupiscentiae motus vitare, ad speculationem scientiae, insurgit quandoque aliquis motus inanis gloriae impremeditatus. Et ideo non potest homo vitare omnes huiusmodi motus, propter corruptionem praedictam: sed hoc solum sufficit ad rationem peccati voluntarii, quod possit vitare singulos." Cf. also, I-ll, q. 109, a. 8; III, q. 87, a. 1, ad 1.

[27] *Q. D. de Caritate,* a. 10, ad l, Sed Contra: "... dicendum est quod sine peccato mortali aliquis potest esse in hac vita non autem sine peccato veniali: quod quidem non repugnat perfectioni viae, sed perfectioni patriae quae est ut semper actu in Deum feratur; peccatum autem veniale non tollit habitum caritatis. sed impedit actum ejus."

to charitable acts. And from this standpoint venial sin in no way diminishes the habitual charity which a person possesses and according to the higher degrees of which he may be numbered among the perfect. St. Thomas thinks of a venial sin as of a speck of dust lightly cast upon the bosom of charity, marring its outward sheen and radiance, but leaving no stain or spot upon its inner grace and splendor.[28]

Therefore, there can be and have been men in this world who were perfect wayfarers. There were holy men sanctified from their mothers' wombs and they were known as perfect.[29] St. Paul was a perfect wayfarer, St. Thomas thinks, in spite of the Apostle's insinuations to the contrary.[30] St. Thomas adds that those who are perfect in this life are reputed to have offended in many things according to venial sins which accompany the infirmity of this present life.[31] This conclusion represents St. Thomas's last word upon the matter. It was towards the end of the *Summa Theologica,*[32] when treating of the state of perfection, that he handed down an affirmative response to the problem about the possibility of perfection according to the higher degrees of charity. This represents his maturer judgment. Hence in spite of the fact that he might seem to affirm the contrary in the article on the possibility of observing the precept of charity,[33] he evidently holds that there can be perfect wayfarers. His final reason is that the divine law does not induce us to the impossible.[34]

•• *Summa Theol.,* I-II, 89, a. 1; ill, q. 87, a. 2, ad 8.

•• *Q. D. de 11!lalo,* q. 7, a. 7, ad 8: " ... licet dicere aliquem statum esse in quo non potuit esse peccatum mortale, sed veniale, sicut in sanctificatis ex .utero, in Hieremia, scilicet et Joanne Baptista et Apostolis: de quibus dicitur (Ps., xcviii, 4) Ego confirmavi columnas ejus '; qui creduntur confirmati fuisse per gratiam ut mortaliter peccare non possent sed tantum venialiter."

[30] *Summa Theol.,* II-II, q. 24, a. 8, ad 1: "Apostolus negat de se perfectionem patriae. Unde glossa ibi dicit quod perfectus erat viator, sed nondum ipsius itineris perfectione perventor."

[31] *Ibid.,* q. 184, a. 2, ad 2: " ... illi qui sunt in hac vita perfecti, in multis dicuntur offendere secundum peccata venialia, quae consequuntur ex infirmitate praesentis vitae." Cf. also, II-II, q. 24, a. 8, ad 2: " ... hoc dicitur propter peccata venialia. Quae non contrariantur habitui caritatis, sed actui: et ita non repugnant perfectioni viae, sed perfectioni patriae."

u *Ibid., loc. cit.* •• *Ibid.,* q. 44, a. 6. _.*Ibid.,* q. 184, a. 2, Sed Contra.

St. Thomas sets about his solution to the difficulty raised in connection with the possibility of perfection, namely, the antinomies found in the Fathers and Holy Writ, by invoking a certain distinction made in the tract on law.[35] The distinction is that drawn between the matter of a precept and the mode of a precept or the substance of the law and the intention of the legislator. The matter of a precept embraces the bare substance of the act or work commanded, whilst the mode indicates the purpose for which the work was commanded. St. Thomas puts this distinction to good use here in the problem of the possibility and obligations to perfection.

For a valid application of the distinction, however, it is absolutely necessary to keep ever before our mind the very important difference between the intrinsic mode and the extrinsic mode of every precept or act of virtue commanded by the precept. When St. Thomas distinguishes the matter from the mode of a precept, he usually has in mind the extrinsic mode. The intrinsic mode enters into the substance of the precept.[86] The extrinsic mode of all precepts except those of charity coincides with charity and consists precisely in this: that such precepts have been imposed in view of, and have been fulfilled under the ordinance, actual or virtual, of the virtue of charity. The matter and intrinsic mode of the fourth precept of the Decalogue, for instance, requires that we place at opportune times actions of reverence and honor towards our parents; even more, we must do this knowingly, voluntarily, and for the pur-

[35] *Ibid.*, I-II, q. 100, a. 9, ad 2: " ... intentio legislatoris est de duobus: de uno quidem ad quod intendit per praeceptum legis inducere et hoc est virtus; aliud quidem est de quo intendit praeceptum ferre et hoc est quod ducit vel disponit ad virtutem, scilicet actus virtutis. Non enim idem est finis praecepti, et id de quo praeceptum datur, sicut neque in aliis rebus idem est quod est finis et quod est ad finem."

Cajetan commenting upon this point very aptly remarks: " ... ex his habes solutionem multarum quaestionum pro minus eruditis et bonis mentibus timentibus culpam ubi non est."

[86] *Ibid.*, II-II, q. 44, a. 4, ad 2: " ... sub praecepto quod datur de actu alicujus virtutis non cadit modus quem habet ille actus, ex alia virtute superiori. Cadit autem sub praecepto modus ille qui pertinet ad rationem propriae virtutis. Et talis modus significatur cum dicitur ex toto corde." Cf. Cajet!Ul on this article.

pose of honoring them. This last-mentioned requisite is the intrinsic mode of the fourth precept. The matter or substance of the precept of charity exacts a love of God above all things, so that we love nothing more than God, nothing equally with God, and nothing contrary to Him. The intrinsic mode requires that we love Him with our whole heart and whole soul which of course virtually amounts to loving Him above all things. The extrinsic mode or intention of the divine Lawgiver in imposing the precept of charity, since there is no higher virtue to which the matter of this precept could be subordinated, must be admitted to be charity itself, the charity of paradise which differs only accidentally from that of the wayfarer by its greater intensity and uninterrupted activity.[87]

The application which St. Thomas makes of the distinction between the matter and mode of precepts is this: the extrinsic mode of the precepts, generally speaking, does not fall under the precepts as matter to be realized here and now. If it did, a person would commit a mortal sin each time that he failed to realize the mode of any precept. At least this would be the case according to St. Thomas's technical use of the term precept, which always involves grave obligation as to its substance. According to this distinction, therefore, a person might satisfy the precepts of the Decalogue without the extrinsic mode, provided the precept of charity did not run concurrently at that moment with the other precepts. An individual in mortal sin, for instance, could fulfill the fourth precept without any reference, actual or virtual, to charity, which is the extrinsic mode of that precept.[88] He would not be guilty of violating the fourth precept simply by reason of the omission of an extrinsic mode impossible of accomplishment while he remains in the state of mortal sin. His action, though materially good from a merely natural viewpoint, formally would be wanting in rela-

[37] *Ibid.,* q. 44, a. 6: " lntendit autem Deus per praeceptum ut homo Deo totaliter uniatur: quod fiat in patria quando Deus erit omnia in omnibus, ut dicitur *I Cor.,* xv. Et ideo plene et perfecte implebitur hoc praeceptum in patria. In via impletur sed imperfecte. . . ."

[88] *Ibid.,* 1-11, q. 100, a. 10, ad 2.

tive moral entity because of a lack of orientation to the true ultimate end and would be supernaturally dead on account of the absence of animation from charity. [39] When the material or absolute ent:ity of man's work is objectively good, it might be deemed worthy of some merely temporal reward in the eyes of God, as St. Thomas is willing to admit, but the more formal aspects of the act being defective would go unrewarded naturally and supernaturally. These statements can be true only in virtue of the principle that the extrinsic mode is not commanded-as matter to be realized here and now-by that precept to which it is really extrinsic.

Neither is the extrinsic mode of the precept of charity commanded as matter to be realized here and now at any moment of the wayfarer's journey. St. Thomas, following the path suggested by St. Augustine, declares the extrinsic mode of charity to be nothing less than the perfection of charity enjoyed by the blessed in heaven. This we have found to consist in an uninterrupted act of love. When, therefore, the Fathers or Holy Scripture seem to imply the impossibility of satisfying the precept of charity, they should, St. Thomas thinks, be interpreted as referring to the extrinsic mode of that precept which demands a total removal of every impediment, especially venial sins, directly incompatible with actual and uninterrupted love bent to maximum capacity upon the divine goodness. This is indeed impossible for the wayfarer. He cannot fulfill the precept of charity perfectly according to its extrinsic mode. He can and must under grave obligation fulfill it according to its substance and, as we shall see, can and must fulfill it *imperfectly* according to its extrinsic mode. This is the nearest approach man can make to the perfection of paradise while yet a wayfarer.

Up to this point nothing but a passing notice has been given to the intrinsic mode. Yet it is a substantial element of virtuous activity in so far as the divine precepts are concerned.

•• *Q. D. de Malo,* q. 2, a. *5,* ad 7: " ... non omnis actus procedens a voluntate informata caritate est meritorius, si voluntas pro potentia accipiatur: alioquin venialia peccata essent meritoria, quae committnnt interdum etiam caritatem habentes."

Positive human law usually exacts no more than the precise matter or work commanded, but divine law reaches over the external work into the regions of purpose. The intrinsic mode of virtuous action consists of that contribution made by the will in accepting and proposing to accomplish any act for the proximate end *(finis* operis) to which it is ordained by its nature. Relief of our neighbor's miseries in an alms deed is its intrinsic mode, and such a work cannot be virtuously performed unless the intrinsic mode is intended. ;Hence this element is formal with respect to the matter of virtuous action and enters into its substance or absolute entity as such. The divine precepts require it for their satisfaction. [40]

The intrinsic mode of charity as prescribed by the great precept is that special totality of love signified by the terms, *thy whole heart, thy whole soul, etc.* The heart, being the principle of all organic activity within the living animal, frequently has reference, as is the case here, to the will, which is the principle of all human activity and affections. The term *whole* implies parts which do not exist in such simple factors as will and soul unless the various actions of will and soul be accepted as parts. This is precisely the sense in which the expressions are understood. [41] Therefore the intrinsic mode of charity con-

[40] *Summa Theol.*, 1-11, q. 100, a. 9: "Secundum autem est ut aliquis operetur volens, vel eligens et propter hoc eligens; in quo importatur duplex motus interior, scilicet voluntatis et intentionis, de qnibus supra dictum est (1-11, q. 8, U). Et ista duo non diiudicat lex humana, sed solum lex divina. Lex enim humana non punit eum qui vult occidere et non occidit: punit autem eum lex divina. . . ."

[01] Cf. Banez, *In II-II*, q. 44, a. 4: "Notandum vero pro intelligentia hujus locutionis, Diliges dominum Deum tuum ex toto corde tuo, . . . primum, quod vivit in animali est cor, quod est principium omnium motuum et corporalium actionum. Ad hujus ergo similitudinem voluntas dicitur cor, quoniam est principium omnium humanarum actionum. Non est enim aliqua virtus aut vitium, meritum aut demeritum, nisi procedens a voluiltate. . . . Hoc igitur est diligere Deum ex toto corde, atque si diceretur ex tota voluntate. Voluntas autem non habet aliam totalitatem partium, nisi variarum actionum respectu mediorum ad finem. Perinde igitur est dicere, diliges dominum Deum tuum ex toto corde tuo, atque si diceretur, statue tibi Deum ut ultimum finem, ad quem teipsum et omnia quae subjacent tua voluntati, ordines et dirigas, ac propterea huic soli praecepto apponitur modus ille ex toto corde, Quoniam Deus est ut ultimus finis diligendus, atque adeo modus iste intrinsecus et inseparabilis est a vera dilectione Dei."

notes the totality of action which falls under the strict reaches of the precept of charity.

It becomes evident immediately in view of the three stages of a wayfarer's perfection described above that the mode of charity generally speaking will not consist in a determinate indivisible such as an inflexibly defined degree of charity or a given number of subordinated actions. On the contrary and owing to variant subjective factors in human activity, the intrinsic mode of charity, for instance, will have a certain latitude ranging from the merest minimum sufficient in one person to a greater maximum required of another for common perfection. **It** is precisely this general minimum of activity sufficient fm all or any man to avoid mortal sin which the precept :requires as far as the intrinsic mode of charity is concerned. At this minimum of activity as a starting point the extrinsic mode of the precept or virtue of charity begins and extends through a wide range to the maximum, namely, the charity of heaven. Just as in the case of possibility, therefore, so also with regard to the obligation of this minimum totality of love and virtuous action there can be no reasonable doubts. The whole problem arises, as far as the positive moral imperfection is concerned, when the law of perfection or charity is applied to the second and third stages of the wayfarer's journey.

With the above notions properly evaluated, we are prepared to pursue the question of positive moral imperfections over the threshold of the law of common perfection into the regions of the journeyman and the perfect. The law of perfection, restricted to these two areas where it is especially applicable, may be expressed under this imperative formula: Tend towards the perfection of paradise.[42] St. Thomas thinks that, although

•• *Q. D. de Caritate,* a. 10, ad: " ... hoc quod dicitur, Diliges Dominum Deum tuum ex toto corde tuo, intelligitur esse praeceptum, secundum quod totalitas excludit omne illud quod impedit perfectam Dei inhaesionem; et hoc non est praeceptum, sed finis praecepti; indicatur enim nobis per hoc non quid faciendum sit, sed potius quo tendendum sit, ut Augustinus dicit. . .. "

Also, II-II, q. 164, a. 3, ad 2: " ... sicut Augustinus dicit (in libro *de Perfect. lustit.),* perfectio caritatis hominis in hac vita praecipitur, quia recte non curritur si quo currendum est nesciatur. Quomodo autem scietur, si nullis praeceptis ostendetm ,"

celestial perfection is not commanded as matter to be realized here and now, still it serves as a target at which we *must* always aim. This tendency in order to satisfy the demands of the law of perfection, it should be carefully noted, involves positive efforts of actual striving as its essential requisite. On this point St. Thomas agrees completely with the traditional and succinct statements of spiritual masters to the effect that every deliberate interruption of activity in the wayfarer's pilgrimage spells retrogression; to stop dead in the course to eternal bliss is equivalent to a loss of ground and not to advance means to recede.[43] The law of perfection, therefore, in this traditional sense, must be accepted as the final testing grounds in the supernatural order for the morality of positive moral imperfections.

The question naturally arises here concerning the amount of activity or the extent of that tendency imposed by the law of perfection. St. Thomas replies that each one of us is obliged to love God with as much love as he is capable of, since this is what the formula *with thy whole heart* plainly implies.[44] In another reference he parallels the above with the remark that, although the perfection of the blessed is not possible to us as wayfarers, nevertheless we *are bound to emulate* their perfection so as to become like unto them *in so far as that is possible.45* He knows well that an exact similitude is impossible; it is emulation that he requires. Neither does he wish to imply that the wayfarer must strive with the maximum energy of which he is physically and absolutely capable every moment of his life. He is thinking of moral capacity and possibility with

•• *Summa Theol.,* II-II, q. 24, a. 6, arg. 3, St. Thomas admits the authority of St. Gregory: " Gregorius dicit quod ' in via Dei stare est retrogredere.' "

.. *Opusc.* 17, c. 6: " Sic igitur praeceptum .dilectionis Dei, quod est ultimus finis Christianae vitae, nullis terminis coarctatur, ut possit dici, quod tanta dilectio Dei cadat, sub praecepto, major autem dilectio limites ·praecepti excedens sub consilio cadat: sed unicuique praecipitur, ut Deum diligat, quantum potest, quod ex forma praecepti apparet, cum dicitur: Diliges Dominum Deum tuum ex toto corde."

•• *De Perfectione Vitae Spiritualis,* c. 6: "Etsi comprehensorum perfectio non sit nobis possibilis in hac vita, aemulari tamen debemus ut similitudinem perfectionis illius, quantum possibile, nos trahamus, et in hoc perfectio hujus vitae consistit."

an eye to the multitudinous impediments attendant upon our fallen nature. And it is in this sense that he comes forward with the flat statement that we are *obliged to accomplish as much good as we possibly can.*[46]

What then must be said of the positive moral imperfection in view of such a law? The positive moral imperfection wilfully declines convenient opportunities of advancement in charity and growth in merits; it deliberately rejects the better good. And the law of perfection prescribes that we advance as far on the road to heavenly bliss as we possibly can, that we do as much good as we are capable of. The conclusion is inescapable.

St. Thomas admits that a person does not become a transgressor of the precept of charity by failing to reach the middle or higher degrees of perfection, provided he attains to the minimum degree.[47] Again he affirms that whoever fulfills the precept merely by doing nothing contrary to the love of God is not to be considered guilty of mortal sin.[48] The term *medias gradus perfectionis* employed by St. Thomas refers to the better good. The expressions *non peccat mortaliter* and *dummodo attingat ad infimum* betray his guarded suspicions all too plainly. He does not seem willing to excuse entirely from venial sin these specific cases of rejecting the better good. The contrary is nearer the truth, and some of the great commentators coming after the master were far less delicate and reluctant about pushing St. Thomas's convictions to their ultimate conclusion.[49]

[46] *Summa Theol.*, II-II, q. 186, a. 2, ad 2: "... ita etiam omnes, tam religiosi quam saeculares, tenentur aliqualiter facere quidquid boni possunt, omnibus enim communiter dicitur, *Eccles.*, ix: Quidquid potest manus tua, instanter operare."

[47] *Ibid.*, q. 184, a. 3, ad 2: "Et similiter non est transgressor praecepti qui non attingat ad mediOS perfectionis gradus, dummodo attingat ad infimum...."

[48] *Ibid.*, q. 44, a. 6, ad 2: "... sicut miles qui ligitime pugnat licet non vincat, non inculpatur, nec poenam meretur; ita etiam qui in via hoc praeceptum implet nihil contra dilectionem divinam agens, non peccat mortaliter."

[49] Cf. Vitoria on this article: "Dicendum est ergo quod necessaria peccamne venialiter non adimplendo hoc praeceptum. Ita dicit St. Thomas ad secundum (II-II, q. 44, a. 6) ubi dicit quod non peccat mortaliter; et tamen non dicit quod non peccat venialiter. Ergo a contrario sensu, wtelligitur quod peccat venialiter non

In any event they did not have far to search for the reason underlying his statements and their own inferences. It is simply this, that we are not permitted to set any definite limits upon the amount of perfection we would be pleased to attain in any given case.[50] St. Thomas warns the wayfarer in no uncertain terms of the fallacy in presuming to be able to impose a measure upon one's personal advances towards perfection of the blessed without infidelity to the law of perfection.[51] Certainly to decline wilfully the higher degrees of perfection or the better good when they are entirely opportune and easy of attainment is to set a measure to one's advancement. To do this means deliberate failure to satisfy the law of perfection and this is morally evil. To pass over the external works of supererogation or of counsel considered in the abstract is one thing and to decline wilfully what is concretely proposed by prudence as the better good or to measure out deliberately the degrees of interior charity desired in a given case is quite another thing. One is permitted, sometimes even enjoined, by the law of perfection; the other is forbidden. This was St. Thomas's justification for treading very lightly and conservatively in the references given above where the law of perfection overshadows his cases proposed.

On the other hand, it is well to note here that certain authors have striven to reduce the sphere of this law of perfection to a

adimplendo illud, qui per totam vitam non possimus vitare omnia peccata venialia, licet bene ad tempus, puta ad horam."

Sylvius, writing on the above reference to St. Thomas, says: "Alio modo, ut simul indicetur finis, qui est totaliter uniri Deo, et actu semper in lpsum ferri. Sicut quando dux militi .jubet, Pugna adversus hostem, solum praecipit id quod faciendum est seu medium ad victoriam: quando autem dicit, Vince hostem, simul indicet finem propter quem est pugnandum. Priori modo transgressor praecepti est qui non facit totum quod praecipitur; non autem posteriori, si faciat illud quod jubetur per modum medii .... Unde milites in casu dicto peccant si non pugnent, non autem si hostem non vincant, modo viriliter pugnando ad hoc sint conati."

•• 0p1Uic. 17, c. 6: "Sic igitur praeceptum dilectionis Dei, ... nullis terminis coarctatur, ut possit dici, quod tanta dilectio Dei cadat sub praecepto, major autem dilectio limites praecepti excedens sub consilio cadat. . . ."

[11] *Summa Theol.*, II-II, q. 184, a. 8: "Non autem dilectio Dei et proximi cadit sub praecepto secundum aliquam mensuram, ita quod id quod est plus sub consilio remaneat."

minimum by glossing over deliberate refusals of the better good with such high-sounding and non-committal terms as *hindrances* or *retardations* to charity.[52] To slow down one's pace, they argue, does not necessarily involve a standstill stop, but merely has the result of brakes gently applied to .gatheriilg momentum. The wayfarer in such a case would still ,remain a wayfarer and would not be held accountable before the-canons of perfection for any, not even potential, loss of ground. Their solicitude seems to be vain. It fails to take sufficient of the fact that the wayfarer's course is run, not by physical or mechanical footsteps (against the progress of which *material* impediments can so easily be introduced only to confuse the issue in point), but by human actions which lag or stop and start according to a deliberate and responsible will. Viewed precisely from this angle, an attitude of sluggishness deliberately assumed in our march towards paradise cannot easily be reconciled with the law of perfection which enjoins us to do all of the good of which we are morally capable.

In any case it stands condemned in the eyes of St. Thomas. He could find no formula better qualified to express his idea of a .venial sin than the phrase *retardation of charity.* By venial sin, he tells us, the affection of man is *retarded* so that it does not bear promptly upon God.[53] Again writing of scandal passively accepted he says that it is always a sin, because the one suffering it is either thrown completely off his course towards God or at least *retarded* in his advances; and this, he continues, is bound to be some sort of sin inasmuch as it is *retarding* of progress in the way to God.[54] Certainly, the positive moral imperfection, a deliberate choice of the lesser good and truly a moral hindrance to charity, measures up to all of these conditions which St. Thomas has ascribed to venial sin. This sig-

[52] Salmanticenses, *De Vitiis et Peccatis,* Disp. 19, dub. l, n. 9.

[53] *Summa Theol.,* ITI, q. 87, a. 1: " . . . per peccatum autem veniale retardatur affectus hominis ne prompte in Deum feratur."

[54] *Comm. in IV Sent.,* d. 38, q. 2, a. 2: " . . . quia ille scandalum patitur qui aut a via Dei ejicitur, aut s;:tltem in via Dei retardatur; quod non potest esse sine mortali aut veniali peccato." *Ibid.,* ad. 3: " . . . quia ipsa impactio spiritualis quoddam peccatum est, inquantum est quaedam retardatio a via Dei . . . . "

nificant fact has not passed unobserved by all of St. Thomas's commentators. [55]

Again it might be argued, as has often been done, that remiss acts *of* charity retard one's progress without any compromise to virtue. This evasion certainly fails to account for the two-fold element of remissness and charity in such actions. A remiss act of virtue means nothing but an act with less degrees of intensity than the habit from which it sprang. A person may possess the habit or virtue of charity at an intensity of, say, ten degrees and with such a power elicit an act of only four degrees intensity. This is possible because use of virtue is subject to free will. Evidently the person in question would not be using all of the potentiality latent in his virtue of charity. Hence his act would be correctly referred to as remiss. If this element of remissness traces its origin to some one of the impediments mentioned above as consequent to our fallen nature and over which man has no dominion, then it passes into the stream of human activity as a merely material defect which does not

•• Vitoria treating of active scandal has the following: " Dubium bonum est, utrum si aliquis inducit alium ad minus bonum revocans ilium a major bono, an sit peccatum scandali; v. g. iste consuebat recitare horas per tres horas, et dico ei quod sufficit recitare per unam horam, supposito quod alius non tenebatur ad recitandum tres horas, vel jejunet quinquagesimam et dico quod sufficit in feriis sextis; vel vult ingredi religionem et dico ilii, abi, quia esse poteris hie salvari; et sic revoco ilium ab ingressu religionis. An sit scandalum.

" Respondetur. Primo dico, revocare aliquem a majori bono et inducere ad minus bonum, si est peccatum, est peccatum scandali, quia idem est inducere ad malum vel revocare a majori bono."

After this response Vitoria speculates further upon the problem, suggesting for instance that one might on occasion have a good reason for persuading someone else to the lesser good. In this case he thinks there would be no sin: " . . . potero ego habere rationabile motivum ad revocandum ilium a majori bono, ut quia vellem quod iste studeret."

In his final summing up he gives the following as the fourth way of committing venial sin: " Quartus modus est quando ex levitate et non ex dolo nee malitia, revocat alium a majori bono . . . . " (Vitoria, *in II-II,* q. 48, a. 8.)

Cajetan, *in II-II,* q. 10, a. 2, ad 8, had written: " . . . nota, pro habentibus visiones, ultima verba: cum incipit ad sua adducere idest mala et falsa. Et memento quod appelatione malorum veniunt hoc in loco minus bona. Cum enim Spiritus Sanctus aemuletur charismata meliora, suadens aut ducens ad minus bona Spiritus Sanctus non est."

corrupt the other sound elements of the act humanly assumed. If, however, this defect be wilfully and knowingly assumed for what it is worth, then a measure or stricture has been imposed upon the workings of charity and we know the verdict of St. Thomas already.

There can be no alternative. H charity elicits a remiss act it will be because its dynamic urgency was hampered by some impediment either beyond our moral power to repress or freely dallied with out of negligence and unworthy motives of a like nature. Charity of the most infinitesimal degree conceivable suffices of itself, when free of all hindrance, to resist all, even the greatest, sins and to merit eternal beatitude. [56] St. Thomas speaks to the point regarding the motives of the remiss act when he declares that fear which would restrain a person from the pursuit of a good not of precept but merely of counsel and perfection is not mortally culpable; sometimes such fear is a venial sin, sometimes no sin at all, namely, when there is a reasonable cause for fear. [57] The middle alternative corresponds perfectly with the conditions of the positive moral imperfection. Even more pertinent is his statement on negligence to the effect that it is a venial sin when and if it occasions the omission of a better good, merely because it impedes fervor o:r involves a lack of fervor. [58] Some of the glosses which the commentators have brought to the support of this point a:re extremely significant.[59] The only logical conclusion to be drawn from this phase

[56] *Summa Theol.,* III, q. a. 6, ad 3: " ... quia minima gratia potest resistere cuilibet concupiscentiae et mereri vitam aeternam." Also, q. 79, a. 6, ad

[57] *Ibid.,* II-II, q. 125, a. 3, ad 3: " ... glossa ilia loquitur de timore revocante hominem a bono quod non est de necessitate praecepti, sed de perfectione consilii. Talis autem timor non est peccatum mortale: sed quandoque veniale; quandoque etiam non est peccatum, puta cum aliquis habet rationabilem causam timoris."

[58] *Ibid.,* q. 54, a. S: " ... si negligentia consistat in praetermissione alicujus actus vel circumstantiae quae non sit de necessitate salutis, nee hoc fiat ex contemptu, sed ex aliquo defectu fervoris, qui impeditur interdum per aliquid veniale peccatum; tunc negligentia non est peccatum mortale, sed veniale."

[59] Cf. Cajetan *in I-II,* q. 76, a. 3, n. III: " ... scito quod negligentia est nomen aequivocum, vel quasi aequivocum ad peccatum oppositum prudentiae, et ad peccatum oppositum studiositati. Et ilia est in intellectu, ista in voluntate. llla defectum solicitudinis praecipiendi in qualibet materia, ex remissa voluntate oppositi

of our investigation is that the positive moral imperfection according to St. Thomas and the Thomists amounts to nothing less than a venial sin because it makes illicit compromises with idleness or negligence to the detriment of the law of perfection.

This conclusion extends to all wayfarers, beginners, journeymen, and perfect, to religious and laymen alike. St. Thomas makes no special concessions or exceptions for religious. They too should fall under one or another of the three groups of wayfarers according to the greater or lesser excellence of their interior charity. Precisely as such they are dedicated to the external state of perfection which of itself gives them no special claims upon interior perfection of charity, [60] but places at their disposal the aptest instruments for attaining perfection. As such they are bound only to those matters touched by the vows and rules of religion.[61] As Christians they are bound by the law of perfection and, accidentally by reason of their state, more stringently than other Christians. St. Thomas expressly says that all men, religious as well as seculars, are .obliged to accomplish as much good as they can according to their state. [62] This, of course, is the law of perfection.

boni procedentem, significat: ista voluntatem intensam respectu comissionis contrariae, et remissam reapectu omissionis studiositatis. • • . Unde ad istam spectat ignorantia affectata et ignorantia negligens, illa per commissionem, haec per omis· sionem; sicut ad pusillanimitatem spectat et affectata parvitas et omissa magnitudo; •.. "

Cf. Billuart, *De ActibU.JHumanis,* Disp. IV, a. vi, ad S: " ... unde St. Thomas (11-II, q. 54, a. S) agnoscit culpam venialem in omissione actus non praecepti, si sit ex defectu fervoris. Qui ergo omittere vellet actum non praeceptum, puta recitationem officii, propter honestum occupationem bene faceret; si ex pigritia aut contemptu, male faceret; imo etiam si praecise et solum quia non tenetur; tunc enim ista volitio esset otiosa, carens pia utilitate aut justa necessitate."

[60] *Summa Theol.,* II-11, q. 184, a. 4, Sed Contra: " ... aliqui sunt in statu perfectionis qui omnino caritate et gratia carent: sicut mali episcopi aut mali religiosi. Ergo videtur quod aliqui habent perfectionem vitae, qui non habent perfectionis statum."

[61]] *Quodlib.,* a. 14, ad " ... religiosi non tenentur nisi ad ea ad quae obligantur ex voto suae professionis; . . . "

[62] *Summa Theol.,* 11-II, q. 186, a. ad " ... ita etiam omnes, tam religiosi quam saeculares, tenentur aliqualiter facere quidquid boni possunt, . . ."

Cf. also John of St. Thomas, *de Actibus Humanis,* Disp. ix, a. vii, n. 10: "

As to the rules regulating various religious institutes, a few points might be made here. First of all, St. Thomas in none of his various discussions on this matter could ever commit himself to the practice of calling these rules laws. They were statutes, yes, but did not enjoy the full prerogatives of law which would bind in conscience under pain of sin. They are of human origin and consequently of themselves do not exact the mode of virtue, not even the intrinsic mode. In fact, legislators of religious communities as vicegerents of God generally have seen fit to consider their rules as counsels sanctioned only by penalties rather than as laws binding under sin. Hence, St. Thomas is very careful to note and insist that these rules hold only for the external and abstract order.[63] In the concrete, therefore, the intrinsic and formal morality of this or that infraction of the rule will have to be determined in relation to the law of finality or of perfection. Concrete infractions, however, will rarely happen without some sin, because the law of perfection will seldom require the religious to pass over this or that rule for the better good. The reason for this is to be found in their general aptitude as instruments of perfection. If conflict should arise, then St. Thomas has no hesitation about giving the precedence and pre-eminence to the law of perfection.

The law of perfection, therefore, binds all wayfarers alike. Some writers on St. Thomas have wished to restrict it to the

quando aliquis omittit opera majoris perfectionis, et quae solum sunt de consilio, non est inauditum examinare motiva propter quae relinquuntur an sit ex contemptu, vel ex levitate vel otiositate; an ex recognitione propriae fragilitatis, et quia juxta proprias vires, et inclinationem sentit aliquis melius se servire Deo in alio statu minus perfecto; si ex levitate animi vel otiositate relinquit opera perfectionis, talis omissio mala est. . . ."

[63] *Summa Theol.*, II-II, q. 186, a. 9, ad 1: " . . . In aliqua tamen religione, scilicet Ordinis Fratrum Praedicatorum, transgressio talis vel omissio ex genere suo non obligat ad culpam neque mortalem neque venialem, sed solum ad poenam taxatam sustinendam: quia per hunc modum ad observanda obligantur. Qui tamen possunt venialiter vel mortaliter peccare ex negligentia vel libidine seu contemptu."

Cf. also Cajetan on this article, where he argues that the above mitigating clause was not originally in the Dominican Constitutions, but was inserted at the Most General Chapter, 1286.

perfect alone.[64] And it must be confessed, as we shall see, that their contention is not entirely without a basis in St. Thomas. Others admitting its application to the perfect alone also refuse to recognize in this aspect of the law of perfection any moral binding force that would induce sanctions in the manner of moral culpability.[65] This point, therefore, concerning the law of perfection in reference to the perfect brings us to the final phase of our argument.

As an approach to the problem it will be necessary to take account of an important factor underlying the three stages of wayfarers which up to the present has not been touched. It is the role which the gifts of the Holy Ghost play. St. Thomas finds the difference between gifts and virtues to reside in the inspirational character peculiar to the gifts.[66] It should be noted immediately, however, that the term *inspiration* as employed here and in other places by St. Thomas connotes a divine motion, impulse, or illumination bearing upon the rational faculties of man generally and not upon the will exclusively.[67] He notes that man has a twofold mover in back of his human activity, namely, the reason and God. For the man who is a wayfarer, reason is greatly assisted by the virtues in rendering the various principalities or petty kingdoms of activity within composite man all obedient to reason, whose supervision and command should be supreme in the line of second causes. The gifts, on the other hand, infused as habitual forces of action render the same principalities of activity prompt and docile to the more immediate impulses and. illuminations of divine inspiration.[68] Objectively the gifts and virtues deal with formally diverse aspects of identically the same material.[69]

[64] Cf. Et. Hugueny, *Dictionnaire de Theologie Catholique,* Vol. VII, Pars 2, col. 1286-1298.

[65] Cf. Fonk, *Dictionnaire de Theologie Catholique,* Vol. VII, Pars 1, col. 1243.

[66] *Summa Theol.,* I-II, q. 68, a. 1: "Ex quibus verbis manifeste datur intelligi quod ista septem enumerantur ibi, secundum quod sunt in nobis ab inspiratione divina."

[67] *Ibid.,* II-II, q. 89, a. 1, ad 3; also I-II, q. 68, a. 4, end of art.

[66] *Ibid.,* I-II, q. 68, a. 1.

[69] *Ibid.,* a. 2, ad 1: " ... dona excedunt communem perfectionem virtutum; non

The object of virtue is conditioned and proposed by reason, while that of the gifts comes impressed with the seal of the Holy Ghost.

As to the cumulative result of these two influences upon man's activity, St. Thomas thinks that reason left more to its own resources in the case of the beginner will predominate in directing the wayfarer's path. But the journeyman coming to yield more and more to the strengthening, purifying warmth of faith Vlrill tend to see and judge his affairs more from God's point of view, while the perfect, distrusting now the dim and feeble light of reason more and more, will bend his life before the divine radiance of God and welcome the Holy Ghost to its possession. But neither of these principles will ever obtain a complete predominance to the utter exclusion of the other as long as the wayfarer is plodding towards the high portals of heaven. It is a matter of degree in predominance that must be insisted upon, and our argument will return to this point again in the course of its developmenL

With this in mind we need not be too surprised to find St. Thomas declining to formulate a hard and fast rule by which the perfect might be singled out for the inspection of the curious. He has set no definite milestone along the wayfarer's course beyond which stretch the grand vistas to paradise (for all of the way is a road to heaven). But there is a stage of the journey which he quietly and delicately refers to as the way of the perfect. And in the mind of St. Thomas it is certain that even this lap of the journey takes some dips and turns after leaving the rougher cobbles of the journeyman's stage. In spite, however, of these jogs and curves of the course, the loiterings of venial sin which block out the vision of paradise, there are assuredly some perfect wayfarers. Whether they are all of a stature and stride with St. Paul who longed to be dissolved and to be with Christ, St. Thomas does not always say in so many words. But there is one thing that is certain in the teaching of St. Thomas. This is that all of the perfect are

quantum ad genus operum, eo modo quo consilia excedunt praecepta: sed quantum ad modum operandi, secundum quod movetur homo ab altiori principio."

bound to the better good. They are not bound to fulfill the extrinsic mode of the precept of charity *perfectly;* that is impossible, as we have already learned. They can satisfy even this mode imperfectly by avoiding as many venial sins as human frailty is morally capable of avoiding. Venial sin is the only thing that detains or retards their progress in the way and they are not able, morally and collectively speaking, to avoid all of these, for the perfect fall into venial sins occasionally. They are obliged to avoid each venial sin singly, and this because they are bound to choose the better good by the law of perfection.

St. Thomas was pressed to a definitive statement in this matter at least once by his students in the course of those famous discussions which have come down to us under the title of *Quaestiones Quodlibetales.* These were occasions on which the student was permitted to draw out his professor on hotly debated questions and to stalk a difficult point of doctrine to its very grass-root implications. On this occasion, St. Thomas, ever faithful to his principles, measures his opponent carefully and answers:

> If by the perfect you mean religious or bishops who, as such, are called perfect only by reason of their external state of perfection then it must be denied that these are bound to the better good simply on account of their external state. For as such they are bound only to those things which the vows and care of souls demand. But if you refer to those Christians who are perfect on account of their interior perfection of charity, then it must be admitted that *the perfect of this category are bound to the better good by an interior law which urges after the manner of an inclination;* so to those better goods which they can fulfill according to the measure of their perfection, they are bound.[70]

[70] *I Quodlib.,* a. 14, ad 2: " . . . Cum ergo dicitur quod perfecti tenentur ad id quod melius est, verum est si intelligatur de his qui dicuntur perfecti propter perfectionem caritatis. Hujusmodi enim obligantur ex lege interiori, quae inclinando obligat; unde ad hoc obligantur secundum mensuram suae perfectionis, quod implent. Si autem intelligatur de his qui dicuntur perfecti propter statum, sicut Episcopi et religiosi, non est verum. Non enim tenentur Episcopi nisi ad ea ad quae se extendit cura recepti regiminis; et religiosi non tenentur nisi ad ea ad quae obligantur ex voto suae professionis; alioquin esset obligatio ad infinitum . . . . "

St. Thomas, matching his baiter's feebler thrusts with a final parry, as if to end the matter once and for all, calmly adds that *even though the perfect are bound to the' better good,* still your argument is of no avail, for you pointed it directly towards religious.[71] There is St. Thomas's answer to the problem. It was really given in favor of liberty and to restrain a reckless objector who, as is evident from the argument's statement [72] and from what has already been learned about the nature of counsels, would presume to extend the law of perfection to the abstract better good as well as to the concrete.

And yet this answer has sometimes been a hard saying to some. Fr. Fonk, S. J., thinks that St. Thomas in this passage certainly cannot wish to impose a moral obligation under pain of sin upon the perfect. It is rather a physical inclination found in the perfect with the irrevocable drive of a law of nature that St. Thomas is thinking of according to Fonk's interpretation, and consequently it binds them after the manner of a nature determined to one mode of activity without the freedom of opposites.[74] He cites no authorities for this point of view and leaves the reader with the impression that it is entirely originaL Fr. Fonk is perfectly welcome to his opinion, of course.

Dominic Banez had already written many years before upon this text, declaring that the obligation in point is not one of precept strictly accepted so as to involve sin.[75] It is certain, however, that Banez was thinking only of the better good

[71] *Ibid.:* " Dato tamen quod perfecti semper tenentur ad id quod melius est, non esset ad propositum, sicut ex supra dictis apparet."

[72] *Ibid.,* arg. !'l: "Praeterea, perfecti tenentur ad id quod melius est. Sed religiosi sunt perfecti. Ergo maxime religiosi debent dimittere studium, ut saluti animarum insistant."

[74] Cf. Fonk, *Dictionnaire de Thiologie Catholique,* l. c., col. 1248: "Cette obligation, qui provient *ex lege interiori quae inclina.ndo obligat,* peut-elle etre encore appelee une veritable obligation? Tl ne semble pas: c'est pour ainsi dire, une sorte de necessite physique, plutot qu'une necessite morale; c'est la force extatique de **l'amour . . .**

[75] Cf. Banez, *in 11-11,* q. 24, a. 6, dub. unic. ad 8: "Primum quidem advertatur, quomodo sit intelligendum quod perfecti tenentur ad id quod melius est. Non enim est obligatio ex praecepto proprie dicto ita ut si non fecerint quod melius est, peccent."

abstractly considered and not of the concrete better good. If the perfect were bound to the better good, he reasons, then they would sin in nearly every one of their actions, since it rarely happens that even the just man performs the better good.[76] This solitary explanation advanced for his position reveals Banez' reasoning to be confined to the abstract order alone where alone it is valid. Besides, if he were thinking in terms of the concrete order, then surely he could not have forgotten so soon a previous commentary in which he strongly insinuates at the very least that a person, once prudently affected or practically committed to the better good in the concrete, will never be dissuaded from it by an impulse of the Holy Ghost but rather through some culpable submission to diabolical intrigue.[77] Banez also observed, by an almost verbal repetition of St. Thomas, that the law in question here is one of the spirit binding after the manner of an inclination.[78] This is precisely the point in St. Thomas's response concerning the perfect which both Fonk and Banez seem to have minimized at least, if they did not totally fail to penetrate its significance. At any rate, it is this interior law inclining the perfect to the better good which, if understood in the light of its proper setting, drives home all the more surely the truth of St. Thomas's assertion accepted just as it sounds.

In the preceding section, we found rational nature equipped from the first with certain primary principles. These prin-

[76] *Ibid.:* "Hoc enim pacto fere in omni opere suo peccaret justus, quae est haeresis Lutherana. Raro enim contingit, ut justus faciat id quod melius est."

[77] Banez, *in I-II,* q. 10, a. 9!: "Caeterum quod Cajetanus ait, minus bonum non persuaderi ab Spiritu Sancto, intelligendum est, quando iam homo affectus est prudenter ad mains bonum. At vero si nondum sic affectus est, non est necessarium, quod impulsus Spiritus Sancti semper sit ad optimum: imo potest contingere, ut aliquis ad maius bonum quod secundum se est maius bonum, instigetur a daemone, ut cum aliquis afficitur ad Episcopatus statum, qui perfectissimus status est, potest esse ab instinctu daemonis ob superbiam, iudicando se dignum esse tali statu."

[78] Banez, *in II-II,* q. 9!4, a. 6, l. c.: "Sed intelligitur, quod perfecti tenentur facere id quod melius est, sicut dicit D. Thos. quia perfecti obligantur ex lege interori, quae inclinando obligat. Haec enim est lex spiritus vitae, quatenus voluntas perfectorum secundum mensuram perfectionis ducitur spiritu Dei ad implendum id quod melius est."

ciples, in view of the rigorous proportion obtaining between intellect and will, call for a commensuration on the part of volition in the form of primary inclinations. Cajetan has written a beautiful page upon this matter/ [9] but for our purposes St. Thomas' axiomatic expression, that for every form there follows according to the conditions of that form a proportionate inclination, carries more than ample weight in confirming the point at issue.[80] These primary inclinations, therefore, form a volitional counterpart to the first principles of practical reason, thereby keeping the will in pace with the intellect, just as the inclinations of particular virtues do with respect to secondary principles of practical reason.[81]

Grace or the supernatural is built upon nature. Grace is a new nature, a participation of the divine nature superimposed upon rational nature according to a wondrous commensuration of part to part which begins at the essence of the soul and reverberates sweetly down through the rational faculties to the very periphery of the intellectual. Thus from grace derives supernatural faith along with its first principles and volitional counterpart consisting primarily in charity. In a proportionate degree come also the gifts, some corresponding to intellectual, others to volitional, virtues, but all growing along ·commensurately with grace and charity. They are as so many receptors most delicately adapted and attuned to the quickening impulses of the Holy Ghost whether of the illuminative or the inspirational type. Charity, hope, and the volitional or inspirational gifts may be looked upon as the inclinations springing from our new nature of grace with their counterpart residing proximately in the habitual light of faith and the illuminative gifts. At the culminating stages of Christian perfection these

•• Cf. Cajetan, *in 1-11,* q. 94, a. 1.

[80] *Summa Theol.,* I, q. 19, a. 1; q. *59,* a. 1; q. 80, a. 1.

[81] *Ibid.,* IT-II, q. 47, a. 6: "Unde necesse est quod fines moralium virtutum praeexistant in ratione. Sicut autem in ratione speculativa 'sunt quaedam ut naturaliter nota, quorum est intellectus; et quaedam quae per ilia innotescunt, scilicet conclusiones, quarum est scientia: ita in ratione practica praeexistunt quaedam ut principia naturaliter nota, et hujusmodi sunt fines virtutum moralium, quia finis se habet in operabilibus sicut principium in speculativis - - - - "

gifts assume a notable predominance over the wayfarer's life. This then is the interior law which St. Thomas referred to as binding after the manner of an inclination. , It is nothing more nor less than the law of charity accepted in its higher reaches or the law of finality elevated to the supernatural.

Of course the whole problem here is to determine the nature of its binding force. Is it a mere physical drive from on high which brooks no compromise or interference? St. Thomas would answer this by reminding us that grace does not violate nature but rather perfects it. Grace and the gifts of the Holy Ghost operate through the will and not independently of or in spite of it.[82]

As to the moral cast of this interior law which renders it especially applicable to the responsible side of intellectual nature, we may also put ourselves at ease. St. Thomas answered for the purely natural inclinations of rational nature when he affirmed that everything which is contrary to natural (rational) inclination is sinful. He adds almost in the same breath that there is implanted in each nature a natural inclination to realize a scale of activity commensurate with the caliber of its powers.[83] Over against this appetitive side of the law we may find a directive or intellective confrontation in the words of St. Thomas, that man, though not bound to will what God wills materially, yet is always bound to will what God wants him to will; and this will be made known to man *especially (praecipue)* by the precepts.[84] St. Thomas rounds out this qualification in another place where he remarks that

[82] *Ibid,,* I-II, q. 68, a. 3, ad 2: "... ratio ilia procedit de instrumento non est homo; sed sic agitlll" a Spiritu Sancto, quod etiam agit, inquantum est liberi arbitrii. , .. " Also, a. 4, ad 3: " , .. animus hominis non movetur a Spiritu Sancto, nisi ei secundum aliquem modum uniatur: sicut instrumentum non movetur ab artifice nisi per contactum, aut per aliquam unionem. Prima autem unio est per fidem, spem et caritatem,"

[83] *Ibid,,* II-II, q, 113, a, 1: '', . , omne illud quod contrariatur rei naturali inclinationi, est peccatum. , .. Inest autem unicuique rei naturalis inclinatio ad exequendum actionem commensuratum suae potentiae!'

[84] *Ibid.,* II-II, q, 104, a. 4, ad 3: " .. , etsi non teneatur semper homo velle quod Deus vult, semper tamen tenetur velle quod Deus vult eum velle. Et hoc homini praeceipue innotescit per praeceptum divinum."

God sometimes manifests His purposes by a revelation or even by an interior inspiration. [85] In any case and speaking for both aspects of the law, St. Thomas sums up the whole matter where he concedes that a venial sin is not contrary to the law as drawn up in external codification under the form of the precepts but insists that it is against an interior law, namely, the light of reason. [86] These statements of St. Thomas point directly to a law of finality as impressed upon rational nature under the form of primary principles and inclinations. The moral character of their urgency does not lend itself easily to the evasions which we examined above.

St. Thomas comes still more steadfastly to the point when it is a question of the supernatural aspect of this law. Commenting upon the Apostle's sublime words: "For the charity of Christ presseth us. . . ." [87] St. Thomas reminds us that the Apostle is urged by the charity of Christ to procure the salvation of his neighbor, because to urge means to stimulate. It is, therefore, as if the Apostle had said: charity is a sort of stimulus goading us on to the *performance* of those things to which it *commands* us! [88] Again he returns to the same text with the remark that charity as to its *moving cause has liberty,* since it *operates* of *itself.* For charity urges us spontaneously to action! [89] St. Paul *warns* us to follow the inclinations of

•• *Ibid.,* q. 89, a. 1, ad 3.

•• *II Sent.,* d. 42, q. 1, a. 4, ad 3. "'St. Paul, *II Cor.,* v, 14.

[88] *In II Cor.,* v, 14, lect. 3: "Primo ostendit se urgeri a caritate Christi ad procurandum salutem proximorum, . . . quia urgere est idem quod stimulare; quasi dicat: Caritas Christi quasi stimulus stimulat nos ad faciendum ea quae caritas imperat, ut scilicet procuremus salutem proximorum. . . ."

[89] *In Gal.,* v, 18-15, lect. 3: "Caritas ergo quantum ad causam moventem libertatem habet, quia a se operetur. Caritas Christi urget nos, spontanee, scil. ad operandum .... Consequenter cum dicit: Omnis lex, etc. exponit quae dicit, et prima de dilectione, secunda de libertate non danda occasione carnis, ibi: Spiritu ambulate, etc. Circa primum monet ad caritatem sectandam: Primo propter utilitatem quam consequimur in impletione; secundo propter damnum caritatis neglectae, quod incurrimus. Utilitas autem quam consequitur ex impletione caritatis maxima est, quia in ea implemus totam legem..... Consequenter cum dicit: Quod si invicem, etc., inducit ad caritatem sectandam ex damno quod incurrimus si earn negligamus. Ubi loquitur Galatis adhuc quasi spiritualibus, abstinens a commemoratione majorum vitiorum et eorum quae minora videntur mentionem facit, sc., de vitiis linguae. . . ."

charity, he explains, first of all, on account of the advantages derived from an execution of its urgings, which are very great, since we thereby fulfill the whole law; secondly, on account of the damages incurred by a neglect of charity. These damages, St. Thomas continues, in view of what the Apostle mentioned specifically and since his readers consisted of spiritual men (the perfect), would seem to be minor *(minora)* deordinations, that is, petty vices of the tongue such as the so-called *harmless* gossip or backbiting. Even these of themselves objectively are venial sins and so St. Thomas adhering thus rigorously to the text before him breaks off a train of thought which had all but unravelled the knotty problem of positive moral imperfections.

The way lies clear to his solution from the precise angle of approach with which we are concerned, in -spite of the fact that St. Thomas, on this occasion, did not pursue the exigencies of the law of perfection into the realm of the better good. This urgency of charity to which he most certainly ascribes a moral binding force is without doubt of an identical pattern and texture with the interior law or inclination mentioned above as binding the perfect to the better good.[90] Moreover, we need not, in fact must not, forget St. Thomas's comment upon this matter where it first presented itself in the Epistle to the Corinthians. There he said expressly that charity urges us to procure the salvation of our neighbor and the whole tenor of the commentary plainly indicates that it is concerned primarily with those phases of charity's ministrations which fall under the category of better goods.[91] If, therefore, he did not explicitly apply the law of perfection even to the better good in his commentary on the Epistle to the Galatians, who were

[90] *I Quodlib.,* a. 14, ad. !!. Pere Lemonnyer writing on this point has the following: " Cette inclination c'est celle de Ia charite meme et cette loi interieure qui oblige est une loi nature!. La Ioi chretienne pour St. Thomas ne s'exprime pas toute entiere dans les preceptes positifs, divins ou ecclesiastiques. Etant Ia loi d'une nature, qui est la grace sanctifiante et Ia charite, son premier organe, elle comporte, anterieurment a Ia loi positive, une loi naturelle, qui est l'ordre meme de cette nature a sa fin et qui s' intime a Ia raison chretienne sou forme de tendances ou d'inclinations issues de Ia charite" *(La Vie Humaine,* Appendix II, p. *552).*

[01] *In II Cor., loc. cit.*

considered to be well advanced in Christian perfection, it was simply because St. Thomas did not wish to push his inferences beyond what the verbal context of the Apostle demanded.

Where the nature of the discussion warrants a full disclosure of implications contained in his premises, St. Thomas has always acquitted himself with gallantry and indulgence. The point at issue here is no exception to the rule. While championing the cause of the religious life, he had occasion to quote an authority which places the religious state on a higher plane than that of the secular clergy. To press home the point St. Thomas observes quietly that no one is ever induced by the law of the Holy Spirit except to the better or more perfect good.[92] For a perfect complement to this assertion it is sufficient to glance at his commentary on the rather pointed text of St. Paul: "Extinguish not the spirit."[93] The Apostle here, according to St. Thomas, wishes to instruct the Thessalonians on the proper decorum to be observed towards the gifts of the Holy Ghost. As to His substance it is utterly impossible to extinguish the Holy Spirit, since He is a divine person and consequently incorruptible or eternal. One way of extinguishing the life and activity of the Holy Spirit in ourselves or others is by extinguishing our fervor for the good, that is, by impeding the motions and impulses of the Holy Ghost inducing us to the accomplishment of the good. Another way, he tells us (and the remark is significant), is by *committing mortal* sin.[94] The first way, then, insinuates that venial sin might be involved in a resistance of divine inspirations and the commentators have

[92] *Summa Theol.,* II-II, q. 184, a. 8, Sed Contra: " ... Sed non ducitur aliquis a lege Spiritus Sancti, quae ibi dicitur lex privata, nisi in aliquid perfectius."

[93] *Thessal.,* v, 19.

[94] *In Thessal.,* v, 19, lect. £: " ... intendit (Apostolus) quomodo se habent ad dona Dei. Et primo quod ea non impediunt; secundo quod ea non contemnant, ibi: ... Spiritus autem sanctus est persona divina incorruptibilis et aeterna, unde in sua substantia extingui non potest. Sed tamen dicitur quis extinguere spiritum, uno modo fervorem ejus extinguendo, vel in se vel in alio. Cum enim aliquis aliquid boni ex fervore Spiritus Sancti vult facere, vel etiam cum aliquis bonus motus surgit, et ipse impedit, extinguit Spiritum Sanctum. . . . Alio modo, mo:rtaliter peccando."

not failed to note this doctrine of the master.[95] It is exactly the same, however, as his succinct statement of the case in the *Quaestiones Quodlibetales* cited above.

There remains one point about the evidence adduced from St. Thomas which merits special emphasis. It is this fact, that St. Thomas is most certainly engaged with the concrete order when he affirms that the perfect are bound to the better good by an interior law or inclination. First of all, he was well aware of the distinction between the concrete and abstract better good, as we have already had occasion to observe in the preceding section. Secondly, he expressly and carefully makes this distinction in the article cited from the *Quaestiones Quodlibetales;* and the same care is manifest in other references where the distinction was opportune.[97] The most telling factor of all will be observed in his notion of an inclination.

The inclinations of a nature or power, accepted as they actually exist in concrete reality, never tend towards an abstraction. They tend towards a thing as it is in existential reality. This can be said even of the intellectual or cognitive faculties to some extent; but it is pre-eminently true of the appetitive faculties with which we are primarily concerned here. The will of this or that individual never desires abstractions as such; it seeks the concrete good as it exists in reality. The interior law, therefore, the inclinations of charity, the inspirations of the Holy Ghost of which St. Thomas spoke, since they accom-

•• Cf. Contenson, *Tkeol. Mentis et Cordis,* Lib. V, Disp. ii, c. 1, Specul. 8: " Per inspirationem etiam internam intelligimus sacras illas imissas cordi cogitationes quibus ad opera consilii, vel aemulanda charismata meliora permoventur. Nee enim probari potest eorum laxissima sententia quae affirmat, nihil peccare eos qui sacros inspirationum motus vel negligunt vel repellunt. Licet enim non teneamur, nee saepe debeamus omnes quae occurunt pias cogitationes sequi, quia probandi sunt spiritus si ex Deo sunt, nee omnia possunt omnes, si quis tamen eo rerum spiritualium fastidii, eo ergo salutem et profectum torporis deveniret, ut nullum sacris inspirationibus ad meliora exstimulantibus locum. . . . "

•• Cf. Cajetan, *in 11-ll,* q. 10, a. 2, ad S.

[01] *I Quodlib.,* a. 14: " . . . aliqua duo possunt compa.rari ad mviCem et simpliciter et secundum aliquem casum. Nihil enim prohibet, id quod est melius simpliciter, in aliquo casu esse minus eligendum; sicut philosophari est 11impliciter melius quam dita.ri; sed in tempore necessitatis dita.ri est magis eligendum."

modate themselves to the nature of the will through which they operate, must all bear upon the better good concretely considered. This, then, is the true sense in which his law of perfection must be accepted.

Another important aspect about the interior law or inclination of which St. Thomas was speaking is its immediate point of residence or subjection. He was not thinking of inclinations in the sense of a nude faculty such as the will considered in general (*ut universale in praedicando)* and as tending towards good in general or in the abstract. He treated the will under this aspect in the *Prima Pars.*[98] Neither was he thinking of the first natural movement of the will towards the ultimate end formally and objectively considered. If this were the type of inclination he had in mind, then Fonk's interpretation would have to be accepted as the only valid one. For such an inclination would certainly approximate the inexorable drive common to irresponsible creatures. But St. Thomas in all of the references brought forward is preoccupied with the inclinations of the virtues, charity, and the gifts of the Holy Ghost. And this is a capital phase of his interior law which Fonk, and perhaps Banez, has overlooked. Virtues of their very nature bespeak inclinations which we are free, from a purely psychological standpoint, to follow or not follow as we please.[99] Their use involves choice or rational confrontation which in turn demands a moral stand to be taken in their regard. On this moral plane we may still repudiate their promptings at will, but not with impunity. We may even use them evilly from the objective aspect of material perverted to evil purposes; we can never use them evilly as subjective principles of evil election, for they can never contradict their nature by inclining us to eviL Moreover, when telescoped through the precisioned lens of prudence to their ultimate refinement, they will incline only to the concrete better good. Hence St. Thomas's interior law binding after the manner of an inclination will not rest content with mere directive urgency;

•• *Summa Theol.,* I, q. 80, 82. •• *In Ill Eth.,* Lect. 11.

it must be conceded the truly moral or imperative binding force which it was undoubtedly intended to have.

A text from his commentary on the *Sentences* may be introduced here as an adequate summary of St. Thomas's position on the law of perfection in its bearing upon the positive moral imperfection. This commentary represents the first fruits of the Angelic Doctor's pen in the field of theology. Hence the text in question reveals a stand taken in early life as a theologian which would never be abandoned. The text runs as follows:

> Some say it is lawful for the *imperfect, but not for the perfect,* to reclaim through legal procedure their own property even where scandal is involved. But this answer does not hold, for if by the perfect are meant those only who have assumed the external state of perfection, then the same decision should hold for them as for others, except with regard to property which they are obliged by vow to relinquish. Hence a monk in the name of his chapter can establish claim through legal pressure over temporal possessions by the same right as a secular can in his own proper name. If, however, they should be speaking of the perfect who are so named by reason of interior perfection of charity then that very perfection of charity itself induces these to an observance of the counsels, not that they are bound to them in such a way as to be guilty of sin merely for not performing them; but a to do so would be *prejudicial* to their degree of perfection.[100]

This prejudice to the perfection of charity should not be glossed over without due notice. When deliberately placed in opposition to the instinct or impulse of the virtues it involves a slight degree of culpability, at least before the lofty balances of the law of perfection. ·St. Thomas, for instance, speaking of

[100] *In IV Sent.,* d. 38, a. 4, ad 3: "Quidam tamen dicunt quod imperfectis licet injudicio repetere sua cum scandalo, non autem perfectis. Sed hoc est nihil; quia si loquantur de perfectis quantum ad statum perfectionis, idem est judicium de eis et de aliis, nisi quatenus ex voto obligantur ad non habendum proprium; unde monachus in judicio eodem jure potest petere res temporales nomine capituli, sicut saecularis nomine sui. Si autem loquantur de perfectis secundum statum caritatis, sic ipsa perfectio caritatis inducit eos ad servandum consilia non quod ea facere tenentur; nee peccarent, si non facerent, sed in hoc perfectioni eorum aliquid praejudicium fieret."

the ceremonial precepts of the Old Law, said that their observance also would do some prejudice to the truth of faith now that the new dispensation has been promulgated. [101] There is not the slightest doubt as to his meaning; the only thing prejudicial to virtue in the strictly moral sense is sin.

The law of perfection, therefore, binds all Christians, the secular as well as the religious, to strive after perfection, even the perfection of paradise which falls under the extrinsic mode of the great precept of charity. Such unbroken unity of love can never be realized perfectly here in this vale of tears. But every wayfarer can and must fulfill even this extrinsic mode at least imperfectly by bringing as much of his activity and effort under the unifying regency of charity as his moral capacity win allow. Even the perfect will falter occasionally on the journey. They will not sin, that is, mortally by a deliberate refusal of the concrete better good or by a wilfull rejection of divine inspiration. But they are culpably delayed on their pilgrimage by these so-called imperfections and thereby offer a shattered continuity of love at the celestial portals of love eternal. The only explanation for this will be found in the exigencies of the law of perfection or of finality elevated to a supernatural plane.

IV. CoNcLUSION

In conclusion, therefore, it seems necessary to admit that St. Thomas and the Thomists engaged and solved the problem of positive moral imperfections from the angle of the better good. The general principles and particular statements of St. Thomas, when dispassionately and impartially examined, point to one and the same answer. That answer discredits and denies the existence or possibility of such an anomaly as a positive moral imperfection free of aU moral culpability. His disciples from the earliest down to the time of Passerini and Billuart have all, but for a single exception, accepted this conclusion as the only position to be logically sustained.

[101] *Summa Theol.,* I-IT, q. 104, a. 3: " . . . Ideo ipsa observatio eorum p:raejudicat fidei veritati . . . "

The exception alluded to is the thesis of the Salmanticenses. The roots of dissension within the Thomistic school seem to have stemmed from the theory attributed to Scotus that a mortal sin is essentially constituted by its opposition to the precepts and a venial sin by opposition to the counsels.[102] At least, these are the grounds on which the Salmanticenses attack Scotus and claim justification for introducing their thesis. The Salmanticenses, however, only surmise that Scotus wishes a venial sin to consist essentially in its relationship to the counsels so that every omission or refusal of the counsels from every point of view would constitute a venial sin. That seems undoubtedly to be the point of departure for their thesis first proposed by Fr. Dominic of St. Theresa in the tract *De Vitiis et Peccatis* and later subscribed to by his successors throughout the monumental work, *CurSWJ Theologicus.*

Their point of departure might very well, for all its likely appearances, be questioned or even challenged as fanciful and arbitrary. Passerini was well aware of the passage which drew so much criticism upon Scotus. Yet he very judiciously remarks that Scotus in the reference concerned had never said expressly that it would always be a venial sin to act contrary to the counsels.[103]

Cajetan is invoked by the Salmanticenses and their contemporaries generally as the champion of Thomism against the objectionable theory of Scotus. It is true that the great cardinal on one occasion notes with a show of vigorous animosity that it is absolutely false to say that a person commits a sin merely by acting contrary to the counsels.[104] Cajetan said no

[102] Cf. Scotus, *Comm. in II Se:nt.,* d. 21, q. 1.

[103] Cf. Passerini, *DB Hominum Statibus et Officiis,* II-II, q. 184, a. 3, n. 37: "Sed neque Scotus asseruit, quod non servare consilia sit semper peccatum veniale."

If Scotus were pressed on this point he might very well have answered with the subtilty of his *Comm. in II Se:nt.,* d. 41, that there can exist in concrete reality an indifferent human act, so that granting the assumption that a refusal of the counsels would always constitute a venial sin objectively considered, still it need not always be a venial sin for the individual. This is precisely the answer which Elbel *(Theol. Mar.,* I, Conf. 3, n. 86), a disciple of Scotus, gave at a later date.

[104] Cf. Cajetan, *in 1-Il,* q. 72, a. *5;* nn. lll-IV.

more on this point except to remind his readers in this same commentary that he is not concerned with the circumstantial morality of actions. The Salmanticenses and others who have been so quick to take refuge under Cajetan's authority fail to notice the precise angle from which his discussion proceeds.

As a matter of fact Cajetan, Capreolus, Conradus, and the ancient Thomists generally take Scotus to task, not so much for his opinions on precepts or counsels, but rather for his teaching concerning the specification of actions in general. Scotus falsely contends that mortal and venial sins are two species of sin in the proper acceptation of the term, rather than being mere genera of sin only theologically distinct by reason of their effects. This was the point of dissension between Scotus and the ancient Thomists and not the problem of precepts and counsels. These Thomists knew of another passage in which Scotus expressly affirms that the counsels do not oblige under pain of sin.[105] Conradus cites this :reference[106] and Cajetan avowed by personal letter to Conradus that he had read the entire commentary.[107] Hence it is not permissible to assume that either of these Thomists was ignorant of the true opinion of Scotus. If the Salmanticenses had known of this same reference in Scotus, prehaps they would have been more circumspect in their choice of an occasion to propose their thesis on moral imperfections. Just what influence this misunderstanding of Scotus exerted upon their defense of the doctrine of moral imperfections cannot be easily gauged, but certainly it is not altogether negligible.

At any rate, one thing is fairly certain. It is this: the Salmanticenses in defending the positive moral imperfection have parted company with the major Thomists on a question not merely of terminology but of doctrine as well.[108] The term

[105] Cf. Scotus, *in IV Sent.*, d. 8.

[106] Cf. Conradus, *in I-II,* q. 108, a. 4.

[107] Cf. Conradus, *in 1-11,* a letter to the author by Cajetan, Master General of the Dominicans, Preface to Venice Edition, 1589.

[108] For all of that the influence of the Salmanticenses can be easily detected in the writings of modern Thomists such as Garrigou-Lagrange *(L'Amour de Dieu et La Croix de le11U8,* Tome I, pp. 360-389, Editions du Cerf, and *Perfectitm Chretienne*

imperfection, whenever employed by the great Commentators, the Salmanticenses alone excepted, invariably means either a material defect lying outside the zone of formal morality or an outright sin.[109]

The most inescapable fact of all remains to be seen. It is the sharp conflict that undoubtedly exists between the Salmanticenses and St. Thomas himself. Perhaps there is no better way of illustrating this radical difference than by pairing off their respective statements in a comparative chart. Their similarity of expression and uncompromising divergency of sense becomes fairly appalling when St. Thomas' definitions of venial sin are set over against the Salmanticenses' definitions of a positive moral imperfection.

I

1. The Salmanticenses, carefully guarding the Thomistic position on the impossibility of moral indifference in the concrete and at the same time insisting upon the moral soundness of the positive moral imperfection, make the following statement concerning its morality: "It is not ordinarily praised; nor yet is it blamed as something culpable " *(Non tamen communiter laudatur. . . . Neque enim vituperatur ut aliquid culpabile)* .[110]

fl. St. Thomas on the other hand laid down the following as a general principle: ". . . good and evil in voluntary actions

et Contemplation., Tome II, pp. 527-585, Editions de la Vie Spirituelle); also Timothee Richard *(Etudes de Theologie Morale,* I, Le Plus Parfait, pp. 11-176, Desclee de Brouwer et Cie) . Their discussions of the problem suffer the same perplexities generally noted in our manuals. Such Thomists as Prummer *(Theol. Mor.,* I, n. 181; III, n. 824) and Pegues *(Comm. in I-II,* q. 88, a. 11) reveal more circumspection in their treatment of the problem.

[10]° Cf. Sylvius, *in II-II,* q. 184, a. 2.

" Contenson, *Theol. Mentis et Cordis,* Lib. 6, Dissert. 2, c. 2, s. 8.

" John of St. Thomas, *De Ultimo Fine,* q. 1, a. 1, n. 89.

" Banez, *in II-II,* q. 26, a. 8, ad. tertium dub.

" Medina, *in I-II,* q. 20, a. 6.

" Cajetan, *ad Primum Quaesitum,* Leon. Edit., Tome X, p. *556.*

[110] Salmanticenses, *Cursua Theol.,* De Vitiis et Peccatis, Disp. 19, dub. 1, n. 8 (Parisiis 1877) .

alone constitutes the reason for praise or blame " (... *bonum et malum in solis actibus voluntariis constituit rationem laudis vel culpae)* . [111]

II

I. The Salmanticenses, by way of definition refer to the positive moral imperfection as,"' ... a certain moral indecency . . . . although not a strict violation of the law, nevertheless a repudiation of a kind of debt of fittingness whereby we are obliged in moral decency according to the exigencies of friendship and gratitude" (... *quaedam moralis indecentia ... licet nulla rigorosa lex violetur, praetermittitur tamen debitum aliquod decentiae . . . obligamur debito condecentiae moralis juxta leges amicitiae et gratitudinis* ...) .[112]

2. On the other hand, St. Thomas employs practically the same terminology to describe venial sin when, for instance, he says, "in sinning venially a man suffers some sort of diminution and impediment by reason of the indecency attaching to such an action " (... *in peccato veniali patitur homo minorationem et impedimentum per quandam indecentiam actus)* .[113] Speaking of friendship he says: " It does unto another what is fitting to do" (... *ut scilicet faciat alteri quod decet eum facere)* .[114] Or again concerning liberality: " It regards a certain moral debt out of decency " *(Liberalitas attendit debitum quoddam morale ... ex quadam ipsius decentia,* ...) .[115] Certainly St. Thomas wishes these virtues to bind us in sin.

HI

l. Again the Salmanticenses striving to justify their position are willing to admit that, " many actions, although morally good, retard us in the way of spiritual progress " (. . . *ut multi actus etiam alias bani a spirituali progressu retardent* ...) .[116]

[111] *Summa Theol.,* I-II, q. 21, a. 2.
[112] Salmant., *op. cit.,* De Incarnatione, Disp. *25,* dub. *5,* n. 69 (Parisiis 1883).
[113] *Q. D. de Malo,* q. 7, a. Il.
[114] *Summa Theol.,* II-II, q. 114, a. 2.
[115] *Ibid.,* q. ll7, a. *5,* ad 1.
[110] Salmant., *op. cit.,* De Vitiis et Peccatis, Disp. 19, dub. l, n. 9.

2.. In contrast to this St. Thomas has the following to say: " By venial sin, however, the affection of man is retarded so as to prevent it from being promptly centered upon God; ... this very impact to spiritual progress is some sort of sin inasmuch as it is a certain restraint to our advance towards God " (. . . . *per peccatum autem veniale retardatur affectus hominis ne prompte in Deum feratur . . . ipsa impactio spiritualis quoddam peccatum est, inquantum est quaedam re.tardatio in via Dei)* .[117]

IV

I. The Salmanticenses are also forced to such laborious expressions as the following: " Imperfection can be considered in three ways: First, negatively .... Secondly, as a privation . . . . Thirdly, not altogether negatively, nor yet as a rigorous privation, but in a middle sense, that is, as privation after a fashion and in a certain way " (... *potest namque imperfectio tripliciter sumi*. ... *Tertia modo, nee omnino negative, noo rigorose privative, sed medio modo, id est, privative secundum quid et quoddammodo)* .[118] A classic evasion indeed, but unworthy of theologians who otherwise have done so much to clarify theological difficulties.

2. St. Thomas simply remarks on the relationship of perfection and imperfection that, " since perfection and imperfection are opposed to each other, it is impossible for one and the same thing from precisely the same aspect to be ·perfect and imperfect at the same time " *(Et quia perfectum et imperfectum opponuntur, impossibile est quod simulsecundum idem sit perfectio et imperfectio)* .[119] Or again, " Sin is imperfect on account of the moral imperfection involved in its deordination, but froin the physical side of the act it can have natural perfection " (. . . *peccatum est impetrfectum imperfectione morali ex parte inordinationis: sed ex parte actus potest habere perfectionem naturae* ...) .[120] On another occasion he had said:

[11]" *Summa Theol.*, III, 87, a. 1; *Comm. in IV Sent.*, d. 88, q. 2, a. 2, ad 8.
[118] Salmant., *op. cit.*, De Incarnatione, Disp. 25, dub. *5*, nn. 66-70.
[119] *Summa Theol.*, I-II, q. 67, a. 8.
[120] *Ibid.*, q. 75, a. 4, ad 2.

" To sin is to fall short of a perfect act " *(peccare est deficere a perfecta actione)* .[121]

St. Thomas and the Thomists, therefore, with the exception of Passerini and the Salmanticenses, never concerned themselves directly with a discussion of the problem of positive moral imperfections from the precise angle of imperfection. From the viewpoint of the better good, however, as related to the law of finality and of Christian perfection, the problem was attacked and solved by them. St. Thomas and the great Commentators, with the sole exception of the Salmanticenses, have answered that the positive moral imperfection which so strangely and insistently haunts the pages of our modern manuals of moral theology is nothing but a venial sin.

J. C. OSBOURN, O. P.

Dominican House of Studies,
Washington, D. C.

[121] *Ibid.,* I, q. a. 3, ad

THE THEORY OF DEMOCRACY

PART IV

THE PRINCIPLES OF JUSTICE: CONSTITUTIONALITY

(Continued)

IN THE preceding sections of Part IV, we defined the principle of constitutionality in government and thereby expounded the essential distinction between Royal and Political regimes or, what is the same, between the absolute (non-constitutional) and the limited (constitutional) government of a civil community. This, moreover, we showed to be a distinction between two *just* forms of government. Absolute civil government need not be always and necessarily unjust, i.e., it may not be *despotism* in the sense of that word which signifies the unjust subjection of men to absolute rule; nor need it be tyranny, for absolute governmental power may be benevolently exercised for the common good. Furthermore, even when absolute power is despotic, it need not be tyrannical; it can still be quasi-benevolent. This last point indicates an essential part of our argument which must be reiterated here, namely, that despotism and tyranny are quite distinct elements of injustice, the one consisting in an unjust subjection of men who should be ruled as equals, not as inferiors; the other consisting in an unjust enslavement of men who should be served as ends, not used as means. The fact that these two elements of injustice are separable and cumulatively combinable-the fact that there can be simple tyranny, benevolent despotism, and despotic tyranny *or* tyrannical despotism-makes it impossible to deny another fact: that there are distinct elements of justice which, as separable and cumulatively combinable, place the Royal and the Political regime in a moral hierarchy, the one intrinsically less just than the other, even as despotic tyranny is more unjust than benevolent despotism.

To demonstrate the proposition that, absolutely speakhg, the Political regime is more just than the Royal is prerequisite to the demonstration that, within the sphere of constitutional government, the Democratic form is, absolutely speaking, more just than the Republican. Only thus can we establish the proposition which is to be proved-that Democracy is, on moral grounds, the best form of government. As we have already indicated, the analysis of the essential distinction between Republican and Democratic government, and the demonstration of the latter's superiority in justice, will be undertaken in Part V to foHow."[384] But we have not yet completed the demonstration that constitutional government is more just than an absolute regime. We have only taken the first step in that direction, by showing that each is just *relative to* certain circumstances.385 What remains to be shown, from the very nature of these circumstances, is that the Political is *absolutely* more just than the Royal regime.[386] The :relative justification of diverse :regimes according to diversity of circumstances arises from the fact that civil justice and injustice have their foundation in conditions of equality and inequality among men associated together in the communal life of a state. As radical inequality in power justifies the mastery of natural slaves, so radical inequality in habit justifies an absolute or Royal regime over subjects, whereas radical equality in habit demands, in justice, Constitutional government exercised by office-holders over actively participating citizens."[387]

••• Vd. Part IV, Section 1, *supra,* in THE THOMIST, IV, 3, pp. 454-61.

••• Vd. Part IV, Section 3, *supra, lac. cit.*

[386] That second step will be accomplished in Section 6 *infra.*

[387] We shall not argue here whether there are any facts to justify natural slavery. That will be done in Part V to follow. Here it is sufficient to proceed hypothetically, by determining the facts which must be *supposed* if natural slavery is to be justified, namely, that defect in power which prevents a man from achieving *all* the virtues and, through them, the natural happiness which is the specific end of man, the end commensurate with his nature and proportionate to the acquired virtues as means. Because of such defect, and the consequent inferiority of the good which such a man can achieve, it is supposed that he can be justly used as a means to the end of his natural master who can attain the higher good of specifically human happiness. The mastery of a slave is, therefore, supposed to be neither despotic nor tyrannical (in

Before we can proceed to the second step of the demonstration (i.e., proving the *absolute* superiority in justice of constitutional government), it is necessary to defend against objection what we have so far proved. An exponent of what has come to be regarded as the " traditional position "-namely, that all good types of government are equally just-will certainly be impelled to deny that absolute government is ever justified by any *civil* circumstances. He may be willing to admit that the parental regime in the domestic. community is

the bad senses of these words) even though it is an absolute rule for the good of the ruler rather than for the good of the ruled.

For a fuller discussion of inequality in essence, power, and habit, vd. fn. 309 in Section 2 *supra.* It is necessary to distinguish inequality in habit that is due to inequality in power (ability to acquire virtue) from inequality in habit that is due only to immaturity-the immaturity of a child or an uncivilized populace. The latter inequality is capable of being altered by developmental influences-the factors of growth, education, cultivation-the term of such development being, of course, a radical equality in habit between those who were *previously* related as mature and immature (i. e., differing by the possession or lack of the virtues or habits constituting maturity). Before such developmental alteration is effected, whether in the lifetime of an individual or in the course of many generations, such radical inequality in habit justifies an absolute regime-the parental government of children, the royal government of subjects-but it does not and cannot justify mastery, because the ruled in this instance, being radically equal in power with the ruler, are ultimately able to attain the same specific end. Therefore, they cannot be used as means, but must be served as ends, i. e., ruled for their own good with an eye especially upon their development to maturity. The condition which justifies Royal government is, therefore, radical inequality in habit (accompanied by radical equality in power) between ruler and ruled. The existence of such historic circumstances in primitive communities and among uncivilized peoples has already been discussed. The question of fact here is extremely difficult. Vd. Section 3 *supra, lac. cit.,* pp.

The situation which demands, *in justice,* constitutional government, is one in which rulers and ruled are radically equal in habit, differing only in the intensity with which they possess the same habits. Under these circumstances, justice requires that rulers and ruled have equality of status (citizenship) and that rulers have ouly the functional superiority of office-holders. Equality of status gives tbe ruled some measure of self-government, i. e., some juridical power and some functional responsibility for active participation in government. Thus we saw how the difference between radical inequality and radical equality in habit accounts for the difference between absolute government with no juridical power in the ruled and limited government with the ruled granted such power (which is related to the supremacy of Men vs. the supremacy of Law), as well as defines the circumstances which respectively justify the Royal and the Political regime. Vd. Section 2 *supra, lac. cit.,* pp. 472 ff.

absolute government and justifiably so, but he must deny that the civil community provides any genuine analogue to justify what we have defined as a purely Royal regime, in every way as absolute as parental government. The reason why he must deny this should be clear. If he were to admit that there are civil circumstance's relative to which a Royal regime is just, in sharp contrast to other civil circumstances which demand, in justice, a Political regime, he could not prevent us from showing, as we shall, *that these relative justifications necessarily imply the absolute superiority of the Political regime.* Hence to oppose a conclusion which so plainly contradicts the " traditional position," the exponent of that position must deny that we have validated the first step of our proof. He must stop us right here, or fail utterly to stop us from reaching our conclusion. To stop us, he must deny the *relative* justification of absolute government; he must deny that diversities in civil circumstances, such as those we have indicated, have any bearing on the *justi.ce* of different types of government, insisting rather that they only make one type more or less *expedient* than another as relative to these conditions. [888]

But how can he do that? As we have already indicated, it is possible to question what both Aristotle and John Stuart Mill allege to be historic fact-namely, the existence of communities in which a large part of the population, (i.e., free men, not natural slaves) are still unprepared for active par-

[388] For a formulation of the " traditional position," as represented in a contemporary statement by Father Wilfrid Parsons, vd. Section 1 *supra, Zoe. eit.,* pp. 449-540. Father Parsons, like most other exponents of his view, nowhere takes cognizance of the analysis of regimes which is presented in Section 2, either neglecting the Aristotelian distinction between Royal and Political, or failing to understand its profound bearing on the problem of classifying forms of government; in consequence, he nowhere considers the problem of the relative justification of the Royal regime, or the supposition of historic facts (about the progressive development of civil life) which are relevant thereto. Therefore, the arguments which we shall now face have not been advanced by Father Parsons against us. We are advancing them against ourselves, because we think they are the sort of arguments which would---· or should-be raised by an exponent of the " traditional position " in order to prevent us from refuting that position by the line of reasoning and evidence we have so far adduced as leading inevitably to our ultimate conclusion.

ticipation in government and in which a few men, or even one man, have the capacity to govern the rest for the common good.[389] If the historic facts are not as alleged, then the absolute governments which have existed in the course of history have been always and everywhere despotic. The distinction between relatively just absolute government (i. e., a Royal regime) and despotism would then remain true only as a point in theory, resting on an hypothesis about differences in civil circumstances which history fails to verify. Those who would deny the existence of historic communities in which absolute government is relatively justified do not deny the hypothesis in terms of which the distinction is made between just Royal government and a Constitutional regime. Their position rests entirely upon matters of fact, not upon theoretical principles. Because of this, their position-and also its opposite-cannot be demonstrated philosophically. It must be entertained tentatively, with due regard for the uncertainties of historical evidence. Moreover, the theoretical principles not being denied, those who merely challenge the historical aspect of the account we have given agree with us that one of two alternative formulations must be true: either (1) the facts being as we suppose them, Royal government is not only relatively justified by certain circumstances, but is also absolutely less just than Constitutional government; or (2) the facts being otherwise, nothing less than Constitutional government has ever been just. This second alternative will lead to the more radical conclusion that nothing less than the Democratic form of Constitutional government has ever-in *fact-been* just.

This, however, is not the way in which the exponent of the " traditional position" challenges us. He does not rest his case upon an interpretation of historical evidences. He argues against us in terms of principles, denying our hypothesis that absolute government would be justified relative to the sort of civil circumstances we suppose to have existed. He denies, in short, both of the alternative formulations just presented,

[388] Vd. Section 3 *supa, loc. cit.,* pp. 520-2.

insisting that it is not a question of fact at all, but an issue in political theory. He insists that anyone who rightly understands political principles knows, quite apart from the facts of history, that absolute civil government is intrinsically despotic or unjust. That is precisely what Father Parsons and others seem to say when they hold that *all* good governments involve popular sovereignty and representation, for these are essential notes in the principle of constitutionality-elements usually thought to be excluded from absolute government. [390]

Such an objector must try to face us with a hard and fast dilemma: *either* what we have regarded as just absolute governments involve popular sovereignty; *or,* excluding it, they are unjust and despotic, regardless of the civil circumstances relative to which the particular government is being judged. If we accept this dilemma, we are impaled equally on either of its horns: for in so far as popular sovereignty is convertible with constitutional government, the first alternative requires us to embrace what is for us a self-contradictory notion, namely, *absolute constitutional government;* and the second alternative requires us to affirm what is for us a false proposition, namely, that *only constitutional government is just in principle.* We must, therefore, reject the dilemma itself. To do this we must

[390] What I expect to show in this paper is that St. Thomas embraces, in his general notion of good government, as common to all particular forms, the three ideas of a rule that is for the common good, is representative of the people, and is derived for the ruler immediately from the community itself. This threefold idea I call popular sovereignty " (Parsons, " St. Thomas Aquinas and Popular Sovereignty " in *Thought,* XVI, *6Q:* p. 474). Though Father Parsons' notion of " popular sovereignty " is not strictly equivalent to the more precisely definable principle of constitutionality, it seems, nevertheless, to be related to that principle in such a way that only constitutional government would embody what he means by " popular sovereignty." Hence only a Political regime or Constitutional government would be just, and absolute government or a Royal regime would be unjust because, rejecting popular sovereignty, it does not conform to " the general notion of good government" that Father Parsons attributes to St. Thomas. Whether or not the attribution is correct is not here :relevant. Father Parsons is stating what has long been supposed to be the " traditional position" even if St. Thomas did not hold it. And even if he did, the " traditional position " is no less false, though we are obligated to explain how St. Thomas came to hold it.

argue either (I) that popular sovereignty is not an indispensable element of good government, as is rule for the common good, or (2) that there is some generic (or perhaps analogical) sense in which" popular sovereignty" can be attributed to both absolute and limited government, to both the Royal and the Political regime. On the first of these alternatives, absolute government, *without popUlar sovereignty,* can be just; on the second, the existence, *in some sense,* of popular sovereignty does not make absolute government also constitutional, and thus we avoid the apparent contradiction of a regime *both* Royal *and* Political.

This last point elicits another challenge from our objector. He can tell us, quite properly and accurately, that St. Thomas, John of Paris, Sir John Fortescue, and many other mediaeval or early modern writers explicitly embraced the notion of Royal *and* Political government, and obviously found no contradiction therein. The contradiction we find may, therefore, be of our own making, a result of analytical error on our part. If we did not insist that a Royal regime was non-constitutional, excluding popular sovereignty, we would not suppose that Royal and Political were contrary. Instead we would understand" Royal and Political " to signify a mixed regime, essentially constitutional government involving an admixture of monarchical and representative principles; in contrast, purely Royal government would be an unmixed constitutional regime, which might also be called " absolute " as opposed to " limited " monarchy; but, because it involved popular sovereignty, even absolute monarchy would be limited or constitutional as opposed to absolute or despotic government. If we were to accept this interpretation of the phrase " Royal and Political " we would be yielding to the objector; for we would be admitting that all good government is constitutional; that the distinction between absolute and limited monarchy is not a differentiation of essentially distinct regimes, one non-constitutional and the other constitutional, but merely a distinction between a pure and a mixed mode of constitutional government; and hence that truly absolute or non-constitutional government is always and every-

where a despotic regime in a civil community, because it excludes popular sovereignty.

The crux of the matter seems to lie in the notion of popular sovereignty-the principle of the derivation of governmental authority from the community to the ruler. Our answer here follows the line we indicated before. We shall try to show that *in one sense* the phrase " popular sovereignty " does not name an element *common* to all good governments, and hence is not convertible with justice; and that *in another sense* the phrase names something *analogously common* to both the Royal and the Political regime, and hence is not convertible with constitutionality. Thus we shall show that absolute governments can be just even though they do not involve that element of popular sovereignty which is peculiar to constitutional regimes. We shall also explain why purely Royal is not distinguished from Royal *and* Political government as a pure from a mixed mode of constitutional government, but rather as an absolute regime from a defective, and somewhat anomalous, type of constitutional government.

The two points which have been raised against us (one, the dilemma concerning popular sovereignty; the other, the problem of avoiding the apparent contradiction in " Royal *and* Political") are not, strictly speaking, refutations of ou:r argument so far. They do not challenge any of the historic facts we have offered in evidence, nor do they really deny any of the theoretical principles in terms of which we have made an essential distinction between two civil regimes. They are objections of the sort which raise difficulties that remain to be overcome, rather than claim to refute what has already been said. Both of these difficulties, furthermore, stem from tenets in the political doctrine of St. Thomas-from his apparent insistence upon popular sovereignty in his general theory of the authority of rulers, and from his conception of " Royal and Political " government in accordance with his general theory of mixed regimes. This fact is highly significant in that it indicates how the divergence of the "' traditional position " from the Aristotelian analysis originates in an interpretation of St. Thomas's

thought. Whether this is a misinterpretation or whether there is really a discrepancy between Thomistic and Aristotelian doctrine remains to be seen. In any case, the objector has challenged us to re-examine our argument so far in the light of Thomistic texts which raise difficulties, and by reference to those facts of mediaeval political experience which, undreamed of by Aristotle, nevertheless dominated St. Thomas's thought. [391]

To meet these difficulties, we shall proceed as follows. In Section 4 immediately following we shall first analyze the notions of sovereignty and authority in relation to the distinction between absolute and constitutional government, and then examine the anomalous character of a government both Royal *and* Political in terms of its historic origins and its historic consequences. This will lead us, in Section *5,* to a consideration of the *modes* which *accidentally* subdivide the two *essentially* distinct *forms* of government, and in this connection we shall deal with the so-called" mixed regime." Finally, in Section 6, we shall return to the central issue and demonstrate the absolute superiority in justice of Constitutional over Royal government. [392]

[391] Let us repeat again that we regard the issue as one concerning the truth or falsity of a political theory, and not as a defense of Aristotle against St. Thomas or an apology for St. Thomas. Vd. fn. 890 *supa.* If the difficulties mentioned are surmountable, the theory we are advancing may be true, even though Aristotle himself did not face these difficulties and even though St. Thomas may not have transcended the political experience peculiar to his epoch, at least not sufficiently to achieve a fully adequate solution of the central problem in political philosophy-the forms of government. It is. the "traditional position" of post-Thomistic Scholastic teaching that we reject as false, and though there are many passages, in Aristotle as well as in St. Thomas, which *suggest* this false position and thus give color to its being called " traditional," we insist that when their fundamental, and too often implicit, principles are understood and employed to guide an interpretation of these " suggestive " passages, it will be found that the traditional position is a misinterpretation of their thought. That is certainly so in the case of Aristotle; unfortunately it is less obviously so in the case of St. Thomas.

••• This order of topics conforms to the outline of Part IV, given in Section I *supa, lac. cit.,* pp. 460-61.

EDITOR's NoTE: The remainder of Part IV is too long for publication in a single issue. Only Section 4 of Part IV appears in this issue, Sections 5 and 6 to be published subsequently·.

4. Let us begin by considering the notions of authority and sovereignty in relation to government, apart from all distinctions among forms of government. And let us recognize at once that the two notions we are investigating are imprecise. That is certainly true of "sovereignty," which had almost no significance in Greek political thought, became a crucial term in modern theory, and cannot be used unambiguously when one passes from feudal institutions to modern nationalism. Though less ambiguous, the word " authority " also has a range of meanings and involves notes which require systematic clarification. The method of clarification we shall employ is the obvious one of reducing these two notions to other concepts which have analytical priority and precision.

The basic concept is, of course, that of government. In so far as either " authority " or " sovereignty " has any significance for political theory, it is rooted in the *need* for government. Because of the very nature of man, government is an indispensable means to the common good (the *bonum communitatis),* as that, in turn, is an indispensable means to his natural happiness. [393] A multitude of men cannot live together

••• " If, therefore, it is natural for man to live in the society of many, it is necessary that there exist among men some means by which the group may be governed. For where there are many men together, and each one is looking after his own interest, the group would be broken up and scattered unless there were someone to take care of what appertains to the commonweal. . . . Consequently, there must exist something which impels towards the common good of the many, over and above that which impels toward the private good of each individual. Wherefore, also, in all things that are ordained to a single end, there is something to be found which rules the rest. . . . Therefore, in every group there must be some governing power" *(De Reg. Prine.,* I, 1). Cf. *Summa Theologica,* I, 96, 4.

It is not merely the fact that the many must _\Ie directed to a single end which necessitates government. There is the additional fact that the decisions to be made concern contingent matters, about which even prudent men can differ. Hence it is necessary that there be some settled way of reaching such decisions, so that they will be binding on all even though they would not have been made in the same way by all. The decision may be reached by a majority vote of all concerned, or it may be reached by the prudential determination of one or a few who are entrusted with the government of the rest. The essential point is not altered by such differences in modes of government. Government is necessitated by these two facts: (l) that many are working together for a common end, and there being several ways of moving toward the in the contingent circumstances of civil life, some principle

in peace and order without some distinction between rulers and ruled in a civil community. It must be noted at once that though the distinction between rulers and ruled will usually involve a distinction in persons, it need not. All that is required to ensure the concerted action of a multitude for a goo<;! common to them all is that all be bound by the decision which selects this rather than that course of action where, so far as prudence can determine, either is a contingent means to the end. The members of the community may have agreed among themselves to abide by the decision of their own majority, or they may have agreed to accept the decision made by one or some of their number to whom has been given the function of making such decisions, or they may willingly accept the decision of a man whom they recognize as having the prudence (which they lack) for making such decisions. In all cases, there is government because there is a principle by which a multitude can be directed to a single end, despite the fact that there are various means for reaching it, about which disagreement is possible among prudent men. The principle of government must be separated analytically from its personalization and from the way the principle is embodied in positive institutions. Government itself-that is, the principle of government-is naturalin the order of final causality, because it is an indispensable means to a common good and the fruition of, man's natural desire for a social life. In this sense, it is true to say that the existence of government is ordained by the *ius gentium.* [894] But the *ius gentium* prescribes only the *prin-*

must prevail by which a decision among them is reached. Cf. Yves Simon, *Nature and Functions of Authority,* Milwaukee, 1940: pp. 16-18.

••• The natural law directs man to his natural end. His natural end (i. e., temporal happiness) includes the common good (the good of civil life) as a constitutive means, and hence as an intermediate end. To be happy man must live in a civil community. Now the *ius gentium* consists of those necessary conclusions from the first principles of natural law, which, in view of the contingent fact of man's fall, prescribe indispensable means, not to every element of happiness, but only to part of happiness which is relative to man's social nature; or, in other words, the *gentium* consists of conclusions concerning the social means to happiness. Among these are such things as government and the division of property. The -universal practical

ciple of government, not the way in which this principle shall be personalized or otherwise implemented. These particular determinations of ·the principle-these embodiments of the principle of *civil* government in the various forms of government-are entirely a matter of *positive* institution. [895]

Now it is not sufficient to see that the principle of government is necessitated by the end for which men associate in civil communities. It is also necessary to see how government, in any of its embodiments, is effective as a means. Unless a multitude were *bound* by the principle of government, in whatever form of positive institution they accepted, the principle would not be effective. It is not enough for a decision to be reached peacefully; its direction must also be obeyed for the most part in order to insure the concerted action which establishes a unity of peace. Wnat binds a man to obey a command or direction which he himself has not issued? The answer to this question is twofold.

(1) If he is a man of virtue, he is bound in conscience to obey extrinsic government for the common good, just as he is bound to obey his own reason in the direction of his private affairs. The ultimate root of moral obligation is the same whether it consists in obedience to extrinsic government or in obedience to the commands of one's own reason. It lies in the end appointed by natural appetite and prescribed by natural law. The good, in short, is the root of obligation. And everything which reason recognizes as good because it is a means to the end carries with it an obligation derived from the end. Since the common good is indispensable to man's happiness,

truth of these conclusions can be ascertained deductively, but it can also be inductively verified by the fact that every known society has positive institutions which embody these precepts iri particular determinations of their content. Cf. M. J. Adler, "A Question about Law," in *Essays in Thomism*, New York, 1942.

The state itself is natural only in the order of final causality; in the order of efficient causality, it is an association voluntarily formed, and so is a work of reason. Similarly, the principle of government is *natural* (in the sense in which the *ius gentium* belongs essentially to natural rather than positive law), whereas actual governments--differing formally as determinations of the principle-are .strictly *positive* institutions.

he is obliged to seek it; and since government is indispensable to the common good, men are morally obliged to obey its extrinsic *imperium.* Thus, one of the things which makes the principle of civil government (necessarily *extrinsic* government) effectively binding is the moral obligation of those who are bound in conscience to obey directives to the common good.[398]

(2) But all men are not virtuous; on the contrary, in any multitude, there will be men of relatively unformed character and men who are, in varying degrees, weak in virtue as well as perverted by vice. Moral obligation is, therefore, not by itself sufficient to make extrinsic government effectively binding upon a large enough number to accomplish its purpose-the unity of peace through concerted action. Those who in their private affairs follow the inclination of their passions rather than the commands of reason must be bound by extrinsic government accordingly. Those who do not obey such government in conscience and through their own reason must be made to obey it through fear and by force. The threat of punishment is the beginning of coercion; the application of force is its completion. Without bothering here to distinguish the factors of persuasion and compulsion, we can see that coercive force is a necessary complement of moral obligation. Since a means is a means in name only and not in fact if it is not effective, the principle of civil government cannot be properly understood except in terms of the two elements which elicit obedience -moral obligation and coercive force.[397]

Just civil government is neither by right alone nor by might alone. It could be *by might alone* only if it did not bind in conscience at all, and that would mean it was unjust because not directed to the common good. And if it were *by right alone,* it

[396] Cf. Father Walter Farrell, "The Roots of Obligation" in THE THOMIST, I, 1, pp. 14-80.

[397] Cf. *Summa Theologica,* I-II, 90, S ad 2; 96, 4, *5.* Cf. *The Federalist Papers,* No. 15 by Hamilton: "Government implies the power of making laws. It is essential to the idea of law, that it be attended with a sanction; or, in other words, a penalty or punishment for disobedience." Vd. *ibid.,* No. 21 by Hamilton: "The most palpable defect of the subsisting Confederation is the total want of a sanction to its laws."

would lack what is necessary to make government effective as well as just. These two elements must be present to make government both *de* (just) and *de facto* (effective). And we must observe that whereas a government which is purely *de jure* cannot long survive if it can ever actually exist, a government can approach being purely *de facto* in proportion as it is successfully tryannical. [398]

In the light of the foregoing, we can now determine the meaning of "civil authority." Whatever can elicit obligation and thereby bind in conscience has authority. The end we seek has authority over us. This is the primary locus of authority, and it is in this sense that we say God is the fountainhead of authority-not as the efficient cause of our being, but as the final cause of our free acts. [399] In so far as they are ordained to the end, the means also have an authority derived from the end. Thus the common good has authority over us both as an intermediate end and as a means to our happiness. This is equivalent to saying that the civil community itself and as such has authority over us, because the common good is its
and its very being is not separable from an existential common good. But the community cannot exist, the common good cannot be preserved, without government. Hence the extrinsic principle of civil government has authority over the members of a community in so far as they seek the common good. This derivation of authority from the civil community itself to civil government *(in any form)* observes the priority of the end over the means. This is why we say that civil authority is primarily vested in the community itself (because the common good is an end) and only secondarily in government (because it is a

[398] As we pointed out earlier, the limit can never be :reached without destroying the community itself and the tyrannical government along with it. Vd. Part II *supra* in TnE TnoMIST, III, 4: pp. 641-4:2. Purely *de facto* government is, therefore, as impossible as purely *de jure* government.

••• Cf. Father Walter Farrell, "The Philosophy of Sovereigpty" in the *Proceedings of the American Catholic Philosophical Association,* XIV, pp. 108-110.

There is a sense in which God can be said to be the efficient cause of the state's authority over man-that is, in so far as man is created with a social nature which needs the civil community as a means to natural happiness.

means to the common good) . Similarly, the authority of civil laws or administrative decrees (or any other positive institution which is an instrument of government) is a derived authority-flowing into such laws or decrees, partly· from the authority of government, and partly from the end (i. e., the common good) which these instrumentalities of government serve.

So far we have considered authority apart from its existence in individual persons.[400] The problem of how one man comes to have authority over another is not solved in the same way for various kinds of authority; but in the case of *civil* authority it is clear that the authority which is primarily vested in the community itself (the end) , passes through the principle of extrinsic government (necessitated as a means) to the individuals who, in different ways under different forms of government, comprise its personnel.[401] Two points must be

••• The state or civil community is a " moral person," npt an individual person. We speak of the community as *having* authority, but we never speak of it as *being* an authority. But an individual man who has authority over another is properly called "an authority." We speak of rulers in terms of the attributes of government which they exercise, that is, we call them " authorities" or "powers."

···[1] The authority of a teacher of theoretic truths is differently derived. Here the end is the truth which the student seeks to learn. A teacher, no matter how wise, has authority only over students, not over those who do not seek the truth. But the end which exercises an authority over the student, *obliging* him to study, is not sufficient to give another man authority over him *as a teacher.* In addition, the student must recognize that other man as having *superior virtue,* and therefore capacity to direct him to the end he seeks. It is the superior speculative virtue of the teacher which truly makes him a means to the student's own end, for truly the master is the servant of his disciple in the sense that teaching is charity and for the student's good. The authority of the teacher is, then, derived both from the end of the .student and from the virtue of the master, through which the student recognizes him as a means serving his end.

Strictly speaking, it is false to regard the authority of the teacher as speculative rather than practical, for teaching is itself in the practical order; and even though the authority of a teacher partly derives from his speculative virtue, such virtue is a source of his pedagogical authority only because it makes him a means to a practical end. The authority of an elder counselling a younger, or of a wise friend giving advice, is essentially similar to the authority of a teacher of speculative truths, even though the end is different (knowledge vs. good conduct) and even though the virtues involved are different (speculative vs. moral) . In both of these cases, one man has authority over another because he is recognized by that other

observed at once. First, when we say that authority "passes " or " flows " we do not mean a purely transitive motion, such as occurs when a hot thing radiates heat, thus heating another and cooling itself in the process. It is rather an immanent motion of participation, whereby a man who becomes an authority through exercising the functions of government partakes of the authority of government, just as government itself participates in the authority of the community, without in either case removing authority from its source. Derivative authority, in short, is that of a surrogate or agent who neither competes with nor abolishes the primary authority which he represents or for which he acts.[401] Second, civil authority usually is, but need not always be, exercised by an individual person or persons; it is theoretically possible for it to be exercised by the community itself under that determination of the principle of government which submits every

as having virtues enabling him to serve that other's end. What distinguishes these two instances of authority from civil authority is that both can be utterly separate from coercive force, though, of course, they need not be, *as* the use of disciplinary devices in the early stages af education indicates.

There is one other instance of authority which we must consider, namely, parental authority in the domestic community. This is like civil authority in that it normally requires to be completed by coercive force in order to be effective; but it is also like pedagogical authority (whether in the course of speculative instruction or practical counselling) in that there is a radical inequality in virtue between parent and child. The parent's authority comes partly from the virtue which enables him to direct the child for the latter's own good and partly from the good to which the child must be directed. As we shall see, the nature of authority in the domestic community will help us to understand the nature of authority in the civil community.

[401] Cf. *Scholasticism and Politics,* New York, 1940, p. 106, where Maritain speaks of the derivation of authority from the people as " passing through it in order to reside in its legitimate holders ... so that the exercise of power by men, in whom authority is brought periodically to reside through the designation of the people, attests the constancy of the *passage* of sovereignty through the multitude." Vd. *ibid.,* fn. 2; and also *The Things That Are Not Caesar's,* New York, 1931, p. 146, where Maritain says " it is another liberal error to think that the source of civil power is not God, the Author of nature, but the masses, or even, as Rousseau said, that while its source is God, it *resides* in the masses, and that governments are mere delegates of the masses." And here he quotes from the encyclical *Diuturnum illud* (June 29, 1881) of Pope Leo XIII, to the effect that "such a choice appoints the sovereign, but does not confer the rights of sovereignty. Authority is not thereby conferred: all that is is who shall exercise it."

prudential question to decision by a majority vote of an the members. Though this procedure is theoretically possible, and though it has undoubtedly been practiced by very small communities, it has few if any exemplifications in historic civil communities under Royal or Constitutional government. We shall, therefore, consider only the usual case in which civil authority resides not only in the community and in the principle of government, but also in particular men who perform the functions of government.

These two points are contained in St. Thomas's statement that" to order anything to the common good belongs either to the whole people or to someone who is the vicegerent of the whole people." [402] Ignoring the theoretical possibility of government *by the whole people,* the principle of vicegerency which St. Thomas enunciates means, negatively, that no man can exercise *civil* authority over others except, as performing the functions of government, he derives his authority from the community itself, i.e., from the common good as the end he serves. Positively, it means that civil authority always flows from the community through the principle of government to individual men as governors or rulers. Those who govern others without such authority so derived must rule *by might*

[402] *Summa Theologica,* I-ll, 90, 8. This applies, of course, not only to making and enforcing positive rules of law, but also to every other positive institution of government: to administrative decrees, to judicial adjudication of disputes, etc. Cf. *ibid.,* II-II, 57, S.

The conception of a ruler as vicegerent was not a mediaeval discovery. According to Cicero, every magistrate, even a king, must understand " that he impersonates the state" (De *Officiis,* I, 34). As Mcllwain points out, "Cicero's phrase *se gerere personam civitatis* is very significant. The magistrate 'wears the mask of the state.' ... His decrees are the voice of the law sounding through the mask of his official person. The magistrate is a living law because he bears the character *(persona* or *caput)* of the state" *(Growth of Political Thought in the West,* p. 118, fn. 1).

The magistrate is a superior only as a vicegerent, only as impersonating the sovereignty of the community itself. He is not a superior through being himself a sovereign. The ruler who regards himself as a sovereign man regards himself as a superior in the sense which prompted James Wilson to take issue with Blackstone's definition of law as made by a superior. A good constitutionalist, Wilson rightly discerned the aura of royalty about Blackstone's "superior "-a sovereign, not a vicegerent. Vd. Ober!ing, *The Philosophy of Law of James Wilson,* pp. 193-4.

alone and hence must be tyrants using force in their own interests. If the derivation of civil authority from the community is what is signified by the phrase "popular sovereignty," then all just government involves popular sovereignty. And if he who rules as a vicegerent always and only rules as an office-holder, i. e., with civil authority according as it is placed in a governmental office and which a given man can exercise only by reason of his office, then popular sovereignty is convertible with Constitutional government. In consequence of this, a Royal regime, as we have defined it, being absolute, and therefore not being government by office-holders, cannot be just, but must be tyrannical-a rule *by might alone.*

There is, however, one passage in the *Summa* which suggests that the situation is not as simple as this. Although the civil authority of a ruler is always derivative, it is not always derived *in the same way.* Whoever exercises civil authority has it through vicegerency, but this means *only* that he rules justly, that he serves the common good. It does not mean that in every community a man becomes vicegerent in the same way. St. Thomas distinguishes between two types of community: one in which the people are sufficiently civilized so that a popular custom not only has the force of law but can even effectively abolish a rule of law made by governing officials; the other in which the condition of the people is such that a popular custom has the force of law only "in so far as it is tolerated by those to whom it belongs to make laws for that people." [403] ·we see in

[403] *Summa Theologica,* I-II, 97, 3 ad 3. A careful reading of this text shows that the point of distinction is not between a free people and one in a dominion of servitude. The comparison is not between just government and tyranny, hence not between the dominions of freedom and of servitude. Rather it is between two conditions of freedom, one in which the people have a certain political capacity or virtue, and one in which they lack it. In the former case, the •fact that their legislative capacity (to make laws by custom) is equal to the legislative capacity of their rulers (to make laws by enactment) is indicated by the fact that popular custom can properly nullify contrary enactments. In the latter case, the capacity of the people to legislate (by custom) being markedly inferior to the legislative capacity of their rulers, popular custom has the force of law *only* if approved by those entrusted with the people's care. In both cases, the rulers are vicegerents, but in both the vicegerents do not stand in the same relation to the people. In one

this passage a distinction between perfect and imperfect popular sovereignty, the former realized in a Political regime and proper to a dominion of citizenship, the latter realized in a Royal regime and proper to a dominion of subjection. [404] Hence, although the rulers in both regimes are vicegerents, having a civil authority derived from the community (i. e., the end they serve), the precise character of this authority is not the same in both cases, for in one case the people are fit to govern themselves, and in the other they are not and need the direction of a superior man or men. In the former case, it is only an accidental fact of *convenience* which substitutes a vicegerent for rule by majority decisions on the part of the whole people; in the latter, a vicegerent is necessitated by the essential incapacity of the people to govern themselves.

case there is a fundamental equality between vicegerents and people; in the other a fundamental inequality between them. This, we think, proves that St. Thomas had in mind the two dominions of freedom which we have distinguished as citizenship and subjection, and this, furthermore, indicates that the vicegerency of a Constitutional regime is not the same as the vicegerency of a Royal :regime.

Vd. Carlyle's commentary on the text of *Summa Theologica,* I-II, 97, 3 ad !l in relation to *ibid.,* 90, 3, in *A History of Mediaeval Political Theory in the West,* vol. V: pp. 68-70, 74. He says: "St. Thomas clearly held that there were two possible cases with regard to the law-making power ... either the multitude may be free and can make laws for itself or it may not possess the free power of making laws or abrogating laws made by a superior " (p. 69) .

If our interpretation of the difference between the two cases is correct, it is a distinction between two modes of freedom (citizenship and subjection), not between freedom and servitude. St. Thomas certainly does not agree with the position later taken by Grotius and Puffendorf that there are whole peoples for whom servitude is a proper condition, or that a whole people can surrender itself into servitude to a king. There is no case in which a king can justly rule the multitude for *his own good.* With respect to the source of political authority, the Thomistic doctrine stands in sharp contrast to the absolutist theories of the 17th century, to be found in such writers as Grotius and Pufl'endorf, Hobbes and Barclay. Vd. Carlyle, *Political Liberty,* Ch. V and VI. The 18th-century defenders of popular sovereignty were able, however, to see the fallacies in Grotius without, as well as with, the aid of Thomistic teaching. Vd. Rousseau, *The Sol:ial Contract,* Book I, Ch. 4, *5;* Book II, Ch. 2; and cf. Oberling, *The Philosophy of Law of James Wilson,* pp. 120, 183-85.

[404] Just as subjection and citizenship are both dominions of freedom, not of servitude, but the former is an imperfect civil status of freedom, the latter perfect, so there is popular sovereignty in both Royal and Political regimes, related as imperfect and perfect in proper commensuration to the inequality and the equality between rulers and ruled.

Before we proceed to define these two types of civil authority exercised by vicegerents-by absolute kings and by limited office-holders-it is necessary to connect the notions of authority and sovereignty. The notion of sovereignty adds nothing to that of civil authority except coercive force. As we have seen, government must be both *de jure* and *de facto.* It is *de jure* in so far as it has authority, and thus elicits obedience by moral obligation.· It is *de facto* in so far as it can wield coercive force. Its authority gives it the *right* to use coercive force, but it must actually have the coercive force to apply. Force itself does not :flow from authority. [405] But however the force is obtained, whether juridically or otherwise, sovereignty consists in the completion *of* civil authority by force to create a government which is effective as well as just. In other words, sovereignty signifies the principle of government. To speak of the sovereignty *of* a government either is redundant or is a way

••• " The distinction between *auctoritas* and *potestas* must not be exaggerated into the sort of systematic separation urged by certain German writers who, for instance, grant the Church an *auctoritas* in temporal things, when they involve values of eternal life, but refuse it a corresponding *potestas.* All authority, in so far as it concerns social life, demands to be completed (under some mode or other, which need not be juridical) by power, without which it threatens to become useless and inefficacious among men. AU power which is not the expression of authority is iniquitous. Practically, it is normal that the word authority should imply power and that the word power should imply authority. In so far as it has power, authority descends into the physical order; in so far as it has authority, power is raised to the moral and legal order. To separate power and authority is to separate force and justice" (Maritain, *Scholasticism and Politics,* New York, 1940: pp. 92-93).

No confusion should arise from three uses of the word "power" which cannot be avoided. We have used "power" to name the capacity of a man for certain operations; in this sense, men are unequal in power if they are unequal in virtue. We must also use " power " as a synonym for " coercive force "-thus signifying the physical power which can be extrinsically applied by one man to enforce the conduct of another. And, in a third sense, we have used " power " as a synonym for "sovereignty "-as when, in distinguishing Royal and Political regimes, we speak of *plenariam potestatem* and *potestatem coarctatam.* Here the type of power is not measured by the quantity of extrinsic force which can be applied by rulers-for no man has *unlimited power* in this sense-but is rather distinguished according to the type of civil authority with which force is conjoined to constitute two forms of government, and hence two types of sovereignty. The context should always notify the reader of the sense in which the word " power" is being used.

of calling attention to the fact that the government has both authority and force.

What, then, do we mean when we speak of the sovereign state, the sovereign community, or the sovereign people? We must dismiss at once the modern meaning of " sovereign state " which signifies the autonomy of a civil community-as having no superior, as being subject to no higher, extrinsic civil authority.406 But the community or the people as politically organized can be called "sovereign" in another sense, namely, in the sense that civil authority is primarily vested in the community itself and flows thence to government and governors. The community is the source of the sovereignty which government and governors exercise. But it will be asked (since sovereignty connotes force as well as authority), is the community also the primary source of power (coercive force) as well as of authority? The answer to this question is, *sometimes but not always.* When force as well as authority is ultimately vested in the community, then we have the case of perfect popular sovereignty, for then the force which the government exercises must be *juridically* obtained from the people. This is the case of the Constitutional regime, and here there is no sovereign man, but only a sovereign government, divided into offices which are allotted shares of its authority and force. But when only authority is ultimately derived from the community, and the force the ruler must wield to govern is his own, then we have the case of imperfect popular sovereignty, for then the force the government exercises, not being juridically obtained, is not juridically limited. This is the case of the Royal regime,

••• What in modern times has been called " absolute· state sovereignty " tends to confuse the autonomy of an independent state with the sort of sovereignty that is proper to a Royal regime. But if we exclude the note of autonomy, the sovereignty of a community is either the perfect or imperfect sovereignty of its people, and only in the latter case does government, identified with the person of an absolute ruler, have sovereignty which is not completely derived from the people. Those who attribute absolute sovereignty to Constitutional governments understand neither the nature of sovereignty nor the principle of constitutionality. Vd. Mcllwain, *The Growth of Political Thought in the West,* pp. Cf. Carlyle, *Political Liberty,* pp. 135-138, 175, 179,

and here the ruling man and the government being identical, the man *himself* is properly called "sovereign," as no mere office-holder ever can be. An absolute king is a sovereign, but in a Constitutional regime such as that of the United States, the government is sovereign, not the President or anyone else.4o6a

Three further points should be clear at once. (1) The sovereignty of a man, even though he rules as a vicegerent, is strictly correlative with the imperfect sovereignty of the community or the people; and similarly, the perfect sovereignty of the people is strictly correlative with the sovereignty of the people's institutions of self-government, and hence entails the denial of ,sovereignty to any man *as such.* (2) A constitution, written or customary, as the supreme positive Law, is the juridical medium through which sovereignty flows from the people to its government, and this means both authority and force. Where this juridical medium is lacking, government may still obtain its authority from the community by virtue of the fact that it serves the common good; but there is no way in which force can be juridically obtained. This explains why a Constitutional regime has only *potestatem coarctatam,* whereas a Royal regime has *plenariam potestatem.* [407] (3) Perfect popu-

[406] Vd. *The Federalist Papers,* No. *59* by Hamilton, which compares the status and power of the President of the United States with that of the British King-the monarch in a *regimen regale et politicum.* " The President of the United States would be liable to be impeached, tried, and, upon conviction of treason, bribery, or other high crimes or misdemeanors, removed from office; and would afterwards be liable to prosecution and punishment in the ordinary course of the law. The person of the King of Great Britain is sacred and inviolable; there is no constitutional tribunal to which he is amenable; no punishment to which he can be subjected without involving the crisis of a National revolution."

[407] Under Constitutional government, as we have seen, the citizens are endowed with a legal right of resistance to unjust commands, which means that they retain some juridical power. This fact is obviously related to the fact that a Constitutional regime obtains its force by a juridical grant from the people. As we shall see, the principle of constitutionality, limiting the power of rulers (i.e., office-holders) by the retention of counteractive power in the ruled, requires a system of sanctions to protect the various balances of power. In a Royal regime, on the contrary, there are no *juridical* limits to the exercise of force by the sovereign in his administration of affairs of state. He may be bound in conscience, of course, not to transgress the

lar sovereignty requires the supremacy of Law, for unless the government is legally constituted, men will rule as men, not as office-holders. Hence the supremacy of Law and the sovereignty of a man are incompatible, but both are compatible with the vicegerency of rulers-be they office-holders or sovereigns -because every just form of government, Royal as well as Constitutional, is for the common good, and hence that which makes the government *de jure* is the same in both cases, even though that which makes it *de facto* is not.

Now let us return to the two types of civil authority exercised by vicegerents-by sovereign men with absolute power, by office-holders with limited power.

(1) *Royal authority.* Under the circumstances which justify the Royal regime, and make Constitutional government inexpedient, the authority of the ruler is derived partly from the end he serves (i.e., the common good) and partly from the superior virtue which he possesses as a man (especially the regnative prudence which enables him to direct things for the common good) . As we have seen, the radical inequality in habit between :rulers and ruled in relatively primitive or uncivilized communities resembles the inequality between parent and child. That is why Aristotle regards the parental regime as royal, and a kingdom as a household rule of the state.[408] Now the father's authority over the child is not derived from the fact that in the association of parent and child there must be a settled principle of government to decide prudential questions; for, in the first place, the father rules the child primarily for the latter's own good, and only secondarily for the common good of the household; and in the second place, the child is unable to direct himself to his own end, and needs the guidance which

natural law, but his subjects are not protected by enforceable civil sanctions against him. There are no legal impediments to prevent Royal government from corruption into tyranny, and that is why Royal government is by its very nature more readily corruptible than a Constitutional regime.

[408] Vd. Section 2 *supra, lac. cit.,* pp. 465 ff. In this discussion we are, of course, proceeding upon the hypothesis that the historic facts are *as* Aristotle supposed them to be, that there have existed communities in which the conditions of inequality justified absolute rule, making it Royal rather than despotic. Cf. fn. 461 *infra.*

the virtue of the parent can provide. Parental authority (authority, *not* responsibility) has a foundation in the inequality in virtue between father and child, as is plainly evidenced by the fact that when the child becomes mature such authority is abolished.

Professor Yves Simon calls such authority "substitutional" and compares it with the authority which a teacher exercises over a student, the word " substitutional " connoting two things: first, that the authority resides in a virtue possessed by one man and lacked by another; second, that such authority obtains only so long as the one under it cannot direct himself to his own end.[409] But he is not at all clear on the question whether, in a civil community, the authority of a royal regime (which he calls "despotic" but does not thereby mean " unjust ") is substitutional in the same sense as that of parental government.[410] The political immaturity of the ruled, the fact which is needed to justify :royal government, seems to suggest that the authority of the superior man who is sovereign resides in the virtue he possesses and his subjects lack. But there is one important difference between the domestic and the civil situation. In the former, parental direction is for the child's own good; in the latter, royal government is *primarily*, if not exclusively, for the common good of the realm. The subjects are adult in one sense, but not another; they are adult in the sense that they can direct their own private affairs;

[409] Vd. *Nature andJ Functions of Authority,* pp. 12-16. Cf. fn. 401 *:mpra.* Cf. also Rousseau, *The Social Contract,* Book I, Ch. 2: "The most ancient of all societies, and the only one that is natural, is the family; and even so the children remain attached to the father only so long as they need him for their preservation. As soon as the need ceases, the natural bond is dissolved. The children, released from the obedience they owed to their father, and the father released from the care he owed his children, return equally to independence." And Locke, *Second Essay of Civil Government,* Ch. 6 and *15.* Though both Locke and Rousseau have some insight into the source of parental authority, they do not understand it with complete accuracy--either in itself or in relation to the natural foundations of civil authority. Vd. Carlyle's comment on a relevant passage from Hooker's *Ecclesiastical Polity* (I, 10, 4) in *Political Liberty,* p. 52. Cf. A. P. D'Entreves, *The Mediaeval Contribution to Political Thought,* Oxford, 1939: Ch. 6 on Richard Hooker, p. 126.

[410] Vd. *ibid.,* pp. 36-37.

moreover, they are entitled to be parents and exercise authority over children; but they are, nevertheless, politically immature in that they do not have the virtue required for directing things to the common good of the civil community. Hence, to this extent, the royal authority resides in the superior virtue of one or a few men. To this extent, it is " substitutional authority," *but it is not entirely so,* because wherever the common good is the primary end (as is not the case in the relation of parent and child) , there is another ground for authority.

This other ground, as we have seen, is in the necessity for a principle of government. A multitude cannot be peacefully united in concerted action toward a common good unless someone has the authority to govern-that is, to make the prudential decisions about which disagreement is always possible.[411] Authority which is thus derived from the need for a principle of government in order to attain a common good, Yves Simon calls " essential " as opposed to " substitutional."[412] Clearly such authority must obtain in every civil community, even in a community of perfect equals working together for a common good. It is obvious, therefore, that whereas parental authority is primarily substitutional in type, royal authority (in a community where there is radical inequality in habit between ruler and ruled) *is both essential and substitutional.* That is why we said it is derived partly from the end to be served (the common good) and partly from the superior virtue of the ruler.

(2) *Political or Constitutional authority.* Under the circumstances which demand, in justice, a Constitutional regime (and which make absolute government despotic or unjust), the authority of the government and of any of its office-holders is *entirely* derived from the end being served-the common good. Rulers and ruled being radically equal in virtue, such civil authority is what, following Yves Simon, we have called" essential." It is in no way substitutional. The status of citizenship,

[411] We are omitting the theoretically possible case of the multitude governing itself by the principle of a majority vote on the part of all the members.

[412] Vd. *op. cit.,* pp. 16-30.

as Aristotle pointed out, belongs properly only to those who are as able to rule as to be ruled.[413] This means that those who are not office-holders at a given time could have made the prudential decisions for the common good had they been in governmental office; it means also that some prudential decisions for the common good can be left to a majority vote on the part of the whole citizenry, even though some may be reserved to the men who, through special competence, are better able than others to perform certain of the functions of government.

This last point is important, for it indicates that Constitutional government does not rest on perfect equality between rulers and ruled. It does not preclude individual differences in *intensity* of habit or virtue--differences which make it fitting for some men to hold certain offices. Though the ideal limit which Constitutional government approaches, but perhaps will never reach, is that equality among citizens which would make it fitting for anyone to hold any office (thus exemplifying the principle of " ruling and being ruled in turn," or, as the Greeks understood this, the choice of office-holders from the citizenry *by lot),* the essence of the Constitutional regime is sufficiently exemplified in any situation where *some* of the citizens not in office are as competent to make prudential decisions and perform governmental functions as *those* who are in office, and where *all* of the citizens have enough competence to make prudential decisions about *some* matters. When Constitutional government is thus conceived in its *minimum terms,* it follows that the authority of such government is nothing but the authority which belongs to the principle of government itself in its very essence-and hence deserves to be regarded as the essential type of civil authority.[414]

[413] Vd. Section *supra, lac. cit.,* pp. 493-95.

[414] A vestige of substitutional authority may remain under Constitutional government in so far as individual differences in competence (i. e., in the intensity of virtue) entitle some men to perform governmental functions which could not be as well performed by *all* the others. But in so far as there are *always some other* men, not in office, who have an equal competence, the authority of office-holders is always primarily an essential, not a substitutional, authority.

It can, of course, be said that the distinction should be made as follows: that

If we understand the principle of vicegerency in terms of the need for *essential* authority in a civil community, then the Royal regime, which exercises both *substitutional* and *essential* authority' over its subjects, exhibits the principle of vicegerency in an imperfect form. It is obviously fitting and proper that imperfect vicegerency on the part of the ruler should be correlated with imperfect popular sovereignty on the part of the people ruled. The same fundamental conditions of inequality are the cause of both, and it is relative to these circumstances that both are *necessitated* and the Royal regime is *justified.* In contrast, conditions of radical equality which demand, in justice, a Constitutional regime, necessarily involve perfect popular sovereignty on the part of the. ruled and require perfect vicegerency in the rulers. To set forth all the correlative attributes of the two regimes, let us sum.tnarize them in a single table.

Royal	*Political (or Constitutional)*
I. Absolute power *(plenariam potestatem)*	I. Limited power *(potestatem coarctatam)*
2. Over subjects (with no juridical power)	2. Over citizens (with juridical power: legal rights)
S. A man is sovereign (who *is* the government)	S. The government is sovereign (and men are office-holders)
4. Sovereign power (force) is not juridically derived and hence is unlimited	4. Sovereign power (governmental force) is juridically derived and hence is limited by sanctions
5. lmperfect popular sovereignty	*5.* Perfect popular sovereignty
6. Civil authority which is both substitutional and essential	6. Civil authority which is entirely essential
7. Imperfect vicegerency	7. Perfect vicegerency
8. Supremacy of men	8. Supremacy of Law
9. The community (or common good) an indispensable source of ·civil authority	9. The community (or common good) an indispensable source of civil authority

in Royal government, the authority is primarily substitutional and secondarily essential; whereas in Constitutional government, the authority is primarily essential and secondarily substitutional. We feel, however, that the way in which the authority of constitutional office-holders is substitutional is so accidental to the nature of the Constitutional regime that we are justified in formulating the opposition as we

Anyone who understands what is set forth in this table will see at once that one of the difficulties we raised against ourselves is now completely resolved. The fact that an absolute regime involves *imperfect* popular sovereignty and an *imperfect* form of vicegerency does not make it despotic or tyrannical-i. e., unjust always and everywhere--as it would be if there were no popular sovereignty at all and the ruler were in no sense a vicegerent. That an absolute regime is just (Royal) relative to the circumstances we have defined is indicated by two :facts: that the community is an indispensable source of civil authority in a Royal regime, and that, in consequence, Royal authority is essential as well as substitutional, for these facts imply the exercise of sovereignty for the common good. In this fundamental respect, the Royal and the Political regime participate (albeit analogously) in the same element of civil justice. On the other hand, the fact t'hat there is *some* popular sovereignty in the two regimes, and *some* vicegerency (which is a consequence of the fact that the common good is an indispensable source of civil authority in both regimes), does not imply that both regimes are Constitutional; for the essential difference between a Royal and a Political regime is correlative with the differences between imperfect and perfect popular sovereignty, imperfect and perfect vicegerency. Therefore, we conclude that the essential difference between Royal and Political government does not violate what must be true of any regime in order for it to be jusL [415]

[425] In short, the difficulty we raised at the beginning (vd. pp. 694 fl'. *supra)* gains whatever force it has only from a failure to make the necessary distinctions we have made. If, for example, the only form of popular sovereignty is perfect (or if the only form of vicegerency is perfect, or if civil authority must always be essential, and never substitutional), then, of course, it would follow that all good government must be Constitutional, and that absolute government is always unjust (or despotic) and never can be just (or Royal) under any circumstances. Strictly speaking, this false view would make absolute government always *tyrannical-i.* e., a purely *de facto* sovereignty, power exercised for the ruler's interests, not for the common good, and hence not *de jure.* No distinction could then be made between the injustice of *despotism* and the injustice of *tyranny,* for the same reason that no distinction can be made, on this false view, between the justice of Royal government and the justice of Constitutional government, relative to different circumstances.

Those who deny the historic occurrence of the sort of circumstances which justify

We must now turn to the second of the two difficulties previously raised. It concerned the anomalous character of a government both Royal and Political. According to the table of attributes we have just been considering, it would seem that no regime could be both, since in all but one respect (the 9th) the attributes of Royal and Political are contrary. There are, therefore, three possible ways of interpreting those mediaeval writers who so plainly speak of Royal and Political government or, as Fortescue does, of a "political kingdom." (1) The fonn of government they have in mind is purely Royal, and they are mistaken in their supposition that it has any attributes of constitutionality. (2) It is purely Political, and they are mistaken in their supposition that it has Royal characteristics. (3) It is neither purely, for despite the *apparent* contrarieties, it is *both* Royal *and* Political in a way which remains to be understood.

This third alternative cannot be understood as a *mixed regime.* Anyone who thinks that it can obviously does not begin to understand the problem. A mixed regime, properly conceived, is a fusion or blending of elements which are compatible, not contrary, But though it may be possible for the attributes of Royal and Political regimes to be together *somehow* in a single government, they cannot be fused to form a

the absolutism of a Royal regime do not identify despotism and tyranny. Though they regard all non-Constitutional governments as unjust in fact, they nevertheless are able to distinguish between two grades of injustice-a despotism which may be benevolent and a despotic tyranny. This shows that they are not denying *in princriple* the absolute superiority in justice of Constitutional over Royal government, nor are they denying *in principle* that, on an hypothesis concerning factual circumstances, an absolute regime can be just (i. e., Royal) rather than despotic. They are only denying that this hypothesis concerning facts can be historically verified. Those who, in sharp contrast, make such denials as a matter of principle, do so because they have an inadequate analysis of authority, sovereignty, and vicegerency.

Our conclusions, therefore, consist in saying that, in one sense, popular sovereignty and vicegerency are analogously common to all just governments (abstracting from the distinction between the perfect and imperfect forms of each); and that, in another sense, popular sovereignty and vicegerency (in their perfect forms) are proper only to Constitutional government, whereas in their imperfect fo:rms they are proper only to the Royal regime.

real unity. Now a mixed regime, because of the fusion of its elements, is as much a unity as a pure :regime. Hence if there is a government which is both Royal and Political, it is not necessarily a mixed regime-unless one is willing to use the phrase " mixed regime " with careless ambiguity .[416]

Another misunderstanding to be avoided is the supposition that " Royal and Political " *must* signify a Constitutional monarchy. H that were so, there would be no problem because, as Aristotle said, "a constitutional monarchy is not a distinct form of government." [417] This supposition, therefore, amounts

n• Vd. Section *5 infra* where the several traditional accounts of the mixed regime are considered and criticized. Carlyle falls into the error of regarding a " mixed constitution" as one combining the character of a kingdom, an aristocracy, and a democracy, thus supposing that the *regimen regale et politicum* is a typical case of the mixed regime. Vd. *History of Mediaeval Political Theory in the West,* Vol. V, pp. 79, 93-94. Cf. *Political Liberty,* pp. 124-25, where the mixed regime is again identified with Royal *and* Political government, *as* if " constitutional monarchy " always signified a *regimen regale et politicum.* D'Entreves makes a similar error. Vd. *The Mediaeval Contribution to Political Thought,* pp. 39-40. Only Mcilwain has perceived the distinction between the anomalous *regimen regale et politicum,* in which both Royal and Constitutional elements are involved, and the constitutional or limited monarchy which is a purely Constitutional regime with no Royal element whatsoever, because the so-called " monarch " is entirely an office-holder, *totally lacking in any personal sovereignty.* Vd. *The Growth of Political Thought in the West,* pp. 359-363, where Mcilwain criticizes Plummer for interpreting Fortescue's *dominium politicum et regale* as " a mixture of absolute monarchy and republican government." And cf. his later discussion of this point in *Constitutionalism Ancient and Modern,* pp. 90-94, 106-107. As our own subsequent analysis will show, the presence of a monarchical element in Republican government does not give it a Royal character, nor does the presence of a Constitutional element in the *regimen regale et politicum* make it Republican.

[417] *Politics,* III, 16, 1287•5. The words "limited monarchy" and "constitutional monarchy" are often used interchangeably. They are interchangeable when what is signified by each is a purely Constitutional form of government, in which the monarchical element consists in nothing more than the presidency of *one* man in the chief administrative office. Such government is Republican. It is in no respect Royal.

These two phrases can also be used interchangeably on another interpretation of each-" limited monarchy " signifying an absolute or Royal regime *that is somehow limited,* " constitutional monarchy " signifying the Royal principle of government *somehow combined* with the principle of constitutionality. On this interpretation, both phrases are synonymous with *"regimen regale et politicum.."* But the *regimen Tegale et politicum* cannot be identified with purely Constitutional or Republican

to taking the second of the three alternatives as the only possible one, namely, that the regime called " Royal *and* Political," being strictly equivalent to a Constitutional monarchy, is purely Political and has no Royal characteristics. The notion of monarchy only confuses the problem, because it is an indefinite notion signifying, without further determination, the presidency of *one* man in the *chief* magistracy of a government. But, as we have seen, that *one* man may, as *chief* magistrate, be only an office-holder under constitutional limitations; or he may be a sovereign person with absolute power. Using the word " monarch " with such indeterminacy, the president of the United States and an absolute king can both be called " monarchs." It follows, therefore, that the notion of monarchy by itself does not imply either Royal or Constitutional government. To avoid ambiguity, the phrase "constitutional monarchy " should always be used to signify either the *regimen regale et politicum* or Republican government, [417] but *not both indifferently,* and" absolute monarchy" should always be used

government. Hence to use the phrases "limited monarchy " or " constitutional monarchy" to signify a Republican form of government, on the one hand, and a *regimen regale et politicum.,* on the other, leads to an egregious error, unless the ambiguity is clearly noted. The unobserved ambiguity here is probably the cause of the even worse error of supposing that, because some limitation of absolute power is involved in the *regimen regale et politicum,* this regime is therefore a " mixture " of absolute monarchy and Republican government.

The phrase " absolute monarchy " should always signify a purely Royal :regime, just as the word "Republican" always signifies a purely Constitutional regime. If this were clearly understood, it would be obvious at once that there can be no mixture or even combination of a *purely* Royal with a *purely* Constitutional regime. The *regimen regale et politicum* is what it is precisely because it is neither purely Royal nor purely Constitutional. It is a combination of those two principles of government. And when a " mixed regime " is properly understood as a *mixed constitution,* not as a combination of the principle of constitutionality with the royal principle, it will be seen that the *regimen regale et politicum* is not as such a mixed regime, even though, in its constitutional :aspect, it *may* involve a mixed constitution. The point is that it *may;* it need not. Cf. fn. 416 *supra,* and vd. Section *5 infra.*

" [7] In our own discourse, we shall always use the phrase "constitutional monarchy " in the latter sense--to signify Republican, i. e., purely Constitutional, government. Though the choice is arbitrary, we make it to conform to the truth of Aristotle's remark that "constitutional monarchy is not a distinct form of government."

to signify purely Royal government. Hence the problem of understanding how a regime can be both Royal and Political is a problem of understanding how, in some measure of *impurity* or *imperfection*, the principle of absolute monarchy can be combined with the principle of constitutional government.

Of the three possibilities, we think that the third is the only right interpretation in the light of all the facts.[418] The facts to be considered are of two sorts: on the one hand, the facts of

us We shall postpone until later the question whether the mediaeval governments we are considering lean more to the side of constitutionality or more to the side of royalty. But it must be understood at once that, so far as European political history is concerned, the sort of governments which have this anomalous character occurred only in the middle ages and early modern times-from the 9th to the 18th centuries. No Greek or Roman government presents the same picture, the reason being that the peculiar characteristics of Royal and Political government are due to the social systems and movements known as feudalism and nationalism which dominate a thousand years of European history-after the fall of Rome and almost until yesterday. In fact, if some European countries be considered, such as Russia, it was only in this century that the absolute regime of the Czars was combined with such constitutional elements as the Duma. During the centuries when the governments of England, France, Spain, Holland, Switzerland, were either Royal *and* Political or, in a few cases, wholly Political, the peoples of Russia, Turkey, and of the Balkan countries were subjected by absolute regimes-whether justly or unjustly is not here the point. Nor is the development in all the western European countries strictly parallel either in time or in character, especially not from the 16th century on. But for the most part it is true that during the 13th and 14th centuries the governments of the western European peoples exhibit the combination of elements which deserve the name "Royal *and* Political."

The problem, we have said, is to understand how the anomaly was possible, how it came about, and what it led to. Certain explanations can be rejected immediately. " Royal and Political " does not mean that some men are ruled as subjects and others as citizens. It is in this way that we interpreted Aristotle's remark about reason's rule over the appetites being both royal IIJld political-royal with respect to the passions, political with respect to the will. Vd. fn. 320 *supra.* And in the domestic community, one and the same man is both a father, ruling royally, and a husband, ruling politically. Vd. Section 2 *supra, loc. cit.,* pp. 320 fl'. To say that domestic government is both royal and political means, therefore, only that it consists in two quite distinct regimes, relative to different persons being ruled. It is not in this sense that mediaeval governments are Royal and Political. There is *apparently only one* regime, having a certain duality in character--only one government, only one set of persons ruled, yet these, as ruled, seem to be both subjects and citizens. To understand how that can be is the problem. It may be intelligible in history, even though it is not intelligible with respect to the order of the powers of the soul. Vd. fn. 325 *supra.*

mediaeval political theory-what such writers as St. Thomas and Sir John Fortescue had in mind; on the other hand, the facts of mediaeval political history-the actual institutions with which these writers were acquainted and which verified their formulations. Let us first deal with the textual evidences, and then turn to the actual institutional developments.

There is nothing in the *De Regimine Principum* of St. Thomas (that is, the portion he wrote) which is really decisive on the question before us. Yet one passage indicates clearly enough that St. Thomas does not mean by " kingship " what Aristotle meant by an "absolute monarchy "-i.e., a purely Royal regime. That is the passage in Book I, Ch. 6, in which St. Thomas writes:

> If to *provide itself* with a king belong to the *right* of any multitude, it is not unjust that the king *set up* by that multitude be destroyed or *his power restricted,* if he tyrannically abuse the royal power. It must not be thought that such a multitude is acting *unfaithfully* in *deposing* the tyrant, even though it had previously subjected itself to him in perpetuity; because he himself has *deserved* that the *covenant* with his subjects should not be kept, since, in ruling the multitude, he did not act *faithfully* as the *office* of a king demands. [419]

Now though this passage should prevent anyone from regarding St. Thomas as an out-and-out royalist, it does not tell us whether he understood the kingship to be nothing but a constitutional monarchy or the royal *part* of a *regimen regale et politicum.* [420] On the other hand, the texts in the *Summa* which

[010] *Italics ours.* Some of these italicized words imply that the king is not an absolute ruler-because he is set up by the people, can have his power restricted by them, rules under a covenant which determines the obligations of his office, and can be deposed--supposedly by peaceful means rather than by violence. On this last point, cf. St. Thomas's earlier views of tyrannicide: *In Lib. II Soot.,* d. 44, q. I, a. 2 ad 4; q. 2, a. 2 ad *5.*

We have italicized the word " subject " to suggest that St. Thomas's king is not a purely constitutional office-holder, but has some genuinely royal prerogatives. The word " subject" is, of course, hardly sufficient to support this interpretation. We must look elsewhere for the decisive evidence.

[""] As we shall subsequently see, Professor Mcllwain does think that St. Thomas is a royalist, either because he ignores this passage, or because he thinks it is nullified by others. Vd. fn. 428 and 434 *infra.*

The familiar " scholarly " problem, whether or not St. Thomas was a monarchist,

are usually cited as proving that St. Thomas was *completely* anti-royalist and an exponent of *purely.* constitutional government prove no such thing. The famous text on the excellence of the mixed regime (I-II, 105, 1) merely shows that St. Thomas did not favor an absolute regime of the sort which would violate his principle that " all should take some share in the government"; and the passage on the ruler as vicegerent (I-II, 90, 3) fails to prove that constitutionality is indispensable to just government, once we recognize the distinction between perfect and imperfect vicegerency that accords with the distinction between constitutional and absolute regimes.[421]

is utterly fatuous because of the ambiguity and indeterminacy of the word " monarchy." If, as we shall show, St. Thomas approved the mediaeval form of government, then there is no conflict between what is said in favor of monarchy in the *De Reg. Prine.* and what is said in favor of the mixed regime in the *Summa Theologica,* I-II, 105, 1. For it was impossible for a mixed regime (i.e., a *regimen regale et politicum,* as St. Thomas understood it) not to have a monarchical element; and it would have been equally impossible for a monarchy to be restricted by constitutional elements without being joined to some of the features of a mixed regime.

[421] The text of I-II, 105, I is far from being clear, for when it says that, among the pure regimes, "the first place is held by the kingdom," does this mean a "pure kingdom "-i.e., not a *political* kingdom-and if so, is St. Thomas suggesting that, under certain circumstances, a purely royal regime is better than what he regarded as a "mixed regime "-a *regimen regale et politicum?* What is said in the reply to Obj. seems to imply this: "A kingdom is the best form of government of the people, so long as it is not corrupt." Cf. also II-II, 50, 1 ad "A kingdom is the best of all governments." But if in his use of the word " kingdom " St. Thomas always had in mind a *regimen regale et politicum,* then there is strictly no difference between his kingdom as a pure regime and his mixed regime with a monarchical element. Vd. fn. *supra.* (We shall return subsequently to the problem of the inconsistencies in the writings of St. Thomas concerning "the best regime." Vd. Section 5 *infra,* and especially footnotes 466, 490, and 508. Here suffice it to say that the resolution of the apparent contradiction between the praise of pure monarchy and the praise of the mixed regime cannot be satisfactorily accomplished, as some modern commentators such as Demongeot would have it, by making the former the eulogy of an impracticable ideal and the latter the approval of the best that is really practicable. If, as we have suggested, St. Thomas was always thinking of the *regimen regale et* politicum-whether he called it a kingdom simply or a mixed regime-then, of course, there is no contradiction at all, but only a confusing use of language which departs from the clear distinctions to be found in the basic vocabulary of Aristotelian doctrine) .

Despite these difficulties, the two texts we have just cited are offered by Father Pa:rsons as among his most unquestionable warrants for saying that St. Thomas's

There are, however, certain texts which show that St. Thomas had a *regimen regale et politicum* in mind, and not a purely constitutional monarchy. Not only does St. Thomas tend to regard the prince as a sovereign man, but he adopts the position of Ulpian which belongs to the absolutist, not the constitutional, phase of Roman politics: *princeps legibus solutus est.*[422] The fact that St. Thomas regards the sovereign as, in God's judgment," not exempt from the law as to its directive force," does not alter the significance of his statement that " the sovereign is exempt from the law as to its coercive force, since, properly speaking, no man is coerced by himself and law has no coercive force other than what the sovereign wields." [423] In a completely constitutional state, no man is *legibus solutus,* for no man is sovereign; no office-holder has a monopoly over the coercive force which enters into the sovereignty of government. Where there is perfect popular sovereignty, the force which any officer of government wields is juridically derived and limited. In consequence, there always remain in other

conception of good government defined it as a *thoroughly* constitutional regime. Vd. "St. Thomas Aquinas and Popular Sovereignty " in *Thought,* XVI, 62: pp. 475, 477, 484-85. Father Parsons is nowhere cognizant of the problem of a regime which is neither purely constitutional nor purely

[422] *Digests,* I, 8, 81. Mcilwain points out the paradox of the later Roman Empire-" the retention ·by a despot like Justinian of writings alive with the spirit of constitutionalism. Few writings in the world's history have had the decisive influence of these law-books of Justinian. . . . From what has gone before it is evident that . . . the true essence of Roman constitutionalism does not lie in those late statements of absolutism to which so much currency has since been given, such as the maxim, *Quod principi placuit legis vigorem habet,* or Ulpian's assertion, *Princeps legib'lis solutus est.* It lies in the older, deeper principle that the *populus,* and none but the whole *populus,* can be the ultimate source of legal authority. The fundamental doctrine underlying the Roman state, its true guiding spirit, is constitutionalism, not absolutism-a constitutionalism that Justinian's commissioners, even in the sixth century, could·not delete from the legal sources, notwithstanding the Emperor's orders to bring these sources up to date by addition, elimination, or chaRge" *(Constitutionalism Ancient and Modern,* Ithaca, 1940: pp. 58-59). Cf. pp. *64.-65.* The fact that mediaeval thinkers, such as St. Thomas, retained the older Roman notion that the *populus* is the ultimate source of legal authority, and combined that with the notion of the sovereign as *legibus solutus* betrays the anomaly of the *Tegimen Tegale et politicum.*

[423] *Summa Tkeologica,* I-II, 96, 5 ad 8. Vd. also I-II, 97, 8 ad 8, and 92, 1 ad 8.

hands enforceable sanctions which can be applied against him. The significance of St. Thomas's statement is, therefore, plain and undeniable-the prince or king, as a sovereign man, has *some* of the attributes of a truly Royal ruler. [424]

This is confirmed by other passages which show that St. Thomas conceived the sovereign man as radically superior in status, not merely in office, to the subjects he ruled. Under constitutional government, every office-holder, even the chief magistrate, is fundamentally a citizen, which means that the citizens he rules are his equals in status, because they are his equals in virtue, though inequality in their common habits (differences in intensity only) may make some men more competent than others to perform the functions of certain offices. But, according to St. Thomas, the virtue of justice is not in the sovereign and in his subjects in the same way; [425] even more dearly is this the case in the sphere of prudence, for the sovereign has a species of prudence (i.e., regnative) which his subjects do not possess at all, and the prudence they possess (i.e., political) is adequate *only* for obeying the sovereign's commands, whereas the sovereign's regnative prudence accounts for his *special* ability to command. [426] We are not here concerned

"" Vd. Carlyle's commentary on St. Thomas's acceptance of llipian's maxim *princeps legibus solutus est,* in *HistOTy of Mediaeval Political Theory in the West,* vol. V, pp. 473-76. Cf. his *Political Liberty,* pp. 19, 106. Vd. also D'Entreves, *op. cit.,* pp. 38-39. The difference between mediaeval understanding of llipian's maxim, in conformity to the character of the *regimen regale et politicum,* and the interpretation placed upon it in 17th-century England, to fit the character of a government which had almost become Republican, i.e., purely Constitutional, is indicated by Mcilwain, *Constitutionalism Ancient and Modern,* pp. 134-36. Cf. *ibid.,* pp. 59, 64.

••• Vd. *Summa Theologica,* II-II, 60, 1' ad 4: "Justice is in the sovereign as an architectonic virtue, commanding and prescribing what is just; while it is in the subjects as an executive and obedientiel virtue."

"" Vd. *Summa Theologica,* II-II, *50,* 1: "There is a special and perfect kind of goverance in one who has to govern, not only himself, but also the perfect community of a city or kingdom. . . . Hence prudence in its special and most perfect sense belongs to a kil'-g ... for which reason a species of prudence is reckoned to be regnative." Vd. *ibid., 50,* 2: "On the other hand, men who are slaves or subjects in any sense are moved by the commands of others in such a way that they move themselves by their own free will; wherefore some kind of rectitude of govern-

with whether there are species of prudence proportioned to commanding and obeying. We are concerned only with the significance of St. Thomas's discussion of these matters in the light of the Aristotelian truth that a citizen is one who has the virtue of commanding or of ruling for the common good, as well as the virtue of obeying or being ruled. The justification of a royal rule over subjects, as we have seen, lies in the fact that the ruled lack the virtue to direct things for the common good, though they have the sort of prudence needed .to direct their private lives. Hence St. Thomas's insistence upon the radical inequality between ruler and ruled in virtue and status (relating them as sovereign man and subject) indicates that the *regimen regale et politicum* is, in part at least, truly royal or absolute.

But it must be equally true that the *regimen regale et politicum* is also *in part* truly constitutional or limited. How the same government can be both (i.e., a union of such parts), how the same men, as ruled, can be both subjects and citizens, or how the king can somehow be both absolute and limited is, in the words of Mcilwain, the " principal riddle of mediaeval constitutionalism generally." [427] The fact that so astute a scholar as Mcilwain should regard St. Thomas as an " exponent of pure monarchy "-as in favor of a true but" absolute" king

ment is required in them, so that they may direct themselves in obeying their superiors; and to this belongs that species of prudence which is called political." Cf. *ibid.,* 47, 12.

..[7] *Op. cit.,* p. 76. " It is somewhat surprising," he writes, " that historians have been content to leave such an apparent discrepancy as this so largely unexplained." And, speaking of Bracton, Mcllwain asks, was he " an absolutist or a constitutionalist, or was he just a blockhead? . . . If we were to frame that question in terms of the institutions and ideas of the twentieth century, or possibly even of the seventeenth, 'blockhead' might seem the only .reasonable answer. It seems impossible that the same man, if a sane man, could declare that the king has no peer on earth, much less a superior, and that no subject, not even a judge, cau question or ought to question the legality of any of his acts; and could then go on to add that the king's will is not law except in the form of a definition to which the assent of the magnates is absolutely essential. For if the latter were true, must it not follow, as the annotator of one of Bracton's manuscripts said, that a prince who must act in concert with such companions in reality has a master who may ' put a bridle on him ' ? " *(ibid.,* pp. 75-76).

-must be due to want of sympathy, for the very same ambivalences exist in St. Thomas as those which lead Mcilwain to think otherwise of Bracton and Fortescue. [4:.l8] However that may be, he does :find in Bracton's writings clear textual evidences to show that though he quoted Ulpian's maxim, *Quod principi placuit legis habet vigorem,* and though he explicitly says that " none can pass judgment on a charter or an act of a king, so as to make void the king's act," Bracton did not accept the absolutism of Justinian; for, following the dictum of Papinian that law is a common engagement of the republic *(lex est communis rei publicae sponsio)* , Bracton also said that the laws "since they have been approved by the consent of those using them and confirmed by the oath of kings, can neither be changed nor destroyed without the common consent of all those with whose counsel and consent they have been promulgated." [429] And of Fortescue, who wrote two centuries later than Bracton, Mcilwain points out:

[628] Vd. *The Growth of Political Thought in the West,* New York, 1932: pp. 330-33. This is all the more remarkable in view of the fact that lVIcllwain seems so fully aware that the Greek notion of the true king as an absolute ruler, above all law, had no place in the middle ages. Vd. *ibid.,* p. 149. Could St. Thomas have been so thoroughly out of accord with the prevailing spirit of his age, or even so unacquainted with the character of its institutions? To these questions, equally great scholars have rendered a contrary verdict. Vd. R. W. and A. J. Carlyle, *A History of Mediaeval Political Theory in the West,* Vol. V, New York, 1928: pp. 96-127; 467-72.

[m] Vd. *Constitutionalism Ancient and Modern,* pp. 71-75. Cf. *The Growth of Political Thought in the West,* pp. 194-97, which concludes with the remark: **"If** one were tempted to apply the word ' mediaeval ' to anything reactionary . . . it might be well to ponder some of these passages. Political absolutism is an achievement of modern times. The middle ages would have none of it."

Vd. also A. J. Carlyle, *Political Liberty,* Oxford, 1941: "That, properly speaking, positive law is nothing but the custom of the community may seem to those who are not acquainted with mediaeval history extravagant, but it is the dogmatically expressed judgment not only of Gra.tian, but of two of the greatest jurists of the thirteenth century, Bracton in England and Beaumanoir in France **- - - -** Bracton had probably a vague impression that the Roman law prevailed on the Continent. His great contemporary in France, Beaumanoir, about the same time, wrote: 'All pleas are determined by the Customs. . . . The king is bound to keep, and to cause to be kept, the Customs of his country.' . . . It is very important to observe that the determination of what was, or was not, the customary law was a matter to be

Fortescue did not say that the government of England was a mere *regimen politicum;* he said it was a *regimen politicum et regale.* It was at the same time both 'political ' and ' regal;' limited and absolute; and these, for him, were not mutually exclusive terms as they for us.[430]

decided not by the king or lord, but by the community, or in the feudal court, by the vassals. . . . The mediaeval king or emperor has indeed the first place in legislation, but he could only exercise this power in conjunction with those who in some sense stood for the community. . . . Bracton describes English law as being made by the king with the counsel and consent of the great men, and the approval of the commonwealth; and in another place he contrasts this with the doctrine of the Roman law, with which, by the thirteenth century, the jurists even of northern Europe were familiar-that what pleases the prince has the force of law " (pp. 14-17).

As Mcllwain points out, Bracton's principle (ultimately Papinian's constitutional principle), rather than illpian's absolutistic *quod principi placuit,* is in the mind of Edward I, when in his summonses to the parliament of 1295, he said: *Quod omnes tangit ab omnibus approbetur* (vd. *Constitutionalism Ancient and Modem,* pp. 117-18).

••• *Constitutionalism Ancient and Modern,* p. 91. Vd. also pp. 92-93. Cf. *The Growth of Political Thought in the West,* pp. 357-63: "In the *De: Natura Legis Naturae,* the author (Fortescue) speaks of three forms of rule and calls them respectively *dominium regale, dominium politicum,* and *dominium politicum et regale.* . . . In the *De Laudibus Legum Angliae,* the classification is practically the same as in the *De Natura Legis Naturae,* and in the *Governance: of England* two kinds of kingdoms are referred to, a *dominium regale* in which the king ' mey rule his peple bi suche Iawes as he makyth hym self. And therefore he may sett vpon thaim tayles and other imposicions, such as he wol hym self, withowt thair assent '; and a *dominium politicum et regale,* where the king ' may not rule his peple hi other Iawes than such as thai assenten unto. And therefore he may sett vpon them non such imposicions withowt thair owne assent.' . . . In support of his most fundamental distinction, that between a *dominium regale* and one *regale et politicum,* Fortescue cites especially the *De Regimine: Pri:ncipum* of St. Thomas Aquinas, and the book with the same title by Egidius Romanus. . . . When he says that *dominium politicum et regale:* is to be found in principle in the *De Regimine Principum,* 'and we can find nothing of 'constitutional monarchy' there, may it be that *dominium politicum et regale* for Fortescue does not quite mean ' constitutional monarchy ' in our sense of the term; and if so, wherein does his meaning differ from ours? " (pp. 358-59).

On Fortescue in relation to the doctrines of St. Thomas, of Ptolemy of Lucca, and of Egidius Colonna (or Romanus) vd. Carlyle, *A History of Mediaeval Political Theory in the West,* Vol. V, pp. 71-76. Carlyle tends to disagree with Mcllwain, holding that it is only Egidius, not St. Thomas, who preferred the *regimen regale* to the *regimen regale et politicum;* and insisting that whereas Ptolemy is indifferent with respect to these two regimes, St. Thomas preferred the latter. On this last point, vd. Mcllwaiil., *op. cit.,* pp. 332-38.

Even if there were, in the 14th century, revolutionaries like Egidius Colonna who anticipate the arguments of Bodin [431] and Hobbes [432] in favor of absolute government, as well as those, like Marsilius of Padua [433] or, perhaps, Ptolemy of Lucca, [434]

[431] Vd. Carlyle, *Political Liberty,* pp. 12, 27-30; also *A History of Mediaeval Political Theory in the West,* vol. V, where Carlyle discusses Egidius Colonna as a.n opponent of Bracton and a precursor of such men as Bodin and Hobbes (pp. 74-76). Mcllwain offers a somewhat different interpretation of Bodin. Vd. *Constitutionalism Ancient and Modern,* p. 101, where he classifies Bodin with other French constitutionalists of the 17th century; and *Growth of Political Thought in the West,* pp. 386 ff., where he rightly objects to the rmqualified identification of the doctrine of Bodin with that of Hobbes. (His point is amply supported by Hobbes' refusal to make any distinction between royal and despotic sovereignty. Vd. *Leviathan,* Part II, ch. 21.) But in the latter book, he admits, nevertheless, that Bodin opposed the Aristotelian conception of citizenship as " inconsistent with the ' absolute ' monarchies of western Europe in the middle ages and afterwards" (p. 361). Cf. Rousseau's criticism of Bodin with respect to this very point in *The Social Contract,* Book I, Ch. 6, fn. 1. There can be no question that Bodin is opposed to purely Constitutional government, even if, as Mcilwain seems to suggest, it is difficult to tell whether he favors a purely Royal government or something which approximates the *regimen regale et politicum.* On this last alternative, there can be no doubt about the opinions of Egidius Colonna. Egidius, according to Carlyle, distinguishes " between what he calls the ' *regimen politicum,'* in which the king governs according to the laws made by the citizens, and ihe ' *regimen regale,'* in which he governs according to his own will and the laws he has himself made. He contradicts . . . not only the mediaeval tradition, but also the authority of Aristotle, in order to maintain that it is the *'regimen regale'* which is the best" *(History of Mediaeval Political Theory in the West,* vol. V, p. 84). Here Mcllwain agrees with Carlyle's interpretation. Vd. *Growth of Political Thought in the West,* pp. 840-343.

[432] Vd. Carlyle, *Political Liberty,* pp. 12, 44-50. Cf. Mcllwain, *Constitutionalism Ancient and Modern,* pp. 140-41. Vd. *Leviathan,* Part II, Chapter 19, where Hobbes writes: " Elective kings are not Sovereigns but ministers of the Sovereign; nor limited Kings Sovereigns, but ministers of them that have the Sovereign Power." And again: " The King whose power is limited is not superior to him or them that have the power to limit it; and he that is not superior is not supreme; that is to say no Sovereign."

[438] Vd. D'Entreves, *Mediaeval Contribution to Political Theory,* Ch. III, esp. pp. 54-57. Cf. Mcilwain, *Growth of Political Thought in the West,* pp. 297-307.

[434] Vd. *Growth of Political Thought in the West,* pp., 332-33, 335-38, where Mcilwain sets up an antithesis between St. Thomas and continuator of his *De Regimine Principum* on the ground that the former prefers ·a purely Royal regime whereas the latter regards the *regimine regale* as always despotic, and prefers the purely Political or Constitutional regime. Mcilwain sharply challenges Lord Acton's remark that "St. Thomas Aquinas was the first Whig," adding that "John of Jandum might, in a qualified sense, be termed a' Whig,' and Ptolemy of Lucca may

who seem to speak in favor of purely constitutional government, there can be no question that writers who tried to approve the institutions which prevailed in the West in the middle ages, and lasted there until the 17th and 18th centuries, had to avoid both extremes and embrace what *for us* appear to be irreconcilable elements-partly Royal and partly Political. [435]

Since we should try to understand, before we attempt to appraise, the formulation which is peculiar to mediaeval political theory, let us seek the intelligibility of the *regimen regale et politicum* in the actual institutions themselves being described. Let us briefly enumerate, first, the respects in which the mediaeval kingdom was *political* (or constitutional) ; and then, the respects in which the mediaeval commonwealth was a *kingdom* (or royal).

(I) *Political or constitutional aspects.* (a) The king and his subjects enter into a contractual relationship, as evidenced

have been in theory a democrat, but St. Thomas Aquinas was neither; he was the greatest of all contemporary exponents of pure monarchy" (p. 888) . We have already indicated sufficient reason for disagreeing with Mcllwain about St. Thomas. Despite the apparent inconsistency of certain passages, we think, with Carlyle, that St. Thomas favored a *regimtm regale et politicum,* rather than purely Royal government, even as Bracton and Fortescue did, whom Mcllwain so interprets. It should be noted, moreover, that Carlyle also disagrees with Mcllwain concerning Ptolemy. " Ptolemy of Lucca was a pupil of St. Thomas Aquinas, but we must not attribute to St. Thomas the responsibility for the indifference with which he treats the two forms of government," i.e., the *regimen politicum* and the *dominium regale.* St. Thomas " does express his own preference for the mixed constitution in which laws are made by the' *majores natu cum plebibus'* "-this "mixed constitution" being, of course, more properly described as. the *regimen regale et politicum.* " Still less must we attribute to St. Thomas," Carlyle continues, " the responsibility for the dogmatic preference which Egidius expresses for the *'regimen regale.'"* Vd. *A History of Mediaeval Political Theory in the West,* vol. V, p. 74. Cf. *ibid.,* pp. and 467-78.

... We must not forget the words " for us." Political developments since the end of the 17th century, in which the major conflict has been between absolutism and republicanism, tend to obscure our perception of the mediaeval realities. Our difficulty in understanding the!e political realities in terms of modern, or even in terms of Aristotelian, oppositions, must not lead us to deny that the *regime;n regale et politicum* existed, or to suppose that it existed in ·spite of its being impossible--a union of " irreconcilables."

by the coronation oaths and the oaths of fealty or allegiance; and this bilateral contract joined by reciprocal pledges defines the duties of the king and the obligations he must fulfilL (b) Failure to discharge these duties (nonfeasance) as well as violation of his subjects' rights (malfeasance) breach the contract and warrant the absolution of the subjects from their oath of fealty, and even, in some cases, the deposition of the king. (c) The customs of the people are the primary expressions of positive law, The king is bound by the constitution (which as a contract between king and subjects is itself a customary expression of popular consent) to observe the existing laws, and to give judgment according to them, without abridgement or nullification. In so far as the king may add to the laws of the land by the explicit enactment of new regulations, such ordinances are made with the counsel and the approval of the leading men of the realm, and gain the full force of law only through customary observance on the part of the subjects. (d) Even though the king has the authority to undertake new and explicit legislation on matters not already covered by immemorial customs, he cannot legislate concerning his subjects' property or impose taxes upon them, such matters being reserved to the people themselves, or to their representatives. [436]

[436] In terms of whether the king's absolute mle did or did not extend into the economic sphere to include unlimited control over the property of his subjects, Bodin, at a later date, distinguished between what he called "seigueural" and "royal" monarchy. The "seigneural monarchy" is "despotic" in the sense that it is entirely a paternal or domestic regime, for neither the child nor the domestic slave has any rights in property against the father or the master. What Bodin calls " royal monarchy " is, therefore, no less absolute in its political aspect than the " seigneural monarchy," but unlike the latter, its absolutism is purely political, and not economic, and so it is the only form of absolute regime which is proper to the civil as opposed to the domestic community. On this very point, cf. Hobbes, *Leviathan,* Part :U, ch. QI. Vd. Mcilwain, *Growth of Political Thought in the West,* pp. 199, 383-88. Cf. *ibid.,* Appendix II, p. 403.

Bodin's distinction between "seigneural" and "royal " monarchy has a be."ring on our interpretation of what Aristotle meant by describing the fifth type of kingship as "the household rnle of a city"-" in which one has the disposal of all" *(Politics,* III, 14, 1QS5b30). 'Ve have previously taken this to mean no more than the *absoluteness* of the Royal regime, in which it is analogous to parental government in the domestic community, and so we have supposed the phrase " household rule

(e) In any dispute between king and subject which raises an issue covered by the laws, the king cannot be judge in his own case, but must submit to the jurisdiction of the courts.

(2) *Royal aspects.* (a) The king holds the supreme status in the land: "no man is his peer or his superior." (b) The king's supreme status is that of personal sovereignty in so far ns the power by which he maintains the peace, enforcing the laws and the judgments of the courts, is unlimited by any juri-,Jical power that can be brought against him. Moreover, the force he employs is his own, not an allotment from the reservoirs of public power. (c) Though he is restricted in the scope of his legislation, within his proper sphere (public law and foreign affairs, for example) the authority of the king is absolute: his enactments, whether or not made with the counsel and approval of the magnates, derive the force of law from the fact that they are regally instituted; nor can these be nullified or voided by any other authority. (d) The king is presumed to know best what is for the good of the realm as a whole. On such matters, popular custom or even the voice of representative assemblies is not competent to speak. (e) The king has absolute administrative or executive authority, not only due to the unlimited character of the force he can apply in order to govern, but also because of his unrestricted royal prerogatives in executive action, extending even to laws not of his own making, from which he can dispense according to his pleasure.

A careful study of these two sets of characteristics, especially if made in the light of their concrete historic exemplifi-

of a city" to signify the very essence of Royal government. Vd. Section 2 *supra,* and esp. fn. 354. But if by "household rule of a city " Aristotle meant what Bodin meant by "seigneural monarchy," namely, absolute dominion over the private property as well as the public conduct of subjects, then this fifth type of kingship is not essentially Royal rule at all, but rather despotism; because, even if there be primitive conditions which justify absolute rule, the subjects of such government are adults and are entitled to direct their private lives and to hold and administer private property accordingly. The "seigneural monarchy" is despotic because it violates the difference between absolute government ii::t the civil and in the domestic community; it substitutes an identity for the analogy between paternal and kingly government.

cations, will discover that they are not fatally irreconcilable. They *seem* contradictory only if we insist upon making them answer our questions in a certain way, such questions as whether the ruler is an absolute sovereign or a limited office-holder; whether the ruled is a subject or a citizen. lf we insist that the answer must be one or the other in each case, contradiction cannot be avoided; but it can be avoided if we are able to see how the answer, in each case, can be *both--but in d1}· ferent respects!*

Two facts are indispensable to our understanding of the *regimen regale et politicum* as combining such contrary qualities. The first of these is the sharp division in governmenbt! functions between administration and legislation. [437] Tht

[437] Mcilwain makes this distinction by using the terms " *jurisdictio* " and *"gubernaculum* "-strictly equivalent in meaning to what we have called "legic·-lation" and "administration," the latter including both the executive and judicia'[functions of government. Vd. *Constitutionalism Ancient and Modern,* pp. 79-90. Ci *ibid.,* p. 113: "It seems reasonably certain that the line so clearly drawn by Bractm between *jurisdictio* and *gubernaculum* in the thirteenth century still remains at th: end of the sixteenth the main clue to the riddle of the English constitution. At th" close of Elizabeth's reign, with only a few exceptions, men seemed to accept. alnK•c. as fully as Bracton, the twofold theory that the king is under the law and under no man, that private right is determinable and enforceable by and is undc' the control of courts and parliaments, while 'matters of state' or the 'transforminp of the Commonwealth ' are things ' neither pertaining to them nor within th<·· capacity of their understandings.' The latter are part of 'the Prerogative,' which is and ought to be ' absolute ' and ' not disputable.' " The distinction betweeL *jurisdictio* and *gubernac:ulum* is thus seen to be connected with the distinction between private and public law (vd. *ibid.,* pp. 126-28), which has its roots in Ro:m ,,, jurisprudence (vd. *ibid.,* pp. 47-49). It obviously also has a bearing on the theo ·.·· of the Royal prerogative which was supposed to be absolute in the sphere of administration *(gubernaculum),* but did not extend to legislation *(jurisdictio).* On this last point, vd. Carlyle, *Political Liberty,* Part II, Ch. 1, esp. pp. 33, 37. The distinction between the ordinary and the absolute powers of the king as made by Baldus in the 14th century "seems to be about the same," according to McTiwain. " as Bracton's between *jurisdictio* and *gubernac:ulum"* (op. *cit.,* p. 94). James I later tried to identify the latter with what he called his " public prerogative " concerned with "reasons of state"; the former he regarded only as his "private prerogative " in which " he was always willing to submit to the judgment of the courts. Hobbes had the same distinction in mind in his difference between ' matter of polity' and matter of law" *(ibid.,* p. 128). It was imperative for the English constitutionalists of the late 17th century to try to define, and thereby restrict, the

second is the absence of effective political sanctions to enforce constitutional limitations upon the king.[438] Let us consider each of these facts against the historical background which explains its significance.

The feudal system was a hierarchy of inequalities in status fixed within a framework of reciprocal rights and duties which defined the powers and the obligations of each rank. This complex structure was not the work of explicit or conscious institution, but the product of customary arrangements which each generation accepted as of immemorial standing. In its early

prerogative of the King. By limiting it to equitable dispensation from law in particular cases or, at most, to the issuance of temporary administrative decrees, the 17th and 18th century 'Whigs slowly turned England's government from a *regimen regale et politicum* into one that was almost purely Constitutional. Vd. Locke, *Second Essay on Civil Government,* ch. 14 "Of Prerogative."

••• Vd. Mcilwain, *Growth of Political Thought in the West,* p. 197: "Political absolutism is an achievement of modern times. The middle ages would have none of it. But with mediaeval monarchy, as with feudal relations, the prevailing theory was one thing, the actual facts were often quite another. . . . The main political defect of the time was not a lack of principles, but an almost total absence of any effective sanctions for them, and this is undoubtedly one of the chief reasons for the later acquiescence in royal absolutism. . . . Though the king was under the law in theory, there was little effective machinery in existence to make this theory a practical reality." "In the middle ages, in short, government was *limited,* in modern times, it is also *controlled,* and a fruitful source of later constitutional struggles is to be found in the attempt to prove or disprove the traditional right of control of government on the basis of mediaeval precedents which themselves contemplate nothing beyond its *limitation" (ibid.,* pp. 362-68). "Applying to mediaeval times our own modern notions, we are too ready to assume that when a thirteenth century publicist declares, as Bracton did, that the King is ' under the law,' he had in mind a ' constitutional ' ruler of the modem type. By a constitutional king we mean one whose power, even if not his person, is controlled by other agencies or organs in the state, one whose governmental acts may be brought to book through the ' responsibility ' of the king himself or of his appointees associated with him in their practical operation" *(ibid.,* p. 864).

In his later book, *Constitutionalism Ancient and Modern,* Mcilwain elaborates this fundamental insight. " The addition of the modern political control of government to the mediaeval legal limitation of it required a revolution-a revolution that reached England only in the seventeenth century, France only at the end of the eighteenth, and cost both countries much blood. . . . The fundamental weakness of all mediaeval constitutionalism lay in its failure to enforce any penalty, except the threat or the exercise of revolutionary force, against a prince who actually trampled underfoot those rights of his subjects which undoubtedly lay beyond the

phases, the feudal system was almost entirely local or manorial government, and as such it was largely economic in character. Because of its local and economic character, the manor as the basic feudal unit was like that extension of the household which Aristotle called a village community; and consequently it was natural for the lord of the manor to rule like a *paterfamilias.* Such a regime combines, of course, both royal and despotic elements-using the word "despotic" here to signify just mastery over those supposedly in a natural condition of servitude. To isolate the royal aspect of feudal government, it is necessary to exclude the serfs and consider the upper levels of the hierarchy-the squires and knights, the vassals and their overlords. The aggregation of many manors in a county or a duchy does not alter the fundamental character of feudal society. The more inclusive structures resemble the units out of which they are composed: they are merely more complex units of local government, largely concerned with economic matters, and though the sovereignty resides in the man who occupies the

scope of his legitimate authority. We must clearly recognize this defect of mediaeval constitutionalism without denying the existence of the constitutionalism" *(op. cit.,* pp. 93-95). Cf. *ibid.,* pp. ll7-19, where Mcilwain points out that in the 17th century, "the old dichotomy of jurisdiction and government (i.e., *jurisdictio* and *gubernaculum)* was now strikingly displaying its one essential weakness-the lack of sanction for the protection of the sphere of law from invllSion by the power of government "-that is, the protection by enforceable sanctions of the legislative domain from illicit extensions of the Royal prerogative. Cf. fn. 437 *supra.* And Mcllwain continues, "James had shown his accustomed shrewdness by ;·elying on precedent in his argument against parliamentary privilege; for precedent clearly recognized the power of the king as absolute in government (i.e., administration) and it provided no adequate check for an abuse or undue extension of the king's discretionary power beyond its legitimate sphere" *(ibid.,* p. 120).

Carlyle agrees, for the most part, with Mcllwain's insight into the defective constitutionalism of the middle ages, due to lack of political sanctions. Vd. *History of Mediaeval Political Theory in the West,* voL V, pp. 112-127, 468-74. But, unlike Mcllwain, Carlyle calls attention to the characteristically mediaeval substitute for civil control-the non-political sanctions, Le., the religious, the extra-temporal or spiritual sanctions, which were available to control the waywardness of an arbitrary king, such as absolution from allegiance, deposition, or even excommunication. Regardless of how effective such sanctions were, they were not political or civil sanctions; they were really extra-constitutional methods of controlling the king. So far as the coercive force of positive law went, the king was *legibu.s solutus.*

supreme status in that locality, his sovereignty is limited by the immemorial customs of the place and the people he rules. The reign of custom over all-both superiors and inferiors-is made effective in so far as transgressions or disputes are submitted to the judgment or arbitration of feudal courts, but this can, of course, be nullified by the *vis major* of a superior or by resort to arms in open breach of the peace. The fact that feudal courts did not have the police power needed to enforce their decisions was a crucial defect in the system which led to the formation of kingdoms with centralized government and sufficient coercive power to maintain the peace of the realm.

Looked at from one angle, the feudal king was merely the apex of the feudal structure in a particular locality, resulting from the tendency of smaller feudal units to aggregate into larger and more inclusive ones. But the tendency inherent in human association whereby local societies amalgamate to form larger and larger communities is only one factor in this development. The other factor is the anarchy which prevails when independent sovereigns impinge upon one another because of the proximity, or even the overlapping, of their spheres of power. To replace such anarchy by government, to substitute the unity of peace for incessant warfare between local sovereigns who used force to assert their wills, it was necessary to make the reign of customary law effective and also to extend its sway over larger and larger domains. The feudal kingdom thus originated in response to the need for a higher unit of government endowed with sufficient coercive force or police power to maintain peace, among the barons and counts who pledged their allegiance to the king as supreme lord of the realm in which they ruled their own estates as local overlords. The special functions of the king, and the fact that at the beginning he was usually elected, indicate that he was both the *supreme officer* of government and the *highest sovereign person* in the feudal hierarchy. The feudal aspect of his regime is seen in his economic status as supreme landowner, subordinating the fiefdams of his inferiors. But the kingdom was not merely the highest :fiefdom, the king not merely· an economic overlord.

That partly accounted for his sovereign status, but his function as chief magistrate, as the supreme officer of law enforcement, indicates the civil aspect of his regime and shows that the kingship is a supremacy both in *status* and in *office.* In his coronation oath, the king promised to use his force, not only to keep the *peace* of the realm by preventing warfare among the peers and by punishing barons or counts who breached the king's peace by taking the law into their own hands against each other, but also to enforce justice upon all his subjects by requiring an observance of the customary law which bound feudal inferiors and superiors in an intricate pattern of rights and obligations. Gradually the king's courts took over the work of the manorial courts, because the king's sheriffs had the coercive power to enforce the decisions of the king's judges, whereas, under manorial jurisdiction, the feudal inferior could win a favorable judgment but lose its fruits because the might of his superior would block its execution. [439]

When we see it in terms of its feudal origins-the tendencies and needs which created it-we can understand how the mediaeval kingship was both an absolute and a limited regime. [440]

••• Vd. Mcilwain, *Constitutionalism Ancient and Modern,* pp. 85-88. Cf. *Growth of Political Thought in the West,* pp. 180-184.

[440] In fact, the anomaly cannot be understood in any other way. The non-feudal character of ancient society not only made such a regime impossible in fact, but would have made the hypothesis of such a regime inconceivable or unintelligible in the terms of ancient political theory. And those today who try to understand the *regimen regale et politicum* quite apart from the historic (and contingent) circumstances of the feudal period, tend to misconceive its special character and try to avoid the anomaly by reducing the regime either to one purely royal or one purely political. The anomaly, which is thoroughly intelligible as an *historic accident,* becomes a contradiction when the light of history is removed.

The fact that the *regimen regale et politicum* is intelligible, and may even be justifiable, in terms of historical accidents, does not make it any less an anomaly in terms of theoretical principles. In a similar sense it can be said that the Royal rule over a civil community is anomalous because it is, genetically viewed, the extension of the household rule over a sort of community to whose essential nature it is not appropriate, even if it can be justified by the inferior conditions existing at a given time. Cf. fn. 371 *supra.* As the primitive kingdom is somehow intermediate between the village community and the state (i.e., the civil community or true commonwealth), so the mediaeval kingdom (under Royal *and* Political rule)

It was limited because the king was bound by customary law, not only in his own feudal relationships to inferior lords, but also because he was bound by his oath of office to uphold the laws of the realm which, being almost exclusively customary, were not of his own making. In his hands were concentrated judicial and executive authority: the judges and the law-enforcement officers were his deputies, entirely his creatures and responsible to him alone. He held, moreover, the coercive force to make his judicial and executive authority prevail. But the king had in theory-and, in the beginning at least, in fact-no legislative authority, for law was custom and customs cannot be made by regal pronouncements. [440n] The voice of the king was not necessarily silent on matters of law, but his *jurisdiction*, his *saying what the law was*, consisted entirely in recognizing and affirming the customs of the realm-the rules of social conduct which had grown up through the centuries and which were, therefore, regarded as an expression of the reason and free will of the people in arranging their own affairs. The decrees which a king might issue in the course of his civil administration were not at first laws in the basic sense, though they might gradually become laws through being reaffirmed by later kings and thus becoming customary rules. A certain margin of legislative authority thus rested in the king's hands, but for the most part his authority and power were limited to the judicial and executive spheres of government. Within these

is intermediate between the pure kingdom and the pure commonwealth (i.e., the state under purely Political government) . Furthermore, although the elements which enter into a *regimen regale et politicum* are not completely irreconcilable, as the existence of such governments under peculiarly mediaeval conditions shows, nevertheless, they are essentially antagonistic and, because of this, such regimes naturally tend toward dissolution, resulting in the complete dominance of one or the other factor-the return to unqualified absolutism, or the advance to purely Constitutional government. Vd. fn. 446 *infra.*

uoa The fact that St. Thomas says that " the principal act of a king is to make laws" *(Summa Theologica,* II-II, *50,* 1 ad 3) indicates that he was here thinking of a king who tended to assume truly Royal powers, and not the monarch in a *regimen regale et politicum.* It should be noted that the objector here quotes Isidore of Seville as saying that " lawgiving belongs not only to kings, but also to certain others placed in authority, and even to the people."

spheres, however, his authority and power were absolute--absolute, *not arbitrary,* at least *so* long as he ruled justly for the common good. An arbitrary use of his absolute power turned the king into a tyrant, but the absoluteness of his power and authority did not make him a purely Royal ruler, precisely because it was an absoluteness confined to a limited sphere of governmenL Limited by prevailing custom in his jurisdiction, and excluded by such custom from the exercise of legislative authority, the king's rule was nevertheless absolute in all the administrative (both judicial and executive) affairs of government. Here he had no peer and no superior. Within this limited sphere, his power was absolute because his subjects retained no juridical power to resist his commands, to oppose his edicts, or to counteract his administration. In contrast, a purely Royal mler not only has absolute power, but the sphere of such power is itself unlimited. If the notion of ruling includes all the acts of government, legislative as well as administrative, then a truly absolute (or Royal) ruler is an unlimited ruler-absolute in every sphere of government; but a conditionally absolute ruler (exercising a Royal *and* Political regime) is not an unlimited ruler, but merely an unlimited administrator, absolute as such, but delimited in his powers by those governmental functions to which he is restricted (i. e., the administrative) and by those from which he is excluded (i.e., the legislative), which belong to his subjects. [441] The phrase of

.., In contrast to the way in which the king in a *regimen regale et politicum* is a *limited-absolute ruler* (i.e., limited to administrative functions, but absolute in the performance thereof), every constitutional office-holder, even the chief magistrate or executive, is a *limited administrator,* i. e., limited both in function and in the exercise thereof. The Icing is limited to being an administrator, but he is unlimited in his administration. Vd. fn. 437 *supra.* This fact alone shows that it is fallacious to suppose that the *regimen regale et politicum* has any Republican aspects simply because it does involve some limitations on the authority or functions of the king. Cf. fn. 416 and 417 *supra.* Under strictly Republican (i.e., purely Constitutional) government, every one who rules is not only limited by the authority attached to a given office for the performance of its special functions, but is also limited by constitutional definition of the powers of that office, and is checked from arrogating to himself illegitimate powers by sanctions enforceable against him. In short, no man is *legibus solutus.* Vd. fn. 438 *supra.*

St. Louis, in which he ascribes to the king a *plenam potestatem et liberum regimen* over *his part* of the government, must not be confused with the purely royalist implication of the dictum by Egidius Colonna, that the king should have a fullness of civil power *(abundare in civili potentia)* .[442] The juridical theory of the mediaeval kingship insisted upon the distinction between the royal or absolute and the ordinary or legal powers of the king-in the language of Baldus a *potestas* and a *potestas absoluta-and,* therefore, conceived his regime as both Royal and Political.' [41]

This fact, then, of a distinction in governmental functions and powers, when understood in terms of its feudal origins, explains how, in a *regimen regale et politioum,* the king is both absolute and limited-in *different respects/* [444] Looking at it fro:rp. the viewpoint of the throne, we can see how such a regime is an *imperfect* case of Royal rule, imperfect or defective by reason of the limitations which surround and detract from its absolutism. But we must also look at it from the point of view of the ruled, not only to see the respects in which such a regime is Constitutional, but also to find the correlative defect in its constitutionality which makes the ruled partly citizens and partly subjects. In terms of their iirferiority in feudal status,

"" Vd. Mcllwain, *Constitutionalism .Ancient and Modem,* pp. 80-SS. Cf. fn. 481 *sitpra.*

us Vd. Mcllwain, *Constitutionalism Ancient and Modem,* pp. 94, 126-188. Cf. fn. 487 *supra.*

«< Cf. fn. 487 *supra.* And vd. Mcllwain, *ConstitutiO'Tialism Ancient and Modem,* p. 90: " The formulae for English government which Fortescue offers in almost all his works is contained in his phrase *regimen politicum et regale;* and here his adjective *politicum* applies to Bracton's *jurisdictio,* and his *regale* to Bracton's. *gubernaculum.* There has been much discussion of this famous phrase, but, so far as I know, the interpretation of it just given was never proposed until I f:luggested it in Before then it was customary to identify *regale* with Bracton's *gubernaculum,* but under *politicum* to introduce into both government and jurisdiction (i. e., administration and legislation) the peers who for Bracton have no part in government (i. e., administration) but only in jurisdiction (i. e., legislation) . Such an interpretation makes of England not a pure monarchy, but a mixed one, if not even somewhat more a ' mixture ' of monarchy and republican government . . . rather than the monarchy absolute with certain definite limits established by law." Cf. fn. 416 and 417 *supra.*

the ruled are, of course, subjects of the king as a personal sovereign. At the same time, customary law is an expression of their will and is beyond the king's authority to change or abrogate. Furthermore, the king is not merely their feudal sovereign; he is also the holder of a governmental office, whether by election or heredity, to whom they freely pledge allegiance only to the extent that he in turn pledges himself to discharge the limited functions of that office for the common good. The contractual relationship between the king and his people, and their legislative authority in the sphere of customary law, gives the people something of the status of citizenship in a commonwealth. They possess this status imperfectly however, in so far as they lack juridical power to protect their rights and to exact the king's performance of his duties. This was due to the underlying defect of the mediaeval constitution-the absence of political or temporal sanctions needed to give constitutional provisions the force of positive law. Because of this defect, the king could exercise more power in fact than he had in theory (juridically) , and so the *regimen regale et politicum* tended toward that corrupt absolutism which is despotic government. Thence the road to tyranny lies open.

We have seen, historically, how the *regimen regale et politicum* arose, and how its peculiar character is explained by its or1gms. We must now examine the historical causes which made the dissolution of this regime inevitable. It was not only an historical accident that it should ever have occurred in the first place, but with the transition from feudalism to nationalism the latent incompatibility between its royal and its constitutional aspects had to develop into open conflict.[445] The

••• Vd. Mcilwain, *The Growth of Political Thought in the West,* pp. 888-94. Cf. *ibid.,* pp. 180-184 wherein Mcilwain points out that feudalism was from its very beginning in motion toward nationalism. " The whole period which we call feudal is a period of transition, rapid transition in fact, and OUT danger is of oversimplification. . . . Throughout the period of greatest decentralization, factors of an opposite character never ceased to operate. National governments did destroy feudalism in the long run, but they did it in large part not by discarding existing institutions *in toto* or by a frontal attack on them, but largely by turning to their own advantage certain institutions which had been in constant use throughout the whole period."

double imperfection of this regime-its imperfect (i. e., limited) absolutism and its imperfect (i.e., sanctionless) constitutionality-necessitated the centuries-long struggle of each of these factors to achieve perfection and become predominant to the exclusion of the other.

From the beginning, Royal and Political government contained the seeds of its own undoing.[446] The very problem which the mediaeval institution of kingship solved was generated again at another level by that institution itself. Royal government was needed to keep the peace between feudal peers, and to enforce the administration of justice in disputes between feudal unequals. In order to make the reign of custom effective in the manner of positive law, coercive force had to be applied by an impartial organ of government. The king could be this organ when he was not himself an interested party. But though, theoretically, the king could not be judge in his own case, he was practically *legibus solutus* because all the coercive force of law was in his hands. Thus the mediaeval institution of the kingship, as a device to give law the effective supremacy proper *to* it in the government of men, defeated itself in so far as it raised the king above the coercive force of law.[447] The

ua If either of these two factors had been ·perfect in its own way, the *regimen regale et politic:um* could never have come into being, for the perfection of either excludes the existence of the other. The very fact which makes this regime a possible anomaly, and not an impossible contradiction, namely, the correlative imperfection of the two factors being combined, also makes the c;ombination an unstable equilibrium which can endure only so long as relatively static circumstances do not compel a stabilization, resolving the combination in favor of one of its elements to the exclusion of the other.

Though we disagree with his judgment that the *regimen regale et politic:um* should be dissolved in favor of an unqualifiedly absolute regime, we must acknowledge that Hobbes rightly perceived the instability and abnormality of a government which tried to be both Royal and Constitutional, both absolute and limited. In terms of his theory of sovereignty, such a regime involved a divided sovereignty and must fall into its parts, for these parts will be continually at civil war with one another, and one must ,eventually predominate and abolish the other. As Mcllwain points out, Hobbes " was one of the first clearly to see " that the English struggle " could never be ended except by the complete supremacy of one or the other of the contending parties" *(Constitutionalism Ancient and: Modern,* p. 141).

•n The fact that it is theoretically obviowr that Royal power cannot be an

king's unchecked power to violate the law with impunity extended beyond disputes with the barons or other of his subjects in matters of feudal right or duty; it enabled him as well to evade or abrogate the constitutional limitations of his office. Custom defined the duties he swore to discharge. Custom also defined the rights of subjects he promised to protect. But the very power by which the king could enforce the claims of custom on aU others left him free from their coercive force, and left his subjects with only the sword of violent rebellion to protect themselves *by fo!J"ce* against tyrannical oppression. There were, of course, other sanctions against kings turned tyrants, but they were ecclesiastical and spiritual, :rather than political and temporal. The Church could absolve subjects from their oath of allegiance, could recognize the throne vacant, as if abdicated by the king, and in extremity could even accomplish his deposition by excommunication. But though these sanctions were :reasonably effective so long as church and state enjoyed an harmonious interplay in the affairs of Christendom, they were even then, strictly speaking, not constitutional sanctions, that is, not juridical power disposed in the community or among the organs of government so as to make the constitution binding on all officers of government.

The essential defect of mediaeval constitutionality can be summarized in the single insight that, though a constitution should have the effectiveness of positive law, supported by coercive force properly distributed, the mediaeval constitution (which gave the kingdom its political aspect) had only the binding quality of natural law so far as the king was concerned. He ruled under the constitution as he might rule under natural law, prevented from violating it only by his conscience, by religious sanctions, or by civil disobedience which, even when

adequate expedient for the achievement of truly Political government (i. e., the supremacy of Law) must not lead us to overlook the historic fact that the mediaeval institution of kingship was intended, and to some extent, succeeded, as a means to this end. In view of the goals of Divine Providence, the processes of political history should be looked upon as in motion toward the realization of the theoretically true principles of politics, however devious and indirect the motion may be.

supported by religious interdicts, he could always attempt to suppress by meeting violence with violence. The absolute ruler in purely Royal government may also be bound in conscience by natural law if he is a just man. He is only above all positive law. But, for aU practical purposes, the king in a Royal and Political government is also above all positive law, precisely because he holds all the juridical force which is needed to make the constitution generally effective against him. He is under the constitution, therefore, in a manner no different from the way he is under natural law; and though by its institution and the intention thereof, a constitution is positive law, the royal aspect of the *regimen regale et politicum* deprives it of what belongs to its very essence as positive law.[4418]

us In his study, *The Philosophy of Law of James Wilson,* Father Oberling writes: " The mediaeval system had, indeed, its defects . . . but lack of positive con· stitutional control of governmental powers was not one of them " (p. 254) . And he cites a long list of the institutions and arrangements which embodied the principle of constitutionality in mediaeval governments (vd. *ibid.,* pp. 253-54). But the question is whether these constitutional provisions were supported by enforceable sanctions against office-holders who might violate them, or whether, as Father Oberling admits, their violation by the king " is made the justification of a resort to arms against him " *(ibid.,* p. 254, fn. 28) . When the king in his coronation oath swore to uphold, by the exercise of his power, " the laws which the mass of the people have chosen," he promised to use coercive force to endow these popular customs with the binding quality that is proper to positive law. The king, however, remained the sole repository of the law's coercive force. Hence when the people, acting against a king who has violated his oath, exercise the power of their numbers, the coercive force they bring to bear to preserve the constitution is revolutionary and extra-constitutional. The very fact that the only recourse against a tyrant or usurper was the natural right to rebel shows that the mediaeval constitution lacked the sanctions proper to its character as positive law. For if it were fully and perfectly positive law, it would endow the people or their representatives or some organs of government with the *juridical power* to enforce the constitution against any office-holder, even the king, who transgressed the limits of his juridical power. But then the mediaeval king would not have been, as he plainly was, *legibus solutus* in the sense that, being the possessor of all legally constituted coercive force, he was free from the constitution- so far as coercive force was concerned, though obviously not above its directive quality and the sanctions of conscience which it imposed on him. through the natural law. Throughout his discussion of this matter, Carlyle tacitly admits that the mediaeval constitution had only the force of natural law, not that of positive law, when he describes the extra-constitutional or revolutionary means, justified by natural law, to which the people had to resort in defense of

The defective constitutionality of the *regimen regale et politicum* might not by itself have precipitated the conflicts which ended in the regime's dissolution, had not extrinsic circumstances intervened to aggravate its inherent weakness. At best an unstable equilibrium, this regime could endure only so long as the opposition of its elements remained latent. During the early middle ages-the static period of feudalism and the period when religious sanctions had their greatest weight-the *regimen regale et politicum* came into being and had its :flowering. But from the 13th century on, the interplay of many factors (contingent but not unrelated in their origins) turned Royal *and* Political government from an anomaly into an impossibility, no longer able to endure.

In the first place, the tendency in human association to enlarge by the aggregation of smaller communities, whether through conquest or agreement, led to the steps of national aggrandizement by which the small principalities of an earlier day gradually became the great domains of modern times. The same factor which generated kingdoms to counterbalance the dispersion of local governments by the unity of a centralized administration, now tended to increase the strength of the centralized government in the king's hands, and to bring him into more frequent conflict with his barons and with the newly formed towns and cities which were incorporated as local governments. The king was less and less the feudal overlord, more and more the national monarch, concerned with affairs of state, i.e., the good of the realm as a whole, which transcended the interests and problems of particular localities. Conflicts between nations now took the place of feudal strife among the barons, and the king's powers naturally enlarged to serve the nation's interests in foreign affairs, whether in defense or aggression against other nations.

In the second place, economic changes, as well as the political

their constitutional rights. McTiwain is much more explicitly clear about the lack of sanctions which deprived the mediaeval constitution of its full character as positive law. Cf. fn. 488 *supra;* and vd. esp. *Constitutionalism Ancient and Modern,* pp. 11-UI.

expansion just mentioned, tended to modify the feudal system, and to undermine its static character. With the increase of manufacturing and commerce, the towns grew in size and importance. In themselves, they presented new problems for governmental regulation, and their far-flung commercial interests had repercussions upon international affairs. The wealth of a kingdom was no longer measured by its holdings in land, and the revenues of the king were no longer derived solely from feudal tithes and taxes. Moreover, a new political class was slowly being formed-the burghers or bourgeoisie, destined to have an ever-increasing voice in affairs of state and to become a rival as well as an ally of the older oligarchy based on feudal tenure.

In the third place, and in consequence of the factors already noted, the institution of positive law was compelled to change from the recognition of immemorial custom to the explicit formulation of new statutes. Customary law can prevail only in a relatively static society. It was perfectly adapted to the fixed structure of the feudal system. But from the 13th century on, political expansion and economic change required explicit law-making in order to deal with the novelties and contingencies of a more dynamic societyo[449]

049 "No doubt as time passed, and the complexities of life increased, some deliberate changes, or at least some modifications of customary law, were required. These were for a long time effected by the almost insensible changes of custom by which a living community adjusts itself to new conditions in its environment. It is, however, true that as early as the ninth century, in some and certainly by the twelfth century, the conception of a definite legislative authority, and action, begins to take shape. This gradually developed into the conception of an authority greater than that of the law which in popular opinion both makes laws and abrogates them" (Carlyle, *Political Liberty,* p. 16). Cf. *A History of Mediaeval Political Theory in the West,* vol. V, p. 64: "The normal conception of the Middle Ages was that law is the custom or the declared will of the whole community, and this continued to be predominant in the thirteenth century. It is, however, true that it is in the twelfth and thirteenth centuries that we find the appearance and the first development of another conception of law-that is, the conception that the !Jrince, whether emperor or king, is the sole source of law; and there is no doubt that we have here the beginnings of a political idea which became of the highest importance in that change in the political civilization of continental Europe which accompanied the Renaissance."

In the fourth place, the discovery and reception of the Roman law occurred during these very centuries when the reign of customary law was being challenged by new conditions which the ancient customs could not regulate. This historic coincidence was of the greatest importance, the *Corpus Juris* of Justinian presented the picture of a radically different type of legislation-enacted and written, rather than customary. Furthermore, Justinian not only provided the mediaeval kings with a model to follow, now that current exigencies demanded royal enactments, but also suggested how they could justify the extension of their authority into the sphere of legislation. In the shift from republican Rome to the absolutism of the emperors, the Roman lawyers invented the legal fiction of a *lex regia* to justify the emperor's claim that his will, not the people's, was the source of law. According to this fiction, which thinly concealed the fact that the emperors had usurped an authority which was not theirs, the people were supposed to have transferred their whole legislative authority to the emperor. The *lex regia,* in short, was an attempt to make the revolution, which ended constitutional government in Rome and which supplanted it by an absolutism more despotic than royal, look like a legal modification under the constitution itself. The mediaeval commentators on Roman law could not fail to suggest how a similar transformation might be made in the *regimen regale et politicum,* now that conditions seemed to warrant royal encroachments upon the legislative authority of the people, vested in them as the source of custom. [450]

[450] "In the twelfth and thirteenth centuries we have found the first beginnings for the modern world of another conception of the source of law, that it is the prince or ruler who is the legislator, the fount of law; and there cannot be any doubt as to the origin of this conception. It came from Bologna, from the revived study of the Roman jurisprudence, from the Civilians, It was in this jurisprudence that they found the doctrine that while the Roman people was the ultimate source of all political authority and of all law, it had transferred its authority to the emperor" (Carlyle, *A History of Mediaeval Political Theory in the West,* voL V, p, 84), "The Constitutional theory of the Roman Empire , . , looked upon the authority of the emperor as. given to him by the community , . . but in fact the Roman emperor became the legislator. Justinian, indeed, speaks ef him as the sole legislator,

Under the impact of all these convergent factors, the national king tended to exercise governmental functions from which the feudal king had for the most part abstained. In proportion as he added legislative authority to his administrative powers, he ceased to be an absolute ruler with limited functions and tended to become an unlimited ruler, now as absolute in his law-making as he had previously been absolute in his administration of customary law. One of the conditions which had made the anomalous *regimen regale et politicum* a practical possibility-the distinction between legislation and administration, with the restriction of the king to the latter-was gradually dissipated by the legislative encroachments of the king. That the constitutional theory behind the *regimen regale et politicum* had not itself changed is indicated by the rise of representative assemblies to meet the demand for explicit legislation, these parliaments aiming to preserve *to* the people they represented the legislative authority they possessed during the era of c1113tom.[451] But in the long struggle between the king and the parliaments, the kings

The historical importance of this difference can hardly be overstated" *(ibid.,* pp. 458-59). Cf. *Political Liberty,* pp. 18-19, 102, 208, 206-211, 217. Vd. *ibid.,* p. 25: " The Roman law had, indeed . . . handed on to the Middle Ages the dogmatic judgment that all political authority was derived from the people . . . but the *0urpu8 Juris Civilis* was after all the Law Book of Imperial, not of Republican, Rome, and assumed that the Roman people had transferred that authority which had belonged to them." Cf. Oberling, *op. cit.,* pp. *254-55.* Vd. also, Mcllwain, *CO'Il8titutionalismAncient and Modem,* pp. *57-59,* 72-74. As Mcllwain points out, " Bracton considered the oath taken by the kings of England at their coronation in some way analogous to the *lex regia* by which the Roman emperors at their accession had received the *imperium* and *potestas* of the people; the king's coro>1ation oath is in fact Bracton's English *lex regia.* But it is no *lez regia* which, like that of the *Institutes,* confers on the prince the people's entire authority" *(op. cit.,* pp. 78-74). The theory of Roman absolutism arose and flourished more readily on the continent than in England because there the reception of Roman law and the jurisprudence of the Civilians met with less opposition than it did in England.

461 " The discovery of a method by which the law might be deliberately adapted to changing conceptions and circumstances in the life of the great political communities " was of great importance. " This method was that of the representative system, and it must be clearly understood that this was not in any way peculiar to England; it was developed in Spain at least a hundred years earlier than in England, and throughout central and western Europe in the thirteenth and fourteenth centuries" (Carlyle, *Political Liberty,* p. 207). Cf. *ibid.,* pp. 20 ff., 106.

who tried to dissolve the *regimen regale et politicmm* into a thoroughly absolute rule had the upper hand, because the appointment and tenure of judges was under their control, because the royal prerogatives included the summoning and dismissal of parliaments, as well as the abrogation of parliamentary enactments for reasons of state, because neither the people nor the peoples' representatives could be juridically protected in their rights so long as all the coercive force of government remained the king's monopoly. [452]

Thus we see that the other condition which had made the *regimen regale et politicum* a practical possibility-namely, the lack of sanctions enforceable against the king-was also the crucial weakness in its constitutionality which made it give way before the tendency toward complete absolutism. It would, however, be erroneous to suppose that if the mediaeval constitution had had the force, as well as the spirit, of positive law, the *regimen regale et politioum* might have been preserved by maintaining the constitutional division of authority between king and people through their allocation to the spheres of administration and legislation respectively. For if, with enforceable sanctions against the king, the constitution had had the full supremacy of positive law, the king would have ceased to be, in any sense, a sovereign man, *legibus solutus,* and absolute in his own sphere; he would have become, even as an administrator, a limited office-holder, and so the *regimen regale et politioum* would have been dissolved into a thoroughly constitutional rule.

The bloody and violent events of modern history, in the alternative phases of the struggle between absolutism and constitutionalism, record two resolutions of the anomalous *regimen regale et politioum* which theory could have predicted. By an analysis of its elements we have seen that a regime which combines Royal and Constitutional principles of government must necessarily embody each in an imperfect form. [453] The imperfection of the Royal principle consists in the restriction of the

••• Vd. Mcllwain, *Constitutionalism Ancient and Modem,* Ch. V, and esp. pp. 108, 113,

••• Vd. pp. 719 *supra.*

king's absolute power to administration-the judicial and executive functions of government. The imperfection of the Constitutional principle consists in the lack of civil sanctions to bind the king within his sphere and to protect his subjects' rights in theirs. Let changing conditions upset the unstable equilibrium of these elements, *com,binable only in their imperfection,* and each will, in consequence, naturally seek to complete itself, achieving perfection in the line of its own principle, dissolving the combination in favor of purely absolute or strictly limited government. This is precisely what happened in the course of the 17th and 18th centuries, the long, slow process of the king's ascendancy reaching its apogee with the Stuart absolutism in England and the later Bourbons of France, to be overcome by the counter-revolutionary phase, also centuries long in development, which culminated in England with the bloodless revolution of 1688 and somewhat later in France with the bloody revolution of 1789.[454]

The basic conflict in modem political theory, from Fortescue and Hooker *vs.* Hobbes and Bodin to Suarez and Bellarmine, Locke and Rousseau *vs.* King James and Barclay and Bossuet, runs parallel to the actual struggle for supremacy between Royal and Republican institutions. Each side had its theorists, and on each side the theory tended to become false through an extremism natural to the heat of controversy. The Royalists, trying to justify absolute government absolutely, failing to understand the special conditions which alone can justify the Royal regime, failed to distinguish between just and unjust absolutism (the true king and the despot), and denied the validity of any constitutional limitation. The Republicans fell into a similar, though opposite, error: instead of arguing for the superiority of Constitutional government, they, too, failed to discern the conditions

[46] In either case, the kingdom was abolished; the Royal principle eliminated, and the Constitutional principle perfected by the formation of Republican government through giving the constitution the force of positive law. It is indifferent to the essential nature of this change, whether kings themselves be abolished, or whether the head of the king's cabinet, the chief of the ministers responsible to parliament, becomes the head of the government, i. e., its chief magistrate, and the king remains as a figurehead.

which can justify a Royal regime, and denounced absolute government as always and everywhere unjust or despotic. [455]

Furthermore, each side tended to regard the *regimen regale et politicum* as the imperfect beginning of the form of government they recommended as the only right one. In this insight both sides were correct, though each failed to see that the other had an equal warrant for his contention. To each party, the

[455] There are some exceptions. Montesquieu, for example, distinguished three forms of government: (1) the Republic, in which the people have sovereign power; (2) the Monarchy, where one man governs, but according to established and fixed laws; and (3) the Despotism, where one man governs, but without fixed laws or fixed rules, and controls all things by his will and his caprice. Vd. *Spirit of the Laws,* II, I. Cf. Carlyle, *Political Liberty,* pp. 148 ff. and 154 ff. Of these three forms, only the third is condemned as unjust. The second is really the equivalent of the *regimen regale et politicum,* as the first is the equivalent of the purely Constitutional regime; and though the latter is superior to the former, both are regarded by Montesquieu as just, in sharp distinction from what he called "Despotism." Nevertheless, it must be noted that Montesquieu attempted to explain, if not to justify, the existence of despotisms, such as that of the Turkish Sultan, by reference to the effects of climate on the political spirit of men. His attempt to understand the difference between Asiatic and European governments in terms of such conditions bears an amazing resemblance to Aristotle's comparative discussion of the Persians and the Greeks. Vd. *ibid.,* Book XVII. But Montesquieu was also of the opinion that Aristotle did not understand what a true monarchy was, because he thought that in the ancient world, before the advent of the Roman kings, all governments were either despotic (as in Persia) or republican commonwealths (as in the city-states of Greece). Montesquieu's critique of Aristotle's views on monarchy (vdl. *ibid.,* Book XI, Chap. is not merely due to his historical errors, but primarily to the fact that for him " monarchy " signified a *regimen regale et politicum,* and hence he failed to understand the Aristotelian distinction between the heroic kings of ancient Greece and the despots of contemporary Persia. For Montesquieu, all non-constitutional government was despotic; hence the distinction between a king and a despot must reside in the fact that the former is subject to *some* constitutional limitations, without yielding *all* the prerogatives of personal sovereignty. No wonder, then, that Montesquieu thought that monarchy (the *regimen regale et politicum)* was a peculiarly modern innovation. Montesquieu did not discuss its mediaeval origins, but he was certainly right in declaring such a regime to be unknown to the ancient world. Vd. also Carlyle's discussion of the political theories of Lord Halifax at the end of the 17th century in England, and of Condorcet at the end of the 18th in France: *Political Liberty,* pp. 171-174. According to Carlyle, Condorcet, in his work on the influence of the American Revolution on Europe, recognized that the Republic--i.e., purely Constitutional government-" is an ideal which should be aimed at; actually many men are still so much under the influence of ignorance and prejudice that its complete realization may for the present be impracticable."

other looked like a revolutionary, overthrowing that aspect of the *regimen regale et politicum* which was the real-the only-principle of civil government. If either side in this controversy had properly understood the anomalous character of a Royal *and* Political regime in terms of the basic opposition between its principles when each is carried to perfection in practice, political theory would not have waited for John Stuart Mill to regain the truth of the Aristotelian analysis.

The struggle between absolute and limited government was not concluded in the 18th century. It continued in France and England in the 19th century, and at the same time began, or reached the phase of revolutionary violence, in other lands. And, as one of the issues being fought on the world's battlefields today plainly testifies, the struggle is still going on with the violence that, in human affairs, inevitably attends so crucial a conflict. The issue still hangs in the balance so far as actual political institutions are concerned, but in the quiet detachment of political theory, divorced from the warfare of the "ideologies," no issue remains. We can now see that the Constitutionalists or Republicans of the 18th century were moving in the direction of the truth, though they did not fully grasp it because they were unable to make their theory comprehend the element of truth on the opposite side--the relative justification of a Royal regime. They did, however, reach a fuller conception of the principle of constitutionality than that held by ancient or mediaeval thinkers, precisely because they could see, from their vantage point in history, the necessity for adequate sanctions to give constitutional provisions the full force of positive law.

It may be debatable whether insistence upon sanctions adds anything essential to the theory of Constitutional government as that was conceived by Aristotle and Cicero. We tend to think that it is the same essence which is being defined by the ancient Constitutionalists and by the modern·· Republicans. But certainly it cannot be denied that enforceability is a property, a necessary accident, of positive law. Hence the conception of a constitution is more adequate if it explicitly recognizes what is

proper to it as positive law-a property which, if lacking, may leave essentially unaltered the form of government being defined, but at the same time may render it practically ineffective as an existing institution. Because they have learned this lesson from the travails of modern history, the Republican theorists of the 18th century, the framers of the American Constitution *especially,* make a contribution to the principle of constitutionality, the importance of which explains why they are sometimes excessively acclaimed as its innovators. [456] The mediaeval accident of a *regimen regale et politicum,* with all its painful sequelae in the shift from feudalism to nationalism, did not happen in vain if, in the contingent order of history, such a march of events led to this consummation-the return to a form of government which the ancients had recognized and enjoyed, the purely Political or strictly Constitutional regime, but now, in its modern revival, fully matured in theory and strengthened in practice. [456].

[456] Vd. Mcllwain, *Constitutionalism Ancient and Modern,* Ch. I; and *Growth of Political Thought in the West,* pp. *359-63.* Depending on whether the emphasis is placed on the principle of constitutionality itself, or on the political means for making a constitution effective as positive law, writers tend to stress the continuity or discontinuity between mediaeval constitutionalism and the developments of the 18th and 19th centuries. Carlyle differs from Mcllwain on this very point. Vd. *Political Liberty,* pp. 158-61; 175-187; 203-217.

[456] The writers of *The Federalist Papers* clearly and explicitly recognized the need for sanctions to make a constitution effective as the basic positive Law on which Republican government rests. They conceived the necessary sanctions, of course, in terms of l\!J:ontesquieu's doctrine of the division of governmental functions into diverse departments, checking and balancing each other in power and authority. But, regardless of how the sanctions are instituted, the essential point remains the same-the indispensability of counteractive forces to prevent unlimited power in any *branch* of government, or in the hands of *any official.* Vd. paper No. 51 by Hamilton, where it is astutely observed that " it may be a reflection on human nature that such devices should be necessary to control the abuses of Government. But what is Government itself, but the greatest of all reflections on human nature? If men were angels, no Government would be necessary. If angels were to govern men, neither external nor internal controls on Government would be necessary. In framing a Government which is to be administered by men over men, the greatest difficulty lies in this: you must first enable the Government to control the governed; and in the next place oblige it to control itself. A dependence on the People is, no doubt, the primary control on Government; but experience has taught mankind the necessity of auxiliary precautions."

Constitutional government must be soundly established in fact, as well as adequately understood in theory, before the problem of its two forms, the Republican vs. the Democratic, can occur in practice or be considered in discourse. In Part V to follow we shall face this problem and argue the case for Democracy, as the last step in our demonstration that it is the best form of government. It will be fitting, therefore, at the opening of Part V to discuss modern political theory, with special emphasis on the contribution it made to the conception of constitutionality. For our present purposes, we have sufficiently indicated the significance of Republican developments in the 17th and 18th centuries. But one other matter does remain to be discussed here, because it is relevant to our conclusion that Constitutional government, in its Republican form, is superior to absolute government, in its 'Royal form.

Two related points are involved. The first concerns the fallacy of regarding the *regimen regale et politicum* as a mixed regime because it combines Royal and Constitutional elements. As we have already seen, that combination is no more a *mixture* than is the togetherness of oil and water in the same vessel. Though they may be temporarily in an unstable equilibrium, each, obeying the law of its own gravity, tends to reach the level of its own perfection by sharp separation from the other. Royal *and* Political government is an *intermediate,* not a *mixed,* regime. Mixed regimes, as we shall show presently in Section *5,* do not combine forms of government which are unequal in justice. They are relatively stable blends of divers elements which are compatible under a single form of government, that being always the Republican form of Constitutional government. But when two morally unequal forms of government are combined, the resultant must be a regime intermediate between them in the hierarchy of good forms. This determines how we must evaluate the *regimen regale et politicum.* For if to be relatively just, i. e., just in relation to concrete historic conditions, the justifying' circumstances must include factors which justify absolute rule by a sovereign man, and also factors which demand, in justice,

constitutional principles involving the supremacy of law, albeit imperfectly. The combination of such factors in the feudal period of the middle ages certainly provides a clear historic justification for the combination which is Royal *an_d* Political government. Royal *and* Political government was as much justified then as purely Royal government was justified by the conditions which Aristotle described as primitive or barbaric. [457]

But there is a further question concerning the absolute rank of the *regimen regale et politicum* in the hierarchical scale. The answer is indicated at once by the fact that the *regimen regale et politicum* is an intermediate, not a mixed, regime; and hence it is absolutely better than purely Royal government and absolutely inferior to purely Political government. [458] The truth of that answer depends, of course, upon the absolute superiority of Constitutional over Royal government. That will be shown in Section 6 to follow; but assuming it for the moment, we can turn to the second point that is involved here.

···[7] We shall not here reopen the question of fact, whether the Aristotelian supposition about primitive or barbaric communities can be historically verified. If it cannot be, then, of course, it follows that there is no relative justification for the ·*regimen regale et politicum,* any more than there is fou purely Royal government. Waiving this question for the moment-we shall return to it in Part V obvious parallel is worth observing between the ancient genesis of absolute civil government in the transition from the family through the village community to the city-state, and the mediaeval origin of feudal kingdoms in the association of manorial units to form a larger political community. Cf. fn. 367 *supra;* and also fn. 518 *infra.* Not only does there seem to be some causal connection between the enlargement of the community and the institution of kingdoms, or at least of the Royal element in civil government, but there also seems to be the need for some degree of absolute governmental power to establish a more comprehensive unity of peace, supplanting the anarchy of independent groups by subordinating them under a single government powerful enough to make the reign of law prevail, where before there was only war to settle disputes among neighbors.

••• H it were a mixed regime, it ·could not be so evaluated, for a mixed regime is usually better than the so-called " pure regimes." The " pure regimes," as we shall show, are nothing but supplementary elements in Constitutional government which are unduly exaggerated when they are exclusively instituted; the mixed Constitutional regime, when properly understood, must necessarily be regarded as superior to the so-called " pure regimes." The sense in which we have been speaking of *purely* Royal or *purely* Political government must not be confused with what is meant by a pure as opposed to a mixed *ConstitutiO'YIJal* regime. Yd. Section 5 *infra.*

That second point calls for a judgment on the historic consequences of the dissolution of Royal *and* Political government in the course of modern times. The consequences were twofold-alternative and exclusive, as we have seen. On the one hand, governments which strove for complete absolutism arose from the suppression of constitutionality. On the other hand, governments which tried to achieve more perfect constitutionality supplanted the absolutisms they overthrew. The time order here is not significant because, in some countries, there were later reversals in which Republican government gave way to absolutism, again in the ascendant. Such developments and reversals have gone on in our own century and before our eyes.

What must be observed here is the moral judgment that the words " development " and " reversal " connote. In the dissolution of the Royal *and* Political regime, is the transition to absolute government a degeneration or an advance? Is it political corruption or progress? That is a question which, granted the assumption before indicated, we can readily answer.[459]

••• The question about the political changes 'of modern times is sometimes put in a different way. It is asked in terms of the distinction between evolution and revolution, an evolution being a development out of an essentially similar prior state of affairs, and a revolution being a radical break with the past, involving an essential change. And, in these terms, it is sometimes said that the absolutism which occurred in modern times is a revolutionary departure from mediaeval principles of constitutional government, whereas modern republican institutions are an evolutionary extension of those mediaeval principles. (Vd, Carlyle, *Political Libe:rty*, p. 26: " However we may explain it . . . there grew up a conception of political authority which was fundamentally different from that of the Middle Ages, for absolute monarchy was a new thing, an innovation which had no real relation to the past. It was indeed a revolutionary innovation, an experiment'in government, which lasted two centuries and failed." Vd. *ibid.*, pp. 10 ff.; 28 fl'.; and 209 fl'. Cf. Mcilwain, *Growth of Political Thought in the West*, p. 197. Both Carlyle and McDwain seem here to forget that there was political absolutism in the ancient world-the despotic sort embodied in Roman imperialism, and' what Aristotle regarded as just Royal government.)

But this does not seem to us to be true. Modern absolutism is as much an evolution of the Royal element in the *regimen regale et politicmm*, and at the same time a revolution against its political element, as modern republicanism is an evolution of the Constitutional principle, and a revolution against the absolute principle, in the intermediate regime. Strictly speaking, neither change is revolutionary because the *regime;, regale et politicmm* contained the seeds of both, and both, therefore, can be regarded as continuous developments out of it. But the question is

The institution of thoroughly absolute government by the suppression of the constitutional elements in the *regimen regale et politicum* must be regarded as a degeneration or corruption" Even if it could not be proved that Constitutional government is, absolutely speaking, superior to Royal government, this judgment could be made. The reason is obvious. If the historic circumstances demanded, in justice, a regime which was Political as well as Royal, then these or similar circumstances could not justify a purely Royal regime. Absolute government which is not justified relative to the circumstances is not truly Royal, but despotic. Hence, unless the condition of the people has receded below their former level of civilization and culture, the transition from a *regimen regale et politicum* to absolute government is not the institution of a Royal regime, but the corruption we have called "despotism." For similar reasons, the transition from the *regimen regale et politicum* to Republican government is a step of progress, a step which justice demands in view ·of what may be an advance in the level of civilization and culture. But even if the general level of civilization and culture did not change radically from the 13th to the 18th century, the dissolution of the *regimen regale et politicum* being necessitated by the shift from a static feudal society to the dynamic economy of modern nations, the motion toward republicanism as perfected Constitutional government would be a step of progress, and the motion toward absolutism would be a regressive cor*ruption-despotism,* rather than the perfection of the Royal element in the intermediate regime.[460]

whether both are " developments " in the sense of being in the line of progress, or whether one is a regression, a political atavism. As the word " revolution " is usually employed, it can be most accurately applied to the overthrow of the absolute regimes which had first gained the ascendancy, because the transition from these to republican governments is genuinely an essential change. Similarly, the reversal in the opposite direction, the overthrow of republican regimes by the absolutism of dictatorships, is a revolutionary movement .

.eo The *regimen regale et politicum* can, in a sense, be classified either *as* imperfect Royal government or as imperfect Constitutional government. However, in the light of political progress, and in terms of the superiority of Constitutional ·over Royal government, it seems to us more proper to describe the *regimen regale et politicum as* an imperfect Constitutional regime, truly based on the principle of constitu-

These considerations throw light on the nature of the political struggle in which European peoples have been engaged for at least five centuries. The issue has not ·been between truly Royal and perfectly Constitutional government.. It has been a conflict between the competing alternatives which inevitably resulted from the dissolution of the *regimen regale et politicum.* Precisely stated, the struggle has been against the regression toward absolutism which, under modern as under mediaeval conditions, must be regarded as despotic government. This issue has involved a question of justice even when the absolute rulers have restrained themselves from tyranny and justly used their powers for the common good. Benevolence prevents tyranny, -but it does not destroy despotism. [461]

tionality, even though the institutional embodin:ients of that principle are defective. If something is intermediate between a worse and a better, it should be called " imperfect" by reference to the better, not the worse. The development of Republican government out of the *regimen -regale et politil:Um* is not a change from non-Constitutional to Constitutional government; but a transition from defective to perfected constitutionality.

Nevertheless, we must not forget that the *regimen regale et politilnlm* is an intermediate regime; for otherwise we shall wrongly suppose that the_ degeneration of the Roman Republic into the despotic absolutism of the emperors is the same sort of corruption as the rise of modern absolutism in the 16th and 17th centuries. The latter is only a half-step backward. Furthermore, the Roman degradation was really a revolution, overthrowing a superior form of government; whereas the modern corruption was more like an evolutionary atavism-a throwback to an inferior form at a time time when conditions demanded the advance to its superior. (This does not, of course, make the modern absolutism any less despotic or obnoxious than the Roman.) Similarly, the founding of the Roman republic with the overthrow of the Tarquins was a revolutionary step forward because it introduced a wholly new principle of government, so far as the history of Roman affairs is concerned; whereas, in· contrast, the development of modetn republics in the 18th and 19th centuries is an evolutionary change because it did not involve the introduction of a new principle, but rather the perfecting of the principle of constitutionality which had had a continuous history in the affairs of western Europe from the early middle ages.

--[1] In concluding this discussion of the *regimen regale et politilnlm,* it is appropriate to observe that there are many primitive societies, whose institutions have been described and compared by modern ethnological research, which. seem to exhibit some of the characteristics of the intermediate regime. For the most part, the scope and force of positive law in such societies is coextensive with the reign of custom. Such societies are described as static, rather than as progressive or dynamic, precisely because almost everything is regulated by immemorial customs. Neither the tribal chieftain nor the council of elders is endowed with legislative authority, or

When the historic issues are thus understood, we can excuse modern political theorists for identifying absolute with despotic government, and for regarding the Republican form of Constitutional government as the only just regime. Especially those who lived and thought in the 17th and 18th centuries were too much involved in the current scene as apologists, writing tracts for the times, to take the larger view of political history which removes the distortions of nearsighted perspective, and places the several forms of good government in their proper light. Against those, however, who still persist in such errors today, with less or no excuse, our present efforts are directed, not only to explain how Royal government can be just *in principle* and may even sometimes be just *in fact,* but also to argue that Constitutional government is, absolutely considered, always more just than either purely Royal government or the *regimen regale et politicum;* and finally to prove that, as more just than the Republican form of Constitutional government, Democracy is most just.

WALTER FARRELL, O.P.
Dominican House of Studies,
Washington, D. C.

J. ADLER
University of Chicago,
Chicago, IUinois

(To *be continued in the issue of April, 1943.)*

the power to set up new regulations• by explicit enactment. Furthermore, not only is whatever authority and power the chieftain and the elders have largely exercised for administrative or judicial purposes, but these governmental functions are themselves defined by custom. Such tribal government is, in short, itself a customary arrangement, and so it embodies the principle of constitutionality, though it combines this principle with some degree of absolutism, as represented by something like the Royal prerogative in the discretionary powers exercised by the chief or elders.

But all primitive societies are not of this sort. There are some, which are relatively small and crude, that are scarcely more than enlarged families, overgrown patriarchates, in which what little government exists takes the form of the q_nasi-paternal Royal regime. And there are others, larger, more complex, and h1g!lly developed in both the useful and fine arts, such as the Maya, Inca, and Aztec societies, which also live under purely Royal government, rather than a *Tegimen 7egale et politicum.* In view of these facts, it "is important to note that the cultural level of a society, as measured by its achievements in the arts, may not be commensurate its degree of civilization as measured by social and political attainments. Societies more advanced in one respect may be less advanced in the other, and conversely.

BOOK REVIEWS

Science and Man. Twenty-four original essays by Ales Hrdlicka, Reinhold Niebuhr, Jacques Maritain, Alfred E. Cohn, Arthur H. Compton, Harold C. Urey, Waldemar Kaempffert, K. Koffka, Brand Blanshard, James T. Shotwell, Carl L. Becker, Julian Huxley, Bronislaw Malinowski, Frank Knight, Lewis Mumford, Walter B. Cannon, Karl T. Compton, Jean Piaget, Philip C. Jessup, Hans Kelsen, Harold D. Lasswell, Edwin G. Conklin, C. G. Jung, Ralph Barton Perry. Edited with an introduction and conclusion by RuTH NANDA ANSHEN. New York: Harcourt, Brace and Company, 194!i!. Pp. viii + 494 with index. $4.00.

This is a significant volume, containing for the most part original essays by twenty-four prominent scholars. The work is divided into the following main topics: *Science and the Universe* (Hrdlicka, Niebuhr, Maritain, and Cohn), *Science: Its Materials, Methods, Ends* (Arthur Compton, Shotwell, Urey, Koffka, Blanshard), *Science and Society* (Malinowski, Becker, Huxley, Cannon, Karl Compton, Knight, Mumford), *Science and Internationalism* (Jessup, Kelsen, Lasswell), *Science and the Individual* (Piaget, Jung, Conklin, Perry).

It is necessary to indicate the professed unifying theme of the work. This can be done succinctly by quoting some of the introductory words of the able editor of the "Science and Culture Series," Ruth Nanda Anshen: "Man is a totality; Man is a unity; and it is irrelevant to a true estimation of his nature to develop an infinite multiplicity of doctrines concerning his nature; a scientific one, a philosophical one, a psychological one, a religious one, a secular or a sociological one. All methods contribute (there may be many methods but only one doctrine) to one and the same realization: the indivisible unity of Man. Since Man is composed of every stratum of being, since Man includes every element of reality, every method must be employed in dealing with him."

In the serious limitations of a review, only partial and inadequate estimations of so complex a product can be presented. I shall proceed, then, in a somewhat arbitrary manner by presenting only a few of the essays and, further, by commenting only upon a part of these. This is not, however, completely arbitrary. Some essays deserve special note, both favorable and unfavorable. But even all of these I cannot include, nor sufficiently expand the ones included, and in this respect there is inescapable arbitrariness. And the commentary itself must be running one, more or less unconnected, rather than a comprehensive, unifying one.

. Reinhold Niebuhr's essays on" Religion and Action" is a profound estimation of man as religious. His contrast between what he ·calls "culture

religion " and " Biblical religion " puts in sharp contrast the difference between making God in the image of man and making man in the image of God. " The B'iblical conception of God as Creator and the doctrine. of the goodness of creation lead to very significant .consequences in the definition of the human situation." Here, staunchly put, is a forthright solution for human spirituality, an answer incommensurable with all " cultural religions," modern naturalism, and perhaps especially so-called modern liberal Christianity which has in effect denied the Christ of Christianity. For, as a summation of all that is only partial and inadequate in all other shades of religion, Christ "... is the divine Logos. At the Cross, human history comes to a full realization of the perennial contradiction in which it stands. Man recognizes not only that he cannot be his own end, but that he cannot be saved from the abortive effort of making himself his own end without a divine initiative which overcomes this rebellion in his heart."

As is perhaps inevitable, Mr. Niebuhr raises the fundamental theological issue at the time of the Reformation, here cast in terms of the Protestant separation of justification and sanctification in St. Paul: " The symbol of salvation is not ' Christus in nobis ' but ' Christus pro nobis.' The relation between a divine power which overcomes sin in actual history and of a divine power which overcomes sin by taking it into itself is not completely clear in Pauline thought."

This is hardly the place to comment upon so vital and so completely fundamental an issue. It is to his credit that he puts the separation of the two in so illuminating a light, but this very light also illuminates the divorce of two things which man has put asunder. The Catholic emphasis upon sanctification, as indeed must be the emphasis of *sacramental* religion, does not deny emphasis upon faith. It is the Protestant burden to face this as a terrifying disjunctive, and thereby to render St. Paul (and several besides) as "not completely clear." The work of Jacques Maritain, here exemplified by " Science and Wisdom," is familiar enough to readers of this review to forego comment; its precision can be attained only in the original. It is worth noting that it uniquely faces fairly and squarely the theme of the book.

In Arthur H. Compton's "The Purpose of Science," many things are ascribed to science. The point of the essay seems to be that aU that is beneficial and more humane about man has arisen through the extraordinary technological advancement man has made in the scientific area. There can be no doubt of the magnitude of the scientific achievement; the association of it so completely with human betterment is not so evident.

For example, Mr. Compton insists, technology has emphasized the value of increased education. But all this depends upon what is meant by " education," and if the word is to be restricted to mean training of technological skill only, the situation may not be quite as happy as it appears. This

does not mean that the great technological advance has not given us desirable and necessary technical skills. It does mean we may be paying a price for it by giving it an exclusive value. Can we so readily say that our " specialized society based on technology " has raised us to " an ever higher standard of training and educatioil "? There is certainly ample evidence to indicate that as far as mastering the simple tools of human communication are concerned, we are in a fairly bad condition for intellectual growth.

The following statement also deserves attention: ". . . in this age when men throughout the world are trying to formulate a philosophy which they can live, it is to science that they are turning with confidence in its truth." Such restricted emphasis upon human value and truth in terms of technological skill seems to hit a discordant note in a collection of essays whose professed aim is to open up the variety of methods about man in order to attain a comprehensive doctrine.

Mr. Compton does point out that" science presents to religion the greatest challenge of a millenium, that of presenting modern man with an objective adequate to his needs,"· and he does insist that " science itself is not that religion." But he adds this: "Nevertheless, though the student of science may not feel qualified to choose for others that which gives life dignity and worth, he does supply the data from which that choice must be made." So that, in effect, apparently science, after all, is to dictate the conditions of intellectual, moral, and religious principles.

Quite refreshing by way of contrast, with some of the other essays is Brand Blanshard's " Fact, Value, and Science." He summarizes his main point by underlining the remark that "values are sometimes causes." By implication this means that natural science as such cannot alone give a science of man, that there is some limit to the tremendous advance made by natural science in the past century. Mr. Blanshard puts the matter this way: "We are suggesting that in some regions in which natural science would like to take over, and more specifically in the field of mental process, there is something in the character of the subject-matter which puts it intrinsically and therefore forever beyond the reach of such science."

Mr. Blanshard considers the case of "consciousness" and the unsatisfactory treatment it has had in behaviorism and epiphenomenalism, during which, incidentally, he has some delicious moments by way of estimation. He concludes: " It will not do to deny outright that consciousness exists; and it will not do to admit it and then to deny to it every manner of influence."

Or, again, Mr. Blanshard considers judgments, distinguishing, in modem context, between judgment as an event and judgment as a cognition. It is the latter, of course, that demands explication, for it is revealed to be "a vastly different kind of thing from stubbed toes or falling drops." By putting

forth a brief sketch of the problem of evil, Mro Blanshard illustrates the scope of what we can regard as a " higher mental process," and the corresponding void that conditioned responses leave ·by way of explanation" In brief, reasoning cannot be explained by accepted experimental scientific methodology (or " from the outside ") since this procedure could only leave one wondering how in the world any reasoning could ever get done" To reach any reasoned conclusion, on the total presumption of reflex action, would be only a matter of luck. Hence, the process of thought must be analyzed itself, and the role of a thinking being must be accounted for in the science of man" " If the natural scientist protests that that would strain his method to the breaking point, he has every right to be heard" He has no obligation to break the molds of his great tradition" By remaining within a severely limited field and employing his admirably definite standards of explanation, he has achieved results that are beyond gratitude" But if he chooses the limited field, he must be content with limited results" He cannot stay there and *also* offer a science of man!'

Julian Huxley in" Science, Natural and Social" presents a comparison of methodology in natural and social science" He has an acute estimation of the differences in each and the need of distinction of the two" Much attention is also given to the question of bias, apparently so much more prominent in the social sciences" The author believes, and quite soundly, that the methodology proper to the social sciences will eliminate this more and more"

There is, however, a question of bias that might be raised with respect to the author himself" Bias presumably means some sort of prejudice in viewing things" This Mr" Huxley seems to have in his opening pages in his manner of posing the scientific method to the exclusion of any other conceivable avenue of knowledge, and here again there is an ominous grating on the unifying theme of the book" There are the customary over-generalizations on the "pre-scientific " era, i" eo, anywhere before the 17th century; or, again, there is the unhappy dichotomy between scientific method and non-scientific .practice and interpretation, the latter embracing in great diffusion magic, theology, and so on" No doubt volumes could be written on the clashes of theology, philosophy, and science, and the unfortunate consequences for all, but to deny two thirds of the problem is to miss it altogether, The heavy scientific bias of supposing that anything "non-scientific " is bias will have to be eliminated if there is ever to be genuine Science of Man and men of science"

The essay of Frank *H"* Knight on " Fact and Value in Social Science " is something of an attempt to face the disparity in methodology existing between natural and social science" " The difficulties of classification and measurement, amounting to impossibility, if the terms are to imply any high degree of objectivity and precision, suggests and indeed Jrests upon the essential fact that the data with which social sciences are concerned are

themselves not objective in the physical meaning-are not data of sense observation. They consist of meanings, opinions, attitudes and values, not of physical facts."

But this very distinction, while aiming legitimately at a difference of subject-matter and method, illustrates the continual embarrassment the social scientist embraces. He remains so dominated by natural science in method that he still tends to derive his own methodology *from* natural science (always more or less unfavorably). For example, as with Mr. Knight, the association of " objectivity " with " data of sense observation " implies that any other sort of " data " is " subjective," such as " meanings, opinions, attitudes and values." Until this warped approach to the problem is eradicated, until the presumption that natural science dictates all the conditions of " truth " and " objectivity " is tempered by a really analytic approach to the recognition of the breadth of the content of human knowledge, there not only cannot be a resolution to the general problem of Science and Man, there also cannot be even an understanding of the problem. The social scientist suffers perhaps most from this. He starts out with two strikes called upon him, and retains interest only by a spectacular series of fouls.

This may also explain why the social scientist, in exposition of his own subject, is so often unsatisfactory. He insists upon viewing his science from the vantage point of the natural scientist, and then ineffectually searches for the differences in method and content with which he should have started. Mr. Knight illustrates somewhat this confusion, although he does exhibit occasional insights which indicate a comprehension of the problem. But the whole of the essay, abetted by loose writing and analysis, remains confused. His meager treatment and understanding of means and ends with a limitation of this to what is called "economic behavior," and, further, a curious disassociation of "ends" and "purposes," is a case in point.

A breadth of outlook is exhibited by Lewis Mumford in " Looking Forward." The .heart of his solid essay can be put best in his own words: " The facts, at all events, should be plain. Those who have put their faith in mechanical inventions and in the power theme have failed to see that only a modicum of our constant human needs is encompassed by the machine or included in the territory it conquers. We know pretty definitely that men do not live by machines alone, and that the power impulse, however deep and ineradicable, is not a self-sustaining or a self-sufficient one. This is not to deny the importance of the machine in its place; it is merely to acknowledge the fact that it is not a substitute for art and love and friendship and beauty and contemplative understanding."

The essay of Hans Kelsen on" Conditions of International Justice" must be another thunderbolt to the cause of Science and Man. A defeat of reason is assuredly a defeat of science and man, and nothing could be more deva-

stating on this score than the assertion that " the problem of justice cannot be approached by cognition." This is quite luci_dly elaborated in the following sentences: "'.Fhe most famous definitions (of justice) when subjected to critical analysis, are revealed as empty tautologies on the pattern *'suum cuique.'* . .. But which human needs are worthy of being satisfied, especially which is their proper order of rank, the satisfaction of which needs should take precedence, all that cannot be determined by means of rational cognition. The decision of these questions is a judgment of value determined by emotional factors and. is, therefore, subjective in character, as is every true judgment of value." . . . And so on.

If Mr. Kelsen is to be taken literally and seriously, there is certainly no solid ground upon which to rest the cause of international justice. If moral judgments, and therefore also judgments of justice, rest on subjective, emotional factors, upon what grounds do we object to outrageous desires and appetites, or in fact even discern what is outrageous and what is not? Diversity of opinion on what is right and wrong does not destroy an objective basis for a judgment of justice; the diversity is intelligible only because of it. The judgment that moral judgments are merely relative is itself an absolute certification for any kind of lawlessness, and in these days lawlessness packs a whopping, non-tautological meaning. After all, the voluntarist Hitler certainly acts, especially by " decree," as a man who " believes " that justice is only an emotional and subjective matter; if we agree he is right in "believing" this, can we *disagree* with what he is doing?

Certainly the preliminary point here is a " dialectic of morals " facing squarely what moral judgments and acts, especially those of justice, really involve. For the whole problem of justice, if it is intelligent at all, is a problem of fecognizing and distinguishing what is not merely emotional and subjective about it. Unless justice is understood at the outset, even only broadly-and by many, vaguely-as a function of rational desire, it is inconceivable how there can be any difficulty about determining justice, or any meaty discussion of the conditions of international justice. All of which, however, does not prevent Mr. Kelsen in the body of his essay from giving a quite thorough consideration of how international law " should " and can operate. But he has fortunately ignored his opening paragraphs.

* *

Most of the foregoing surface commentary on quite different essays has tended to be merely negative and unappreciative criticism. But this is dictated in large part by the professed aim of the book-the unity of knowledge through diversity of method. The understanding of the breadth of this has escaped too many of the contributors. There is so much information and so little desire and ability to organize it, as it must be organized, hierarchically. The glorious achievement of science, like previous

ones in theology and philosophy, has, in its richness of new imsight, brought on the apparently' inevitable reaction of provincialism Ill perspective. *Sapientis est ordinare-this* is the key that is rusting in the l'odt.

Bu:t this is not to invoke a note of despair. The magnitude. of task undoubtedly entails the consequences of preliminary narrownessc. After all,. the fact of the existence of the book, the announcement and at least general acceptance of the object of the book is a stimulating sign. For al:tillrotlfg)lwe now have only twenty-four" points of view " bound up loosely in one VQlume, there is at least tacit recognition that ultimately there is one doctrine at stake, profoundly deepened by a rich variety and difference. of method. When men of science really begin to comprehend the extraordinary magni• tude of this unity and diversity, when they really begin to open themselves up to the intellectual tradition in which they live and which can improve them as they can improve it, then these men of science will also really begin to inaugurate a Science of Man. We should be gratified that there are stirrings already, and we should remember that maturity is attained by the judicious combination of speculative docility and daring. The groundwork at least is being prepared.

" And thus a new freedom will arise; wiser and stronger than the freedom destroyed by the atomizations of science, and a new concept of Man, noble and with serenity of mind and spirit, Man who may not again experience the disappointment of Job in realizing the impossibility of achieving first principles-Man who is Man only when he is considered as a complete Being, the microcosm, a totality concerning whom any form of segregatian is artificial and destructive, for to subdivide Man is to execute him, whereas to recognize his unity is to resurrect him."

These are the closing words of the editor of the book, Ruth Nanda Anshen. It is a matter of temporary regret that generally the contributors are not up to the level of the editor.

JoHN A. OESTERLE

Aquinas College,
Grand Rapids, Michigan

BRIEF NOTICES

Medieval Humanism. By GERALD G. WALSH. (The Christendom Series.) New York: Macmillan, Pp. 103. $1.00.

The Catholic Revival in England. By John J. O'Connor. (The Christendom Series.) New York: Macmillan, Pp. $1.00.

These two additions to The Christendom Series point to an important contribution that the Series can make to general Catholic culture in America. The more one becomes acquainted with the achievements and past greatness of the institution to which one belongs, the more one's pride in that institution grows. Catholics are, perhaps, sufficiently aware of what the Church is doing today; but their knowledge of its past is rather sketchy. They may even feel that the Catholic past requires more defense than praise. The two books mentioned here are capable of removing that feeling of inferiority. Father Walsh has shown the growth of a real humanism during the middle ages. His thesis is that mediaeval Christianity attained a synthesis (at least in many of its great men) in which were combined a Hellenic passion for truth, a Roman emphasis on Law, a Christian hunger for divine life, Teutonic force, and Celtic fancy. As examples he uses Thomas Aquinas and Dante. The short bibliography added by Dr. Walsh forces upon our attention the fact that there are not great scholarly works on the middle ages by Catholic scholars. Mr. O'Connor's work presents the facts surrounding the amazing revival of the Catholic Church in England from 1770 to during which period the Catholic population rose from sixty thousand to two million.

The Methodology of Pierre Duhem. By ARMAND LowiNGER. New York: Columbia University Press, 1941. Pp. 184, with indices.

Pierre Duhem was one of the scientists-Mach, Poincare, LeRoy were others-who subjected the scientific method to a rigorous scrutiny and elaborated therefrom a philosophy of science. The majority of his writings, including all those dealing with this methodological phase of his thought, remain without English translation. Dr. Lowinger has done the service of summarizing Duhem's *La Theorie physique* in clear, concise terms with a liberal helping of the original illustrative material. Scholastics acknowledge a debt to Duhem in opening the eyes of his contemporaries to the existence of medieval thought. However, in his preoccupation with the scientific foreshadowings of Buridan and Dominic Soto, he failed to appreciate the pertinence of the *philosophia perennis* to his problem; in fact, he regarded St. Thomas as a mere compiler. Rather he became a phenomenalistic positivist, denying ontologie validity to any scientific theory going beyond the observable facts. Conceiving methodology in the spirit of Dewey's operationalism, as "essentially a description of the scientific procedure," Dr. Lowinger criticizes Duhem's analysis as contradicted by the current situation of professional science. A more profound evaluation radicated in a deeper metaphysic is to be had in the works of Maritain, particularly in *The Degrees of Knowledge.*

BOOKS RECEIVED

Battenhouse, R. W. *Marlowe's Tamburlaine: A Study in Renaissance Moral Philosophy.* Nashville, Tenn.: Vanderbilt University Press, 1942. Pp. xi + 266, with index.

Della Penta, C., O. P. *Hope and Society: A Thomistic Study of Social Optimism and Pessimism.* (The Catholic University of America Philosophical Series, Vol. LXXI.) Washington, D. C.: Catholic University Press, 1942. Pp. xi + 196.

Dowdell, V. J. *Aristotle and Anglican Religious Thought.* Ithaca, N.Y.: Cornell University Press, 1942. Pp. xi+ 108, with index. $1.50.

Harvey, J. H., O.F.M. *The Metaphysical Relation between Person and Liberty.* (The Catholic University of America Philosophical Series, Vol. LXIV.) Washington, D. C.: Catholic University Press, 1942. Pp. xiii + 207.

Hartdegen, S. J., O. F. M. *A ChronologicalHarmony of the Gospels.* Paterson, N.J.: St. Anthony Guild Press; 1942. Pp. xxv + 220, with $2.50.

Jaffin, G. *New World Constitutional Harmony.* New York: Columbia Law Review, 1942. Pp. 58.

Le maZtre et l'eleve. (Les methodes scientifiques dans !'education, Troisieme Congres annuel: 24-27 juin 1942} Ottawa: Les Editions du Levrier, 1942. Pp. 201.

McWilliams, J. H., S. J. *Conspectus Cosmologiae.* (2nd Ed.} St. Louis: The Modern Schoolman, 1942. Pp. 71, with index.

Regards sur les sciences experimentales. (Les methodes scientifiques dans !'education.) Ottawa: Les Editions du Levrier, 1942. Pp. 187.

INDICES OF VOLUME IV (1942)

INDEX OF AUTHORS

INDEX OF ARTICLES

INDEX OF BOOK REVIEWS

END OF VOLUME IV