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SOCRATES AND GREEK WISDOM*

DESPITE the lamentable dearth of authentic historical data at our disposal for studying the origins of the philosophy of Plato and Aristotle, we are certain of one incontrovertible fact, namely that, at the point of origin, their philosophies are closely linked to the work of Socrates, and that Socrates, furthermore, marks a decisive turning point in the course of the thought of the Greek world and of all Europe as well. But, on turning to Socrates, we find his work shrouded, not so much in obscurity as in the almost complete anonymity of his disciples. Our only direct evidence is that of Plato, Aristotle, and Xenophon; and, at best, each of them was primarily concerned with his own particular objectives rather than with Socrates. As is largely the case with the pre-Socratics, the thought of Socrates is known to us only through what is reflected in Plato and Aristotle. We must consequently abandon

*EDITORS' NOTE: Although use of articles previously published elsewhere is contrary to the policy of THE THOMIST, the Editors make an exception in the present case in view of the small American circulation this noteworthy study received in its original Spanish form as printed in *Escorial*, 1940. The Editors are indebted to PROF. R. S. WILLIAMS, JR., of Princeton, for the translation.

all attempts to paint positively and directly a complete picture of Socrates' system of thought, and instead we must be satisfied with a less ambitious undertaking, but under the circumstances the only feasible one, that of seeking to ascertain those aspects of Socrates' thought which gave rise to the reflection of Plato and Aristotle. An interpretation of Socrates hinges ultimately upon an interpretation of the origins of the philosophy of the Academy and the Lyceum. The two questions are substantially identical.

The earliest testimonies all agree that Socrates was concerned only with ethics and that he introduced dialogue as a method for ascertaining something universal about things. Countless interpretations have been offered of this testimony. In the opinion of some, Socrates was an Athenian intellectual, a martyr to science. In the opinion of others, he devoted himself solely to ethical problems. But, while in both of these interpretations Socrates is regarded as a philosopher in still other interpretations he appears simply as a man animated by a desire for personal perfection, and altogether devoid of philosophical embellishments.

On the other hand, no matter how we interpret the role of Socrates, Plato is a continuator of Socrates, and Aristotle of Plato. To be sure, modern philology has been compelled to introduce important modifications in this general picture when dealing with details; but nevertheless the main fact remains true.

This does not necessarily mean that one must conceive of the line "Socrates-Plato-Aristotle" as continuous. We should slightly modify the geometrical image of a trajectory, and, instead, conceive of radii, whose focus is located precisely in Socrates. Aristotle, rather than continuing Plato, took philosophical problems from the same source whence Plato took them and restated them. If there was in any sense a continuation, it was above all the continuation of an attitude and a concern rather than of a system of problems and concepts. It goes without saying that the continuity of attitude carried with it a partial identity of problems and a community of methods of

approaching these problems. But in Aristotle what matters most is that he worked out the same problems as Plato from the same point of departure. Plato likewise worked on the basis of what he had learned from his master Socrates, and set out from the same point. Socrates, Plato and Aristotle are, as I have said, three radii with a common focus emerging from a finite point in history. Our problem is to establish the position of this point. What Socrates introduced into Greece was a new trend of wisdom. The demonstration of this fact would require a long explanation, and the character of this essay permits me only to set down a few general ideas. To this end we must give a precise picture of what has been called pre-Socratic philosophy. And this in turn requires a few preliminary remarks concerning the historical interpretation of a philosophy.

I

THE SUPPOSITIONS OF A PHILOSOPHY

Every system of philosophy has at its roots, as its supposition, a certain experience. To be sure, absolute idealists claim that philosophy begets itself, but this is demonstrably false: first, because if this were true, one could not explain why fully developed systems of philosophy have not existed in all corners of the world since the very dawn of history; in the second place, because philosophy offers a variable content of problems and concepts; finally, and above all, because the very position of philosophy within the human spirit has undergone perceptible changes. We shall have occasion in this study to point out that philosophy, which in its beginnings denoted something closely akin to religious wisdom, since it was concerned with the profound and enduring questions of the destiny of the world and of life, became a way of being aware of the realities of the universe, which was called "theory," and that subsequently it led to an investigation of things insofar as they have being. The series could, of course, be prolonged.

But the fact that all philosophy sets out from an experience

does not signify that it is confined within it, or, in other words, that it is a theory of this experience. Not all experience is so rich that philosophy can limit itself to being its conceptual mould. Nor is all philosophy sufficiently original to suppose an experience irreducible to other experiences. Moreover, in no manner whatsoever can it be said that the philosophy must be—even partially or remotely—a conceptual prolongation of the basic experience. Philosophy can contradict and annihilate the experience which serves as its basis, can disregard it, and can even anticipate new forms of experience. But none of these operations would be possible without a secure foothold on a basic experience serving as a point of departure for further philosophic development. This means that a philosophy acquires outlines only against the background of its basic experience.

Experience signifies something acquired in the actual course of life. It is not an ensemble of thoughts, truthful or untruthful, constructed by the intellect; rather it is the capital which the spirit accumulates during its intercourse with things. Experience is in this sense where reality naturally resides. Consequently, any other reality, if it is to be rationally acceptable, must be contained within and based upon experience. Let us not here prejudge the nature of this experience; it is especially necessary to eradicate any conception of experience as the sum total of some supposed data of consciousness. In all probability, reality as a datum of consciousness forms no part of this basic experience. We are dealing, rather, as I said, with the experience which man acquires in his intercourse with real things.

It would be a grave error to identify this experience with personal experience. In all probability, there is an extremely limited number of men who possess a personal experience in the full sense of the word. But even admitting that all men have this personal experience in some measure, even in the richest and most favorable case this experience constitutes an extremely small and intimate nucleus within a much vaster area of non-personal experience. This non-personal experience

is composed primarily of an enormous layer of experience which reaches man through his intercourse with other men, sometimes in the precise form of the experience of others, sometimes in the form of the grey precipitate of impersonal experience which is the sum total of the customs, manners, and so on, of the men around him. In a more peripheral, and enormously broader zone, extends still further that form of experience which constitutes the world, the epoch, and the time in which a man lives.

A part of this experience is composed not only of contact with objects, but also of the consciousness which it has of itself. This consciousness is threefold: first, it is a repertory of what men have thought about things—their opinions and ideas about them; second, it is the particular manner in which each epoch feels its own situation in time, that is, its historical consciousness; finally, it is the convictions which man holds deep within him regarding the origin, the meaning, and the destiny of his own person and that of his fellows.

It is extremely important to emphasize the peculiar relationship between these several layers of experience. It is not possible to do so here. But it is imperative to state here that each of these zones, within the framework of its solidarity with the others, possesses, as moments of a unique experience, a structure peculiar to itself and to a certain extent wholly independent. Thus experience, in the sense of the structure of the world at a given epoch, can at times even be in opposition to the content of the other zones of experience. The Jew and the heretic lived during the Middle Ages in a Christian world within which they were therefore truly heterodox. Today we are almost at the point where the Catholics are the truly heterodox in relation to our "de-Christianized" world. In the Middle Ages there were, to be sure, heretical minds; nevertheless, the mentality was Christian. As far as this study is concerned, what matters is for us to set as our goal the basic experience of a philosophy, in the modest sense of coming into contact with the mentality whence it emerged.

Analysis of this basic experience reveals, first of all, what is

most obvious: its peculiar content. Actually, this is what, at certain moments, has been formally regarded as history: i. e. the collection of so-called historical facts. But if history would be something more than a mere documentary file, it must attempt to make intelligible the content of a world and of an epoch.

And in order to do this, we must understand that all experience arises only because of a situation. Man's experience, as I have said, is the natural location of reality, and it is so precisely because of an inner limitation, which allows man to apprehend only some things and some aspects of them, to the exclusion of others. Every experience has its own particular profile. And this profile is objectively correlated to the situation in which man finds himself. According as he is situated, so are the things in his experience situated. History must seek to install our mind in the situation of the men of the epoch under examination, not to lose itself in dark depths, but in order to try to repeat mentally the experience of that epoch, in order to see the accumulated facts "from within." Naturally this requires a strenuous effort, difficult and prolonged. The intellectual discipline which helps us accomplish it is called philology.

To continue: experience is always experience of the world and of things, not excluding man himself; but it presupposes that man lives within things and among them; experience consists of the peculiar manner in which things place their reality in man's hands. Experience, then, supposes something previous. Something, as it were, like the existence of a visual field within which various perspectives are possible. - The analogy shows that man's existence within and among things is not comparable to the existence of a point lost in the infinity of space. Even in this sense, apparently so vague and primary, man's existence is limited, as is the visual field for the eye. This limitation is therefore called *horizon*. The horizon is not a mere external limitation of the field of vision; it is rather something which, while limiting the field of vision, constitutes it, and which consequently performs with respect to it the func-

tion of a positive principle, so positive that it leaves before our very eyes what lies outside it: a "beyond," as it were. We cannot see what it is; it extends without limits, constantly provoking man's most profound curiosity. Because in addition to the things which are born and die within the world, there are other things which come into the world, approaching from the horizon, or which recede and vanish beyond it. In any event, the relationships of remoteness and proximity within the horizon endow things with their first aspect of reality. And, being a limitant, the horizon must be constituted by something from which it issues. Without eyes there would be no horizon. Every horizon implies a constituent principle, a basis peculiar to it.

These three factors of the experience of an epoch—its content, its situation, and its horizon (together with its basis)—are three aspects of experience which possess different degrees of mobility. The maximum mobility appertains to the content of experience; much slower, but nevertheless extremely variable, is the movement of the situation; the horizon moves with tremendous slowness, so slowly that men are scarcely aware of its change and tend to believe that it is fixed, or rather, precisely because the change is so slow, they barely realize its existence. Compare, for example, the experience of the man who travels in an airplane: for him the change of panorama is as imperceptible as the movement of the hands on his watch.¹ This change—and here we must pause to refute the long-held belief that the Darwinian principles of biological evolution are applicable to history—this change is by no means identical with a kind of growth, maturity, and death of epochs, or cultures, as they used to be called. Such an idea is the basis of Spengler's book, and is its most untenable point. The experience which makes up a historical epoch, although it is the natural place of reality, is no more than that. But man's existence is not confined to one place, even though it be a real place. The "reality

¹ The variations of the horizon are not always changes of zone; they may be expansions or contractions of a single field. The point made here must be borne in mind when we come to the problem of truth in the history of philosophy.

of the world," on its part, is not the reality of life: it can only offer to that other reality, called man, a finite ensemble of *possibilities* of existence. Things are situated in that sediment of reality which is called experience primarily by virtue of being possibilities offered to man for existing. From among them, man accepts some and rejects others. His decision is what transforms the possible into the real, insofar as his life is concerned. Thus man is subjected to a constant change, because that new real dimension which he adds to his life modifies the "picture" of his experience, and, consequently, the aggregate of possibilities which the following instant offers him. By his decision man undertakes a determined course, and because of his decision he is never assured of not having irrevocably wasted in one moment perhaps the best possibilities of his existence. The *next* moment offers a completely different scene, with some possibilities blocked off, with others diminished, and with still others perhaps enormously enhanced, but with few new and original possibilities. And since what makes actual the possible (insofar as it is possible) is movement, as Aristotle long since told us, thus likewise the being whose reality emerges from its possibilities is a mobile being. As such, it changes in time and does not repose in any state. Things are not in movement because they change; on the contrary, they change because they are in movement. When the actualization of these possibilities is the result of one's own decision, there are not only *states* of movement, but also *occurrences*. Man is a being that "occurs," and this "occurring" is called history.

Long ago a precise definition was given to the free being, the being which is its own cause (Thomas Aquinas). Thus it results that, in man, the seed of history is *freedom*. What is not freedom is *nature*. The error of idealism consists in confusing freedom with total indetermination. Man's freedom is one which, like God's, only exists formally in the manner that it is determined. But, unlike divine freedom, the creator of things, human freedom is determined only by choosing from among several possibilities. Since these possibilities are "offered" to man, and since this "offering" depends partially, in turn, upon

his own decisions, man's freedom assumes the form of an historical " occurrence."

Of all that would have to be said in order to study the origins of Attic philosophy, I am interested here only in referring to the mentality within which it was born, and even this only in its purely intellectual aspect. If we apply to intellectual life what we have just pointed out, we shall find, for example, that the thought of every epoch, besides containing what it, of itself, affirms or denies, leads to other thoughts, which are different and even in mutual opposition. Every affirmation or denial, however absolute it may be, is incomplete, or, at least, postulates other affirmations or denials, together with which it possesses truth in full measure. This is why Hegel said that truth is always the whole and the system. But this does not preclude, but rather implies, that, within its limits, an affirmation is true or false. Confronting it, the various directions along which it can develop unfold. Some of these will be true, others false. So long as the original affirmation is not bound disjunctively to any particular affirmations it remains true. Human thought, which, taken statically at a given moment in time, is what it is, and therefore is true or false, is, when taken dynamically in the light of its future course, true or false according to the path it takes. The Christology of St. Irenaeus, for example, is, naturally, true. But some of his affirmations, or at least some of his expressions, are such that, according as the mind inclines a trifle more to the right or to the left, it will err in the direction of Arius or of St. Athanasius. Before this decision is made, they are still true. Afterwards, they will be taken as true in one sense, and as not true in another. Along with thoughts which are fully thought out, history is full of such thoughts, which we could call "inchoate." Or, if you choose, thought has in addition to its declarative aspect an inchoative aspect. Every thought is to some extent complete, and to some extent has germinal potentialities. It is not a question of the fact that from certain thoughts others can be deduced by means of reasoning; it is a question of something more fundamental, which affects not so much the knowledge

which thinking furnishes as the very structure of thought, Thanks to it, man has an intellectual history. We shall immediately see an outstanding instance of the functioning of this inchoative form of thinking, a form of thinking which offered two slightly different paths of which one led to the splendid flowering of the European intellect, while the other led the mind through the barren paths of Asiatic speculation. **It** is a question not merely of whether these possibilities which are offered to thought be true or false, but of whether the paths thought follows are, or are not, blind alleys. At every moment of his intellectual life, each individual and each epoch face the risk of advancing along a blind alley.

In all probability, what Socrates accomplished was to set us forth, not along a blind alley, but along a path which led to what the entire European intellect ultimately became. The work of Socrates lies wholly within the horizon of Greek thought. **It** is situated within it, in a peculiar manner, which was determined by the dialectic of the previous situations through which the "great thinkers" had passed. This granted him a special experience of man and of things, from which, in due course, were to issue the philosophies of Plato and Aristotle.

II

THE HORIZON OF GREEK PHILOSOPHY

The mental horizon of antiquity was established by movement, in the widest sense of the word. Besides making movements or undergoing external alterations, things themselves are subject to an inexorable decay. They are born one day, only to die some other day. Man also is immersed in this universal change, not only as an individual but also as a member of society: families, cities, entire peoples are subject to an incessant change regulated by an inflexible destiny which determines the good of each individual. In the midst of this universal mutation, the begetting of living beings acquires special value. **It** can even be said, as we shall see later, that, basically,

ception" and a "tendency," thanks to which it "perceives" and "moves"-either to seize things or to flee from them.

But in man there is something altogether different. Man is not limited to "being alive," to performing his vital functions. His *epov* forms part of a total plan, a *{3io<*; which is to a large extent undetermined, and which, in a certain sense, must be determined by man himself, through his decisions and his deliberations. Man is not only engaged in *living*, but also to some extent he is engaged in *making* his life. Accordingly his nature has the strange power of understanding what he does and making it perceptible in all its aspects: the man who acts and the things of which he avails himself in order to *ra* *Trpayp.ara*. The Greeks called this power *A6yo<*;, which the Romans rendered rather unfelicitously by *ratio*, reason. Man is a living being endowed with *A6yo<A6yos* makes us understand what things are. And by expressing this, man communicates his understanding to others, with whom he then discusses and debates these *Trpayp.ara*, which in this sense we would call "affairs." Thus the *A6yo<*; besides making possible every man's existence, makes possible that form of human coexistence, which we call "living together." Living together means having common affairs. Therefore the fullest expression of "living together" is the *Tr6At<*;, the city. The Greeks defined man either as an animal endowed with *logos*, or as a political animal.

By means of his *logos* man regulates his daily acts, with this intention of "doing' them well." The Greeks ascribed this function of the *logos* to that part of the human vital principle which is not "mixed" with the body, which does not serve to *animate* it, but which, on the contrary, serves to *direct* man's life by raising him above the impressions of his life to the realm of true things. This part receives the name of *vov<*;, *mens*.² Actually, the *logos* merely expresses what the *mens* thinks and discovers. It is the principle of what is noblest and highest in man.

The mind had for the Greeks two sides. On the one hand it

² AUTHOR'S NOTE: To spare the reader an excessive Greek vocabulary I shall nearly always translate *vois* as *mens*., in spite of the inexactness of the latter term.

consisted of that marvellous power of concentration which man has, a power which lays his object open before him in its most intimate and innermost aspects. For this reason Aristotle compared it to light. Let us call it reflection or thought. But it is not merely the faculty of thought, which, as such, can either be right or err. It is a form of thought which by its very nature goes straight and infallibly to its goal, to the very heart of its object. It is something, therefore, which, when it functions fully, by itself brings every thing (even the most remote thing) face to face with man, revealing its true character and nature above and beyond the fleeting impressions of this life. The sphere of the mind, the Greeks would say, is the "always."

But on the other hand, the Greeks never conceived of the mind as a kind of unchangeable core within man. It is a sure and infallible way of thinking; but in this respect, it is a kind of sense of reality, which, like a delicate sense of touch, brings man into contact with the inwardness of things. Aristotle, therefore, compared it to a hand. The hand is the instrument of instruments, since every instrument is one because it can be "handled." Similarly, the mind is the natural home of reality for man. For this reason it had for the Greeks a much deeper meaning than that of pure intellection. It extended into all aspects of life, into all that is real in life. This sense is, therefore, susceptible to sharpening or dulling. No one lacks it altogether. Sometimes it is paralyzed, as in the case of the demented, but normally it functions variously, according to a man's state, to his temperament, his age, and so on. Since it is sharpened by the use made of it during one's life, it attains its fullest development in each individual only in his old age. Only the aged man fully possesses this sense, this understanding of reality which is acquired in the course of the "experience of life," through intercourse and contact with things.

In every case, to act in accordance with the *noia* (the *mens*) is to act by basing one's judgments upon what is unshakeable in the Universe and in life. This understanding of what is unchangeable, of what always is in the farthest reaches of the world is what the Greeks, like all people who have been

able to express themselves, called *σοφία*, wisdom. **It** is distributed unequally in life: it ranges from the demented to the wise man in the highest sense, with the merely " prudent " man somewhere between.

Actually I have anticipated certain ideas which logically should come later. But it has seemed to me preferable to aim directly at the objective even at the cost of retracing some of my steps.

To recapitulate: for the Greeks, man as a living being existed within the Universe, relying upon that presumptive aspect of permanence which his mind offers to him. At this point, the mutability of everything real became for him the visual horizon of the Universe and of human life itself as well. And at this point also wisdom was born. Naturally the Greeks were not explicitly aware of this. It is even probable that they could not have been, for a horizon, whose function is to make us see things, will, by its very nature, not allow itself to be recognized as such when viewed squarely. But we, who are situated within a wider horizon, can clearly see all this.

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THE SITUATION OF INTELLIGENCE: THE FORMS OF GREEK WISDOM

With this horizon, Greek wisdom found itself bound up in a chain of *situations* which require mention here.

1. *Wisdom as a possession of the truth about Nature*:-On the coasts of Asia Minor there appeared for the first time, with Anaximander, the type of "great thinker" who confronts the whole universe. His aim was not only to relate to us how the universe came into being through the agency of the gods, or of extra-mundane agencies, as was the case in Oriental forms of wisdom, but also to inform us of its reality. This reality, without in the least excluding the aforementioned agencies (this point must be emphasized), is endowed with a unique and essential structure. This structure results from the fact that all

things in heaven and on earth are born of the universe itself, and not merely of the gods; all things live in the Universe, and when they die, they revert to it. The universal substratum from which is born everything that exists is Nature, The birth was conceived of by the Ionian thinkers, headed by Anaximander, as a tremendous vital act. And this in two respects: on one hand, things are born of Nature; they are something which Nature produces out of herself (*απ'αυτῆς*). On this score Nature shows herself to be endowed with a structure peculiar to herself, and independent of theogonic or cosmogonic vicissitudes.

On the other hand, the birth of things was conceived of as a movement in which things go on being formed within a kind of substance which is Nature. In this sense, Nature is not a principle, but something which, in this first archaic budding of thought, constituted the permanent basis that exists in all things, as it were a substance out of which they are formed. With the idea of the "permanence" of this substratum, Greek thought forsook once and for all the paths of mythology and cosmogony, and gave birth to what later became philosophy and science. Things, in the sense of things generated in Nature, receive their substance from Nature. Nature itself was, then, something which remains eternally fecund and imperishable, "immortal and eternally young," as much later Euripides still called it, something above and beneath the caducity of particular things, the inexhaustible (*ἄφθαρτος*) source of all things. Thus the Greeks, at this primitive stage, conceived of eternity as a perfect, never-decaying cycle of recurrent being, a perennial youth in which actions revert upon their author, and are repeated with identical youthfulness. It has even been observed linguistically (by Beneviste) that the two terms *aiónios* and *iuvenis* (eternal and young) have a common root which expresses eternity as a perennial youth, and eternal return, a cyclic movement. And so the great Greek thinkers, including even Aristotle himself, called Nature "the divine thing" (*θεῖον*). In the ancient polytheistic religions, to be sure, being

divine meant being immortal, but with an immortality which derived from an inexhaustible source of vitality.

The men who thus withdrew from the universe the veil which hid its nature, and revealed to men what it always is, were called *uocpof*, or, as Aristotle says, "those who philosophized about the truth." This truth consisted simply in the discovery of Nature; hence, speaking of Nature, Aristotle employed interchangeably "to seek the truth" and "to seek Nature" (*Phys.* 191a 24). The works of these *uocpof* were, invariably, poems entitled "Concerning Nature." Using another name, but for the same reason, Aristotle also called these men "physiologists" -those who sought the reason of Nature.

Men accomplished this discovery by their exceptional power of mind, which was able to concentrate and encompass the entire universe with its scrutinizing vision (that is)What the Greek word *Oewpia* means), and to penetrate to the deepest roots of the universe, thus communicating with the divine. Hence Aristotle, in his day, said of the mind that it is the most divine thing we possess. Indeed, the archaic Greeks originally conceived of the mind as a divine power which permeates everything, and a portion of which has been granted to man alone among all living things, thus conferring upon him his special status. Those to whom it was granted in exceptional and almost superhuman degree, in their capacity of prophets of the Truth, are the sages and their doctrine is *a;ocpla*, wisdom.

The content of these branches of knowledge was primarily what today we should call astronomy and meteorology. The phenomena in which Nature best manifests herself are precisely the great atmospheric and astronomical phenomena in which are unleashed the supreme powers that tower above all the particular things of the universe. Furthermore, "theory" consisted primarily in "contemplating the heaven, the stars." Contemplation of the heavenly vault led to man's first intuition of the regularity, proportion, and cyclic character of the great movements of Nature. Finally, the birth, life, and death of living beings lead us to the mechanism of Nature. For Nature

reveals herself above all in these three aspects to him who has the power to withdraw the veil which hides her. (Observe that Heraclitus himself said that Nature was wont to conceal herself). This is the truth which this type of wisdom furnished to us.

In order to evaluate justly the scope of this attitude, let us place ourselves at its point of origin. We are dealing with a form of wisdom, and consequently with that type of knowledge which reaches to the furthest ends of the world and of life, determining their destiny and directing their existence. On this point, the Greeks, the Chaldeans, the Egyptians, and the Hindus were at one.

But for the Chaldean and the Egyptian, Heaven and Earth were the product of the gods, who were in no way dependent upon the nature of heaven and earth. Thus theogony developed into cosmogony. What the latter shows us is the place which each thing occupies in the world, and the hierarchy of the powers which rise above it. Therefore the Oriental sage interpreted the significance of events. The content of his wisdom was, to a large extent, prophecy.

But in the Indo-European world, man's gaze came one day to dwell longer upon the spectacle of the whole universe. Instead of referring it simply to a past and recounting its origin, or projecting it into a future by divining its meaning, man's gaze halted "astonished" before it, at least momentarily. Out of wonder, Aristotle tells us, was born wisdom. At this moment, things stood forth established and stirring within the compact mass of the universe. This moment when man's mind was fixed upon the world sufficed to divide the Hindus, Iranians, and Greeks from the rest of the Orient. No longer were we to have cosmogony; or, at least, cosmogony was to contain in germ something quite different. Wisdom ceased to be mere prophecy and became, in addition, *Sophia* and *Veda*.

Now let us observe what occurred within this vision. If we heed their own words, the Greek sages stood at this moment very close to the Indo-Iranian. There was but the slightest deflection of direction, a deflection which, at an almost infi-

tesimal distance from the point of divergence, was little more than imperceptible. A slight deviation, and we have the direction which through the course of history was to lead European man along new paths.

As was the case with the first Greek sages, there are in certain Vedic hymns and in the earliest Upanishads references to the universe in its totality-to the totality of what is and what is not. The entire universe is situated within the absolute, the Brahman. But, on reaching this point, the Hindu turned to this universe either to evade it or to immerse himself in its divine source, and, out of this evasion or immersion, he forged the key to his existence. Man felt himself part of an absolute whole and reverted to it. The wisdom of the Vedanta had, above all, an operative character. **It** is true that eventually man sought to pass through stages which resemble an almost speculative knowledge. But this knowledge remained a cognitive act directed toward the Absolute. **It** is a communion with it. Instead of Ionian physiology, we have Brahmanic theosophy and theurgy.

The situation of the Greek sage was different. **It** was not that he was unwilling to give guidance to man's understanding of the meaning of life. Even Aristotle said that one of the meanings which the word *crocpoç* had in his day was that of "leading the others and not being led by anyone" (*Met.* 17). His leadership was based upon an excellent knowledge, which embraced all that exists, especially what is most difficult and inaccessible to the "common man" (*Met.* 8-12). But this knowledge was not operative, or rather, it was not so in the same sense as it was for the Hindu. Greek wisdom was pure wisdom. Instead of impelling man to cast himself into the universe or to escape from it, Greek wisdom turned man back, in a certain sense, before Nature and before himself. And, by this miraculous "turning back" it *allowed* the universe and things to *Te//Ulin* before man's eyes, while things were born of the universe, just as they are. The operation of the Greek mind was an act which consisted in doing nothing to the universe other than to leave it before our eyes just as it is. **It**

is in such circumstances that Nature truly appears before us. The act aims merely at making Nature reveal herself. Therefore its primary attribute is truth. If the Greek sage guided life, it was with the intention of establishing it upon the truth, of making man live with the truth.³ This is the slight deflection by which wisdom as a discovery of the universe ceased to be a possession of the Absolute and simply a possession of the truth about its Nature. Because of this modest decision the European intellect with all its fecundity was born—an intellect which began to scrutinize the abysses of Nature. The East, on the other hand, turned toward the Absolute and followed a path which was barren for the intelligence.

The wisdom of the great pre-Socratics sought to tell us something about Nature—through Nature herself alone. In the Greek sage's conception of truth, the discovery of Nature had no other objective than the discovery itself, hence it was a theoretical attitude.

But it would be a grave error to think that this speculation was, in the case of the first Greek thinkers, something similar to what later was called *ΕΠΙΣΤΗΜΗ*, and which we would tend to call *science*. This theoretical wisdom is a theoretical vision of the world, rather than a *science*. The fact that our few extant fragments of the pre-Socratics have reached us through the hands of thinkers who are almost all posterior to Aristotle may have distorted our picture of pre-Socratic wisdom. In fact, if we possessed their works *in toto*, we should probably see that they resembled only very slightly what we understand by philosophy and science. The very contemporaries of the pre-Socratics must have felt the actions and the words of the sage like an *awakening* of a new world through the agency of wonder. It was like an awakening to the light of day. And, as Plato relates in the myth of the Cavern, the man who emerges for the first time from darkness to the light of the noonday sun first feels the anguish of dazzlement, and his

³ In all these observations I deliberately leave aside the religion of Israel and Christianity, which brought a new meaning to Wisdom and Truth.

movements are an unsure groping, guided by his memory of the former darkness, rather than by the new light. In his vision and in his life, this man sees and lives *in light*, but he interprets *from darkness*. Hence the markedly confused and twofold character of this wisdom in its waking moments. On the one hand, it moved in a new world, the world of truth; but it interpreted and understood this world with recollections from the former world—from the myth. Thus the sages still had the accoutrements and accents of the religious reformer and the oriental preacher. Their "discovery" still resembled a kind of "revelation." When Anaximander tells us that Nature is a "principle," the functions he assigns it closely resemble those of a domination. Wisdom itself still had many of the aspects of a religious rule; the men who devoted themselves to it ended by leading a *βίη*; (*JEoop'YJTiKor*), a theoretic existence, which calls to mind the life of religious communities; the philosophical schools had the air of sects.

One step more remained to be taken before the mind of the sage could occupy a different

91.. *Wisdom as a vision of being*:—In the first half of the 5th century a decisive step was taken. This was the work of Parmenides and Heraclitus.

To be sure, Parmenides' and Heraclitus' conception of the Universe are direct antinomies: Parmenides' is the quiescent conception, Heraclitus', the mobilistic. Of course things are not so uncomplicated and simple in the concrete. But still it cannot be denied that the antinomy exists—even when reduced to its proper proportions. Nevertheless, rather than to emphasize the antinomy, I believe it much more important to insist upon the common ground on which their thoughts moved.

In the case of Ionian wisdom, speculation about the universe led to the discovery of Nature, the source whence all things issue, and, in a certain sense, the substance from which they are made. And so, for Parmenides and Heraclitus, "to issue from Nature" meant "to have being," and the "substance from which things are made" was equivalent to "what things are." Nature thus becomes the principle which causes things

to be. This relationship between Nature and being, between *physis* and *being*, and *eivat* is the well-nigh superhuman discovery of Parmenides and Heraclitus. Indeed, it can be said that only with them did philosophy begin.

Nevertheless, it is necessary to make several observations regarding this intellectual operation.

It would be a complete anachronism to claim that Parmenides and Heraclitus created a *concept* of being, even the most modest one. Nor is it even true that their thought refers to what today we should term "being" in general. The course of Greek philosophy had yet a long way to run, that is, until Aristotle, before we encounter the threshold of the problem which involves the *concept* of being. Neither is there in Parmenides and Heraclitus any speculation which, without coming to be a concept, at least moves, as Hegel would say, within the element of "being" in general. For Parmenides, being was a solid sphere; for Heraclitus it was fire. That alone should have been sufficient reason for the interpretation of their fragments to center, not upon "being" nor upon the *ens* in general, but upon Nature, that very Nature which the Ionians discovered for us. The poem of Parmenides bears, in fact, the title "Concerning Nature," as does that of Heraclitus. But even when the question is thus circumscribed, one must not forget that neither of them attempted to give us something resembling a theory of the substance of each particular thing, but rather sought to tell us something concerning Nature, that is to say, concerning what is permanent or consistent in the universe, independent of the caducity of the things of our daily life. When, over against Nature, things passed before their eyes, not only Parmenides but also Heraclitus relegated them—although for different reasons—to a secondary plane, ever obscure and problematical, in which things appear before us without full being, hence alien to Nature, although confusedly reposing on it. The only thing that interested them was, on the contrary, that very Nature which, while supporting all things, is not identified with them.

Both Parmenides and Heraclitus considered Ionian physics to be inadequate because, in the last analysis, it was a conception which, while claiming to speak to us of Nature, and thus of something which is the source and substance of all usual things, ended by committing itself to one of them alone: water, air, or the like. What Parmenides and Heraclitus said concerning Nature is not that. Their first step was to remove themselves from the "ordinary traffic" with usual things, and replace it with a wisdom which man obtains when he concentrates in order to penetrate into the inner truth of things. The man who "knows" in this way is truly the wise man. And so we will learn what Nature is through the wisdom of the sage, but not through the common information available to the common man in his daily life. The "Way of Truth," in contrast to "opinions of men" (the physicists of Ionia), is what Parmenides called this; and Heraclitus maintained, on his part, that the sage stands apart from everything.

What did this sage have at his disposal? We have already seen this some pages back: it is something which the Greeks called *noûs* and which we have called, for the time being, *mens*, and which, to give the right shade of meaning to the new trend of wisdom, we would have to call the "thinking *mens*." But this mental act is not logical thought, nor is it an act of reasoning, nor a judgment. To apply current school terminology we would have to refer, rather, to an "apprehension" of reality. Only later did the disciples of Parmenides and Heraclitus *translate* this apprehension into judgments. We shall soon see why.

This thinking *mens* has present before it all things, and what it apprehends in them is something basically common to all that exists.

What is this which is common to everything? What characterizes the "thinking *mens*" is not that it is a faculty for *knowing* which can equally well be right or be wrong. On the contrary, what does characterize it is the possession of a kind of profound and luminous tactile sense which makes us see

things surely and infallibly. Thus, what it reveals to us are things in effective reality: to put it in school terms, its formal object is effective reality. And' this is what is common to all that exists.

Parmenides and Heraclitus both considered that things, regardless of whether they be one kind or another with respect to the effects of daily life, *have*, above all else, *reality*: they *are*. "What there is" became for them identical with "what is." Nature consists, so to speak, of that by virtue of which *there are* things. It is obvious, then, that since it is the source of the fact that things are, it will be called *To eon* i.e. "what is being." Reinhardt rightly observes that the neuter here represents a first archaic form of the abstract. All hot things have in them "hot-ness." Similarly things which "are" will have, if I am permitted the expression, "being-ness."⁴ When we say for example, "this is white," we wish it to be known that the verb "is" has, in a certain sense, an active value, by which "white" is not a mere attribute attached to the subject, but rather the result of an *action* which emanates from the subject—the act of making the thing white, or causing it to be white. "Is" is not a simple copula, nor is "to be" a simple verbal substantive. We have here, in the strictest sense, an *active verb*. "To be" could be replaced by "to occur;" "to happen," with the sense of "to be something which has reality." Consequently, the way in which Parmenides and Heraclitus conceived of Nature brought about, even without their proposing it, a sense of *being as reality*. They did not pause to give us a *concept* of this physical "is." But its meaning was determined by the end to which this road led. This meaning, only implicit at the time but fully explicit in its effects, is all that there is of philosophy in the "physics" of Parmenides and Heraclitus, but, I repeat, it was not something thought out thematically in the form of a concept.

• The author employs the progressive form, *el esta siendo* ("is-being-ness"), and remarks: "I add the [auxiliary] *is* to emphasize the idea that "being" signifies something active, a kind of effectiveness.

The difference between Parmenides and Heraclitus becomes evident when we define more closely the active value of their "is."

For Parmenides, the things of the universe "are" when they have consistence, when they are fixed, stable, and solid. Physical reality is equivalent to solid firmness, or solidity. All that exists is real to the extent that it rests on something stable and solid. Nature is the only thing (*ἡ ἄσπετος*) which "is" to the full extent; it is the only true solid, full, without interstices or gaps. "Not being" is emptiness and distance. Nature for Parmenides was a compact sphere. It alone completely deserves the name of "being." And this is not true of the malleable things of our daily life.

For Heraclitus, on the contrary, "to be" amounted to "having come to be." The famous "becoming" of Heraclitus is not universal mobilism, as Cratylus subsequently claimed, but a *γενεσις*, a verb whose root bears the double meaning of "to be born" and "to occur," that is, the meaning of "to be being produced." But if such is the case, it denotes also "to be being destroyed." And in both senses things "are" or, if you wish, "maintain themselves." The stable substance whence everything issues, Nature, is fire. Since every act of being produced supposes something from which the thing is produced, Heraclitus thought that this something is always something opposite. And this internal structure of opposites is what Heraclitus called *harmony*.

But, passing over the antithetical content of the two concepts, we find something in a certain sense common to them, and more important than their mutual difference. Nature is, as it were, a stable "force of being." Plato in his day still spoke of being as *συνεχὴς δύναμις*, force or capacity.

And this "force of being" is revealed to man through a special "sense of being," which is, therefore, a principle of truth. For Parmenides and Heraclitus this sense, whether we call it *mens* or *logos*, or the inner structure of both, is, above all else, a cosmic principle. In Parmenides this is clear. And it is no less clear with respect to the *logos* of Heraclitus. The

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logos is something in man which says *one* thing with *many* words; and the many words are into *logos* by something which makes them "one." From the standpoint of what the *logos* says-i. from the standpoint of that which is said, this means that each one of the things expressed by the words is real only when there is some bond which unites it with the single whole, when it merges with it. And this bond is the "is" which refers each thing to its opposite. Hence Heraclitus conceived of the *logos* as the unifying force of Nature, whose structure-one of opposites-is subject to plan and measurement.

Man has a share in this *logos* and in this *mens*; they are revealed to him as a sort of inner voice, or interior guide which from our innermost depths reflects and expresses what things are, and by which we must abide if we seek to speak truly about things. Our *mens* and our *logos* are thus a principle of wisdom. However much Parmenides and Heraclitus may have differed in their conception of the wise man, they were essentially at one with respect to the fact that from their time on, wisdom adhered to the vision of what things *are*. The wise man was thenceforth dedicated to the discovery of "being." Only what "is" can be known; what "is not" cannot be known.

For a clear understanding of the significance of this discovery, let us recall, once more, that the primitive physiologist employed the idea of *cf>vns* and *cpvew*, Nature and birth, in the most concrete and active sense. This idea embraced two aspects: on the one hand, the idea that things "are born of" or "die in"; on the other hand, that the fulfilment of this process is that things come *to be* or cease *to be*. Let us bear in mind that from this very root whence comes the word "genesis" comes the verb-form which expresses "to occur." The Ionians employed the verb *γλυφω, at* in a way that was not exclusively attached to either one of the two meanings "to be born" or "to occur"; and it thus for them still meant both things together, as long as they remained connected with their common root. But this common root, which is the only point

on which the Ionians thought *fully*, led inevitably to a choice between the two alternatives. And so, when we consider Nature in the first of the two aspects, we achieve a view of a "whole" from which all things are born and from which they receive their substance. Each thing is thus an "offspring" of this "all." This is the channel along which also moved the oldest of the Vedas and Upanishads, taking as their point of departure the all in the form of the Brahman.

But Greek thought followed, instead, the other possible aspect of *γένεσις*. Nature then appeared as a "force of being." The dynamic element of the force was preserved, but was wholly transferred into "being."

The philosophical literature of India does not employ the verb *as* (to be), but the verb *bhu* (the cognate of the Greek *γεννᾶω*) which has the meaning of *being-born* and *begetting*. All the splendid wealth of intellectual nuances with respect to things is expressed by the innumerable forms and deviations to which the second verb gave origin. Things are *bhuta* (offspring); the being is *bhu* (he who is born), etc. The verb *as*, on the contrary, had for its sole mission that of a simple copula without further implications. So wholly was it without implications that the thought of India never arrived at the idea of essence. The thought of India is an actual example of what would have been the case in Greece, and consequently in all Europe, had it not been for Parmenides and Heraclitus. In Aristotelian terms, it was a speculation about things as a whole, without ever reaching the point of first considering the fact that they "are."

This slight deflection in the direction of man's thought was sufficient to give rise to Parmenides and Heraclitus. By interpreting the Brahman as the universal soul, the Hindus ended up with a certain kind of *ontogeny*. By taking Nature as a force of being, the West, as we shall see, arrived at an *ontology*.

But first, one further step remained to be taken. This was the work of the generations immediately following the Persian Wars. But, after Parmenides and Heraclitus Wisdom was no longer simply a vision of Nature, but a vision of what things

are, of the principle and substance which makes them *be*, of their ∞ being."

3. *Wisdom as a rational science of things*:-The generations immediately following the Persian Wars received the benefits of this gigantic conquest. The new life which flowered in Greece enormously enriched what had been the usual world of the Greeks up to then. Above all, we must note for our purposes the gradual development of a certain number of branches of knowledge, modest in appearance, but whose growing importance. was to be a decisive factor in Hellenic intellectual life. These special branches of knowledge were called *Texvat*-we would call them *techniques*. But the Greeks understood the word altogether differently. For us, technique means *doing*. For the Greeks it meant *knowing how to do*. The concept of *TEXVfl* belongs to the order of "knowing." So true is this that Aristotle at times applied the term to wisdom itself. These *TEXVaf* for the most part had to do with knowing how to cure, to count, to measure, construct, lead battles, and so on. For a long time, this situation had been developing; but now these *Texvat* began to take on substance. And the men of this new epoch were confronted both with the remnants of the ancient exemplary wisdom and at the same time with these *TfxVat*, which were applied-not to Nature, massive and divine, as was the ancient wisdom-but to those objects which are indispensable for daily life, and which had been excluded, as unworthy, from the realm of being. The numbers to which the *Texvat* had attained made it difficult to maintain the situation. This *ordinary* world, so rich, so fertile, could not remain outside the bounds of philosophy. Things, in their primary sense, are those things with which man is occupied during the course of his daily life, and of which he avails himself in order to satisfy his needs or to solace himself. In this sense the Greeks called them *7rpayp.aTa* and *xpfJp.aTa*. And it is these things which posed an acute problem for philosophy.

But precisely in the very work of Parmenides and Heraclitus there was something which was to preserve the new reality. Wisdom, let us observe, was a knowledge of things which *are*.

The organ with which we gain this knowledge-the veils-consists, on its part, in making us see that things have effective *being* in one way or another. When the philosophy of Ephesus and Elea had overcome the first difficulties it encountered, there remained floating in the atmosphere, as a result of this speculation, the notion of "being."

As I have already pointed out, for Parmenides and Heraclitus the word "being" still preserved an active value deriving from *·cpvew* and *yl,yvofLat*. But now, thanks to those two titanic thinkers, "is" acquired a content of its own; it broke away from "to be born" and took on a usage and meaning more and more remote from *yl,yvofLat*. The process of thought by means of which this took place characterizes the work of the three generations after Empedocles. And this process followed two paths that ultimately converged.

On the one hand, both Parmenides and Heraclitus, on speculating about the Nature of the Ionians, understood it, as we have seen, as "that which is in the process of being"-the very force of being. Let us leave aside the negative aspect of the question, namely, that world which the wise man had ruled out as something which in the last analysis lacked complete being. If we center our attention on the positive aspect, above all, on what Parmenides had to say "concerning that which is," we shall see that this "is," which for the philosopher of Elea still had an active value, attracted the attention of his followers in such a way that it lost its active value and came to signify only the ensemble of characteristics which constitute that which is: something solid, compact, continuous, one, whole, etc. "Is" thus refers simply to the result, and not to the active force which leads to the result. When thus "de-natured," that is to say, when wholly independent of Nature and birth, "is" leads to the *idea of things*. But at this stage no objection is found to there being many things. The common things of life lay aside their common aspect and become simply "things"; *xpfJfLara* immediately become *ISvra*. Thus the world we all live in and which at first was excluded from philosophy, re-entered in a new form, namely that of "many things." This

moment marks the birth of the notion of "thing," and-this is the essential point upon which I must insist-it was born at the moment when the notion "is" dropped once and for all its active value deriving from *tyvoJLa£*, and took on one of the several possible values inchoatively implicit in it, namely the one which refers to the final *condition* of the *born* or *begotten* object.

But on the other hand there was something more. As we saw, knowledge was for Parmenides and Heraclitus simply knowing what is. This means that, just as Nature is that which is in the process of being, so also the *mens* is a "sense of being" which maintains itself, by itself, in reality. "Is" was thus in a certain sense the actual substance of the *mens* and the *logos*. Thus, when "to be" became independent of "to be born," it all!o became independent of our human reality. When thus divorced from *anima* and *mens* it took on an autonomous status: that of *is*, the copula. Up to this point, the copula had played no role in philosophy. But now it was to enter in through the door opened by Parmenides and Heraclitus. Thought, in addition to being impression and vision, became affirmation or denial. The buttress of "is" came to be first and foremost the *logos*. The *logos* of daily life, the *logos* which says what man thinks in the course of his daily life, and which serves to define it, entered in its turn into the realm of philosophy as "affirmation" or "denial."

And the two developments that "is" underwent after losing the active value which it possessed by virtue of its original roots both in the notion of "being born" and in the *mens*, converged in a striking fashion. The "is" expressed by the copula came to be understood above all as the "is" of things, and vice-versa. Thereupon a totally new situation arose, namely affirmation or denial with respect to things.

Obviously (we hasten to say) at the time no one speculated either upon the idea of "things" or upon affirmations with respect to things. But speculation was focused upon "things" and turned in the direction of things insofar as they are ex-

pressed in an affirmation or a negation. This was the fruit of the genius of the new spirit.

To be specific, let us first approach the question from the standpoint of things. Of course, in principle at least, the idea that Nature is the source of things was preserved in Empedocles and Anaxagoras. Nature alone, then, properly deserved the title of-being in a full and true sense. It is true that, alongside Nature, none of the things of this ordinary world is, in the last analysis, a "thing" in the full sense of the word, and, precisely because it is not, its birth and death cannot be interpreted as a true act of generation, but only as a simple composition and decomposition, which implies, in turn, the existence of many other true things. Nature contains "many things" (this time in the strict sense of the word) from whose combination common things result. Each of them is a "thing" in the sense given to the word by Parmenides. So, on applying the idea of "thing" to the common world, the Greeks found themselves inexorably compelled to continue disqualifying the latter, but now breaking it up into a multiplicity of true things whose closely packed totality constituted Nature. Empedocles called these "true things" the "ultimate elements," and believed them to be four in number. Anaxagoras called them "seeds" and believed that they were infinite in number, but not separated, with the result that in every piece of reality, however small, there is a bit of the whole. A generation later, Democritus continued to consider them infinite in number, but, in support of his view, separated from one another by void. Thus for the first time the reality of the void was proclaimed: here we have the idea of the atom. The next generation, with Archytas, inclined rather to this idea of points of force, so to speak, which had no extent but which were extensible in space. Plato, in his turn gave a generic name to all the ultimate things, *uTotxe'ia*, elements. Understanding things came to mean knowing the manner in which they are composed of these elements. Empedocles and Anaxagoras thus spoke of common things as representing the predominance of certain roots or seeds over others; Democritus spoke of combinations of atoms;

Archytas of geometric combinations. But in any event common things came to be characterized by what, after Democritus, was called *uxflp,a* or (scheme, or figure).

The organ which achieves this interpretation of the universe is the *logos*, which affirms or denies one thing with respect to another. At the outset, it was understood that each of the terms of an affirmation is, on its part, a "thing," and that to or not to be, is to be joined or separated. To affirm or deny was simply to join or to separate by means of the *logos*. Thus it was said, for example, by Empedocles that birds are primarily fire. The "fire-stuff" is, on the one hand, the "being" of the bird, but, in addition, it makes us understand what the bird is. The *logos*, which originally meant speech or understanding, came then to denote that which is understood. Thus fire is both the being of the bird and its reason. This reason continued to be called *logos* by the Greeks. **It** is a *logos* which belongs to the thing before it does to the individual who expresses it. **It** is, as the Greeks would say, the *logos* of the *0V* (the ent); hence it is something which pertains to the structure of the latter. With this step the world of the *logos* was born. The idea of "many things" led to the idea of *being as reason*, the idea of the rationality of things. The way for this idea had been prepared by Heraclitus, but only at this point did it attain full development.

After this new stage, the natural place of reality was reason. And soon, for the first time, there began to function that marvelous combination of reasons, *Myot*, which we call reasoning. This was the contribution of Zeno above all, and not of Parmenides as is generally said. Of course, with Zeno, we are still at a rudimentary stage. In this first archaic form of logic, to affirm or to deny was to join or to separate things. Out of it, grew the famous *aporiae* of Zeno. Regardless of the ultimate significance of this logic, every interpretation of it must start at this point. We can already recognize in this logic the gigantic step that Aristotle subsequently took with his discovery, not only of things but also of their "affections or acci-

dents," a discovery with which he changed the entire face of the *logos* and created the edifice of classical logic.

In the generations which followed, those of Democritus and Archytas, the new instrument produced the first splendid achievements of the Athenian spirit; mathematics, the theory of music, astronomy, and the theory of temperaments began to be codified. Only twice was there to pass through the world of the *logos* a symptomatic convulsion. This happened once when Plato asked whether the elements of reason were themselves rational, and again when Theaetetus discovered rationally in the square root of the reality of the But it mattered little.

In those three successive generations an enormous mental creation took place. *Things* took on a rational structure: being was *reason*. The *mens* became understanding and bowed into the *logos*: the fact that a thing "is" was no longer the object of vision, but of intellection and diction. Wisdom ceased to be a vision of being and became a science: the thinker more and more turned his eyes away from Nature and fixed his attention on *each thing*. Nature with a capital letter gave way to nature with a small letter. Each thing had its nature. The mission of the wise man was to discover it rationally: thenceforth he would be the scientist. Aristotle tells us, indeed, that the term *επιστήμη*; applies also to the man who has a strict and rigorous science of things (*Met.* 18).

This was the result of that minute factor which crept into the European mind to plague it without cease: "is."

4. *Wisdom as rhetoric and culture*: -After the Persian Wars, the new *πολιτεία* which gave rise to the establishment of science were not alone in developing. Likewise, and most notably, there developed a change in the situation of the citizen in public life; and with this change was born a new *τέχνη*: *politics*. Man's *logos* is not only the faculty for understanding things; it is also, as we pointed out, what makes community life possible. Community life comes into existence when affairs are shared in common. And no affair becomes common without imparting a certain character of publicness to the thought of

each individual. We saw in the preceding paragraph how the idea of *each thing* into philosophy together with the *logos* which enunciated it. But furthermore, along with the idea of "each thing" entered the *logos* of each citizen. And because of this new aspect of the *logos*, philosophy was to find itself in undreamed-of regions. This was the achievement, to some extent, of Sophistry, under the leadership of Protagoras. Not that Sophistry was exclusively, or even primarily, philosophy, but unquestionably it involved some kind of philosophy, implicitly or explicitly. Of course, insofar as it had philosophical aspects, Sophistry-however paradoxical this may seem-was possible thanks to Parmenides and Heraclitus. Let us recall once more how "is" shed its active value in the realm of both things and thought. Let us now consider thought, not as it functions to enunciate things, but in its public function-speech. Of what do people speak? Of things. But the things that constitute public life are "affairs." Science, as we saw, immediately interpreted these and *ἡ τὰ πράγματα ὡς οὐρα;* instruments, utensils and means of life were, above all, "things." But now, on the contrary, what science had called "things" passed to a secondary plane, and in the forefront stood "things" in the sense of things with which we are occupied and which we utilize. And in this wider sense, many things are "things" which are not so in the sense of beings, or *entia*, for example, affairs, and science itself. It is things in this sense of which men talked among themselves.

To continue, the "is" of conversation became the "is" of things as they appear in daily life. The *logos* of conversation is not a simple enunciation; on the contrary it expresses an asseveration which confronts the asseverations of the other participants in the conversation. "Is" thus reflects that which makes conversation possible, that goal towards which every asseveration aims and before which every asseveration must bow. When "is" acquired a status of its own in intellection, we had affirmation or denial of things. When "is" is introduced thematically into dialogue it means, indeed, "something is," that is to say, the truth. Every asseveration aims at being

true, seeks to derive substance and support from this "is." "Is" is what is common to all men; it is, so to say, the "cum" of "community life." Thanks to it, mere elo(ution becomes dialogue. We must not forget this connection when we interpret the significance of what next happened: logic, as a theory of truth, grew essentially out of dialogue. To reason was, above all, to discuss. The truth implicit in the word "is" affected primarily speech and thought. Along with the works of his contemporaries Empedocles and Anaxagoras, which were entitled "Concerning Nature," one of the works of Protagoras was called "Concerning Truth." To be sure Parmenides had already spoken of "the way of truth." But for Parmenides truth was the name of the road which leads to things, while here it had come to mean the name of things as verified by man. And this led the problem of "is" into new paths. Because as long as man did no more than contemplate things and enunciate them, he had only things before his eyes. But as soon as he engaged in dialogue, what things are was made patent through what the other said. Put it thus: what I have before me is not "things," but the other man's thoughts. Problems of being become automatically problems of saying. The reason implicit in things yields place to my own reasons. And before long the first intuition that something is true springs from something on which all men are in agreement.

If all men said the same thing, there would be no question. But the trouble is that questions do arise precisely when men, in their attempt to build their lives out of things, find themselves in mutual discord. Conversation will serve as a principle for bringing them into agreement. Here is the fundamental fact which served as the starting point of Protagoras. "Is" makes community life possible only when every individual statement has some sort of validity. This fact had two consequences.

First, disagreement makes it evident that "is" as a principle of dialogue, and as a basis for community life, means "how things appear to the eye." "To be" signifies "to seem." To every individual (and this is the significance of dialogue)

things appear in a certain manner. But we are not dealing here with subjectivism. On the contrary, we are dealing with the fact that men cannot talk of whether things are or are not, except according as they refer to them. This reference is essential to the common things of life, and is what makes them such. What occurs then is simply that things "appear" before men. The "being" of the common things of life means for these men "appearing." Something which did not appear to anyone would not be a thing of daily life. The criterion of being or not being, as far as concerns things in the sense of *x.pijp,a:ra*, or common things, is their appearing before men's eyes. This is the famous statement of Protagoras. In it he enunciates something trivial and not open to objection, namely that the life of men is the touchstone of the being of the things we deal with in our lives.

But this "is" of things, understood in this sense, promptly clashed with the "being" of things in the other sense, the sense of existing in Nature. When this occurred, Protagoras sought to play the role of wise man in the ancient manner. He sought to establish the things of life "scientifically." When they are taken as things existing in Nature, the assertion of Protagoras leads to making a relationship of "is," a *ἴσος τίς*, as Sextus Empiricus said on expounding the doctrine of the Sophist of Abdera. The "physical" reality of things is nothing but a relationship. No thing is a thing in itself; it is a thing only by virtue of its relationship to something else. And in this system of relationships there is one relationship which is decisive for men, namely that of "appearing." Things "appear" to man; they "appear" to him to be thus, or so. "Being as relationship" is revealed in the notion of "knowledge as opinion," or *86ga*. This is not subjectivism, or relativism, but a system of relationships.

But there is a second consequence, as important as the first. It is not a matter of taking opinions as verbal pronouncements, but as assertions which are claimed to be true and which issue, consequently, from the very being of things. It is evident, then, that if there is diversity of opinions, it is because

there is diversity within everything. More specifically, for every opinion, there exists in principle another diametrically opposed counter-opinion which derives from reasons likewise drawn from things, since it is things which appear diametrically the reverse to my neighbor. The 'Aeyew of the political animal (what he says) is subject to *avn'Aeyew* (contradiction). And since what both men say is rooted in the thing itself, we are forced to agree that the relationship which constitutes its being is constitutively antilogical. Hence the inexorable need for discussion. The essence of discussion is antinomy, for being is essentially antilogical. This is the philosophy of Protagoras. In it we find ourselves worlds apart from the rationality of being which the science of his contemporaries discovered. Everything is discussible because nothing has solid consistence; being is inconsistent. Here we have the inconsistency of being face to face with its consistency. And, by a curious paradox, for this manner of existing in the *Iro'Ats*-scientific support was sought. On this point the influence of medicine was decisive. **It** can be stated almost without fear of error that, while physics and mathematics led the Greeks to the world of reason, medicine was the great argument for the world of Sophistry. **It** is true that Anaxagoras stated, as we have seen, 'that in everything there is a bit of everything. Archytas and the mathematicians, while they admitted the rationality of things, considered things also to be in perpetual geometric movement. But the decisive science was medicine: health and illness were important, not only for perceiving things, but also for thinking them, with the result that thought tended to become a new way of perceiving things. Appearing and seeming took on more and more the meaning of "feeling." And "to be" ended by meaning "to be felt." The inconsistency of being finally became a theory of "knowledge as sensible impression." And the Sophists sought to transfer the thesis of Parmenides and Heraclitus to the new philosophy.

But let us again establish the position of "opinion" within the frame of public life, for only with reference to the latter does this new development have significance. Every opinion

has, to begin with, a certain quality of stability. Anything else would be a fleeting and uninteresting impression. But opinions do not derive their stability from things, for stability is precisely what things lack. Whatever stability an opinion has derives solely from the man who professes ~~it-the~~ the opiner himself. Hence, if life requires firm opinions, there is need to educate men. Knowledge is no longer a science, it is merely something in the service of the education (71'atSefa) of a man's

And being such, it transcends the purely intellectual sphere: it does not exclude knowledge, but puts it at the service of the education of man. What man? Not man in the abstract, but the citizen. What kind of education? Political education. Sophistry believed it could mold the new men of Greece by disregarding truth. How could this be?

When citizens talk of their affairs it is for the purpose of acquiring convictions. Everything is directed toward this goal. Just as reasoning leads to the scientific *logos*, "antilogy" leads directly to the *technique of persuasion*, which is, as it were, the logic of opinion. Since to be is to seem, to persuade will be to make one opinion seem stronger than another. And this will be achieved when one succeeds in making one's opponent waver, that is, in shaking his feelings. Reasoning is replaced by discourse: it becomes *rhetoric*. Thenceforth knowledge, in the sense of civic education, took, on the intellectual side, the concrete form of rhetoric.

But rhetoric needs materials, what we would call ideas. Ideas take on, through their social aspect, the character of common things-of things designed to be handled rather than understood. They can be handled in two ways: by learning and by teaching. And they thus become *p,aOIJJ-ara*, subjects of instruction. When knowledge becomes rhetoric the next step is knowledge as a branch of teaching. Education consists of cultivating man and the ideas in him through teaching. With teaching, the Sophist formed cultivated citizens full of ideas and able to utilize them to create opinions which possessed public validity. The same word which designates *opinion* in Greek

also serves to designate *repute*. *Rhetoric and Culture*: these embodied the wisdom of the public life of Athens.

* * *

Let us sum up. Wisdom, which from its beginnings was a knowledge of the ultimate truths of the world and of life, and consequently something closely akin to religion, became, on the coasts of Asia Minor, a discovery or possession of the truth about Nature. With Parmenides and Heraclitus this truth about Nature became a vision of what things are; the vision of being took, on the one hand, the form of rational science, and on the other hand, namely in the life of the Athenian citizen, the form of rhetoric and culture. Such was the condition of his world as Socrates found it: a situation whose dynamic ingredients were essential to it, and which were to be the starting point of his activity.

IV

SoCRATES: THE TESTIMONY OF XENOPHON AND ARISTOTLE

Near the beginning of his *Memorabilia*, Xenophon says:

Indeed, in contrast to others he set his face against all discussion of such high matters as the nature of the Universe; how the "Cosmos," as the wise men phrase it, came into being; or by what forces the celestial phenomena arise. To trouble one's brain about such matters was, he argued, to play the fool. He would ask first: Did these investigators feel their knowledge of things human so complete that they betook themselves to these lofty speculations? Or did they maintain that they were playing their proper parts in thus neglecting the affairs of man to speculate on the concerns of God? He was astonished they did not see how far these problems lay beyond mortal ken; since even those who pride themselves most on their discussion of these points differ from each other, as madmen do. For just as some madmen, he said, have no apprehension of what is truly terrible, others fear where no fear is; some are ready to say and do anything in public without the slightest symptom of shame; others think they ought not so much as to set foot among their fellow-men; some honour neither temple, nor altar, nor aught else sacred to the name of God; others bow down to

stocks and stones and worship the very beasts:-so is it with those thinkers whose minds are cumbered with cares concerning the Universal Nature. One sect has discovered that Being is one and indivisible. Another that it is infinite in number. If one proclaims that all things are in a continual flux, another replies that nothing can possibly be moved at any time. The theory of the universe as a process of birth and death is met by the counter theory that nothing ever could be born or ever will die.

But the questioning of Socrates on the merits of these speculators sometimes took another form. The student of human learning expects, he said, to make something of his studies for the benefit of himself or others, as he likes. Do these explorers into the divine operations hope that when they have discovered by what forces the various phenomena occur, they will create winds and waters at will and fruitful seasons? Will they manipulate these and the like to suit their needs? or has no such notion perhaps ever entered their heads, and will they be content simply to know how such things come into existence? But if this was his mode of describing those who meddle with such matters as these, he himself never wearied of discussing human topics. What is piety? what is impiety? What is the beautiful? what the ugly? What the nobler what the base? What are meant by just and unjust? what by sobriety and madness? what by courage and cowardice? What is a state? what is a statesman? what is a ruler over men? what is a ruling character? and other like problems, the knowledge of which, as he put it, conferred a patent of nobility on the possessor, whereas those who lacked the knowledge might deservedly be stigmatised as slaves." ⁵

This is not, of course, the only relevant text, but assuredly it is one of the most significant, because in its brief space we find-most of the terms which have appeared in our exposition and it lends itself therefore better than most to situating the work of Socrates in its proper position.

Let us add the testimony of Aristotle, according to whom Socrates "occupied himself with what concerned the ethos, seeking for the universal and being the first to exercise his mind in defining" (*Met.* 987b 1).

⁵ The citation given here, rather than an English translation of Zubiri's version of the Greek, is based on the translation of the works of Xenophon by H. G. Dakyns, London, 1897, Vol. III, pp. 4-5.

Everyone is familiar with the picture of Socrates given by Plato in his *Apologia*: the just man, who prefers to accept the law, even though it turns against his life.

One thing stands out clearly: Socrates assumed a certain attitude *vis-a-vis* the philosophy of his times, and on the basis of this attitude began his own activity.

V

SOCRATES: HIS ATTITUDE TOWARDS THE PHILOSOPHY OF HIS TIMES

First let us examine the attitude of Socrates towards the philosophy of his times.

The world in which Socrates lived had participated in an experience of fundamental importance to man; one which, with respect to our problem, may be summed up under three heads: the establishment of the city-state as a result of the access to public life enjoyed by every individual, with his personal opinions; the crisis of traditional philosophy; and the development of the new branches of knowledge. The participation of the citizen in public life prepared the way for rhetoric and the ideal of the cultivated man. This culture, furthermore, harked back to the great figures of traditional wisdom—Anaximander, Parmenides, Heraclitus and the others—not in search of such truth as they might have to offer, but because of the popular esteem in which they were held. Thus their words ceased to represent wisdom and became, instead, things for handling: *T6lTo*, to be utilized to the individual's own advantage or benefit, with the art of polemic. Zeal and insolence now had a common source: the

On the other hand, the people upheld the new beloved *Texva'* against the ancient classical wisdom. While the latter was something divine, the former, according to the myth of Prometheus, were booty stolen from the gods. With the *Texva'* men acquired wisdom in the ways of life. They were forms of knowledge acquired in the course

of life and available to anyone through the agency of instruction, that is to say, *flafJfJfla;ra*.

This experience was situated in a special environment, *i.e.*, public life. This gave it its particular character, which was much more essential, in the opinion of Socrates, than was its content. All such experience is an experience of the affairs and things of life, above all, of those things which are public. It is within the bounds of daily life that such experience assumes a meaning and a scope of its own.

Indeed, not only were what was known as "ideas" public things, but furthermore knowledge itself, as such, came to be a public thing. Knowledge degenerated into conversation and dialogue into dispute. In dispute, everything had its opposite and in this antinomy the antilogical character of the being of things became manifest, that is to say, the being of things lost all its aspects of importance and dignity. The great "wisdoms" had grown out of a preoccupation with the problem of being and they were transformed into *τ67Tot* precisely when their foundation upon the substantiality of being crumbled. If being is antilogical, then everything is true in its own fashion, in each man's fashion, and when being so does man himself. Man's being becomes a mere attitude. Or, to express the same thing differently, nothing *has importance* for the Sophist, and therefore nothing *matters to him*. Only his own opinions matter to him, and not because they *are important*, but because others *deem them important*; not because he himself takes them seriously, but because others do. Aristotle said, therefore, that Sophistry was not wisdom, but only the appearance of wisdom, in other words, intellectual frivolity. So, even though Sophistry was disqualified on the basis of its lack of content, it did at least pose for philosophy the problem of the existence of the Sophist. Sophistry, as philosophy, did not attract the attention of Socrates, nor of Plato, nor of Aristotle, save for its sensualistic interpretation of being and of science, to which at one point Protagoras alluded. But the Sophist (if not Sophistry) did draw their attention. Plato's

Sophist and the polemic of Aristotle are naught else, indeed, than the ontology of frivolity.

The position of Socrates corresponds to the position of Sophistry. Socrates took a certain stand in the face of this type of existence, and upon this stand depended the content of his own very existence.

Socrates did not take over the content of the intellectual experience of his contemporaries, isolating it from the situation whence it emerged. Quite the contrary. This point must be emphasized if we are to understand, in its full scope, the attitude of Socrates towards the *content* of intelligence.

Socrates' first reaction to the wave of publicness was *withdrawal*, withdrawal from public life. He realized that he lived in times when the best in man could be saved only by his retiring to private life. And this attitude of his was anything but an elegant or petulant gesture. Protagoras had a modicum of intellectual content; but the two generations of Sophists that followed him did nothing, as far as intelligence is concerned, but converse and pronounce discourses of empty beauty, which was a vocation quite different from that of engaging in dialogue and reasoning. In order to engage in dialogue and to reason, one must have *things*. The serious business of dialogue and the toil of reflection or reasoning are possible only if we believe in the substantiality of things. But when being dissolves into pure antilogy, when all is transmuted into pure insubstantiality, man is cast adrift on a sea of frivolity. And what had caused being to lose its reality and gravity for these men? Simply the loss of that very thing which made its reality clear to the eyes of the great thinker: the *mens*. When speech became independent of thought, and thought in turn ceased to revolve wholly around the center of things, the *mens* was left loose and adrift. For the *mens* has two aspects: the private and the public. On the contrary, thought, or reflection, has but one: the private. The only thing we can do is express thought in the *public*. And this is the danger inherent in all expression, namely that it cease to express thoughts and become merely the act of speaking as though one were thinking. When

does occur, man can only become silent and withdraw into his thoughts. Socrates' withdrawal was not a mere attitude like the attitudes of the Sophists; it was the very meaning of his life itself, which in turn was determined by the meaning of being. Hence it is an essentially philosophical attitude.

The position he took conditioned Socrates' attitude towards traditional wisdom. In the first place, Socrates judged it from the standpoint of its efficacy in the life which was led by the men among whom he lived. All those references to the one, or to the many, to the finite or to the infinite, to repose or to movement were altogether useless for establishing daily life on a firm basis. This and nothing else was his point of departure. The proof is that, as the decisive argument, we are told in the passage from Xenophon given above that after knowing the structure of the cosmos we cannot bend it to our needs. So Socrates dispensed altogether and immediately with whatever truth there may be in such speculation.. What interested him was to emphasize its futility as a way of life. To be sure, he already had called mad "those who concern themselves with Nature." But this is another aspect of the question and one intimately linked with the first aspect. We shall return to it subsequently. This wisdom which leads to antilogy (the essential point for Socrates) showed clearly that wise men were, in this respect "de-mented." They lacked *mens*, *vovs*. Such Wisdom had forsaken *vov'tv* and had become mere *A.eyew*.

And what drove Socrates to retirement was likewise what shaped his attitude. Wisdom was born of the *mens*. When it forsook the *mens*, it ceased to be Wisdom. Knowledge was no longer the fruit of an intellectual life, but a mere recipe book of ideas. Therefore Socrates eliminated it. But it is obvious that what led him to eliminate it was at the same time the only thing which could save it. Socratic irony is the expression of the noetic structure which was destroyed in order to save wisdom. And the proof that this was his attitude is that he says nothing to us regarding the physical discoveries of Democritus, nor of the budding Athenian mathematics. Naturally not. To us, who have inherited the magnificent legacy of Greek

mechanics, astronomy, medicine, and mathematics, it seems that these are what Hellenic science was. But let us recall that all this science began to acquire its enormous volume with astonishing rapidity precisely with the generation after Socrates. We are told that the Platonic Academy was so impressed by the quantity of new knowledge, that it believed a man needed more than one life simply to make note of it. And Democritus, the contemporary of Socrates, was held to the last true encyclopedist of knowledge. It is evident that these branches of knowledge—the only ones which have any importance for us of the western world—were still almost rudimentary and negligible in Socrates' time, and that they dwindled to nothing alongside the great monuments of traditional wisdom: Parmenides, Heraclitus, even Empedocles and Anaxagoras. When we speak of Socrates' negative attitude toward science we should avoid the error of including under the heading of science what we are accustomed to calling Greek science. All the more so, since several of these sciences were cultivated, and sometimes furthered with genius, by men belonging to schools of thought whose inspiration was Socratic. Furthermore, to maintain that Socrates needed to dedicate himself to these sciences in order not to despise them is a demand altogether excessive from any point of view.

The only thing to be added with regard to these new branches of knowledge is what we have already observed with reference to classical wisdom: the danger that the man of science might also lose his *mens* as did the Sophist. This is the great risk run by science; and probably these apprehensions were no strangers to the heart of Socrates.

To sum up, the intellectual attitude of Socrates towards the intellectual attitude of his epoch was, in the first place, the negation of its trend, which was towards public life. Socrates retired to his home, and in his retirement recovered his *voils*, thereby interrupting the course of traditional Wisdom. Being recovered its importance and gravity. Things thus recovered their consistence, again became substantial, and posed authentic problems.

With these problems man likewise assumed dignity. What man does and does not do, and how he does it, becomes involved in something more significant than himself, namely, what he and things "are." The reappearance of the problem of being marked the restoration of real *wisdom*.

But of what wisdom? Because nothing ever becomes a second time exactly what it once was. This is the second question: the positive aspect of Socrates' activity.

VI

SoCRATEs: WiSDoM As ETHICS

Whatever the positive contribution of Socrates in the sphere of philosophy may have been, it was predetermined by the position he assumed. Was he or was he not an intellectual? An unequivocal answer cannot be given. To us, that is to the generations that have followed him, he was. But to his epoch and probably to himself-for we all to some extent judge ourselves from the standpoint of our world-he was not.

To his epoch he was not. Because Socrates did not devote himself to any of the pursuits which in his time were deemed intellectual. He did not occupy himself with cosmology; nor with the traditional problems of philosophy. He was not, of course, the inventor of the concept nor of the definition. Aristotle's remarks need not necessarily be taken in the strictly technical sense which they later acquired. As a matter of fact, Aristotle only said that Socrates sought to know what things are in themselves, not with reference to circumstances; and that he tried to concentrate upon the meaning of words, in order not to be carried away by the sheer brilliance of speeches. Neither is it very probable that Socrates made great ethical discoveries; at least it is not evident that he was concerned with aught else than public and private virtue in its various aspects. How could he have been regarded as an intellectual? The intellectual of his times was an Anaxagoras or an Empedocles, a Zeno, or, perhaps, a Protagoras. Socrates was nothing of the

sort, nor did he seek to be. On the contrary he preferred not to be.

Was he then simply a just man, a man of perfect morals? We are not absolutely certain what morality he professed, nor even are we acquainted in detail with his life. Furthermore, politics has helped, with its errors, to create great historical figures in the imagination of citizens. At all events, his unquestionable moral eminence would not have justified his influence on philosophy. And yet it was decisive. All the historical criticism in the world cannot dispel this fact, whose details may be confused, but whose magnitude remains unchangeable.

To put it baldly, Socrates did not create science; he created a new type of intellectual life, of wisdom. His disciples harvested the fruits of that new life. And as happened with Parmenides and Heraclitus in their day, so did it with Socrates. When a new life dawns, it is at first understood in the light of the old day. Hence to some, Socrates was but another Sophist; to others, a good man. To those who followed him, he was an intellectual. Actually, he simply inaugurated a new kind of *cro<Pf.a*. Nothing more, but nothing less.

Up to now we have seen this new wisdom only in the negative light of Socrates' withdrawal from the intellectual life which was in vogue, his emphatic rejection of it. Socrates kept aloof from public life, withdrawn into his own private existence. He cast aside rhetoric in order to ponder seriously on Being and Thought. But it would be an error to suppose that his withdrawal meant that he adopted an attitude of total isolation. Socrates was not a solitary thinker.

That a life be private is not the same as that it be isolated. On the contrary, there is the danger that the solitary man will find his isolation to be a form of notoriety and, therefore, of publicness. That some of his disciples thus misinterpreted his attitude is well known. It is not a question of this, nor of what solitude meant to Descartes, for example. The "Solus recedo" of Descartes, solitary communion with himself and his thoughts, is a far cry from the position of Socrates, for the simple reason that there has never been a Greek who adopted

such an attitude. Socrates returned to his home, to a life like that of anyone else, without giving himself over to the novelty of a progressive conception of life, as did the Athenian elite, but also without allowing himself to be impressed by the sheer power of the past. He had his friends and talked with them. For every true Greek the word "to talk" is as closely associated with "to think," as for the Semite "to pray" is with "to recite." The prayer of the Semite is an *oration*; something in which his *os* (mouth) participates. For the Greek, speech does not occur isolated from thought: his *logos* is at one and the same time both things. The Greeks always have understood thought as the soul's silent dialogue with itself; and dialogue with others was, to them, audible thought. Socrates was a good Greek; he thought while talking, and talked while thinking. And incidentally, he was the first to employ dialogue as a method of thinking.

But how did Socrates live? At least, how did he *understand* that one should live? This is the essential point for us.

In the first place, one should live with *voys* or *mens*, as we have seen. Aristotle tells us that Socrates exercised his thought, his *Su£vota*. However, there was some confusion on this point. Traditional philosophy had grown out of the *mens* and had drawn its sustenance from it, both in the soul of the philosopher and in his expression through the *logos*. Nevertheless, as we have pointed out, in this, perhaps the most critical, moment of pre-Socratic philosophy, the *mens* was being applied to Nature, to that which men were wont to call "the Divine." The common world was thrust aside together with the things of the world, men, and their major vicissitudes; and these were thrust aside, not in a random fashion, not by a simple preterition, but in a much more absolute fashion, that is to say, they were judged unworthy on the grounds of being mere *Sóga*, and were excluded from the world of being, as things that seek to be, but do not have true being. It was for this reason that Socrates called those philosophers demented. Actually, the generations which immediately followed the Persian Wars reacted vigorously, as we also have seen; but what triumphed in the field

of intelligence was what led to the rational science of natural things. The first ones to elaborate it, Empedocles and Anaxagoras, still too closely resembled Parmenides and Heraclitus. On the contrary, those men whose endeavors subsequently established science firmly, had for the most part scarcely seen the light of day in Socrates' time. Therefore Socrates could not (enter his attention exclusively on them. And Empedocles and Anaxagoras, if we consider them to be scientists, were little more than embryonic. Because of their with classical wisdom, they were incapable, as it were, of satisfactorily coming into touch with the things of daily life. Protagoras alone sought to make things his point of departure, yet even he took them, not in the sense of natural things, *ovTo.*, but in that of usual things, *xpfJp.o.To.*. But we have seen where he arrived.

And so Socrates is in this regard a typical representative of his generation. We can understand why he was mistaken for a Sophist. He tried to think and talk of things as they appear directly in daily life, not in public life, in the realm of *86go.*, but, on the contrary, taking them as they are in themselves, that is, as they really are, independent of circumstance. Socrates situated himself momentarily in private life. Public life was to come later. Only a good man can be a good citizen, and only a good citizen can be a good statesman. So Socrates applied his mind to the ordinary things of life, without rhetoric, but with *mens.* Before Socrates, the *mens* had been applied only to "the Divine," to Nature, to the cosmos, or to the rational investigation of the nature of things. Now it concentrated, by a curious paradox, on the modest things of daily life. This was the radical innovation of Socrates. The grave defect of traditional philosophy was, in his opinion, that it had disdained daily life and had disqualified it as an object of Wisdom, and then had sought to control it with considerations drawn from the clouds and the stars. Socrates meditated on common things, and on what man does with them in life. Moreover, he meditated on the *Texvo.t.* But the *Texvo.t* on which he medi-

tated were, therefore, not only the ones which were established as sciences, but also every branch of "knowing-how-to-do " in life: the crafts, such as carpentry and healing. That is to say all the skills which man acquires in his intercourse with things. This is the Greek conception of *techné* or virtue, which intrinsically is wholly devoid of any primarily moral sense. "Is" once again entered into philosophy, although not the "is" of Nature, but the "is" of those things which are within the reach of man and upon which his life depends. I believe that the excerpt from Xenophon is sufficiently explicit on this point.

Let us immediately rise to meet a false interpretation. The fact that Socrates meditated upon the things of daily life does not mean that he meditated only upon man and his actions. Commonly, the testimony of Aristotle is taken to mean this. Nevertheless, the Greek word *ethiké* has an infinitely broader meaning than the one we now give to the word "ethics." The ethical embraces primarily man's attitudes towards life, his character, his customs, and, naturally, the moral element. Actually the word could be translated as "way or manner of life," in the fullest sense of the word, in contrast to the single meaning of "manner." And so Socrates adopted a new way of life: meditation upon what the things of life are. Consequently, the "ethical" element lay not primarily in what he *meditated upon*, but in the very fact that he *lived in meditation*. The things of life are not man, but they are the things which are encountered in his life and on which he depends.

To make man's life depend on meditation upon these things is not to choose the moral in contrast to the natural as a subject of meditation; it is simply to make of meditation the supreme *ethos*. In other words, Socratic wisdom does not *center upon* the ethical, it *is* in itself ethical. That actually he centered his meditation by preference on civic virtue is something wholly secondary. The essential fact is that the intellectual man ceased to be a vagabond who lived among the stars and became a wise man. *as ethics*: this was the contribution of Socrates. Basically it was a new intellectual life.

This new ethics, the ethics of meditation upon the things of

life, led inevitably to a specific intellection of them. With traditional philosophy, as we have seen, Nature is that whence all emerges; and when wisdom took the form of rational science, things appeared before the *mens* with their own "Nature" gave way to "the nature of each thing." Socrates was far removed from this for the time being. When, in order to establish things as a basis for life, he focused his *mens* and his meditation upon things as they present themselves in life, eivc:u-the fact that things "are"-took on a new value. It was not, at the outset, anything alluding to the nature of things, nor does this mean that Socrates discovered the concept. For that we must wait for Aristotle and Plato. But the Aristotelian concept is nothing but the theory of the *quid*, of the nature of each thing, of its *TL*. What the *mens* of Socrates achieved by concentrating upon the things of daily life was to see the "what" of the things of life. Wisdom as ethics led, therefore, to something decisive with respect to the understanding of things, something so significant that it was the root of all the new philosophy, and allowed philosophy to find anew, by new paths, the themes of traditional philosophy which, for the moment, had been put aside.

But let us not anticipate. First a few words about the development of Socratic meditation on the "what" of things. To begin with, it developed as Socrates thought and talked with his friends. But conversation was no longer dispute. It could not now be a matter of defending pre-existing opinions, because there were no opinions to be defended and therefore it would have been idle to expound them. Talking of things, from the standpoint of things, was now what took place. Conversation ceased to be dispute and became dialogue, a calm and peaceful movement among things which permitted one to steep himself in them. It was a form of talk in which man, rather than speaking himself, allowed things to talk; it was almost as though things themselves spoke within us. Socrates doubtless recalled that for Parmenides and Heraclitus man's infallible kilowledge of things issued from something that man has within him and which, to them seemed something divine, and

Alogos. Socrates sought to eliminate all excessive allusion to a superhuman wisdom. Man's wisdom, for Socrates, was nothing divine, *Oe'iov*; he was satisfied to call it modestly *8atp,6vwv*.

To attain such wisdom he held in suspension that feeling of assurance and certainty with which man reposes upon the things of life. He made it evident that in daily life one does not know what he holds in his hands; the very thing which makes life usual is precisely this ignorance. To recognize it is to establish oneself in the life of wisdom. Thereupon things, and along with them life itself, become problems. **It** is the wisdom of ignorance, of "not knowing whereof you speak." Only at this price does man capture a new kind of certainty. When we talk with a sick man, we take into consideration his sickness, and even share his misfortune. But if we put aside our vital relationship with him, and consequently if we ignore this relationship of man to man which attains its fullest development in the totality of the circumstances and situations in which it takes place, then the sick man vanishes from before our eyes and we are left face to face with his sickness, and the sickness is no longer object of compassion or grief, it is simply an ensemble of characteristics which the sick man possesses—a *quid*. And this shift of attention from the sick man to his sickness, which for the time being leaves the man to one side, becomes paradoxically a new, firmer, and surer way of "treating the sick." This was the source of the universality of the Aristotelian definition and of that singular change of the notion of "what" to the notion of "why." Socrates himself did not even dimly discern this. But it could be achieved only by Socratic reflection.

In this way, by this "irony," by interrupting the course of wisdom and establishing it on firmer and more readily accessible ground, namely the things of daily life, Socrates saved in principle the truth discovered by traditional wisdom. But only in principle, for the full development of *a-ocf>la* as a way of knowing was the achievement of Plato and Aristotle.

Was Socrates a philosopher? **If** by philosopher we mean one who has a philosophy, he was not. **If** we mean one who

is searching for a philosophy, perhaps not, either. But he was something more. Actually his life was a philosophic existence, an existence rooted in a philosophic which, in a world strangled by public life, opened up to a private group of friends the realm of an intellectual life and of a philosophy, and established it upon new bases, launching it in a new direction, perhaps without realizing too clearly whither it was headed. Philosophy found its constitution in Socratic reflection. The life of Athens offered Socrates a limited number of choices: to project himself into public life as a virtuoso of oratory and thought, like Protagoras and his disciples; to busy himself with the new branches of knowledge from which later were to come the sciences; to sink himself in the amorphous mass of citizens absorbed in the rounds of daily life; to re-enter the flow of contemporary life-not simply to let himself be carried along by it but to guide it by meditation based upon what the things of life "are." Socrates unhesitatingly chose the last of these courses. And his decision made possible the existence of philosophy.

The actual content of his activity is of little consequence, and his personal life of even less. The majority of his disciples took his attitude, his as a *ἄνθρωπος*, a manner and no more. They tried, with more or with less mental baggage-baggage and nothing else-to *imitate* Socrates. Assuredly this was for him the bitter irony of his life. Out of this imitation grew the small Socratic schools.

A few sought to do something more, sought to adopt his to approach things Socratically, to live Socratically the problems which things pose for the intelligence, and things rewarded them with new *νοήματα*-the "philosophy" of the Academy and the Lyceum.

VII

CONCLUSION: PLATO AND ARISTOTLE, DISCIPLES OF SOCRATES

In what way did Plato and Aristotle carry on the work of Socrates? With this question we return to the starting point of this study.

If we would get to the core of our problem it is strictly of secondary importance to establish the exact catalogue of problems and concepts that Plato inherited from Socrates and Aristotle from Plato. Furthermore, it is nonsensical to speak of intellectual discipleship in such terms. Precisely the moment when, after the death of Plato, Speusippus put himself at the head of the Academy on the grounds of kinship and scholastic orthodoxy is the moment when Aristotle withdrew to Asia Minor because he realized that being an intellectual disciple was not a matter of sect or of family.

Plato was Socratic in a much deeper sense, as in the same sense was Aristotle. They both took the same point of departure, namely, reflection upon ordinary things, with the intention of getting to know what man has right before his eyes, and what he himself is to be in this life. This is what makes Plato and Aristotle the great Socratics. But, in addition, their development of the original reflection led them to recapture rational knowledge and the science of statesmanship and to establish them for the first time upon the firm basis of reflection upon the life. Finally, they both ended by transforming their problems of the universe, on the basis of experience, thus coming directly to grips with the great problems of classical wisdom. This is "philo-sophia." These three stages—the primary experience of things, the rational knowledge of them, and philosophy—are the three stages by which one single form of reflection, Socratic reflection, reached its maturity. To be sure, Plato and Aristotle followed different paths in the course of this process, as we shall see. But it is much more important for us to see that they are radii from the single Socratic focus, and to include the divergences as part of a common development whereby Socratic reflection, essentially one and undivided, attained maturity.

1. *The point of departure: the primary experience of things:*—Plato and Aristotle took as their point of departure reflection upon things and the affairs of life.

This furnished them with the first idea of what a thing is, and thereby with a vision of Nature. Socratic reflection led them, by other paths than were followed by the Ionians, to the very problems of the Ionians: the discovery of Nature.

If man lived from moment to moment, life would be basically unstable; every act would begin at zero; everything would be a matter of chance (rox7J); life would have the structure of disconnected points. But at the level of the higher animals there is something more; memory furnishes them with a primary framework thanks to which they not only act, but also have a form of conduct, a *βίος*. And in man there is something more still; his conduct is, for its part, determined by an understanding of what he does (TEX11'11)• This is what gives human life its peculiar character.

For Plato, the essence of "knowing-how-to-do" is knowing whereof one's acts consist. The first experience which Plato garnered in his contact with ordinary things is this *quid*, their *εἶδος*. When he possesses this, man knows what he has within his hand, and he can therefore do things well (Ka.Aws). Thus the *τέχνη* is closely associated with, and directed toward, "well-doing" (To & *γα06v*). What is this *τέχνη*? In the first place it is not what traditional science had been seeking, for example the various proportions in which the four elements of the cosmos enter into each thing. No, it is something less pretentious, and within reach of everyone; something acquired through Socratic reflection. I see at a distance an object and I think it is a man; I approach closer and I see that it is a bush. What was believed at first and what was seen next, together compose the assemblage of features or typical traits of a given thing that distinguish it from all other things. So the Athenian is distinguished from the Persian by his "type" and the governor from the merchant by the "type" of activity to which he devotes himself. This assemblage of characteristics is what was called, in the broadest sense of the word, *εἶδος*, figure. Plato realized that the eyes alone do not suffice to see it. Therefore animals do not know what things are, just as the layman does not see in a factory the machine, but only wheels and metal. Only

the man who understands the machine sees it, that is to say, only the man who knows how to manipulate it. The "figure" is in this sense something which is seen in an intelligent mental vision; therefore Plato called it *Idea*. "To be" means "to consist," and what things consist of is the Idea.

For this reason Plato's thought was driven from things to what they consist of: the Idea. Things *have* consistence in the Idea, but the Idea *is* consistent. Therefore the Idea was regarded as a second thing side by side with the first, and the result is that the things we think of are not strictly the same as the things we live with.

Aristotle was perhaps more fundamentally Socratic. Through "knowing how to do" Plato learned "what" things are, and this was therefore for him an experience of the consistence of things. On the other hand, doing itself led Aristotle to experience of *things themselves*, because, even though having to do things is a simple human condition, how they are done does not depend simply upon the doing but also upon the nature of the things which are done. Therefore, it is an experience of what things are in themselves. If knowing were independent of doing, we should never have gone beyond Plato; *being would be consistence*. But for Aristotle, knowing and doing were two aspects of a single phenomenon, of the *TEXTJ*. Hence with him, *being was manifested as reality*. And this led him along different paths.

What, actually, is reality? If we are making something, for example, a chair, it will be real when it is finished, when it is ready to leave the shop. To have reality is then, in the first place, to have *substantivity*, *sistere extra causas*, to "ex-sist." And what is this substantive reality? The wood of which the chair is made is not a chair except when it fulfills its mission, for example when it serves for sitting upon. Reality, in this sense, means to function as something, *actuality*.

But what actuality? The actuality of all the characteristics of a chair, of its figure, its And when this figure attains actuality in the wood, the wood takes on the substantivity of the chair. The actuality of the figure or form is the basis of

substantiality. This interrelation between the two meanings of reality, between actuality and substantiality, so obvious to Aristotle and so portentous in its consequences, covers the first phase of his experience of things. It is what established once and for all the *meaning of being* through the entire course of European thought.

The figure is not, then, primarily consistence. Plato forgot that what things consist of is first of all what they *are*. In what sense? In a certain sense, the reality of the chair is the wood. But strictly, the wood is only the material for its manufacture, something *destined to*, something *from which* the chair will be made. It has neither substantiality nor actuality, that is to say it has reality only because of the "to and from" which are its destiny. Of itself it is only pure "disposability," possibility. Its reality proceeds from its mission. Material and form are not two things, either separate or conjoined; they are not two elements, but two principles, of one single thing. Reality thus is the substantiation and actualization of possibilities; form is configuration; and real things are offspring of their inner principles, substance; the things we think of are the same as the ones we encounter in daily life. Life rests firmly upon the substance of things. All else is pure plausibility. For the first time, common things entered philosophy. In a word, for Aristotle *to be is not to consist but to subsist*.

Both these experiences of things were attained by reflection upon ordinary handling of them. The *ei3o!* of a hammer, what the hammer is, is perceived when the hammer is used for driving nails; the *ei3o!* of a chair, when we sit on it. The inner aspect of the reality of things is revealed when we handle them. That is when the *1rpcf:yflaTa*, things in the sense of the things of daily life, take on the status of natural things, *ovTa*. Because, if what we do is artificial, the doing is natural, it is Nature made manifest in us.

Things and Nature will be understood according as "knowing-how-to-do" is understood.

In "knowing-how-to-do" Plato saw only the "what," and,

consequently, the artificer who shapes the material with his eyes fixed upon the idea he is seeking to realize. This led Plato to an interpretation of Nature which is more obvious but more complex than that of the Ionians, thanks to a discovery comparable only to those of Parmenides and Heraclitus. When something comes into being, not only does a being come to life, but also the being is of the same type as its progenitors: man, lion, bird. The generative impulse derives its strength in life from the progenitors, but with "a view to" a determined species. Therefore, coming to life is not simply *birth* (cf. *view*) but *generation* (*yl:yvecrOat*), in the strict sense of the word, something by virtue of which the engendered thing has a *genealogy*. The Idea is not only consistent; it is also the genus, *yevor*;, of a thing. Nature bears within her an Idea, her eyes are ever fixed upon it. The power of *genus* is altogether different in character from that of the simple impulse to give birth, but no less real. Both are aspects of a single force, which Plato therefore called *epoor*;, love. **It** is something which leads outside itself to the production of an individual thing of a determined species. Instead of Ionian *physiology* we have *genealogy*. Once it has been produced, each thing consists of a series of operations carried out with "a view" to the ideal type which transcends it.

For Aristotle, on the contrary, *TEXV7J* was a "doing" in which the artificer draws the ideas from within himself. Nature bears within her an Idea. This, however, is not something external on which Nature has her "eyes" fixed, but is an internal principle. Generation is autoconformation, something which leads not outside oneself but to the realization of oneself, *morphogeneia*. Instead of physiology we have, not genealogy, but morphology. Once a thing has been produced, its nature consists of that internal principle whence issue its own operations. Figure is not only a principle of being; it is also a principle of operation, nature.

Although along different lines, in both Plato and in Aristotle the *ei8or*;, the figure as it occurs in daily life, is what makes things first usual things, and afterwards *ovTa*, natural

things. Thus Plato and Aristotle again arrived at the ancient wisdom of Ionia, but they established it upon the firm and controllable basis of Socratic reflection.

2. *The expression of this experience: rational knowledge and statesmanship:* -Man, besides doing things, talks about them. And just as he must know what he does, so must he know what he says. The strength of the does not come from the strength of him who speaks, but from the things whereof he speaks. Therefore, instead of strong or weak opinions, such as we had with Protagoras, we have true or false reasons, *A6yo.* The experience of Socratic talk inexorably led Plato and Aristotle to define the structure of things, not only as objects of use, *x_pfl]p,aTa*, or as things which exist in the Universe, *5vra.* but also as objects of expression, *A.eyop,eva*. How must things be in order to be expressible? What is there in them which demands their expression? The reply to these questions is not rhetoric, but logic; and wisdom must be not culture but science.

The only expresses what things are. And what is most obvious to our observation is that regarding one thing we can say many things, while at the same time we can apply one single thing to many. As object of the things must be one and multiple. This makes it possible to express them; this makes it necessary to express them. The whole problem hinges on the interpretation of this complex.

Plato was the first to insist that these numerous predicates are not arbitrarily conferred upon things. Man, for example, is a living being, but animal, not vegetable; and not irrational animal, but rational. The unity of the " what " is formed by subdividing, as it were, a supreme " " into a more limited figure, and the latter into and so on until one is found which applies only to the thing in question, its its own figure. Until this is done, the various elements of the " what " apply equally to many things. The particular " what " of each thing is, then, the final result of making precise a vast reality, within which the diverse aspects exist, conjoined and separate, in a perfectly defined system. Since the being of things is their

"what," their consistence, it follows that the conjoining and separation perform a judgment which, when true, is the being and the non-being of things. In this identity, which resulted from a conception of being as consistence, resides the whole Platonic interpretation of things as object of the *what*. And this implies that in reality there exists not only a force of being but also a no less real force of non-being. **It** is the first time that there appeared in philosophy the problem of non-being as something not simply to be rejected, as was the case with Parmenides, but positively accepted in the form of a negation. Plato was aware of the magnitude of his innovation. He did not hesitate to call it parricide, referring to Parmenides. The "what" of things thus constitutes an intelligible world, a *what* with a dialectical structure. Therefore the mind cannot come to rest on any one predicate without being carried on to the remainder by the force of being and non-being. **It** is compelled to move and to reason. Therefore rational knowledge of things is necessary and possible, and therefore it is possible to engage in dialogue.

For Aristotle, however, being was not consistence, but subsistence. The "what" is not the whole of reality, but only *its* "what." The *what* therefore does not contain reality but has reference to it and unfolds it in the thing which is and what the thing is. Upon this unfolding and the consequent articulation of the members Aristotle relied for his interpretation of things as object of the *what*.

The multiple elements of the *what* the figure, are not only something which a thing simply has, but which it has because it is what it is. One is not a man because he is a rational animal, but on the contrary, one is a rational animal because he is a man. The *what* the form of things, is an inner unity, a kind of central focus in each thing, which moulds its own material in a series of qualities whose external configurati(0)n is the figure of the thing. **It** is a primal unity which unfurls itself in the many qualities. Therefore the *what* is not only the shape of things, but also their *essence*. The *what* takes each of these elements separately and joins them by the copula in a derived

unity which we call definition. This is the structure of things as objects of the judgment and with this distinction between the being of things, Aristotle, squarely confronting Plato, opened up the autonomous field of logic. This threefold structure which is at one and the same time what shapes things, what constitutes their properties, and the principle of their operations, makes it possible for a thing to be the thing by which we live, the thing of which we think, and the thing which exists and actuates in this world. For Aristotle to be is not only to subsist, but to subsist essentially.

For Plato, the Sophist was the man who is moved only by the force of non-being. Therefore he lacked content, his mind was dispersed in the amorphous flow of words and opinions. But for Aristotle the Sophist was the man for whom nothing essential exists, for whom nothing has a content of its own, and consequently whatever he says about things is pure chance, a fleeting coincidence. It is possible for men to live and talk with one another only when the wind stands firmly on essential structures. All the rest is fundamental insubstantiality. And only when it rests on the substance of *IrpO:yp,a7aca* can there exist a firm and stable structure or a just public life.

Aristotle and Plato felt anew the need of their epoch for rational science and statesmanship, both of which had been checked and held in suspension by Socratic reflection. We can now see clearly the significance of this act of arresting and suspending; it was imperative once again to establish reasoning and dialogue upon the substance of things, and this was on the point of vanishing in Athens. Socratic irony was the savior of science and statesmanship.

3. *The basis of this experience: philo-sophia:—But* the very thing which compelled Socrates to save philosophy led him to supersede it. Before Socrates, Greece had had wise men who, when their *mens* ranged through the universe, obtained that splendid vision which was called *a-ocpia*. This vision subsequently was molded into rational science and rhetoric. And both, as we have seen, were on the point of perishing precisely

because they were casting loose from the thinking *mens*. When men reverted to the *mens* and set it on its course again, science as objective dialogue once more became possible; but at the same time the very idea of the *mens* underwent a certain change, and consequently so did the idea of wisdom. Wisdom was no longer a mere "vision" of the universe; it was rational *intelligence*, *emcrTfjp:YJ*. But it was not any intellection whatsoever. Whereas natural science and statesmanship set out *from* certain suppositions, *with* which they understand things, wisdom *on* the contrary delves into the very roots of these assumptions, these principles; and *from* the principles it witnesses their constitution and expansion in things, because it is not only a question of principles of knowing but also, above all, of the very principles of reality. Wisdom is not simply *ETterT.,fJJ.tJJ*, nor only *emcrT.,fJJ.tJJKat* but both, or, as Aristotle says, science *plus* intelligence: *emcrT.,fJJ.tJJKat* The *mens* had come to be no longer mere vision, but understanding of principles; and wisdom had become basic intellection. Had it not been for this, the wise man would have been a kind of mystic or lyric poet of the intelligence; and he would never have achieved the discipline of knowledge. And, for his part, the scientist would never have been more than a reasoner, and the statesman, an orator. With both things, that divine thing which man has in him no longer was effective wisdom but an effort to attain it, i.e. "*ta.o-crocf>£a*," a concern for wisdom. Hence the philosopher was not a god, but a man (*Symp.* 203 E), and philosophy a force or human "virtue," pure intellectual virtue.

The *mens* then, thenceforth turned, not to the elements, but to the principles of things. What principles? The supreme principles of things, for us ultimate principles, for things primary principles, *Ta Ipw-ra*, as Aristotle said. And precisely for this reason, this intellection of supreme principles embraces the totality of all that exists, not in a pedantic, encyclopedic survey, in the manner of the Sophists, but in its basic unity. In the supreme principles, all things principally reside, and precisely for that reason the principles are supreme. Aristotle said, therefore, that wisdom is, in this sense, the knowledge of

what is most universal. This habit, *lg,s*, of principles is what makes possible a true science and a good life. Science and statesmanship are "virtue."

Plato and Aristotle again disagreed when they came to speak in precise terms of the nature of this supreme principle. The path which leads to the supreme principle is marked by that on which everything agrees. But what is this on which everything agrees? Of what consists that which we call "everything?" It seems that we then revert to the wisdom of the ancients: the All is Nature. But Plato had already discovered that in birth, coming into being, there is a genealogy. "Being as consistence" is genitive but not generative. The cori.fusion on this point is what made all ancient wisdom deserve the title *of* mythology, in the opinion of Plato. The principles which are common to things would then be their ultimate genera, among these, "being" and "non-being." But is this the ultimate principle of things? For Plato it was not. Precisely because being is genitive, because it makes things consist of this or that, its "making," if we may so term it, must have a view not only to what it does, but to doing it "well." If what it does lies beneath being, the "good," *&:ya()6v*, of its doing is beyond being. The ultimate principle of things is not being; being is not enough, there is something beyond being, a supreme source of the Universe for which it constitutes an All.

For Aristotle, to be is not to consist, but to subsist. Thus what Plato called being is not genus, but, on the contrary, in each individual case it has no more content than each thing confers on it. Being is self-sufficient. Nevertheless, when we contemplate *all that exists*, that *all* is such precisely because each thing "is." Being, which is the innermost principle of everything, turns out to be what I find common to all things when I understand them with my *mens*. The ultimate, for Aristotle, then, is being. And principles are supreme when they are principles *of* being. But what is this being? What are these principles? The totality *of* the universe leaves floating before the eyes of the philosopher, as a problem, this "is," which was discovered by Parmenides and Heraclitus, but which

was erroneously substantivated by them and by Plato himself.

For both of them, wisdom was something which is sought, just as Socrates sought, perhaps without knowing too well what he was seeking. **It** is not something which things deposit in man when he merely uses them in his daily life or when he understands them through science; it is something that is captured by an impulse which draws man from daily or scientific life to ultimate principles. Plato and Aristotle called this impulse "desire," the desire to know the ultimate about everything, (*Met.*, 983a 25). For Plato this desire was an *lp(J)<*, a passion which draws us out of ourselves and carries us beyond being. Philosophy has its principle of truth in this frenzy and takes in to the fathomless depths a Truth which is beyond being. In a certain sense, wisdom is not loved for itself.

For Aristotle, philosophy had no other principle of truth than "what we are," or if you prefer, a desire which leads us to be fully ourselves in the possession of intelligence. Wisdom *is* loved for itself.

Actually a fearful convulsion traversed the Socratic world. Is the ultimate principle of things their being? Is the basis of what we call things "longing" or "fulfilment"; is it *lp(J)'* or **If** we will still speak of "love," or "desire," is this love *tJ-av[a]*, "frenzy," or *&y&:1r7J*, "effusion?"⁶ Here we catch a glimpse of the whole subsequent drama of European philosophy. In these queries we have indeed summed up the basic problem of philosophy. As such it can be seen only in its outcome. The various channels through which wisdom has flowed are the various forms it has adopted on seeking to penetrate deeper and deeper into the ultimate truth of things. For this reason it is perhaps meaningless to ask of philosophy what, in the abstract, it is; what its definition is; for philosophy is the problem of the form of wisdom. Philosophy is therefore always simply what it has come to be. No other definition is

• The reader will perhaps be struck by the values given to the Greek words in the text. The translator has sought, however, to render the author's own words as faithfully as possible rather than give what might be considered more orthodox English translations of the Greek terms.

possible. Philosophy is not characterized primarily by the understanding it attains, but by the principle which moves it and by which it exists, and through whose intellectual activity it unfolds and consists. Philosophy as understanding is simply the content of the intellectual life, of a *βλ,os Oe(J)pTITK6s*, of an effort to understand the ultimate in things. The Socratic led to the *βλ,os* of the intelligence. And in the intelligence took place the acquisition of truth and the realization of the good. This was the achievement of Socrates. Once the intelligence was set on its course and established on the firm basis of the things within its reach, it again encountered the great themes of traditional wisdom. Only then did speculation take on an effective meaning for man; it did not succeed in so doing when it sought to follow the opposite path. At the same time, Plato and Aristotle gave us, along with this, our first major lesson in the History of Philosophy, a truly Socratic lesson. The History of Philosophy is neither culture nor philosophical erudition. To meet all other philosophers on philosophy's own grounds-that is the History of Philosophy.

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THE SOCIAL CHARACTER OF HEAVENLY BEATITUDE

ACCORDING TO THE THOUGHT OF ST. THOMAS AQUINAS

THOMAS AQUINAS has been rightly appraised as one of the most socially-minded Fathers of the Middle Ages. His synthesis of medieval life interprets, comprehensively, the manifold group relations that human beings normally sustain to each other. Thus, his social interests range widely over the field of family life, the state, war and peace, property and trade, and, indeed, the major areas of human association. Throughout, he stresses the unity of life, the theoretical bases and practical expressions of human solidarity, the indispensably social character of human living.¹ And of his contributions in these areas scholars have written extensively.²

But when Thomas concerns himself with humanity, he considers the whole man, not some partial aspect of his life. Thus, his anthropology views man not only in his natural environment but more significantly in relation to his supernatural destiny.³ Man's final happiness, or beatitude, he thinks of as

¹ Typical references are: *Summa Theologiae* (*S. Theol.*), I q. 96 a. 4; Ia IIae q. 81 a. 1, q. 90 a. 2, q. 105 a. 2; IIa IIae q. 40 a. 2, q. 58 a. 5, q. 109 a. 3, q. 114 a. 2, q. 129 a. 6. The edition here utilized, through IIa IIae, is that of the Ottawa Institute of Mediaeval Studies, Ottawa, Canada, 1941-42. See also the *Summa Contra Gentiles* (*Con. Gent.*), III, 117, 151, 128, 85, 129; *In octo Libros Politicorum Aristotelis Expositio*, Lib. I, entire. Part III of the *S. Theol.*, and all other works of Thomas cited or quoted in this article are according to the *Opera Omnia* (*Op.*), edited by S. E. Frette and P. Mare, Paris, 1871-1880.

• Representative of the better studies are: Otto Schilling, *Die Staats- und Soziallehre des hl. Thomas von Aquin* (2nd ed., Munich, 1930); Ernst Troeltsch, *The Social Teaching of the Christian Churches*, Transl. by Olive Wyon (New York, 1931), I, 257-328; Theodor Steinblichel, "Der Zweckgedanke in der Philosophie des Thomas von Aquino," *Beiträge zur Geschichte der Philosophie des Mittelalters*, XI. 1 (1913), 102-111; Fr. Mathier Robert, "La Doctrine Sociale de S. Thomas et sa Realization dans les Faits," *Revue Thomiste*, XX (1912), 49-65.

³ Cf. Etienne Gilson, *Le Thomisme: Introduction au Systeme de Saint Thomas d'Aquin* (3rd ed., Paris, 1927), pp. 297-98.

being realized in this ultimate sphere. His final citizenship is to be that of the heavenly Fatherland, the *patria*. Human solidarity is to reach its final development and re-investment in the company of the Trinity and the angels. Thomas never tires of repeating the assertion that God is not only man's creator but also his supreme end. Moreover, as the *summum bonum* He is the *common* end toward which all men are directed.⁴ By every law of rational deduction, those who find eternal beatitude in the company of God, their common end, might be thought of as attaining the full and lasting fruition of their own mutuality. This is in accord with early Christian authors. They clearly teach that such sociality as man knows here is sprung from the heavenly community which engenders him and to which he will return. Augustine, whom Thomas so clearly admires, advances this position with eloquent power.⁵

If, then, Thomas treats in such admirable fashion the fraternal association which is so eagerly sought in this life, what may he not be expected to portray of the social joys reserved for the inhabitants of the heavenly country?

Of Thomas' teachings on this important point, however, there has been relatively little satisfactory interpretation.⁶ Among those who have interested themselves in his conception of the heavenly community are some who have emerged with professedly negative and somewhat startling results. Thus, one

• *Con. Gent.*, III, 17: "Praeterea, Bonum particulare ordinatur in bonum commune, sicut in finem; esse enim partis est propter esse totius; unde et bonum gentis est divinius quam bonum unius hominis. Bonum autem summum, quod est Deus, est bonum commune, quum ex eo universorum dependeat; bonum autem quo quaelibet res bona est, est bonum particulare ipsius et aliorum quae ab ipsa dependent. Omnes igitur res ordinantur sicut in finem in unum bonum, quod est Deus." See the whole "Treatise On The Last End," *S. Theol.* Ia IIae qq. 1-5, and, especially, q. I a. 8, q. 2 a. 8 ad 2, q. 8 a. 5 ad 8.

• See, among *De Civitate Dei*, XII, 22, V, 17, XIV, 28, XIX, 18, XXII, 80; *Enarrationes in Psalmos*, CXLIX, 8, 5; *De Cantico Novo et de Reditu ad Coelestem Patriam ac Viae Petriculis--Sermo ad Catechumenos*, cap. 10; *De Genesi ad Litteram*, XI, 15.

• The following emphasize the supernatural consummation and imply, though they do not discuss, its social character: Steinbüchel, *op. cit.*, XI, 111-121; Oskar Renz, "Die Synteresis nach dem hl. Thomas von Aquin," *Beitriige*, X. 1-2 (1912), espec. 214-50.

scholar, Dr. Flew, after assessing Thomas' conception of the heavenly perfection concludes with apparent perplexity in this fashion:

Can we say that the social bliss of the redeemed in heaven is dwelt upon and emphasized as though it were congenial to the mind of our Angelic Doctor? It must be regretfully admitted that he seems to contemplate a *solus cum solo* beatitude.⁷

He then quotes the following excerpts from the *Summa Theologica*:

" If we speak of the happiness of this life, a happy man needs friends ... that he may do good to them; that he may delight in seeing them do good; and again that he may be helped by them in his good work....

" But if we speak of perfect happiness which will be in our heavenly Fatherland, the fellowship of friends is not essential to happiness; since man has the entire fullness of his perfection in God. But the fellowship of friends conduces to the well-being of happiness

" Perfection of charity is essential to happiness, as to the love of God, but not as to the love of our neighbour. Wherefore if there were but one soul enjoying God, it would be happy, though having no neighbour to love." a

This writer goes on to say that so far as he can discover " there is no passage in the *Summa Theologica* which neutralizes the anti-social affirmation of this article." He does quote some passages which, as he says, " imply another and a more Christian doctrine " of heaven.⁹ They would, he thinks, " allow for the perpetuation of human friendship and a real *communio sanctorum*." And then he closes with this discouraging comment:

•R. Newton Flew, *The Idea of Perfection in Christian Theology* (Oxford, 1984), chapter XII, *espec.*, pp. 241-248. See, also, Baron Friedrich von Hugel, *Eternal Life* (Edinburgh, 1918), whose discussion of contrasting "Non-Social and Social Currents in Aquinas," p. 106-109, is utilized by Dr. Flew. The Baron documents to Thomas' own writings a *solus cum solo* current together with a more deeply Christian, social tendency.

⁸ The excerpts are from Ia IIae q. 4 a. 8 (Flew, *op. cit.*, pp. 242-48).

⁹ He cites *Con. Gent.*, III, 21; *S. Theol.*, I q. 19 a. 2, q. 20 a. 1 and 2.

But the consequences of this more Christian idea seem not to have been realized by St. Thomas. We have a curious result. The ideal which he sketches as realizable in the present life is, in this one respect at least, superior to the fuller beatitude in the life beyond.¹⁰

Taken by itself, Thomas' *Summa* article does seem a devastating pronouncement. But it is only fair to observe that this is more a matter of Thomas' stressing the all-sufficiency of God, than it is a case of his derogating human sociality in heaven. He wishes it made quite clear that man needs no one in addition to God to make him happy. No other conclusion can possibly be satisfactory to Thomas from his premise that God is the *summum bonum*, the last end, and happiness itself by his very essence.¹¹

Nevertheless, as if aware of the possibility that unfortunate inferences may be drawn, Thomas hastens to add that, though not necessary to the heavenly beatitude, the "fellowship of friends conduces to the well-being of Happiness."¹² Perhaps in these very words, which Dr. Flew quotes but does not comment upon, Thomas actually begins to neutralize his preceding "anti-social affirmation."

What follows immediately, though Dr. Flew strangely omits it, is even more significant:

Hence Augustine says (*Gen. ad lit.* viii.) that "the spiritual creatures receive no other interior aid to happiness than the eternity, truth, and charity of the Creator. But if they can be said to be helped from without, perhaps it is only by this that they see one another and rejoice in God, at their fellowship."¹³

¹⁰Flew, *op. cit.*, p.

¹¹*S. Theol.*, Ia IIae q. 1 a. 8, Resp.: "... Deus est ultimus finis hominis et omnium aliarum rerum." Q. 3-a. 1, Resp.: "ffitimus autem finis vocatur beatitudo." A. 1 ad 1: "... Deus est beatitudo per essentiam suam.... " A. 8, Resp.: "Et sic perfectionem suam habebit per unionem ad Deum sicut ad obiectum, in quo solo beatitudo hominis consistit.... " Cf. q. fl a. 8; *Con. Gent.*, III, 17.

¹²"Sed ad bene esse beatitudinis facit societas amicorum." *S. Theol.*, Ia IIae q. 4 a. 8, Resp.

¹³The translation is that of the Dominican Fathers. The Latin text reads:

Thomas is here agreeing with Augustine that if anything supplements the saints' happiness in God it is their joy in God-given, human fellowship. Furthermore, Dr. Flew's final quotation breaks off at an unfortunate juncture: "Wherefore if there were but one soul enjoying God, it would be happy, though having no neighbour to love." The lines immediately following proceed once more to guard against anti-social conclusions: "But supposing one neighbour to be there, love of him results from perfect love of God. Consequently, friendship is, as it were, concomitant with perfect Happiness."¹⁴ The implication seems plain: according to logical premises, men will not require friends for heavenly beatitude; but friendship will harmonize with the perfect happiness that is to be. Thomas not only supposes the logical possibility, but focuses the natural expectation, that beatitude in the *patria* will be a social experience. May one not invoke here the stirring reminder offered by Dr. Gilson: namely, that for Thomas there is a continuity between man's natural and supernatural life, between his terrestrial and celestial happiness; that the heavenly is not the rejection but the sublimation, transformation and fulfillment of the earthly?¹⁵ May not Thomas be suggesting here, and perhaps saying boldly elsewhere, that human friendship, far

"Unde Augustinus dicit, VIII *Super Genesim ad Litt.* [cap. 25 (PL XXXIV, 391)], quod 'creatura spiritualis, ad hoc quod sit beata, non nisi intrinsecus adiuvatur aeternitate, veritate, caritate Creatoris. Extrinsecus vero, si adiuvari dicenda est, fortasse hoc solo adiuvatur, quod se invicem vident, et de sua societate gaudent.'" *S. Theol.*, Ia IIae q. 4 a. 8, Resp.

u "Sed supposito proximo, sequitur dilectio eius ex perfecta dilectione Dei. Unde quasi concomitanter se habet amicitia ad perfectam beatitudinem." *S. Theol.*, Ia IIae q. 4 a. 8, ad 3. Following his reassuring interpretation of these lines, as admitting the full possibility of a heavenly society of friends, Canon Lyons closes his synopsis regarding question 4 article 8 with a characteristic prayer: "Mon Dieu! je crois que dans la gloire vous tenez lieu de tout et que l'ame sera bienheureuse en vous voyant. Mais puisque vous daignez permettre à vos élus de jouir encore de la société de leurs parents et de leurs amis, faites, Seigneur, que j'aie le bonheur de vous posséder un jour, et de retrouver en vous tous ceux que j'aime." *La Somme de Saint Thomas d'Aquin: Resumée en Tableaux Synoptiques* (Nice, 1901), p. 174.

¹⁵ Gilson, *op. cit.*, p. 297.

from lost or discarded in heaven, will be continued and fulfilled in keeping with man's all-sufficient happiness in God? ¹⁶

Immediately there come to mind choice passages from works in the *Opera* that seem to carry a convincingly affirmative answer. Among these are such *Opuscula* as *De Beatitudine*; *De Praeambulis ad Judicium, et de Ipso Judicio*; *De Dilectione Dei et Proximi*; together with the *Expositio I (et II) In Apocalypsim*.¹⁷ The *Expositio*, especially, as befits a work involving the heavenly Jerusalem, provides a thrilling appreciation of the consummate, heavenly society. But these and some others like them suffer from one acutely embarrassing fact: they are, with varying degrees of conclusive evidence, frequently rejected as non-genuine works—at least in their present form. Are we then reduced to the necessity of adopting a conclusion based on the controverted *Summa* passage and the indifferently useful references of Dr. Flew? The answer is, emphatically, no! A reasonably clear picture of Thomas' attitude is available from uncontestably genuine sources.

From the generally accepted portion of the *In Psalmos Davidis Expositio*, a brief but striking unit of evidence is available.¹⁸ Placed by the side of the *Summa* article, this running commentary on Psalm 5: becomes not so much a con-

¹⁶ Dr. Gilson replies thus (p. 298): "Peut-être cependant ne nous est-il pas interdit de croire que la joie du ciel n'est une joie solitaire et que la beatitude céleste, accomplie par la vision qu'ont les bienheureux de leur joie réciproque, s'embellit encore d'une éternelle amitié." And Dr. Farrell boldly says, "Friends, of course, there must be, in the same way that we must have our bodies. They are our other selves; something of ourselves would be missing without them. And this is true, even though the principal end of friendship—the opportunity to help, to sacrifice, to give to others—will no longer exist; that subtler, infinitely precious joy in the beauty, the triumph, the happiness of friends will give a splendidly human air to the courts of heaven." *A Companion to the Summa* (London, 1938), II, 18.

¹⁷ The first three are found in the *Opera*, XVIII, 404-25; 629-58; 824-94. The *Expositio* is in Vols. XXXI-XXXII. All of these are specifically listed as non-genuine, or omitted from the list of genuine works, by P. Mandonnet, et J. Destrez, *Bibliographie Thomiste* (Le Saulchoir, Kain, 1921), and by Martin Grabmann, "Die echten Schriften des hl. Thomas von Aquin," *Beiträge*, XXII. 1-2 (1930) 241-361.

¹⁸ *Op.*, XVII, 251-252. On the genuineness of this commentary to Ps. 54, see Grabmann, *op. cit.*, XXII, 248-44; Mandonnet, *op. cit.*, xiv.

tradition of the *Summa* position as a clarification of it. Thomas is commenting on the familiar lines:

But let all them be glad that hope in thee: they shall rejoice for ever, and thou shalt dwell in them. And all they that love thy name shall glory in thee: For thou wilt bless the just.¹⁹

He declares that those who hope in God have every right to be glad (Ps. 67: 4). For their rejoicing will be forevermore. The joy of the saints in the *patria* will be eternal. Their exuberance is not excessive but quite proper, for their God is to dwell with them. Why should they not glory in such eternal security, such ultimate tabernacling of God with men? Men glory only when they have a thing most excellently. But the saints shall have their God thus, with the fullness of all good, unto the fulfillment of Christ's own joy in them (John 15: 11).

Had Thomas stopped at this point, his readers might well have inferred from his words a belief in the heavenly association of men not only with their God but with each other. After all, it is difficult to see how saved men could rejoice in the same God, simultaneously, with that God dwelling in their common midst, and still not sustain to each other the most fraternal mutuality. But Thomas does not leave the matter to inference. He states flatly that such fullness of all good and all joy involves the society not only of God and man but also of men with each other: "For man by himself is not able to rejoice well in anything unless he has friends as participants with him in that good: and so he says 'All [they that love Thy name].'" And this full rejoicing such as is to be found when the whole heavenly group dwells together in God—the perfect good which is common to them all—is a society of rejoicing friends; all loving his name.²⁰

¹⁹ The translation of this and of subsequent Biblical passages is that of the Douay-Rheims version. The Vulgate numbering is 5: 11-12. According to Thomas' commentary this becomes division no. 8.

²⁰ The text is as follows: "Tertio ex societate: quia solus homo non potest bene gaudere de aliquo, sed quando amicos habet secum participes illius boni: et ideo dicit, *Omnes* Ps. LXXXVI, 7: *Sicut laetantium omnium habitatio est in te.*" "*Omnes*," refers to Ps. 5: 11—"Et laetentur omnes. . . . Et gloriabuntur in te

The emphasis placed here upon life in *patria* as a company of those mutualized by their love of God is amply sustained elsewhere in Thomas' writings. He thinks of man as being called by God himself to the society of his Son. That fellowship consists of a certain familiar conversation with Deity; it "is begun here, in this life, by grace, but will be perfected in the future life, by glory" ²¹ In the Fatherland, that real but imperfect communication that exists now between men, God, and angels, with regard to the life of the mind, will be brought to its fullest expression.²²

Once more one receives the distinct impression that Thomas is thinking of a consolidation not only of humankind but also of men with the celestial company. He is describing a continuity of experience that will know its full socialization in the final beatitude. As each individual arrives at the end for which he was ordained, he will find himself associated with others who, likewise, attain their final goal of life in God. In joining himself with divinity, the *anima fidelis* becomes the truly happy neighbor of every other such man-and of the angels, too. And where God, Christ, the angels, and redeemed men are-there is the *patria*, there is truest society.²⁸

Thomas has been fond of depicting Christ's followers on earth as a close-knit, spiritual *corpus*. He is in no sense suggesting the idea that once they have ended their pilgrimage they will be any less a cohesive unity. His contention is the very opposite. In the celestial Fatherland, those who were once the congregation of faithful humanity will become the

omnes. . . ." The fullness of joy that the saints have together in God is merely illustrated further by Ps. 86 (87): 7: "The dwelling in thee is as it were of all rejoicing." The context leaves no doubt but that Thomas here speaks of the eternal joy: "Laetitia namque sanctorum in patria est sempiterna: et ideo dicit, *In Aeternum*: et securam; unde addit, *Et kabitabis in eis*. . . ." (*Op.*, XVlll, 151).

²¹ *S. Tkeol.*, Ia IIae q. 65 a. 5, Resp.

•• *Ibid.*, IIa IIae q. a. 1, ad 1.

•• *S. Tkeol.*, III q. 8 a. 4, Resp.: "Manifestum est autem, quod ad unum finem, qui est gloria divinae fruitionis, ordinantur et homines et angeli." Cf. I q. 108 a. 8.

congregation of those comprehending their final objective. Each of them, like Christ their head, was once a wayfarer on earth. Now each will be a comprehensor of the goal toward which he once made pilgrimage. What was once a congregation subject to the frustrations of time and circumstance is destined to be a celestial society, eternally triumphant. What was then collective in its potentiality will, at last, become a full-fledged society in its fruition—a society with the Father and the Son.²⁴ And this conjunction of man with God will result in perfect, face to face vision.²⁵ Angels and saved men, who are ordained to the same end, constitute one mystical body which will then be truly consummated with Christ their common head, in God their realized, common end.²⁶

Throughout his anticipation of the heavenly beatitude, Thomas is at pains to show that the saints will experience a community of life never even imagined on the temporal scene. Into the terms most suggestive of earthly solidarity he pours the thrilling prospect of heavenly fulfillment. Thus, the associative connotations implied by such terms as society, congregation, corpus, and Fatherland are expanded into meanings befitting their celestial realizations.²⁷ It is almost as if Thomas were saying to his brethren: "The associations which, you so fondly here are but feeble anticipations of the beloved community which the blessed shall have, together, in the company of God the Father, Son, and Holy Spirit."

But for Thomas, such mutuality among the blessed will con-

•• ". . . Ecclesia, secundum statum viae, est congregatio fidelium; sed, secundum statum patriae, est congregatio comprehendentium. Christus autem non solum fuit viator, sed etiam comprehensor. Et ideo non solum fidelium, sed etiam comprehendentium est caput, utpote plenissime habens gratiam et gloriam." 8. *Theol.*, III q. 8 a. 4, ad 2.

•• *In Symbolum Apostolorum (In Symb. Apost.)* cap. Iii: "Consistit autem haec conjunctio in perfecta visione: I Corinth. XIII, !!!: *Videmus nunc per speculum in aenigmate tunc autem facie ad faciem.*" (*Op.*, XXVII, 227-28). Cf. *Con. Gent.*, III, 51.

•• *S. Theol.*, III q. 8 a. 4.

•• For the highly social coloring that Thomas imparts to such terms as *societas*, *congregatio*, *corpus*, *conjunctio*, *patria*, *communio*, *conversatio*, *participatio*, etc., see Ludwig Schlitz, *Thomas-Lexicon* (2nd ed., Paderborn, 1895).

stitute participation in the very Kingdom of God and its glory. It is for a part in that royal society that man seeks when he prays: "Thy Kingdom. Come." And for such participation he is willing to surrender himself, wholly.²⁸

For God alone has the right of dominion; man's function is that of submission to his sovereignty. Such submission will be complete and final only when all enemies are put under his feet. Then the saints who have long prayed for the coming of his reign will give themselves in full subjection to him. Then participation in his reign will be full, where death is ended and life, everlasting. There the erstwhile body of the saint's humility will be refashioned into conformity with the body of his brightness. Such, truly, is the glory of paradise. This is the regimen of a king whose will is perfectly done by all, together. And to his will, that man be saved, nothing shall be opposed.

In this Kingdom righteousness will prevail. On earth, the evil and the good are co-mingled, but here, no evil and no sinner will ever be. The constituency of the *patria* will be made up solely of God's own people; and they will be righteous, every one. They will exemplify the corporateness of those having voluntarily placed themselves under the divine authority.²⁹

But Thomas now delineates a further characteristic of the glorified community. Here, for the first time, the righteous shall know perfect liberty. Wholly delivered from earthly corruption, they will be loosed from all servitude and made truly free (Rom. 8: 21). In their release from all that has perverted and enslaved the children of God until now, they will become veritable rulers with God. Thomas strikingly depicts them as being not only free men but royalty as well (Apoc. 5: 10). For, at last, they shall have conformed their wills to God's; so that what is his will is theirs, and theirs, his. And, ruling with a will

²⁸ *Expositio Orationis Dominicae (Orat. Dom.)*, Petitiō ii (*Op.*, XXVII, 188): "Cum ergo petimus: *Adveniat regnum tuum*, oramus ut simus participes regni coelestis et gloriae paradisi." As regards man's participation in eternal life and glory see, also, *S. Theol.*, Ia Hae q. 5 a. 4; *Con. Gent.*, IH, 61, 63.

•• *Orat. Dom.*, Pet. ii (*Op.*, XXVII, 188); Cf. *Compendium Theologiae ad Fratrem Reginaldum (Comp. Theol.)*, Pars Sec., cap. 9 (*Op.* XXVII, 126).

which they have made their own, he invites them to reign with him, who is the crown of them all.³⁰

Thus in subordinating themselves to his reign, they share in his kingdom. The kingdom for whose coming they once prayed is now also theirs. The age-old desire to rule--whether of the laity to be kings or of the clergy to be bishops--is at last to be realized by the sons of God (Apoc. 5: 10, Wisd. 5: 5).³¹ And this perfect coordination of wills, where all shall be ruled by God and all shall be reigning with him, spells solidarity supreme. Such is the glorification that awaits the most excellent possession of the divine kingdom. Together with all their co-citizens in the heavenly city, the blessed shall walk in the supernal beauty and light which is theirs by participation in the plentitude of the divine life. This reign of God in the saints, and of the saints with God, is the Kingdom of Heaven, indeed (Matt. 3: .³²

What more, then, can Thomas say of the regal glories of the heavenly community? With what further elaboration of cosmic solidarity can the *patria* be envisaged? Thomas has a ready answer. The final beatitude is to consist of individual sharing in the society of God's perfect good. For this, too, the saints have long been in preparation during their earthly sojourn. It is natural for each to seek his own good--that by which he is perfected. But that this is no mere solicitation of bodily goods or ends must soon be apparent to every rational being. That which he strives for--that by which he is led--is an ultimate good, an ultimate perfection. True felicity or beatitude cannot consist in corporal good, for the body is to the soul what matter is to form. Thus, just as matter finds its end in form, so the body of man is ordained to the soul as its end.³³

³⁰ *Orat. Dom.*, Pet. ii. (*Op.*, XXVII, 188); Cf. *Con. Gent.*, III, 68.

³¹ *In Symb. Apost.*, cap. 15 (*Op.*, XXVII, 228).

³² - Dicitur enim hoc regnum quo Deus regnat in sanctis et sancti cum Deo, regnum coelorum.... " *Comp. Theol.*, Pars Sec., cap. 9 (*Op.*, XXVII, 124).

³³ *Ibid.*, cap. 9; Cf. *S. Theol.*, Ia IIae q. 2 a. 5; *Con. Gent.*, III, 82. Of course Thomas believes that there will be glorified, spiritual bodies in heaven. His treatment of the impassability, subtlety, agility, and clarity of the bodies of the blessed according to *Scriptum super Libros Sententiarum Magistri Petri Lombardi (Lib. Sent.)*, Lib. IV, Dist. 44, q. 2 (*Op.*, XI, 811-886), is reconstructed by Reginald of

Thomas reiterates his assertion that neither in riches, nor honors, nor in health, nor in beauty, nor in any such thing, does the ultimate felicity of man consist. It is amply clear that corporal goods cannot suffice him. Beyond the circumscriptions of time, the mutability and corruptibility of corporal things, lies perpetual stability—the ultimate felicity of his desire. Transcending the realm of sense, and surpassing the desires and goods of one and all, is the truly ultimate good. This universal good, apprehensible by the intellect, is God, who, by his very essence, is good and the veritable principle of goodness. Hence man's ultimate perfection and his final good consist in his intimate cleaving to God.³⁴

This human association of good, initiated on earth with imperfect realization, is fulfilled in heaven with perfect good. Angels and men constitute not two hierarchies, or societies, but one; because, as Augustine said, the beatitude of all consists in adhering to God alone.³⁵ God, the supreme, common good, is the whole to which the parts are directed: "Therefore all things are directed to one good, God to wit, as their end."³⁶ Naturally, the common is to be preferred to the private good, and that of the parts is ordained to the welfare of the whole. So, in the eternal community, as in the associations of earth, each man is as a part; but the common good of the whole is God himself, in whom the final beatitude of all consists.³⁷

Piperno in *S. Theol.*, III, Supplementum, qq. 82-89. See, likewise, *Con. Gent.*, IV, 81, 86, 88, etc. Consult Dr. Farrell, *op. cit.*, IV, 428-33, on the spiritualization of bodies after the resurrection. Cf. Dr. Flew, *op. cit.*, p. 242.

•• *Comp. Theol.*, Pars. Sec., cap. 9 (*Op.*, XXVII, 123): "... quia si in hoc quod mens humana Deo inhaereat, ejus beatitudo consistat, consequens est ut perfecta beatitudo perfectam inhaesionem ad Deum requirat."

•• *S. Theol.*, I q. 108 a. 8. Thomas here insists with Augustine, *De Civ. Dei*, XII, 9, that: "non erunt duae societates hominum et angelorum, sed una; quia omnium beatitudo est adhaerere uni Deo." Such adherence becomes possible to men through the created intellect which is raised by a supernatural light to the vision of God in his essence. Consult *Con. Gent.*, III, 25, 51, 57-63. In *Lib. Sent.*, Lib. II, Dist. 9, q. 1 a. 8 (*Op.*, VIII, 131 f.) Thomas declares: "... unde in patria non erit alia hierarchia hominum et angelorum, sed una et eadem, et homines in ordines angelorum distribuentur." Cf., *De cael. hier.*, I, 3, and *De ecclloo. hier.*, V, 2.

•• *Con. Gent.*, III, 17; *S. Theol.*, IIa IIae q. 184 a. 2.

³⁷ Cf. *De Perfectione Vitae Spiritualis (De Perf. Vit. Spir.)*, cap. 13 (*Op.*, XXIX, ISS), and *S. Theol.*, Ia IIae q. 2 a. 8.

Seeing God thus, and sharing with each other in his life, the company of heaven will have a sufficiency of all good. Here, then, can be no defects. In this opulent city of the everlasting God all things will be perfect with the fruition of divine eternity. God is perfect good; the angels are by nature incorruptible; and men, once corruptible, will now have put on incorruption (I Cor. 15: 58). With bodies glorified, and with intellects made ready by supernatural light to receive the heavenly vision, the saints will be deficient in nothing.³⁸

Nor will any lack exist by virtue of man's proud will. For the more that God, the essence of goodness, is seen and his presence enjoyed, the more he will be loved and the consummation of his plans desired. Having made God's will their own, the saints will abide in his fullness. Once within the fold of his protection, no one can be torn: from his hand by evil forces without or sin within. For into this haven neither the devil nor wicked men shall enter; and within, no sin shall be. Evil, which is in direct opposition to good, will be excluded. As Paul realized, there can be no participation of justice with iniquity, no fellowship of light with darkness (II Cor. 6: 14).

This repletion of good insures immunity from evil. Here is the guarantee of full quiet and security. Here peace will prevail. In this mortal life, the more responsibilities one has, the more one lacks and fears. But in life eternal there will be no sorrow, no labor, and no fear. With the passing of evil will the fear, of which it was the cause.³⁹

In this fullness of all good, the restlessness of desire will lose itself; for the just will no longer seek a better good. Their status in this society beyond will not be one to be amended or perfected; it will be one of final perfection. All of their desires will be perfectly fulfilled. Each of the blessed will know a satiety beyond all his hopes.⁴⁰ None in this life is able to satisfy his desires-nor is any other creature able to still this human craving. God alone, who has made man for himself and without whom man's heart is restless, is able to satisfy it.

•• See notes .88 and 85 of this article.

•• For the matter of the foregoing paragraphs see the conclusion of cap. 9, Pars Sec., *Comp. Tkeol.* (*Op.*, XXVII, U6). Cf. *Con. Gent.*, III, 68.

But the saints in the *patria* will have God perfectly, and with him, therefore, the satisfaction of their every longing-and more. Whatever is truly delectable will be here in superabundance. Perhaps one has desired honors. Here will be all honor. If it is knowledge of the truth that is desired, here it will be in perfection. All truth, and whatsoever we shall wish, we shall know; and whatever we shall wish to have we shall have in life eternal.⁴¹

Inner turmoil and outer molestation having ceased, concord and utter tranquillity will reign. This will be the perfect, heavenly peace of which Isaiah spoke (32: 18). It is in such full contentment that those will rest who know the affluence of all good. And the perfection of this final good will endure forever.⁴²

All of this felicity, and other things ineffable, the saints shall know. Obviously, too, each will love the other as himself. Here he will rejoice in the other's good as in his own. Mansions, or degrees, of happiness there will be in accordance with the individual's capacity to enjoy God.⁴⁸ But what comes to one is his full part, appropriate to him, of that which comes to all. God, who is their common end and good, makes joyously social the life of them all.

For when a man seeks his individual, final good, he seeks a boon as common as it is final to all others of the blessed. The

•• *In Symb. Apost.*, cap. 15: "... plena et perfecta satiety desiderii." On this satiety as involving "complete satisfaction, ... not-doing incapacity for further activity," see Farrell, *op. cit.*, IV, 448.

• *In Symb. Apost.*, cap. 15 (*Op.*, XXVII, 228); *Con. Gent.*, ill, 68; *S. Theol.*, Ia Ilae q. 8 a. 8.

•• *Comp. Theol.*, Pars Sec., cap. 9 (*Op.*, XXVII, 126).

•• *Con. Gent.*, ill, 58: "Oportet igitur quod in visione divina sit diversitas, qua quidam perfectius et quidam minus perfecte divinam substantiam videant. Hinc est quod, ad hanc felicitatis differentiam designandam, Dominus dicit: *In domo Patris mei mansiones multae sunt*, Joan. XIV, 2." Cf. *S. Theol.*, Ia Ilae q. 5 a. 2, Resp.: "Contingit autem aliquem perfectius frui Deo quam alium, ex eo quod est melius dispositus vel ordinatus ad eius fructum. Et secundum hoc potest aliquis alio beator esse." Ad. 8: "... nulli beato deest aliquod bonum desiderandum, cum habeat ipsum bonum infinitum. . . . Sed dicitur aliquis alio beator, ex diversa eiusdem boni participatione." Cf. Farrell, *op. cit.*, IV, 444-45.

very realization of the long-promised fellowship with his God is also his incorporation with all others who likewise communicate, eternally, in the divine life. Thomas may dilate, theoretically, on the complete happiness which a soul would have in God "though having no neighbor to love." But he entertains no serious thought of such being the case. The anticipation of a *solus cum solo* beatitude is absurdly out of character in a man who talks of one lasting society of men and angels; of God as the final whole to which all the parts are directed; about the beatitude of all consisting in their common adherence to one God; of a congregation of the faithful now become a congregation of comprehensors in the *patria*.

Thus for such a humble soul as Thomas, informed by the thrilling revelations of Scripture, there is only one future prospect which he may hold out to those on pilgrimage to the *patria*. That is the triumphant participation with the Trinity, the angels, and all the blessed in the consummate society of all good. And such fellowship, characterized by complete mutuality, Thomas knows with unerring insight to be the best in delectable goods. This alone will be appropriate to the joys that the saints shall have in the celestial Fatherland. ⁴⁴

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.. Speaking of the fourth and last, but by no means least, consideration of the goods that will be in eternal life, he says: "Quarto a commoda omnium bonorum societas, quae societas ^b est maxime delectabilis ^c bonis; sic ergo sancti habebunt omnia bona haec et alia ineffabilia, et quilibet diliget alium sicut seipsum; et ideo gaudebit de bono alterius sicut de suo. Quo fit ut tantum augeatur laetitia et gaudium unius, quantum est gaudium omnium. . . . Ita ergo ^d habebunt perfecti qui erunt in vita aeterna." *In Symb. Apost.*, cap. 15 (Op., XXVII, 228 and notes).

Interesting variations according to the Parma edition are:

• "consistit in omnium beatorum jucunda societate."

b" erit."

• "delectabilis, quia quilibet habebit omnia bona cum omnibus beatis; nam quilibet; etc."

⁴⁴ Haec autem Quae dicta sunt, et multa ineffabilia habebunt sancti qui erunt in patria."

THE THEORY OF DEMOCRACY

PART V

THE PRINCIPLES OF JUSTICE: CITIZENSHIP AND SUFFRAGE

(Continued)

WE have now sufficiently clarified the basic terms of our indicated difficulties and problems which lie ahead of us in our effort to demonstrate that the Democratic constitution is a thoroughly practicable ideal, as well as perfectly just. But before we begin the actual steps of that demonstration, it will be helpful to consider the similarities and differences between modern and ancient Republican governments, comparing them not only with respect to the principle of constitutionality which they embody, but also with respect to the problem of suffrage and the extension of the franchise.

The Democratic constitution has come into actual existence only in the last century, and its emergence has occurred by the gradual amendment of already existing constitutions which were essentially Republican. It may be enlightening, therefore, to observe the generation of Democracy as a form of government. Though all of political history has been tending toward this event, its intelligibility is increased by examining the proximate causes which worked to produce it. We must consider, therefore, the first steps toward the Democratic constitution in the actual motions of modern political life, and the first anticipations of the theory of Democracy in modern political philosophy—the expression of those crucial insights which reached full articulation only in the very recent past. We turn to this at once in Section 2.

2. An accurate account and a fair estimate of the political achievements which took place in certain European countries

and in the New World at the end of the seventeenth century and throughout the eighteenth, requires the historian of these events to view them partly as revolutionary and partly as evolutionary. To take either point of view exclusively distorts the picture. The novelties in the foreground must not be allowed to overshadow or completely blot out the long historical perspectives, nor must the background loom so large that the outlines of the modern departure dwindle to insignificance.

What is happening for the first time in these centuries is not the establishment of *purely* Constitutional government. That existed and thrived in the ancient communities of the Mediterranean world—in Greece and Carthage and Rome. The development of such government in England from 1688 on, and the foundation somewhat later of such government in France and in America, were revolutionary steps only in their overthrow of despotism. But, at the same time, we must not minimize the novelty of the modern Republics. To appreciate their contribution, it is not enough to see them as an evolution from the imperfect constitutionality of typically mediaeval government—the *regimen regale et politic'lf,m*. They do not represent merely a recovery of ancient political institutions which had been lost, or rather modified to suit the feudal conditions of the Middle Ages. As measured by the principle of constitutionality itself, the modern departures may not add anything essentially new, but they do give this principle new embodiments which exhibit its radical character more plainly and realize its political significance more fully than anything known to the ancient world.

Largely because the modern innovators had experienced the defects of mediaeval constitutionalism, observing how easily a *regimen regale et politicum* could degenerate into despotism, and how inevitably it tended to do so because of the presumption of kings, arrogating undue power to themselves, the men who formed and wrote the modern constitutions exercised great prudence and political ingenuity in making sure that the constitution would be as effective as positive law should

be-binding rulers and protecting the ruled by enforceable sanctions.⁵⁸⁴

We have spoken of the "modern innovators." We do not have in mind the great political writers of the seventeenth and eighteenth centuries—the men whose treatises deserve a place in the history of political theory—but rather the great actors on the stage of political life, the men who framed constitutions, who debated their provisions, and who argued for their adoption. Most of them, of course, were writers also, who in their pamphlets and papers, largely oratorical in character, were quite articulate and learned about the principles for which they appealed; but it is in the realm of action, not of thought, that they worked most originally. Yet they left their mark upon political theory too, in so far as the practical measures they invented clarified the principle of constitutionality. Such men as Thomas Jefferson and James Wilson, Alexander Hamilton, James Madison, and John Adams—to consider only the American constitutionalists—had learned much from Locke, Montesquieu, and Rousseau, from Suarez, Bellarmine, and Berlamaqui; but their actual engagement in the drafting and discussion of the articles of a written constitution enabled them to distil into theory practical insights that the political theorists never explicitly attained.

Nevertheless, it may well be asked what these practical men learned from the theorists whose thinking was sufficiently contemporary to anticipate in words some of the developments for which the revolutionists were responsible in fact. There can be no question that the language of the American enterprise, its great legal documents and their public debate, was the language of eighteenth (and late seventeenth) century political thought, rather than the language of Aristotle or Cicero or St. Thomas. But if one penetrates beneath diversities on the sur-

⁶⁰⁰ Cf. Part IV, Section 4, *supra*, in THE THOMIST, IV, 4, pp. 751-6. The fact that modern Republics were developments out of the *regimen regale et politicum*, as well as reactions against the despotic absolutism into which it had devolved, goes a long way toward explaining their character as contrasted with that of the ancient Republics which had arisen against the background of a *regimen regale (et non politicum)*.

face of discourse, can one find that the latter-day theorists expressed fundamentally new or different ideas about the forms of government?

The question is difficult to answer unless one makes the distinction between absolute and constitutional government the pivot of comparison. As we have shown, most of the modern political treatises deal with the problem of the forms of government briefly and superficially, in contrast to the predominant place and extended treatment given to this question in Aristotle's *Politics*; though they retain such words as "monarchy," "aristocracy" and "democracy," they reduce them almost to insignificance.⁵⁸⁵ But the superficiality and brevity of their *explicit* treatment is too often allowed to obscure the fact that these modern treatises are, nevertheless, primarily and largely concerned with the problem of the forms of government, for most of them are written to support the proposition that the principle of constitutionality, with all its consequences for human rights and privileges, and its implications for political equality and liberty, is an indispensable feature of good government, or the mark of the best political form.

Suarez and Bellarmine, on the one hand, and such writers as Locke and Rousseau (who frankly expressed their prejudices against the Catholic Church), on the other, agree that absolute government is never justified. Their failure to distinguish between the Royal and the despotic occurrence of an absolute regime is, of course, an error or inadequacy in their analyses, but that is not important here. What is important here is that their theories of government radiate from the distinction between absolute and limited regimes. This is not to say that they neglected the common good as the end which justified the exercise of any civil power. They all agreed on this, but went further in insisting that the derivation of civil authority from the common good must be accompanied by a limited grant of power to the offices of government, the power being drawn from its ultimate reservoir in the community itself.

ese Vd. Part IV, Section 5, *supra*, in THE THOMIST, VI, 1, pp. 58-59, 61-65.

Unfortunately, most of these writers, with the notable exception of Rousseau, failed to differentiate between the purely Constitutional regime, in which no man has sovereignty *in his person*, and the limited absolutism of the *regimen regale et politicum*, which they conceived as a "mixed regime" or as "constitutional monarchy."⁵⁸⁶ Nevertheless, let us overlook the inadequate and erroneous analysis of the forms of government which prevails throughout the seventeenth and eighteenth centuries (in which respect, by the way, the thought of these

••• The Jesuit writers, Suarez and Bellarmine, both regard the so-called "mixed regime" as the best form of government, but their version of the "mixed regime" follows St. Thomas, rather than Aristotle. It is not a mixed constitution, but a combination of Royal and Constitutional elements. They show no signs of understanding the essential imperfection of this intermediate regime in comparison with the purely Constitutional governments which existed in the ancient world, or which were soon to come into being with modern Republics. Vd. Parsons, *Which Way Democracy?*, pp. 143-61!. The identification of Sir John Fortescue's position with that of the Thomistic tradition (including Suarez and Bellarmine) plainly shows that the *regimen regale et politicum* is intended by all these writers. Cf. Oberling, *The Philosophy of Law of James Wilson*, pp. 270-72.

Although Locke plainly says that "absolute monarchy, which by some men is counted for the only government in the world, is indeed inconsistent with civil society, and so can be no form of civil government at all" (Second Essay *Of Civil Government*, Ch. VII, # 90), he wishes only to restrict the Royal prerogative to certain administrative functions, not to abolish it entirely and make the chief executive a mere office-holder elected by the people. For Locke, a constitutional, as opposed to an absolute, monarchy (i. e., a *regimen regale et politicum* as opposed to a *regimen regale*) sufficiently embodied the principle of constitutionality. Vd. fn. 477, *supra*. Not even Montesquieu, who used the word "republic" in contradistinction to "monarchy," made the difference between these two forms of government turn on the imperfection vs. the perfection of the constitutional principle, for both were governments by law rather than by men without or above laws (the latter being what he called "despotism"). Vd. *Spirit of Laws*, Book II, Ch. I.

Omitting the statesmen of the American revolution, Rousseau alone of the eighteenth century writers conceived purely Constitutional government (which he called "republican") as that in which neither the government nor any governing official has sovereignty except as a representative of the community which is sovereign. Vd. *The Social Contract*, Book II, Ch. VI, esp. fn. I. Rousseau seems to have no conception of the *regimen regale et politicum* as something intermediate between the purely absolute and the purely Constitutional forms of government, and so he is as unable to distinguish between the perfect and the imperfect modes of popular sovereignty and vicegerency as, on their side, are the Jesuits,

centuries is not inferior to the Middle Ages at their best), in order to concentrate on the one point in their favor—their firm adherence to the principle of constitutionality as the source of greater political liberty and equality than can be enjoyed under absolute rule.

With this restriction in mind, can we say whether the modern conception of Constitutional government differs substantially from the ancient and mediaeval understanding of what it involves?

For Aristotle it meant: (1) equality of status (i.e., citizenship) as between ruler and ruled; (2) perfect freedom on the part of the ruled, because the status of citizenship is invested with legal rights and juridical powers, and some share (in fact, an active voice) in the business of government; (3) the limitation of all rulers to discharging the functions of their special offices; (4) the juridical grant of actual governing power to men according to the functions of the offices they hold, the power being vested in the office and not in the man except as its temporary holder; and, above all, (5) the supremacy of positive law—the constitution itself, not merely the rules enacted by legislative bodies—as the convention which regulates the life of the civil community, determines the extent of citizenship, establishes and arranges the various offices, and takes precedence over officials and their official acts, even of the rules of law they make, by reason of the fact that it is the source of all their powers, measures the legitimacy of their acts, and gives legality to their rules and decrees.⁵⁸⁷

Locke, and Montesquieu. In this connection, it is significant that Rousseau, like the American constitutionalists, refers to Greek and Roman republics as models of what he has in mind, whereas Suarez and Bellarmine, and even Locke, are thinking principally of mediaeval examples and of the possibility of their restoration to replace the despotisms into which the *regimen regale et politicum* had become degraded. Thus, in arguing against Barclay, "the great champion of absolute monarchy," Locke cites "Bracton, Fortescue, and the author of the 'Mirror,' and others, writers that cannot be suspected to be ignorant of our government, or enemies to it" (*op. cit.*, Ch. XIX, # 239).

••• To affirm the supremacy of positive law over men as rulers is not to deny that the constitution, as the basic positive law, can be measured by what Aristotle called "natural justice" and what later came to be thought of as "natural law."

Regardless of their innovations in practice, the Romans add nothing to this theory of Constitutional government; nor, as we have seen, does St. Thomas or any other mediaeval thinker. On the contrary, the mediaeval conception is much less explicit and clear, for it consists largely in two notions: (a) the vicegerency of rulers, and (b) "popular sovereignty" in the sense that the civil community is the *proximate* source of the authority and force wielded by rulers. These two notions can, of course, be taken as a rough and ready equivalent of Aristotle's much more precise conception of constitutionality; but even if we generously read all this significance into them, we cannot forget that St. Thomas exempted the king from the coercive force of positive law, thereby viewing him as a sovereign person whose authority came from the community he served, but whose actual power was not juridically derived.

It was only by examining the notions of vicegerency and popular sovereignty in the light of Aristotle's theory of Constitutional government that we were able to make the important distinction between the perfect and imperfect mode of each of these. If our only sources were mediaeval, we would not know that the vicegerency and popular sovereignty of which St. Thomas speaks is the imperfect sort—the only sort that is compatible with the *regimen regale et politicum*—not the perfect sort involved in purely Constitutional government.

Hence if we are to appraise the modern theory of constitutionalism, we must judge it by reference to the Aristotelian conception. Does it add anything thereto?

However admirable Suarez and Bellarmine were for their resolute opposition to the divine right of kings and in their criticism of absolute government, we know that they do not go beyond St. Thomas except, perhaps, to give the notions of

Natural law is prior to the constitution, as that in turn is prior to rules of positive law enacted by *duly constituted* bodies. The supremacy of positive law means that there is something more than natural law or natural justice to measure the acts of rulers, in such wise that no man is *legibus solutus*—no man is exempt from the coercive force of constitutional law when, in its perfect institution, it involves enforceable sanctions.

vicegerency and popular sovereignty a more explicit rendering, and one more appropriate to the political institutions of their own day. This judgment is confirmed by everything that is said in praise of them by their disciples today; and the few particulars in respect to which some achievement of novelty is claimed for them are of dubious validity.⁵⁸⁸ The only question, therefore, is how such writers as Locke and Rousseau (who are more indebted to ancient than to mediaeval theory) compare with Aristotle.⁵⁸⁹

It has become fashionable in various quarters to dismiss Locke and Rousseau as addicted to the myth of the "social contract," to dispose of Locke by reference to such phrases as "consent of the governed" or "the preservation of property," and to magnify Rousseau's claptrap about the "general will" or his misconception of what he calls the "indivisible sovereignty." We have no intention of minimizing the errors which Locke and Rousseau committed—Rousseau, of course, to a much greater extent than Locke—but we do insist that on the principle of constitutionality they were not only as sound as Suarez and Bellarmine but, as we shall try to show, they made a contribution which is one of the distinguishing features of modern constitutional theory.

Some of their adverse critics and superficial readers have

⁶⁸⁸ Vd. Parsons and Oberling, *loc. cit.*, in fn. 586, *supra*. Cf. M. F. X. Millar, "The Philosophy of the Constitution," (*Thought*, March, 1988, p. 67). "The Constitution and Belated Prejudices" (*Thought*, June, 1988, pp. 291-96); "The Modern State and Catholic Principles" (*Thought*, March, 1987, pp. 45-68); "Hauriou, Suarez and Chief Justice Marshall" (*Thought*, March, 1982, pp. 1-22); "Bellarmine and the American Constitution" (*Irish Studies*, September, 1930). In his interpretation of Locke, Rousseau, and Jefferson, Professor Millar is obviously attempting to play one set of prejudices off against another, but the truth is that Suarez and Bellarmine are not all white, any more than Locke, Rousseau and Jefferson are all black.

••• Neither Locke nor Rousseau betrays much knowledge of St. Thomas; and even though Locke continually acknowledges his debt to Hooker, the latter's *Ecclesiastical Polity* is more colored by Aristotle's *Politics* than by the writings of St. Thomas. In their discussions of paternal and political government, both Locke and Rousseau reveal the influence of Aristotle and, far from being remotely connected, this distinction is of the greatest relevance to their conception of constitutionality.

been taken in by the *myth* of the social contract, as if it were intended to be a historical account of the origin of society, as if it had to be interpreted as a flat contradiction of the truth that man is by nature a political animal. Both Locke and Rousseau knew the difference between myth and history; both affirmed the political nature of man, and the indispensability of civil life for human happiness (on which is founded the naturalness of the state in the order of final causality); both recognized the difference between the naturalness of domestic and that of civil society, with its consequences for the establishment of political as opposed to parental authority; and because of this difference, with its consequence, both Locke and Rousseau used the myth of the social contract purely as an analytical device 'whereby to account *formally*, not temporally, for the origin of political (i.e., Constitutional) government.⁵⁹⁰

••• A careful reading of Chapter VII "Of the Beginning of Political Societies," especially. #104-111 of the second essay *Of Civil Government*, will that Locke's account of the transition from the quasi-paternal rule of an absolute king to the truly political rule of a constituted commonwealth, follows Aristotle in every particular. Most states we're originally under Royal (quasi-paternal) government, because they originated as enlargements of the family through a grouping of villages. This hardly suggests that Locke understood the "social contract" as necessary for the formation of *society as mch.* It is only *civil* society-which is conceived as a community under Political, not Royal, originates in a "social contract"-i.e., a conventionally formed constitution.

The usual misreading of Rousseau is even less excusable than it is in the case of Locke. Rousseau, in his Preamble to Book I of *The Social Contract*, plainly tells us that his inquiry is into the *legitimacy* of government, not the *origin* of society. At the opening of Chapter 4 (Book I), he says: "Since no man has a natural authority over his fellows, and force creates no right, we must conclude that conventions form the basis of all legitimate authority among men." He has previously dealt with parental authority in the domestic society. There is no problem of the legitimacy of such authority, for it is naturally founded. Vd. Book I, Ch. 2. Can any follower of St. Augustine and St. Thomas disagree with Rousseau's thesis that, since force creates no right, and no man naturally has *political* (as opposed to *parental*) authority over another human being, therefore convention, and convention alone, can determine that some men shall have such authority *legitimately*? The social contract is nothing but such a convention; for Rousseau the social contract is the legal, not temporal, origin of legitimate, i. e., Constitutional or Political, government. This is verified by Rousseau's insistence that only the Republic (i.e., the *constituted* commonwealth) is legitimate government.

To prevent misunderstanding of his point of view, Rousseau explicitly denied the

Society is natural, but a constitution is not. That is a work of reason, a thing of convention, the result of voluntary decisions in the order of efficient causality. Now if by the word "state" we mean not any civil society—not a kingdom under absolute rule, for example—but only a commonwealth under Constitutional government, then the state, *in this sense*, is not entirely natural but, natural though it be in the end it serves, it is conventional—or contractual—as a product of the reason and will of men. The constitution is a positive law, but it cannot be made by a government or by the legislature of a government, for it is itself the foundation of all governmental and legislative powers. Hence it is a law made by the community as a whole, or by some part thereof, and the making of such a law, by the reason and through the voluntary agreement

mythical "history" that is usually connoted by such words as "state of nature" and "social contract." In his *Discourse on Inequality*, he wrote: "It has not even entered the heads of most of our writers to doubt whether the state of nature ever existed; but it is clear from the Holy Scriptures that the first man, having received his understanding and commandments immediately from God, was not himself in such a state; and that, if we give such credit to the writings of Moses as every Christian philosopher ought to give, we must deny that, before the Deluge, men were ever in the pure state of nature. . . . Let us begin then by laying facts aside, as *they do not affect the question*. The investigations we may enter into, in treating this subject, *must not be considered as historical truths, but only as mere conditional and hypothetical reasonings, rather calculated to explain the nature of things, than to ascertain their actual origin*" (Everyman edition, pp. 175-76). Italics ours.

What could be a clearer statement of Rousseau's insight that the "social contract" is a purely analytical concept, and that the distinction between the "state of nature" and the "state of civil society" is not a historical distinction, but an analytical distinction between the relation of men under *natural* law and the relation of them under *positive* political institutions? It is as if one were to say: let us proceed hypothetically by supposing that men lived together under no rule or authority except that of natural law. The fact that the supposition is contrary to fact would not prevent us from using the hypothesis analytically in order to understand what difference is made, in matters of justice and authority, by the addition of positive political institutions.

Finally, it should be observed that Rousseau's analytical, not historical, explanation of the existence of civil society is that man cannot lead a characteristically human life in any other way. Though his language is not Aristotelian, he is making the Aristotelian point that man is by nature a political animal, and that the state (truly Political society) is natural in the order of final causality,

of men associated together for civil life, must be *analytically* prior to the existence of Constitutional government, or of the state when it is identified with such government, as in the minds of Locke and Rousseau it is. If, instead of speaking of a "social contract," these thinkers had merely insisted on the priority of the constitution to Constitutional government; if they had merely pointed out that, since a constitution is a convention, it must be rationally formulated and voluntarily entered into (which is all that the word "contract" implies); if they had merely called attention to the indisputable fact that *civil* society cannot be *constituted* (i. e., set up under Constitutional government) without a *constitution*, which is a convention or contract that is formed by the *constituent* power in the community itself, involving, of course, an agreement of men; if they had, in short, avoided the words "social contract," they could, nevertheless, have said all these things with less chance of being misunderstood.

originating with a rationally devised and voluntarily adopted compact or constitution. Carlyle (*Political Liberty*, p. 182) calls attention to Rousseau's "emphatic repudiation of the long tradition of the Stoics and the Christian fathers that men in their primitive condition lived in a happy and innocent anarchy, and that the development of the coercive political societies was primarily the result, as it was the remedy for the vices into which they had fallen. . . . This means that after nearly two thousand years Rousseau was restating the Aristotelian doctrine that man is by nature, not only a social, but a political being, or, to put it in other terms, that the political society is not merely a remedy for men's vices, but the necessary condition of all progress." Cf. *Mediaeval Political Theory in the West*, Vol. V: "The political theory of the Middle Ages is formally separated from that of Aristotle and Plato, and from that of the nineteenth century, by one great presupposition—that is, that the institutions of civilized society are founded upon 'convention,' not upon 'nature' " (p. 4). "St. Thomas' does not in all respects directly and categorically contradict these conceptions, but under the influence of Aristotle he does very carefully and clearly set out a conception of human society which is fundamentally different" (p. 10). "It is true that in the middle of the thirteenth century St. Thomas Aquinas rediscovered the Aristotelian politics. . . . It is, however, also clear that the recovery of the Aristotelian conception was not permanent, that by the seventeenth century it had again given place to the post-Aristotelian, and it was not until Montesquieu and Rousseau's '*Contrat Social*' that the Aristotelian conception really came back to dominate political theory, as it has done ever since. It would appear that the post-Aristotelian conception was too firmly fixed in men's minds to be removed even by the great authority of St. Thomas Aquinas " (p. 442).

If to say these things is to believe seriously in that absurd myth about the origin of civil society itself as the result of voluntary agreement among men to forego natural anarchy or to surrender their natural independence of one another, then Aristotle can be charged with accepting the social contract myth and with contradicting his own dictum about man's political nature, for he plainly says that " he who first founded the state was the greatest of benefactors." ⁵⁹¹ Does he not mean that the men who first conceived the principle of Constitutional government, and framed a constitution to institute it, are responsible for one of the greatest advances in human society-the transition from Royal to Political government? Is he not using the word " state" here to signify a *constituted* not merely anything larger than a family or a village, for has he not himself maintained that the kingdoms were not *founded*, but *grew* by natural stages of expansion from family and village? But, we must also ask, did Aristotle mean less than Locke and Rousseau when they used the notion of a " social contract " analytically to explain the origin, not of society generally, nor even of kingdoms, but of *such* a state-the *constituted commonwealth*?

To all these questions, the answer is affirmative. The affirmation to the third question is, however, especially significant. It is precisely because they employed the notion of a " social contract " as they did, that Locke and Rousseau developed the theory of the constitution beyond the Aristotelian exposition.

There seems little doubt that Aristotle understood a constitution to be positive law and that he recognized its priority over all other positive legislation. But Aristotle is not explicitly clear on the legislative origin of the constitution itself. That a constitution is a compact for a certain order of government entered into voluntarily by some members of a community, that it is a creature of the constituent people and not

⁵⁹¹ *Politics*, I, 2, 125880. Vd. fn. 866, *supra*. The position of Professor H. D. Lewis there cited is much more accurate than that of Father Parsons or Father Oberling with respect to the "social contract" notion.

of the government they *constitute*, and that it can be changed, as it can be made, only by the people, and not by the government or any ruling official—all these points are, of course, implied by what Aristotle does say about constitutional government, but Aristotle does not make them explicitly. The typical Greek experience which he has in mind is that of a great law-giver, such as Solon, formulating a constitution for the community, but he does not indicate precisely how the proposed constitution is adopted or ratified by those who are to live under it.

Furthermore, Aristotle does not seem to conceive of changing or modifying a constitution by "due process of law." A constitution is changed only by a revolution. It is overthrown. The democrats throw the oligarchs out of power, or conversely. But while Constitutional government is no more exempt than any other regime from the operation of the natural right to rebel against injustice—and be it remembered that Greek oligarchs and democrats could each charge the other with some injustice—the injustice of a constitution can be remedied without rebellion and by due process of law, precisely because its legislative origin is in the *constituent* power of the community, and where that lies there also lies an *amending* power, as well as a natural right of revolution.⁵⁹² One of the virtues of con-

•• Vd. Professor C. J. Friedrich's discussion of this threefold distinction in his *Constitutional Government and Democracy*, Boston, 1941: Ch. 8, "The Constituent Power, the Amending Power, and Revolution." Cf. *The New Belief in the Common Man*, Boston, 1942: pp. 129-188. Friedrich's insights here obviously derive from modern developments in constitutional theory and from modern examples of revolutionary action.

Vd. *Federalist Papers*, No. 49, in which Hamilton says: "As the People are the only legitimate fountain of power, and it is from them that the constitutional charter ... is derived, it seems strictly consonant to the republican theory, to recur to the same original authority, not only whenever it may be necessary to enlarge, diminish or new-model the powers of the Government; but also whenever any one of the departments may commit encroachments on the chartered authorities of the others." Cf. James Wilson: "As to the people, however, in whom the sovereign power resides, the case is widely different (from that of the authorities established by the Constitution), and stands upon widely different principles. From their authority the Constitution originates; for their safety and felicity it is established; in their hands, it is as clay in the hands of the potter; they have the right to

stitutional government, therefore, is that it enables injustice to be rectified, and political progress to be made, without recourse to revolution. It is impossible to say that Aristotle's understanding of the constitutional process did not include these insights, but it is equally impossible to cite passages from his writings which would warrant saying that it did.

Paradoxically, there is more ground for finding such an understanding in the mediaeval conception of a contractual relationship between king and subjects—the reciprocal coronation oath and the pledge of fealty. The constitutional aspect of the *regimen regale et politicum* manifested itself in the matrix of reciprocal rights and obligations which were thus acknowledged by word and act. But the making of such a compact between ruler and ruled was itself regarded as an immemorial custom; and though it was a voluntary engagement on the occasion of each new accession to the throne, the provision for this practice was conceived as a constitutional law handed down by custom, not explicitly formulated and adopted.

In a period when the normal character of positive law is unwritten custom—"whereof the memory of man runneth not to the contrary"—legislative origins must necessarily remain obscure. And since a custom derives its force, not only from its antiquity, but from its resistance to change, a society governed by customary law tends, so long as economic and political conditions permit it to remain static, to be unconcerned about

mould, to preserve, to improve, to refine, and to finish it as they please. If so, can it be doubted that they have the right likewise to change it?" (*Works*, I, p. 875). And Father Oberling adds in a comment on Wilson that "any departure from that fundamental law on the part of the people would be revolutionary, and could be justified only on the grounds of extreme necessity, such as would justify revolution" (*op. cit.*, p. 1156). Cf. Jefferson's letter to S. Kerchival in 1816 (Padover ed., pp. 108-4).

The natural right of rebellion against any government which is manifestly unjust (qualified, of course, by consideration of the common good which may caution that the abuses to be suffered are less violent than the anarchy likely to be consequent upon revolution) applies to Constitutional regimes as well as to others, the only point of difference being that they are susceptible to the rectification of injustice by peaceful and legal processes of amendment which may make violent revolution unnecessary.

the legislative process whereby changes can be made. From the thirteenth century on, of course, written laws newly instituted were needed more and more to regulate novel conditions for which immemorial custom had not provided. But for many centuries this did not alter the customary character of the constitutional law—the *lex regis*—which made England, France, and Spain "political kingdoms" (in the language of Fortescue), or a *regimen regale et politicum*. Consequent upon uprisings in thirteenth century England, Magna Carta and subsequent Royal charters were, in a sense, amendments of the constitution, but they were accomplished by armed rebellion, forced from the king under duress, not constitutional remedies enacted by due process of law. Even as late as the end of the seventeenth century, the Bill of Rights, which altered the English constitution considerably, resulted from a revolution, albeit bloodless, but only after a century of bloodshed.

Against this historical background, we can see the originality of Locke and Rousseau in conceiving the constitution capable of peaceful amendment, because they saw its legislative origin as an explicit compact or convention whereby the governed consented or agreed to be governed in a certain way. Their insight was more prophetic of events and institutions they did not live to see, than descriptive of the world in which they lived. The limitations of their time and their political experience prevented them from expressing their insight in terms more appropriate to the actual practices of modern constitutionalism. Others were to make that translation for them. Nevertheless, their understanding of the constitution as basic positive law—precisely on the point which Aristotle failed to make explicit—should not be underestimated as the root of modern constitutional developments which the statesmen of the American Revolution began to accomplish in fact, and so were able to comprehend in more practical terms.

Locke's chapter on the legislative power makes the point under consideration, when it is read in the light of the "social

contract " as nothing more than the convention whereby the constitution is itself established. ⁵⁹⁸ He opens by saying:

The great end of men's entering into society being the enjoyment of their properties in peace and safety, and the great instrument and means of that being the laws established in that society, *the first and fundamental positive law of all commonwealths is the establishing of the legislative power. . . .* This legislative power is not only the supreme power of the commonwealth, but sacred and unalterable in the hands where the community have once placed it. Nor can any edict of anybody else, in what form soever conceived, or by what power soever backed, have the force and obligation of a law which has not its sanction from that legislative which the public has chosen and appointed; for without this the law could not have this which is absolutely necessary to its being a law, the consent of the society, over whom nobody can have a power to make laws but by their own consent and by authority received from them. ⁵⁹⁴

••• Vd. Second Essay *Of Civil Government*, Ch. XI. Cf. Ch. XII and Xiii.

••• *Ibid.*, # 184. Italics ours. Professor Millar's reference to the Lockean doctrine " that property was the main object of Society " ("The Philosophy of the Constitution," *loc. cit.*, p. 58), exemplifies a familiar and unfortunately too prevalent misunderstanding of Locke, for it is obvious from the context that those who say this mean by "property" *only* economic possessions, which is a violent distortion of Locke's meaning. Locke plainly says that "every man has a 'property' in his own person " as well as in " the 'labor ' of his body, and the 'work' of his hands" (*Of Civil GovernInent*, Ch. V, # 26). And again: "By property I must be understood here, as in other places, to mean that property which men have in their persons as well as goods " (*ibid.*, Ch. XV, # 178). That is why Locke regards a slave, who has forfeited his right to life and liberty, as completely without property, for he has forfeited himself-his self-possession-not merely a title to external goods. A free person is one who belongs to himself; a slave belongs to another. To own one's self is the greatest property of all.

Hence when Locke speaks of " the preservation of property " as the end of government, he is referring to all those natural rights which must be safeguarded for the pursuit of happiness. Nor is there any inconsistency between saying that property (in this sense) is the end of government and also saying, as Locke does, that government has "no other end but the peace, safety, and public good of the people" (*ibid.*, Ch. IX, # 181); or again: "all the power of government has being only for the good of the society " (*ibid.*, Ch. XI, # 187); or again "*salus populi, suprema lex* is certainly so just and fundamental a rule that he who sincerely follows it cannot dangerously err " (*ibid.*, Ch. XIII, # 158); or again " the foundation and end of all laws (is) the public good" (*ibid.*, Ch. XIV, # 165). Translated into the traditional language of Scholasticism, Locke is saying that the two

That does not think of the "social contract" as a compact to form society itself, but only *civil* society under its proper form of government which he, following Aristotle, calls "political" (Le., Constitutional) as opposed to "paternal" (Le., Royal), is by his quotation of a passage Hooker distinguishes between natural and conventional

ends of government are the common good (proximately) and the happiness of individual men (ultimately), when he says that the end of government is "the public good and preservation of property" (*ibid.*, Ch. XIX, # 239). It is not a mark of inconsistency or inadequacy that he should sometimes emphasize the one, as when in defining the scope of political power he says that "all this ill only for the public good" (*ibid.*, Ch. I, #3), and sometimes the other, as when he says: "The end of government is the good of mankind" and political power should, therefore, be used for "the preservation of the properties of the people" (*ibid.*, Ch. XIX, # 239). "That is proximately for the public good is also ultimately for the good of mankind.

In thus correcting an egregious misinterpretation of Locke's words, we do not mean to imply that Locke would have taken the side of those who fight for the rights of man against the rights of "property" (in the usual sense of the word meaning "economic possessions"). His remarks about confiscation and taxation (vd. *ibid.*, Ch. XI, # 138, HO) certainly reveal that he was fearful about governmental control of private wealth. It is doubtful that Locke would have been able to see that the public good can justify stringent restrictions upon the accumulation of private (economic) property, and even justify a fairly high degree of confiscation of such accumulations (by inheritance and income taxes). Locke was an oligarch; but then, so was Aristotle. If we interpret Aristotle as thinking that the common good and happiness are the ends of government, we have no less ground for interpreting Locke's analysis in the same way—despite our knowledge of the oligarchical nature of both men.

Professor Millar, who criticizes Locke's views on property and praises Burke as the repository of political wisdom and justice, should remember Burke's opinion that any government which protects property is good government. In his speech *On the Bill to Enable Subjects of France to Enlist as Soldiers*, made in 1798, Burke said of himself: "Let it be a pure monarchy, a democracy, or an aristocracy, or all mixed, he cared not, provided a government did exist, the first principle of which must necessarily be security to property, because first: the protection of property, all governments were instituted" (*Speeches*, IV, 166). As Professor Hutchins points out, Burke usually means *landed* property when he uses the word; seldom if ever does he have Locke's broader meaning, including the possession of rights in one's life and liberty, as well as ownership of external goods. Vd. Hutchins, "The Theory of Oligarchy: Edmund Burke" in *THE THOMAST*, V, 66-7. Cf. Walton H. Hamilton, "Property—According to Locke" in the *Yale Law Journal*, XLI, 864-880.

aspects of civil society.⁵⁹⁵ And at the end of this chapter, Locke stresses the point that the legislative power of the people--strictly speaking, their *constituent* power, the power whereby they enact the constitution as the primary positive law--must not be confused with the secondary law-making powers they delegate to legislative officers or bodies. He writes:

The legislative cannot transfer the power of making laws to any other hands, for it being but a delegated power from the people, they who have it cannot pass it over to others. The people alone can appoint the form of the commonwealth, *which is by constituting the legislative, and appointing in whose hands that shall be.*⁵⁹⁶

Rousseau has a similar conception of the constitution as the basic positive law which creates the *body politic* and which, in the order of efficient causality, is conventional or voluntary, not natural. Whitt is formed, as the result of the, social compact, is not society *as such*, not domestic society, not even civil society under absolute (or what Rousseau regarded as despotic) government, but only *civil society properly constituted*--the sort of commonwealth which" formerly took the name of *city*, and now takes that of *Republic* or *body politic*; it is called by its members *State* when passive; *Sovereign* when active, and *Power* when compared with others like itself. Those who are associated in it take collectively the name of *people*, and severally are called *citizens*, as sharing in the sovereign power."⁵⁹⁷ When the words" body politic" are thus understood to signify civil society under Constitutional government--according to Rousseau the only legitimate government for such society--there can be no misunderstanding of what he means when he

⁵⁹⁵ - Two foundations there are which bear upon public societies; the one a *natural inclination* whereby all men desire sociable life and fellowship; the other an order, expressly or secretly agreed, upon, touching the manner of their union in living together. The latter is that which we call *the law of a commonweal, the very soul of a politic body*, the parts whereof are by this law animated, held together, and set to work in such actions as the common good requireth " (*Ecclesiastical Polity*, I, 10). Italics ours.

mlbid., # 141. Italics ours.

••• *The Social Contract*, Part I, Ch. 6.

says that " by the social compact we have given the *body politic* existence and life." ⁵⁹⁸

If, to be legitimate, civil government must be Constitutional, how else can legitimate government arise except by convention, a convention instituted by the people, certainly not by the government which it creates? In his chapter on the division of laws, Rousseau, therefore, sharply separates from ordinary civil and criminal law " the political, which determines the form of government." ⁵⁹⁹ By "political law" he means the constitution itself. His distinction between the political and other types of law thus conforms to Locke's distinction between the primary legislative power which is constituent and the secondary legislative powers of a duly constituted government.

Let us leave Locke and Rousseau in order to consider the fully practical development of the insight which they could neither invest with institutional significance nor entirely free from adventitious speculations, some of which are doctrinaire, some fallacious. We can do this most expeditiously by taking McIlwain's summary of modern constitutionalism and comparing it with the ancient conception. ⁶⁰⁰

In the first chapter of his *Constitutionalism Ancient and Modern*, which is devoted to " some modern definitions," McIlwain leans heavily on Thomas Paine for a representative statement of the views of those men who were acquainted with constitutions in the actual making. Paine had observed that "a constitution is not the act of a Government, but of a people constituting a government; and Government without a con-

••• *Ibid.*, Part II, Ch. 6. Italics ours.

••• *Ibid.*, Part U, Ch. U.

⁶⁰⁰ Vd. the five points enumerated as comprising the Aristotelian definition of Constitutional government, on p. 85, *supra*. These five points include, explicitly or virtually, everything essential to the Roman and mediaeval understanding of constitutionality. Some points may be lost or blurred, but nothing is added until we come to modern times. There is no question that the modern conception involves all these points explicitly, but it will be seen, we think, that in addition to greater explicitness with respect to some of them, the modern understanding improves on Aristotle (and, *a fortiori*, on Roman and mediaeval views) in regard to the constitutional process itself—the making and amending of constitutions.

stitution is power without a right." ⁶⁰¹ His chapter on the nature of constitutions in *The Rights of Man* is, according to McIlwain, a remarkably acute analysis of the American innova-

⁸⁰¹ *The Rights of Man*, Part II, Chapter 4. "It seems probable," says McIlwain, "that Paine means by 'constitution' nothing less than the written constitutions of America or France. . . . For Arthur Young, a constitution in this sense of 'written' constitution is 'a new term'; for Thomas Paine it seems to be the only kind of constitution worthy of the name. Such 'puddings,' 'made by a receipt,' were to Edmund Burke apparently as repulsive as to Arthur Young. He says little or nothing about the new American constitution, but in his opinion nothing could be worse than the French one" (*op. cit.*, p. 4). Paine's opinion of Burke as an opponent of Constitutional government—an opinion which vividly colors many pages of *The Rights of Man-is*, of course, excessive, but it fairly represents the difference between the older view of the customary constitutionalism that belonged to the *regimen regale et politicum*, and the newer view of the enacted constitution as creating Republican (i.e., totally non-Royal) government. Even though he fought Royal aggrandizement on the part of George III, Burke was an exponent of constitutional monarchy and, therefore, defended the only sort of constitutionalism which was compatible with some remnant of Royal power. Burke opposed the reform measures sponsored by Fox, and would certainly have opposed the progressive tendency of England's unwritten constitution to become more and more Democratic. Nevertheless, in his "Appeal from the New to the Old Whigs," in 1791, Burke reaffirmed the constitutional measures of the revolution of 1689, and admitted that the Englishmen of North America who in 1775 rebelled against arbitrary despotism "stood in the same relation to England, as England did to King James the second in 1688" (*Works of Edmund Burke* [1855]: Vol. III, p. 80).

Contemporary Jesuit writers tend to regard Burke, along with Suarez and Bellarmine, as the real inspiration of American constitutionalism; and, for *obvious but irrelevant* reasons, they deplore the influence (even sometimes rejecting the supposition that it exists) of Locke and Rousseau. But the fundamental issue between Burke and Paine—an issue that can be understood only in terms of the difference between the *regimen regale et politicum* and one which is purely *politicum*—shows Paine to have a truer and more perfect conception of Constitutional government than Burke or Suarez or Bellarmine, and shows the derivation of that conception from Locke and Rousseau. One must not let theological errors, even if they be as odious as deism, obscure a political controversy, if the issue involved does not depend upon theological premises for its resolution. That the issue between Paine and Burke is of this sort is evidenced by a fundamental agreement on constitutional principles between Paine, the "free-thinking" deist, and James Wilson, the orthodox Catholic. Vd. fn. 602 *infra*.

For contemporary Jesuit opinion which is favorable to Burke, and which is prejudiced against such men as Locke and Rousseau, Jefferson and Paine, even as Paine was prejudiced against Burke, vd. the writings cited in fn. 586 and 588, *supra*, and especially Father Millar's article "The Modern State and Catholic

tion. This remains true "whether we subscribe or not to the characterization of Thomas Paine by a former President of the United States as 'a dirty little atheist,' in which every item seems to be inaccurate. The significant points in that analysis are these:

That there is a fundamental difference between a people's govern-

Principles" (*loc. cit.*, p. fil) where he refers to Burke as "the greatest philosopher-statesman thus far known to history." No doubt but that Burke was a great statesman in his day, or even that he deserves Carlyle's praise as a great constitutionalist (vd. *Political Liberty*, Part III, Ch. 4). But it may be doubted whether Burke would have been so staunchly a Whig had George III not been so avidly a Tory; and it is questionable whether Burke's understanding of constitutionalism went beyond the mediaeval conception of the constitutional aspect of a *regimen regale et politicum*, which Burke called a "mixed government like ours, composed of *Monarchy*, and of controls on the part of the *higher* people and the *lower*," the great end of which is "that the *prince* shall not be able to violate the *laws*" ("Thoughts on the Present Discontents" in *Works*, II, pp.

But above all it is clear that whatever eminence Burke deserves as a statesman or as an orator, he can claim none as an original thinker in the field of political philosophy. In his view of the common good as the end of government, he was an Aristotelian, even as Locke was; in his view of the naturalness and conventionality of the state, he was an Aristotelian, even as Rousseau was. Vd. Carlyle, *op. cit.*, p. 184. It may even be that in his conception of human nature he was much more of an Aristotelian than either Locke or Rousseau. This is certainly true with respect to his moral philosophy, his understanding of the virtues, etc. But if Burke had never written a line, not a jot or tittle would have been lost from the pages of political philosophy. Furthermore, Burke is guilty of popularizing an error which is prevalent in the Scholastic tradition, namely, that the common good, and the common good alone, determines the justice of government. When he argued against the suffrage reforms proposed by Charles James Fox, he could not see that it mattered at all whether the underprivileged classes were admitted to the status of citizenship, so long as their (economic) betters governed for the common good, and so took care of them paternalistically. Vd. fn. 688, *infra*. We shall return to this point subsequently in Section 4, *infra*.

In two recent articles, President R. M. Hutchins has at last exploded the Burke myth, showing not merely that he is an oligarch by prejudice, but that he is not to be regarded as a political philosopher. He was a great orator and an opportunistic statesman, which combination of qualities enabled him to be eloquent on either side of any basic question, as the occasion demanded his firm, though temporary, adherence to one or another of contrary principles. That is why his apologists find him so useful and quotable. An *ad hoc* reading of Burke can always discover one line of thought and neglect another. Vd. Hutchins, "The Theory of Oligarchy: Edmund Burke," *loc. cit.*; and "The Theory of the State: Edmund Burke" in *The Review of Politics*, V, pp. 189-155.

ment and a people's constitution, whether the government happens to be entrusted to a king or to a representative assembly.

That this constitution is "antecedent" to the government.

That it defines the authority which the people commits to its government and in so doing thereby limits it.

That any exercise of authority beyond these limits by any government is an exercise of "power without right."

That in any state in which the distinction is not actually observed between the constitution and the government there is in reality no constitution, because the will of the government has no check upon it, and that state is in fact a despotism.⁶⁰²

⁶⁰² Vd. *Constitutionalism Ancient and Modern*, pp. 10-11. The same fundamental points of analysis, which McIlwain finds in Paine's writings, can also be found in James Wilson's commentary on American constitutionalism and in the *Federalist Papers*, as well as in the letters and notes of Thomas Jefferson—all of which shows that this new understanding of the principle of constitutionality can be shared by a deist and a Catholic, or by such opponents on every economic aspect of politics as Hamilton and Jefferson, or (if Locke and Rousseau be considered) by an Englishman of common sense and a French romantic.

Consider these statements by Wilson: "The acts and compacts which form the political association are very different from those by which the associated body when formed may choose to maintain and regulate itself" (*Works*, I, 345 ff.); the constitution is "that supreme law made or ratified by those in whom the sovereign power of the state resides, which prescribes the manner, according to which the state wills that the government should be instituted and administered. From this constitution the government derives its powers; by this constitution the powers of government must be directed and controlled; of this constitution no alteration can be made by the government, because such an alteration would destroy the foundation of its own authority" (*ibid.*, I, 374-75); "the supreme or sovereign power of the society resides in the citizens at large; and therefore, they always retain the right of abolishing, altering, or amending their constitution, at whatever time, and in whatever manner, they shall deem it expedient" (*ibid.*, I, pp. 14-15). Vd. also statements quoted in fn. 59*!it, supra* and 615, *infra*.

Consider also these statements in the *Federalist Papers*: Government "ought to rest on the solid basis of *the consent of the People*. The streams of national power ought to flow immediately from that pure original fountain of all legitimate authority" (No. 2*!it* by Hamilton); "we may define a republic to be, or at least may bestow the name on, a Government which derives all its powers from the great body of the People, and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior" (No. 39 by Madison); "as the People are the only legitimate fountain of power, and it is from them that the constitutional charter under which the several branches of Government hold their power, is derived, it seems strictly consonant to the republican theory, to recur to the same original authority, not only whenever it may be necessary to enlarge, diminish, or new-model the powers of Government; but also whenever any

McIlwain omits from this enumeration a point of the greatest importance, namely, that the same legislative process, antecedent to government itself, which enacts the constitution, continues to be available, even though it remains in latency, to amend the constitution. The government itself cannot change the constitution, but the constitution can be changed without overthrowing the government.⁶⁰³

one of the departments may commit encroachments on the chartered authorities of the others" (No. 49 by Hamilton). The Federalists rightly insisted that when the principle of constitutionality is properly understood as determining the character of Republican government, the so-called "republics" of Holland, Venice, and Poland were misnamed. Vd. No. 89 by Madison, and cf. on this the similar observations made by Paine in *The Rights of Man* (Everyman edition, pp. 174-75). Theirs is the modern understanding of perfect constitutionality (which is incompatible with any degree whatsoever of non-popular sovereignty); and by this standard, the governments of Holland, Venice, and Poland were more like the *regimen regale et politicum* than like Republics, or purely Constitutional governments. Cf. what Suarez has to say about the governments of Venice and Genoa in *De Legibus*, Lect. III, Ch. IX, n. 6.

An unprejudiced reading of Paine or Jefferson, on the one hand, or of Wilson and Hamilton, on the other, will show that they agreed completely about the nature of perfect or purely Constitutional government, and in their concept of a true Republic, as against the imperfect constitutionalism of the *regimen regale et politicum*. Their agreement on this basic point in political theory is unaffected by their differences in theology, in morals, or in economics. Contemporary Jesuits who dismiss Paine and Jefferson as utterly fallacious and favor Wilson and Hamilton as oracles of truth, and deal similarly with Locke and Rousseau as against Suarez, Bellarmine, and Burke, are, it would seem, being somewhat jaundiced in their judgment, tending to see error everywhere in a man's thought because it can be found somewhere. But there are many truths in political philosophy which are independent of theological premises. Furthermore, in philosophy it is necessary to follow the eminently sensible practice of Aristotle—"to call into council the views of those of our predecessors who have declared any 'opinion on this subject, in order that we may profit by whatever is sound in their suggestions and avoid their errors" (*De Anima*, I,

St. Thomas followed this advice profitably, accepting valid arguments or sound definitions from pagans and infidels. Especially in the study of modern political theory, we would do well to proceed in the same way—separating truth from error always, but also always recognizing the truth wherever it can be found.

⁶⁰³ Vd. *ibid.*, p. "As a general principle I think we must admit the truth of Paine's dictum that 'a constitution is not the act of a government, but of a people constituting a government.' And if this be true the consequence is that the forms and limits followed in this 'constituting' become the embodiment of a 'constitution' superior in character to the acts of any 'government' it creates. . . .

"One of the greatest improvements that has been made for the perpetual security and progress of constitutional liberty," Paine wrote, "is the provision which the new Constitutions make for occasionally revising, altering, and amending them."⁶⁰⁴ This improvement-amendment by due process of constitutional law-may not be inseparable from the nature of *written* constitutions (the case of England exemplifying a separation), but the *written* constitution, being consciously constructed at a given time, necessarily calls attention to the problem of its future alteration in perpetuity.

If "we the people of the United States" in 1789 wish to "secure the blessings of liberty to ourselves and our posterity," we must provide for "our posterity" the same essential freedom that we have exercised in establishing this constitution, the freedom to amend it, or even to abolish it for a just cause, the former a constitutional provision, the latter an inalienable natural right. Though a constitution can be as truly operable in custom as in writing, the shift from customary to written constitutions, which was a novel departure in the eighteenth century, gave reality to the "social contract" theory of Locke and Rousseau and emphasized the difference between the

All constitutional government is by definition limited government. We may not agree that these limits are necessarily 'antecedent' in the sense of that term that Paine had in mind, but for everyone they must be in some sense 'fundamental,' and fundamental not merely because they are basic, but *because they are also unalterable by ordinary legal process.*" (Italics ours.)

⁶⁰⁴ *The Rights of Man*, Part II, Ch. 4 (Everyman edition, p. 179); and he adds: "The principle upon which Mr. Burke formed his political creed, *that of binding and controlling posterity to the end of time, and of renouncing and abdicating the rights of all posterity for ever*, is now become too detestable to be made a subject of debate."

The Constitution of the United States provides for its own ratification in Article VII, and for subsequent amendment of all its stated enactments in Article V. For comment on these provisions for ratification and amendment by James Wilson and the Federalists, *vd. fn. 592, supra*; and also in regard to the rights of revolution, the right to abolish the constitution in its entirety, *vd. fn. 592, supra*, and the statement by Wilson that "the sovereign power of the society resides in the citizens at large; and therefore, they always retain the right of *abolishing*, altering or amending their constitution" (*Works*, I, pp. 14-15). Italics ours. The views expressed by George Washington in his Farewell Address are not to the contrary, as Oberling suggests: *vd. op. cit.*, pp. 256-57. Cf. McIlwain, *op. cit.*, p. 11.

modern and the ancient, or mediaeval, definitions of Constitutional government.⁶⁰⁵ Furthermore, as we shall see, the amending power-which is an extension of the constituent power-has become one of the essential prerogatives of modern citizenship. The grant of suffrage must now be understood as involving a share in the legal power to alter the constitution.⁶⁰⁶

There is one other respect in which modern Constitutional

⁶⁰⁵ "Paine's notion that the only true constitution is one consciously constructed, and that a nation's government is only the creature of this constitution, conforms probably more closely than any other to the actual development in the world since the opening of the nineteenth century. Whether this construction was actually prompted in the first instance by doctrinaire political philosophers, as seems largely true in France, or by actual political experience, as the history of the time appears to indicate in the revolted North American colonies of Great Britain, it is certainly true that most subsequent constitutional developments have followed the same lines. Written constitutions creating, defining, and limiting governments since then have been the general rule in almost the whole of the constitutional world. The precedent for these, first developed in North America, was naturalized in France, and from there transmitted to most of the continent of Europe, from which it has spread in our own day to much of the Orient. Even the British self-governing colonies have been deeply influenced by it" (McIlwain, *op. cit.*, pp. 16-17).

But we must not forget, as McIlwain cautions, that modern constitutionalism is merely the latest phase in a long development-" what might be called the 'self-conscious' phase, in which the people are thought of as creating their constitution by direct and express constituent power. . . . This latest phase is only the outcome of an earlier and much longer one, in which constitutions were thought of not as a creation but as a growth. . . . Our modern tendency to identify all law with legislation has modified the notions respecting constitutional as well as private law. We no longer think of either as the mediaeval man did, as custom binding because it extends backward to a time 'whereof the memory of man runneth not to the contrary.' . . . In all its successive phases, constitutionalism has one essential quality: it is a legal limitation on government; it is the antithesis of arbitrary rule; its opposite is despotic government, the government of will instead of law" (*ibid.*, pp. 23-24).

There is, in short, both an essential continuity between ancient, mediaeval, and modern constitutionalism and also an essential difference that centers around the modern development of written constitutions. The difference is, of course, slight in contrast to the main points of agreement between Aristotle and, let us say, Thomas Paine; but it is a difference none the less, and one which cannot be ignored if we are to comprehend modern Republican governments, some of which have developed by constitutional amendment rather than by violent revolution-into Democracies, at least so far as their constitutions are concerned.

⁶⁰⁶ The importance of this point in connection with the problem of suffrage will be discussed in Section 4, *infra*.

government exhibits an improvement upon its ancient and mediaeval prototypes, namely, the development of politically enforceable sanctions (1) to safeguard the fundamental status of citizenship from the encroachments of a government exercising power beyond its juridical limits, and (2) to protect the several offices of government from similar encroachments upon each other. Such sanctions, as we have seen, are not part of the essence of constitutionality, but they are practically indispensable to its effective operation; moreover, without them the constitution lacks a property which should attach to its essence as positive law—namely, enforceability without violence. We have sufficiently discussed this point,⁶⁰⁷ so that it does not need much elaboration here, but it will be worth while to spend a moment on the creation of such sanctions by the American constitution.

The division of powers among three separate departments of government (legislative, judicial, and executive) and the so-called "system of checks and balances," whereby they limit one another's authority, are usually supposed to be the ingenious features of the Constitution of the United States. The invention of these expedients has been attributed to Montesquieu, though he himself claims only to have discovered them in the operations of the British constitution and the Roman republic.⁶⁰⁸ But there is some doubt whether Montesquieu understood the political system of either Rome or England. Scholars disagree whether his notion about the separation of powers is really a practical insight or baldly doctrinaire.⁶⁰⁹ Though the

⁶⁰⁷ Vd. Part IV, Section 4, *supra, loc. cit.*, pp. 751 ff.

⁶⁰⁸ Vd. *Spirit of Laws*, Book XI, Ch. 4, 6, 13, 14-18,

⁶⁰⁹ Vd. Mellwain, *op. cit.*, pp. 144-45: "Among all the modern fallacies that have obscured the true teachings of constitutional history, few are worse than the extreme doctrine of the separation of powers and the indiscriminate use of the phrase 'checks and balances.' . . . Political balances have no institutional background whatever except in the imaginations of closet philosophers like Montesquieu." But Mellwain goes on to say: "In Rome where checks and balances might be said to have had their origin, they marked the antagonism of class against class. The plebeian tribune could block any action of the patrician council. The expedient itself is just about as healthful a procedure in a modern state as the class division out of which it originally arose and through which it persists."

Cf. Carlyle, *Political Liberty*, pp. 155-57: "It must not, however, be imagined

writers of the *Federalist Papers* express their indebtedness to Montesquieu, they also criticize his misunderstanding of English procedures.⁶¹⁰

The trouble is that such language as "separation of and "checks and balances" does not accurately describe the operation of the expedients, though it indicates their intention. The end in view is the prevention of usurpation of power by one or another governmental office—the protection, not only of

that Montesquieu thought that the mere separation of the powers was enough to constitute a condition of political liberty." Vd. *ibid.*, pp. 166-67, where Carlyle compares Burke's views with those of Montesquieu.

⁶¹⁰ Vd. No. 57 in which Madison says: "One of the principal objections inculcated by the more respectable adversaries to the Constitution is its supposed violation of the political maxim that the Legislative, Executive, and Judiciary departments ought to be separate and distinct. . . . No political truth is certainly of greater intrinsic value, or is stamped with the authority of more enlightened patrons of liberty, than that on which the objection is founded. . . . The oracle who is always consulted and cited on this subject is the celebrated Montesquieu. . . . The British Constitution was to Montesquieu what Homer has been to the didactic writers on epic poetry. . . . This great political critic appears to have viewed the Constitution of England as the standard, or to use his own expression, as 'the mirror of political liberty.'" But then Madison goes on to say: "On the slightest view of the

Constitution we must perceive that the Legislative, Executive, and Judiciary departments are by no means totally separate and distinct from each other." And in the immediately following paper (No. 58), he begins: "It was shown in the last paper that the political apothegm there examined does not require that the Legislative, Executive, and Judiciary departments should be wholly unconnected with each other. I shall undertake in the next place to show, that unless these departments be so far connected and blended, as to give each a constitutional control over the others, the degree of separation which the maxim requires, as essential to a free Government, can never in practice be duly maintained." For an excellent exposition of James Madison's political principles, vd. a recent study by Edward McNall Burns, *James Madison, Philosopher of the Constitution*, New Brunswick, 1988.

For the opinions of Mr. Justice Wilson on the separation of powers, vd. Oherling, *The Philosophy of Law of James Wilson*, pp.

"The mutual dependence and independence of these three powers of government are so far from destroying each other, that the one could not exist without the other. . . . In government the perfection of the whole depends on the balance of the parts, and the balance of the parts consists in the independent exercise of their separate powers, and when their powers are separately exercised, then in their mutual influence and operation on one another. Each part acts and is acted upon, regulates and is regulated by the rest" (*The Works of James Wilson*, Chicago, 1896: I, 867-69).

the-people, but of officials, against violations of the constitution. In a passage which deserves to be famous, Alexander Hamilton summarized the problem:

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? **I**f men were angels, no Government would be necessary. **I**f 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 great 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 the Government; but experience has taught mankind the necessity of auxiliary precautions.⁶¹¹

What are these auxiliary precautions? We shall mention only two to indicate the way in which sanctions can operate to check the violation of a constitution.

The first of these is the provision for the impeachment of officials in any branch of the government (including its chief executive) for malfeasance, or even nonfeasance, in office, or for violation of the criminal law. It is obvious at once that impeachment proceedings would be impossible if all the functions of government were concentrated in a single office. The miscreant would be unlikely to indict and try himself for his misdeeds. Some separation of powers in distinct departments of government is, therefore, indispensable for applying and enforcing the sanction of impeachment. Here is a relation of means to end which, when understood, gives practical significance to "checks and balances" and measures the utility of the separation of powers. Wherever such devices or expedients do not appear to serve the end of providing a sanction against abuses of authority, their political utility may well be questioned.⁶¹²

The second, and perhaps the most important of all the

⁶¹¹ *Federalist Papers*, No. 51.

⁶¹² Vd. *Federalist Papers*, Nos. 65 and 66, wherein Hamilton comments on the sections of the constitution which provide for impeachments.

auxiliary precautions, is the provision for the judicial review of legislative enactments or administrative decrees to determine whether such laws or commands transgress the fundamental law which is the constitution.⁶¹³ For the operation of this sanction, an independent judiciary is obviously indispensable, and again we have a measure of the utility of the separation of

To give such great power to the courts raises, of course, the possibility of a judicial nullification of the people's will as represented in the Congress. From the beginning of American constitutional history right down to the second Roose-

⁶¹⁸ Vd. McIlwain, *op. cit.*, pp. 11-18: "One thing alone Paine fails to make fully clear. If a government exercises 'some power without right,' it seems to be necessarily implied that the people have a corresponding right to resist. But is this legal or is it only a political right? . . . Is it possible to incorporate in the framework of the state itself some provision or institution by which a governmental act or command *ultra vires* may be declared to be such, and subjects therefore exempted from its operation, and released from any legal obligation to observe or obey it? In short, can government be limited legally and effectively by any method short of force? To these questions Paine gives no clear answer. . . . The one conspicuous element lacking in Paine's construction therefore seems to be the element of judicial review. . . . This notion of the necessity in a constitutional state for a judicial interpretation and "limitation of the acts of government was at first naturally vague and instinctive; it became fully and consciously developed only at a later date."

au Vd. *Federalist Papers*, No. 78, where Hamilton, in commenting on the "complete independence of the Courts of justice" as "peculiarly essential in a limited Constitution," says: "By a limited Constitution I understand one which contains specified exceptions to the Legislative authority. . . . Limitations of this kind can be preserved in practice no other way than through the medium of the Courts of justice whose duty it must be to declare all Acts contrary to the manifest tenor of the Constitution void. . . . There is no position which depends on clearer principles than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No Legislative act, therefore, contrary to the Constitution, is valid." Cf. No. 81, where Hamilton adds: "The Constitution ought to be the standard of construction for the laws, and wherever there is an evident opposition, the laws ought to give place to the Constitution."

Cf. Jefferson on "judicial usurpation in constitutional matters." In a letter to T. Ritchie in 1790 Jefferson wrote: "A judiciary independent of a king or executive alone is a good thing; but independence of the will of the nation is a solecism, at least in a republican government." Or again, in a letter to Jarvis in the same year: "To consider the judges as the ultimate arbiters of all constitutional questions is a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy." (Vd. *Democracy* by Thomas Jefferson, ed. by Padover, New York, 1989: pp. 94-101.)

velt administration, the Supreme Court's authority to void legislation as unconstitutional has been the subject of bitter controversy. But the position of Hamilton, of James Wilson and Chief Justice Marshall, has prevailed⁶¹⁵ and is the sounder view, not only because judicial review of the acts of government is indispensable to prevent transgressions of the constitution, but also because, wherever the existing constitution seems to conflict with the popular judgment concerning what is for the common good, the power to amend it always remains available to the people, through the medium of congressional action and the vote of the electorate.

These two sanctions seem to operate in opposite directions. Impeachment precludes the possibility that any official be exempt from the coercive force of a law he violates. Judicial review entails the possibility of making citizens exempt from the force of unconstitutional laws or acts, even though the illicit command must be obeyed until its nullity is declared. This second point raises the question whether any other constitutional sanctions are available to operate against the invasion by the government of the rights and privileges attached to the status of citizenship. The writers of the *Federalist Papers* did not think that an additional "Bill of Rights" was necessary for this purpose.⁶¹⁶ Nevertheless, the first ten amend-

⁶¹⁵ Yd. the opinion of Wilson: "The supreme power of the United States (the people) has given one rule; a subordinate power in the United States has given a contradictory rule; the former is the law of the land; as a necessary consequence, the latter is void and has no operation. In this manner, it is the right and duty of a court of justice under the constitution of the United States to decide" (*Works*, I, 415-16). Cf. *ibid.*, p. 868-69: "There can be no disorder in the community but may receive a radical cure. If the error be in the legislature, it may be corrected by the Constitution; if in the Constitution, it may be corrected by the people. There is a remedy, therefore, for every distemper in government, if the people are not wanting to themselves. For a people wanting to themselves, there is no remedy; from their power, as we have seen, there is no appeal; to their error, there is no superior principle of correction."

Cf. Chief Justice Marshall in the famous cases of *Marbury vs. Madison*, and *M'Culloch vs. Maryland*.

⁶¹⁶ Vd. No. 84, wherein Hamilton says: "The Constitution is itself, in every rational sense, and to every useful purpose, a *Bill Of Rights*. . . . Is it one object of a Bill of Rights to declare and specify the political privileges of the citizens in

ments were added to the Constitution as a Bill of Rights, of which the most important protected the citizen from an abridgement of his personal freedom with respect to religion, public discussion, and assembly; safeguarded him from unwarranted searches and seizures; and specified the manner in which a citizen could be indicted, tried, and punished for breach of the law. These, together with the clauses of the Constitution itself which prohibit *ex post facto* laws, bills of attainder, and suspension of the privilege of *habeas corpus*, or which require trial by jury, etc., aimed to guarantee the immunities and privileges of citizenship by operative sanctions, so to ensure that no citizen shall be "deprived of life, liberty, or property, without due process of law."

The Constitution of the United States, with its first ten amendments, is often looked upon as the charter of Democratic government. The essence of Democratic liberty is often supposed to be enshrined in the so-called Bill of Rights. Such views, however popular they may be, or however prevalent even in learned circles, are profoundly mistaken. They manifest an egregious ignorance or neglect of the essential distinction between the Republican and Democratic forms of Constitutional government. The original constitution established Republican government for the United States.⁶¹⁷ Only through

the structure and administration of the government? This is done in the most ample and precise manner in the plan of the Convention. . . . Is another object of a Bill of Rights to define certain immunities and modes of proceeding, which are relative to personal and private concerns? This we have seen has also been attended to in a variety of cases, in the same plan." And in an earlier passage, he pointed out that "the establishment of the writ of *habeas corpus*, the prohibition of *ex post facto* laws (and bills of attainder) and of *titles of nobility* are perhaps greater securities to liberty and republicanism " than anything to be found in the constitution of the State of New York at the time. Trial by jury, except in cases of impeachment, is another provision of the same sort, which he mentions.

⁶¹⁷ It must be observed that the statesmen of the American Revolution sometimes use the word "republic" in contradistinction to "democracy," as well as to signify *purely* Constitutional government in contradistinction to absolute monarchy or the *regimen regale et politicum*. (They never used the word "Democracy " as we have defined its meaning in contradistinction to "Republic.") Vd. fn. 602, *supra*, in regard to the second of these meanings of "republic." The opposition between "democracy" and "republic " they understood in terms of non-representa-

progressive amendment of that constitution, which in certain respects may even yet be defective, has the United States been slowly transformed into a Democracy, so far as its *form* of government is concerned. These changes have taken place in less than the last hundred years, many of them quite recently, and some are not yet actually effective in operation.

Our purpose in examining the original constitution of the United States, and in considering the contemporary discussion of its features by statesmen responsible for its formulation or adoption, was to observe an exemplary instance of modern constitutionalism, and especially to note those respects in which it developed the ancient and mediaeval principles of constitu-

tive vs. representative Constitutional government, Vd. *Federalist Papers*, No. 10, in which Madison writes: "The two great points of difference, between a Democracy and a Republic, are, first, the delegation of the Government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended." In a letter to J. Taylor in 1816, Jefferson makes the same distinction even though he calls the direct or non-representative form a "*pure republic*" and speaks of approximations to the pure republic in proportion as action by the citizens is more or less direct, less or more through representatives (Padover edition, pp. 60-68). It is in this same letter that he comments on the abuse of the word "republic" to refer to the "self-styled republics of Holland, Switzerland, Genoa, Venice, Poland." Here he agrees with Madison and Paine (vd. fn. 602, *supra*); but Paine, like Rousseau, uses the word "republic" to name any -legitimate form of government, in absolute and arbitrary regimes, and then distinguishes between simple democracy democracy developed by representative institutions. "Simple Democracy was society governing itself without the aid of secondary means. By ingrafting representation on Democracy, we arrive at" the American system of government (op. cit., pp. 176-77). And he goes on to say: "It is preferable to simple Democracy even in small territories. Athens, by representation, would have out-rivaled her own Democracy" (ibid., p. 177).

The notion of simple; direct, or non-representative democracy is what Suarez had in mind when he spoke of democracy as being the natural form of government, following from popular sovereignty without the aid of any additional positive institutions, or what Paine called "secondary means." Vd. *Def. Fid. Oath.*, Book III, Ch. II, 8, 9: "Thus there could be democracy without any positive institution ... by the mere negation of any positive institution, because natural reason dictates that the supreme political power naturally follows from a perfect human community and by the same reason that power pertains to the community unless by a new institution the power is transferred to another."

This notion, whether expressed by Suarez or by Prune, is, of course, fundamentally erroneous. *H* these men had adequately comprehended the distinctions

tionality-in some cases increasing their precision, in others adding to their content. What can be called the Democratic revolution--a revolution taking place, for the most part, by peaceful stages of amendment--has been occurring within the framework of modern Republican government; and it was necessary, therefore, to define the character of this constitutional structure. It is doubtful whether ancient Republics could have undergone such radical changes without violent upheavals. One of the remarkable features of the modern Republic is that its constitution is capable of gradual alteration, even to the point where the form of government becomes essentially different--ceases to be Republican, and becomes Democratic.

The difference between the ancient and the modern Repub-

among forms of government, they would have known that, because it is an outgrowth of paternal rule in the domestic society, only the purely absolute regime can exist 'without positive institutions for transferring or delegating political power and authority, and that every form of _Constitutional government, whether with or without representation, or even the *regimen regale et politicum* in so far as it has a constitutional aspect, must involve positive institutions, for the constitution itself is one, and is the source of governmental power and authority in so far as it is constitutional. Hence the notion of Constitutional government without positive legal institutions is self-contradictory, and the distinction between direct and representative Constitutional government is entirely accidental, being a matter of expediency and convenience, relative to the size of the population and the extent of the territory in which it lives.

Furthermore, the supposition that the Athenian democracy was such a "direct" mode of Constitutional government is historically fallacious, being due to a misinterpretation of the principle of the lottery as the way office-holders were appointed. As a matter of fact, so-called "direct" Constitutional government could occur only in a very small community, in which there was no distinction at all between office-holders and citizens out of office and in office--the only constitutional enactment (in addition to the one which fixed who should be citizens, i. e., full participants in the political community) would be the rule that every decision for the common good be determined by a majority vote of the entire community. Since there could be no division of governmental functions in such a situation--no separation of the executive, judicial, and legislative--such government could occur only when the community consisted of a handful of persons. Athens was much too large for it; and it is even doubtful that the New England township exemplified it. It has probably never existed, except in the imaginations of writers who are doctrinaire on this point rather than historical. Cf. Part IV, Section 4, *8Upra*, *loc. cit.*, pp. 707-8.

lie-the difference between ancient and modern constitutionalism-is not primarily a difference in justice. The modern Republic may be a more perfect embodiment of the principle of constitutionality, but that does not make it a more just form of government. Its superiority is largely in the area of efficiency-the greater effectiveness of the constitution as positive law through enforceable sanctions, and its greater amenability' to amendment as a written law explicitly drafted by a legislative convention and ratified by popular consent. A *form* of government must excel in justice, not efficiency, and such superiority within the generic sphere of Constitutional government depends not on the effectiveness of the constitution, but upon its justice.

We have already distinguished between the Republican and the Democratic forms of Constitutional government in terms of the elements which make a constitution imperfectly or perfectly just.⁶¹⁹ Now let us examine the political developments

⁶¹⁸ Some modern Republics have, in fact, been more just than any of the ancient examples of this form of government. In some cases, slavery has been totally abolished, and the undue privileges accorded to an hereditary nobility or patrician class have been eliminated or greatly reduced. No ancient Republic was free from such injustices. The American Republic was at its inception singularly free from the of these faults, though it was marred by the first for more than half a century, because the oligarchy of wealth, if not of birth, prevailed in practice, if not in the letter of the Constitution. The persistence of titles of nobility (and in consequence all grades of social stratification) in many European Republics was probably due to the way in which they arose as developments out of the *regime regle et politique*. Vd. Part IV, Section 4, *supra, loc. cit.*, pp. 751 ff. These differences being acknowledged, it still remains true that modern Republics are not more just, because of the fact that they embody the principle of constitutionality more completely or perfectly. Purely constitutional government, adequately instituted, is compatible with slavery as a legal category and with all sorts of oligarchical privileges and distinctions, as well as with the disfranchisement of large portions of the population. The correction of one or more of these things may make one Republic more just than another, but only the correction of all three will convert the form of government from Republic to Democracy.

⁶¹⁰ Vd. Section 1, *supra*, esp. pp. 398. The various "rights" and "liberties" enumerated in the eighteenth century Bill of Rights do not comprise the distinguishing characteristics of Democratic government. Every property follows from the equality and freedom of citizenship is common to all Constitutional governments, whether oligarchical and hence Republican or truly Democratic. The differentia of Democracy, the only differentia, is the equality and freedom, not of all who are citizens, but of *all men as citizens*.

which have taken place since the eighteenth century in order to observe the changes by which the imperfections in the Republican type of constitution have been removed, or its actual injustices corrected, as political life and thought have continuously approached the Democratic ideal. Advances in political theory are not always evocative of progressive action; reforms are sometimes instituted before, sometimes after, the theorist argues for, or the orator applauds, the change. We shall, therefore, first consider the gradual enlightenment of political theory on the problems of liberty and equality (as these are relevant to Democracy) ; and then briefly survey the actual institutional changes.

That all men are created free and equal was regarded as axiomatic by the Republicans of the eighteenth century, as it had been evident to the Roman Stoics in terms of man's rationality and free will. But in neither case was this truth used as the premise from which to conclude that *all* men should be granted political equality or given political freedom. With few exceptions, slavery and the subjection of disfranchised classes was countenanced by the exponents of liberty and equality. With no exceptions, the female half of mankind was relegated by silent treatment to the limbo of political pariahs. The theorists and orators of the eighteenth century talked of "free government" and "popular government," without concern for the fact that its gift of freedom could be fully enjoyed only by citizens, or for the fact that "the people" whose participation made the government popular was only a portion of the human beings in the population.

The question, Who are the people? (who shall be members of the political community?) , was not raised by most of the great political thinkers who, during the late seventeenth and eighteenth centuries, were engaged in arguing for *the people's* right to a larger share in government, or in insisting that *the people* were the source of all legitimate civil authority and power. Even if they had ever raised the question, the indications are that they would not have answered it as we, who are exponents of Democracy, do today.

This does not mean that the question was not raised at all, or that the temper and conditions of the period made an enlightened answer impossible. But the evidences of such enlightenment cannot be found in Locke or Montesquieu or Rousseau—certainly not in Suarez, Bellarmine, or Burke, and not even in most of the publicists of the American Revolution, Jefferson being the only clear exception to the more prevalent opinion about such matters which is expressed by men like Alexander Hamilton and John Adams.

In his history of political liberty in the Middle Ages and in modern times,⁶² Carlyle cites only two examples (prior to Jefferson's famous letter to Kerchival in 1816) of the question being raised.

The first of these occurred during Cromwell's revolution, when a General Council of the Officers of the Army met at Putney in 1647 to discuss a document known as "The Agreement of the People." The phrase "The People of England" called for interpretation, and Colonel Rainborough, a leader of the Levellers movement among the soldiers, spoke against Commissary Ireton, Cromwell's son-in-law. He said:

I really think that the poorest he that is in England hath a life to live, as the greatest he; and therefore truly, sir, I think it's clear that every man that is to live under a government ought first by his own consent to put himself under that government; and I do think that the poorest man in England is not at all bound in a

•••" In this work we have been dealing with the history of the conception of political liberty under the terms of the authority of the political community over those persons to whom its immediate government is entrusted, but we have not considered the question who are the full members of the community. It may seem strange to us, but it is clear that till the middle of the eighteenth century the question was not generally present to men's minds, and that it is only in the nineteenth century that it was dealt with practically. This does not mean that the question had not been raised earlier, and we should be omitting an unimportant aspect of the history of the conception of political liberty if we did not deal with some examples of this" (*Political Liberty*, p. 188). At the end of this chapter, Carlyle concludes: "I do not deal with the development of these principles in the nineteenth century. It is enough for our purposes to observe that it has only been slowly recognized that full political freedom requires that every person of mature age should have an equal place in the ultimate authority which controls the legislative system" (*ibid.*, p. 196).

strict sense to that government that he hath not had a voice to put himself under.

Ireton denied the existence of any such rights, saying:

If you make this the rule I think that you must fly for refuge to an absolute natural right, and you must deny all Civil Right. For my part I think that noe person has a right to an interest or share in the disposing or determining of the affairs of the Kingdom.

To which Rainborough replied:

Truly, Sir, I am of the same opinion as I was. . . . I doe hear nothing at all that can convince me any man that is borne in England ought not to have his voice in the election of Burgesses. . . . I doe think that the maine cause why Almighty God gave man reason, itt was that they should make use of that reason, and that they should improve itt for that end and purpose that God gave itt them.⁶²¹

The second instance is to be found in Major John Cartwright's statement to the effect that

All men are by nature free, all are by nature equal; freedom implies choice; equality excludes degrees in freedom. All the Commons, therefore, have an equal right to vote in the elections of those who are to be the guardians of their liberties; and none can be entitled to more than one vote. . . . My own conception of the truth obliges me to believe that personality is the sole foundation of the right of being represented; and that property has, in reality, nothing to do in the case.⁶²²

⁶²¹ Vd. the record of the Putney Debates in the *Clarke Papers*, I, Cf. Carlyle, *op. cit.*, pp. 188-89; and Edman, *Fountainheads of Freedom*, pp. for an ample quotation from the *Clarke Papers* concerning these debates. Professor Edman says: "The Levellers supply the first great instance of the insistence upon the rights of persons made specifically as over against the rights of property and vested interests. . . . Had the Levellers had their way, England would have been governed thenceforth by a written constitution containing a bill of fundamental rights" (*op. cit.*, p. 64).

At the opening of the Debates, Ireton had said that if the meaning of "The People of England" is that "every man that is an inhabitant is to be equally considered, and to have an equal voice in the election of representatives . . . then I have something to say against it"—to which Mr. Peters, a Leveller, answered: "We judge that all inhabitants w^ho have not lost their birthright should have an equal voice in election."

⁶²² *The Legislative Rights of the Community Vindicated* (second edition, published in 1777): pp. Cf. Carlyle, *op. cit.*, pp. 190-9S, 196.

It should be noted that Cartwright only speaks *for* the extension of suffrage to "all the commons" enabling them to elect representatives to the lower house of Parliament. He does not speak *against* the special privileges of the peerage or the unwarranted powers of the House of Lords. More than a hundred years must elapse before anything so radical can be dreamed of in England. But in England or on the Continent, the position taken by Cartwright was remarkably radical for his day, despite the fact that he was writing after the works of Locke, Montesquieu, and Rousseau had gained wide currency.

Locke speaks of liberty and equality in terms which echo Roman Stoicism,⁶²³ but, at the same time, he wishes to allow for all sorts of inequality among men as occasioning special political privileges;⁶²⁴ he never raises the question of the extension of the suffrage at a time when the English constitution severely restricted it to men of ample property; he nowhere challenges the conception of an hereditary nobility or the inequality in political status which then existed between Lords and Commons. (Locke was no more than Hooker and Suarez before him or than Burke was to be after him.) Though opposed to slavery as violating man's natural right to civil liberty he, nevertheless, condones the existence of slaves as the result of conquest in a just war.⁶²⁵

Montesquieu points out that, in the sort of Republican government which he called a democracy (because *the people* "is

••• Vd. Carlyle, *op. cit.*, pp. 158-59, *ft*15.

••• Second Essay *Of Civil Government*, Ch. VI, # 54.

⁶²⁵ Vd. *ibid.*, Ch. IV, # *ftft*; cf. Ch. VII, # 85: "But there is another sort of servant which by the peculiar name we call slaves, who being captives taken in a just war are, by the right of Nature, subjected to the absolute dominion and arbitrary power of their masters. These men having, as I say, forfeited their lives and, with it, their liberties, and lost their estates, and being in the state of slavery, not capable of any property, cannot in that state be considered as any part of civil society, the chief end whereof is the preservation of property." Vd. also Ch. XV, # 173, 174, and Ch. XVI, # 178, 196. It must be remembered that Locke means by "property" the property "which men have in their persons as well as goods." Hence Locke seems able to conceive of men who are totally bereft of property-totally lacking in the rights of personality. Vd. *fn.* 594, *supra*.

possessed of the supreme power"), "the laws which establish the right of suffrage are fundamental."⁶²⁶ But his unqualified admiration for the constitutions of Athens and Rome reveals his conception of who "the people" are; nor does he seem to have any objection to the class divisions which, in the ancient Republic, gave special political opportunities to men of wealth or noble birth.⁶²⁷ He does not hesitate to say that "equality in a democracy may be suppressed for the good of the state."⁶²⁸ Though Montesquieu opposes the notion of natural slavery, and even denies that the enslavement of men can be justified by conquest or purchase, holding that slavery is incompatible with Republican government,⁶²⁹ he nevertheless "vindicates our right to make slaves of the negroes," finding it "impossible for us to suppose these creatures to be men, because, allowing them to be men, a suspicion would follow that we ourselves are not Christians."⁶³⁰ And, considering the emancipation of white men who have been enslaved, he says that "in a republican government it is frequently of advantage .that the situation of the freedmen be *but little below* that of the free-born."⁶³¹ He discusses the status of women only in relation to "the laws of domestic slavery" and never in connection with political equality or liberty.⁶³²

Rousseau is much more unqualifiedly opposed to slavery of any sort than either Locke or Montesquieu, and his *Discourse on Inequality* is largely devoted to an attack upon the political inequalities which follow upon the unequal distribution of wealth, wherein he argues affirmatively that only those political distinctions are just which conform to natural inequalities in talent or virtue.⁶³³ Nevertheless, Rousseau is not a proponent

••• *Spirit of Laws*, Book IV, Ch.

⁶²⁷ Vd. *ibid.*

••a Vd. *ibid.*, Book V, Ch. 5.

••• Vd. *ibid.*, Book XV, Ch. I.

••• Vd. *ibid.*, Book XV, Ch. 5.

.... Vd. *ibid.*, Book XV, Ch. 18. Italics ours.

••• Vd. *ibid.*, Book XVI. Cf. Spinoza's views on women as deserving no political rights in a democracy: *Tractatus Politicus*, Ch. XI, # 4.

••• Vd. *op. cit.* (Everyman edition): p. "It is plainly contrary to the law

of universal suffrage. His position is indicated by the fact that, in *The Social Contract*, where he is discussing the meaning of "citizen," he criticizes Bodin for supposing that any inhabitant of a Republic is also a citizen. M. d'Alembert, he says, "has avoided this error, and in his article on Geneva"-which city, be it remembered, is Rousseau's ideal-he "has clearly distinguished the four orders of men (or even five, counting mere foreigners) who dwell in our town, of which two only compose the Republic."⁶³⁴

If we shift our attention now to the American scene at the end of the eighteenth century, we find one important advance, both in theory and in fact. All of the American statesmen agreed to *outlaw nobility*. The clause in the constitution which said that "no title of nobility shall be granted by the United States" was generally interpreted to mean the abolition of hereditary privileges as well as to signify that no higher political rank than that of citizen could be established. Upon this such opponents as Hamilton and Jefferson agreed, though both mistakenly supposed that a political distinction between Lords and Commons was incompatible with the essence of Republican government.⁶³⁵ Even so, the predominant view did not regard

of nature, however defined, that children should command old men, fools wise men, and that the privileged few should gorge themselves with superfluities, while the starving multitude are in 'want of the bare necessities of life." Cf. *ibid.*, pp. 232-33.

⁶³⁴ *Op. cit.*, Part I, Ch. 6: fn. 1. Italics ours.

⁶³⁵ Vd. *Federalist Papers*, No. 84, wherein Hamilton remarks: "Nothing need be said to illustrate the importance of the prohibition of titles of nobility. This may truly be denominated the cornerstone of Republican government; for so long as they are excluded, there can never be serious danger that the Government will be any other than that of the People." (Cf. No. 39, wherein Madison writes: "Could any further proof be required of the republican complexion of this system, the most decisive one might be found in its absolute prohibition of titles of nobility both under the Federal and the State governments." Obviously, "the express guaranty of the republican form to each of the latter" is interpreted by Madison to mean, not merely Constitutional government, but one established under a constitution that prohibits titles of nobility.)

Cf. Jefferson's letter to De Meunier in 1786, in which he says: "It should be further considered that in America no other distinction between man and man had ever been known but that of persons in office, exercising power by authority of the laws, and private individuals" (Padover edition, p. 125). And to Adams, in 1818,

all class distinctions-as abhorrent or unjust. On the contrary, the institution of slavery, unmentioned by name, was approved by the constitution in the provision to count the negro chattel-slave as three-fifths of a person in fixing the quota of representation for each state.⁶⁸⁶

Furthermore, the proposal to establish universal manhood suffrage (which, of course, meant only *whites* and *men*, not negroes, Indians, or women) was defeated in the Convention, the decision being to leave the distribution of suffrage to each of the several states, thus effecting a weak compromise between the majority who favored suffrage restrictions and a small minority who opposed a substantial property qualification as the basis for enfranchisement. The pseudo-aristocracy of birth was outlawed so far as letters-pate, titles of nobility were concerned, but not the equally false aristocracy of wealth, acquired or inherited, founded in land or made in money. When Hamilton spoke of "the people" he did not mean the *common* people whom he regarded as a mob to be feared because of their self-seeking desire to deprive the rich of their oligarchical privileges. The untutored and improvident masses were certainly not to be trusted with the affairs, much less the finances, of the community. John Adams was another of the oligarchs who, rather than Jefferson, represented the dominant opinion responsible for the character of the American republic at its

he wrote: "For I agree . . . that there is a natural aristocracy among men. The grounds of this are virtue and talents. . . . There is also an artificial aristocracy, founded on wealth and birth, without either virtue or talents; for with these it would belong to the first class. . . . May we not even say that that form of government is best, which provides the most effectually for a proper selection of these natural aristoi into the offices of government? The artificial aristocracy is a mischievous ingredient in government, and provision should be made to prevent its ascendancy. . . . I think the best remedy is exactly that provided by all our constitutions, to leave to the citizens the free election and appointment of the aristoi from the pseudo-aristoi, of the wheat from the chaff" (Padover ed., pp. 10-11).

•• "Representatives . . . shall be apportioned among the several States; . . . according to their respective Numbers, which shall be determined by adding to the whole Number of free persons, including those bound to serve for a Term of Years, and Indians not taxed, three-fifths of all other Persons." Vd. the comment on this Part *Federalist Papers*, No. 54.

foundation.⁶⁸⁷ These men were Republicans in the same sense that Aristotle and Cicero were, attempting by a mixed constitution to achieve some sort of compromise between oligarchy and democracy, between the rich and the poor, yet definitely favoring the leisured or patrician classes in the population. The position they took in American politics was the counterpart of the role played by Edmund Burke in English affairs at the same time, appealing from the new Whigs to the old, opposing all measures, such as those proposed by Fox, to reform the franchise.⁶⁸⁸

Two things are significant in De Tocqueville's penetrating comments on institutions in the fourth decade of the nineteenth century. He observed the dominant influence of what he called an "aristocratic" party, by which he meant,

⁸⁸⁷ In a letter to John Sullivan in 1776, Adams says: "It is certain in theory that the only moral foundation of government is the consent of the people. But to what extent shall we carry this principle?" After excluding women and children from "the people," he writes: "Is it not equally true, that men in general, in every society, who are wholly destitute of property, are also too little acquainted with public affairs to form a right judgment, and too dependent upon other men to have a will of their own? If this is a fact, if you give to every man who has no property a vote, will you not make a firm encouraging provision for corruption, by your fundamental law. . . . Harrington has shown that power always follows property. This I believe to be as infallible a maxim in politics, as that action and reaction are equal in mechanics. Nay, I believe that we may advance a step further and affirm that the balance of power in a society accompanies the balance of property in "land." Vd. Carlyle, *op. cit.*, pp. 198-94. Cf. Edman, *op. cit.*, pp. 188-89: "The Constitution, however, was not itself a democratic document, nor did the early decisions of the Supreme Court tend to make it so. . . . (It) was a document framed on the whole by aristocrats (i.e., oligarchs) who feared at the same time too much popular sovereignty and too much government. It was certainly not in the minds of the founding fathers to insist on equality. Quite the contrary. John Adams, for instance, was a believer like Montesquieu in the civic virtue of the aristocratic group. The taxpayers, the merchants, the landowners, were to be the decisive voices in the government, the Constitution serving to form a government that would give scope at once to their enlightened self-interest and public spirit." The fact it was not until the administration of Jefferson, and more so that of Jackson, that the situation began to change. "John Adams could regard the populace as a mob; in Jacksonian democracy the population became the People" (*ibid.*, p. 144).

•• Vd. the two articles by President R. M. Hutchins on Burke; cited in fn. 594, *supra*; and also Carl J. Friedrich, *The New Belief in the Common Man*, Boston, 1941: pp. 185, 161, 166.

of course, the oligarchical party comprising men of acquired wealth and the landed gentry. "The picture of American society," he wrote, "has a surface covering of democracy beneath which the old aristocratic colors sometimes peep out."⁶³⁹ Nevertheless, he regarded the government of the United States as "completely democratic," distinguishing between the political institutions and those social forces, such as the vested interests of the oligarchical group, which operated against them. When, in his introductory remarks, De Tocqueville said that "nothing struck me more forcibly than the general equality of conditions among the people," and that "the more I advanced in the study of American society, the more I perceived that this equality of condition is the fundamental fact from which all others seem to be derived,"⁶⁴⁰ he had in mind not economic or social equality, but the political equality of citizenship. Writing for a European audience, and with European institutions in mind as the standard of comparison, he had some ground for saying that the American constitution was genuinely Democratic-in *the complete sense*.⁶⁴¹ He was wrong, of course, but his error becomes intelligible against the European background. Unless we remember this, we cannot understand all of his remarks about the extension of suffrage in

••• *American Institutions* (Bowen edition), Cambridge, 1870: Ch. II, pp. 55-56. Cf. Ch. IX, pp. 227-29, where he says: "The rich have a hearty dislike of the democratic institutions of their country." Vd. R. H. Tawney's comment on De Tocqueville in *Equality*, New York, 1981: pp. 87-88. Cf. Edman, *op. cit.*, pp. 188, 186, 158.

••• *Ibid.*, p. 1.

••• De Tocqueville offered his work to European readers as both a warning and a guide. "It is evident to all alike," he wrote, "that a great democratic revolution is going on amongst us. To some it appears to be novel but accidental, and, as such, they hope it may still be checked; to others it seems irresistible, because it is the most uniform, the most ancient, and the most permanent tendency which is to be found in history" (*ibid.*, p. 2). Italics ours. Cf. p. 5: "The gradual development of the principle of equality is, therefore, a Providential fact." Also p. 15: "It appears to me beyond a doubt that, sooner or later, we shall arrive, like the Americans, at an almost complete equality of condition." And p. 16: "I confess that, in America, I saw more than America; I sought there the image of democracy itself, with its inclinations, its character, its prejudices, and its passions, in order to learn what we have to fear or to hope from its progress."

the United States. He reports that universal suffrage was first adopted in the State of Maryland,⁶⁴² and subsequently adds: "I have already observed that universal suffrage has been adopted in all the States of the Union."⁶⁴³ It seems never to have occurred to De Tocqueville that "universal" should include women as well as men, blacks as well as whites, and the proletariat who could not pay a poll tax as well as the propertied classes who could.⁶⁴⁴

Before the middle of the nineteenth century, only a few exceptional American statesmen advocated measures which would have brought the Constitution of the United States a little closer to the Democratic charter De Tocqueville erroneously supposed it to be. One of these may have been James Wilson; another certainly was Thomas Jefferson.

Wilson not only espoused the same general principles of political equality and liberty for *all* (?) men that had been voiced before him by Locke and Rousseau,⁶⁴⁵ but he tended to

••• This occurs on p. 71 of Chapter IV devoted to "the principle of the sovereignty of the people of America," and there he goes on to say: "When a nation begins to modify the elective qualification, it may easily be foreseen that, sooner or later, that qualification will be entirely abolished. . . . The exception at last becomes the rule, concession follows concession, and no stop can be made short of universal suffrage."

••• *Ibid.*, Ch. XIII, p. 252. De Tocqueville makes this observation without unqualified applause. "I have remarked," he writes, "that universal suffrage is far from producing in America either all the good or all the evil consequences which may be expected from it in Europe" (p. 258); and "I hold it to be sufficiently demonstrated that universal suffrage is by no means a guaranty of the wisdom of the popular choice" (p. 256).

⁶⁴ For De Tocqueville's remarks on the problem of negro 'slavery in the United States, vd. *ibid.*, Ch. XVIII.

••• Vd. Oberling, *op. cit.*, pp. 101-102. Oberling is utterly without warrant for opposing the views of Wilson and Locke; even more questionable is his attempt to affiliate Wilson with Burke in view of the fact that Wilson would probably have been on Fox's side in the parliamentary debates concerning the reform of the franchise.

Wilson wrote: "As in civil society, previously to civil government, all men are equal, so in the same state all men are free. In such a state no one can claim in preference to another superior right. In the same state, no one can claim over another superior authority" (*Work8*, I, 275). The language, as well as the thought, of this and many similar statements cannot be differentiated from the

apply these principles to the problem of the distribution of suffrage. "A momentous question now occurs," he writes, "Who shall be entitled to Suffrage? This darling privilege of freemen should certainly be extended *as far as the considerations of safety and order will possibly admit*. The correct theory and the true principles of liberty require that every Citizen, *whose circumstances do not render him necessarily dependent on the will of another*, should possess a vote."⁶⁴⁶ There are, however, reservations here which suggest that Wilson did not contemplate the enfranchisement of the slaves (certainly dependent on the will of another), and that he may even have supposed the proletariat to be similarly disqualified.⁶⁴¹

Jefferson was much more outspoken in his dissatisfaction with the American constitution. In 1800, he wrote that his opinion had always been in favor of a general suffrage, conceding the honesty of his opponents on this question, who wished to restrict the elective franchise to men of property.⁶⁴⁸ And in 1816, in a letter to S..Kerchival, he definitely favored suffrage reforms.⁶⁴⁹

writing of Locke. Locke was no egalitarian, as Oberling supposes. Vd. fn. 624 and 625, *supra*.

••• *Works*, IT, pp. 15-17. Italics ours.

••• Cf. Oberling, *op. cit.*, pp. 123-24. On the other hand, it must be remembered that when Gouverneur Morris proposed that property qualifications for suffrage be explicitly written into the Constitution, restricting the suffrage to freeholders, Wilson replied that "he could not agree that property was the sole or the primary object of Government and Society. The _____ and improvement of the human mind was the most noble object. With respect to this object, as well as other personal rights, numbers were surely the natural and precise measure of Representation" (*Records of the Federal Convention*, ed. by Max Farrand, New Haven, 1937, I, p. 533). After considerable debate, Morris's proposal was rejected and the Constitution left to the several states the decision whether or not to institute property qualifications. That Wilson's position on the question was not very radical is indicated by the fact he was quite satisfied to permit the states to decide, even though this obviously meant the establishment of a fairly restricted suffrage in many states. Vd. *Works*, IT, 15-17.

••• Letter to J. Moor (in Padover edition, p. 58).

••• In this letter he proposed the following amendments to the constitution: " 1. General suffrage. 2. Equal representation in the legislature. 3. An executive chosen by the people. 4. Judges elective or amovable. 5. Justices, jurors, and sheriffs elective. 6. Ward divisions. And 7. Periodical amendments of the consti-

Moreover, Jefferson, unlike most of his contemporaries, abominated negro slavery. "There is nothing I would not sacrifice " he wrote, " to a practicable plan of abolishing every vestige of this moral and political depravity."⁶⁵⁰ Quite consistently, he also advocated the assimilation of the native Indian peoples to their white brethren, and their cultivation for entrance into the political community.⁶⁵¹ All that is wanting to his vision is the emancipation of women from domestic servility and political subjection. His was, for the most part, the vision of a classless society, the vision of Democracy, social as well as political.⁶⁵²

The fully reasoned articulation of Jefferson's vision of the Democratic ideal does not occur in a major work of political theory until we come to John Stuart Mill's *Essay on Representative Government* in 1861. Influenced on the question of suffrage by his father, much more than by Jeremy Bentham, Mill argues against the disfranchisement of the working classes; and though he considers illiteracy and pauperism as possible disqualifications, he is thoroughly alive to the fact that these are remediable conditions which it is the obligation of a just government to rectify so that the franchise can be given the widest distribution consistent with expediency.⁶⁵⁸ "There ought to be no pariahs in a full grown and civilized nation; no persons disqualified, except through their own de-

duction." Vd. Edman, *op. cit.*, pp. 449-50; also Carlyle, *op. cit.*, pp. 195-96, where Carlyle, commenting on this letter, says: "Jefferson's meaning is clear, that is, that he was gravely dissatisfied with 'the limitations of the existing electoral rights in the United States, and it is interesting to find a letter of 1824 that he was acquainted with Cartwright and his works."

⁶⁵⁰ Letter to T. Cooper in 1814 (Padover ed., p. 182). Cf. other letters and memoirs on the subject in Padover's collection: pp. 151-58.

⁶⁵¹ Vd. Padover collection, pp. 158-68.

⁶⁵² In a letter to George Washington in 1784, he wrote that the foundation of our constitutions--in spirit if not in letter-is " the natural equality of man, the denial of every preeminence but that annexed to legal office, and, particularly, the denial of a preeminence by birth" (vd. Padover ed., p. 122) .

•• Vd. *op. cit.*, Ch. VIII "Of the Extension of the Suffrage." Cf. James Mill, *Essay on Governme.nt.* With regard to the relation of John Stuart Mill to James Mill and Jeremy Bentham, vd. Edman, *op. cit.*, pp. 105-24.

fault."⁶⁵⁴ Furthermore, he explicitly opposed the granting of special privileges to the propertied classes, even though he approved of the principle of plural voting.⁶⁵⁵ What is most distinctive of all, Mill advocated equal suffrage rights for women, predicting that "before the lapse of another generation, the accident of sex, no more than the accident of skin, will be deemed a sufficient justification for depriving its pos-

... *Op. cit.* (Everyman edition) : p. And he goes on: "No arrangement of the suffrage, therefore, can be permanently satisfactory in which any person or class is peremptorily excluded; in which the electoral privilege is not open to all persons of full age who desire to obtain it" (p. These statements can leave little doubt concerning Mill's views on universal suffrage. Professor Edman (vd. *loc. cit.*) places Mill's position in a false light when he interprets Mill's remarks on illiteracy and pauperism as signifying that he "believed in representative government based on a wide if not a universal suffrage." Italics ours.

In both language and thought, Maritain's position closely resembles Mill's. Vd. *Freedom in the Modern World*, pp. 48-44. Government, writes Maritain, aims to "secure for the mass of men such a standard of material, intellectual, and moral life as will conduce to the well-being of the whole community; so that *BVMIJ* citizen may find in it the progressive achievement of his freedom of autonomy. If this freedom of autonomy had its highest expression in the heroism of arms, as in military civilizations, or in nobility of mind as in the aristocratic civilization of Athens or the hieratic civilization of India, it would be nonsense to maintain this conclusions to the end of the social community: the well-being of the latter would be established and fulfilled in a minority of the citizens by a degradation of the majority-as slaves or pariahs-to a less than human The injustice of restricted suffrage (of subjection as well as slavery) is thus shown to depend, not merely on the fact that the end of government is the happiness of men, but more directly on the precise character of such happiness. It does not consist in either military heroism or "nobility of mind." We shall return to this point again in Sections 8 and 4, *infra*. Vd. also fn. 577, *supra*.

In a Manifesto issued by European Catholics sojourning in America, which Maritain helped to formulate, it was declared: "*There are principles* which under no circumstances must ever be questioned. Such are those which assert the necessity for society's being founded upon *relationships of justice*, those which assert the *rights of the human person*, to which democratic formulas, notably the principle of universal suffrage, have in practice given political expression. . . . Every law of 'exceptions' or of 'discrimination' is unjust" (*The Commonwealth*, August 21, pp. 416-19).

... "I consider it entirely inadmissible . . . that the superiority of influence should be conferred in consideration of property. . . . To connect plurality of votes with any pecuniary qualification would be not only objectionable in itself, but a sure mode of discrediting the principle" (*ibid.*, pp.

essor of the equal protection and just privileges of a citizen." m We shall postpone until later a consideration of Mill's arguments on all these points.⁶⁵⁷ Without further discussion it should be clear that when Mill speaks of "the ideally best form of government" as "*completely* popular government,"⁶⁵⁸ he means the Democratic constitution as we have defined it. His *Essay on Representative Government* is the first precise definition of the Democratic constitution, and the first reasoned defense of it as ideal because of the perfection of its justice.m

⁶⁶⁶ *Ibid.*, p. 292. Cf. pp. 290-92, and Mill's treatise, *The Subjection of Women*, written at the same time, but not published until 1869.

⁶⁵⁷ Vd. Section 4, *infra*.

•• Vd. *op. cit.*, p. 208. Italics ours.

•• That the issues Mill's *Essay* raised were not soon resolved, nor his conclusions generally accepted, may be inferred from the fact that as late as 1929, R. H. Tawney found it necessary to argue the case for universal suffrage, the enfranchisement of women, the removal of property qualifications, and the cauterization of other oligarchical factors inimical to Democracy. Vd. *Equality*, pp. 86-88, 268-69. There is, of course, some difference between the situation in England and in the United States with respect to these matters. As McIlwain points out: "The extension of the elective franchise has been completed in England only in our own day. Most of it has occurred within the lifetime of men now living. And the political results of it are not yet fully apparent. The membership of the House of Commons, notwithstanding the successive enlargements of the electorate, is still to a great degree aristocratic, and aristocratic traditions still control and limit parliament's action to an extent surprising to anyone who has not made a study of it" (*Constitutionalism Ancient and Modern*, p. 20).

It should also be noted that in the domain of Catholic political theory, Jacques Maritain is the first writer to take positions that are formally equivalent to those of John Stuart Mill, though Maritain's reasons for taking them are extraordinarily different, and though in arguing for a classless society, universal suffrage, the enfranchisement of women, the abolition of all political slavery, and the extirpation of oligarchical privileges, Maritain does not think of himself as agreeing with us that Democracy is the most just form of government. Vd. *True Humanism*, pp. 168-69, 190-92, 194-95; *Freedom in the Modern World*, pp. 57-58; *Scholasticism and Politics*, pp. 106, 112-15; and *Ransoming the Time*, pp. 6, 22-29, 46-47. We shall examine Maritain's position more fully in Sections 8 and 4, *infra*.

Unfortunately, Maritain's advocacy of universal suffrage is beclouded by his failure to grasp the essential distinctions which determine the three forms of government according to their grades of justice. This failure is plainly indicated in a recent Jefferson Day address, the substance of which was published in *The Commonweal*. In it Maritain said: "We make a point of defining the form of government to which the principles of democratic political philosophy naturally tend. This philosophy maintains that the human person as such is called to par-

As might be expected, the approach to Democracy in the world of action lagged behind its inception in the realm of theory. Republican institutions have been undergoing alteration during the last hundred years, but it is only very recently that modern constitutions have been sufficiently changed or amended so that they can be regarded as almost Democratic in their letter, if not yet in the spirit in which their provisions are fulfilled. Thus, for example, in England the slave trade was prohibited in 1808, and slavery itself abolished in 1888.⁶⁶⁰ But it took three major parliamentary struggles, bitterly contested and lasting many years, to move toward a just enfranchisement of free Englishmen. The Reform Bill of 1832 admitted the middle class to political participation as full citizens; that of 1867 extended the suffrage to a large portion of the laboring classes, requiring further modifications in the same direction by the Reform Bill of 1884.⁶⁶¹ In 1884 suffrage was extended

participate in political life and that the political rights of a community of free men must be solidly guaranteed. That is why it claims the right of suffrage for every adult citizen of whatever race or social condition and likewise demands that a juridically formulated constitution establish the fundamental laws of the regime to which the people have expressly decided to submit their political life. The principles of the democratic philosophy of man and society can be satisfied by a constitutional form of *monarchy* or *oligarchy*, but it is toward the *republican* form that they tend, as being their most natural expression: a form of government in which the legislative power must be exercised by the representatives of the people, and the executive power by delegates directly or indirectly designated by the people and supervised by the people" (*Zoe. cit.*, May 7, 1943, p. 69). The words we have italicized betray the analytic lacunae, especially in view of the definition Maritain gives of the form he calls "republican" in contradistinction to what he calls "monarchy" and "oligarchy."

⁶⁶⁰ Cf. the emancipation of slaves in the French colonies in 1848, in the Portuguese possessions in 1858, and in those of Holland in 1863. It is also worth remembering that the first steps toward the abolition of the serfs in Russia occurred under Alexander II in 1855, and that not until 1861 were 40,000,000 people liberated from serfdom.

⁶⁶¹ Vd. the Petition for further parliamentary reforms, drawn up by the Chartists in 1837, in which it is pointed out "that all those who are excluded from this share of political power are not justly included within the operation of the laws; to them the laws are only despotic enactments. . . . That the universal political right of every human being is superior and stands apart from all customs, forms, or ancient usage." Later in the Petition, it is remarked that "it was, the

to all males except paupers, lunatics, and criminals; but the enfranchisement of English women did not take place until 1919. The legislative power of the House of Lords was greatly reduced by measures adopted in 1911, but the House of Lords still exists, not, like the throne, merely as a symbol of the past, but as a living symptom of the oligarchical disorder which still runs throughout British political life.⁶⁶²

Constitutional developments in the United States follow a similar pattern. The importation of slaves was prohibited from going beyond the year 1808, yet slavery existed legally in the United States until the Civil War amendments were adopted in 1865, 1868, and 1870, the first of these (the thirteenth amendment) prohibiting slavery itself; the second granting citizenship to "all persons born or naturalized in the United States " and so making negroes citizens by nativity or naturalization; the third enacting that " the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude," thus attempting to prevent negroes from being disfranchised in the Southern states, despite the fact that they were citizens.⁶⁶⁸ Not until 1920, however,

fond expectation of the people that a remedy for the greater part, if not for the whole of their grievances, would be found in the Reform Act of 1832. . . . They have been bitterly and basely deceived. . . . The Reform Act has effected a transfer of power from one domineering faction to another, and left the people as helpless as before. Our slavery has been exchanged for an apprenticeship to liberty, which has aggravated the painful feeling of our social degradation, by adding to it the sickening of still deferred hope." The full text of the Petition is given in Edman, *Fountainheads of Freedom*, pp. 435-44. Commenting on the first Reform Bill, Edman observes: " The causes of discontent were clear enough. Power remained in the hands of the economically dominant classes. These were-by political arrangements current until 1867 in England and until later on the Continent-the middle classes. The property qualifications for suffrage lasted until almost through the 19th century in England and on the Continent. Even in the United States, where legally property qualifications were earlier abolished, it became clear that large sections of the population were not really enfranchised. There were the Negroes in the South, for instance" (*op. cit.*, p. 170).

••• Vd. Mcilwain, *Constitutionalism Ancient and Modern*, p. 110.

••• The effort in this direction could not, of course, be successful so long as the Constitution permitted the several states to employ poll taxes and other property

was the Constitution amended so that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex." The direct election of Senators by the people (provided for by the seventeenth amendment in 1913) is not comparable to the form of the House of Lords in England. Apart from the fact that the Federal constitution still permits the several states to use any degree of property qualification as a ground for disfranchisement, the Constitution of the United States is now free from every blemish of oligarchical privilege or class discrimination. Looked at legally, it can be praised as a charter of Democratic liberty and equality, as the basic law of a politically classless society. It has become that so recently that it is too early to judge of its fruits in practice. The form of government it provides is Democratic, but the justice of the constitution will remain a thing on paper until social and economic, moral and cultural, changes remove impediments to its fruition in fact.

In this Part of our work, it is only with the justice of constitutions that we are concerned. The history we have recounted of the constitutional changes which have taken place in the last hundred years (and of the accompanying shift in political doctrines since the end of the eighteenth century) shows the continuum along which a constitution passes from being Republican to becoming Democratic. Though they are not always ordered serially in the same way, the three fundamental steps in this development are the abolition of slavery, the elimination of oligarchical privileges (whether claimed by

qualifications as a bar to suffrage. In the United States today it is still not unconstitutional for any state to disfranchise a large portion of the citizenry by making the property qualification for suffrage fairly high. It should, furthermore, be observed that, according to the language of the constitution, citizenship and suffrage are not coextensive. The negroes were granted citizenship and suffrage in two separate amendments; and women, the Supreme Court held in 1874, were citizens but their lack of suffrage did not violate the clause in the fourteenth amendment which said that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." Suffrage was not a privilege of citizenship. We shall discuss the significance of this point subsequently, in Section 4, *infra*.

birth or wealth) , and, with the removal of class distinctions based on color, race, and sex, the reform of the franchise in the direction of the widest possible extension of suffrage. Democracy as a form of government, we have said, is the *perfectly just* constitution which defines the limit of the continuum along which Constitutional government moves as these changes occur, government remaining Republican in form as long as any imperfection of justice or any actual injustice remains in its constitution.

But the history we have recited does not prove the conclusion we have in view. That must be argued for. It is at least conceivable, and there are some who even today would contend, that slavery, oligarchy, and restricted suffrage are neither imperfections of justice nor actually unjust. We must, therefore, argue these points in order to prove that Democracy is the best form of government. We shall do that in Sections 3 and 4 to follow.

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(To be continued.)

BOOK NOTICES

Soul of Russia. By HELEN IswoLSKY. New York: Sheed & Ward, 1948.
Pp. xiii + 200, with index. \$2.75.

Religion in Soviet Russia. By N. S. TIMASHEFF. New York: Sheed & Ward, 1942. Pp. xiii + 171, with index. \$2.00.

To anyone who has wondered about the legitimacy of a distinction made by Pope Pius XI between the Russian people and their atheistic leaders, this book will bring assurance. Well and interestingly written, it surveys the spiritual history of Russia from its foundation in the 9th century to the present day. The political framework of each succeeding age is sketchily presented; the religious and spiritual forces at work in Russian life are treated more detailedly. The spirit of Russia's great saints and writers is presented with clarity and simplicity; the strangeness of Russia becomes understandable—her constant urge to abandon the middle way and wander on the brink of the precipice. Her saints have all espoused poverty of spirit in as dramatic a way as our own St. Francis; they have always loved the common people. Religion, when it flared forth, was evangelical, social, reforming. There is hope in this book, great hope. Russia's writers of the last hundred years foresaw the catastrophe of the Bolshevik Revolution, saw it as the crucifying prelude to a glorious Resurrection.

Miss Iswolsky's book gives the necessary background to Mr. Timasheff's. He is concerned only with the struggle between the atheistic leaders to destroy religion and the people to preserve and practice it. He traces the various tactics used by the anti-religionists; this story is essential for anyone who wishes to follow intelligently the course of events in Russia.

An Introduction to Modern Philosophy. By ALBUREY CASTELL. New York: Macmillan, 1943. Pp. x + 562, with index. \$3.50.

To introduce the student to Modern Philosophy the author has chosen six problems from the field of philosophy: theological, metaphysical, epistemological, ethical, political, historical. Each problem is presented by various modern philosophers, as much as possible in their own words. Thus the opinions of St. Thomas, Pascal, Hume; J. S. Mill, and James are presented under the theological problem. The author counsels the student not to be perturbed by the great divergencies of opinion that result from this method. Contact with these great philosophical minds is sufficient reward for mental confusion. The book is valuable insofar as it brings

together pertinent quotations from modern philosophers on central philosophical problems. The presentation of St. Thomas' arguments for the existence of God is quite inadequate and misleading.

Humanism and Theology. By WERNER JAEGER. (The Aquinas Lecture, 1948). Milwaukee: The Marquette University Press, 19M3. Pp. 87. \$1.50.

Although Werner Jaeger is not a philosopher but a classical scholar he has delivered one of the finest in the series of Aquinas Lectures sponsored by the Aristotelian Society of Marquette University. Unfortunately, the amount of time allowed in such a lecture prevented him from solving all the issues he raised. He stands for the thesis that all humanism stems from classical humanism.. Aristotle is a continuator of the classical tradition (this is not too clearly established), and Thomas is linked to the tradition through Aristotle and also Plato. The fact that Thomas was a professed theologian did not prevent him from being a humanist in the best sense of the word. In fact, as Jaeger points out, he had much greater respect for the works of the ancients that he possessed than the scholars of the Renaissance. The large question left unanswered is this: did not classical humanism preserve its identity much more perfectly in the mind of St. Thomas, because he was first of all a theologian, than in the minds of the Renaissance scholars, who used it as a substitute for Christian theology?

The Philosophy of Santayana. Edited, with an Introductory Essay, by IRwiN ENMAN. New York: The Modern Library, 1942. Pp. lvi + 596.

This valuable and handy edition of the works of the American philosopher Santayana contains, besides a helpful introduction by Edman, "A Brief History of My Opinions," a number of poems and shorter writings as well as generous portions of his major works, "The Sense of Beauty," "The Realms of Being," and "The Life of Reason."

The Moral Theology of St. Thomas Aquinas. III Volumes. By WILLIAM B. MoNAHAN. Worcester & London: Trinity Press. (Westminster, Md.: Newman Book Shop.)

This is a paraphrase of the moral part of St. Thomas' *Summa Theologiae* for the use of Anglicans. It follows the doctrine of St. Thomas closely, adding only a minimum of explanation. Recommended to those are unable to use the Latin text or to procure the English translation.

CONSERVATION OF SCHOLARLY JOURNALS

Looking ahead to the problems of reconstruction after this war and profiting by the experience gained after the end of the first World War, The American Library Association has formed a Committee on Aid to Libraries in War Areas.

This committee, headed by John R. Russell, Librarian of the University of Rochester, is confronted by many serious problems and is particularly desirous of enlisting the aid of American scientists and scholars in their solution. One such task confronting the Committee is that of supplying foreign institutions with whatever American learned periodicals they will need to fill lacunae in their files. The extent of this post-war demand for American journals, of a scholarly, scientific and technical character cannot at this time be estimated accurately but advance requests indicate that the demand will be enormous.

Now that the domestic front is faced with a paper shortage and old periodicals are being collected for pulp, there is fear that many valuable publications still extant may, in a short time, be beyond recovery. The Committee solicits the cooperation of subscribers to prevent the loss of those scientific journals which may eventually be useful in completing the files of foreign institutions. The Committee is making some purchases now, but from the very nature of the situation, it will know the full extent of the needs only when the war is ended.

Questions concerning the project or concerning the Committee's interest in particular periodicals should be directed to Dorothy J. Comins, Executive Assistant to the Committee on Aid to Libraries in the War Area, Library of Congress Annex, Study 251, Washington, 25, D. C.

BOOKS RECEIVED

- Carle, Charles. *Mysticism in Modern Psychology*. New York: Psycho-Sociological Press, 1941. Pp. 47. \$1.00.
- Claudel, Paul. *Corona*. (Trans. by Sister Mary David, S.S.N.D.) New York: Pantheon Books, Inc., 1943. Pp. 257. \$2.75.
- Jessup, Betram E. *Relational Value Meanings*. Oregon: University of Oregon Press, 1943. Pp. 175.
- Kelly, Bernard J. *The Sacraments of Daily Life*. New York: Sheed and Ward, Inc., 1943. Pp. ix + 291. \$3.75.
- Krapf, E. Eduardo. *Tomas de Aquino y la Psicopatologia*. Buenos Aires: Editorial Index. 1943. Pp. 45.
- Maritain, Jacques. *Art and Poetry*. New York: Philosophical Library, 1943. Pp. 104. \$1.75.
- Stancourt, Louis J. *Her Glimmering Tapers*. New York: Macmillan, 1943. Pp. 180. \$1.00.