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## THE INTERNATIONAL COMMUNITY ACCORD- ING TO FRANCIS DE VITORIA \*

**T**HE subject-matter of this study is the International Community in the light of the principles of Francisco de Vitoria, the Father and Founder of International Law. This topic has been selected of set purpose because we are witnessing today the powerful nations frantically trying to organize anew the world into a community but failing for two reasons: a) because they lack unity of faith and therefore of ideals; b) because of their conflicting aims and selfish national ambitions. Their view is blurred with rancor and vengeance towards the vanquished, envy and enmity towards

\* Editors' Note: In July, 1946, The University of Santo Tomas in Manila began the three hundred and twenty-seventh year of its academic life, with some ten thousand students. The address delivered at the opening exercises is presented here by the Editors of THE THOMIST as significant of the role this venerable University, a bulwark of Thomism, will play in the formation of the new Philippine Republic and, on a larger scale, in the reconstitution of society on a supranational level, as envisioned by Francis de Vitoria.

some neutral countries, engendering thus fresh injustice rather than repairing it. *Opus justitiae pax* (the work of justice is peace), the reign of peace cannot prosper in a world of injustice.,

There probably is no man in the realm of international theory who more deservedly is entitled to human gratitude than Francisco de Vitoria, a humble Dominican friar of the University of Salamanca, greatest among the great who in the sixteenth century honored that center of learning. It is only recently that his unearthed writings have been the subject of diligent study with the result that a new science has developed covering the vast field of international politics.

The principles he enunciated regarding the relations of one state to another both in time of peace and in time of war were meant to protect the interests of justice in the defense of the rights of the weaker against the stronger. They are principles applicable to nations without discrimination as to color, creed or degree of civilization. They are dictates of reason which defy time or place, which cannot be styled old because truth is ever young, which cannot be called modern because truth is eternal; they are principles of a permanent character, the application of which may at times vary according to particular conditions, but the contents of which are ever unassailable. Vitoria served no interests of king or country when those interests were at variance with those of truth.

This explains why his works, buried in obscurity until recently, are now acclaimed the world over, studied conscientiously, commented upon not only with respect but even with veneration. His was the voice of justice on behalf of the discovered peoples of his times, and his teachings became embodied in the humane Laws of the Indies by which the people discovered and christianized by Spain were governed. He stands high above all party discussions; he states principles of truth, justice, charity, favor whom they may. To sketch out roughly his concept of the International Community, its law, its forms, its rights is the purpose of this study.

## I. THE INTERNATIONAL COMMUNITY COEXTENSIVE WITH HUMANITY

One of the leading principles embodied in the scheme of Vitoria's Law of Nations is the idea of a League of Nations or United Nations as distinct from the universal monarchy or society of pagan times and of the Middle Ages. The men of antiquity as well as the men of the Middle Ages had, no doubt, some sort of idea of a universal society; but they never considered its members to be living units of an organized body. They felt naturally inclined to connect the unity of the then known world with one man.<sup>1</sup> Such ideals gave way to certain forms of internationality which, as Torres Lopez indicates, should not be confused with the real forms of interstate unity or society of our days. It was Vitoria who rejected these medieval concepts represented by the imperialism of Rome and by the political temporal universalism of the Pope.<sup>2</sup>

The Romans had received the idea from the Persian empire and it took plastic reality in the magnificent political creation of the Roman Empire, an entity truly universal in the mind of the contemporaries. This idea of the Roman reality appears in the classics in unmistakable language. "I place on them no limit of time or possessions, I have given them an empire without end." "His ergo nee metas rerum nee tempora pono, Imperium sine fine dedi," writes Virgil giving Rome a limitless empire. Or in the words of Cicero agreeing with the Stoics, "They think the world is a community, a state, of gods and men, and each of us a part of that world."<sup>3</sup>

This universalist idea of the Romans was not destined to die out with the coming of Christianity. It was, on the contrary, maintained and supported valiantly by Christian writers and

<sup>1</sup> Leur tendance naturelle les portait volontiers à rattacher à une seule principe, ou mieux encore, à un seul homme l'unité du monde alors commun (H. Beuve-Mery, *La Theorie des pouvoirs public d'après Francois de Vitoria*, Paris, 1928. p. 88).

<sup>2</sup> M. T. Lopez, *Anuario de la Asociación Francisco de Vitoria*, II, 149.

<sup>3</sup> *De Fin.*, II, 19.

statesmen, for it represents a unitarist affirmation of one rule, one head, one supreme lord over all peoples not merely in the order of faith, in the spiritual realm, but also in the political order. The writings of Doctors and Fathers of the Church contain statements and assertions reflecting the mentality of the times in which they lived, and create a vigorous tradition in support of the universalist supremacy of the Church both in temporal and in spiritual affairs. In the full period of the Middle Ages, however, disputes arose as to the direct universal power of the Pope over temporal matters of the Christian States. The field now became divided and the distinction was clearly set, granting the Pope direct powers over Christians the world over, and allowing him in temporal matters merely an indirect power such as may be demanded by the exigencies of a strictly spiritual nature.

Different attempts were made during the Renaissance to theorize and establish the groundwork for a ruler over the universal world.<sup>4</sup> Dante in his *De Monarchia*, Arevalo in his *De Monarchia Orbis* and many other authors in their endeavor to unify the world under one ruler were merely interpreting the mind of a war-torn Europe suffering the havoc caused by constant strife due often to petty rivalries between kings and lords.

The field is now clearly marked out: on the one side, the fervent imperialist firmly upholds the Renaissance idea in favor of the absolute power of the emperor over all kingdoms and kings in temporal matters; on the other, the medieval concept of canonists defending the direct universal dominion of the Pope in temporal affairs.<sup>5</sup> Both views were advanced in the sixteenth century as titles for the conquest of the New World and rejected with equal vigor by Vitoria.

Vitoria did not suggest a utopian world-state where citizens

<sup>4</sup>Pierre Dubois, *De Recuperatione Terrae Sanctae*; Dante, *De Monarchia*; Augustinus Triumphus, *Summa de Ecclesiastica Potestate*; Marsilius of Padua, *Defensor Pacis*. These are some illustrations of the fact that the old landmarks were disappearing and a new world was coming into being. Cf. Figgis, *From Gerson to Grotius* (Cambridge, 1907) Introd.

<sup>5</sup>Cf. Beuve-Mery, *op. cit.*, p. 88.

may live as in a dreamland and where the states lose their juridical personality and sovereignty. He gave to his universal society natural foundations, always keeping in view that organic, objective, institutional basis which forms the groundwork of his conception of public authority within the state. In order to achieve this purpose it was necessary to bring forth a vigorous conception of nationality and of national sovereignty.

In his scheme, the states, the nations politically organized and enjoying sovereignty, are to be the cells of the great interstate organization. The principles that were to give origin to the idea of the universal community of states had to be principles, not of juridical voluntarism, but of natural law, so that such international society and its rights should thereby be created, and were not merely to exist as a result of a treaty subject to frequent unwelcome 'changes. Vitoria based his political conception of the nation organized into the state upon an obvious sociological concept.<sup>6</sup> It is upon this conception too that his theory of the international society and of international law are founded. International law, says he, has not only the force of a pact and agreement among men, but also the force of law, for the world as a whole, being in a way one single state, has the power to create laws that are just and fitting for all persons, as are the rules of international law. Consequently it is clear that they who violate these international rules, whether in peace or in war, commit a mortal sin; moreover, in the gravest matters, such as the inviolability of ambassadors, it is not permissible for one country to refuse to be bound by international law, the latter having been established by the authority of the whole world.<sup>7</sup>

It is true that Vitoria does not develop a complete theory of the universal society, leaving his listeners to infer the logical conclusions ensuing from his basic tenets. He makes us under-

<sup>6</sup> Les deux traits caractéristiques de la Politique de Vitoria nous semblent être d'une part le caractère institutionnel de sa conception de l'Etat, d'autre part la nature objective du Droit Public qui en découle. (Delos, O. P., *La Société Internationale et les Principes de Droit Public*, Paris, pp.

• De Vitoria, *De Potestate Civili*, Sect.

stand, however, that by virtue of the interdependence of the states the international society shall enjoy the rights of free circulation, the right to trade, the right to preach the Gospel, the right of colonization, the right of intervention, the right to travel on the high seas, and the right of just war.

In the ideal universal society created by Vitoria, whether it be narrowly called Christendom—a natural society of Christian nations—or, more broadly speaking, a natural society of all states having as its basis the natural sociability of all men, there exists both cases a society of the same nature, a universal society wherein the independent state fulfills the function of an organ. The right of war, therefore, is not merely a subjective right linked to sovereignty. **It** is something founded upon the purpose and the common good of the world (*ex fine et bono totius orbis*).<sup>8</sup>

Such is the international society, be it Christendom, or a natural society of nations, a *res-publica* whose citizens are the moral persons of states. This society has one *potestas*, or power inherent in the social body. **It** also has an *auctoritas*, an authority, which explains the character of law and the moral obligatory force of this *potestas*. The principle then of this international life is the purpose which affords an objective basis for right,<sup>9</sup>

## II. THE LAW OF THE INTERNATIONAL COMMUNITY

The basic tenet upon which the whole doctrine of Vitoria on international law is grounded is the of natural society and communication. No one may by natural law be excluded from this natural society and communication. The duties of justice and ties of friendship binding all peoples together in one universal society being prior and superior to any civil society are, therefore, unbreakable. Hence no human or artificial partition of territories into nations should ever threaten the superior unity and wellbeing of the international community. This society must then be governed by a law appli-

<sup>8</sup> De Vitoria, *De Jure Belli*.

<sup>9</sup> Delos, O. P., *op. cit.*, p.

cable to all, by a directive principle, called by Vitoria the law of nations," which is either natural law or derived from natural law," for no society can exist without a governing rule directing the particular interests of the individuals and those of the general body towards the welfare of human society.

The law of nations is necessary for the preservation of the natural law, not absolutely necessary but quasi-necessary, for it would be nigh impossible to conserve the natural law without the law of nations.<sup>10</sup> It is always unlawful to violate the natural law, since it is impressed by God on human nature. The law of nations being derived from a principle of natural law and from a universal fact "becomes a human statute based on reason,"<sup>11</sup> and therefore binding in conscience, even though its violation may not have juridical sanction until there be an organized body empowered to impose it.<sup>12</sup> Such laws, then, springing from reason and directed to the common good of the universal supranational society, are binding not only in conscience but also before society, having real juridical and ethical value.

It has been shown that humanity constitutes a universal society and it must have a law by which it is governed. This law is the Law of Nations. The Law of Nations, writes Vitoria, has not only the force of a pact and agreement among men, but also the force of law; for the world as a whole, being, in a way, one single state, has the power to create laws that are just and fitting for all persons, as are the rules of the law of nations. The world can then agree to create an organ of authority wielding this power for the welfare of the international community. Just as the majority of the members of a state may set up a king over the whole state, although other members

<sup>10</sup> Jus gentium est necessarium ad conservationem juris naturalis et non est omnino necessarium, quia male possit conservari jus naturale sine jure gentium. Cum magna namque difficultate jus naturale servaretur sine jure gentium. Vitoria as cited in: M. Reigada, O. P., *Anuario de la Asociación Francisco de Vitoria*, IV, 45.

<sup>11</sup> *Ibid.*

<sup>12</sup> It should be noted that Vitoria establishes this human statute on reason, thus rendering such basis objective and rational; Suarez deviated, making the basis subjective and voluntary. Cf. Reigada, *op. cit.*, p. 66.

are unwilling, so the majority of Christians, even though there be some who are opposed, may lawfully create a monarch whom all princes and provinces are under obligation to obey.<sup>13</sup>

Many will see in these words a hint towards the papacy becoming the supra-state authority. Yet Vitoria merely points out the feasibility of having an organ of authority, whether this be a king, emperor, Pope, or a moral or juridical

The experiment of the League of Nations proved to be immature and failed because:

a) it lacked the fundamental principle established by Vitoria, *viz.*, juridical equality of states; right was placed at the service of might, not might at the service of right;

b) it did away with the Maker of all laws, the author of all society, the ruler of the world, the governor of creation. Such society was doomed to be buried in the ruins of its own helplessness; it carried within itself the germs of self-destruction.

It appears clearer every day that the United Nations is doomed to the same fate; the same defects are equally inherent in it. It shows, moreover, a certain repulsive persecutory mania against those nations which, on the one hand, are not allowed to be members and, on the other, are criticized for not being such. No godless institution can enjoy vitality or long existence.

It has been seen that the law of nations, being ethically binding, must have a moral sanction. But is there a juridical sanction? In the past the only juridical sanction for the violation of the law of nations was war, which in the concept of Vitoria is merely a punishment for the violation of a right. Only the supreme authority acting as judge may take such measures when all peaceful ones have failed.

Yet apart from whether coercion is of the essence of law or merely something external to it, war is an imperfect penal sanction not only because of the horrors that follow in its wake,

<sup>13</sup> Sicut major pars reipublicae regem supra totam rempublicam constituere potest illis invitis, ita pars major Christianorum reliquis etiam renitentibus, monarcham suum creare jure potest cui omnes principes et provinciae parere teneantur. Vitoria, *De Potestate Civili*, n. 14.

<sup>10</sup> Vitoria, *De Jure Belli*, n. 15.



but also because victory does not always favor the innocent party at war. Hence Vitoria, himself a great humanitarian, puts certain limitations to the declaration of war as a means to redress an injury "for inasmuch as wars ought to be waged for the common good, if some one city cannot be recaptured without greater evils befalling the state, such as the devastation of many cities, great slaughter of human beings, provocation of princes, occasions for new wars to the destruction of the Church, the prince is bound rather to give up his own rights and abstain from war."<sup>15</sup>

The same thought is expressed in unmistakable terms in another passage on the civil power. No war is just, he states, the conduct of which is manifestly more harmful to the state than it is good and advantageous; and this is true regardless of any other claims or reasons that may be advanced to make it a just war. Nay more, since one nation is part of the whole world, and since the Christian province is a part of the whole Christian state, if any war should be advantageous to any province or nation, but injurious to the world or to Christendom, it is his belief that for that very reason that war is unjust.<sup>16</sup>

Hence war as a sanction for the violation of a right is inadequate and highly inexpedient. There must be found some other recourse, *viz.*, appeal to a higher authority who should act as judge to settle all disputes peaceably through arbitration or through a just and fair compromise.

### III. FORMS OF THE INTERNATIONAL COMMUNITY

#### 1. *Imperialism*

The universal power of the emperor was a tenet held for many centuries. It has never been an actual fact, but it was a theory entertained both by pagan Rome and by Christian Europe. Roman lawyers asserted the right of Caesar to declare war on all foreign nations, on the ground that he held

<sup>10</sup> *Ibid.*, n. 88.

<sup>18</sup> *De Potestate Civili*, n. 18.

sway over the whole world. Christian writers on the other hand based their belief that Caesar was universal lord upon certain passages of Sacred Scripture and upon some principles of natural reason. Thus they interpreted the passage of St. Luke "there went out a decree from Caesar Augustus that a census should be taken of all the world" as applying to Christian emperors even more fittingly than to pagan, for why should the former be in any worse condition than the latter?

Again they take Christ's words "render unto Caesar the things that are Caesar's" as favoring their contention, for how could Caesar have this right save as an emperor holding universal sway? Furthermore the writings of the Fathers and the encyclicals of some Popes seem to imply the same doctrine which at last became incorporated in the law of the Church. Prompted by the implications of the text of the Popes,<sup>17</sup> the commentators or glossators of the law expressed unequivocally what they thought to be a sane doctrine and which was undoubtedly common in their times, namely "that the emperor is the rightful lord of the whole world," as Bartholus testifies.<sup>18</sup>

Again arguments were drawn from similitudes in the natural order, for instance, that as bees have one queen so there should be one world with one governor, *viz.*, the emperor. Roman and canon lawyers, though led by different motives, agreed as to the convenience of the world-power of the emperor. The Roman lawyers believed that the universal power of the emperor was a prerogative of natural law. The canon lawyers asserted that it was a prerogative of the emperor "by a concession of Pope." The emperor was the one entrusted by the Pope with the mission of carrying out his orders in temporal things for the spiritual welfare of the Church. Some writers go so far as to suggest that it would be a heresy to deny the universal power of the emperor: "and if anyone should presume to say the emperor is not the lord and ruler of the world, he would

<sup>17</sup> When Charlemagne was crowned in 800, Pope Leo pronounced these words: "Imperator est superior, est dominus omnium nationum; imperator coronabit omnes reges."

<sup>18</sup> Bartolus, *Comment. in Extrav., "Ad Reprimendum."*

seem to be a heretic." <sup>19</sup> This serves to indicate how far lawyers had advanced this idea which exerted great influence throughout the Middle Ages and was far from being dead in the sixteenth century.

Who was the first to initiate the anti-imperialistic theory is difficult to say. It would seem that until the discovery of the New World no one dared to denounce the universal power of the emperor as a false theory. The question was much debated in the first half of the sixteenth century. The two currents were represented by Gines de Sepulveda, an imperialist, and Francisco de Vitoria, his firm opponent. G. de Sepulveda (1.490-1578) was a Spaniard who while travelling in Italy met Emperor Charles V at Genoa and became his adviser. He went to Rome where he wrote the famous book "*De Rebus Siculis sive Dialogus de Justis Belli Causis*," in which he exalted imperialism and defended the justice of the wars carried on by the Spaniards in America. The book was not allowed to be introduced into Spain. A commission made up of professors from Alcala and Salamanca decided to forbid its introduction into Spain on account of some pernicious doctrines contained therein.

Sepulveda was interpreting the opinion of a large portion of the population who did not question the justice of the wars in the New World; but the authority of his judges was too great to be disregarded.<sup>20</sup> Thus the controversy grew more interesting. To put an end to it and in order to appease his conscience, the emperor convoked an assembly to be held at Valladolid, in which Sepulveda and his staunch adversary Las Casas were to discuss publicly their views. The Assembly presided over by Dominic de Soto, O. P., met in the year 1550.

<sup>19</sup> Bartolus, *Cod. I, Hostes*.

<sup>20</sup> When the news reached him that his book had not been passed by the commission, Sepulveda wrote a defense of his book, which he dedicated to the Bishop of Segovia. He reasserts his opinion on the subject of the Indians, and cites some formidable authorities on whom he claimed to rest his views: Augustine, Ambrose, Gregory and Thomas; J. Scotus, N. Lyra, M. Roa, J. Major, A. Castro, F. Guevara, Didacus Vitoria, O.P., P. Scotus O.P., A. Herrera O.P. Cf. Sepulveda, *Apologia De Iustitia Belli Causa* (IVth Ed.; Madrid, 1780).

A resume of the discussion was made by the President of the Assembly and was published afterwards.

Four reasons were given by Sepulveda to justify the declaration of war on the Indians by the emperor: (a) the gravity of the sins of those peoples, especially idolatry and sins against nature; (b) that as people of very rude intellect they must serve those higher; (c) that their subjection is necessary before preaching the faith to them; (d) that they sacrifice human beings and are cannibalistic. These four reasons he supported with arguments from Scripture, Canon Law, the Fathers and Doctors of the Church.

To these four reasons of Sepulveda, Las Casas opposed twelve points. At the same time he answers all the arguments taken from Scripture and from other authorities. To the argument that the Spaniards could make wars on the Indians on account of their horrible sins, Las Casas replies that as the Indians are not of the forum of the Church no one has jurisdiction to punish them, except in the following cases which he enumerates: 1) if the infidels have violently taken the land from the Christians, as was the case with the Holy Land; 2) if with the grave sins of idolatry they contaminate or cause harm to the cause of the Faith, or the sacraments, temples, etc.; 3) if they consciously impede the preaching of the Faith; 4) if they make war on Christians, as the Turks do; 5) if innocent people, the care of whom has been entrusted to the Church, have to be delivered or released from oppression, but even in this case if a greater evil should follow from their release, the Church should try to help them in some other way, for of two necessary evils the lesser one is to be tolerated.

The argument used by Sepulveda that the Indians were of very rude intellect was answered with ease by Las Casas who had first-hand knowledge, as he had spent over twenty-five years with them. He said that he knew those people well, that they had their own villages, towns, laws, arts, lords and so forth. And he added that sins against nature and some other sins (he does not mention which) are punished by them with death. He did not deny that some of their traditions and customs

were repugnant, but he insisted that it could not be a reason for declaring war against them.

The text of Christ so often adduced in these controversies, namely, "teach ye all nations, baptizing them in the name of the Father and of the Son and of the Holy Ghost" was interpreted by Las Casas as meaning that it was the duty of Christians to preach the Faith, and nothing beyond that. They could in no way compel the pagans to receive it or even to hear it. Furthermore if a whole nation, that is, the subjects as well as their rulers, do conjointly consent to refuse hearing the Christian Faith, it would be wrong for Christians to declare war against them on that account.<sup>21</sup> Such were the arguments on the question of the Indians. Sepulveda was severely defeated, and the principles of justice advanced by Las Casas triumphed. The anti-imperialistic doctrine of Vitoria was now officially victorious.

Vitoria enunciates his theory in two conclusions.<sup>22</sup> First. The emperor is not the Lord of the whole earth. To prove his thesis he gives the following reasoning. Dominion is based either on natural or on divine or on human law. But the dominion of the whole world is based upon none of these.

No one is by natural law Lord of the whole world, for by natural law mankind is free, save from paternal and marital dominion: it is only the father and the husband who by natural law have dominion over their children and wife respectively.<sup>23</sup> Dominion and preeminence were introduced by human law. It is true that in the abstract it would not seem to be against natural law that there should be some universal authority for the wellbeing of man; but when dealing with a concrete case there is no reason why by natural law this dominion should be more proper for Germans than for Gauls. Any civil power,

•• For a resume of the discussion, Cf. Dominic de Soto in *Biblioteca de Autores Espanoles* (Madrid, 1878) LXV, 199.

•• Vitoria follows the system of the Middle Ages, first expressing the objections which seem to militate against the thesis, followed by the establishment of the thesis and the arguments in its favor.

•• *Summa Theol.*, I, q. 92, a. 1, ad 2um; q. 96, a. 4.

although it may take its rise in nature, is founded not on nature but on since man is a political animal.

By divine law the emperor is riot lord of the whole world, for it has never been so either before Christ or after. In the Old Testament we see that Nebuchadnezzar never counted the Jews under his dominion, as they were forbidden by their law to have any foreigner as their lord.<sup>25</sup> It is urged that Christ was universal Lord and that Augustus acting as His deputy held universal power which continued in his successors, but Vitoria doubts .it. As regards Christ, it is probable that He was not, on His human side, Lord of the world, except insofar as it was required for the salvation of souls.<sup>26</sup> But even granting that, it -is entirely capricious to assert that He bequeathed the power to the emperor, there being no mention of it in the whole Bible. Consequently, it is a mere fiction to say that by express grant of Christ there is an emperor and a lord of the world. Moreover, if there had been any such institution by divine law how could the empire be divided and how could nations and states be free from that subjection through prescription?

It remains to be shown that the emperor is not lord of the world by human law. And this is clear because there cannot be such jurisdiction necessary to promulgate it. Again the emperor never enjoyed such position by lawful succession, or by gift or by exchange or by purchase or by just war or by any other legal right.

The second conclusion states that even if the emperor were lord of the whole world he could not legally seize the countries of the Indians, for it is only in jurisdiction' and not ownership that the defenders of that opinion hold him to be such lord. This shows, he adds, that the Spaniards cannot justify on these grounds their seizure of the provinces' in question.<sup>27</sup>

The straightforwardness of Vitoria's anti-imperialistic argumentation could not be very pleasing to the emperor or to the

•• Aristotle, *Politics*, Bk. I; St. Thomas, *De Regimine Principum*, I, xxvi.

•• *Deut.*, xxvi.

•• St. Thomas, *Commentary on St. John's Gospel*, ch. 18.

..., Vitoria, *De India*, .sect. II.

aristocracy that was deriving no small benefit from the conquest. The study, *De India*, was delivered on June 19, 1588. The news reached the emperor, who on the tenth of November of the same year addressed an unpleasant letter to the Superior of Salamanca in which he expressed regret that some Masters of the Dominican Convent had dared to question in public the emperor's right to the conquest of the Indies and had also denounced in public lectures and sermons the injustice of the wars in the New World. He added that in the future no one was allowed to treat or preach or dispute or print anything bearing upon that question without the explicit leave of the emperor.

This letter was obviously directed against Vitoria and those who shared his views. What the immediate result was is unknown. We are certain that this tension between the emperor and Vitoria did not last long. In March, 1541, the emperor sent to him personally for solution of the consultations that came from the Indies, which Vitoria solved not as the emperor might have wished but according to the dictates of his conscience. Vitoria was a moralist whose vast learning was at the service of truth, not at that of the emperor or any other earthly interests.

### *The Papacy*

On the fourth of May, 1498, Pope Alexander VI issued the Bull *Inter Coetera*, concerning the islands lately discovered by Columbus. Many references have been made to it as a document which entitled the Spanish kings to take possession of the lands of the New World. And, indeed, from the very words used by the Pope it would seem undeniable that he was using his authority as universal lord. The text of the Bull gives the impression that those lands were given to the Spanish crown so that they might be brought to Christianity. It is stated: "By our own action, not at your request or the request of another for you, but of our own liberality, our certain knowledge, and the fullness of apostolic power, We give, concede, and assign to you, your heirs, and their successors, all the islands and lands discovered or to be discovered, by the

authority of the all-powerful God conceded to Us through St. Peter, and by the authority of Jesus Christ, Whose Vicar We are on earth; that you may enjoy full and free power, authority, and jurisdiction over them." <sup>28</sup>

From these words it would seem that the Pope entertained no doubt as to his dominion over those lands, and the title he adduced is "by the authority of the all-powerful God conceded to Us through St. Peter and by the authority of Jesus Christ Whose Vicar We are on earth." Therefore he disposes at will of those countries and gives them to the kings of Spain of his own accord and liberality and by the fullness of his apostolic authority, "by our own action, not at your request or the request of another for you, but of our own liberality, our certain knowledge, and the fullness of apostolic power." He, then, attributes political sovereignty to the Catholic kings over those lands. On that basis, the Bull was referred to as a justifying title for the conquest by Spain, and contemporary evidence shows that the Spanish kings and the politicians of the day considered the Bull to be of that attributive character. For that reason the kings drew up a manifesto for the conquerors to be read to the Indians before entering a war, and it was said therein that the kings of Spain, by gracious concession of the Pope, Lord of the earth, were the right lords of those countries the inhabitants of which were bound to submit, lest war should be declared upon them. And this procedure of admonishing the Indians beforehand was continued all through that period of conquests. When Francisco Pizarro set out for the conquest of Peru in 1533, he was given a document of Charles V, from which we may extract a few clauses in support of our argument.

"The Pope, as Lord of the world, made donation of these islands and countries with everything therein to the Catholic Kings of Castile who were then Ferdinand and Isabella, of glorious memory, and their successors. And so it is that His Majesty is lord of these islands and countries in virtue of said donation. Therefore I ask you to think this over and resolve

•• Solorzano Pereyra, *De Indiarum Jure*, bk. ii, cap..



to acknowledge the Church as mistress of the universal world, and the Pontiff called Pope, in her name, and His Majesty in his place as lord and superior, King of these islands and countries in virtue of the aforesaid donation. If you would dare to act contrariwise, be sure that with the help of God I will begin to fight against you, and will also endeavor by all possible means to subject you to the obedience of the Church and of His Majesty." <sup>29</sup>

There can be little doubt that the opinion prevailing in Spain up to the beginning of the sixteenth century favored the universal jurisdiction of the Pope and his power to give the new lands to Spain. The adviser of the kings, Palacios Rubios, an eminent jurist, together with Dominican theologian Matias de Paz were both firm supporters of that opinion. In the same way J. Sepulveda, Malferit, G. Lopez, Bobadilla, Zevallo, Herrera, A. Guerreiro, and others, held the same view. The same thesis was also maintained by Navarro Alpizcueta, Professor of Law at Salamanca and Coimbra, but he changed his opinion, as we learn from a public lecture given by him in 1545.<sup>80</sup> Indeed, so accepted was this opinion that Vazquez de Menchaca did not hesitate to write: "not only did many teachers of both branches of law teach it, but some asserted it to be the more popular opinion." <sup>81</sup>

It seems to have been the most widely accepted opinion during the Middle Ages. The Pope was considered to be the last authority to whom appeal could be made by Christian princes; he was their judge. But was he really regarded as the Lord of the world? Following in the thirteenth century, St. Antoninus held it in the fourteenth, Sylvester in the fifteenth. In the sixteenth century the imperialists upheld it, as it lent strength to their argument. Joannes Lupus (about the end of the fifteenth century) in the division that he makes of war describes the just war (*bellum proprium*) by saying that it is "that which is approved by the authority of the law

•• *Ibid.*

•• Navarrus de Alpizcueta, *Opera Omnia* (Venice, IV, 578 ff.

<sup>81</sup> Vasquez de Menchaca, *Controversiarum Illustrium* (Lyons, 1599), I, ch. iii.

or the ruler, as for example the Emperor and especially the Pope." <sup>32</sup> Lupus supports his views with a quotation from Hostiensis who was perhaps second to none in defending the universal temporal jurisdiction of the Pope. Hostiensis exerted enormous influence upon all canonists for he was the most celebrated jurist of his time, and in defense of this particular theory the authority of his name overpowered any other argument.

Nevertheless we find that in the dispute between Philippe-Auguste of France and Richard Coeur de Lion, Pope Innocent III interfered and drew a distinction between the king as Christian and as chief of the state; and it was in his character of Christian that he was subject to the Pope. The Pope did not deny his own superiority, but merely expressed his mind as mediator of both Christian princes. It is certain that the Pope has ever been considered the supreme judge on earth, upon whom there lies the duty of solving any disputes between Christian princes. In fact, the medieval theory recognizes as one of the essential conditions for a just war that the Pope should be consulted before entering it. He was the highest authority in Christendom, and he was also entrusted with the furtherance of the Christian faith in the whole world (*mundum univsum*). Towards that end all Christian princes should cooperate and, therefore, they had to serve the spiritual good of the Church and be subject to the orders emanating from the Pope. That was the condition of their office; if they should act against the good of the Church they could be excommunicated and be deprived of their rights by the Pope, from whom -it was believed- they derived their authority. The emperor and the kings were entrusted with carrying out the temporal affairs of their kingdoms in a way favorable to the cause of the faith. The emperor was the temporal vice-gerent of the Pope.

This medieval opinion was still upheld at the beginning of the sixteenth century by two influential Spaniards, a theologian, Matias de Paz, and a jurist, Palacios Rubios, both Professors

<sup>30</sup> J. Lupus Segobiensis, *De Bello et Bellatoribus* (Venice, 1567).

at Salamanca and members of the commission for the government of the Indies, which met at Burgos first in 1512. Palacios Rubios held fast to this theory in a book-unpublished as yet-entitled *The Oceanic Islands*. He writes:

We conclude, therefore, from all that we have said, that jurisdiction proceeds from God, is discovered by the law of nations, and ordered by civil law. At the time of Christ's birth, all power and jurisdiction was divided into four monarchies and kingdoms, and all power and jurisdiction over them was transferred to Christ Himself, as is taught by Hostiensis and others who follow him. Christ, therefore, had power over all men, even unbelievers, since at His name every knee must bend, of those in heaven, on earth, and under the earth. Hence, He has power, not only in spiritual affairs, but in temporal affairs as well, for Christ received both powers from His Father. From this it is evident that all power of authority, whether spiritual or temporal, takes its origin from God whence it is bestowed on the people, in their judges, kings, and priests. All power, then, is translated to Christ Who has obtained dominion over the entire world. He, in turn, has passed it on to Peter, His Vicar, and to Peter's successors, the Roman Pontiffs, by whom power is conceded and granted to others. Spiritual power is conceded by them to prelates of the Church; temporal power is given by them to rulers, princes, and other temporal lords. Power is permitted to unbelievers by a tacit permission of the Church; this is only a *use* of jurisdiction because the Church is unable to exercise it, either directly or through her delegates.♦♦

Matias de Paz, another adviser of the crown, was of a similar opinion." <sup>4</sup> Both agreed that the only justifying title that the kings could advance for the conquest of America was that the conquest had been made "by the authority of the Sovereign Pontiff, and by no other." <sup>35</sup>

Such was the opinion prevailing in the universities and taught by most For that reason, no doubt occurred as to

<sup>88</sup> Palacios Rubios, *Libellus de Insulis Oceania quas vulgus Indian appelat* (Unpublished ms. Biblioteca Nacional, Madrid).

♦♦ Cf. Matias de Paz, O. P., "De Dominio Regum Hispaniae Super Indos," in *Archivum Fratrum Praedicatorum* (Rome, 1933). 85Jbid.

the power of Pope Alexander VI to bestow those newly discovered lands on the Spanish crown. So it is that the universality of the temporal power of the Pope was one of the titles alleged to justify the conquest of America, which Vitoria refused to recognize as legitimate.

In Spain, Vitoria was, apparently, the first to denounce this title as valueless. In Italy, Cajetan and Torquemada had drawn the distinction between the direct and indirect power of the Pope in temporal affairs. This indirect power was only allowed when it was deemed to be required for the cause of the faith. But in Spain there is no evidence of any writer previous to Vitoria denying this title as legitimate.

Vitoria considers first the opinion of the canon-lawyers and rejects their arguments in four propositions:

1) The Pope is not civil or temporal lord of the whole world in the proper sense of temporal power. He cannot claim such dominion either by natural, human, or divine law. In the supposition that Christ had that power, He could not give it to the Pope, who has no jurisdiction over infidels. Again Christ's words to Peter "feed my sheep" clearly speak of power in spiritual and not in temporal matters.

fl) Even assuming that the Supreme Pontiff had this secular power over the whole world, he could not give it to the secular princes. This is clear because that power would be annexed to the Papacy and not to the particular Popes; and all the Popes being equal in juridical power, none of them could deprive the others of the prerogatives of the papal office.

3) The Pope has temporal power only insofar as it is in subservience to matters spiritual, that is, as far as is necessary for the administration of spiritual affairs. The end pursued by the civil power is temporal felicity, which has to be subjected to the spiritual, eternal happiness. The Pope has dominion over tempo;-al things insofar as these impede man from attaining his ultimate end. Laws, therefore, that impede the attainment of temporal happiness can be rescinded by the Pope for the good of the faithful. On this principle, when princes are at

variance in disputes and are rushing into war, the Pope can act as judge and inquire into the claims of the contending parties and pass judgment, which Christian princes are bound to respect, lest greater spiritual evils should befall. Again, on the same principle, the Pope can unseat kings and even set up other kings, as at times he has done. **It** is in this sense that those numerous rules are to be interpreted which say that the Pope has both swords. Moreover, if the Pope were temporal lord of the world the bishops would also be temporal lords of their respective bishoprics, which is not admitted.

4) The Pope has no temporal power over the Indian aborigines or over other unbelievers. This is manifest from the first and third propositions, for he has no temporal power save such as subserves spiritual matters. But he has no spiritual power over them, therefore neither has he temporal power. **If** the barbarians refuse to recognize any lordship of the Pope, that furnishes no ground for making war on them and seizing their property. Even if they refuse to accept Christ as their Lord this does not justify making war on them or doing them any hurt. The infidels cannot be compelled by arms to recognize the lordship of the Pope; therefore it is unlawful to declare war on them.

This shows that the title under discussion cannot be set up against the barbarians, and that Christians have no just cause of war against them either on the ground that the Pope has made a gift of their lands or on the grounds of the absolute lordship of the Pope. Therefore, at the time of the Spaniards' first voyages to America they had no right to occupy the lands of the indigenous population.

Such were the cogent arguments of Vitoria on this point. He firmly denied the universal jurisdiction of the Pope over the infidels and, therefore, could not admit just a title based on a false principle. He by no means disregarded the Bull, but he interpreted it as meaning that the Sovereign Pontiff assigned those newly discovered countries to be evangelized exclusively by the Spaniards and Portuguese, thereby forbidding under

excommunication to any other Christian prince approach to those lands. According to Vitoria, the Pope merely monopolized the evangelization of the Indies on behalf of the Spanish and Portuguese kings; and this the Pope could do. The motives which led the Pope to take this step might have been of a different character, for Spain had been the first country to discover those lands, her geographical position was most favorable, and her opportunities were many. Her moral unity as a nation had just been accomplished with the surrender of Granada, until then in possession of the Moors. And another fact not to be overlooked is the nationality of Pope Alexander VI.

Vitoria's doctrine was accepted by prominent lawyers and theologians alike. Thus Bafiez, professor of theology at Salamanca, echoed the opinion of the master in these words: "The Pope wished the kings of Spain and Portugal to be the leaders of the Indians in order that they be converted to the faith. Therefore he wished them to have over the natives a power such as the Emperor has over certain kings and princes."<sup>86</sup> The same opinion was shared by Las Casas, De Soto, Cordoba, Acosta, Navarro, Freitas, Menchaca, Covarrubias, to mention only a few.<sup>87</sup> After Vitoria few authors in Spain maintained the opinion of Hostiensis.

On the other hand, the Reformation was a powerful argument against the authority of the Pope and, to many, the fact that half Europe was refusing to acknowledge the Pope as the rightful authority of Christendom was a definite proof of his lack of jurisdiction, spiritual and temporal, over infidels. Meanwhile, on both sides there were extreme opinions. Bartholus condemned as heretical anyone bold enough to deny the Pope's universal lordship over the world.<sup>88</sup> Antonius de Rosellis likewise condemned as heretics those who dared assert that the Pope was lord of the whole world.<sup>89</sup> Referring to them Covar-

<sup>88</sup> D. Covarrubias a Leiva, *Opera*, I, 9: *De Potestate Temporalis et Spirituali* (Frankfort, 1591).

<sup>81</sup> *De Jure Belli*, LI, ch. 14.

<sup>88</sup> M. J. Barthelemy, *Les Fondateurs du Droit International*, p. 7.

•• James Brown Scott, *The Spanish Conception of International Law and of Sanctions* (Washington, 1984), p. 1.

rubias writes: " Bartholus quite evidently acts too boldly in saying the contrary opinion is heretical. This is untrue, and Bartholus does not seem to understand what heresy is. The same can be said of Antonius de Rosellis. These Doctors would have acted more modestly if they had left the declaration of heresy to the Church." 86

#### IV. RIGHTS OF THE INTERNATIONAL COMMUNITY

##### 1. *Independence or Interdependence Of States*

The theory of equilibrium finds its satisfactory fulfilment in Vitoria's idea of the international community. In the past, it appears to have been the union of the weak and feeble against the strong, and has also manifested itself as equality of powers. In the early writers on international law this question is expressed in the form of resistance to a state which is ever growing. It seems that Gentilis maintains the lawfulness of attacking the neighbor who grows too powerful.<sup>37</sup> M. Wycliffe in England echoes the same opinion in 1593; and Francis Bacon holds the same on the legitimacy of England's war with Spain in 1624. Grotius seems to reject the equilibrium and, following Vitoria, denies the right of nations to declare war without having been actually interfered with.

That the states of this international community possess and enjoy equal rights is a fundamental tenet of Vitoria's conception upon which his law of nations is based. While on the one hand the practice of the states in the past and the majority of the authors set as a basis of their systems the principle of the isolated and unrelated independence of states, Vitoria on the contrary firmly insists upon their equality and interdependence.<sup>88</sup> International law has not only the force of a pact and agreement among men, but also the force of law; for the world as a whole being in a way one single state has the power to create laws that are just and fitting for all persons, as are the rules of international law.

Interpreting this passage, J. Brown Scott draws the conclusion "that every rule of international law has a municipal

sanction *in esse* or *in posse* and that a failure to enact a municipal statute for that purpose or to apply it if enacted, renders the state in default liable in damages." <sup>39</sup> Each sovereign state has equal attributes with other similar states, and should therefore enjoy the same rights in relation to the international community. These rights are not based on the preponderance issuing from the material possession or the strength of armies or armaments but upon the fact of the existence of a state as a juridical person. The mutual respect and cooperation of these juridical persons having equal standing in the international community are deemed by Vitoria to be essential for the peace of the world. The states must enjoy independence, sovereignty, but never with a subjective absolutism. The application of the principles of Vitoria exacts a subservience of this attribute of the states to the common good of the world. States are to be independent in the attainment of their sufficiency, since no state in the world today is self-sufficient. The mutual relations between one state and another are governed by the law of nations, which, as a derivation of natural law, must aim at the welfare of individual units within the international framework and must never be detrimental to the universal community. So much emphasis is laid by Vitoria upon this point that a war otherwise legitimate between two states would be unlawful, if its results would be harmful to the moral values of the community of nations.

## 2. *Right to Trade*

"The law of fundamental duties as well as rights, is that of natural society and fellowship, which it is the glory of Vitoria to have proclaimed." <sup>40</sup> The first right emanating from this principle of the natural society and communication is the right to trade, understood of course in its broader sense. This implies the power to travel from one part of the world to another. Thus, he establishes his doctrines in several propositions which are in themselves tenets of law. The occasion was the question

•• James Brown Scott, *The Spanish Origin of International Law; Francisco de Vitoria and His Law of Nations* (Oxford, 1934), p. 138.



of communication with natives of the New World. The Spaniards, he states, have a right to travel into the lands in question and to sojourn there, provided they do no harm to the natives, and the natives may not prevent them. In support of this assertion, he advances fourteen proofs of which a few alone will suffice for our purpose here. It was permissible from the beginning of the world (when everything was in common) for anyone to set forth and travel wheresoever he would. This was not taken away by the division of property for it was never the intention of peoples to destroy by that division the reciprocity and common use which prevailed among men. Again, coming to an example nearer home and with a more immediate import, it would not be lawful for the French, he says, to prevent the Spanish from travelling or even from living in France, or *vice versa*, provided this in no way contributed to their hurt and the visitors did no injury. He even considers it an act of war to banish strangers who have committed no fault or to keep certain people out of the city or province as being enemies, or to expel them when already there. Such are the rules governing immigration, as enunciated by Vitoria.

In the third section of his *De Indis*, Vitoria embarks upon the examination of the legitimate titles whereby the Indians might have come under the sway of the Spaniards. In its discussion, he employs the same virile language that he used when discussing the negative titles, and his arguments here are not less convincing than in the previous section. His conclusions, drawn from the sound principles which he establishes, cannot but convince unprejudiced minds. And although he himself sternly denied the ambitious claims of many a Spanish trader of his time, yet he is not less firm in the assertion of the rights which rendered lawful the action of the Spanish kings in America. So nobly did he deal with these problems that he manifestly showed no other concern in the matter than those of truth and justice. Whether his opinions favored his countrymen was of no concern to him. Above narrow nationalism stood his idea of the universal brotherhood of all peoples of the earth. If the private interests of one country would harm the general

welfare of the others, then those interests should not be cared for; they are wrong in the light of the law of nations. The community of nations is an expression of human solidarity, and is meant to be for the common benefit of all the peoples grouped into geographical and ethnological entities. Nations are independent units in certain matters, but always interdependent on each other insofar as some of them need to be helped by others and therefore depend upon them. This fact of interdependence affects all the nations and one can live without the neighbor's help, for as it is with men, so it seems to be with nations.

In Vitoria's theory, the world is a compound of many units. Each one of them needs the concourse of the other for the perfect wellbeing of the whole. Just as the human body needs the cooperation of each member for its harmonious functioning, so it is with the community of nations. Mankind is one. Men are essentially equal, no matter where they happen to dwell. Mere geographical surroundings cannot alter the essential natural qualities with which man has been endowed. Man is made to live in society, so that by living with others his natural needs may be supplied. Hence, from his natural Tight of society and fellowship flows the right of communication for the various purposes of life.<sup>41</sup> From this general principle, conclusions may be drawn to show the right of every man in every state to communicate with others freely, provided that no harm results from it. States can establish communication with each other without being molested by other states.

From the principle of natural society and fellowship Vitoria derives the right of communication and he proceeds to explain this right by establishing a few conclusions each of which is supported by various arguments.

In the first of his conclusions, he shows that the Spaniards have a right to travel into the lands of the New World and to sojourn there, provided they do no harm to the natives, and the natives may not prevent them. In support of this proposition he gives fourteen arguments the first of which is derived from the law of nations. This law he defines as "that which

natural reason has set up among all nations" (*jus gentium est quod naturalis ratio inter omnes gentes constituit*). He substitutes for the word *homines* of the Justinian definition *gentes*, obviously taking this word in the meaning of nations, as is apparent from the words which follow: "for among all nations (*omnes nationes*) it is considered inhuman to receive badly visitors and strangers, if this be without a special cause."<sup>42</sup> Therefore, by the law of nations, which he says, is natural law or derived from it, the right of communication belongs to every country, in such wise that it cannot be impeded at will. By this law it is incumbent upon the states to allow the exercise of this right to their subjects. Consequently, it is reckoned inhuman among all nations to treat visitors and foreigners badly without some special cause. On the other hand it is humane and correct to treat visitors well. The only condition is that no harm should ensue from such communication. If the use of this right would result in direct harm to the countries concerned the right of communication of dangerous visitors might be lawfully suspended (as, for example, in the case of Communists who, as all agree, plot against the state).

He states further that it would not be lawful for the French to prevent the Spaniards from travelling or even from living in France, or *vice versa*, provided that this in no way injured them. Here again the principle underlying this conclusion is that men are equal by nature. There is no superiority of races. Barbarians are as much men as civilized people are; pagans are men as Christians are. Therefore, they can enjoy in the same way those rights which by derivation of the law of nature pertain to all in equal degree. He strengthens these arguments by saying that friendship among men exists by natural law, and it is against nature to shun the society of harmless folk. Conse-

*"De Potestate Civili.*

•• This substitution of Vitoria is of importance, because in Roman Law the individual person seems to have been considered the subject of the law of nations. Vitoria, on the other hand, indicates that the subject of the law of nations is not the individual but the moral person, that is, peoples, nations, states. *Of, Le Droit des Gens et les Anciens Jurisconsults Espagnols* (Le Haye, 1914), p. 84-85.

quently, it is unlawful to impede the exercise of this right. Hence, for Vitoria it was as lawful that the Indians should emigrate into Europe as that Europeans should into the New World. Men have equal rights by the law of nature, and the right of emigration is common to all; it cannot, indeed, be impeded, except as a punishment, or in case of war.

**If** it were not lawful for the Spaniards to travel among the Indians, this would be either by natural law, or by divine, or by human law. **It** is certainly lawful by natural and by divine law. **If** there were any human law which without any cause took away rights conferred by natural and divine law, it would be inhuman and unreasonable and, consequently, would not have the force of law. According to this, it would seem that those human laws are not in accord with natural law which tend to restrict or impede altogether this right of communication and, therefore, they lack the moral binding force which every human law possesses insofar as it does not contradict divine or natural law.

Hence the second proposition of Vitoria, that the Spaniards may lawfully carry on trade among the native Indians so long as they do no harm to their country as, for instance, by importing thither wares which the natives lack and by exporting thence either gold or silver or other wares of which the natives have abundance. Neither may the native princes hinder their subjects from carrying on trade with the Spaniards nor, on the other hand, may the princes of Spain prevent commerce with the natives. This is proved by the same arguments adduced previously in favor of the first proposition and, in sum, it is certain that the aborigines have no right to keep off Christians. **It** is clear that if Spaniards forbade the French to trade with the Spaniards and this not for the good of Spain, but in order to prevent the French from sharing in some advantage, that practice would offend against righteousness and charity. **If** then, there can be no just legal ordinance to this effect, it also cannot be accomplished in actual fact, for nature has established a bond of relationship between all men, and so it

is contrary to natural law for one man to disassociate himself from another without good reason.

In the third proposition he states that if there are among the Indians objects which are treated as common both to citizens and to strangers, the Indians may not prevent the Spaniards from communication and participation in them. This follows from the previous conclusions, for if the Spaniards may travel and trade among them, they may, consequently, make use of the laws and advantages enjoyed by all foreigners. The implications of these propositions are worth considering.

The doctrine of Vitoria is that the right of commerce is mutual. The Spaniards can carry goods to the Indians and exchange them for gold or treasures which are in abundance amongst the Indians. There is no distinction of races; for these purposes all are equal. Vitoria speaks here generically of men. Whatever religion they may belong to or whatever country they may come from, all have the same rights, all are of the same brotherhood and, therefore, all have those same natural rights which are common to all. To seek to limit those rights to some peoples, excluding others, without serious reason, is against justice and also against the law of nations. Because it comes from natural law, the right of commerce cannot be impeded by the princes without violating natural law. The only case in which the exercise of this right can be suspended by the authorities is when harm would ensue from its use.

The idea that the right of commerce attains legality only when a pact or a contract has been signed was unknown to Vitoria, for whom there are certain basic principles which have been consented to by the generality of mankind through the centuries as, for instance, the community of the seas, hospitality to foreigners, the right of commerce, and so forth. The traditional acceptance and practice of those principles wield as much binding force in international relations as explicit contracts. Inasmuch as things which belong to nobody are acquired by the first occupant according to the law of nations, it follows that if there be in the earth gold or in the sea pearls or in a river anything else which is not appropriated by the law of

nations, those will belong to the first occupant just as the fish in the sea do. Indeed there are many things in this connection issuing from the law of nations which, because they have sufficient derivation from natural law, are clearly capable of conferring rights and creating obligations.

What stand should the Spaniards take if these principles were denied to them which by the law of nations were bequeathed and have always ranked as legal in the common usages of men? **If** the Indian natives would wish to prevent them from enjoying any of their above-mentioned rights under the law of nations, for instance, trade, the Spaniards ought in the first place to use reason and persuasion in order to remove scandal, and ought to show by all possible methods that they do not come to harm the natives, but wish to sojourn as peaceful guests and to travel without doing the natives any harm, and they ought to show this not only by words but also with reasons. **If**, after this recourse to reason, the barbarians decline to agree and propose to use force, the Spaniards can defend themselves and do all that is consistent with their own safety, it being lawful to repel force by force. **If** safety cannot be assured in any other way, they may build fortresses and defensive works and, if they have sustained a wrong, they may follow it up with war on the authorization of their sovereign and may avail themselves of the right of war. **If** the Indians deny the Spaniards their rights under the law of nations, the former do wrong to the latter; therefore, if it be necessary in order to preserve their right that the Spaniards should go to war, they may lawfully do so.

### *3. The Freedom of the Seas*

Another point of no slight importance which Vitoria deduces from the right of natural society and from the right of communication is the freedom of the seas. He accepts it as a matter of course. He advances it as an argument to prove his first title. By natural law (he points out), running water and the sea are common to all, so are rivers and harbors, and by the law of nations ships from all parts may be moored there;

on the same principle they are public things. Therefore it is not lawful to keep any one from them. Hence it follows that the aborigines would be doing a wrong to the Spaniards if they were to keep them from their territories.

In this Vitoria merely followed the Roman theory of the community of the seas and of the rivers. But it is worthy of notice that he in this as in the previous section dares to pronounce as right what his mind as a moralist avows, not heeding whether his pronouncement displeases the public or not. Vitoria wrote in a period when the Spanish navy had no rival upon the seas. Yet, he maintained the freedom of the seas and denied that they could be monopolized by any nation to the exclusion of others.

He was also a partisan of the free-trade theory, for the law of nations applies to all states in the same fundamental way. The enunciation of these and other similar principles did not favor Spanish interests in the New World. The policy of the traders and merchants tended towards monopolizing the trade of America for the Spaniards. But Vitoria's mind was not narrowed to territorial demarcations of nationality. He was a citizen of the world, of which Spain was merely a part; the spirit of Vitoria was entirely international.

A little after Vitoria, but earlier than Grotius, another Spanish jurist, de Menchaca, strongly upheld the freedom of the seas in his *Controversiarum Illustrium*. "Although we have many times heard," he writes, "that a great majority of the Portuguese believe that their King has acquired dominion over the West Indian Ocean, and that it is unlawful for the other nations to sail those seas; even though the people of our own Spain seem to hold the same belief, viz., that only the Spaniards have a right to navigate the endless sea towards the lands of the Indians, yet the seas cannot become the property of any one prince against the common use by all nations." He denies, supporting his denials with lengthy arguments, the titles advanced by the republics of Genoa and Venice, titles of occupation, prescription, custom.

Nearly a century later, 1609, Grotius published a chapter on

the freedom of the seas. In this work he advocates the freedom of the seas invoking Vitoria's authority, but in defending Vitoria's theory, he meant to do service to the interests of his country or, rather, to the company for which he wrote. The motive which led Grotius to this conclusion was very different from the motive of Vitoria.

In 1613, Welwood in his *Abridgment of All Sea Laws* protested against Grotius and distinguished between freedom of navigation and freedom of fishing. In the same way Selden, in 1635, published his *Mare Clausum* denying Grotius' arguments. He did not, however, disregard Vitoria's authority; but here again is an Englishman defending the interests of his king and country, despite the law of the nations. A little later, a Portuguese, Freitas, refuted Grotius' arguments, and maintained in his book *De Justo Imperio Lusitanorum Asiaticum* the legitimacy of monopolizing the seas. It favored, of course, the claims of the Portuguese.

It seems natural that every writer should endeavor to defend the interests of his own country, but it is not very admirable. It is very unusual to find writers who place the interests of the commonweal of humanity above those of their native land, even when justice would demand it. The writer who can do this has a clear idea of the community of nations and of their interdependence, of the equality of all before the law, and of the prevalence of common over private interests. Vitoria was one who sought for truth and justice in international dealings on behalf of the community of nations.

#### 4. *Right of Immigration or Naturalization*

From the title of natural society and fellowship Vitoria derives his theory relative to the acquiring of nationality. He accepts the theory that he is to be called, and is, a citizen who is born within the state. Thus if children of any Spaniards be born in the Indies, and they wish to acquire citizenship, it seems they cannot be barred either from citizenship or from the advantages enjoyed by other citizens. He refers to the case in



which the parents had their domicile in the Indies. Man is a civil animal. Whoever is born in one state is not a citizen of another state. It is clear, then, that Vitoria follows the theory that territory rather than descent gives origin to nationality, *jus soli* rather than *jus sanguinis*.

From the right of communication follows the right of everybody to establish his domicile in any land that pleases him, provided always that no harm comes thereby to the natives. And if there be any person who wishes to acquire a domicile in some state of the Indians, as by marriage or in virtue of any other fact whereby any foreigners were wont to become citizens, they cannot be impeded any more than others. Consequently, they enjoy the privileges of citizens just as others do, provided that they also submit to the burdens to which others submit. Hence, refusal to receive strangers and foreigners is wrong in itself.

#### *5. Right to Preach the Gospel*

The right to commerce in the realm of ideas is based not only upon natural law but also upon divine law. Vitoria insists upon the right and duty which missionaries have to preach the gospel of Christ, and this right he considers as a strong possible title which might be advocated to justify a war of defense and the conquest of new lands with all the consequences pertaining thereto, such as the preservation of the faith of converts and the appointing of Christian princes over them.

The view of medieval writers that the doctrinal rights of the Church are always over and above those of the state was not obsolete in the time of Vitoria. The spiritual interests of man were generally preferred to the temporal ones. Not only that, but the latter had to be sacrificed for the sake of the former whenever it was required. Thus temporal rulers could not put obstacles to the spreading of Catholic ideals in their countries. The Church then was absolutely free to preach the truth of Christianity the world over. More, it was the Church's right, her duty and obligation, to make known the gospel of Christ. For that purpose she could send missionaries out into all coun-

tries, civilized and uncivilized alike. Besides the natural right to free passage and journeying to all countries, common to all men, the missionaries should enjoy freedom for announcing the Christian faith to all men. Charity and fraternal correction are not merely a precept of Christ, but also a precept of natural law binding in a general way all men and, in a special manner, all Christians. Such is the Catholic view. **It** is based both upon the precepts of Christ and upon the nature of the Church which, as a perfect society, enjoys all the rights and privileges which other societies or states enjoy.

The second possible title which the Spaniards might have for taking possession of the New World is derived from the right to propagate the faith of Christ. Jesus was the Lord of Heaven and earth. He came to this world to redeem mankind. The doctrine which He came to teach is necessary for man to know and to follow in order to attain salvation. Everyone is bound, as far as possible, to know it and to follow it. In order, therefore, that it should be brought to the knowledge of everyone, Christ entrusted His Church with the mission of propagating it in all parts of the world and of bringing it to the notice of all human creatures. Such was Christ's precept: "*Preach the gospel to every creature.*" The Church, then, possesses the right to teach all nations, to spread the Christian faith throughout the whole world. She is under the obligation of making known the gospel to every human being, and no one may oppose her in this aim. Neither prince nor nation can legitimately forbid the Church to teach her doctrine to all men. Prohibition to do this involves grave injustice towards her. The gospel or law of Christ is to be the portion of all; it embraces all nations, all tongues, and no one is exempt from the duty of knowing it. This divine right of the Church cannot be opposed by secular authority, and if the Church is prevented from exercising this right grave injury is done to her which may be a sufficient reason for lawful declaration of war. Being a perfect society, the Church is justly entitled to avenge any injury she is made to suffer, whether in the person of her Sovereign Pontiff or in any member

of her fold. In the last resort, this act of vindication may be entrusted to arms.

A grave injury would be done to the Church if her members were not allowed to go freely to all nations with the mission of announcing the gospel of Christ. This was not merely the view of one or a few writers; there were many who maintained it and declared war to be legal against those who impeded the spreading of the faith.

Vitoria explains this title in several propositions, as is his usual manner of doing. In this first he states that Christians have a right to preach and declare the Gospel in barbarian lands. To support this proposition he adduces five arguments. In the first place, he quotes the divine injunction of Christ, "Preach the Gospel to every creature"; and 'also the text of St. Paul to Timothy, "*The word of the Lord is not bound.*" Secondly, the proposition is clear from what has already been said, for if the Spaniards have a right to travel and trade among the Indians, they can teach the truth to those willing to hear it, especially as regards matters pertaining to any human subject of instruction. Thirdly, because the natives would otherwise be outside the pale of salvation, if Christians were not allowed to go to them carrying the Gospel message. Fourthly, because brotherly correction is required by the law of nature just as brotherly love is. Since, then, the Indians are not only in sin, but outside the pale of salvation, it concerns Christians to correct and direct them; nay, it seems that they are bound to do so. Lastly, because they are our neighbors, as said above: "Now the Lord has laid a command on everyone concerning his neighbor." Therefore it concerns Christians to instruct those who are ignorant of these supremely vital matters.

Here Vitoria speaks as a moralist and not as a lawyer. To the argument of freedom of passage, which he adduced in support of the previous title as being part of the law of nations, he adds here a religious argument which, however, would be admitted only by those of his creed. His arguments would lack the power to convince those for whom morals never have legal value.

Again, the general way in which he speaks applies not only to the Spaniards but to all Christians. The argument is meant to be a premise of the entire syllogism, and nothing more. It merely proves that by Christian ordinance Christians have a right to propagate Christianity the world over, to make the Gospel known to every human being in every part of the world.

In the second proposition he sets out to make evident that the Spaniards might be the evangelizers of America by special appointment of the Sovereign Pontiff. He says that although this is a task common and permitted to all, yet the Pope might entrust it to the Spaniards and forbid it to all others. The reason is that the Pope has power in matters temporal when these subserve matters spiritual. Therefore, as it is the Pope's concern to bestow special care on the propagation of the Gospel over the whole world, he can entrust it to the Spaniards to the exclusion of all others, if the sovereigns of Spain could render more effective help in the spread of the Gospel in those parts. Not only could the Pope forbid others to preach but also to trade there, if this prohibition would further the propagation of Christianity, for he can order temporal matters in the manner which is most helpful to spiritual matters. If in this case that is how spiritual matters would be best helped, it consequently falls within the authority and power of the Supreme Pontiff. It seems that in this case this is the course most conducive to spiritual welfare because, if there should be an indiscriminate inrush of Christians from other parts to the part in question, they might easily hinder one another and develop quarrels to the banishment of tranquility and the disturbance of the concerns of the faith and of the conversion of the natives.

Further, inasmuch as it was the sovereigns of Spain who were the first to patronize and pay for the navigation of the intermediate ocean, and as they then had the good fortune to discover the New World, it is just that this travel should be forbidden to others and that the Spaniards should enjoy alone the fruits of their discovery. For just as in the interests of the preservation of peace among princes and of the spread of religion the Pope could make such a distribution of the land of

the Saracens among Christian princes as would prevent one prince from crossing the lands of another, so also for the good of religion he could appoint princes especially where there were no Christians there before. This proposition and the arguments advanced in its defense rest upon the assumption that the Pope is spiritual lord over all Christian princes and nations, and anything that he would command which would turn in the interests of religion was to be obeyed for the sake of faith.

In the time of Vitoria the leading states in Europe were Catholic, that is, under the spiritual sovereignty of the Pope, and therefore he could order things to be done in the New World as he thought convenient to religion. He was, then, acting as a superior with his subjects, and as a sovereign with other sovereigns. All that the Pope could do was as head of the Church and in that quality he was superior and the rulers of the Catholic countries were his subjects. In the interests of faith he could, therefore, according to Vitoria, take the practical measure of limiting to one nation the task of evangelizing those countries. Even more, he could, as superior, forbid his subjects to trade with or approach to those countries if such relations would likely harm the cause of the faith. Vitoria is not here denying the right of commerce with all nations. He is merely asserting the powers that the Pope could have, with the evangelization of those lands, and stating the corresponding obligations of his subjects to obey.

Some writers seem to interpret this as a weakness of Vitoria, a kind of surrender, as if he intended with this to gain papal favors. Such a view clearly shows a lack of understanding of Vitoria's thesis and argumentation; it is unfair. Vitoria does deduce a logical conclusion from the premises already laid down. The Pope as the spiritual head of the world has authority over his subjects who are bound to obey him in all that affects the interests of the faith. The material things, as inferior to the spiritual, should be made to serve them. It is only indirectly that the Pope could interfere with material business—apart from his temporal sovereignty over his Papal States—

for the sake of the spiritual. Vitoria, as a good Schoolman, merely draws a logical conclusion from the established premises.

That the Spaniards should be preferred by the Pope for the evangelization of the New World is a point upon which all Spanish writers of that period, and some foreigners too, coincide. The reasons which they advance, although not altogether convincing, are nevertheless legitimate. **I**t is obvious, as noted before, that the Pope, not being lord over those countries, could not make a distribution, but could make a demarcation of the field to be evangelized by the Spaniards and by the Portuguese. The Pope could entrust the Christianization of pagan countries to those whom he chose. Such practice has been carried on since, and is even now in full sway. The exclusiveness of the evangelization by Spaniards and Portuguese is to be attributed originally to the fact that they were the first to discover those lands and could, therefore, claim a primary right. Such claim was sanctioned when Alexander VI made the demarcation of the lands discovered. The Pope, as spiritual head of Christendom, could expect to be obeyed only by those who recognized his authority. Hence the indirect power over those countries-it being a precautionary measure in the interest of the faith-only affected those Christians who acknowledged his authority. Spain was then the first power in Europe. No other nation was as able to undertake the colonization of America as Spain at the beginning of the sixteenth century. Moreover, the geographical position of the New World favored Spain more than other countries. All of which seemed to indicate that the Spaniards were best prepared to Christianize America.

In the third proposition Vitoria opposes those who maintained that if the Indians did not become Christians after the faith had been preached to them, war could be declared upon them. All that Vitoria expects of the Indians is that they should put no obstacle to the preaching of the Gospel. **I**t is wrong to exercise coercion on them in order that they be converted. This is the generally accepted teaching of theologians of that time. **I**f the Indians allow the Spaniards freely and

without hindrance to preach the Gospel, then whether they do or do not receive the faith furnishes no lawful ground for making war on them and for seizing in any other way their lands. This is clear from what has been said above and also from the fact that there cannot be a just war where no wrong has previously been done.

Is it wrong for the Spaniards to compel the Indians to hear the Gospel? Here discrepancies occur. Antonius de Cordoba considers it wrong because that would be to compel them to accept the faith/<sup>3</sup> On the other hand, another theologian, Thomas a Jesu, states that although it would be wrong to compel them to accept the faith, yet according to the opinion of the doctors the Indians could be forced to give ear to the preaching of the Gospel.<sup>44</sup> Whom those doctors alluded to he does not specify. We, on the contrary, are aware of several who, with Vitoria, maintained it to be wrong to compel the Indians or other infidels to hear the Gospel. Thus De Soto, Baiiez, Suarez, Valencia, Freitas, Torres, Acosta, and others were partisans of this opinion.<sup>45</sup> It is an easy way of giving value to opinions to back them with the authority of "the doctors." But in the end this proves nothing as it aims at proving too much. Presumably the author refers to some imperialists, but it definitely seems far too wide to involve the whole body of theologians in favor of an opinion when they, in fact, are generally against it.

The situation would change, however, if the Indians should engage themselves in putting obstacles to the propagation of

•• Illos autem qui nos audire nollent non possemus cogere ut nos audirent; quia jam esset illos ad fidem aliquo modo cogere. A. Cordoba, *Quautionarum*, I, q. 47. dub. 4.

.. Quamvis Ecclesia non sit faculta vi et armis compellendi infideles ut ad evangelii receptionem fideique nostrae veritatem convertuntur; saltern secundum doctorum sententiam possunt compelli ut auditum praestant evangelio. Thomas a Jesu, *De Procuranda Omnium Gentium Salute*, IV, part 1.

•• De Soto, *In IV Sent.*, IV, d. 5, q. 1; Banez, *Summa Theol.*, II-II, q. 10, a. 10; Suarez, *De Fide*, disp. XVIII, s. 2, n. 8; Freitas, *De Just. Imper. Lisit.*, cap. IX, n. 6; Torres, *De Fide*, a. VIII, disp. 51, dub. 2; Acosta, *De Proc. Indor. Sal.*, lib. II, cap. 18.

the faitli. Then, Vitoria states, the Spaniards after first reasoning with them in order to remove scandal, may preach it despite their unwillingness and devote themselves to the conversion of the people in question, and if need be they may then accept or even make war until they succeed in obtaining facilities and safety for preaching the Gospel. The same pronouncement must be made in the case where they allow preaching but hinder conversion either by killing or otherwise punishing those who have been converted to Christ or by deterring others with threats and fears. This is clear because herein the Indians would be doing an injury to the Spaniards as appears from what has already been said. Therefore in favor of those who are oppressed and suffer wrong the Spaniards can make war, especially as such vitally important interests are at stake.

This proposition demonstrates that if there is no other way to carry on the work of religion, this furnishes the Spaniards with another justification for seizing the lands and territory of the natives and for setting up new lords there, putting down by virtue of the right of war everything which is permitted in other just wars, but always with a regard for moderation and proportion, so as to go no further than necessity demands, preferring to abstain from what they lawfully might do rather than transgress due limits, and always with an intent on the welfare of the aborigines.

Vitoria has now reached the last stage of the argument to prove the possibility of a lawful title to take possession of the Indies in virtue of the propagation of Christianity. In this he is merely setting up a possible title. He is theorizing; he is only showing how on account of the propagation of the Gospel the Spaniards in the case might acquire a legal title. He, moreover, indicates the process and the measures which might be taken. His humanism reaches sublimity. This opinion of Vitoria was not only followed by subsequent theologians but it became incorporated in the Laws of the Indies.<sup>46</sup>

The right of the Spaniards to preach the Gospel could not

<sup>46</sup> *Ordenanzas Reales*, Lib. II, cap. xx, n.1-18.



be exercised without causing them injury, which might be repelled by war of self-defense. Thus they could build up fortresses and have therein soldiers and supply themselves with other defensive weapons, according to T. a Jesu.<sup>47</sup> That it would be a grave injustice if the Indians impeded the preaching of the Gospel is not questioned by theologians. This grave injury could be a just cause of war. Vitoria, however, adds that it would be very imprudent to take up arms immediately against the Indians. Other means should first be tried, for religion is not to be forced with guns and bombs.

What we have been showing, Vitoria goes on, is what is lawful in itself. I personally have no doubt that the Spaniards were bound to employ force and arms in order to continue their work there. But I fear measures were adopted in excess of what is allowed by human and divine law. The title under consideration might, then, be a second lawful title whereby the Indians might fall under the power of Spain. But regard must ever be had to what has just been said, lest what in itself is lawful be made, in the circumstances, wrong.

### 6. *Right of Intervention*

An argument which the imperialist adduced to justify the occupation of America was the allegation based upon the fact that the Indians committed horrible crimes. They were given to idolatry, they perpetrated the most heinous crimes against nature, they practiced the custom of human sacrifices, they were cannibalistic, and they suffered unjustly under abusive tyrannies. All the practices of savage peoples were common among them, and they appeared to be too atrocious not to justify any action, however harsh, against them. "Many affirm it to be not only pious but proper to inflict war on these infidels and to deprive them of their property and possessions."<sup>48</sup>

A prominent lawyer of the sixteenth century maintains it to be the generally accepted opinion of canonists and lawyers, and

<sup>47</sup> Thomas a Jesu, *op. cit.*, IV, part 1.

<sup>48</sup> S. Pereyra, *De Ind. Jur.*, Lib. II, cap. XIII.

that it is followed by many theologians, since it is not disproved in any passage of Holy Scripture. Indeed it would have seemed to be the duty of Christian princes to interfere by any means in order to avoid as far as possible the practice of human sacrifices and other horrors from taking place. Thus, Vargas and Guerrero not only endeavored to excuse the Catholic kings from any responsibilities in America, but they bestowed praise upon them for due to their action those savage peoples were giving up inhuman practices and were fast turning from barbarism to a better life and to the true religion.<sup>49</sup>

The kings were also to be held less responsible since they had been granted leave by the Pope. But even lacking this special dispensation from the Pope, any prince is bound to exercise this authority in order to bring the pagans to the Christian faith. Nay, pure humanitarianism should lead men to direct those peoples towards good, to vindicate their heinous crimes and to prevent as far as possible that their subjects be oppressed by the tyrants.

These reasons advanced by some theologians and jurists alike did not fail to bring home the conviction of the justice of Spanish action in the New World. **It** will be easy to understand when it is realized that such theory was based upon a doctrine which was not uncommon, that if a prince or a lord imposed upon his subjects an unbearable burden any other prince wielding more power and enjoying a greater authority could, nay, should, try to set those vassals free from the cruel jurisdiction of that tyrant, even had the vassals not requested any help from outside.<sup>50</sup>

**It** is interesting to observe what a variety of opinions were set forth when trying to justify the occupation of America. Sometimes it is tyranny alone which is given as a sufficient motive; other times it is cannibalism. An author maintains that idolatry justifies it; another holds that human sacrifice is a reasonable cause. Finally, when severally taken these motives

•• A. Guerrero, *Thesaurua Chriatianae Religionis*, cap. 81; F. Vargas, *De Episc. Jurisdic.*, 10.

•• Solorzano, *op. cit.*, 11, 18.

failed to justify the occupation of that land, they were put forward conjointly as an insurmountable argument. These were often adduced as legitimate causes for war, and therefore, it is when dealing with that point that writers speak of them in detail. Vitoria, however, treats them here also, because they were urged under this title to justify the Spanish occupation of America. He took the lead in denying their legitimacy, and his opinion was afterwards maintained by a host of writers, theologians as well as lawyers.

Vitoria sets the question in this fashion. The upholders of the thesis that the sins of the Indians furnished a just title for occupying their lands based their tenets upon the assumption that by those sins these peoples were breaking the law of nature. In order to make it clear they established a distinction according to which some sins of the Indians were only directly against positive divine law, and for these the aborigines could not be attacked with war, because it could not be shown to them that they were doing wrong. But there were other sins against nature, such as cannibalism, human sacrifices and others, and for these they could be declared war upon and in that way be compelled to desist from them, for it could be shown to them that they were offending God and consequently, they could be forced to cease doing wrong. They could, moreover, be compelled to keep the law which they themselves professed, and be punished by Christian princes under the authority of the Pope, if that law was broken.

To this argument Vitoria answers in a manner which is both clear and consistent with the principles previously stated by him. He does not venture to deny the fact of the repugnant practices of the aborigines; he limits himself to question the right of either the Pope or the Christian princes to interfere in a vindictive way, for this presupposes such jurisdiction over them as they lack. Christian princes, he says, cannot even by authorization of the Pope restrain the Indians from sins against the law of nature or punish them because of those sins. This assertion is founded on the argument that the Pope has no jurisdiction over the aborigines and consequently, he cannot

delegate it to others. Again the Pope cannot make war on Christians on account of their being fornicators or thieves or, indeed, because they are sodomites. Nor can he on that ground confiscate their lands and give it to other princes. This is confirmed by the considerations that these sins are more heinous in Christians who are aware that they are sins, than in barbarians who lack that knowledge. Further it would be a strange thing that the Pope who cannot make laws for unbelievers, could yet sit in judgment and visit punishment upon them.

Moreover, the aborigines in question are either bound to submit to the punishment awarded for the sins in question or they are not. **If** they are not bound, then the Pope cannot award such punishment. **If** they are bound, then they are equally obliged to recognize the Pope as lord and lawgiver, and if they refuse such recognition, that in itself furnishes a good ground for making war on them, which is denied by the upholders of that view.

Furthermore, what is it that the writers in question call a profession of the law of nature? **If** it is mere knowledge, the natives do not know it all; if it is mere willingness to observe the law of nature, then the resort is that they are also willing to observe the whole divine law; for if they knew that the law of Christ was divine, they would be willing to observe it. Therefore, they no more make a profession of the law of nature than they make of the law of Christ. Again, there are clearer proofs whereby it is shown that the law of Christ is from God and is true, than to demonstrate that fornication is wrong or that other things which are also forbidden by natural law are to be shunned. Therefore, if the Indians can be compelled to observe the law of nature because it admits of proof, they can be compelled to observe the law of the Gospel; and this is true. Such is the argumentation of Vitoria, which tends to prove his assertion by arguing *ab inconvenienti* and *ad hominem* rather than by proving directly his thesis. However, although it needs no additional proofs, it will not be out of place to make a remark in order to emphasize the point under discussion.

The crimes against natural law committed by the Indians

were not a legitimate motive which could justify the occupying their lands and depriving them of jurisdiction; both because the Spaniards held no jurisdiction over them, and because even if they had, their authority could not extend so far as to deprive them of rights inalienable which correspond to the human personality by virtue of their nature and not by virtue of divine grace, as it has previously been demonstrated.

It should be equally noticed that Vitoria speaks here of the first coming of the Spaniards to America, that is, before the aborigines could have inflicted any injury or perpetrated any injustice against the Spaniards which might have justified claims of the latter to proceed against the former with coercive action. Moreover, the argument merely denies that the crimes of the Indians afforded the Spaniards a right to take their property and occupy their land. It does not in any way question the rights of the Spaniards to preach the moral law amongst the natives, thus contributing to their regeneration; on the contrary this is one of the legitimate claims which justify the occupation. Vitoria examines it in the third section of this lecture.

It is clear, then, that Vitoria does not approve of the dictatorial intervention of a country in the internal or external affairs of another. He is willing to admit that if help is asked for justly it should be given as, for instance, when the majority of the people in a country are ruled by the oppressive law of a tyrant. In other circumstances when no help is demanded, coercive intervention does not meet with the approval of Vitoria, except in extremely difficult circumstances when the common interest of religion or humanity were in grave danger and even then it would have to be as the last resort of the community of nations.

The defense of innocent people who are made to endure unjustly inhuman sufferings seems to be demanded by the principles of natural law. When a country is so unfortunate as to fall under the sway of a tyrant the position both of ruler and subjects becomes very critical indeed. In such contingency the ruler reverses the social order making the subjects serve

him instead of putting himself entirely at the service of his people. The laws that he promulgates are not for the benefit of the subjects but for his own interests. The subjects are considered as slaves and are not treated in a better way than slaves. Their rights are entirely ignored, and their interests are not worthy to deserve the attention of the ruler. Furthermore, there have been frequent cases in history when innocent people were so badly treated that they were sacrificed and their bodies were made to serve cannibalistic purposes. Examples of this are by no means scarce in the records of barbarian countries. Such was the situation in the New World when the Spaniards first came, as is testified in numerous contemporary histories.

Was, then, this a lawful title for the newcomers to intervene on behalf of the innocent? Had the Spaniards any right to put an end to those inhuman sacrifices among the Indians? Would those tyrannical laws and sacrifices and cannibalism afford a sufficiently strong argument to urge the action of the Spaniards for the sake of the innocent?

Vitoria holds the affirmative, and bases his fifth legitimate title by which the Spaniards could take possession of the Indies upon either the tyrannical laws which work wrong to innocent folk, such as that which allows the sacrifice of innocent people, or the killing in other ways of uncondemned people for cannibalistic purposes, or upon the tyranny of those who bear rule among the aborigines. Vitoria advances two reasons taken from Holy Scripture. He asserts also that without the Pope's authority the Spaniards can stop all such nefarious usage and ritual among the aborigines, being entitled to rescue innocent people from an unjust death. This is proved by the fact that God has laid a charge on every individual concerning his neighbors. Therefore anyone may defend them from such tyrannical and oppressive acts, and it is especially the business of princes to do so. A further proof is given, "Deliver them that are drawn unto death and forbear not to free those that are being dragged to destruction."<sup>51</sup> The passage not to be

<sup>51</sup> *Proverbs*, xvi.

taken as applying only to victims when they are actually being dragged to death, but the natives can also be compelled to abstain from such ritual. If they refuse, it is a good ground for making war on them under the law of war, if such sacrilegious rites cannot otherwise be stopped, for changing their rulers and creating a new sovereignty over them. It does not matter that all the Indians assent to rules and sacrifices of this kind and do not wish the Spaniards to champion them, for herein they are not of such legal independence as to be able to consign themselves or their children to death.

This opinion of Vitoria revives an old doctrine which maintained that if a lord would burden the subjects out of measure, any other prince could and should render the vassal exempt from the authority and jurisdiction of the cruel lord even though the subjects did not ask for help.

The defense of the innocent against the tyrant is the task which Vitoria seeks to discharge. The Spaniards could set free the subjects of the tyrant Indian princes by means of war if that was required. It would be a legitimate war and the Spaniards could also put new rulers, abrogate the vexatious laws and enjoy the rights of war keeping their authority over the conquered areas, not precisely by right of conquest but by virtue of a concession granted by the Indians for their help. It is presupposed here that the majority of a country is really suffering unjustly, and moreover that such majority would request the help of other princes if it were possible. Thus Vitoria ends up by saying that we may find a fifth lawful title here.

This doctrine of Vitoria was practically sanctioned by the League of Nations, when, a few years ago, it sent a commission to inquire into the laws in force in the Republic of Liberia, and the social conditions of the inhabitants. As a result of the investigation, slavery was abolished, cannibalism was outlawed, and other practices were entirely condemned especially those concerning slave-trade, work of women in mines, etc., and also laws were promulgated for the good treatment of girls, women and children.

Alliance and friendship form another title which Vitoria considers as a separate one, though it would seem to be included in a previous one, of intervention. This seventh title holds in the case when, two countries being at war, one requests the help of a third with which it maintains friendly relations. This third power may at the time of victory claim a part of the possessions conquered, as a retribution for the aid given. In this way the territories of a country could very legitimately be engaged. But it is essential that the party that asks for help should be in a just war. Otherwise, it would be wrong for the friend-state to take part in it and could not, consequently, increase its possession in a just manner.

Applying the case to the Indians and Spaniards, Vitoria puts it in this wise. As the Indians themselves sometimes wage wars with one another and the side which has suffered a wrong has the right to make war, they may also summon the Spaniards to their help and share the rewards of victory with them. There is no doubt that the cause of the allies and friends is a just cause of war, a state being quite properly able, as against foreign wrong-doers, to summon foreigners to punish its enemies.

There does not seem to be any other juridical title whereby the Romans came into possession of the world, save by right of war, and the most special cause of their wars was the defense and protection of their friends. This is the seventh and the last title whereby the Indians and their lands could have come or might come under the possession and lordship of Spain.

Vitoria here seems to take for granted the righteousness of the Roman conquests. He, out of reverence for the Fathers, particularly for St. Augustine, who admits the legitimacy of the Roman Empire, does not question it and takes it as a consummated fact, merely establishing a similarity with the Empire. Such expansion is legitimate, Vitoria admits, provided that the friend-state with which alliance is entered into, has been wronged and is, therefore, in a just war, defending a just cause. In other cases it would not be legitimate to intervene.



### 7. *Right of Colonization*

The third title adduced by the imperialists to justify the conquest of America by the Spaniards was the right of discovery (*Jus inventionis*). The Spaniards were considered to be the first discoverers of the Indies and also the first to take possession of them. This, and no other title, says Vitoria, was originally set up, and it was in virtue of this title alone that Columbus first set sail.<sup>52</sup>

From ancient times, the fact of occupation has been looked upon as one of the original titles for the acquisition of ownership. In the Roman law as well as in the canon law, this title had been recognized with absolute legitimacy, though discovery alone was deemed to be only a prerequisite towards the acquisition of the lands discovered. Of itself it was not claimed to be a title. It had to be followed by actual occupation carried out with the intention of permanently possessing those lands. There was a rule in law (*regula juris*) which asserted "dominion over things begins with natural possession" (*rerum dominia a naturali possessione coepisse*). Such rule was but the abstract enunciation of concrete facts of history. In the case of America such possession was attributed by natural law and also by the law of nations to those who first discovered and occupied those islands and countries. But in order that occupation may have juridical sanction it is necessary that the lands occupied should be previously unoccupied (*res nullius*).<sup>58</sup> Was this the case in America?

First of all it may be asked whether the Spaniards were the first to discover America. Taking discovery in the modern sense of the word, the commonest opinion stands in favor of the affirmative, although there have been suggestions for the negative which, however, do not seem to be furnished with valuable arguments. Up to the sixteenth century Spain had

•• Vitoria, *De Indis*, sect. II.

•• Solorzano writes, "Ideo dicimus, invenerint et occupaverint quia sola inventio non sufficeret ad hunc naturalem quaerendi modum nisi occupatio accedat." Cf. *De Indiarum Jure*, lib. II, cap. 6.

been known to all antiquity as the end of the earth. The columns of Hercules at Cadiz were believed to mark one of the four corners of the earth, and the cape *Finis Terrae* in the northwest of Spain testified to this opinion. Similarly, it can be further confirmed that this was an old belief, from the numerous epitaphs found in Portugal and Spain, where in order to show the bravery of the captains it was written that they came to the ends of the earth (*ad extremum orbis*).<sup>54</sup> Beyond the borders of Spain there was nothing but water, mystery, and chaos.

However, even if there had been people who actually sailed for and arrived in America, they never acknowledged it to be a new world, for they thought it was the East Indies. We are aware that Columbus himself held that those countries to which he had sailed in a direction different from the customary one were the Indies. Thence their first name the Indies. In conclusion it can be safely stated, without intending to disregard the opinion of many inclined to believe that the Norsemen were the first to sail to America, that the Spaniards were the first to discover the New World.

In this connection, some writers maintained that the occupation and settlement which followed the discovery of America was right and legal, because an immense part of the lands discovered were not in any sense occupied, nor seemed to belong to any lord.<sup>55</sup> Moreover, there were many lands which were held to be abandoned and which were common to those who wished to occupy them.

If it were true that the Spaniards occupied lands hitherto belonging to no one, no doubt would have arisen as to the justice of it, because "what belonged to no one before is conceded to the discoverer by natural reason" (*quod ante nullius est id naturali ratione occupanti conceditur*), as the *regula* states. This was not so in the opinion of Vitoria; he speaks very emphatically on this point: "It can not be said that the

•• Morales, *De*

*Hispaniae*, lib. VIII, cap. !W.

•• Solorzano, *loc. cit.*

islands of the New World were uninhabited. For the most part, they were filled with the barbarians who occupied, possessed and cultivated them before our arrival. They who, in the Providence of God, possessed these islands from the beginning must be considered to have the true and proper dominion over them. We can no more speak of these islands as belonging to no one and so becoming the property of our country than we would speak of our land as belonging to the Indians if they had happened upon it." <sup>56</sup> Vitoria rejects the allegation that those new lands were *res nullius*, on the basis that so far as he had been informed they were already occupied at the arrival of the Spaniards.

Failing this argument, therefore, another was brought forward by the imperialists to make the action of the Emperor appear legitimate. It was urged that the inhabitants of the Indies were slaves by nature and therefore, were incapable of dominion or jurisdiction because the slave is not his own director (*dominus sui*), but is born to serve somebody else. In consequence the lands were *res nullius* and could juridically be occupied and taken possession of by the new discoverers.

Such an opinion had its background. It would seem to be an application of the medieval theory that non-Christians were deprived of any right to hold or to enjoy jurisdiction over others. Christians were considered to be superior to others foreign to that confession and were equally supposed to wield a certain supremacy in the world. Alfonso de Ojeda was one of the first writers to apply this view to the Indians upholding their natural slavery. It has been shown that J. Gines de Sepulveda was a strong upholder of this opinion. <sup>57</sup> Vitoria does not dwell long upon this title, as he has already proved that the Indians were true owners, and that they had their rightful superiors over them. <sup>58</sup>

The slow progress of some countries has given rise to the

•• *Ibid.*

<sup>57</sup> Aubrey F. G. Bell, "Juan Gines de Sepulveda," *Hispanic Notes and Monographs*, IX (1915).

<sup>58</sup> *De Indis*, sect. II, tit. S.

idea that other more civilized peoples had a right to impose their dominion for the furtherance of civilization. This claim which was so much debated in Spain during the expansion of her dominion has crystallized during the succeeding centuries, though more often than not in the wrong way. Might has prevailed over right, in many cases, and ambition, shielded with the name of progress and enlightenment, has led nations to disregard the rights of countries called backward or less civilized. The case of Liberia in Africa in our own day would afford an interesting discussion of this subject on which Vitoria stands unshaken against the sweeping currents of ambition and tyranny. Natural law and the law of nations are equal to all men and must be observed the world over.<sup>59</sup>

Finally, the following is considered by Vitoria, not as a real and legitimate, but as a doubtful, title. This opinion he does not wholly approve nor condemn. Although the aborigines in question are not wholly unintelligent, yet they are little short of that condition, and so are unfit to found or administer a lawful state according to the standard required by human and civil claims. Accordingly they have no proper laws or magistrates and are not even capable of controlling their family affairs. They are without any literature or arts, not only the liberal arts, but the mechanical arts also; they have no careful agriculture and no artisans of human life. It might, therefore, be maintained that in their own interests the sovereigns of Spain might undertake the administration of their country, providing them with prefects and governors for their towns and might even give them new lords so long as this was clearly for their benefit.

He notes that there could be some force in this contention, for if they were all wanting in intelligence there is no doubt that this would not only be permissible but also a highly proper course to take; nay, our sovereigns would be bound to take it, just as if the natives were infants. There is clear confirmation of this, for if by some accident of fortune all their adults were

•• Solorzano, *De Ind. lur.*, Lib. II, cap. VI.

to perish and there were to be left boys and youths in enjoyment indeed of a certain amount of reason, but of tender years and under the age of puberty, our sovereigns could certainly be justified in taking charge of them so long as they were in that condition.

Once that is admitted, it appears undeniable that the same could be done in the case of their barbarian parents, if they are of that dullness of mind which is attributed to them by those who have been among them and which is reported to be more marked among them than even among the boys and youths of other nations. Indeed, this might be founded on the precept of charity, they being our neighbors and we being bound to look after their welfare. Assuming that the title was an established fact, Vitoria puts two limitations to its application. It should be temporary until the Indians were capable of governing themselves, and also, it should not be merely for the profit of the Spaniards but for the welfare and interests of the Indians. Both conditions would rule out all illegitimate ambitions of the Spaniards and would render the civilization of those countries effective.

Internationalists of today would call these mandates, namely, when a state undertakes to govern other states of a lower civilization. But too often it is found that the interests of the uncivilized states are not first and primary in the mind and care of the civilizer. Vitoria based his two limitations upon the precept of charity; they were founded on moral reasons. Today it is not as a rule the moral side of the question that is foremost; it is the useful side of it, and this utility is at times claimed to be founded on legal reasons.

Modern mandates seem to have for their aim-in-reality-utilitarian ambitions. Those which Vitoria speaks of were based upon Christian principles and on human solidarity, working for the benefit of our fellow human beings and not precisely for the advantage of the higher states. He was theorizing and his immortal principles are applicable to all ages and to all countries; they are based on justice and truth, both of which are everlasting. The sense of human solidarity in Vitoria is both

more real and more sincere than in modern philanthropists for whom philanthropy seems to have become an excuse for furthering their own interests. Vitoria is not merely a precursor of the mandate system. He was the founder of a system which has not yet been realized. Modern mandates are a near approach to it, but they lack the two essential limitations which Vitoria established, namely, that they should be temporary and for the benefit of the natives. Vitoria's principles of international relations are not many, but they affect the whole international field and they possess the quality of an eternal value applicable to all times and to all countries of whatever civilization.

Having discussed these eight titles, Vitoria sets an objection of importance against himself; it deals with the *jus retentionis*. If there be no force in any of the titles which have been put forward so that the native Indians neither gave cause for just war nor wished for Spanish rulers, etc., all the travel to and trade with those parts should be stopped to the great loss of the Spaniards and also to the grave hurt of the royal treasury.

Are the Spaniards right in keeping hold of the conquered countries or should they rather leave the Indians alone?

The sixteenth-century Spanish theologians and jurists are unanimous for the retention of the conquered countries. They hold this because the nature of the Indians and their proclivity to fall out would not admit of leaving them to themselves, especially after they have given their name to the faith. Also, if the old native rulers should return, there would be grave danger that the faith would die out. Consequently, whether the Spaniards dominate legitimately or not, it is not expedient that the administration of the Indies should be abandoned by Christian princes.<sup>60</sup>

Even apart from the argument that such abandonment would turn against their own religious wellbeing, economical reasons could be urged. Thus Vitoria answers to the objection, saying that there would be no obligation to stop the trade, because there are many commodities of which natives have a superfluity

••J. Acosta, *De Proc. Ind. Sal.*, Lib. II, cap. XI.

and which the Spaniards could acquire by barter. Again there are many commodities which the natives treat as ownerless or as common to all those who like to take them. Secondly, there would probably be no diminution in the amount of the royalties, for a tax might quite fairly be placed on the gold or silver which would be brought away from the Indians, and it would be well earned, inasmuch as the maritime discovery was made by our sovereign and it is under his authority that trade is carried on in safety. It is evident, now that there are so many native converts, that it would neither be expedient nor lawful for our own sovereign to wash his hands entirely of the administration of the lands in question.

In this way Vitoria closes his *De India*, in which he examined the illegitimate and the legitimate titles which the Spaniards might have for dominating over the Indians. The nationalism of Vitoria is never so strong as to permit him to overlook the rights of the discovered race. For him there is one big family of which all human beings are members. The internationalism of Vitoria is based not on utilitarian or economic reasons, but on the religious belief that the human race is one and all its members are fundamentally equal, having the same fundamental rights and duties. It matters little whether the peoples of one country do not progress at the same pace as those of a higher and nobler civilization. The personal rights of individuals and the fundamental rights of the states must be based on justice and truth. It is only when this is not so that international order is bound to go wrong. The only remedy for international troubles is to realize that justice demands the rendering to each what is due him. When justice reigns then peace prevails among the nations of the world.

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## LANGUAGE AND SENSE PERCEPTION

### I

**M**OST of the controversies in philosophy since Aristotle—as before him—have centered around the relation of sense perception to knowledge; for though the Father of Logic made the relationship incontrovertibly clear just through his showing of the relation of knowledge to language in its everyday use, yet his doctrine has been all too often ignored or overridden. From the nominalism of the Middle Ages (a notorious instance of misunderstanding of Aristotle's appreciation of verbal reference) through Cartesian subjectivism, we come to Kant's analysis of man's reason which represents as grave a failure as that of nominalism to take an adequate account of the way the mind acts, as shown in the way verbal symbols function in expressing and communicating ideas. But more than five hundred years before the writing of Kant's *Critiques* St. Thomas had defended a philosophy of mind that steers on an even and tranquil keel between the two perils which Kant strikes alternately: the Charybdis of the mind as prime lawgiver to perceptible facts, and the Scylla of the mind as powerless to report on the things-in-themselves—the twin dangers of a priorism and solipsism, respectively.

For St. Thomas' theory of knowledge accepts the limits of man's knowing faculty, limits recognized by St. Thomas after Aristotle as being evident in word-behavior when the latter is properly evaluated, and thus saves the appearances of truth in all realms, including the semantic. The subjectivism vitiating modern philosophy from Descartes onward represents in each instance a failure to appreciate language's plain witness to objectivity.

More than any other philosopher who has ever lived, the



philosopher-saint who has been called Aristotle Christianized deserves the title of "Defender of the Mind." The importance of his work should be, it would seem, written in letters of fire against the sky in this chaotic century, when blind leaders of the blind, following the revolt from the *philosophia prima*, have led us into foxholes. Our present confusion is not the result either of an extreme abundance of data or of the fact that attention has been paid to the truths of science rather than of metaphysics. Philosophy, too, is based on facts; and the natural scientist who refuses to acknowledge what transcends the limits of his sphere cannot be said to have a scientific mind. The confusion of our era now culminating in this Age of the Atom Bomb is rooted in the false philosophy of science with which modern philosophy began over three centuries ago and in which it continues.

From Stuart Chase's inveighing against the "tyranny of words" to Harold Larrabee's scorn of the logic of Aristotle as one of deductive consistency in the use of language as opposed to the logic of things, the modern scene is littered with puerilities. The philosopher must ask, paraphrasing Emerson: "How can I hear what you say about language when what you admit in using language keeps dinning in upon me?" The current subjectivist nominalism of Bertrand Russell, the behavioristic pragmatism of John Dewey, and the inverted idealism of George Santayana are, one and all, based on false language theories, and each is as vulnerable on the semantic side as that of the most naive writer on the subject of words and things who assumes a one-to-one correspondence between them.

Where is there anything in the elaboration and complexity of symbolization techniques in modern science to justify the supercilious attitude toward verbal stability and consistency that has developed? Increased sense reports through the use of index needles, revolving drums, sensitive plates, and so on have hardly obviated the need for their interpretation through verbal symbols. The fact is that there is no scientist who works on the assumption of "ever more reliable knowledge as the

enterprise of critical exploration proceeds" in any special research who does not owe his assurance of truth's discoverability to Aristotle's substantiation of knowledge-findings by his evidence that language witnesses the universally valid character of knowledge. Aristotle's work with words was on the methodological side of language as it functions in behavior, and his treatise on this aspect of semantics was a propaedeutic study to his philosophy of science, that knockout blow to the Heracliteans who seriously taught that real knowledge is impossible.

Socrates saw that our use of language carries us as observers beyond the tight organic-environmental realm of the behaviorist of his day. The limiting of the observer to his post on the globe (which modern behaviorism demands and which the old atomic theory of perception is countermanded by that observer's use of language which is applied universally to things. Words represent common agreements on factual situations, and they express in transparent media the proof of things by definition. Thus through the behavioral word an Aristotle or a St. Thomas can posit that larger realm of proof in which the relation of the organism to its environment is far more significantly transactional than either ancient or modern behaviorism has dreamt of in its philosophy. And through the philosophy of language we must come again to the philosophy needed to combat modern sophists who are no less strong and perversive of truth than those the great Greeks combated. The present semantic fog, in which books on the use of words are reducible either to a series of learned puns or to arraignments of word-forms as meaningless by the use of other word-forms, must be cleared first of all; in other words, is high time to take the speech-implementation situation seriously. The way to understanding of the bearing of language reference on the philosophy of science remains in St. Thomas' gloss on Aristotle's conception of matter, which clarifies the relation of intelligible to sensible objects, as that relation is sustained in language methodology, showing reason to be " the impression

of the divine light in us," the mark of our creaturehood and the gift of the Creator.

Aristotle's great advance over earlier notions of the relation between sense-perception and reason lay in his conviction that thought and perception are aspects of one process. (This is the key fact to which we will revert more than once in this paper.) Protagoras had already suggested that truth but, under Heraclitus' influence, had vitiated its force by holding with Democritus that knowledge is a matter of material contacts and that changes occur in both percipient and object at the moment of contact, which changes make knowledge in any real sense impossible. The Pythagoreans, on the contrary, as shown particularly in the work of Parmenides, exalted reason's objects as timeless at the same time that they to degrade the objects of sense-perception as subject to change and decay. But the great Greeks refuted both Heraclitus and Parmenides; Aristotle, moreover, completed the work carried on so far by Socrates and Plato, the work of combining reflection with sense-percepts and attributing the illusory appearances of things not to any possible deceit of the senses but only to incomplete sense reports. For example, insight into the twin character of awareness in discriminate perceiving, involving recognition of the fact that perception under one set of circumstances must always be thus given, provided the exact setup recurs, was shown early in arguments over why a stick appears bent under water. For it was seen even by those who held the stick's appearance due to deceptive perception that the water-medium must also be considered; and, if what was to be known later as a law of light refraction vindicates the stick's bent appearance, the senses not only report accurately on things but also report on them (witnessing that accuracy) as conforming to universal standards.

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Now language as the method by which perceptual experience may be expressed and communicated exhibits the character of sense perception both as what is functionally dependent on the

conceptual principle and as what is immanent in objects. Aristotle, then, might show through the common word of the syllogism that scientific investigation, cognition, and proof-involving not only the universal and the particular (the major and minor premises) but also the relation between them (the middle term) -are as dependable as they are communicable. As Plotinus says, the unit lives as a universal; but likewise the universal lives as a unit. For sense objects are not complements of reason; they are the reals of reason. The world, as common sense accepts it, is there to be known. Thus a true theory of language leads inevitably to a refutation of all forms of subjective idealism. The external world is neither complementary to knowers nor a construct of knowers. Above all, the material universe is neither "nothing" nor representative of an evil principle.

In their teaching that physical matter is a "second" principle whose essence is the negation of all true being, both Philo and Plotinus were following pre-Aristotelian notions. And instead of dethroning materialism, as subjective idealism (from the Pythagoreans down to Christian Scientists) intends, the result is always to enthrone matter as the Unknown God or, to speak more precisely, as the Unknown Devil. The doctrine of matter before Aristotle refutes the idea that the "body beautiful" was properly appreciated just in paganism. On the contrary, it was the "muddy vesture of decay"; as Shakespeare's Lorenzo tells Jessica when, voicing to perfection the Pythagorean teaching on the harmony of the spheres, he calls her attention to the starlit Venice sky:

There's not the smallest orb which thou behold'st  
 But in his motion like an angel sings,  
 Still quiring to the young-eyed cherubins;  
*Such harmony is in immortal souls;*  
*But whilst this muddy vesture of decay*  
*Doth grossly close it in we cannot hear it.* (My italics)

Though only in Christian teaching has the material world been recognized for what it is without quibbling or vagueness-

God's creation which was signed " Good" by Him-the Christian concept is implicit in Aristotle's theory of matter, which reversed earlier theories that it is evil. As his universal metaphysical theory maintains the idea, and shows that only what is out of line with the Divine Reason can be called evil, Aristotle taught that " the world and all that happens in it is the longing of matter after God." St. Augustine's famous analysis of carnal temptation in the garden of Alypius shows that the battle between the mind and body is falsely named; it is really between will and will. "Mind commands body; and there is instant obedience; mind commands mind and there is rebellion." For the corporeal creation, far from being identifiable with error or partial error, actually "means intensely and means good," as Browning's Christian artist says. Art's testimony, referred to farther on, is, in its own special way of communication, identical with that of language in proclaiming the unity of thought and perception, and in proclaiming also the reality of the external world.

As St. Thomas shows, Aristotle's doctrine of knowledge and of matter is in harmony with that of Christianity because it is truly logical. For the pre-Christian thinker dealt justly with the logic of language as it spans the abyss, on the one hand, between sense perception and the universals of reason, and, on the other hand, between knowledge and the external world. His original logical analyses exhibit the fact that by the identifying of principles in ideas and phenomena an epistemological witness is given both to the relation of knowledge and reality and the relation of human knowers to the Divine Source of all knowledge. The relation of perception to reason, the all-engrossing problem of ancient philosophy, appears in Aristotle's showing that the word-in-use is the idea and the idea is of the object, physical or otherwise; for sense phenomena and ideas are not two, as Plato seemed to teach, but only one, and they are to each other as matter to form.

Thus the Actus Purus conception culminates Socrates' and Plato's pioneer spadework on the truth of the relation of the

sense world to reason. In all our direct perceiving, shown implicitly in language as the intimate instrument of thought's expression, the sensible is revealed as the determinate in act, the intelligible in potency, communicating its determinateness to the intellect, which in its turn is intelligible in act and determinate in potency. Verbal symbols act on the principle that the intellect, made to extract the intelligible from the sensible, cannot disentangle the universal from its individuating matter yet can and must distinguish, *sans* differentiating, the universal idea from the particular phenomenon. Scientific activity consists in such distinction; and it is possible because language, expressing, connotatively, the potentially determinate and, denotatively, the actually determinate intelligible object, exhibits at one and the same time an identity of principle between the essence and the existence of each created thing and a fundamental distinction between them. Henry Adams observes in his famous autobiography that the highly inflected languages of antiquity show that man must have reached his highest metaphysical powers early in his history; for, he says, man's education was lifted from the start to a very high plane by language which afforded him "the finest, subtlest and broadest training both in analysis and synthesis." But it was Aristotle who, taking the complex of relations between words-as-symbols and words-as-ideas in his comprehensive logical stride, pointed out the laws in evidence in the language we use to hold ideas before our minds and the minds of others.

Epistemological matter remains distinct from physical matter yet involves it, for all that the intellect grasps is formed matter. Aristotle illustrated the process with analogies from nature (acorn-into-oak) and from art (marble-into-statue), showing the form-matter relation as that which reveals epistemological matter progressing from no thing at all to what grows more and more significantly some thing, by virtue of the actuating form. In all those illustrations and analogies we are told that the intellect takes nothing to objects that is not already in them and that the sense-fact, momentary and sub-

jective as it is, must represent the ever-valid in order to be genuine. The denotation and the connotation aspects of words referred to above are complementary for expression of the dual knowledge situation. Their separation is an impossibility in words-in-use. Verbal intelligibility rests on maintaining the right relation between the denotation (extension) and the connotation (intension) aspects of language terms. When a word functions in behavior it expresses both relationships as a window for thought. As Chesterton said of windows in general, there are just two things to do with them: wash them and then forget them. Words in use are to be kept clean and their instrumentality forgotten; yet when interest is taken in that instrumentality it is seen that denotation and connotation at once is a power possessed by language alone. Both music and mathematics lack that double reference which is involved in the relation of language meaning to the meant. One stumbling block in mathematical logic is, among others, the fact that the denotative and the connotative are not equally present in mathematical symbols.

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Greek thought, then, at its best showed both that conceptual knowledge cannot explain perceptual without identifying itself with it and that (by the proof of language itself) the material world exists in its own right even as the knower exists. In the first place, to be logical, the concept and percept must always go together as functionally complementary aspects of the same situation, as knowledge is related to its objects, revealing the fact that the principle of knowledge of a thing and the principle of that thing are one and the same. What things can be known as having no being-principle (ills, negations, privations) are known by opposing ideas. (A principle of being is always a principle of knowledge but a principle of knowledge is not always a principle of being.) And, in the second place, if the material world represents what our intellects can grasp at first hand, and only what these knowing faculties can apprehend

directly, the fact is a key to man's place in the cosmos. "Poems," wrote Kilmer, "are made by fools like me, But only God can make a tree." But Aristotle's epistemological monism shows, in effect, not only that God alone can make the tree, but also that God alone can make the idea of the tree in the sense of formative concept} yet-and this truth is at the heart of Aristotle's finding that the relation of the particular to the universal (as shown in the logical picture of the middle term to which the particular rises and from which it stems) is one of stable epistemological reality-man can know the material creation for exactly what it is, which fact points to man's possession of a divinely given intellect, one that thinks God's thoughts after Him.

If a study of the intellectual processes used in arriving at truth is at once a study of syntactical relations, the reason appears in the methodological side of language as involving the actual meaning content. The act of naming, as Socrates first pointed out, is one of trust in the absoluteness of truth and the validity of universal law. Determinateness of meaning, appearing with the same exactness in the word as in the idea and object, can be based only on the pervasive character of truth as shown in verbal reference, which to be valid must be triune: to the Idea which is God's, to the idea in the object, to the idea in the perceiving mind.

Semantic relationships reveal (on the one hand, the relation of the word to the idea, and, on the other, the relation of the idea to the object) what is a basic sameness of meaning in the idea, the object, and the word. The present failure to appreciate the logical relations in verbal implementation (the relation between language as symbolism and behavior) and verbal intention (involving the relation between the idea and the object) is the result of a fundamentally unsound philosophy of science no less than of language. When St. Thomas set out to refute the Manicheans-and Cardinal Newman said of that refutation: "With the jawbone of an ass, with the skeleton of ancient Greece, St. Thomas, the Samson of the schools, put to flight



his thousand Philistines "-he employed the logic of Aristotle to show that the notion that matter is bad is erroneous. Actually it is the same error as that of nominalism in reverse. (That the sense presentation and the physical object are, from the standpoint of knowledge behavior, as absolute in identity as a thought with a word in language behavior, has been a prolific source of confusion both in epistemology and semasiology.) Nominalism rejected as unreal all knowledge but the perceptual, attributing to the particular the sole reality; Manichaeism, on the other hand, despised the world of sense, attributing to matter a creative principle distinct from God. No wonder that St. Augustine in his fight for truth against the Manicheans spoke of the great difficulty he had in untangling reality from the trickery of words! The trickery is in the theory of knowledge as it relates to sense perception and as both relate to language. Look in our own times at some of the "odd, low and pitiful ideas" that are rife-ideas not only about God but about matter! The attempt in medieval nominalism to reduce Aristotelian universals to mere linguistic symbols is being repeated today, though more subtly, by Bertrand Russell and the logical empiricists<sup>1</sup> in their search for a metalanguage; John Dewey, on the contrary, for "firm names" for behavioral events, discounting entire! Vthe implementation side of language and referring symbolism to "the regions of mathematics and syntactical consistency." And George Santayana, washing his hands of Aristotle's logic altogether, boldly champions the pre-Socratics in his theory of language, though he is not so consistent as Cratylus, who gave up speech altogether.

The almost insuperable difficulty of discussing verbal relationships in their dual referential character is obvious: even in the first relationship, that of the symbol to the idea, there is the problem of the word-as-symbol (where words and ideas are separable) and that of the word-as-idea (where the word

<sup>1</sup> See my articles, "Mathematical Logic in Modern Positivism," *Journal of Philosophy*, April, 1933, XXX, pp.                    and "Epistemology and Symbolism," *Ibid.*, May,                    XXIX, pp.

functions in behavior inseparably from the idea). The latter use involves the second relationship, that of the idea to the object which shows the synthesizing of the aspects of method and definition with the meaning and the meant at the moment of communication. (For the sake of convenience we have named the first relationship that of "implementation," the second that of "intention.") Aristotle showed the first through the behavioral word even as he showed the dual relationship by means of concrete examples. While the use of the word-as-symbol is not stressed in Aristotle's acceptance of context-content, its behavioral use in his hands is discriminate and does no violence to the symbol side. Behaviorally the names are the meanings—otherwise communication would be impossible; but symbologically they only refer to the meanings. Russell and his school have been as guilty of overstress of symbolism in language as Dewey and his followers have been guilty of understress of that language aspect. But the fact that language has two sets of referents makes it truth's expression-tool *par excellence*.

there, then, some mysterious interconnection between the relation of language and knowledge and that of sense-perception and reason? Mysterious or not, each relation can be clarified by clarifying the limits of the analogy between language-and-knowledge relationships and sense-and-reason relationships. The analogy may be expressed as follows: Just as language behavior may be taken as a behavioral event among other behavioral events and in such a category belongs to a different existential order from language as a set of symbols, so does the world of nature belong to another order from sense-percepts; and just as the verbal symbol and the thought it carries are identical in essential meaning, so is the material world identical with our perceptions of it in essential meaning. But this analogy cannot be pressed. The material world is not any more like language on the strictly referential or methodological side (that of speech-implementation) than it is like Philo's prison-house of matter, itself an epistemological misunderstanding as the end-result of a false attitude toward language. For the

notion that matter is vile, a wall between man and his Creator (whether that notion occurs in the work of a Graeco-Hebraic philosopher like Philo, a great pagan like Plotinus, or a Chestertonian character who espouses the latest new-thought fad), is arrived at by the holding of the perceptive functionally complementary to reason *apart from the percipient*, as though the sense-world-like a word divided between thought and symbolism-were only a realm of half-truth.

#### IV

Elsewhere I have written on poetry as a guide to semantic understanding.<sup>2</sup> In poetry the methodological symbolic element is not pushed into the background. Instead it is significantly in the foreground. The office of poetic language is not to conceal the symbol but to reveal it, and to reveal it for exactly what it is in prose usage—a completely transparent carrier of meaning. The conceptual and the existential contexts as portrayed in terms of one another through the verbal symbol of poetry "imitate" prose language behavior, and the poet above all artists shows that a sincere portrayal of truth-situations neither takes from nor adds to what is already in nature. In what follows I shall quote from my arguments previously expressed in the *Philosophical Review*, showing why the poet's unique and independent vision has truth and objective validity which is self-proclaimed as being as sharable as any other knowledge. For within poetic language the words are symbols both as materials for the art and as attached by the world at large to objects. We may not limit or obscure their meaning subjectively but must rest both their surety and clarity on the inviolateness of definitions. But before quoting the paragraphs from my article I wish to remind the reader that in all art is shown what happens in our sensuous and intellectual syntheses alike: the indissociability of the universal and particular aspects. In art the enjoyer thinks not on one level but on three different levels: first, the art stuff on which, second, the

• *Philosophical Review*, Vol. LIII (1944), pp. 484-491!.

particularity, and third, the universality, of the representation in question rest; for the medium unites the two in one presentation. It is a condition of beauty that the ideal fusion of the three levels be complete. If, as Browning's Brother Lippo (who was also quoted earlier in this paper) finds,

"We're made so that we love  
First when we see them painted, things we have passed  
Perhaps a hundred times nor cared to see,"

the reason is that by the use of another sense-material than that of nature, the indissociability of the twin aspects of cognition, already implicit in the situation, is made explicit and truth's transcendent character appears. The artist, in other words, has painted two "things" as one: the universal idea and the thing itself. In poetry, the language art, the universal and particular elements must be identical yet distinguishable in the same verbal symboling. My argument for poetry reads, in part:

The first cognitive level in poetry may be called the sub-structural since it is the relatively neutral sense stuff on which the structure or existential context appears; and on the structural basis in turn the superstructure or conceptual context rests. The three levels are, of course, analytically indissociable and yet represent degrees of meaning in the artistic creation. To take a single example from sculpture, let us look at Saint-Gaudens' memorial statue which Henry Adams commissioned him to make for him after his wife's death. The figure has bronze for its sub-structure, a person for its structural level, and brooding loneliness (or whatever else was its purpose which Adams had outlined carefully beforehand to the artist) for its superstructure. These levels are coalesced in the statue; and the same kind of union takes place in all art forms through three general stages. But poetry, having an ideated substratum for the superimposition of the particular and universal levels, presents a different situation from sculpture.

At the art-material level, poetry has its sub-structure already charged with meaning. This meaning partakes further as much of the existential as of the conceptual aspects as expressed in the completed art work. What the poet does is to throw these levels into sharp relief and yet keep them at the same time in complete

umon. He does this by means of his musical arrangements. The verbal symbol in poetry, exactly like the bronze of Adams' memorial statue, expresses three degrees of meaning: First, the art-material or the verbal symbol as such; second, the emotive or musical structure; and third, the interpretive or meaningful superstructure. For where word-music is distinguishable yet not separable from its conceptual content, and where the verbal symbol supports two non-dissociable degrees of meaning by drawing a distinction between them at the same moment that it unites them, we have poetry; but we have also a representation of what occurs in all language usage. Poetry, being an art, exploits verbal signs, exhibiting symbols as equally melodic and meaningful, and makes of language itself a mirror of communication. The poetic word, in short, re-presents or mirrors prose speech; and through this act of mirroring (which is art) beauty seizes the observer, such beauty as reveals that the least judgment in the life of the individual mind must exceed in value the poet's finest product

Now, when the poet telescopes word, idea, and thing into the immediacy of relation they have in poetry he does only what is done in our usual word behavior. That is, he represents respectively the universal and the particular relational elements in the truth-situation as the relation of ideas to things; also, he shows that the relation of words to ideas and ideas to things is a transcendent one. Such portrayal, however, is no more the poet's real purpose than the sculptor's is to show Aristotle's purposive intelligence at work in the world. If the poet presents artist-wise the conceptual and the existential contexts as distinguishable only in terms of one another in the same verbal art-stuff, this is just his *modus operandi* for ensnaring beauty. In "reflecting" the existence of a triune transcendence in word-idea-thing, he is certainly proving neither Bishop Berkeley's eighteenth-century nominalistic "discovery," *esse est percipi*, nor Hegel's nor any subsequent subjective idealism which tries always so mightily to be factual. However, he proves, if anything, just the opposite of the Berkeleyan thesis; for, like any other artist, the poet takes the corporeal world as he finds it, exercising at once his artistic and critical faculties in making selections for his own creations.<sup>3</sup>

Thus far the reasons for holding that the philosophy of poetry reveals a propaedeutic relation to the philosophy of language; and thus far too the reason that Dr. Samuel John-

<sup>3</sup> - "The Language of Poetry," pp. 491-492, *ibid.*

son's first requirement for poetry—a requirement more or less ignored in this era—was that each piece should contain within itself whatever is needed to make it intelligible. That is, poetry's ideal content no less than its art form is to be judged by universal canons. The poet, intensifying and highlighting verbal meanings, submits to a candid world his language-symbols both as meanings of objects and materials of the word-art. The point here is that he submits those symbols—in which he has amalgamated into a single meaning presentation inter-playing words, ideas, and things—with the definite understanding that both the beauty of the verbal form and its meaning are not only his own but everyone's. And, since the poet, like all artists, reveals what is hidden but is nonetheless to be recognized as true, he shows, in passing, what happens to the symbol in language behavior. When Dionysius Thrax defined grammar as "knowledge of what the poets said," he was stating a more profound fact than was immediately apparent. For the key to the poet's power is also the secret of his reign over the grammarian, and in like manner over the semanticist; that is, the poet mirrors language as it is used both on the implementation and the intention side.

## V

Surely, the complex of relationships between words and things, including the two primary aspects of verbal reference, implementation and intention, or the use of symbols for transcribing ideas, and for identification of the meaning with the meant, shows that the laws of language are subservient to the laws of logic and not *vice versa*. That we use symbols for ideas but that these symbols behave as ideas in the expression of knowledge is obvious; and that the ideas are the principles of the objects specified should be, it would seem, after Aristotle and St. Thomas, no less obvious. But Kant's noumena-versus-phenomena conception (as the developed form of Cartesian dualism) represents an abortive attempt to hold that in the perceiving of objects the mind, as the center of the knowledge

system, makes objects conform to perceptions; for, in his self-styled Copernican Revolution in philosophy, Kant taught just that. The Kantian teaching, of course, resembles Plotinus' earlier misunderstanding of Aristotle's cosmology: the noumena are of an entirely different order from the phenomena, as much different indeed as the Neo-Platonist's world of spirit from the world of phenomena. For Kant also created an arbitrary division between our knowledge of objects and things-in-themselves, the world-as-known and the real world. But the work of language is, as we have seen, to bridge the two.

Russell's nominalism rephrased Kantian subjectivist concepts, themselves errors along nominalist lines, according to mathematical concepts. The modern form of nominalism is, incidentally, one that medieval nominalism would not recognize. In addition to revealing the old lack of understanding of verbal implementation, it betrays verbal intention. Like Gradgrind's, Russell's demand has been for "hard facts," which he also takes, or took, as being the mathematical. The truth is, of course, that the equations of mathematical logic take the investigator too far from real meanings to be useful either in logic or semasiology. The doubling of symbolizations, where mathematical notations are made to stand for logical operations, involves a new reference complex in which syntax becomes a matter of space-time relationships. But the translation of propositions into quantitative tautologies proved both hard and unrewarding. In his own statement we learn that Russell gave up the task and that it has been about twenty years since he last worked on mathematical logic.<sup>4</sup>

If Dewey's dependence on the concepts of biology rather than those of mathematics has attracted Russell and some of his followers in more recent years, the reason is that his theories stress something besides the logical framework of knowledge, which, in Russell's identification of it with mathematics, left little for the mind to work on in the way of experiential content. Dewey, in keeping with his cavalier choice of one set of

• *The Philosophy of Bertrand Russell*, Northwestern University, 1944, p. 741.

biological hypotheses—the evolutionist as opposed to the Mendelian—has tried to classify knowledge and language together and simultaneously as mere forms of organismic responses to environment. That the instrumentalist has, without being aware of it, chosen a theory of knowledge that is also a theory of reality in holding that all "knowings" and "namings" are "organic-environmental behaviors," and that such a choice is in open contradiction to his doctrine that all general theories about the world and the nature of experience are essentially worthless, are facts that reveal a fundamentally a-logical mind. Any general hypothesis of knowledge and reality that rejects all but immediate behavioral relations contradicts itself, of course, at the start. In addition to that contradiction in his presuppositions, Dewey's new vocabulary of "namings," "knowings," "behaviors," and the rest of it falsifies the nature of language, since those names are held segregable for investigation without change in themselves of any kind. But it is impossible to segregate a term without changing its behavioral reference to the symbolical. Whenever a word's implementation side is considered we have entered the strict realm of the methodological as opposed to that of actual content where word, idea, and object coalesce into a single meaning presentation. In other words, we have gone backward from the meant to the meaning, and to the word as symbolizing the meaning.

Opposed though they have been in their respective semantic errors, however, Russell and Dewey are alike in being subjectivistic and materialistic. (The two positions in modern philosophy, just as in the teaching of the pre-Socratics, go together.) And Santayana likewise is caught in the same trap of solipsism that logic baits for those who bridle from the way of wisdom. The latter's doctrine that there is an infinity of essences, none permanent and none alike, in the "realm of essence" (the colors, forms, tastes, odors, pressures, and temperatures of sensation, and the ideas, words, images, and other interpretive portrayals of thought) reads like a modern version of the old atomist theory of knowledge of Democritus and



Protagoras-fine atoms for thoughts, coarse atoms for sensations, with the material changes at the moment of contact between percipient and perceptual object making permanency of truth impossible. Hear what Santayana says in his last work in which he tries to explain away both the supernatural soul and natural laws in the physical universe (for, unmindful of Joubert's warning, he is evidently no more fearful of being wrong in philosophy when he thinks differently from the philosophers than in religion when he thinks differently from the saints):

It was a sad misfortune for Christian theory that it drew its philosophy from the disciples of Socrates rather than from his predecessors who had faced the world bravely and without prejudice; for Socrates and his followers, in the interests of morals and politics, which in their time were in a parlous state, had thought to save ancient society by attributing to the universe, quite falsely, a political and moral constitution. This unhappy method not only verbalized natural science but represented morality and holiness as hanging on imaginary physical sanctions, and not on the inherent vocation of human life and mind.<sup>5</sup>

The prejudicial implications in this statement apart-even the extraordinary implication that the morals and politics of *this* era are not "in a parlous state"-what can be said for that "vocation of human life and mind" resolving itself into a vertiginous whirl that Santayana names "perpetual self-transcendence into existing things"? A euphemism for the old Heraclitean fire, which remains as powerless today to provide a stable foundation for either science or morals as it was twenty-five hundred years ago, hardly shows philosophical progress or acumen, no matter how brilliantly it is expressed.

Finally, let Aristotle's logic be called a verbalizing of natural science only by those who realize what the verbalizing signifies. Verbal stability is no less the goal of philosophy than it is of science-the consistent relativist must, like Cratylus, literally either put up or shut up. The search begun by Socrates for

<sup>5</sup> *The Idea of Christ in the Gospels*, Scribners, 1946, p. 287.

dependability in knowledge-findings against the Sophist deniers of its possibility was culminated in the Father of Logic's showing of metaphysical truth underlying word-behavior. Aristotle's original systematized report on the logical road to dependability in knowledge shows that it is no royal road, perhaps, but it is the only one there is. *H* modern philosophy has found it too strenuous, and, from Descartes (for whose subjectivism the Protestant movement of the preceding century had prepared) until the present time, has tried other ways, all of them have proved but the "ways of dream" to today's world-chaos in philosophy and civilization in general.

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## THE CERTITUDE OF HOPE

**T**HE OBJECT of theological hope is eternal beatitude. If, then, certitude can be ascribed to this virtue it would seem that this certitude must pertain in some way to that object of hope. As a matter of fact, in the works of most modern theological writers there is always the assumption that the certitude of hope pertains to the actual attainment of eternal life. Of course, it is a matter of Catholic faith that no one can be absolutely certain of attaining eternal life unless he receives a special revelation to that effect from God. Consequently, the common doctrine among the theological writers is that the certitude of hope is conditional, that is, this person will be saved if he perseveres. Likewise many apply a distinction to the effect that hope is certain from the point of view of the help of God, but it is not certain considered from the part of the peccable subject hoping.

If the certitude of hope was a matter to be dealt with by natural and experimental sciences we should conclude that this modern theory is the point of farthest advance in the problem of hope's certitude. In those sciences, because of their experimental character, it is generally true that the latest pronouncement of the reputable scholars in the field are farthest points of advancement along a particular line. However, in the speculative sciences, especially in sacred theology, the same principle may not be applied with equal freedom. Indeed, progress is most surely made in theology. Nevertheless, in this science it is often true that the advancement is not by way of finding something new, but rather by way of a return to something old. Thus, in differing with modern theologians relative to the certitude of hope, ours is not an advancement in the sense of finding something new, but rather it is a plea and a plea for the restoration of something old, which; nevertheless, has been lost to modern thinkers.

When we contrast the position of the moderns to that of St. Thomas Aquinas on this question we are not confronted with the antagonism between the new and the old. In truth the theory of conditional certitude antedates St. Thomas. Its reassertion by so many modern scholars merely emphasizes two things: 1) that St. Thomas is inadequately known by them, and 2) that the surgence and resurgence of such theories run in cycles. In his time, St. Thomas combatted the theory of conditional certitude, and gained a victory which lasted as long as true Thomism sat in the chairs of theology. However when the clear sky of his precise theological thought became more and more obscured by the ever darkening clouds of humanism, nominalism, and the so-called reformation, the foundation was laid for a less scientific approach to theological problems, and among them the certitude of theological hope. Hence, from this point of view, the resurgence in modern times of the theory of conditional certitude is not surprising, and only serves to illustrate the manner in which theories rise and fall in cycles. Given the background just described, the pronouncement of the Council of Trent to the effect that no one can be absolutely certain of attaining eternal life, was itself an occasion for the return to the theory of conditional certitude. However, St. Thomas was well aware of the truth later defined by the Council and neither ignored nor jeopardized it in the elaboration of his theory of the certitude of order and of divine ordination.

Nevertheless, the almost universal acceptance of the "conditional" theory in our times is most astonishing in view of the really Thomistic thought on this matter to be found in the works of the great commentators on the *Summa Theologica*. In their writings we find no trace of this theory of conditional certitude.

In the *Summa Theologica* itself St. Thomas gives but little space to the discussion of this subject. However, his study of it in the *Commentary on the Sentences* is more extensive, and here we find a satisfactory refutation of the theory of conditional certitude prevalent among so many modern theologians.

The certitude of hope, he affirms, is not a *certitude of knowledge* concerning a future event, namely the attainment of eternal life. Rather it is a *certitude of order* towards that end, an infallible inclination or ordination in the act of hope without any reference to the actual attainment of the end. Accordingly, it is not the end which is in question here, but the actual character of theological hope. It is very interesting to find the Angelic Doctor himself refuting the theory of theologians who maintained that hope only participates certitude from faith and who consequently attribute to hope certitude of a conditional nature.

In this study we aim, not only to propose the theory of St. Thomas on this question, but also, as far as possible, to indicate the sources of his theological reasoning in this matter. Since, however, the edited writings concerning this problem are very limited we have endeavored to uncover the doctrine contained in the unedited manuscripts of that period immediately preceding St. Thomas. Even there the field is not very extensive but we feel that a study of this subject has been aided greatly by the reading of the manuscripts which are herein cited. Indeed, a study of the problem in the period immediately preceding St. Thomas would be incomplete without a knowledge of the contents of these unedited works.

## I. PRE-THOMISTIC DOCTRINE

### I. THE DEFINITION OF PETER LOMBARD

Although the doctrine regarding the certitude of theological hope is rooted in the Sacred Scriptures themselves, nevertheless the discussion concerning the nature of this certitude did not arise until the middle of the twelfth century. The existence of the certitude of hope is clearly admitted by the Fathers, but they do not enter into a discussion of its nature. As a typical example of the transitory treatment of this subject in their writings we might cite a passage of Gregory the Great in his

Commentary on Job: "Through the certitude of his hope he was already sitting in the heavens." <sup>1</sup>

Indeed this particular theological point did not receive extensive treatment until the beginning of the thirteenth century. However, for a clear understanding of the writers it is important to start from the definition of Peter Lombard for this was, so to speak, the springboard from which all discussion started. This was the age of the Commentaries on the *Sententiarum Libri Quattuor*, and later the age of the *Summae Theologicae* which produced the highest speculation regarding the certitude of hope. The Lombard's study of the virtue of hope is very brief, but his definition of theological hope is, from one point of view, the most important single contribution to the speculative study of the virtue. It definitely assigned to hope qualities and causes the discussion of which by later scholars was to produce the more extensive scientific of the virtue familiar to the thirteenth and succeeding centuries.

Peter Lombard defined hope as "certain expectation of future beatitude coming from the grace of God and merits which precede either the hope itself, which is preceded in nature by charity, or the thing hoped for, that is, eternal beatitude. For to hope for anything without merits cannot be called hope, but presumption." <sup>2</sup> This is the definition which provoked the discussions of the thirteenth-century theologians. If the definition did not actually exist before its promulgation by the Master of the Sentences, it was not without foundation both in Sacred Scripture and in the writings of earlier theologians.

Hope, he said, is certain <sup>3</sup> expectation. This note of certainty or certitude is ultimately founded upon the fifth chapter of St.

<sup>1</sup> St. Gregory the Great, *Comm. in Job*, 16, in *PL* LXXV, 742.

<sup>2</sup> Est enim spes certa expectatio futurae beatitudinis, veniens ex Dei gratia et meritis praecedentibus, vel ipsam spem, quam natura praeit caritas, vel rem speratam, id est, beatitudinem aeternam. Sine meritis enim aliquid sperare, non spes sed praesumptio dici potest (*Sententiarum Libri Quattuor*, III, d. 26, in *PL* CXCII, 811).

• In this work the word "certain" will be understood in its primary sense i. e., signifying determination.

Paul's Epistle to the Romans. The precise passage is as follows: "we glory also in tribulation, knowing that tribulation worketh patience; and patience trial; trial hope; and hope confoundeth not";<sup>4</sup> after the words "trial hope" the Glossa Ordinaria added, ". . . that is, the certitude of hope."

The words "from the grace of God and preceding merits" are also founded in the writings of previous scholars. For example, Anselm of Laon has this: "Faith and hope differ because hope is trust concerning future goods in the grace of God and some preceding merits."<sup>5</sup> While it is true that Peter Lombard qualified this statement, it is nevertheless evident that at least the individual parts of the definition were not entirely new concepts. The importance of the definition itself consists rather in the correlation and the clarification of these ideas, and further in the clear statement of the nature of the act of hope. It was this clarification and clearness which enabled others to proceed with the more profound speculations.

Hugh of St. Victor, however, who actually died twenty years before the Master of the Sentences, also has some interesting notes on this matter. While it is true that he did not delve deeply into the problem, nevertheless he is of importance here

he was definitely an authority whom St. Thomas used extensively. However, St. Thomas applies necessary distinctions which were omitted by the earlier theologian. The expression "from preceding merits" (*ex meritis praecedentibus*) which provokes so much comment and which is of prime importance to this discussion, does not seem to have been clearly understood by Hugh of St. Victor in the sense which we now call Thomistic. The Lombard asserted that the merits precede either hope or the thing hoped for. Hugh of St. Victor had said that they must only precede the thing hoped for because no merit precedes hope itself.<sup>6</sup> Of course with the proper dis-

<sup>4</sup>*Romana*, v, 8-5.

<sup>5</sup>Anselm of Laon, *Sententiae*, ed. Bliemetzrieder, p. 80, as quoted by P. Ramirez in *La Ciencia Thomiata*, Sept. 1988, p. 198: *Differunt autem fides et spes, quia spes est fiducia de futuris bonis in gratia Dei et meritis aliquibus praecedentibus.*

<sup>6</sup>Hugh of St. Victor, *Summa Sententiarum*, Tract. 1, cap. i, in PL CLXXVI,

tions which we later find in St. Thomas both of these writers have foundation for their statements and are, in a sense, quite correct. To distinguish here between hope and the act of hope, and again between merits which one actually has and those which one proposes to have before death, is quite essential to the proper understanding of the classical definition of theological hope.

In another work Hugh gives evidence of deep insight into the difficulty. He describes hope as an "immovable motion based upon certain or sure reason."<sup>7</sup> Although he did not go on to elaborate the idea, nevertheless this brief statement would seem to indicate that he has a clear understanding of the difference between faith and hope as well as the dependence of hope upon faith. It was the confusing of these which led other scholars into confusion, as we will see later.

Almost immediately errors began to creep into theological writings, and hope was confounded with faith and consequently their respective certitudes were misunderstood. In fact, the certitude of hope was the certitude of faith. Gundulpho of Bologna renewed the discussion of the Lombard's expression (*ex meritis praecedentibus*), "from preceding merits." He defined hope as a "trust of future good coming from preceding merits."<sup>8</sup> Against this definition he offers two difficulties. In the first place, hope without charity (which, in point of fact, is never realized) should not be called hope, since it is rather error than hope. Likewise, hope existing with charity in one who will not actually be saved is rather error than hope. These objections are supposedly opposed to the "preceding merits." He solves them by distinguishing a twofold hope, which in effect is

44. *Spes est certitudo ex praecedentibus meritis: non debet intelligi ex meritis praecedentibus ipsam spem, quia nullum meritum praecedit ipsam spem; sed praecedentibus illud quod speratur.*

• Hugh of St. Victor, *De Fructibus Camis et Spiritus*, cap. XVII, in *PL* CLXXVI, 1004. *Spes est animi motus immobiliter ad ea quae certa ratione expetit accipienda suspensus.*

<sup>8</sup> Gundulpho of Bologna, *Sententiarum Libri Quattuor*, III, n. 148, as quoted by P. Ramirez in *La Cientia Thomista*, Dec. 1938, p. 353, *Fiducia futurorum bonorum proveniens ex praecedentibus meritis.*



reducible to the distinction to which we are accustomed, namely formed and unformed hope. In the case of the formed hope he interprets "the preceding merits" to be the virtues of faith and charity which he says precede hope causally, or which precede the beatitude for which we hope. The second species of hope exists in the wicked (*malis*), by which he evidently means those without charity. This is a trust of obtaining eternal life if one dies in a good state.<sup>9</sup> He also applied this same conditional clause to the first species. This conditional note is most important in this study because in it we see the beginning of the doctrine of the conditional certitude of hope against which St. Thomas directed his treatment of the subject in the Commentary on the Sentences, and which in spite of his protests has endured down to our own day.

About the same time as Gundulphe of Bologna wrote, we find the same theory in the writings of Peter of Poitiers (*Petrus Pictaviensis*). He wrote explicitly that no one is so perfect that he should hope without restriction that he should be saved, unless in this way: *if he dies in charity*; and no one is so obstinate who should not hope that he should be saved if he dies in charity.<sup>10</sup> For no one is so perfect that he cannot fall; or so evil that he cannot rise again while he is in this life. These citations show the beginnings of the famous theory of conditional certitude with which even some of the commentators on St. Thomas were later to be tainted. It is based fundamentally upon a misconception of the true natures of the virtues of faith and hope, which probably had its beginnings in the writings of Peter Abelard. While Abelard was undoubtedly one of the

• Gundulphe of Bologna, *loc. cit.*, *Spes dupliciter dicitur*. *Spes enim dicitur fiducia futurorum bonorum, idest beatitudinis aeternae, si in bono vitam finiverunt, proveniens ex praecedentibus meritis, idest ex fide et caritate quae praecedunt causaliter ipsam spem, vel praecedunt ipsam beatitudinem; et haec in solis bonis est. Dicitur et aliter spes quae etiam est in malis, scilicet fiducia qua quis sperat quod vitam consequatur aeternam, si in bono vitam finiverunt.*

<sup>10</sup> Peter of Poitiers, *Sententiarum Libri Quinque*, ill, cap. 21, in *PL CCXI*, 1904 *Nemo est adeo perfectus ut debeat sperare simpliciter se esse salvandum, nisi sic: si in caritate decesserit; et nemo adeo obstinatus qui non debeat sperare se esse salvandum, si in caritate decesserit.*

greatest philosophers of the twelfth century, his teaching on the theological virtues is subject to much argumentation. He considered the relationship between faith and hope to be that of genus and species.<sup>11</sup> Thus it was easy to conclude that faith is concerned with the universal and hope with the particular. Subsequently, the certitude of faith is universal and absolute, while that of hope is concerned with a particular and is conditional. Moreover, since faith and hope are not essentially distinct from one another, it was quite logical to apply to hope the certitude of judgment which is proper to the intellective faculty.

Following upon this line of reasoning the theologians then proceeded to apply this certitude to the object of hope, or eternal beatitude. Of course, it was at once evident to them that no one can be sure of eternal life and, consequently, they immediately excluded absolute certitude from the realm of hope. Moreover, eternal life will be obtained only under the condition that one dies in the state of grace, and therefore they immediately applied conditional certitude to hope. Their error consisted in this that the conditional clause referred to pertains to faith rather than to hope. In other words, we believe that we will obtain eternal life if we die in charity. Moreover, we believe it absolutely and, consequently, not even in faith does this establish a conditional certitude. Certainly, Abelard did not draw all these conclusions from his principles, but they follow from his confounding of the two virtues. Later theologians of the school of Abelard were more explicit, as we have seen in the writings of Peter of Poitiers, and as can also be seen in the works of Hermannus.<sup>12</sup> Isagoge was even more explicit. Thus "Hope is an expectation of future good coming from merits; wherefore hope seems to be included in faith as a part in a whole, for hope is concerned only with good and future things."<sup>18</sup>

<sup>11</sup> Abelard, *Introductio ad Theologiam*, I, n. 1, in *PL CLXX:VIII*, 1695.

<sup>10</sup> Hermannus, in *PL CLXXVIII*, 1695.

<sup>18</sup> Isagoge, *De Spe*, I, p. 84, *Spes autem est de meritis veniens futuri boni expectationis; unde spes in fide ut pars in toto claudi videtur, spes enim est in solis bonis et solis futuris.*

Further evidence of the confusion concerning the certitude of hope among the theologians of the latter half of the twelfth century is the fact that some of them called it an enigmatical certitude. Thus Radulphus Ardens wrote that hope is said to be a certain expectation by an enigmatical certitude which is greater than opinion and less than science.<sup>14</sup> The theological virtue of hope, then, does not seem to have been clearly understood in the manner to which we are accustomed today. It is quite understandable, therefore, that the notions of the certitude of hope among these theologians should likewise be confused and enigmatical. Moreover it was this confusion which led St. Thomas to begin his treatment of the subject by first clarifying the fundamental notions of the virtue and its nature, for upon them rest any true assertions concerning the certitude of theological hope. Thus, we will see that while St. Thomas's doctrine on this point, like that of all the theologians from the latter part of the twelfth century on, was provoked by the classical definition promulgated by the Master of the Sentences, nevertheless the other scholars of that century can be said to have aided in the explanation of St. Thomas only in a negative way. In other words, his refutation of their errors served to clarify his own position.

## II. THE BEGINNING OF THE CONTROVERSY

### 1. Peter of Capua

In the thirteenth century, which witnessed the rise of the great universities and the Mendicant Orders, speculation concerning theological hope and its certitude took on much more extensive proportions. Almost immediately after the turn of the century, Peter of Capua, one of the early Dominican scholars, undertook to explain more fully and more correctly the definition of the Master of the Sentences.<sup>15</sup> He did not agree

<sup>14</sup> Radulphus Ardens, Lateran Section of the Vatican Library, 1175, Tom. I, f 1155 va.

<sup>15</sup> Petrus Capuanus, *Summa* (Lateran Section of the Vatican Library, 4296 f4<sup>1</sup> aecto-b).

with the explanations of earlier scholars and consequently initiated the discussion which contemporary and succeeding scholars were not slow to pick up and continue.

Beginning from the definition of the Lombard, as did most of the theological writers, he pointed out some possible erroneous conclusions that might be drawn from the words of the definition itself. Hope is a certain expectation of future happiness coming from the grace of God and preceding merits. Consequently, he concluded immediately, that since hope comes from preceding merits, therefore it is had from preceding merits, and consequently one can merit hope. This would appear to follow logically from the above-mentioned definition. However it is precisely against such a conclusion that Peter of Capua interdicts to inveigh. Thus we find for the first time a new explanation for the causes of hope which are grace and merits. The definition would be better understood if the word "coming" was understood to modify the word "happiness" and not "hope." Therefore, in the Latin it was a matter of placing the nominative case for the genitive. Thus the word *veniens* would be changed to *venientis*. Consequently, the future happiness, and not the hope itself, would be said to spring from merits. Or, to put it another way, merits are said to precede, not hope itself, but rather the thing hoped for. If one should insist that merits precede hope then it must be understood not as the theological virtue itself but rather the increase of that virtue. Wherefore, although we cannot merit hope, nevertheless we can merit the increase of hope. This was a clearer explanation of the causes of hope than had yet been given in any explanation of the famous definition, and its influence upon later scholars will be seen.

Among the theologians of the twelfth century, a further question arose with regard to the conditional nature of the certitude of hope. Thus we find this early Dominican proposing the question as to whether one should hope for eternal happiness without any restriction in regard to that hope (i. e., *simpliciter*). Scholars had denied this explicitly, and they maintained the

necessity of adding the restricting and conditional clause," if one should persevere." Thus, the certitude of hope would not be absolute but conditional, since this certitude depends first and foremost upon the movement of hope itself. However, this explanation did not seem fitting to Peter of Capua, with the result that he was one of the first to raise his voice in protest against it. The certitude of hope, like hope itself, is without any condition whatsoever. In support of this conclusion he cites St. Paul: "According to my expectation and hope; that nothing shall be confounded."<sup>16</sup> Aimo had remarked that this referred to eternal life which will be certain in proportion to the expectation. Therefore, concludes Peter, the Apostle hoped for salvation without any restriction or condition. Here he added further argumentation against the theory of conditional certitude. The clause "if one perseveres" should not condition theological hope for another reason. A person is bound to observe his baptismal vow in which he promised solemnly to renounce the pomps of the devil not only now but always; hence he is bound to persevere. Therefore one should hope for salvation without any condition whatsoever.

Thus we see the beginning of the reaction to the theory of the latter part of the twelfth century, which theory however is adhered to even today by many and, possibly, by the majority of theologians. It is interesting to find this reaction in the writings of Peter of Capua whose *Summa* was influenced, at least in part, by the works of Peter of Poitiers who, we have seen, was very explicit regarding the conditional nature of our hope.

## 2. Stephen Langton.

About the same time, possibly a few years later, this problem was even more fully treated in the *Quaestio de Spe* of Stephen Langton, the Cardinal Archbishop of Canterbury, who died in 1228. This work still exists in manuscript form.<sup>16</sup>

<sup>16</sup> *Philipp.* i, xx.

<sup>16</sup>. Stephanus Langton, *Quaestio de Spe* (St. Johns College, Cambridge, ms. 57, fo. verso, recto).

This work is also noteworthy because it protests, as did Peter of Capua, against preceding explanations. In this these two have much in common. However the English scholar went into more detailed explanations of the whole definition and bases his conclusions upon these explanations. In the beginning we find him also using the Lombard's definition as the basis for his discussions. Consequently the explanation starts with the causes of hope, which are grace and merits. Concerning grace as a source of hope he merely indicates that the term must be understood in the sense of a grace *giving* freely (*gratia gratis dante*) and not a grace given freely (*gratia gratis data*).

However, a difficulty arises in his mind with regard to merit as a cause of hope. If hope proceeds from merit then one can merit hope, and therefore also first grace which is to be judged in a similar manner. For example, Christ in the first instant of his life merited comprehension just as the Angels merited confirmation, and thus the merit and the reward existed at the same time. In like manner, therefore, why cannot it be said that one virtue merits another even though they do not exist at the same time? To this he replied that all virtue naturally precedes merit, and reward naturally succeeds merit. If, therefore, one virtue was the reward of another, then the latter would be merited which is impossible since all virtue precedes merit. Therefore, in the definition, must be understood not as the virtue itself but rather as the practice or act of that virtue. Thus, hope is an expectation, that is, the act of hope is an expectation, and might well proceed from merit.

Some concluded from this that one could be justified by hope, while others maintained that only by faith could one be justified. The solution to this difficulty depended upon a further explanation of the manner in which the words "from merit and grace" are to be understood. Thus hope is said to be a certain expectation of beatitude coming *from* grace and merit. A more correct reading, however, is that it is a certain expectation of beatitude *through* grace and merit. But there is still some obscurity, and thus he emphasized that it is not

the expectation of beatitude. Thus it is more correctly formulated thus: hope is an expectation of having beatitude through merit.

With these definite concepts of the notions of expectation, grace, and merits in regard to hope it was then possible to analyze the notion of certitude therein contained. In the first place it would seem that when we speak of hope as a "certain expectation" we should understand it to mean either the certitude of science (*certitudo scientiae*) or the certitude of hope. However, the author immediately excludes the certitude of science since, as he says, no one in this life has that species of certitude with regard to future beatitude. Hence we are speaking here of a kind of certitude entitled the certitude of hope. But this seems to be a contradiction because then hope would be a certain expectation through hope, and consequently the notion would be no clearer than before.

This he endeavors to explain. There are, he says, two kinds of certitude, namely, that certitude which excludes fear and that which excludes ambiguity. In the definition of hope the latter, or the certitude which excludes ambiguity, should be understood. But, he says, this certitude is not *in* hope but rather *with* hope. Moreover the name "certain" here designates the mode of expectation just as the term "enigmatical" designates the mode of vision when one speaks of enigmatical vision. Moreover this certitude of hope is more certain than the certitude of sensitive science. He seems to disengage the certitude of hope completely from the certitude of faith, and thus adds to the gradual clarification of the notion of this certitude,

A difficulty, however, arose from the words of the Master of Sentences. He said that hope which does not proceed from merits is presumption and not hope. It would seem to follow that it is temerity, and therefore evil. Hence if one in mortal sin should hope for eternal life he would siri because he would be moved by a temerarious motion. Against such reasoning stands the fact that it is good to have even unformed faith.

Therefore why is it not good to have unformed hope? **It** is good to expect and hope for pardon even though one does not thereby merit, and it would seem that such hope is not presumption.

In response to this difficulty, it is only necessary to apply the proper distinctions in the proper places. Certainly one can hope for eternal life and pardon even though in mortal sin, but he should hope that God will infuse grace and thus he will be able to merit eternal life. But if one should hope for eternal life without merits on his part then certainly this would be presumption. It is thus that the words of the Master of the Sentences must be understood. The expression "if hope is not *from* merits" must be understood "if it is not *through* merits." Consequently, the meaning would be that if one should hope to have eternal life and not through merits, this would be presumption. Moreover when thus understood this statement does not prejudice either hope or its certitude as it exists in an unformed state in one in mortal sin. The words "grace and merits" were placed in the definition of hope to distinguish this virtue not from other virtues, but rather to distinguish it from presumption. Accordingly, if one hopes to obtain the reward otherwise than through grace and merits, he is guilty of presumption.

Against this it can be proposed that it seems that even a movement of hope itself can be presumption since it is a certain expectation of future beatitude. Moreover since such certitude is good it becomes better as it increases. Therefore it would seem that we can have certitude of hope to such a degree that it would become presumption. In this way hope could be presumption and the movement of hope could be a movement of presumption.

Stephen Langton's whole solution of this problem consists in an of the afore-mentioned distinctions, namely, the certitude which excludes fear and the certitude which excludes ambiguity. **If** the former is understood, the above argumentation is correct and hope can well be presumption. However the certitude here applied to hope is that which excludes ambiguity, and this species of certitude never leads to presumption. Moreover insofar as it increases so much the better it is.



The confusion of preceding scholars, as we have said, seems to have arisen from the confusion of hope -with other virtues and especially with faith. In this unedited manuscript we find some clarifications along this line of thought. St. Paul had said that hope does not confound. Why should this be said of hope more than of any other virtue for indeed it seems that no virtue confounds. The author responds to this by pointing out that hope is an expectation and not a comprehension of a future good, and this in some way suggests confusion for the person hoping. Therefore the Apostle found it necessary to emphasize that our hope does not confound.

Finally, this English scholar pointed out some fundamental differences between the virtue of hope and the gift of fear, and between the two virtues of faith and hope. However these distinctions will be found more fully in other authors.

### 3. William of Auxerre

About the year 1215, William of Auxerre wrote his *Summa Aurea* in four volumes. This work is of fundamental importance to his discussion. It marks the first great advance towards the solution of St. Thomas, and exercised great influence upon the thought of St. Albert, St. Thomas, and the whole of the early Dominican school.

The *Summa Aurea* shows a clear comprehension of the difficulties of earlier scholars and their confusion when speaking of faith and hope. Thus it would seem that faith and hope do not differ since hope is a certain expectation and all certitude is either in faith or in science. Therefore, this certain expectation would seem to pertain to faith rather than to hope. Consequently, faith and hope would be identical.

This is the line of reasoning pursued by some scholars, but this Parisian master shows its fallacy. He expressly declares that it is false to assert that all certitude is either in faith or in science. Accordingly, it is necessary to distinguish between the certitude which is had in this life (*certitudo viae*) and that which is had in Heaven (*certitudo patriae*). The former can

be further distinguished according to the certitude of faith and that of hope. The certitude of faith is opposed to doubt, while the certitude of hope is opposed to and excludes despair and diffidence. The certitude which is had by those in Heaven further excludes even fear of separation.<sup>17</sup> Thus we have a clear-cut distinction drawn between the certitudes of faith and hope. We see here also a complete understanding of the intellectual nature of faith as well as an unwillingness to attempt to transpose that intellectual character into the order of hope. It is true that we do not find here the more precise explanation of the affective nature of hope, but nevertheless the certitude of hope is definitely disengaged from that of faith and thus the foundation was laid for further speculation along this line.

These distinctions were reached by means of a proper understanding of the three theological virtues and their differences. These virtues seem to be identical since they all have God for their object or end. But it is necessary to distinguish between the end in which (*finis in quo*) happiness is found and the end by which (*finis quo sive ad quem*) or through which it is found. Thus, in regard to the theological virtues the first end is God Himself or uncreated beatitude. By this end or object the virtues are not distinguished one from the other, but the *finis quo* of the theological virtues is created beatitude and according to this end are they distinguished. Faith in the reason, hope in the irascible appetite, and charity in the concupiscible appetite all have their proper *finis quo* or created beatitude/<sup>18</sup> This

<sup>17</sup> William of Auxerre, *Summa Aurea*, II, Tract 5, q. '2. Duplex est certitudo, scilicet viae et patriae. Certitudo viae duplex est, scilicet fidei et spei. Certitudo fidei est intentio cum privatione dubitationis. Certitudo spei est intentio cum privatione desperationis vel diffidentiae. Certitudo igitur fidei et certitudo spei non expellunt timorem separationis a suo subjecto. Certitudo patriae expellit omnem dubitationem, omnem diffidentiam, omnem timorem separationis. Patet igitur quod haec est falsa: omnis certitudo est in fide vel scientia.

<sup>18</sup> *Summa Aurea*, III, tract, 5. Duplex est finis, scilicet finis in quo quiescitur et finis quo sive ad quem. Finis in quo quiescitur est ipse deus sive beatitudo increata et secundum illum finem non est distinctio. Finis autem per quem quiescitur est beatitudo creata et secundum illum finem differunt virtutes. Quaelibet enim virtutum motivarum in quibus sunt theologicae virtutes, ut fides in rationali, spes in

distinction is very fundamental. It at once throws light upon the difficulties which seemed insuperable to other scholars, and it lays the firm foundation for the higher speculations of St. Albert and St. Thomas. When St. Thomas wished to distinguish the certitude proper to hope he began by showing the inter-relationship of faith and hope. We find almost the exact distinction here in the work of William of Auxerre. Faith, he says, is in the speculative intellect but it does not consist solely in speculation; its end is not only truth, but also good. Thus faith consists in speculation concerning first truth and in the estimation of good.<sup>19</sup> This estimation of faith formed the basis of St. Thomas' theory. It is the basis for admitting the dependence of hope upon faith, while yet denying the absolute participation of the certitude of faith by the virtue of hope.

Speaking of the definition of hope, which he ascribes to St. Augustine rather than to the Master of the Sentences, William of Auxerre proceeds to explain its parts. In the first place he affirms that this definition is concerned with hope as an act and is not a definition of the virtue of hope. When it is said that hope is a certain expectation of future beatitude coming from grace and merits, it must be understood thus: coming by reason of the grace of God, that is, His-liberality, and by reason of preceding merits which merits precede either the act of hope or the thing hoped for. This is a contradiction of earlier writers who claimed that the word "grace" here meant the virtue of hope. Thus the act of hope would come from grace, that is, the virtue of hope. The Parisian master asserts that the word "grace" must not be understood in that sense here, but rather with relation to the bounty and goodness of God. St. Thomas was later to assert the same opinion. Moreover the word "merits" in the definition presupposes the notion of good

*irascibili, caritas in concupiscibili, suam propriam habebit beatitudinem creatam per quam quiescit in Deo qui est finis finium. Per finem ergo quo quiescitur fit distinctio.*

<sup>19</sup> *Ibid.*, Tract S, q. 2. Dicimus quod fides est in speculativo intellectu: non tamen consistit pure in speculatione, nee ejus finis tantum est veritas: immo etiam bonum. Consistit enim in speculatione primae veritatis et in estimatione boni.

works. Thus we must understand the merits of good works. This was a contradiction of the opinion that the merits here referred to were those proceeding from and by reason of the movement of the virtue of faith.

The virtue of hope is defined as a courage of the mind concerning the attainment of eternal life through merits, by reason of the bounty of God.<sup>20</sup> This courage, he points out, is a virtue midway between presumption and despair. Despair is placed in opposition to hope in contradistinction to the opinion of those who would say that it seems to be in opposition to faith rather than hope, thus adding to the confusion concerning the distinct natures of these two virtues. Some, as has been seen, even went so far as to conclude that faith and hope were essentially the same. Consequently the certitude of hope would not be distinct from that of faith. However the fallacy of this reasoning was pointed out by William of Auxerre.

#### 4. William of Auvergne

St. Thomas ascribed a twofold certitude to hope, the certitude of virtue and the certitude proper to hope. Although the latter was not clearly demonstrative or defined by William of Auxerre, he did initiate the line of reasoning which was ultimately to terminate in the theory of St. Thomas. Another Parisian master, William of Auvergne, asserted the certitude of virtue. Thus every virtue by reason of its nature as a habit, and consequently hope, is said to have a firmness or certitude.<sup>21</sup>

In his elaborate work *De Virtutibus et Moribus* William of Auvergne enumerates seven daughters of hope. The first two of these, trust and security, are worthy of attention here. In the first place, trust is a spiritual supporting of oneself upon that in which hope is placed. Thus, trust is like a great column

<sup>10</sup> *Ibid.*, Tract. 5, q. 2. Spes est audacia mentis perveniendi ad vitam aeternam per merita concepta intuitu largitatis Dei. Talis autem audacia est virtus media inter praesumptionem et desperationem.

<sup>21</sup> William of Auvergne, *De Virtutibus*, in *Summa Operum* (ed. Regnault), f 70vb, Sine firmitate nee est etiam habitus: quare nee virtus: cum omnis virtus sit habitudo. In ratione ipsius virtutis cadit fortitudo seu firmitas.

which sustains the human mind and the whole edifice of virtues. The column in turn rests upon a twofold base namely the mercy and justice of God. Hence, one who trusts in God not only trusts or hopes in his mercy, but also in his justice and truth by which He promised that He would not deny Himself to those who trust or hope in Him.<sup>22</sup> This is a completely new approach to the problem of grace and merit which other theologians discuss in regard to the definition of Peter Lombard. Moreover this explanation goes further back to the foundations upon which grace and merits rest, namely the mercy and justice of God. In His mercy He gives us grace and in his justice He rewards our merits.

The second daughter of hope is a sense of security in divine protection. This security is twofold. The first concerns the attainment of eternal happiness; the second is a security against the fears and errors of this present life. William of Auvergne does not mention the certitude of hope explicitly here, but it is only a difference of terminology since his concept of the security of hope and the concept of the certitude of hope are one and the same. The first species of security which pertains to the attainment of eternal life is fundamentally based upon the death of Christ for by the merits of His death we hope to come to life eternal.<sup>28</sup> St. Thomas later developed this idea much more fully in his commentary on the fifth chapter of St. Paul's Epistle to the Romans. The second species of security here predicated of hope, that against the fears and errors of this present life, is based upon the omnipotence of God and on His good will towards us. Thus nothing harmful can happen to us unless He wills or permits it. Accordingly, our hope is secure and certain from this twofold point of view.

•• William of Auvergne, *De Moribus*, *ibid.*, f. 100ra-b, *llarum ergo prima est fiducia sive fidentia quae est spiritualis innixio in illud in quo sperat . . . et fidentia quaedam est velut comuna mentem humanam et totum edificium virtutum sustinens, et ipsa velut super duas basas divinae misericordiae atque iustitiae erecta: et eisdem suggulta. Qui enim confidunt in Domino: non solum in misericordia confidentes seu sperant: sed etiam in iustitia et veritate qua promisit se non deesse sperantibus in se.*

•• *Ibid.*, f

The objection to the certitude of hope from the fact of the coexistence of fear along with the virtue offered no difficulty to this Parisian Master. In fact he asserts that fear is the strongest help to hope. More than that, it is quite necessary, for unless one fears the justice of God and turns from evil he will not be able to attain the promise. Thus fear and hope instead of being contrary one to another are thoroughly compatible.

##### 5. Philip the Chancellor.

The *Summa de Bono*<sup>24</sup> of Philip the Chancellor, which in many respects is a more important work than the *Summa Aurea* of William of Auxerre, considers all theology from the viewpoint of good. This work, which has never been edited, was composed before 1230 and exercised a great influence upon the early Franciscan and Dominican schools.

Concerning the problem of the certitude of hope this work has some striking similarities to the doctrine of William of Auxerre. However, Philip's treatment of the subject is much fuller and certainly more complex. He quotes many texts of Sacred Scripture together with the comment of the author of the *Glossa*, in support of the fact of this certitude. From these texts and their commentaries he concludes that whenever the certitude of hope is spoken of the act of hope, and not the virtue, is to be understood. Thus from the beginning he is speaking of the certitude of hope in its act, or movement.

Philip notes here the apparent objection to the very idea of certitude being applied to hope since certitude properly pertains to the intellect. Consequently some had said that by its very name it is clear that all certitude pertains to knowledge. Philip responds to this by laying down a distinction similar to that of William of Auxerre. Knowledge, he says, may be considered in two ways: We can consider the knowledge of one in a good state at the end, the knowledge that he will have eternal life, or we can consider it in regard to a particular individual, that is,

••Philippus. Cancellarius, *Summa de Bono* (Manuscript in the Vatican Library, 7.669, f. 89 *recto et verso*).

the knowledge that he will have eternal life if he is in a good state finally. The first of these pertains to faith and to the certitude of faith, for so to believe pertains to faith. The second does not pertain to faith, but rather to hope. Hope has this from faith, but this is totally distinct from the certitude of faith because faith does not touch singulars such as: this particular person will have eternal life. Nevertheless it is ruled by faith and is thus considered to be from faith (*ex collatione fidei*). It seems here that the author adheres to the theory of the conditional nature of the certitude of hope. He did place a conditional clause when speaking of the certitude of hope, but the condition pertains rather to faith than to hope, since hope has it from faith. Besides the certitudes of faith and hope there is still a third species which pertains to eternal life already possessed. This kind is a certitude of knowledge or judgment and is had only in Heaven.

But the question arises whether hope has a proper certitude besides that which it has from faith. Philip answers this in the affirmative and in support of his conclusion he adduces several arguments and distinctions which are very noteworthy since they occur again in the writings of the great scholars who followed him. Many of these arguments and assertions will be seen in the work of St. Thomas Aquinas.

In the first place, there is the comment of the *Glossa* on the Epistles of St. Paul. To the words of Romans, "knowing that tribulation worketh patience; and patience trial; and trial hope" the *Glossa* adds, "that is, the certitude of future glory." Again to the words of St. Paul to Timothy, "expecting the blessed hope" the *Glossa* adds "expecting, hence certain and solicitous."

The second argument is very short but of monumental importance because it clearly distinguishes between certitude in the intellect and certitude in the appetite or affection. We see that just as the sense of sight has certitude concerning its proper object, and the sense of taste concerning its object, so also there is a proper certitude in the intellect and in the appetite, concerning their respective objects. Since hope is in the appetite,

it possesses a certitude proper to itself and independent of faith which is in the intellect. The distinction between the certitude in the intellect (in *intellectu*) and the certitude in the appetite (in *affectu*) was latent in the work of William of Auxerre but we have not seen it expressly stated before the time of Philip the Chancellor. As a consequence of this he states that the certitude of faith is opposed to doubt, while certitude of hope is opposed to despair or hesitation. The certitude of hope seems to be a certitude of experience which is in the appetite, while the certitude of faith is a certitude of knowledge of judgment which is in the intellect. Accordingly, concludes Philip, there will be certitude in Heaven as regards the intellect but in a more noble manner in the appetite through the presence of the thing because the adherence and conjunction through the affection is stronger than that of the intellectual order. According to our author, the same can be said of this life also. As a further evidence that hope has a proper certitude besides that from faith, he points out that the certitude of faith is concerned with truth and that of hope is concerned with good. This follows more or less as a corollary from the preceding argument.

As a last argument in support of his conclusion that hope has a proper certitude of its own, the Chancellor cites that passage of Aristotle in the book of Ethics where the philosopher says that virtue is more certain than art. Consequently, since hope is virtue it has greater certitude than all art. In support of this argument, the author cites the distinctions of certitude which we have already noted in other theological writings. Firstly, there is the certitude of judgment which is opposed to doubt, and this pertains to faith. Secondly, there is that certitude which is opposed to the fear of not obtaining beatitude, and this pertains to hope. Thirdly, there is the certitude which is opposed to the fear of separation from beatitude already possessed, and this pertains to those in Heaven.

After establishing the fact that hope has a proper certitude he then proceeds to discuss the relative strength of the certitude of hope informed by charity in comparison to the certitude in



hope not informed by charity. At the outset, it would seem that the certitudes of formed and unformed hope are equal since the certitudes of formed and unformed faith are equal. On the other hand, it would seem that formed hope enjoys a foretaste of the certitude of those already possessing eternal life, and consequently its certitude would be greater than that enjoyed by one with unformed hope. In view of those conflicting probabilities Philip the Chancellor lays down a distinction which we later find in St. Thomas' Commentary on the Sentences. In the first place it is necessary to distinguish between that certitude which hope has through faith and the certitude proper to hope as to every virtue. In regard to the certitude of hope which comes through faith, it is necessary to point out that in faith itself the certitudes are equal in formed and unformed faith, insofar as the certitude of judgment, the principal element, is concerned. Consequently, the certitude of hope which comes through faith would be equal in persons with formed or unformed hope. But still there seems to be more or greater certitude in hope united to charity than hope without charity. Therefore it is necessary to look for that greater certitude in the certitude of hope independent of faith. The author concludes that the certitude of formed and unformed hope are equal in regard to the certitude which is dependent upon faith, but they are unequal in regard to the certitude of habit or virtue in hope.

From the foregoing problem arises the question of the relation of the certitude of hope in a predestined individual to the certitude of hope in a *praescitus*, or one who will not attain eternal life. St. Thomas answered this question very briefly but with the same conclusion as Philip who discussed it more extensively. The whole problem revolves around the difficulty when the *praescitus* is actually in the state of charity and the predestined is not in charity. Since, however, hope is a certain expectation of future beatitude, and since as a matter of fact the *praescitus* will never actually attain this beatitude, it would seem that such a person has not hope or certitude of hope. But if he is in the state of charity at present then he possesses

present justice and consequently the virtues of faith, hope, and charity. Philip concluded that the hope of a *praescitus* in charity has greater certitude than the hope of a predestined not in charity. This is quite intelligible in view of the above-mentioned distinctions relative to the certitude of formed and unformed hope. But in order to further elucidate his conclusion the author demonstrates the types of certitudes which he ascribes to both these individuals. There is a certitude of the person expecting and a certitude of a thing. The certitude of the person expecting is that predicated of the *praescitus*. The certitude of the thing (*certitudo rei*) is predicated of the predestined and must be considered according to the purpose of divine predestination and also according to divine ordination. Thus the *praescitus* does not possess the certitude of the thing itself, and the predestined does not possess the certitude of a person expecting. There is still a third type of certitude, the certitude of revelation, which was had by some of the saints. These distinctions did not pass into the work of St. Thomas, but they do appear in the writings of others.

Philip the Chancellor also discussed the difference between the acts of expectation and hope. He lays down two differences of his own and cites a third difference which he attributes to others. The first and most important difference is that the act of expectation does not connote the idea of certitude, but that idea is contained in the very concept of hope. Thus the act of hope is defined not as any expectation, but rather as a *certain* expectation. Moreover the act of expectation can be aroused by opinion alone while more than opinion is required to produce an act of hope. The second difference consists in this that the act of expectation can be exercised towards something we already have in order that we might have it in a more perfect manner; the act of hope on the contrary is concerned with something not yet possessed. The third difference consists, according to some, in the fact that hope is only directed towards glory. Thus hope is an expectation of future glory, or beatitude. Philip does not endorse this as his own opinion, but merely cites it as

the opinion of others. This author has contributed much to the clarification of the nature of the certitude of hope, and is without doubt an important link in the chain of speculative thought which terminated in the work of St. Thomas.

### III. THE EARLY FRANCISCAN SCHOOL

The doctrine of the Early Franciscan School may be found in the *Summa Theologica* attributed to Alexander of Hales, the founder of the school, and in the writings of this school's greatest doctor, St. Bonaventure. Both of these scholars follow the line of reason on this point which was begun by Philip the Chancellor. The problem is discussed much more extensively by St. Bonaventure than by Alexander; nevertheless the latter left no doubt as to his position in regard to the certitude of hope.

#### I. Alexander of Hales

Following the tradition of the Chancellor on this point, Alexander asserts that there is a twofold certitude, the certitude of knowledge and the certitude of affection.<sup>25</sup> He then proceeds to apply these species of certitude to the certitude of faith and, by way of comparison, to the certitude of hope. Thus the certitude of knowledge is the same in formed and unformed faith. However, according to Alexander, the certitude of affection is not the same. Hence in unformed faith the certitude of affection is from a sense of assent, that is, from this that a man senses that he assents to first truth for its own sake, although he does not tend towards it. But in formed faith the certitude of affection pertains to consent and love, that is it proceeds from this that a man senses that he consents and loves truth in as much as it is truth.

In hope, on the contrary, there is but one genus of certitude, that is, the certitude of proper affection. Thus like Philip he distinguishes between the intellectual and affective certitudes

<sup>25</sup> Alexander of Hales, *Summa* (Venice, 1575-76, ed. Franciscus) m, 9.45, S. Respondeo dicendum quod in fide duplex est certitudo: certitudo cognitionis, et affectionis.

and refuses to predicate the former of hope. However he still predicates a double certitude to hope. One is the certitude which hope receives from faith and the other is that certitude proper to hope.<sup>26</sup> Moreover he definitely asserts that the certitude which hopes receives from faith is a conditional certitude, and that it is the same in formed and unformed hope. On the other hand, the certitude proper to hope is not the same in each because this certitude proceeds from merits. Formed hope trusts in merits actually or habitually possessed, while unformed hope trusts in merits not actually possessed but which are possible of possession.<sup>27</sup> Comparing this to the Thomistic solution we will find that St. Thomas explicitly denied the conditional nature of the certitude of hope, but nevertheless agreed that from the viewpoint of the certitude of virtue the certitudes in formed and unformed hope are unequal.

Without further treatment of the fundamental notions, Alexander then takes up the difficulties presented by the condition of the predestined, the *praescitus*, and the person in despair. Here also the influence of Philip is plainly visible. Thus he concludes that the hope of the *praescitus* who is in charity has greater certitude than the hope of the predestined without charity. The reason given for this conclusion is that the hope of the *praescitus* is rooted in merits and its certitude comes from merits. However, it is conditional, that is, it depends upon his perseverance in merits to the end. But the hope of the predestined not in charity is not rooted in merits and thus it is related to merits only insofar as they are possible of attainment. Thus we see that this theory of conditional certitude is used to explain the difficulty presented by the fact that one who will

•• *Ibid.*, In spe vero non est nisi unum genus certitudinis, scilicet affectionis propriae. Est tamen in ea certitudo quam accipit a fide: ex fide enim accipit certitudinem spes: ut si perseveraverit, salvus erit: et haec est *certitudo conditionalis*. Haec igitur certitudo eadem est et ejusdem rationis in spe formata et informis.

•• *Ibid.*, Certitudo vero propria non omnino eadem est, nee ejusdem rationis: quia propria certitudo spei ex meritis: sed spes formata confidit ex meritis actu vel habitu: spes autem informis confidit ex meritis non habitus, sed possibilibus haberi.

actually not obtain eternal life (the *praescitus*) has greater certitude of hope at present than the predestined man who at present is not in charity.

Here the author of this *Summa* quotes the explanation of others, which is, in fact, the one we have seen in the work of Philip the Chancellor.<sup>28</sup> Thus, there is the certitude of the person expecting and the certitude of the thing expected. The certitude of the person expecting depends upon merits while that of the thing expected depends upon divine preordination. Thirdly, the certitude considered from the point of view of one through whom something is expected depends upon the grace of divine revelation. Thus the first species exists in the *praescitus*; the second in the predestined in mortal sin; and the third exists in the perfect man.

Finally, we find treated in this work the difficulty concerning despair. Some would make despair opposed equally to faith and hope and thus confuse the two virtues. Alexander offers the following explanation. The problem is concerned with that hope which is not formed by charity. Unformed hope, he asserts, in as much as it is from unformed faith is concerned with the remission of sins and with eternal life. Consequently since unformed faith is concerned with all the articles of faith, despair, which destroys the unformed hope, also destroys the unformed faith insofar as that faith is generative of hope, but it does not destroy it completely.<sup>29</sup> Unformed faith may still remain with despair, insofar as it is generative of servile fear. In another place he points out that one can despair of the mercy of God without despairing of His power. Thus he did not hold as some have held that despair was equally opposed to hope and faith, and consequently for him this objection to the certitude of hope was not valid.

<sup>28</sup> *Ibid.*, Aliter respondent quidam: quod est certitudo expectantis, et certitudo rei, quae expectatur: et certitudo ex parte illius, per quem expectatur.

<sup>29</sup> *Ibid.*, II-II, Tract. V, Sec. q. IV, cap. 3, Secundum hoc ergo quod fides informis ponit cum integritate omnes articulos, desperatio, quae privat spem infirmem, privat fidem informem in quantum ipsa est generativa spei informis, non tamen privat fidam informem simpliciter.

## 2. Saint Bonaventure

St. Bonaventure was, indeed, a contemporary of St. Thomas; accordingly we give his opinions because of his historical position. In general, he followed the tradition of Philip the Chancellor and Alexander of Hales.

In his commentary on the Sentences, St. Bonaventure's approach to the question is exactly the same as that of St. Thomas in his commentary on the Sentences. In the first place he sums up briefly the doctrine which we have seen among the theologians in the latter part of the twelfth century under the influence of the school of Abelard. According to that school of thought the certitude of hope was not proper to that virtue nor was it different from the certitude of faith.<sup>30</sup> Moreover, these theologians maintained that hope drew its certitude from faith just as a particular science draws certitude from a universal science. Hence the certitude of faith differs from the certitude of hope only insofar as the former is universal while the latter is singular. Moreover the certitude of hope is conditional, while the certitude of faith is a certitude of fidelity (*certitudo fidelitatis*) and the certitude of hope is a certitude of confidence (*certitudo confidentiae*) since we have confidence of obtaining that which we believe we will obtain.

At this point, St. Bonaventure interjects his personal opinion of this theory and precisely here does his doctrine part company from that of St. Thomas. The Angelic Doctor stated explicitly that this theory could not stand. The Seraphic Doctor, on the other hand, stated that it did not suffice, but admitted that it seemed probable.<sup>31</sup> His reason for its insufficiency, however, is identical with that of St. Albert and St.

<sup>30</sup> St. Bonaventure, III *Sent.*, d. XXVI, q. 1, a. 5, Quidam namque dicere voluerunt, quod certitudo spei non est sibi propria neque diversa a certitudine fidei, immo spes omnem certitudinem suam trahit a fide, sicut scientia in particulari trahit certitudinem a scientia in universali. . . . Et sicut dicunt se habere spem ad fidem, sicut se habet scientia in particulari ad scientia in universali. . . . Dicunt igitur quod certitudo fidei non differt a certitudine spei, nisi quia ilia est in universali, ista in particulari; ilia autem absoluta, et ista conditionata.

<sup>31</sup> *Ibid.*, Sed iste modus dicendi licet videtur probabilis, non sufficit.

Thomas, namely, that if the certitude of faith and hope differ only as a universal and particular, then faith and hope are not distinct habits.

Consequently, St. Bonaventure proceeds with his own solution. In the first place, he says, hope has not only that certitude which it derives through faith, but also a certitude proper to itself.<sup>32</sup> Thus he admits in the beginning the theory of the participation of certitude from faith. In this he differs from St. Thomas, and follows the tradition of Philip and Alexander. Again, he is not clear about the precise nature of this certitude which he says is proper to hope. If it has no relation whatsoever to faith, then it must be the certitude of virtue. This, however, is common in all the virtues. In speaking of the certitude proper to hope it seems that the Franciscan school refers to what is considered common certitude by St. Thomas, that is, it is common to all the virtues. On the other hand, for St. Thomas the certitude proper to hope is that which is related to faith but which is not an outright participation of the intellectual certitude of faith. St. Bonaventure, on the contrary, admits this participation and proceeds then to explain the certitude of hope without making it clear whether he is speaking of this participated certitude or of that certitude proper to hope. In order to clarify the certitude of hope he draws a threefold distinction between it and the certitude of faith. They differ by reason of their objects, by reason of their opposites, and by reason of their subjects.<sup>38</sup> By reason of their objects they differ since faith and its certitude is concerned with a complexity by reason of the whole composite, but hope and its certitude are not concerned with a complexity by reason of the whole, but by reason of the thing attributed. Thus in the sentence " I hope that I will

•• *Ibid.*, Et praeterea est alius modus dicendi, quod ipsa spes certitudinem habet, non solum eam, quam mendicat a fide, sed etiam propriam, quae distinguitur a certitudine fidei.

•• *Ibid.*, Et illa distinctio cognosci potest per duplicem differentiam, videlicet ratione objecti, circa quod habet illa certitudo versari, et ratione oppositi, qui habet contrariari. . . . Et ex hoc colligitur tertia diversitas, qua differt certitudo fidei a certitudine spei, quia non solum differt ratione objecti et ratione oppositi, sed etiam ratione subjecti.

have eternal life." A whole is not hoped for, but eternal life, or the thing attributed (*rei attributae*) is hoped for. Again, the certitude of faith and hope differ by reason of their opposites because the certitude of faith is opposed to error and doubt, while the certitude of hope is opposed to diffidence or hesitation. Here St. Bonaventure points out that although the certitudes of faith and hope are diverse, nevertheless they have it in common that each is a firmness (*firmitas quaedam*). The certitude of faith makes the intellect firm so that it will not disbelieve; and the certitude of hope makes the affection firm so that it will not distrust or despair.<sup>84</sup> From this follows the third difference: the certitude of faith is concerned with the intellect, and the certitude of hope is concerned with the affection. Furthermore, just as the certitude of the intellect can be considered in two ways, so also the certitude of affection can be considered in two ways. Thus, the certitude of affection either strengthens the affection so that it can overcome distrust or diffidence, or it so strengthens it that it can in no way be moved or hesitate. The first, says St. Bonaventure, pertains to hope in this life; the second pertains to Heaven (*patria*).

From these differences he then concludes that the virtue of hope has certitude in its act. Moreover this certitude of hope is different from the certitude of faith; it is less than the certitude of glory; and it is not the certitude of perpetual confirmation, but of some virile adherence.<sup>85</sup> This is the summation of his doctrine on the matter, but it seems to leave much obscurity since every certitude can be considered as some kind of a virile adherence. However, St. Bonaventure further elucidated his opinion in his response to the objections concerning the certitude of hope. Thus, to that objection which denies the certitude

<sup>84</sup> *Ibid.*, Licet autem istae duae certitudines sint diversae, tamen in hoc communicant, quod utraque est firmitas quaedam. Fides enim firmat intellectum, ne discredat; spes autem firmat affectum, ne diffidat.

<sup>85</sup> *Ibid.*, Sic igitur patet, quod virtus spei habet certitudinem in actu suo; patet etiam quae et qualis est illa certitudo; quoniam est differens a certitudine fidei et minor est quam certitudo gloriae; non enim est certitudo perpetuae confirmationis, sed cujusdam virilis adhaesionis.



of hope on the grounds that one cannot be certain of something that he will never obtain, the Seraphic Doctor replied by distinguishing between the certitude of order and the certitude of event. The objection, he points out is opposed to the certitude of event which does not pertain to hope. The certitude of hope, on the contrary, is a *certitude of order* because hope efficaciously and infallibly ordains to salvation.<sup>86</sup> St. Bonaventure did not explain his notion of the certitude of order in relation to hope as did St. Thomas in the very beginning of his treatment. Thus, St. Thomas seems to have begun his speculation where St. Bonaventure left off.

In his answer to the first objection St. Bonaventure approaches the question of grace and merits from the viewpoint of the objection which denies the certitude of hope because no certitude is to be had from grace and merits, from which hope springs. To this objection he responds that although from merits we do not have certitude as through necessary scientific knowledge, nevertheless we can have a certitude through a probable conjecture and through some confidence of the good will itself.<sup>87</sup> In another place he explains more fully his opinion concerning the relation of merits to hope. In the first place, hope as a virtue does not arise from merits. Secondly considered as an act hope does spring from merits. Considered as a state it arises from preceding and concomitant merits. Considered from the point of view of the thing hoped for hope arises from preceding merits.<sup>88</sup>

<sup>88</sup> *Ibid.*, a.!, q. 8.

Finally to the objection which contradicts the certitude of hope because our salvation depends to some extent upon the human will, St. Bonaventure responds with a distinction which St. Thomas also used in answering this same objection. The objection would be valid, he asserts, if he were to consider the will merely in itself, but here we consider it in as much as it

•• *Ibid.*, ad Sum, Cum igitur dicitur, quod spes habet certitudinem in suo actu; dicendum quod hoc est verum de certitudine ordinis, quia efficaciter et infallibiliter vera spes ordinat ad salutem.

<sup>87</sup> *Ibid.*, ad lum.

adheres to God who is our strength. Thus the certitude of hope depends upon God rather than upon the human will.

#### IV. EARLY DOMINICAN SCHOOL

##### 1. Richard Fishacre

Among the Dominicans in England we find this subject discussed by Richard Fishacre in his unedited commentary on the Sentences.<sup>89</sup> The doctrine is not very extensively developed in this work. Beginning with the definition of the Master of the Sentences, he first points out that hope may be considered from the point of view of the virtue itself, or of the thing hoped for, or of the act of hope. Then he proceeds to compare the two classical definitions, namely that of the act and that of the virtue. The virtue of hope had been defined as a courage of the mind conceived in regard to the bounty of God of having eternal life through good merits. In the definition of the act of hope grace and merits had been placed as the causes of hope. Consequently, by comparing the two definitions this English scholar concluded that by the grace of God in this case was meant His bounty. Hence, hope is generated by the consideration of divine liberality, or bounty, and by the consideration of our merits. St. Thomas also used this interpretation of the word "grace" in the definition of hope.

Richard Fishacre then contributes an explanation of the words of the definition of hope as an act. Hope is a certain expectation of future beatitude coming from grace and preceding merits. Thus, it is an "expectation" to distinguish hope from "apprehension" in Heaven; it is "certain" in opposition to "hesitation"; it is directed towards "future beatitude" as opposed to natural hope, which is not a virtue; it is concerned with "beatitude" in opposition to servile fear which is an expectation of future mercy; it springs from "grace," that is, the goodness of God, and is thus opposed to despair which con-

<sup>89</sup> Ricardus Fishacre, *Sententiarum Libri Quattuor* (Lateran Section of the Vatican Library, Ms. !t94. ft. !t88 and !t84).

siders only severity; it also springs from "merits" and consequently is opposed to presumption which considers only the benignity of God. The author then pursues a long discussion on the notion of the priority of merits to hope. Further on he gives an explanation of the manner in which merits are a cause of hope and its certitude. **It** might be thought that a consideration of our merits would excite pride rather than hope, and would weaken our hope instead of causing it to be more certain. Consequently, it was necessary to distinguish. Thus, he says, merits can be considered in two ways. They can be considered as being in us and from us, but principally from God. Considered in this manner they excite hope. But if merits are considered from the point of view that they are in us and not in others, then certainly they excite pride, as was the case with the Pharisee in the gospel who said "I give thee thanks that I am not like the rest of me." Hence, considered in the first sense, merits are truly a cause of hope which has been described as a certain expectation coming from merits, that is, it is a virtue by which future beatitude is expected, which expectation, as an act, comes from the consideration of merits.

Finally, he gives a brief indication of the nature of this certitude caused by grace and merits. He does not distinguish, as do most of his contemporaries, between the certitude of the intellect and that of the affection. He distinguishes a twofold certitude. One is the certitude of science or vision; the other is the certitude of opinion. Opinion is the acceptance of one side of a contradiction with fear of the other; the certitude of opinion is greater than doubt or hesitation, but less than science or vision. Consequently, the certitude spoken of in the definition of hope excludes hesitation and doubt and likewise vision. Hence, fear always exists with hope. Thus the certitude of hope, according to Fishacre, is a certitude of opinion, greater than doubt but less than science or vision. This is a somewhat different explanation from those we have already seen. **It** is not, however, a profound treatment of the subject, and consequently adds little to the progressive development of the doc-

trine which we have noted in other authors. A little later another English Dominican, Robert Kilwardby<sup>40</sup> went further in the explanation and definitely stated that the certitude of hope was a certitude of order. However his writings most probably had no influence upon St. Thomas.

## 2. Disciple of Philip the Chancellor

The author of the marginal notes in the Vatican Manuscript no. 691<sup>41</sup> was greatly influenced by the work of Philip the Chancellor on this subject. His distinctions and reasons, indeed, are those of the Chancellor. In the beginning, he clearly distinguishes between faith and hope and places each in its proper subject. Even before treating the problem of the certitude of hope he had done away with the difficulty which arose from confounding these two virtues.

Like Philip, he points out that it seems to be a mistake to apply certitude to hope since certitude is in the intellect. In order, then, to explain this certitude he distinguishes a three-fold certitude. The first is the certitude of separation, which is opposed to fear, and is had in Heaven; the second is an affective certitude opposed to despair, and this pertains to hope; finally, there is the certitude of faith which is opposed to doubt. Thus the certitude of hope is an affective certitude. It may however, be explained in another way. There is that certitude which concerns the fact that the man who is good finally will obtain eternal life; this is the certitude of faith. There is the certitude concerning this proposition that if a man is good finally he will obtain eternal life; this is the certitude of, faith in as much as it is generative of hope, and hence is called the certitude of hope. Lastly, there is the certitude of eternal life already possessed. Thus, according to the author of the marginal notes on the manuscript, the certitude of hope is the mean between the certitude of faith and the certitude of eternal life already possessed.

<sup>40</sup> Robertus Kilwardby, *Commentarium in Sententias* (Merton College, Oxford, Ms. L. I, 8. Folio 186).

<sup>41</sup> Lateran Section, Vatican Library, Ms. 691.

At this point a doubt is proposed concerning the possibility of expectation being certain since even the person in charity can fall, and since no one is certain that he will persevere. If it is objected that the certitude of hope is conditional, that is, depends upon the condition "if one should persevere," then it should be noted that hope cannot place a condition since hope is in the appetitive power and it pertains to the intellective power to place a condition. In the face of these conflicting objections, the author responds unhesitatingly that the certitude of hope is conditional. Nevertheless, this condition is not placed by hope, but by faith and hope has it from faith. This condition seemed necessary to him since, as he says, no one is certain of having eternal life unless through revelation, and also since fear always exists with hope. It is the old theory of conditional certitude. In spite of his clear distinction between faith and hope this author is still confounding the real nature of the certitude of hope. Although he does not mention the term, this treatment as a whole indicates that the author is confusing the certitude of order with the certitude of event. If indeed the certitude of hope was a certitude of event then he would be quite right in stating that it is conditional and not absolute. The mistake, therefore, concerns the nature of the certitude.

Since for him the certitude of hope is conditional, he easily dismisses the difficult objection concerning the *praescritus* who has hope at present but will not attain salvation. If the certitude of hope were absolute, this objection would seem to negate it entirely, if this certitude had for its object a future event. Consequently the author quite logically dismisses the objection by stating that the certitude of hope is conditional, that is, eternal life will be had *if one perseveres*.

This theory, however, would not seem sufficient to cope with the question of the relative greatness of the certitude of a predestined person not in charity and the certitude of hope is a *praescritus* who possesses charity. It would seem that if the certitude of hope were conditional then each would have an equal amount of certitude. But the author asserts that the

expectation of formed hope is more certain than that of unformed hope. Therefore it would appear that in case the *praescitus* possessed greater certitude of hope. He distinguishes, however, a double certitude in the expectation of hope. In the first place there is that certitude which springs from merits actually possessed, and from this point of view the *praescitus* has greater certitude. However there is another certitude regarding the thing for which we hope and this certitude exists in the eternal deliberations. Considered in this way the certitude of hope is greater in a predestined not in charity than in a *praescitus* with charity. St. Thomas likewise answers this difficulty by means of a distinction, as we will see, but it is a different distinction, and is founded upon a different notion of the nature of the certitude of hope.

This manuscript contains same distinctions concerning the notions of hope, expectation, and desire, and the same distinction between the expectation in longanimity and that in hope which we have already seen in the *Summa de Bono* of Philip the Chancellor. Concerning the definition of hope his explanation does not differ greatly from those we have seen. He merely reasserts what many have said, namely that the definition of Peter Lombard is a definition of the act of hope rather than the virtue. Consequently, the definition of hope does not say what hope is, but what hope does. Hence the words "coming from grace and merits" do not refer to hope itself but to the act of hope. The merits referred to do not precede the hope, but rather the expectation, or the act of hope. When it is said that hope is an expectation coming from grace, the term "grace" may be understood either as hope itself which is grace of God, or as faith by which the movement of faith and consequently of hope is elicited, or as a consideration of the grace of God by which is meant His bounty and liberality. Again, when it is said that hope is an expectation coming from merits, the term "merits" may be understood as a consideration either of the merits which one actually possesses now or those which he proposes to have in the future. Hence the act

or movement of hope arises from the consideration of the bounty of God and of our proper merits.

Since, however, hope is a certain expectation coming from grace and merits there would seem to be a difficulty concerning unformed hope. It appears that unformed hope does not proceed from merits and, consequently, it would lack certitude. This author replies to this by distinguishing the consideration of merits. Merits, he says, may be considered in two ways. In the first place we can consider merits as they actually exist in works, and it is in this sense that they are understood when we say that formed hope is a certain expectation. We can consider merits as they exist habitually in habits, or materially in free will which is capable of being informed by grace and of being moved meritoriously. In this sense unformed hope proceeds from merits.

### 3. Hugh of Saint Cher

In the unedited *Commentary on the Sentences* written by the Dominican Cardinal, Hugh of St. Cher,<sup>41</sup> there is a striking similarity to the works of some of the authors already treated. His explanation of the definition and of the fundamental notions of grace and merit, for example, is couched in almost the exact words as the explanation of the aut}10r of the Marginal Notes on the Vatican manuscript no. 691. There are similarities to the works of Philip the Chancellor and Richard Fishacre. However, the work of Hugh of St. Cher is not just a repetition of the conclusions of preceding scholars.

In the first place, he clearly distinguished between faith and hope and between hope and charity. While all the theological virtues have the same *finis in quo*, they are distinguished by their different *fines quo*. (This explanation has been noted before in the *Summa Aurea* of William of Auxerre.) Hence there is a threefold difference. They differ according to their proper acts because the act of faith is assent, that of hope is

<sup>41</sup>Hugo a S. Caro, *Commentanum in Quattuor Libros Sententiarum* (Manuscript in Lateran Section of the Vatican Library, Ms. 1098, f. 108).

trust, and that of charity is love. They also differ according to their subjects for faith is in the reason, hope in the irascible appetite, charity in the concupiscible appetite. Again they differ according to their objects for faith is concerned with truth, hope with the arduous, charity with good.

St. Augustine had said that hope differs from faith in this that faith is directed towards our own good and also the good of others, but hope is concerned only with the good of the one hoping. This point of discussion is not of importance here, but the response of Hugh of St. Cher is important. Since the statement of St. Augustine seems to have met with some opposition this author undertook to explain his meaning. In doing so he cites the opinion of those who distinguish a twofold hope, namely the hope of a thing (*spes rei*) and the hope of an event (*spes eventus*). By the first kind of hope we hope for God or for eternal life. By the hope of event we hope to be always with God or to have eternal life. Although it is quite possible that his famous *Summa de Virtutibus et Vitiis* was written after the *Commentary on the Sentences* of St. Thomas, nevertheless his exposition of the subject follows the reasoning of William of Auxerre rather than St. Thomas. His approach to the question is the approach of the earlier commentaries on the Sentences. Thus he begins by quoting the definition of the Master, then proceeds to explain it, and ends by asserting that the definition is a definition of the act of hope and not of the

Regarding the notion of expectation he points out that just as in a corporal expectation two things must be considered, so also in the expectation of hope. First there is the exertion of the soul towards future beatitude, which exertion depends partially upon faith. Then there is the permanence in a spiritual place (*loco spirituali*) which is God. This explanation of the nature of expectation is very similar to the one in the manuscript of Philip the Chancellor. Consequently, one might well expect to find here an explanation of the certitude of hope equally similar to that of the Chancellor. However, the resemblance is only in the broad outline of the notions of certitude. In fact, like



Hugh of St. Cher, this author contents himself with a mere hope of a thing while the objection to his statement refers to the hope of event. Hugh of St. Cher, however, dismisses this explanation because, he says there is no difference between the hope of a thing and the hope of event. The interesting note is this reference to the hope of event. As a consequence of it we would expect to hear Hugh of St. Cher speak of the certitude of event with reference to hope. However, in his brief references to the certitude of hope he does not seem to consider this notion. Instead he offers us an explanation of the certitude of hope very similar to that of William of Auxerre. He says there is a twofold certitude, namely the certitude of this life and the certitude of Heaven. The certitude of heaven is a certitude of science or of apprehension. The certitude of this life is twofold. One is opposed to ambiguity or doubt. This is the certitude of faith. The other is opposed to despair or diffidence, and this is that certitude which pertains to hope. Hugh of St. Cher does not discuss, as do others, the relation of the virtue of faith to the certitude of hope. He makes no mention of the nature of this certitude, that is, whether it is conditional or absolute. Instead he contents himself with the above mentioned distinctions.

#### 4. William Peraldus

William Peraldus, a theologian of the thirteenth century offers distinctions which differ very little from those we have seen before. There is a certitude of knowledge which is opposed to doubt, and this pertains to faith; there is a certitude of trust, which is opposed to mistrust, and this pertains to hope; finally, there is a certitude of security, which is opposed to the fear of separation, and this pertains to Heaven.<sup>42</sup> William Peraldus does not proceed any further with this discussion of

•• William Peraldus, *Summa de Virtutibus et Vitiis* (Venice, 1497) Tract. II, num. 1, Item notandum quod est certitudo cognitionis: quae opponitur dubitationi: et haec pertinet ad fidem. Et est certitudo fiducia: quae opponitur titubationi: et haec pertinet ad spem. Et est certitudo securitatis: quae opponitur timori desperationis: et haec erit in patria.

certitude; his work adds nothing from this point of view. However, in his explanation of the causes of hope we do find something which was not contained in previous works we have seen. The Master of the Sentences places grace and merits as the causes of hope. We have seen that the notion of grace was interpreted to mean the liberality or bounty of God. This author accepts that interpretation. However, concerning the other cause, namely merits, which previous authors have been satisfied to leave unqualified from this point of view, William Peraldus proceeds further by reducing it to the justice of God. Thus while others have reduced the causes of hope to the bounty of God and merits, this author reduces them further to the bounty of God and His justice, since the reward depends upon the promise of God.

#### V. SAINT ALBERT THE GREAT

Among the afore-mentioned scholars we have seen a predominance of the opinion that hope possessed a twofold certitude, namely that received from faith, and a second which is proper to itself. Moreover the precise nature of this certitude which they termed 'proper' was not clearly defined.

The writings of St. Albert the Great strike an entirely new and different note in the discussions of the certitude of hope. In the first place, St. Albert is very hostile to the possibility of hope receiving certitude from faith; in the second place he explicitly and vehemently denies that the certitude of hope is conditional.<sup>43</sup> In this way, St. Albert cuts himself off completely from the weight of tradition among his theological predecessors. Consequently, we find him returning to the fundamental notions and thence building a new explanation from the beginning.

In the fifth book of his *Compendium Theologicae Veritatis*, St. Albert approaches the problem in the way common to the theologians, that is by starting from the definition of the Master

•• St. the Great, *III Sent.*, d. XXVI, a. 3, Quidam male dicunt, quod accipit certitudinem a fide; a. 4, Spes nullam apponit conditionem: quia ordo ad finem per actum semper certus est quantum est de se.

of the Sentences. In this definition, he says, the word "certain" does not signify the certitude of reason (*certitudo rationis*) but the certitude of opinion (*certitudo opinionis*). While the certitude of reason is a full assent to one side of a contradiction, the certitude of opinion is an assent to one side, which is approved by the reason, not approved absolutely but with some fear or hesitancy regarding the opposite. The principal cause of this particular expectation is the grace of God, and not our merits, because our works are not meritorious unless through the grace of God.<sup>44</sup> We have seen the assertion of this certitude of opinion before in the work of Richard Fishacre. He, however, did not distinguish so clearly between the principal and secondary causes of hope, and in this respect even this work of St. Albert marks progress towards a more satisfactory solution of the certitude of hope. However, St. Albert's real contributions are to be found in his *Commentary on the Sentences* and confirmed in the unedited *Summa de Bono*.

In the *Commentary on the Sentences*, St. Albert first determines the precise nature of the certitude of hope in general and then determines the nature and causes of the certitude proper to hope. He distinguishes a twofold certitude. One is certitude after the manner of argument in knowledge. This type pertains to faith and, as we have seen, St. Albert excludes it from the realm of hope. The other is certitude after the manner of nature (*per modum naturae*) and this pertains to every virtue. Nature, he asserts, is surely more certain in its works and end than is art. Accordingly, since virtue consents to the reason after the manner of nature, virtue is also more certain than art. But in attempting to apply this certitude of nature to the theological virtue of hope in such a way that it would have

•• St. Albert, *Compendium Theologicae Veritatis*, Lib. V, cap. XXII, Spes est certa expectatio futurae beatitudinis ex Dei gratia et meritis proveniens. In hac diffinitione non sumitur certitudo rationis in qua plene uni parti consentitur, sed certitudo opinionis qua uni parti consentitur, qua ratione probari videtur, nec tamen omnino, sed cum formidine. Hujus autem expectationis causa principalis est gratia Dei, et non merita nostra: quia opera nostra non sunt meritoria nisi ex Dei gratia.

a certitude proper to itself St. Albert found it necessary to distinguish the notion of the certitude of nature still further. First, there is the certitude or efficacy of the habit becoming more easily moved directly to its act and towards its end. This is the certitude of virtue, and pertains to each and every virtue precisely as it is a virtue. Therefore this would not distinguish a certitude proper to hope. Hence there is another certitude of nature which St. Albert says is from the efficacy of the inclination of the habit, and of the cause joined to the habit.<sup>45</sup>

This is surely a new note in this discussion, and to explain it our author uses the example of fire. *H* fire is joined to the cause which generated it and which gives the motion or movement which follows the form, it will rise in a more certain manner, because then its motion or movement would follow its proper form and also the impulse of that which generated the fire. This, he says, is the certitude which pertains to hope. **I**t is a certitude proceeding from the nature of the habit and from its proper cause. Hence this certitude is proper to hope which proceeds from grace and merits which are the causes of the certitude.<sup>46</sup> For this reason, hope among all the virtues is, in a special manner, defined by means of certitude. Thus it can be seen how St. Albert unraveled the web of conflicting opinions by adhering closely to the nature of hope and its proper causes. In this place he does not go into a further discussion of the causes of hope, but merely states them as grace and merits.

•• St. Albert, *III Sent.*, d. XXVI, a. 8, ad 1<sup>um</sup>, Duplex est certitudo: una quae est in modum argumenti in cognitione, et haec competit fidei. Alia quae est per modum naturae, et haec competit cuilibet virtuti: est enim natura certior arte in operibus et fine, ut superius diximus: et quia virtus consentit rationi in modum naturae, ut dicit Tullius, ideo virtus etiam certior est arte. Sed haec certitudo quae est in modum naturae, est duplex: scilicet certitudo et efficacia habitus meliorantis ad opus directe et ad finem, et haec est omnis virtutis secundum quod virtus est. Alia est ex efficacia inclinationis habitus et causae adjunctae ad habitum, et haec est major: ... et talem certitudinem habet spes."

•• *Ibid.*, Et talem certitudinem habet spes, scilicet ex habitus natura et causa, quia ex meritis et gratia proveniens quae sunt causa certitudinis: et ideo etiam inter virtutes specialiter per certitudinem diffinitur.

However, in another work he states that hope arises from the divine bounty, from the abundance of merits, and from the foretaste (*praegustatione*) of eternal things.<sup>47</sup> Further, he explains that the word "grace" must not be understood as something existing in the person hoping, but rather as a property to which hope adheres. Hence, grace here does not signify some created help received into the one hoping, but an uncreated help which is divine omnipotence and mercy. Moreover, by means of this help, even he who has not sanctifying grace can obtain it and so come to eternal life.<sup>48</sup> Thus explained, the principal cause of hope becomes more intelligible and the difficulty concerning unformed hope really disappears.

We have seen that St. Albert excluded the certitude of judgment or knowledge from hope. The certitude of hope is a certitude of act and order towards the end. This does not imply a certitude of attaining the end because, he says, no virtue possesses such certitude in this life. Therefore St. Albert likewise excludes the certitude of event from the realm of hope. This is a very important step forward because the attribution of the certitude of event to hope caused much complication. It was this which caused other theologians to assert that the certitude of hope was conditional. Their assertion of the conditional nature of the certitude of hope was founded upon this statement which is undoubtedly true in itself, "that no one knows with certainty whether or not he will attain eternal life unless he is informed of it through revelation." This statement is true, but the error was in applying it to the certitude of hope. In the first place, it refers to the certitude of knowledge by the words "no one knows," but this type of certitude does not pertain to hope. Secondly, it refers to a future event, the attainment of eternal life, but this likewise is excluded from the realm of the certitude of hope by St. Albert. St. Albert describes the

•• *Compendium Theologicae Veritatis*, Lib. V, cap. XXIT, Certitudo spei ex tribus oritur, scilicet ex divina largitate, ex abundantia meritorum, et ex praegustatione aeternorum.

•• III Sent., d. XXVI, a. S, Non dicit hic gratia habitus in sperant... "-i potius proprietatem cui innitur spes ex parte dantis res speratas.

certitude of hope as an (absolute) certitude of order or inclination towards that end founded upon the causes of that inclination, and not as a conditional certitude of knowledge concerning a future event.

. St. Albert's response to the apparent incompatibility of unformed hope and the idea of merits being a cause of hope is very complete. **It** would seem that this hope since it is without charity could not spring from merits. Against that St. Albert asserts, that unformed hope, is not without merits; it has them only in purpose, that is, it proposes to have them. In this respect, unformed hope differs from presumption which is in every way without merits. St. Thomas later used this concept of proposed merits (*merita in proposito*) to explain the same objection. St. Albert, however, gives us a fuller explanation of the concept.

The act of hope may proceed from merits "*in proposito*" in five ways. First, merits may precede the act of hope in cause only, that is, they exist in their cause which is grace. Secondly, the act of hope can proceed from merits which precede both in cause and in effect. Thirdly, merits may precede in their cause and in a purpose of meriting. Fourthly, merits may precede in their cause together with the merit of another, as, e. g., of Christ or the Saints. Fifthly, merits can precede neither in cause nor in effect, but in the purpose of merits only.<sup>49</sup> These five ways apply to the various degrees of hope. The fifth way pertains to the act of unformed hope, and in this way, he assures us, even this hope can come from preceding merits.

St. Albert's contribution to the Thomistic solution to the problem of the certitude of hope was great. **It** consists, briefly, in the refutation of previous adverse opinions and, still further, in establishing the lines of speculation which led to the true nature of the virtue of hope and the causes of its certitude. He dislodged the theory that hope has certitude from faith. Again, he uprooted the theories which spoke of a certitude of judgment or a certitude of event with regard to hope. As a consequence

<sup>49</sup>St. Albert, *III Smt.*, d. XXVI, a. 4, q. 2, ad Sum.

of this he categorically denied the proposed conditional nature of the certitude of hope. All these were indeed great contributions, but his greatest contribution was the firm insistence upon the fact that the certitude of hope is a certitude of order or inclination proceeding through the causes of the virtue. St. Thomas after him bases his treatment of the subject upon the same solid grounds. It is true that St. Thomas went even still further than St. Albert, by explaining the relation of faith to the certitude of hope, and in giving to the certitude proper to hope the name, certitude of divine ordination. However, it would be difficult to say that even St. Albert himself did not understand the relation of faith and the certitude of hope as pointed out by St. Thomas. In fact, he clearly asserts that hope is founded upon faith.<sup>50</sup>

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*(To be Continued.)*

<sup>10</sup> St. Albert, *III Sent.*, d. XXVI, a. 4, ad lum, Sperans enim habet conjunctas sicut omnis virtus: et hoc non facit ad esse, sed ad bene esse; a. 81, Spes fundatur virtutes, et secundum quod in ipso spes fundatur super fidem, aliquid receipt a fide. in cognitione aenigmatica, quae ostendit rem speratam in speculo et aenigmate.

The position of Peter of Tarantasia (Pope Innocent V) on this question is difficult to understand. His explanation is in many ways similar to that of St. Thomas, and yet we find him asserting that the certitude of hope is conditional. However the work of this author as a whole follows the line of the traditional Augustine rather than the new Aristotle. Cf. *Commentarium in Sententias*, d. XXVI, also Grabmann, *Storia della Teologia Cattolica*, p. 88-84.

## BOOK REVIEWS

*Cicero in the Courtroom of St. Thomas Aquinas.* (Aquinas Lecture 1945.)

By E. K. RAND, Pope Professor of Latin, Emeritus, Harvard University. Milwaukee, Marquette Univ. Press, 1946. Pp. 114.

The justly eminent Latin scholar, Professor Rand, author of *Foundera of the Middle Agea* and many critical studies on classical and late Latin authors, presented a purely personal commentary on certain aspects of the *Summa Theologica* as the Aquinas Lecture at Marquette University in 1945. It is based on a study, apparently not of the text, but of citations and passages supplied from the *Concordance* which Dr. Deferrari and Sr. Inviolata, C. D.P., are working on at the Catholic University. He anticipates adverse criticism and possible disaster, "partly from my ignorance of the *Summa Theologica* in its whole extent, partly because I purposely neglected to examine . . . what the authorities of our day have said about St. Thomas." (p. 3.)

Professor Rand sought to enliven what might have been a very dull and pedantic piece of work by the extended use of a rather striking figure. The *Summa Theologica* is a courtroom; St. Thomas, or rather *Veritaa*, Truth, is the judge; and the host of authorities, sacred and profane, that St. Thomas cites in the course of his work are witnesses to Truth. Thus Cicero appears not as a culprit to be convicted or acquitted of the intellectual crime of error, but only as a witness. The burden of the lecture is not a critical study of the philosophical thought of Cicero in the light of St. Thomas, but rather the urbane comments of a true gentleman educated in the liberal arts in the Nineteenth Century on the liberal education of a Christian gentleman of the Thirteenth Century as revealed in his wide acquaintance with and discriminating use of the liberal arts as cultivated by a gentleman of the first century before Christ. In his far from unsympathetic approach to St. Thomas and his genial observations, Professor Rand reveals himself not only as a scholar but also as a person of cultivation and education in the best sense of the term. Within the field of his own competence, and he is the first to disclaim pretensions in any other, his lecture abounds in remarks of a sort seldom heard in intellectual circles outside the School.

On the use of authorities, he pays tribute to St. Thomas' phenomenal memory and his ability to draw from the "deep well" whatever suited his purpose. "For the moment St. Thomas is interested not in the source, but in the element of truth that it may contain. He follows Ovid's maxim:



*Faa est et ab hoste doceri.*" (p. 68.) This is a handsome admission when we remember how many of Professor Rand's colleagues and contemporaries dismiss the Schoolmen as mere parrots, "apes of Aristotle," addicted to *ipsedixitism*. Nor has he the myopic regard for footnotes characteristic of German scholarship, for he remarks of St. Thomas, "He often will quote like a gentleman, that is, inexactly, nor was he obliged-oh happy age!-to verify his references, or to give them nicely." (p. 7.)

He finds St. Thomas a liberal gentleman, widely read in the Latin classics, with a sense of humor (p. 20) for whom the liberal arts are "obviously, a fixed part of his thought." (p. 16.) "St. Thomas is a Christian humanist, like that good householder of whom Our Lord speaks, who drew from his treasury things old and new. The treasury from which St. Thomas drew was his well-stocked and retentive and harmonizing mind." (p. 85.)

On the Latinity of the *Summa*, in place of the condescending or critical remarks we might expect from a man of his classical background, Professor Rand finds that the Latin style of St. Thomas while not Ciceronian-"why should it be"-has a "clarity, simplicity, and nobility" of its own. "His style has the dignity, and sometimes the technical exactness, of Cicero's periods." (p. 24.)

He gently derides the misconception that the Schoolmen were mere syllogizers, juggling "therefores" and "whereases" into a childishly imposing pile they called science, the misconception found, among others, in Thatcher and Schevill's *Europe in the Middle Age*. He finds St. Thomas more interested in uncovering the truth by distinguishing the senses of words and definitions.

He is quite taken with the nicety and precision of the terms St. Thomas chooses for various things: the word *annexae* to designate the semi-autonomous character of the virtues "allied or affiliated" to justice; the word *pietata*, loyalty, for the virtue by which we reverence both parents and country, thereby paying the debt we owe them for benefits received; the term "magnanimity" in place of the Ciceronian *fiducia*, trust; "gratitude" in place of the ambiguous *grace*.

We find that St. Thomas did not view rhetorical skill with contempt, but labored with loving care and pleasure over the elaboration of his arguments. He took pleasure in his work and found the highest kind of delight in the contemplation of wisdom, both human and divine. He depended heavily on the *De Inventione* in his discussion of the ancient virtues, citing it over seventy times, with more than ordinary approval on occasion. The reason may be that he "felt a certain Aristotelian strength beneath the elegant and conveniently quotable phrases of Cicero." (p. 47.)

St. Thomas by his use of Cicero does not bestow on him unqualified approval. His concept of the passions is refuted along with the other ideas of the Stoics and his metaphysics in the *Tusculan Disputations* is passed

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over with the silence of charity. It is chiefly in the fields of ethics and rhetoric that Cicero is brought forward as a trustworthy witness.

Of the *Summa* itself, Professor Rand finds that it is not an outline, a summary or a collection of what other people had to say, as was the *Sentences* of Peter Lombard. St. Thomas was "a humble seeker for the truth wherever it may be found, hospitable to physical science as well as heavenly, ever sharpening his mind and acquiring the calm of wisdom. Behind it all is the peace of God that passeth understanding." (p. 65.) An observation like that on St. Thomas could come only from a heart naturally good which benevolent love had rendered sensitive and sympathetic.

Finally, Professor Rand in describing the pedagogical perfection of St. Thomas describes him as a teacher "who to awaken young minds to the truth of God, besought God's help in setting forth his subject clearly. God granted the fulfillment of his design." (p. 68.)

There is one gem which the temper of the age makes particularly appropriate. Speaking of the *Rhetorica* of Cicero, Professor Rand writes, "The work begins with a famous encomium of rhetoric in which the author declares that philosophy without eloquence is of little profit to the state—naturally when the philosopher cannot utter his thoughts intelligibly—and correspondingly, that eloquence without philosophy is often of positive harm and never of any profit . . . ." (*Inst. Orat.* III l. 20.)

The metaphor with which Professor Rand clothed his remarks is an intriguing one, for in introducing Cicero into the court of St. Thomas he has arraigned St. Thomas before a higher court of scholars and learned Humanists, and has arraigned himself in judging St. Thomas before a board of Thomists, who in their turn can be tried. And so the figure spirals upward out of sight. Professor Rand's verdict is one that does honor to St. Thomas and himself, for he finds much to praise and little to blame in St. Thomas. Would that the verdict of this court were the same. However, in view of the many extenuating circumstances and the obvious good-will of the defendant, there has been entered a strong plea for clemency.

Professor Rand has been betrayed by his own rhetorical device into expressions that give a wholly inadequate, and therefore misunderstandable, impression of the tremendous vitality of the assimilative and synthetic, not eclectic, power of St. Thomas' mind. He says, indeed, in so many words, that St. Thomas did not merely collect the opinions of other people; but against that, he depicts St. Thomas as a mere arbiter between opposing thinkers, and what is far worse, their verbalisms. Does St. Thomas' argument depend on their authority, so that it becomes true to say, " . . . despite St. James' famous declaration . . . and despite two utterances of St. Augustine, St. Thomas' only evidence in support of his thesis is Cicero's definition of religion in the *De Inventione*?" (p. 31.) St. Thomas' decision does not rest upon this or that author, but his use of this or that

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author, in the *sed contra* particularly, depends upon two factors, or rather upon two aspects of one all-important norm, the Truth. He not only knows what the conclusion will be according to the truth before he sets pen to parchment or begins dictating; but he is also a skillful teacher and must manifest the truth of his conclusion to other lesser minds. Thus to integrate and correlate the doctrine he may be propounding at this particular moment, he introduces what is most appropriate from the store of words, phrases, axioms, authors, definitions, examples, and the like that his students should have gathered in the preparatory course in the arts, grammar, logic, and rhetoric, and which were the common intellectual equipment of his time. Thus his authorities and their dicta are manipulated with all the skill of an impresario in order to make truth as striking, as attractive, as unforgettable as possible. There is drama in the *Summa Theologica* but not the casual sort one finds in a courtroom. "St. Thomas' decisions . . . rest upon a search for the meanings of words. . . ." (p. 66) is another unhappy phrase which might deliver St. Thomas into the hands of his bitterest enemies, the Nominalists, and the bitterest enemies of all truth and reality, the semasiologists. Nor can we roundly assent to the statement, "He is *philosophos* at the last because he was *philologos* at first." (p. 67.) His love of words is always the effect, not the cause, of his love of wisdom, and his only interest in words is to adorn his only love as appropriately as possible.

The ignorance of the whole of the *Summa Theologica* and its objectives that Prof. Rand has ingenuously confessed—all the more lamentable because he has shown himself so well-disposed and worthy of a happier fate—is borne out again and again. We read, "the theological part of the *Summa* . . ." (p. 32); ". . . one will find what many had to say and what true doctrine is in the *S. T.* But the flavor of the work is philosophical rather than theological . . ." (p. 65); ". . . Moreover . . . his philosophical structure reposes on a foundation of law. Feeding on Justinian and many other books of law, he tries cases and makes decisions : . ." (p. 66.) Anything of law in St. Thomas' diet was by way of dessert, his staples were the Sacred Scriptures, the Fathers, and Aristotle. The surprise he professes (p. 36) on discovering that religion is not a theological virtue, unless assumed for the purpose of the lecture, must derive from a rather naive concept of "theological" drawn from an incautious and too restricted dependence on the primary meaning and derivation of words. The same trust in obvious meanings leads him to confuse the elevated delight which the intellectual faculties derive from their proper operations with the sensible joy and pleasure that the body derives from recreation and games. "Metaphysical speculation itself did not always, for him (St. Thomas) mean strenuous intellectual exercise; it was also a joyous pastime." (p. 59.) There is no reason why intellectual exercise, even strenuous, cannot be delightful; the more strenuous up to a certain limit, the more joy, just as in physical exercise. How-

ever, it was never a pastime for St. Thomas; life was all too short to waste even a single moment, as witness the incident of the supper with Louis IX.

Except that they are distortions of the perfection of St. Thomas, these are trifling matters since Dr. Rand enjoys no particular authority in these fields. But there are graver charges drawn from those spheres of learning in which he enjoys the greatest renown. A Thomist would hardly translate *utile* as distinguished from *honestum* as "expedient" (p. 25); this peculiar phrase "motions of the will which reside in the intellect. . . ." comes from • . . . *passiones animae aunt in appetito sensitivo, simplices autem motua voluntatis sunt in intellectivo. . . .*; the recent war fervor led him to render, *Latrocinia nullam habent infamiam, quae extra fines civitatis cuiusque civitatis fiunt* as "those high-way robberies that are committed beyond the borders of the state." (!) These are schoolboy errors "which would be stigmatized with our red pencils in students' exercises." The confusion that results from his discussion of the cardinal virtues in Cicero, St. Thomas, and Aristotle is inexplicable coming from so learned a scholar as Dr. Rand. To put it as succinctly as possible, he takes Aristotle's *sophia* as Cicero's *prudencia* and as St. Thomas' *prudencia*, and he calls it wisdom, the first of the moral virtues. St. Thomas' wisdom as a Christian virtue disappears as one of the gifts of the Holy Spirit; Aristotle's *phronesis* also disappears. One would hesitate to contradict Dr. Rand were the distinctions not so clear in both Aristotle and St. Thomas. Thus Aristotle enumerates and describes the five intellectual virtues, speculative wisdom, *sophia*, knowledge, *episteme*, intuition of first principles, *nous*, art, *techne*, and practical wisdom or prudence, *phroneais*. It is the last that is the cardinal or moral virtue. St. Thomas admits that prudence can be taken in a wide enough sense to include any human knowledge, speculative or practical (*II-II*, q. 47, a. 2, ad 2) and thereby include rhetoric, dialectic, and physics, but he does not approve of so stretching it, ". . . . as to its use the act of speculative reason . . . . falls under the direction of prudence; but as to its specific nature, according as it is compared to its object, necessary truth, it does not fall . . . . under prudence." And St. Thomas prefers to speak of things according to their specific natures. Thus St. Thomas' tract on prudence is the parallel of Aristotle's on *phronesis*. Nor does he make Aristotle's *sophia* as a Christian virtue, "arguing that wisdom is one of the gifts of the Holy Spirit." (p. 26.) He most emphatically distinguishes the virtue of wisdom-sophia from the gift by showing that each is supreme in its own order, one in the natural, the other in the supernatural. (*II-II*, 45, 1.)

Finally, Professor Rand implies that St. Thomas follows Cicero's opinion that the cardinal virtues will not persevere after death, and was led thereby to minimize the value of the *Summa* in the light of eternity, leaving it unfinished. We have this infelicitous passage, "Where then are those neat

definitions in the *De Inventione* on which St. Thomas had built so many of his arguments? Viewed in the light of Cicero's own words . . . the careful structure of the sum of all rhetoric and of all theology crumbles. Perhaps St. Thomas felt that if he made his masterpiece a perfect all-inclusive whole, he would have imprisoned God, not worshipped Him." (p. 70). Far from crumbling in the light of eternity, the habits of knowledge and love acquired in this life are the foundation on which the glory of the next is built, for not only will we use the ideas stored in our intellect but their quality and quantity will be an accidental and extrinsic glory. One of the prized distinctions even in Heaven will be the aureole of a teacher, a Doctor. And in Heaven too the moral virtues will fulfill their purpose most completely and consequently most perfectly.

But, of course, Professor Rand knows all this already. He died in October, 1945. It is with genuine regret therefore that we make him the target of our strictures; yet, these may serve to assist fellow scholars to approach St. Thomas with care and preparation. Like Apelles of old, *Sutor, ne supra crepidam!*

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*Marxism and the Democratic Tradition.* By A. LANDY. International Publishers, New York, 1946. Pp. ffl0; suggested readings.

This is a volume of which a reviewer might well say that it is consistent, logical, clear, and faithful to historical facts, of which a great number are cited. To do this would be to do no more than the author has done in his presentation of his thesis; that is to say, it would give an utterly false picture of the book, just as the book gives an utterly false picture of history. If any more proof were needed for the thesis that it is interpretation, and not factual presentation, which makes convincing and readable history, this book might well serve to give that proof.

From the foregoing remarks, it will be noticed that a review of this book from the aspect of accuracy would be impossible; a review must be written, therefore, which will examine the writer's approach to his subject, and his handling of what are admitted to be, in almost every case, historical facts of proven accuracy. It would be satisfying, perhaps, but somewhat childish so, to point out that Blackstone's *Commentaries* were first published in 1767, and could not, therefore, have been used by that gentleman, as Mr. Landy would seem to indicate on page 84, as a means of inspiring against the sentiments of the French Revolution. Such lapses are rare, and do not

substantially affect his argument. It is the argument itself which deserves serious consideration.

Mr. Landy's theory, an unfairly simple theory, is that the roots of the modern democratic notion are to be found in the British Revolution of 1648. By observing similar or identical elements in later revolutions, he arrives at a consideration of present-day Marxism, which he declares was present in all these revolutions, at least in embryo. The obvious answer to this contention—that Marxism certainly was two centuries younger than the Revolution of 1648—is not the best answer, for it fails to consider seriously Mr. Landy's main assumption. Since it is upon this assumption that the whole work is based, a consideration of any such apparent inconsistencies should be subordinated to a consideration of the assumption. It might be remarked, parenthetically, that Landy seems to attach a mystical significance to 1648, perhaps because that is a period of revolution exactly two hundred years earlier than the appearance of the Communist Manifesto. The year 1649 or 1689 would have served his thesis equally well, even though he produces numerous reasons for the earlier year.

Mr. Landy's assumption, made prior to writing his book, and apparent in its pages by implication only, is that communism and democracy are historically synonymous. This assumption gives him a remarkable advantage in viewing history; wherever he finds elements which are clearly communistic—by which he means elements which show a conformity to Marxian Communism—he labels them democratic. Wherever he finds democratic elements which are clearly not related to any Marxist notions, he labels them bourgeois corruptions. This historical method has one enormous advantage: it is the essence of simplicity. That it leads to all sorts of eel-like wriggling to avoid obvious conclusions is beside the point. It might be equally clear, and it would certainly be equally true, to say that Mr. Landy is a writing a history of democratic movements in the Communist fashion, for the purpose of giving Marxian Communism a respectable genealogy so that it may be better qualified to convince non-Communists of its essentially benevolent and venerable qualities.

In support of his thesis, Mr. Landy must describe Jefferson as a true democrat—or communist—who fell away from the communist faith late in his life; more specifically, when he became President of the United States. Oddly enough, the same defection is noticed in Napoleon. On the other hand, those convinced and loyal communists, Paine and Babeuf, were badly treated, one being practically exiled and the other beheaded. Is one to assume that success in politics is always followed by an abandonment of communistic ideals, and that adherence to those ideals invariably brings exile or death? Surely this is not the moral intended by Landy, but it is inescapable on the basis of his presentation.

This volume, then, marred only occasionally by errors of fact (one, that

Cromwell stood for religious tolerance, could hardly be omitted from any commentary), is scarcely to be considered history. Whenever the facts threaten to become uncomfortable, they are abandoned. Landy is not the first, of course, nor is he even close to being the best, who has chosen to write history-dominated-by-a-thesis. But this is such an all-excluding thesis that its value is diminished to the vanishing point. Any person, any movement, any political event which shows elements approved by the writer is automatically communistic. As soon as these elements disappear or combine into different patterns, they are dismissed. Explanations of the extremely complex and delicate phenomena of history cannot be undertaken from such an oversimplified intellectual vantage-point. Certainly economics must be assigned an important place in considering history, but so must moral, intellectual, and social forces, and they are stubbornly irreducible to economic bases in a majority of cases. It is in his failure to consider anything but the economic basis of history that Mr. Landy exhibits his decided limitations as an historian.

In spite of the remarks of the publishers, as carried on the dust-jacket, however, perhaps Landy did not expect this book to be taken as history except in the text-book sense. He has appended a two-page list of suggested readings for those who would like further initiation into Marxist thought. He has also wisely placed his notes at the end of the book, the proper place for them since they are not properly notes, but only citations, and would seriously have impeded the flow of his argument. It is perhaps unfortunate, then, although certainly enlightening, that the notes are immediately seen to include a disproportionately large number of books issued by Mr. Landy's own publishers.

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## BRIEF NOTICES

*Neo-Platonism and the Ethics of St. Augustine.* By REV. BRUNO SWITALSKI, C. SS. R., T. D. Krol Brothers. Chicago, Til., 1946. Vol. 1: Plotinus and the Ethics of St. Augustine. Pp. 142.

Fr. Switalski presents us with an English translation of his dissertation presented at the University of Warsaw in 1938 which incorporates subsequent research on Plotinus. He promises to supplement this work with a second volume on the influence of Porphyry, the greatest disciple of Plotinus, on Augustine's moral viewpoints, and thus make a significant and valuable contribution to the important and complicated problem of the relationship of Christianity to the contemporary Hellenistic culture.

He neatly delimits the problem by comparing the contributions of the most prominent representatives of the two cultures, Augustine and Plotinus, in respect to the norms of morality, eudemonology, asectical and mystical life; and, finally, in their treatment of the problems of virtue and of evil, aretaics and ponerology.

In the first part of his work, he sketches with broad but competent strokes the main features and the sources, pagan and Christian, of Plotinus' ethics; and he attempts to sift out the ethical teachings of St. Augustine from their religious and dogmatic matrix and present them as an ethical system. With regard to Plotinus and his sources, Fr. Switalski shows a wide acquaintance with the voluminous literature, and treads his way with calm assurance through the maze of conflicting interpretations of Plotinus. By proceeding from an ontological foundation, the Plotinian discussion of happiness makes the sublimity of the "way of purification" and the degrees of virtue intelligible to us. However, by introducing a new element—that which is beyond the intellect and inaccessible to reason—Plotinus broke with the rationalistic and utilitarian ethics of his Hellenistic forebears, and placed a strain on the imagination which was too great for it, leading in his disciples to mythology, superstition, and other excesses. For his exposition of the thought of St. Augustine, Fr. Switalski does well to depend on Portalie in the *Dictionnaire Theol. Catholique*, and concludes to the strongly theological character of St. Augustine's ethics.

In the second part of his work, Fr. Switalski surveys St. Augustine to find the places where he implicitly or explicitly depends on Plotinus. But first he shows the influence of the *Enneads* on the conversion of Augustine from Manichean materialism, in that they prepared his mind for the acceptance of the sublime doctrines of the Incarnation and Redemption. St.



Augustine exalts and praises the Platonists above all other philosophers, and regards Plotinus as the greatest of all Platonists. However, Fr. Switalski qualifies the conclusion of Portalie that no other philosophy gave any real impulse to Augustine's thought. He admits other influences although none so predominant as that of Plotinus, whom he equates, at least in the early period before 400, with the "Platonici" and the "Libri Platoniorum." He finds literal citations from Plotinus in the *City of God* and in the *Confessions*; similarity of ideas in *C. Academicos*, *De Beata Vita*, *De Ordine*, *Soliloquia*, *De Musica*, and in the works against the Manichees. Fr. Switalski, nevertheless, very prudently looks on the argument from similarity of ideas with reserve, since truth is accessible to the human mind without external influence, and St. Augustine was gifted with a brilliant intellect. He concludes his scholarly and balanced study, " . . . . Augustine does not blindly follow the Neoplatonic philosopher but judges his doctrine in the light of the authority of the Church . . . . he selected only those ideas from the writings of Plotinus which were not opposed to Christian revelation."

*Some Illustrations of St. Thomas' Development of the Wisdom of St. Augustine.* The Mu Nu Sigma Lecture 1946. By VERY REv. GERALD B. PHELAN, Ph.D., LL.D., F.R.S. C. The Argus Press, Chicago, ill., 1946. Pp. 56.

This slender volume is a lecture delivered at Mundelein College, in which Dr Phelan proposes to show without in any way detracting from his glory, how much St. Thomas owes to St. Augustine. The core of the lecture is the highly unconventional notion of wisdom which is applied to the teaching of St. Augustine. "St. Augustine's wisdom is not of the order of philosophical inquiry, nor even of the order of theological science. There is no surer way of misunderstanding his teaching than by judging it in the light of purely rational principles or a scientific exposition of revealed truth. To deal so with the teaching of St. Augustine would be to distort his thought and to degrade the essentially religious and supernatural character of his lofty wisdom. Properly speaking, St. Augustine was neither a philosopher nor a theologian. He was a Christian sage . . . . No! the wisdom of St. Augustine was not a wisdom of pure speculation or theoretical contemplation of truth. His was a wisdom born of charity, a wisdom of the sort King Solomon extolled and which made St. Paul so wise. . . ." This was, in other words, the infused wisdom of the Holy Ghost. There is then no little inconsistency in the speaker's declaration that St. Thomas borrowed the substance of this wisdom from St. Augustine, when he could, and undoubtedly did, imbibe it directly from the same source as St. August-

tine, the Holy Spirit. Moreover, it is commonly thought, and Dr. Phelan has not shown us otherwise, that St. Thomas used St. Augustine precisely in "the scientific exposition of revealed truth." If there is consequent misunderstanding or "distortion" of St. Augustine, it is hardly on the part of St. Thomas.

The body of the lecture aims to show how St. Thomas furnished the wisdom of St. Augustine with a firmer basis in the nature of things than the philosophy of Plato or Plotinus could provide with particular reference to two problems, the existence and nature of God, and illumination and abstraction in the theory of knowledge. Dr. Phelan uncovers the dangers to which Christian thought was exposed by the concept of the *esse* of God as essence, to which St. Augustine was led by his dependence on Platonic dialectic and terminology as the wings on which to soar aloft to the heights of ineffable Being. St. Thomas averted these perils by his recognition of the dynamism of being, and God's *esse* as the pure act of existing. Similarly in the realm of knowledge, the inadequacy, and indeed the invalidity, of the Platonic form and essence and illuminism, which St. Augustine himself seems to have sensed, is compensated and corrected by St. Thomas' philosophy of being. For St. Augustine, knowledge is vision; for St. Thomas, it is more, it is a mode of being, of living, a vital activity wherein the knower becomes the known. Thus purged of the dangers inherent in the language and method of the Platonist, the substance of the wisdom of St. Augustine is handed on to future generations to aid them in their quest for truth.

Dr. Phelan, in extolling St. Augustine and the haunting, heavenly beauty of his thought and language, has but gracefully woven, not unwittingly we hope, another garland for the brow of him whom St. Augustine in vision hailed as his equal, and whom the lecture shows to be his superior, St. Thomas Aquinas.

*Keystones and Theories of Philosophy.* By REV. WILLIAM D. BRUCKMANN, S. T. L. Benziger Brothers, New York, 1946. Pp. fl30.

In his preface, Fr. Bruckmann describes the need of the average student for a handbook of philosophy which is real and undeniable. But the qualifications of one who would write such a book are also very real and undeniable, and lacking these, the need will remain unappeased. Fr. Bruckmann has rushed in where angels might fear to tread. Designed for students of Scholastic philosophy, a book like this demands first of all a thorough and penetrating grasp of the fundamentals of such a philosophy, and precision in exposing them. Fr. Bruckmann seems unaware that the Holy See has established such fundamentals, or keystones, in compiling and publishing the Twenty-four Theses of St. Thomas Aquinas; and if he is aware of them, his explanations of the doctrine of analogy-fundamental to all philosophy-

and the real distinction is so confused as to be unrecognizable as Thomistic. Precision and clarity are always desirable in a work on philosophy but especially in one which undertakes to offer definitions. There are conditions hardly fulfilled by such statements as that philosophy is "the supreme natural science" and that it "begins with the science of being or ontology."

The book contains a section entitled "Some Theories of Philosophy" which attempts to summarize various philosophical aberrations under labels such as Absolutism, Monadism, Scholasticism, down to Voluntarism. Oversimplification, unless done with the greatest care, almost inevitably leads to distortion and inaccuracy. Fr. Bruckmann has injudiciously omitted the restrictive clauses which alone made even the manualists on which he obviously depends remotely intelligible. Thus without qualification are grouped together under the heading of Voluntarism: Scotus, Schopenhauer, Nietzsche, Royce, and Pantheism.

Finally in a section entitled "Biographical Landmarks in Philosophy," we have a list of thinkers arranged according to the date of their death. The unwary might infer, among other things, that St. Albert was a disciple of St. Thomas. Further, each philosopher is tagged with a theory for purposes of identification. That Charles S. Peirce be impaled on the spike of Pragmatism is excusable; it is a problem of current discussion. To say of Grotius that "he laid the foundations of international law" is inexplicable in the very year of world-wide centenary celebrations of the teaching of Francis de Vitoria. The purposes of Fr. Bruckmann's work demand the most painstaking of scholarship; they are utterly defeated when truth itself is contravened.

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