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STO THOTh1AS' THEORY OF ORIGINAL SIN

N OUTLINE of the doctrine of St. Thomas on the transmission and nature of Original Sin will show, as far as possible, the development of his thought in different writings. For the comparison of certain articles in the *Summa Theologiae* with the corresponding ones in the *Commentary on the Sentences* reveals a very great difference of approach. Little of the argumentation is common to the two works, although the conclusions are the same, and scarcely any of the data of the *CommentaTy on the Sentences* is thrown aside, but rather remains as an essential basis for the more advanced theory of the later works.

I. THE EXISTENCE OF ORIGINAL SIN

St. Thomas uses a number of scriptural, theological and rational arguments to show that original sin exists, and a survey of them is instructive. They find their chief develop-

ment in the *Summa Contra Gentiles* (IV, c. 50). They are as follows:

1. *Genesis* 2:16-17.

"And He commanded him saying: of every tree of paradise thou shalt eat: but of the tree of knowledge of good and evil thou shalt not eat. For in what day soever thou shalt eat of it thou shalt die the death."

From this text St. Thomas infers that, since it is implied that man was not created in a state in which he was subject to the necessity of death, we must say that this is a punishment for sin. Taking this as revealed, he argues that, since a punishment can only be inflicted justly for sin, wherever we find the punishment, that is, liability *to* death, there must we also find sin. Now this penalty is found in all mankind, even in those not capable of actual sin; hence it follows that there must be in all mankind a sin not incurred by an act of the individual's will, but transmitted to him by his very birth or origin.

2. *Romans* 5: 12-14.

" Wherefore as by one man sin entered into the world, and by sin death; and so death passed upon all men, in whom all have sinned."

This is the text most frequently quoted, and is understood by St. Thomas to be an explicit statement of the fact of original sin, and is used by him as an argument not only in determining its existence, but in many questions relating to its transmission and nature. He rejects the Pelagian interpretation which explained the text as applying to actual sin, which entered the world by Adam, insofar as all men imitate his transgression when they sin.[1] His most usual argument against their exegesis is that cited by Peter Lombard from St. Augustine: had transmission by imitation been meant, St. Paul would rather have said that sin entered the world by the devil, quoting Wisdom 2:24: " But by the envy of the devil death came into the world."

[1] *Ad Rom.,* c. 8, lect. *5; Summa Theol.,* I-II, q. 81; *IV Cont. Gmt.,* c. 50.

In the *Contra Gentiles,* however, he urges against the Pelagian interpretation that if this were intended SL Paul would not have said that " death passed into all men," since then both sin and its penalty would only pass into those who imitated Adam by sinningo Whereas he expressly asserts: [2] " death reigned from Adam unto Moses even over them also who have not sinned after the similitude of the transgression of Adamo"

Again in the *Commentary on Romans* [3] the Scriptural use of the singular " sin " is put forward as an argument: for though the plural can be used of original sin understood in its true sense, the singular could hardly be used were it only an imitation by many actual sinso

It is remarkable, and we shall see why later, that St. Thomas does not make use of" in whom all sinned" in the *Commentary on the Sentenceso* In his later works he several times repeats the explanation of St. Augustine which is found in the text of the *Sentences:* that *"in quo"* can be understood as "in which first man" or as "in which sin." In the *Summa Theologiae* he says: "inasmuch as Adam's will is looked upon as ours, in which sense the Apostle says (Romo *5: In whom all have sinnedo"* [4] What he means by this inclusion in Adam, or in his sin, or in his will, must be understood in the light of Sto Thomas' whole theory. Subsidiary texts used are Psalm 50: 7; Job 14: Epho 2: 3; but these do not throw any special light on his theoryo

3o *Baptism.* [5]

Sto Thomas also argues from the necessity of Baptism, and the reasoning is given in its fullest form in the *Contra Gentiles.* Infant baptism is practised by the Church; now baptism is a remedy against sin, and therefore implies a sin in its recipienL This cannot be actual in infants, it must, therefore, be originaL The objection that baptism is not necessarily a remedy for sin, but only a condition of entry into heaven, is met by the argument " nothing forsakes its end except on account of sin."

• Romans *5* :14. [3] *Loc. cit.* • III, q. 84, a. 2, ad 3.
• *IV Cont. Gent.,* c. 50; *de Malo,* q. 4, a. 1; *IV Sent.,* d. 30, q. 2.

4. *Rational argument.* [6]

He also uses a " *sttasio* " from reason to show that man was not created in his present unsatisfactory state; this shown, the process of the argument is the same as that from Genesis, where this fact is taken as revealed. It is inferred that the defects which we experience must be penalties, and that there must consequently be sin wherever they are found.

In showing that man was not created in his present state, he does not attempt to prove that these imperfections are not natural, but argues from the providence of God, admitting that, considering human nature in itself, they are natural weaknesses arising from the composite, spiritual and material nature of man. But, if the nature of man is in this way so unsatisfactory, it is highly probable that God would come to its aid in view of the dignity of the higher element, so that the body should not interfere with the well-being of the soul, nor the lower powers with reason and will, whose servants they are by nature. Hence, if we find that an unsatisfactory state exists, we can probably sufficiently *probabiliter probari potest* -that they are penal, and conclude to original sin.

In many of the foregoing arguments we find a common process of reasoning, which may be summarised thus:

There is a revealed fact, supported by reason, that man was not created in his present defective state, but in a state in which body and soul were in harmony" It can be inferred that these defects are therefore penalties for sin. But since a penalty can in justice only be inflicted for a sin, wherever the penalty is found, we can conclude to sin that is in all men. Since this sin cannot be actual, its sign, the penalty, being found in those without actual sin, it must be " original."

It is important to elucidate the exact extent to which St. Thomas sees in the passage of Romans not only an assertion but also a proof of the existence of original sin in us, and notably in v. 14: "But death reigned from Adam unto Moses even over them who have not sinned after the similitude of

• *IV Cont. Gent.,* c. 52.

the transgression of Adam." In the *Contra Gentiles* this is used, not as a direct proof of the existence of original sin, but as proving that St. Paul in his preceding statement is speaking of original sin and not of actuaU There, and in the *Commentary on Romans* [8] the proof given by St. Paul is used against the Pelagians who interpreted the Apostle as meaning actual sin. St. Paul is understood as proving by the universality of death, even in those who have not sinned themselves, that all men are in a state of original sin. The argument leads to the existence of original sin, but its process is different from that which we have summarised above where death is regarded as the penalty of original sin, and inference made from punishment to "fault. Here what is supposed is not that death is a penalty for sin, but that it is an effect of sin.[9] St. Thomas understands the Apostle thus: Supposing that by sin death entered the world/[0] it follows that wherever death is, there is sin like to Adam's. But not like to Adam's by imitation, since those who have not sinned like to Adam in this way also die, therefore like to Adam's originally.[11]

The argument must thus be carefully distinguished from that which proves the existence of original sin by arguing from punishment to fault, an argument based on moral necessity. Here the existence of original sin is presupposed as revealed, and the argument only illustrates the doctrine by excluding actual sin, by a reasoning based on a physical connexion between death and sin; a connexion eventually to be expanded into the doctrine that original sin consists in the deprivation of original justice (here " death ") . Where there is death, there is original sin, for the two are materially the

• *Ibid.,* c. 50. • Lect. 4.

• *IV Cont. Gent.,* c. 50: " since by sin death entered the world, death would befall only those who sin like to the first man who sinned; *ad Rom., loc.* cit.: since death is the effect especially of original sin.... "

[10] Voste *in loco;* "death stretches as far as sin."

[11] *Ad Rom., loc. cit.:* "As though he should say that they died not from their own sin, he shows that there was in them a widespread likeness to the sin of Adam through origin. And this is what the Apostle intends to show, namely, that it [death] entered the would through the original sin of Adam."

same thing, will be St. Thomas' final conclusion. The principal difficulty in an explanation of original sin consists in showing how it can be culpable in all men. The weakest point in many of the arguments lies in the illation from penalty to fault. It is not difficult to show that the natural defects incurred by Adam's sin can pass to his descendants; a tolerable explanation can be made to prove that they are penal even in us; but if divine justice is to be safeguarded this is not enough; [12] it must be shown that there is also guilt. The argument from punishment to fault may evidence a moral necessity for the fact of culpability; but a formal theological explanation must be sought elsewhere. The progress of this explanation can be traced in St. Thomas' works.

II. THE TRANSMISSION OF ORIGINAL SIN

St. Thomas rejects Traducianism as "heretical"; [13] he also :rejects as insufficient the theory that original sin is transmitted in the same way as bodily failings and some defects soul, owing to a deficiency in the *semen.* [14] This latter theory fails to explain the culpability in us of the defects we inherit from Adam. In the *Compendium Theologiae* it is granted that such a theory accounts for the lack of original justice in us, and he seems to admit that it suffices to explain why this deprivation is not unjust; and in the *Commentary on Romans* it is offered as a reasonable elimination of the appeal to Traducianism. But in each place St. Thomas then proceeds to inquire how the quality of sinfulness is to be explained. We must return to this question after St. Thomas's doctrine in the *Commentary on the Sentences* has been seen, since in his rejection of the above theory as insufficient he seems to criticise implicitly his own earlier explanation,

a. In the *on the Sentences,*

In the *Commentary on the Sentences* St. Thomas approaches the question of original sin on the same lines as we have already

[12] *IV Sent.,* d. 30, q. 1, a. c. '"*Summa Thevl.,* I, q. H6, a.
'"*Ibid.,* I-ll, q. 81, a. 1, c.; *ad Rom.,* c. S, lect. 4; *Comp. Theol.,* c.

seen in his arguments from Scripture, developing the reasoning there sketched with its consequences. He opens the treatise by asking whether the defects we experience are a penalty for the sin of Adam; then if any defect is culpable in us, and lastly by offering his explanation of how this sin can be transmitted.

i. The defects of fallen nature are penalties for sin.[15]

St. Thomas starts from the state of original justice, just as he took from Genesis the fact that man was created in a state far more perfect than that in which he now finds himself.

It is not necessary here to determine the much disputed point of the precise inter-relations of grace and original justice; we may note, however, that in the *Commentary on the Sentences* St. Thomas explicitly leaves the question open, whether man was created in grace or not/[6] and distinguishes *justitia originalis* and *justitia gratuita.*[11]

The argument to show that human misery is a punishment starts from the supernatural end of man. It was necessary, if man was to attain an end above nature, that he should be provided not only with his natural powers, but with something beyond them, to enable him to achieve his end easily. Now his direct relation to end is by intellect and will: thus, in order that the higher part of his nature might direct itself with facility towards God, the lower powers were subjected to it, and the body made free from suffering and death, so that nothing could impede the mind's flight to God.

With the first sin this subjection of the mind to God was interrupted; the very reason for the existence of the gifts which harmonised man's various faculties was gone; hence man was reasonably allowed to fall back into his natural state of disharmony .[18]

Hence these defects can be considered either in relation to the natural principles of human nature, and then they are

[15] *II Sent.*, d. 30, q. I, a. 2.
[17] *II Sent.*, d. 20, q. 2, a. 8, c.
[18] *II Sent.*, d. 30, q. 1, a. I, c.: "Man was left with only those goods which flowed from his natural principles."
[18] *I Sent.*, d. 29, q. 2.

natural defects and no penalties; or in relation to that pristine state, and so they are penal to the nature of man.[19] In *II Sent.*, d. 32, q. 2, a. 2, ad 1 this latter point is made clearer: the deprivation is of something gratuitously given to the nature, not to the person: the person is not deprived of anything due to his nature as received by him. Hence it is a punishment of the nature, and not of the person.

It must be noted that in this argument St. Thomas, working towards the existence of original sin, is only speaking of the defects of the sensitive appetite and body, " defects which we feel " as the title has it. He is not yet discussing the essential imperfection, and he does not mention original justice. He will argue from the penal nature of these defects, shown in this first article, to the existence in us of some defect which is culpable. The immediate point is only to show that the defects we feel are the result of the deprivation of a gift, and hence penal.

So far this explains the transmission of a similarly defective nature in us: for Adam's fallen nature necessarily produced fallen natures.[20] There is no need to appeal to any transmission of soul by generation, since the soul being essentially related to the body, and the body lacking the qualities that rendered it subject to the soul, the soul naturally lacks those qualities by which it controlled the body perfectly.

The important element to be retained from the above reasoning is the notion of a natural defect or penalty, and that in relation to man's supernatural end. The defects resulting from the Fall are in themselves natural imperfections of our composite nature; it is only in relation to our first state and supernatural end that they are penal. The Fall consists in man being reduced from a supernatural end to his natural one, and hence losing all the perfections given him in view of that end.

For human nature, being intellectual and free, is incompletely determined in relation to operation and to its end. By nature

[19] *Loc. cit.:* " And thus without doubt they are punishments for it [human nature], because one is also said to be punished by the privation of a thing freely granted him."

[20] *II Sent.*, d. 81, q. 1, a. 1.

its object and end is only "good in general," and this is an object and end insufficiently determined for operation. Hence it is necessary for man to be determined to some particular end. Normally this determination comes from a personal act of free will; but we can conceive of a determination of nature anterior to all personal acts and impressed upon it by the author of nature. Such a determination we postulate in the state of original justice: it was natural in the sense of being prior to all personal acts, and given in such a way as to be transmitted with the nature: it was natural also in the sense that it was a determination of the potentiality of nature. It was, however, preternatural in the sense that it was not implied in the constituent elements of nature, but caused gratuitously by God.

Hence the corresponding defect is also natural: firstly, insofar as it is a lack of something belonging to the nature and *per modum naturae,* and not to the person: secondly, in the sense that to be thus defective is natural, a result of the constitutive elements of nature. It is the first sense of natural defect that is of importance here. St. Thomas has shown that there is a natural defect and a natural penalty, in the sense that there is a lack of perfection given to the nature and *per modum naturae.* He is now going to argue from this penalty of nature to the idea of a sin of nature. We have accounted for a natural defect in all men which is also a penalty; there must be also a sin of nature corresponding to the penalty.

ii. There is sin among the defects transmitted to us.[21]

The precise difference between a defect and a sin lies in the voluntariness of the latter. A defect is sinful insofar as it is voluntary: it is the voluntary lack of something which ought not to be lacking. It must be noted that St. Thomas is careful to exclude all actual sin from the notion of original sin in us: he is always speaking of habitual sin. Is this defect of nature inherited from Adam voluntary? Clearly it is. It could have

[21] *Ibid.,* a.

been avoided: it was in the power of human nature to have retained original justice; its loss was voluntary by a will in the nature. Hence in all individual men this loss is voluntary and culpable; not indeed by their individual wills, but by the will of Adam who lost the perfection of original justice in the whole of the nature descended from him. We are in the presence, then, of a natural voluntary defect, a sin of nature.

Here, therefore, in the *Commentary on the Sentences,* St. Thomas conceives of original sin in us as the lack of those perfections that in man's original state co-ordinated him with a supernatural end, as incurred by Adam's sin. The conception is not difficult. Just as actual sin produces the deprivation of a personal good, so original sin causes the loss of a natural good: other deprivations are voluntary and sinful only in relation to the act which produced them, and in themselves are to be described as habitual sins.[22] St. Thomas also compares original sin to the deprivation of a man's estates for some fault, or to the deprivation of honor in his descendants by his fault. This deprivation, redounding to them without any fault of theirs, can 'even in them be called sinful and sin in relation to the father's culpable act.[23]

We have said that this explanation is rejected as insufficient by St. Thomas, and superseded in his later works by another. The reason is that it does not explain how the lack of original justice is a sin, even habitual, of Adam's descendants. It shows that they inherit a nature culpably and voluntarily deficient, but not that they inherit a culpable nature; it is not their sin, rather is it Adam's and his alone, since the only connexion established between him and them in relation to the defect of nature, is that they have received such a nature from Adam. The defect is precisely and solely theirs by origin, and as such rather a matter- of commiseration than- of blame. It is not really a sin of nature, but a sin of a will in the nature, pro-

s• Sin is an analogous idea. Venial sin falls short of the full notion of sin in that it is not fully evil; original sin in that it is not fully culpable; only mortal actual sin is fully evil and fully voluntary. Cf. *II Sent.,* d. *85,* q. 2, ad 2.

[28] *Summa Theol.,* I-ll, q. 81, a. 2; etc.

ducing a nature with defects which are sinful. What the theory lacks is a link between the individual.natures enabling Adam's culpability to be predicated of the whole human race. We have, indeed, established the presence in all men of a culpable defect, but the culpability is so far only attached to Adam.

The inference of the sin from the penalty is also abandoned by St. Thomas in his later writings. For to be valid it would have to start from a punishment that deprived the nature of a good due to it as such in aU the individuals. We have no example of such a loss. The deprivation of original justice is the loss of a good belonging to the nature, not as such, but insofar as propagated from Adam. It is only in this sense that a person can be punished justly for another's *sin-inquantum est res patris.* We are deprived of a good not belonging to us of our own right, not demanded by our very nature, but only ours precisely as descendants of Adam. Hence this loss is not strictly a punishment for us but for Adam. To show that it is a punishment for us it must first be shown that we ourselves, our individual natures, are *"quaedam res Adae* ": the theory only shows that our preternatural gifts are such. The illation from punishment to sin must be performed strictly, going from that which is due but deprived, to the person to whom it is due. Original justice in us was due to Adam as he was created; it is not due to us as such (except some other basis be found) : hence we can only conclude to sin in Adam, not in us.

Therefore, St. Thomas will abandon this approach, and taking the fact of original sin as revealed, will try to find a rational explanation filling the lacuna· in his theory of the *Commentary on the Sentences,* and showing that there is a unity of human nature making it possible ·to predicate sin and culpability of all the individuals descended from Adam.

b. In St. Thomas' later works.[24]

"' And thus we must proceed in another way " *(Summa Theol.);* "this question is easily solved if distinction is made

"'IV Cont. Gent., c. *52; de Malo,* q. 4, a. l; *Comp. Theol.,* cc. 200-201; *Summa Theol.,* I-ll, q. 81; *ad Rom.,* c. *5,* lect. 8.

between person and nature" *(Comp. Theol.).* The new attempt commences by laying down a certain unity of mankind. Firstly, in the static order, mankind can be compared to a community or *collegium* participating in some common characteristic such as citizenship, and thus looked on as one man. The individuals in such a society are then like the members of a body, able to act in virtue of the whole, in that their actions are regarded as the actions of the whole when they act in virtue of the common characteristic. In the same way all men share in one nature, and as such can be regarded as one man, and each man a member of that one man, insofar as he shares in the common nature--or more precisely in the *Compendium Theologiae/* [5] and in the *Commentary on Romans,* [26] "as certain members of human nature." This precision is important, for thus far we have not advanced beyond the theory of the *Commentary on the Sentences,* but have only taken a different viewpoint of the same community of nature on which that theory was based. This unity is logicaJ (with a real basis, of course), a unity of logical essence, but not yet a :real unity of nature. It only establishes a potential membership, since membership is in relation to action and to the end of nature. Here we have only a static logical unity of essence, just as in the city we have only a logical, moral unity of citizenship. For this unity to become :real and actual, we must postulate some real link between the various members of the nature.

Many commentators here build the bridge needed by postulating a divine decree o:r pact made known to Adam, by which he was constituted moral head of the human race, and his will held for ours. They thus make this part of the comparison the final theory, and only reserve the *motio generationis* for the role of necessary condition of our sharing in Adam's nature. The contrary is seen in St. Thomas who does not mention this first unity in the *Commentary on Romans,* who and in the *Compendium Theologiae* and *De Malo* says: " as one community o:r *rather* as one body of one man." Similarly in the

•• *"&Jc. cit.*

•• C. *5,* Iect. 8.

Summa Theologiae this unity of community or citizenship is only an introduction to the unity of membership of one body, and is only mentioned in the :first article. This can be further discussed after we have seen what is the central point of St. Thomas' theory, the point which he added to that of the *Commentary on the Sentences:* the unique nature of the movement of generation. Here is a link, a natural act, between the already established unity of nature and the unity of individuals which is sought. It is the extension of the static unity to a dynamic one that supplies what is needed to complete the theory.

The comparison is now advanced between actual sin in the members of the body and original sin in the members of human nature. Just as in the one person of a man there are many members, so in the one nature of man there are many individuals. And as the hand is in potency to be constituted an actual member by the movement of the will, so different men are in potency to be constituted actual members of human nature by the movement of generation. The difference is that the person is already an actual unity in being, and only in potency to a unity in action; the nature is also in potency to unity in being. The hand can be reduced by the will into a state of actual sinning, the individual nature can be reduced by the movement of generation into a sinful state of being.

We have then a parallel between the actual personal membership of the hand acting under the movement of the will, and the actual natural membership of an individual coming into being under the movement of generation, in virtue of which parallel the individual natures are members of a real unity of human nature, just as the members of the body are members of a real unity of personal action.

Now the sin of a member as such is not by its own will, but by the will of the whole man; similarly the sin of an individual human nature is not by the will of the individual but by the will of the whole. The only will which can be called the will of the whole is that of the man in whom all the individuals

existed virtually; it is more accurately a will in the nature than of the nature. The morally defective action in the hand is called the sin of the hand insofar as the hand is made an actual member of the person by the sinful movement of the will; so also the morally (as has been shown) defective condition of the individual nature is called a sin of the individual nature insofar as it is constituted an actual member of human nature by the movement of generation. Just as the sin of the hand is voluntary by the will of the person of whom it is a member, so is the sin of the individual nature voluntary by the will of (or rather in) the nature of which it is a member. Hence, just as granted a voluntary defect in action transmissible to the hand by a movement of the will there can be a sinful act of the hand, so given a voluntary defect of nature transmissible to the individuals of the nature by the movement of generation there can be a sinful state of the individual natures. And as the sinful action is imputed to the hand insofar as to the degree that it is made a member of the person acting by a movement of the will, so the sinful state is imputed to the individuals insofar as made members of the nature by the movement of generation. Now we have seen that the lack of original justice is such a voluntary defect of nature, and is necessarily transmitted by the movement of generation; hence in the individuals, considered precisely as receiving that human nature by the movement of generation from Adam, as members of human nature in this sense, it is sinful. In the individual it is in the first place a sin of the whole nature, and only belongs to him insofar as he is constituted a member of that nature by the movement of generation. The individual, therefore, himself is sinful, insofar as he is one with Adam in human nature; it is not only the lack of original justice which is now a" *res Adae,"* he himself is such. We have a real sin of nature, not only a culpable defect in nature. The theory of the *Commentary on the Sentences* remains as the basis of the new theory; indeed only in the light of the new theory does the old gain its full validity. We have now reached the sin of nature at which the earlier argument aimed. It is to the real

unity of voluntarily defective nature that the sinfulness of the individuals is attachedo The nature itself is sinful in any of its concrete examples, united by this bond of generation; the abstract nature is not such, but only accompanied by a sinful defecto

We can thus distinguish three moments in the transmission of original sin: firstly the Fall, the actual sin of Adam, the punishment of which is the loss of the preternatural gifts given to him in view of his continued adhesion to God; secondly the transmission of this loss and its results by natural generation, the fallen nature being unable to generate a better than itself; thirdly, and simultaneously with the last, the transmission of the culpability of this loss, insofar as Adam's descendants are members of his natureo

The key lies in the unique nature of the act of generation, which produces the individual in a state of deprivation, in an analogous way to the movement to actual sin of the bodily member of a person, coupled with the fact that original justice was given to the nature and extended to the bodyo[27]

We have said that many commentators and other theologians demand a divine decree for the explanation of original sin transmitted. Now we have seen that such a moral unity of mankind is the least essential part of St. Thomas' theory, and is used only as an introduction to the more difficult concept of physical membership. The explanation also raises difficulties, notably on the score of divine justiceo What it seems to involve is that God should make us responsible for what we have not willed with our own wills, by an arbitrary decree whose only effect appears to be the propagation of the evil of sin. If, however, we lay the blame at the door of natural necessity, God is no longer positively :responsible for our sinfulnesso It is urged by some that it makes our sin necessary. St. Thomas answers this by saying: " nor is it required for the nature of fault that each sin be voluntary by the will of the members by which it is exercised, but by the will of that which

"" Cf. *de Malo,* q. 4, a. 8, c.

is principal in man." [28] Other reasons given for the divine decree of moral unity are that it is necessary to restrict our share of his first sin, and to exclude share in sins of intermediate parents. Both these are answered by St. Thomas by recourse to the sin of nature. Only Adam's first sin deprived human nature of a natural good. Had Adam not sinned, the descendants of the first sinner, whoever he was, would have contracted original sin, as St. Thomas explicitly states in *De Malo/* [9], although some theologians are constrained to deny the authenticity of this text, in order to maintain their theory of a divine decree constituting a moral head of the race.

III. THE NATURE OF ORIGINAL SIN

After analysing the mode of transmission of original sin and the analogy on which St. Thomas' theory is based, the precise nature of this sin requires elucidation. What is this defect of nature in relation to man's supernatural end?

a. In the *Commentary on the Sentences.* [30]

We have seen that in the *Commentary on the Sentences* original sin is conceived of as a deprivation of certain gifts given in view of a supernatural end. In every sin, says St. Thomas, there is a formal and a material element, and he proceeds to make a comparison between actual and original sin. It is only in this context that such a comparison appears the *Commentary on the Sentences.*

An actual sin, or deordinate act, contains two elements: the act and its deordination, or conversion to commutable good and aversion from God. The disorder or aversion is what makes it evil, so that this is the formal aspect; the act itself is the material element. (It may be remarked that this is not the disputed question whether actual sin is formally constituted by its positive part: here the analysis is of sin as evil, not precisely as an act of the person, which is the other question.

[28] *Comp. Theol.,* c. 196.
[••] Q. *5,* a. 4, ad 8; cf. also *1l Sent.,* d. 83, q. 1, a. l, ad 8.
[••] *ll Sent.,* d. 80, q. 1, a. 3.

We are now treating not of the culpability but of the evil of original sin.) Like actual, original sin has two elements: the disorder of the lower powers tending towards their natural objects, and the disorder in :regard to the end. The first disorder is the absence of the bond that held the other powers under the will; the second the absence of the determination of the will to God which it had in the beginning; the latter is formal in regard to the former, since it is by the will that the other powers were subjected to the end of man. Hence the loss of subjection to God in the will plays a formal role in relation to the loss of subjection to the will in the lower powers.

Consequent on this material disorder, the lower powers tend each to its natural object: this we call concupiscence, not indeed the actual movement of appetite, but the tendency to inordinate desire which results in the lower appetite, arising from the loss of the bond which held it subject. Both these elements of original sin are privative. The tendency spoken of is that left by the removal of the bond which held the passions subject to the will, not any "*conversio*" either or habitual; it is, as it were, a positive aspect of original sin, although it is a positive solely from a deprivation, and it is called original sin by transference of the material to the whole.

Original sin, therefore, is formally the lack of determination directing the will to its end, God; materially, the lack of subjection of the lower powers to the will, which in its positive aspect we call concupiscence.

b. In the *De Malo*,[31]

Since in this work the theory of the movement of generation has been elaborated, it is thence that a start is made, conceiving of original sin, not in the manner of the *Commentary on the Sentences*, as a destitution of original justice, but as "that which reaches him (the individual man) from the sin of the first parent"; just as sin in the hand is what reaches it from the movement of the sinful wilt Now in the case of the

[01] Q. 4, a, 2.

hand what reaches it is " a certain effect and impression of the first inordinate movement which was in the will, whence it is necessary that it bear its likeness." The sin of the will consists in turning to some temporal good without right order to its due end; so the sin of the hand is " its application to some effect without some order oi justice." There is in this actual sin aversion and conversion, the formal and material element; and these two elements are shared by the hand because it is a member of the person sinning; in the same way in Adam's sin there was a formal and a material element, aversion and conversion. From the first there resulted in his nature a loss of original justice; from the second his lower powers experienced " a sinking down to lower things," explained as deprivation of that by which they were subject to reason, and abandonment to their natural tendencies. In those born of him the higher powers lack that order to God which original justice conferred, and the lower powers and the body are not subject to reason perfectly, but tend to their natural objects incontinently.
must, of course, eliminate from the constitution of original sin all those powers which have no order to the end of man; but among the moral powers of man the will plays a formal part in relation to the rest. Hence the privation of the perfection of the will is formal in relation to the privation or disorder in the lower part of the soul, its liability to inordinate passion. Original sin, then, in the children of Adam " is nothing other than concupiscence with the lack of original justice," the latter being formal, the former materiaL

St. Thomas repeatedly insists that it is not any positive concupiscence that is meant, or positive turning to evil; but only the openness to evil left by the loss of rational control.

Yet the attempted parallel between actual and original sin is uncomfortable, and it is necessary to stress the positive aspect of concupiscence to bring it out; hence in the *Summa,* while the positive consideration of original sin is developed, the comparison with actual sin is dropped, and the analysis is made according to its proper nature of habitual sin.

c. In the *Summa Theologiae.*[32]

The question is thus opened up from a new angle, in the *Summa;* " Whether original sin is a habit? " Indeed, St. Thomas seems to have developed his doctrine, for in the *Commentary on the Sentences* [33] and in *De Malo* [84] he denies that original sin is a habit (speaking of an operative habit), and regards it simply as " proneness or disposition to concupiscence, which is from this that the concupiscible power is not perfectly subjected to reason with the removal of the restraint of original justice"; but here in the *Sed Contra* he argues: " disposition is said according to some habit " and he proceeds in the article to distinguish between operative and entitative habits.

A habit is: " a disposition whereby that which is disposed is disposed well or ill, and this in regard to itself or in regard to another: thus health is a habit." [35] It is differentiated from other qualities by being a determination of the subject in relation to its nature-bene *vel male.* The relation is primarily to the nature of its subject, and only to operation, insofar as it is the end of nature or conducing to its end. Hence there are two kinds of habits, distinguishable according to their subjects: those which are subjected in the essential parts and dispose the subject in relation to its form or nature; and those subjected in potencies of their nature operative, which, therefore, dispose the subject in relation to the nature of those potencies, i. e. to operation. The first of these is an entitative habit, and is a determination of the entitative potency of its subject, and with this we are now concerned.

In the body there is a certain potentiality in regard to the soul: it can be well or ill disposed in its regard; there can be entitative dispositions in the body such as illness or health. Owing to their instability they are rather to be called dispositions than habits. Can there be an entitative habit in the soul? Not in regard to the natural form, for the soul itself

•• I-II, q. 82.
•• *II Sent.,* q. 30, a. 1, a. 3, ad 2.
•• Q. 4, a. 2.
•• *Summa Tkeol.,* I-II, q. 49, a. 1.

is that. But the spiritual soul is peculiar in that it is itself in potency, and can be determined in relation to a higher nature, the divine nature, by grace, which is thus a unique case of an entitative habit subjected in the form. It is in this sense that St. Thomas calls original sin a habit: it is an ill-disposition of the nature in relation to God, in comparison with the state of harmony in which it was created. Here in the *Summa* it is not the privation as such which is original sin, *qua* habit, but the positive element of indisposition of the parts of the soul. But this indisposition is in relation to the primal state or man's supernatural end, not to the nature as such.[36]

How can this habit be analysed? The specific nature of an inordinate disposition is taken from its cause. Now the cause of original sin is the privation of original justice which subjected the human mind to God.[37] Hence original sin will be specified by this cause. Now original justice caused an order in the soul, expressed primarily in the subjection of the will to God, upon which the order of the other powers under the will followed. Hence the disorder of the soul resulting from the loss of original justice consists formally in the lack of subjection to God by original justice expressed by a lack of subjection of the will.[38] The subject of original sin (as of original justice) is primarily the essence of the soul. But its immediate development is in the will " according to its inclination to act." [39] Original sin is not an operative but an entitative habit, as has been seen. But every habit has a mediate inclination to act, insofar as directly disposing the nature it also disposes the principle of action. For nature is the essence considered as a source of action, or in relation to the end. In man this relationship to the end is expressed by the will: the primary inclination to the end or away from it is by the will. Original sin, therefore, primarily affects the will among the potencies, and leaves it with an inclination to an object insufficiently determined, hence prone to sin. The *habitus* or

[36] *Ibid.*
[37] *Ibid.,* a. 2.
[38] *Ibid.,* a. 8.
[39] *Ibid.,* q. 88, a. 8.

original sin immediately indisposing the nature by rendering it indetermined in its essence, consequently makes its act indetermined, and so inclines to the possibility of sin. There can thus (with Cajetan) be distinguished a primary aspect in the formal part of original sin, the privation of the gift which subjected the mind to God, and a secondary, the privation of subjection itself. The formal part of original sin is, therefore, the lack of subjection to God by original justice, the material part all other inordinations. Looking ·at it as a habit these things are considered in a positive aspect: the lack of subjection in the will as a positive order to an end less determinate than it should be (not a turning to any particular good) ; and in the other faculties a similar positive order to objects less regulated by reason than they should be. Original sin is this state of soul, insofar as it is voluntarily and culpably incurred by human nature in the sin of Adam. In itself it is a *habitus corruptua,* and an indisposition of the nature; but this indisposition being in the principle of operation, the habit, like its subject, has an inclination to act, and in the sense explained, to sin, which is expressed by the will.

IV. THE ANALOGY OF ORIGINAL SIN

The doctrine of St. Thomas on original sin is based on a rather complicated analogy, which it is useful to draw out. Sin in the strict sense is actual mortal sin; in secondary senses we have venial sin, the sin of a limb or of a passion, habitual mortal sin, original sin. With venial sin we are not here concerned, for the purposes of our analogy it is univocal with actual mortal sin, being both actual and immediately voluntary, whereas the point of the analogy is that original sin is neither.

Sin of necessity includes two elements: an evil and the voluntariness of that evil. Actual mortal sin in the will contains both elements in their perfection, or rather in a state of identification: it is an evil act of itself voluntary.

Analogy becomes possible on the real distinction of these

two elements, when the evil willed is found outside the act of the will causing it. This evil can be found in an act or in a state. If it is in an act of a member it is univocal with the evil of actual sin in the will; both are privations of order to the end in an act. If in a state it is analogous thus:

Privation of order to end	Privation of order to end
(Voluntary) Act	(Personal) State

This founds the distinction between actual and habitual sin, the one being actual, the other habitual evil. The voluntary element founds another distinction, that between the sin of the will and that of the member, which two are univocally evil but analogously voluntary. The sin of the will is voluntary immediately of itself, the sin of the member is voluntary by the will to which it is united in person, thus:

Privation of order to end	Privation of order to end
The will as immediate *per se* cause	The will as *per se* cause *mediante persona.*

Original sin is univocally habitual sin insofar as it is evil, being the privation of the order to the end in the person. The analogy lies in the voluntariness of this state, and it thus forms a third analogue of our second division, while at the same time being analogous to actual sin in the first manner, thus:

ACTUAL SIN OF WILL	ACTUAL SIN OF LIMB	HABITUAL SIN	ORIGINAL SIN
Privation of order to end	*Privation of order to end*	*Privation of order to end*	*Privation of order to end*
ACT (of will)	ACT (of limb)	STATE (of person)	STATE (of person)
Will as *per se* cause	Will as *per se* cause	Will as *per se* cause	Will as *per se* cause
IMMEDIATELY	MEDIANTE PERSONA	IMMEDIATELY	MEDIANTE NATURA

Thus the analogy proper to original sin is that between it and the actual sin of a member in the order of voluntariness. This must be studied more closely; it contains a double analogy:

act will state will and
person bodily member nature person.

The first presents no special difficulty, being the analogy tween actual and habitual sin: as the will moves the bodily member (or itself) into an ACT not rightly related to the end, so the will moves the person into a STATE not rightly related to the end. The notion common to both is that of a voluntary privation of order to the end, the analogy lying in the proportionate realization of the same in an act, and in a condition of the person. In the one case it is a positive tendency to another end which founds the privation; in the other it is a simple absence of coordination to the end. But both these, the act and the person, as deprived, imply a tranescendental relation to the cause which deprived them, and which alone can deprive them in the moral order, the will. That this transcendental relation is implied in the immediate act of the will and in the immediate effect of the will is clear. It is a relation of potency to act and of effect to cause. But the exact relation of the member to the will is less clear, and still less so is its analogue in the relation of the individual men to the will of Adam.

As St. Thomas says in the *Compendium Theologiae,*[40] the solution lies in the distinction between nature and person. The analogy is drawn between the person in relation to its parts and the nature in relation to its individual supposits:

person members nature persons.

In the case of a sin of a member it is necessary that the member denominated sinful be united in person with the sinner; an instrument is not itself called sinful. It is rather the person who sins by his will and hand, and the hand is only called sinful precisely as part of the person sinning, who is himself sinful by his will. The person is denominated sinning by an act of the will (sinfully moving the hand); the hand is denominated sinning by its personal union with the person sinning.

[40] C. 196.

in an analogous way in original sin the individual persons are denominated sinful by the nature, which is in a state of habitual sin, the nature being such by the movement of the will of Adam. In either sin there is, in the first place, a movement of the will, reducing on the one hand the person into a sinful act, on the other· the nature into a sinful state. In the second place there is a movement prolonging the condition of the person to its members and the nature to its individuals; a movement actualising, on the one hand, the potential unity of the person in action, on the other, the potential unity of the nature in many derived individuals.

To apply this to the two: in the sin of the hand there is, firstly, an act of the will moving the hand in the same way as any other instrument; secondly, a state of actual sinning by this act of the will in the person; thirdly, the denomination of the hand as sinning owing to the condition of the person of which it is a part, consisting in the privation of the order to the end In the hand as part of a responsible person. In original sin there is similarly an act of Adam's will moving the nature into a state of sin; by this the individual nature of Adam is denominated sinful (here intervenes the postulate of original justice as belonging to nature). This is similar to other habitual sins, except that its subject is not only the person but the nature, the nature being deprived of its order to its end, as well as the person. There follows a movement producing other persons in a similar state in a necessary manner. These persons are then denominated sinful because their nature is in a state of sin by a necessary connection with a nature immediately rendered sinful by Adam. That nature, wherever found hypostatized, can be said to be sinful; it is a sinful person. We may attempt to rearrange the analogy between the sin of the hand and original sin in schematic form:

Privation of order to end	Hand moved by will physically	person moved morally	will sinning
Privation of order to end	Person moved physically	nature moved morally	will sinning

The analogy peculiar to original sin is therefore:

Hand moved by will physically	person moved by generation physically
Person moved morally	Nature moved morally

In both a moral taint is communicated by a physical movement. The analogy is in the similar or proportionate relations of hand to person and of person to nature that makes this communication possible-a relation of membership, consisting in a substantial unity in relation to the end. In the person this unity is accomplished by the movement of the will which reduces the member to an act of sin in substantial unity with the person. A habitual sin of the person is not thus communicated to the limb, the unity in relation to the end remaining potential. In the case of original sin the real substantial unity of the nature is produced by the movement of generation, reducing the individual person into a state of substantial unity with the (habitually) sinful nature. This sin of the hand, therefore, in the last resort consists of the evil act o'f the hand, with a transcendental relation to the person producing it; and original sin in the evil state of the person with a transcendental relation to the nature producing the person in that state. This relation is one of membership in relation to the act and the end, or substantial oneness. This is in the one case a personal unity, in the other a natural unity, real, not logical: a person acting deficiently, a nature being deficiently. This unity is produced by a reduction to act of the potency to personal union in action, and to union of being, by descent, in nature. The evil state is a privation (a pure privation in the case of habitual or original sin) , but it is founded on the positive entity of the act or nature, founding a relation of disproportion to the end. For while a physical privation is *in re* the same as a negation, being privation in relation to the exemplary cause which exists in the mind, a moral privation is a privation in relation to the final cause, and is necessarily based upon a relation of disproportion. For, whereas a thing physically deficient is not in consequence positively different, a deficiency in relation to an

end as such necessarily implies another end, as no nature can remain without an end, whereas it can remain without a parL Hence in actual sin there is a positive conversion to another end, which is the basis of the privation in regard to the rule of morals; and in original sin there is positive conversion (habitual, potential) to another end founding the privation in relation to God:

Privation	Privation
Relation of disproportion	Relation of disproportion
Conversion to particular end	Conversion to indeterminate end
ACT	PERSON
person	nature
will	will

This positive entity, since the privation is sinful, is transcendentally related to a responsible cause: the person immediately responsible by his will, or the nature responsible in Adam owing to the process of generation. Original sin, therefore, is the deprivation of the determination to God, in a person united by substantial generation to the responsible depriver. It must be noted that this positive element disproportioned to the end is not necessarily a contrary end, but may be an end implicitly including the end deprived. It is nonetheless a moral defect if the determination to a particular end is morally due to the subject so deprived, the person or the nature.

V. THE EFFECTS OF ORIGINAL SIN

By original sin, according to the traditional phrase, man is *"spoliatus in gratuitis, vulneratus in naturalibus."* Is there a real diminution of natural good resulting from original sin, so that man is now in a worse state than he would have been in a state of pure nature, without any gifts natural or preternatural?

a. In the *Commentary on the Sentences.*[41]

It is repeatedly insisted thatnone of the natural constituents

u *J.l Sent.,* d. SO, q. 1, a. l, ad. 3; etc.

of man are lost or diminished; original sin is entirely a matter of deprivation of a gratuitous perfection. In the *Commentary on the Sentences* the privative point of view is very clear. The only wounding of nature that can be spoken of is in relation to the end " inasmuch as man has become less disposed to and more distant from the attainment of the end: And for this reason also he is said to be despoiled of gratuitous gifts and wounded in nature." This identification of the two, loss of gratuitous gifts, and wounding of nature, seems to be St. Thomas' doctrine through all his works, only clearer in the *Commentary on the Sentences* owing to the more purely privative consideration of original sin found there.

b. In the later works.

In his later works St. Thomas starts from a more positive idea of original sin, as " that which reaches him from the sin of the first parent." Still, in the *De Malo* the privative character of these effects of the Fall is dearly maintained, to quote but one passage among many: " The superior part of the soul lacks the due order to God which obtained through original justice, and the lower powers are not subjected to the reason but are turned according to their own impetus; and even the body itself tends to corruption according to the inclination of contraries from which it is composed." [42]

In *De Malo* [43] the difference between pure nature and nature in a state of original sin is marked in answer to the objection that the privation of the vision of God is not a penalty but a natural privation of man without grace. St. Thomas distinguishes between the states: "which would not have in itself whence it might arrive at the divine vision," and " which would have in itself something from which the lack of the divine vision would be due to it." This 1s only a positive moral difference, for, St. Thomas explains; [14] in original sin there is no conversion, "but only aversion or something corresponding to aversion, namely, the soul's foresaking of original justice."

But is there a positive physical difference too? In the *Summa*

•• Q. 4, a. 2, c. '" *Ibid.*, a. l, ad 14. •• *Ibid.*, q. 5, a. 3, c.

with the conception of original sin as a corrupt habit, and with the treatment of the effects of original sin in a more concrete manner together with the effects of actual sin, it might appear that St. Thomas has altered his views. A careful consideration of the whole doctrine of St. Thomas in the *Summa* will show that his doctrine remains unaltered, though presented in a form which emphasizes the positive aspects of original sin. Looking on it as a complex of conflicting disordered appetites, it is easy to see that it can be called a wounding of natme in a stricter sense than if regarded as a privation having certain positive results. The positive state of conflict looks more unnatural than the privative state. Hence many expressions. But in the article where St. Thomas expressly asks about the wounds of nature, the whole emphasis returns to the privative nature of the effects of original sin: "And this destitution . . . is called the wounding of nature," a phrase which seems to minimize them in the same way as the one quoted from the *Commentary on the Sentences.* It is true that he says that the powers of the soul are "in a certain manner destitute of the proper order by which they are naturally ordered to virtue," and that this is the destitution that he here means. But it is impossible to understand this of any destitution of the constituent parts of nature, which he explicitly excludes; nor can it be a diminution of the inclination to virtue by a positive disposition to evil, such as is left by actual sin. In the first place there is no evidence for this :positive inclination in St. Thomas; the contrary is frequently asserted in his other works, and it should be clear that the same doctrine underlies the slightly different point of view of the *Summa.* The diminution of the inclination to virtue must be a loss of the determination to reasonable good possessed in the beginning: a determination, it must be noted, natural not only in the sense that it is fitting to nature, but also in the sense that it is a determination called for by the very nature of the powers as human, and a determination that must be produced by repeated acts, if not implanted by the Author of nature.

The wounds of nature, therefore, are the natural disorderliness of the powers of the soul, considered in comparison with the pristine state of integrity, and also with the natural ideal of human perfection.

It seems, therefore, that St. Thomas' teaching reduces all the effects of original sin, the wounds of nature, not to any physical or moral deterioration, however minimum, but to the natural unsatisfactoriness of human nature owing to its composite spiritual and material character.

This opens up the vast field of the relation of natural and supernatural, of the need and desire of man for grace and glory, with which the doctrine of original sin is so necessarily bound up.

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NATURAL SCIENCE AND THE I:rt'fAGINA'fiON

I. INTRODUCTION

IMAGINATION, or as Aristotle called it " phantasy," first received its formal and philosophical airing in his treatise *De Anima.* Like many other principles of human knowledge introduced there, the imagination has certain obscurities. However, unlike most of the other principles treated in the *De Anima,* the imagination has not been explicated and elucidated to general satisfaction. There has, it is true, been much written about the imagination as a factor in artistic creation, as a source of fallacies and temptations in morals, as the matrix of the unreal, the fanciful. But little has been done to analyze it as it was originally presented to us by Aristotle, a principle of knowledge.[1]

Our analysis will be limited to the speculative or scientific function of the imagination, and we think that this is a sound policy. For the imagination, being a principle of knowledge should, like all principles of knowledge, be primarily analyzed in terms of knowing simply. If we analyze the imagination as the point of departure for artistic or moral action, we are beginning from a derivative position on the imagination; and since it is speculative knowledge that has primacy in the order of knowledge as such, it is to our best advantage to understand the imagination as a principle in this context. Moreover, the present discussion of imagination is restricted to an analysis of the imagination in terms of knowledge, and not in terms of psychology. not interested in imagination as a principle

[1] The Scholastic commentators in general have restricted themselves to repeating in the same terms what Aristotle said about the imagination. The treatise on the imagination by Pico della Mirandola does not go beyond a general summation of Scholastic opinion on the imagination.

in the construction of the human psyche, but our interest in it lies in its cognitional significance and function" In other words, we are here elaborating the place of the imagination in a theory of knowledge-and necessarily a metaphysic-rather than its role in human life.

We believe that in the economy of knowledge imagination has a pivotal and essential function because of the peculiar structure of one field of knowledge, viz. Nature. Nature is the object of the Philosophy of Nature insofar as we consider it as the totality of existence *qua* movable" But Nature admits of another scientific study, which we call the positivistic study of Nature" Fmm this study of Nature are produced those bodies of knowledge called the Natural Sciences" Since these sciences necessarily have recourse to the sensible as the ultimate arbiter of the validity of their rationalizations, and because this same sensible was the point of departure for the rationalization, it is necessary that the sensible be apprehended as such, if scientific knowledge proper to the Natural Sciences is to be possible. If we could not grasp Nature *qua* sensible, there could not be any Natural Science, and we hope to show that it is in virtue of the imagination that this apprehension is brought about" If we could never abstract the sensible from its temporal context as we always find it at the level of empirical experience, there could never be any science of Nature *qua* sensible. For at the level of empirical experience we do not grasp the sensible-the object of Natural Science; but rather we are confronted by the temporal in one of its modes, either in a present intuition, or in a memory" At the level of empirical experience, i. e. temporal experience, there is no abiding object, such as is demanded by any scientific enterprise, but only a multiplicity of different and exclusive existences" Science first emerges from the welter of atomic intuitions of the temporal at the level of the sensible *qua* sensible-and that is the product of the imagination. Thus, in brief, we have set out the orientation of our investigation into the problem"

II. THE ARGUMENT

According to Aristotle, " the proper object of unqualified scientific knowledge is something which cannot be other than it is." [2] However, in empirical experience what we know is that which is in a now, as Aristotle calls it; and thus the object of empirical experience is first grasped in the presento But, as he further points out, that which is in a now is intrinsically different and exclusive in its "to be." Hence, to the extent that something exists in a present now, it is necessarily its cause of being past as a now, with the result that the now is the source of both sameness and otherness in existence, as Aristotle says: " All simultaneous time is the same, for the now is the same as that which once was-although their to be is different-for the now limits time in respect of before and after." [3]

Does it follow, then, that any context of reality in which the now occurs is radically ·and irremediably unscientific? There have been, I believe, three positions taken in answering this question. The first two agree with each other in that they hold that there is no possibility of science in regard to such reality. The third position, which is an elaboration of the principles afforded by Aristotle, reaches a science of reality which the now occurs through the collaboration of mind and imagination, the former giving the mode of knowing, and the latter the object of science.

The first of the three positions indicated maintains that there are two distinct realms of cognition: the sensible, which has only practical or utilitarian value, but no scientific worth; and the ideal or noetic realm which alone supplies appropriate objects for science.[4] The second of these three positions holds that the sensible world alone is existent, and, consequently, it

• *Posterior Analytics,* 7l b, 14-15, translated by G. R. G. Mure.

[3] *Physics,* b, unless otherwise noted, the translations are those of the author.

[4] Cf. W. A. Gerhard, "Idealism: The Primacy of The Good," *THE THOMlST,* XIII, January, 1950.

alone can supply objects for scientific knowledge. In this latter case, however, science is a transformation of sense_experience into logical forms expressed symbolically by words or mathematical signs. Hence, science is not an reproduction in the mind of sensible things, but rather results from the sensible reality being metamorphosed into verbal, logical or mathematical existence. Consequently, the so-called empirical position depends radically upon the injection of mind into reality which is thus changed into a scientific object. The essential difference between these two positions does not result from the one postulating that the genesis of science is from the mind's comprehension of noetic forms, and the other holding that science results from sense. For the second position also holds that science derives from mind. These two positions differ insofar as the first finds an objective counterpart of the mind's existence as scientific in a noetic realm; while the second position maintains that there is no objective counterpart as such of the mind's scientific knowledge. But the agreement of these two positions is quite fundamental. They both agree that, in a context of reality where we experience only that which is in a now, the sensible, there cannot be any basis for a kind of knowledge which must be universal, necessary, imperishable-viz. science. The corollary from this primary thesis is likewise identical in both positions: since there ·must be science, it must be the product of the mind itself, alone and unabetted.

Proceeding from this thesis, and its corollary, it is possible to explain a metaphysic, a philosophy of nature, and mathematics. For in each of these disciplines the. object to be known is explicable qualitatively in terms of the mind's categories as adapted to each of these disciplines. But in neither of these critiques can we handle the science of Nature, not insofar as it is purely rational, or philosophical, but insofar as it is sensible. For, as we have seen, the sensible is that which exists in a now. For only in a now can the sensible exist, since the sensible requires the simultaneous existence of contrary sensible qualities, which constitute the sensible; and, as we have seen,

it is the now which is the principle of simultaneity, as well as the source of the before and after. But such existence is the very contrary of that required for a scientific objecL Hence, to speak of the science of the sensible is ridiculous.

We must not underestimate the objections of the two positions outlined. For unless their thesis and corollary can be answered, there cannot be any science of the sensible. So, we must establish first that there can be given the sensible object as such, and secondly, that this object can be analyzed in terms of science properly so-called.

But let us spell out the objections brought up by the two positions cited. To have an object of natural sciences, we must analyze the existence of such an object in terms of the principles proper to it, for thus only can the science of an object be generated. However, the principles proper to this form of existence are principles proper to time. For the object of such a science exists in a temporal contexL The principles in terms of which time is analyzed are three: the now, and the before and after. The now can be considered first as a principle of existence. The object of the perfection of sense knowledge is not the individual sense quality, but rather the object of the *communis.* This object is specified by being that which exists in a now, and is known by means of the various sensible qualities. But the existential now, not the sensible qualities, is the formality and term of this knowledge. However, the existential now is dual, for it exists by reason of being a now as the limit of the before and after as well as being the present. Thus, the now, :rather than being a principle of unity, is the cause of atomic, disconnected existences. [5]

• *Post. Ana.,* 45 b, 3-10: "It is evident, we may suggest, that a past event and a present process cannot be " contiguous," for not even two past events can be " contiguous." For past events are limits and atomic; so just as points are not " contiguous " neither are past events, since both are indivisible. For the same reason a past event and present process cannot be contiguous, for the process is divisible, the event indivisible. Thus the relation of present process to past event is analogous to that of line to point, since a process contains an infinity of past events:'

Nor can we handle the problem better by considering temporal existence in terms of the principles of before and after. For even these principles cannot enable us to achieve an object of science. For, as Aristotle has said, time consists of the number of the before and after, but it is neither number nor motion, but only motion that can be numbered: "Time is not motion, but motion insofar as it has number . . . and time is the numbered but not that by which we number." [6] Hence, time itself contains a contrariety in itself so that it can only be expressed by a numerical series. But the expression of time by number is merely a description of what time is by telling its property. For time is not, as Aristotle noted, number. Time, *in se,* is ineffable, because it cannot be as such, but must be of contrary parts, the before and after, in both of which time is, but is in contrary modes. So to seek a scientific object at the level of the temporal considered as before and after, is to find the same intrinsic dialectical contrariety in existence such as has already rebuffed our attempts at the level of the now.[7] is it impossible, then, to have science of motion that is numerable, because we do not have a requisite object? And, it is to be remembered, all motion that is numerable means all existence that occurs in time-and this constitutes all the matter of empirical experience. To pose our question radically, therefore, we must ask: Is all natural science impossible because it deals with that which exists temporally, a kind of existence that necessarily renders objects unscientific?

To return to the two problems which must be answered if there is to be natural science: (1) How can we achieve the sensible as such as an object? and (2) How can this object be analyzed scientifically? As for the problem concerning the intrinsic unscientific nature of temporal existence, there is no

• *Physics,* 219 b, 2-8, *passim.*

[7] Obviously, we cannot say that, since we find the now as unstable as a scientific object, we could find a scientific object to whose existence we could attach the predicates of before and after. For the before and after become such in virtue of the now (cf. *Physics,* 219 a & b), and if their determining principle is unscientific, *a fortiori* they also are.

refutation by showing that the problem arises from a specious or erroneous analysis. The objective context as such cannot be found for a science of the temporal. If, then, we are to have an object for the natural sciences, we canot find it ready-made, but we must, so to speak, make it. However, the making of a scientific object is not in any way unusual in the Aristotelian economy, for it is completely in keeping with Aristotle's metaphysics. Hence, in saying that we shall resolve our problem by making the scientific object, we are completely consonant with Aristotle's analysis in other sciences. But the making of the scientific object differs in different sciences.

In speaking of mind in the *De Anima,* Aristotle specifies it thus: " Of it you cannot predicate any nature other than this –it is able. For that which is called the mind of the soul (by mind I mean that whereby the soul knows and judges) is none of the existents before it thinks. . . . And so they say well who call the soul the place of forms, except that the whole soul is not such, but only the noetic (soul), nor is it actually the forms, but only potentially." [8] And again he says: " And mind in one sense can become all things, but in another it makes all things ... and in its substantial being is as actual." [9]

According to these two excerpts, mind has two attributes: (1) it is the form potentially, and (2) it can make all things because mind is substantially actual. Form, as we know from other contexts in Aristotle, is that whereby a thing is what it is, that whereby the nature of the object is determined. [10] But Aristotle, when relating the formal cause to the material cause, does not speak of it as that which the matter is potentially. For the matter never is the form-it is determined by the form. However, in the case of the mind, Aristotle says that it is potentially the form. Hence, when in act-in knowing-it *is* the form. But it is the form of itself, because it is substantially actual; and since its actuality is being the form, *per se* it is the form. What does this mean? We do not say that an object is the form, but rather it is caused in its " what "

[8] *De Anima,* 429 a, 21-29. [9] *Ibid.,* 429 a, 15-18, *passim.*
[10] Cf. *De Generatione et Corruptione,* 885 b, 5-8; *Physics,* 194 b, 26-28.

by the form. That which *per se* is form would be that which makes the form of an object be *qua* form. Hence, the mind in being that which makes the form of an object be *qua* form is properly specified as the form of form. But, what makes the form be as such is its being as the determinant of existence, for it is form which causes existence to be " what." Thus, radically, what makes form be *qua* form is existence. For it is in virtue of existence that the formal determination of existence is as such. Therefore, that which is the form of form, that whereby form realizes itself in its purity, is existence. Consequently, when Aristotle says that mind makes all things because it is actual, he is saying that mind, insofar as it is the form of forms, is nothing but existence. This is the perfection of mind-science-when the mind is as the form of form. Aristotle speaks of this knowledge when he says:

> vVe suppose ourselves to possess unqualified scientific knowledge of a thing as opposed to knowing it in the accidental way in which the sophist knows, when we think that we know the cause on which the fact depends, as the cause of that fact and of no other, and, further, that the fact could not be other than it is. Now that scientific knowing is something of this sort is evident-witness both those who falsely claim it and those who actually possess it, since the former merely imagine themselves to be, while the latter are also actually, in the condition described. Consequently, the proper object of unqualified scientific knowledge is something which cannot be other than it is.[11]

Obviously, the object of science cannot be other than it is, because it is the formal principle of existence, that which makes existence be " what." And since of mind we can predicate only existence, when it knows it is the formal cause, and hence is the form of the object. For the formal cause is in either case-both in the object and in the mind-identical its formality; in either case-both in the object and in the mind-identical in its formality, viz. determining existence to be a "what." In such knowledge the mind makes the object since it gives the form its pure existence as a form, i. e. it makes a form to be

[11] *Post. Ana.,* 71 b, 8-16.

what it is, a pure determinant of existence. For outside of the mind the form is not as a form, but as a form of a thing; whereas in its existence in the mind, it is as a form of the form of forms, viz. the mind, and such a condition is the existence of the form *qua* form. Thus, when we say the mind makes the object, we only mean that it generates the existence whereby a formal principle of existence can be *qua* a formal principle. And since this formal principle of existence is as such when it exists through the act of the mind, to say that the mind makes the object of science, is only to say that mind is the act of existence of that which is only to determine existence. The mind, therefore, makes the object to be since it gives existence to the form in its purity; but the mind in being as knowing is determined by the form, i. e., the determinant of the existence of the act is not the result of the mind, although the existence of the act is/[2]

In such knowledge we have a perfect science, for it is scientific in object and in mode of knowing. In saying that we have a scientific object, I mean that the object of knowledge is the formal cause, a pure determining principle of existence, whether the existence be noetic or objective; and in saying its mode of knowing is scientific, I mean that the knowledge is in virtue of the mind being fully as the form of form, that its existence is identical formally with the existence of the object known. Thus, when our object of knowledge is a formal determinant of existence, there is an identity between the object and the mode of knowing, for the principle determining existence is one.[13] Hence, the making of the scientific object is the making of the mind as scientific, and both exist as one.

But when we come to the problem of the natural sciences,

[12] We have here only touched upon a large and profound subject to the extent that it serves our present purposes, which primarily are concerned with mind in human knowledge. At this level of mind, it is true that mind makes the existence of knowledge, but not the " what " of knowledge. However, in the primary analogate of mind, there resides not only the causality of the existence of knowledge, but also of the "what" of knowledge. Cf. Aristotle, *Metaphytrics,* 107£ b.

[13] Cf. *Post. Ana.,* 78 a, !i!l-79 a 83.

we have seen that we cannot have a principle determining existence in a permanent mode, since the existential principle there is intrinsically manifold, and, consequently, the existing object is *per se* manifold. How, then, can we have science in respect of such an object? For it seems that there cannot be science unless there is an identical, stable, and necessary principle determining noetic and objective existence. It woulrl seem that the mode of knowing as scientific is impossible unless the object is a formal principle determining existence, which can also determine mind to be as scientific. This would be true if the existence of the mind as scientific were the result only of the formal principle known. However, the mind, rather than the form known, is the source of the existence of science, since it is the mind that gives the existence of the form known. Hence, it does not follow that science is absolutely impossible if there is not given a formal principle of existence as an object. Since the mind can give the existence of science, it is possible to have a scientific mode of knowing by projecting the formal aspects of its own existence as scientific to serve as the formal aspect of any object considered.

But unless we are treating of the formality of the existence of the mind as scientific, we cannot achieve a full and complete science by the projection of the mind's scientific existence to serve as the object. For only in the sciences concerned with objects whose existence completely depends upon their being known, can we validly have the mind serve both as the scientific object and the subject of the scientific mode of knowing. As far as the natural sciences go, we cannot fully explain the existence of their object as scientific by stating that the mind can project its own laws and creatures to serve as the objects. For if we explain the natural sciences in such terms, we no longer have the natural sciences, but rather a logic or a mathematics of nature.

But, if this is true, then we are still faced with the difficulties presented by the nature of the object that is to serve as the object of the natural sciences. It is an object whose existence as we experience it through the *sensus communis,* is that

of a now, and as such it has within it the contrariety that we have seen occurring in that which is in a now. For the now is both the cause of itself and its other, in that it is *in se* the indivisible present, but as indivisible it is necessarily the principle of the divisible before and after. And since the principle determining the object's existence must be the principle of both the same and the other in respect of the object's existence, we cannot say that such a principle could determine existence necessarily and constantly. Hence, we cannot say what the object is, for it is both what it is, and what it was and will be, and these existences are incompatible as contraries. Yet to know this object, I must have in my knowledge of it this same and other aspect, since that is what constitutes the very nature of the object. But to know the object I must also transcend the contrarieties of existence as given in the now.

Thus, my problem is to substitute for the contrary modes of existence arising from being in a now, a sameness and otherness that allow a permanency and simultaneity of existence. Sameness and otherness can be considered in two ways: (1) same and other implying exclusive existences, as occur in the present and the before and after; and (2) same and other implying simultaneous existences. If every case of same and other were only of the first type, it would never be possible to achieve an object of the natural sciences. For insofar as an object exists in the present, it is in its existence different from that which exists in the past, and since all knowledge is of existence, our knowledge of that which is in the present is different from that which is in the past, and thus our knowledge of temporal existence is concerned with atomic existences. Considered in this way, the whole endeavor of the natural sciences is impossible, since each object in a now is the principle both of its own existence and that of its other.

It was in this way only that we considered temporal existence previously, when we concluded that not only that which is in a now, but also that which is as before and after, could

not serve as a proper object for science. But it may be that we were hasty in thus concluding, for now the problem appears somewhat different. Although the before and after, as well as the now, are all modes of existence that render an object unable to be as the object of science, since they cause its existence to be successively excluded, yet if we can transcend all of these modes of existence, and apprehend the formality of existence whence they derive, we can transcend the exclusive and, consequently, unscientific modes of existence adhering to natural objects, and reach them as being simultaneous and scientific. This means, obviously, that we must achieve the temporal object formally in its temporality, not being in any mode of time, nor being affected by any limit of time.

At the level of the individual external sense, we are not in contact with the temporal as such. For the object of each sense is a quality, and as such has a homogeneous simplicity and unity quite unlike the exclusive and contrary parts of temporal existence. Hence, any contrariety in any object known through the external senses does not result from contrariety in any given quality, but rather by one quality being contrary to a quality of another kind. From this it results that in the object apprehended by the external senses, we have a multiplicity of specifically different qualities. For, as we have seen, within itself each quality has no principle of limitation, and the multiplicity we apprehend in what we sense is that of specifically different qualities. [14]

Now, obviously, the problem to answer in this case where we are faced with a specific multiplicity is to find a principle of unity accounting for the co-existence of the specific multiplicity, and for the unity of our knowledge of it. But we cannot reduce the sensible multiplicity to a unity definable as sensible. For the sensible is definable only in terms of the sense, and *vice versa.* [15] Thus, to say that all sensibles can be reduced to the sensible as such implies that there is a sensible which is not any particular sensible. But this would require

[14] Cf. *Meta.,* 1057 b, 35-1058 a, 28.

[15] Cf. *De Anima,* 425 b, 26-27.

that the sensible as such could not be a quality, for a quality as such cannot be simply, it is that not in virtue of which a thing exists simply, but that in virtue of which a thing exists in such and such a manner. However, since the sensible is that which is definable in terms of the sense-for the sense is the sensible in act-it follows that the sensible cannot be simply, but can exist only as the sense in act, or insofar as it makes something be such and such. Thus the reduction of the multiple species of sensibles must be to a unity indefinable in terms of sense qualities. But it must be a unity that can be made such and such, that is, a unity which can: be manifested by the multiple species of sensible qualities.

That unity to which the sensible plurality can be reduced, and to which this plurality is related not as a group of principles of existence, but as manifestations of existence insofar as the plurality makes the existent being appear as such and such, must be of a manifold nature. The primary determination of making it appear such and such by the sensible qualities, is to make.its existence appear as exclusive and manifold. That is to say, since the sensible qualities cannot be reduced to any one sensible quality, but necessarily are always many, it follows that the only existence they can make appear such and such is an existence intrinsically partitive, manifold, and exclusive. For, since sensible qualities make the object qualified to be as such and such, what they qualify must be of such a nature that it can be manifested in this fashion. However, the reduction of the multiple sensible qualities to a unifying principle cannot be achieved if they are reduced to the existence they manifest, insofar as it is multiple and exclusive, formally and actually. Hence, the reduction can be achieved only if that existence can be apprehended in a mode of existence of which unity is predicable. This is tantamount to saying that this form of existence must be able to be in two existential modes in respect of its properly exclusive and manifold existence: (1) potentially multiple and exclusive in its substantial existence, but actually multiple in its qualitative, or phenomenal, existence-and it is in this mode that the sensible

qualities can be apprehended as reducible to a unity, for thus they serve as expressing its multiplicity actually through their qualitative multiplicity-it is this that is known in a now as present and indivisible; [16] and .as actually being multiple and partitive, both in its substantial and phenomenal existence-and this is what is known when the object is known not only in respect of the present, but also in respect of the before and after. Moreover, if this is the case, it is clear that knowing this existence through the plurality of sensible qualities, insofar as they are manifesting the potential mode of an existence that is multiple and exclusive when existing actually, is valid. For since this object is known through its qualitative aspect, and in this aspect is known formally-although only qualitatively-as multiple, the knowledge of this object is valid. For since knowledge is of existence, knowledge of the multiple and exclusive substantial existence, achieved in a potential mode through multiple and exclusive qualities, is valid, since it is impossible that such an existence can be without being actually multiple and exclusive in some way or the other-either substantially or phenomenally. Hence, in knowing an existent, whose substantial existence is multiple, in terms of its actual qualitative multiplicity, the knowledge is valid since it is based upon existence-although I do not experience the substantial existence in its actual manifoldness, but only in its potentiality through the sensible qualities. [11]

[16] *De Anima,* 427 a, 10-14: "What is called a point is divisible insofar as it is either one or two. Insofar as it is indivisible it judges as one and at the same time, but insofar as it is divisible, it is not one.·'For 'at the same time the same symbol is used twice. Hence, so far as the limit is used as two, it separates two things as itself being distinct and separated; insofar as ·it uses the limit as one (it is one) and acts in an identical time."

[17] *Ibid.,* 425 a, 14-125 b, II: "But of the common (sensibles) it is not possible that there should be a proper sense; these we sense by each sense, and not in an accidental fashion; such as motion, position, shape, magnitude, number, one. For all these we sense by motion, such as magnitude by motion; and also figure, for magnitude is a sort of figure. But rest we know by a lack of motion; and number by the denial of continuity, and by the proper sensibles, for each sense senses one thing. And so it is clear that it is impossible that there be a proper sense of any of these, e. g., of motion. Thus, the case is as that in which we now

But since the existence expressed in the act of knowledge is formally identical with that of the thing known, although the mode of existence has changed, our knowledge of it as formally temporal is impossible since the now is atomic and incapable of traverse. For to know the object as formally temporal is to have our act of knowledge express the actuality of temporal existence intentionally. That is to say, our act of knowledge must formally create an intentionally existent object that is manifold and exclusive, not only qualitatively, as occurs in the knowledge of the *sensus communis,* but substantially. For in that way alone can we apprehend the temporal as such. But here-arises a difficulty. Temporal existence in itself includes intrinsically both the indivisible now, as well as the divisible before and after that are bounded by nows. To be in time is to be progressively before and after, which results from being bounded by a now. Hence, to attempt to comprehend temporal existence without the now, is to pervert the whole idea of such existence. Yet to comprehend it only in a now is likewise to distort this form of existence, for that is to know it in an indivisible mode of existence. Thus, if we are to know temporal existence formally, it is requisite that the object must

sense the sweet by our sight. This happens because since we have both sensations, insofar as they occur together, we know them at the same time. But if this were not the case, it would not .be different from our sen•ing accidentally, such as Cleon's son, not because it is Cleon's son, but because he is white, and it just happens that this son is Cleon's. Of the common (sensibles) we have a common sensibility, and this not accidentally. But it is not a proper sense, for (if this were a proper sense) we would perceive them in no other way than has just been said about our seeing Cleon's son. The senses apprehend the proper qualities of each other accidentally, not insofar as they are qualities, but insofar as they form one, whenever at the same time there is a sensation of the same object, e. g. that bile is bitter and yellow. For it is not proper to different senses to say that both are one, wherefore there is the deception that if it is yellow, it is thought to be bile. One might ask why we have many senses, and not only one. It might be so that we might not miss the concomitant and common sensibles, such as motion, magnitude and number. For if there were only sight, and this would be of white, these (the common sensibles) would escape our notice, and color and magnitude would seem to be all sensibles, because they accompany each other. But since now the common sensibles are in other sensibles, it is made clear that each one is different from these."

be as an intentional manifold which expresses temporal existence potentially, such as occurs in knowing it in the indivisible now, manifested through the sensibles; and likewise must express the object intentionally as a manifold existence, substantially and actually.

This necessity of including the now results from the fact that temporal existence must be considered to have as primary contraries not the before and the after, but the now and the before and after; while the before and after are contraries of time as it is manifold or divisible. Hence, to express temporal existence formally requires that the one existential principle to be temporal-determine the intentional act in such wise that its primary contraries be simultaneously. But since the principle called upon to cause the simultaneous manifold, is a principle that causes successive and exclusive existences, it is impossible that this principle could cause the now and the before and after to be simultaneously as parts of the manifold in the intentional act of existence. Consequently, temporal existence as the form determining the act of knowledge constituting science is impossible. For it is formally both the source of the now and the before and after, although it cannot be as both, formally and actually. That would mean that simultaneously the temporal object would be known as indivisible and as divisible. But this is obviously impossible. Hence, the formality of temporal existence must have a substitute to provide the object of knowledge. We have seen that the mind cannot of itself provide the principle supplying this object of knowledge, for that would produce either logic or mathematics, rather than an object for the science of temporal existence.

We can find a solution to this problem in Aristotle's analysis of the imagination. Aristotle describes the imagination as a kind of motion that does not occur without sensation, for its content is that which is grasped in sensation; hence, it is of the same kind as sensation, but unlike sensation, it can do and suffer in many ways, and it can be both true and false. An analysis of these attributes of the imagination can answer the

problem now posed: How can the formality of temporal existence be known scientifically?

Like all cognitive powers, imagination is a motion self-actuated. That is to say, as the act of sensation, or of intellectual knowledge, exists by the causality of the sense or the mind, respectively, so the act of imagination is the effect of the imagination itself. However, in the case of the mind, as we have seen, the act of knowledge consists of two existential principles: the mind itself and the formal principle that serves as the content or determination of the existence caused by the mind. Likewise, in the case of the *sensus communis,* the existence of the act of knowledge results from the *sensus communis,* while the formality existing intentionally is the past or present now. Thus, in both of these two forms of knowledge the existence of the act of knowledge is given by the cognitive power, but how the existence is determined is governed by another principle of existence. Thus we call the mind the form of forms and the *sensus communis* the form *of* the past or present now. But in the case of the imagination, the content of its act is that whereby the now is apprehended in the act of sensation. However, it is not the sensible qualities that specify sensation. What specifies the act of sensation as it occurs in the *sensus communis* is the being in a now. Hence, in the act of imagination we shall not include the now. Since the sensible qualities are not the specific property of the *sensus communis,* it follows that they can be cognitional factors common to other forms of knowledge. Thus, when Aristotle says that the imagination will contain that which is grasped in sensation, we must conclude that it will not be the now, since that specifies the act of sensation, but it will be the sensible qualities whereby the now is perceived. Thus the act of the imagination will consist of sensible qualities existing by the act of the imagination. But, unlike the *sensus communis* and the mind, the act of the imagination will not have two principles determining existence; for the sensible qualities do not determine existence, but rather manifest existence in different ways. What will determine existence in the act of the imagination?

First, obviously, like all cognitive acts, the existence of the act of imagination will be the result of the imagination itself. And, since there is no other principle to determine existence in the act of the imagination, the determination of the existence given by the imagination will also result from the imagination. Thus, unlike the other powers of knowledge, which become their object, the imagination in being active does not become something else formally other than itself. Its act consists of becoming apparent, i. e. of becoming the phenomenon. The content given the imagination by the *sensus communis* is not a principle determining existence, but is only a principle manifesting existence, viz. the sensible qualities. Hence, insofar as the content of the image is the sensible qualities, the content of this form of knowledge will not explain the nature of the object known. For this content:-the sensible qualities-does not constitute existence but only makes it manifest. Hence, what these qualities manifest in the act of imagination is something different from them. But the only other element in the imaginational act is the imagination itself. Therefore, the sensible qualities exist as making apparent the imagination itself in its act, the image.

Consequently, in the image the imagination exists actually as having caused itself to appear. Its actual existence is to appear as sensible qualities intentionally existing in the image. The imagination, then, can be designated as the form of sensible qualities. But we must recognize that, when we call the imagination the form of sensible qualities, the implication is that it is the imagination itself which is qualified by the sensibles existing intentionally. Therefore, there is no determining principle of the imaginational object other than the imagination itself. This being so, we do not have a criterion for truth or falsity at this level of knowledge such as we have in the cases of the *sensus·communis* and the mind. There truth depends upon the identity of a principle determining two forms of existence, the noetic or intentional, and the objective. But here we have one form of existence determined in two ways, as the subject of knowledge and as the apparent object of knowledge, the only

extra-imaginational element in this act being the sensible qualities which were derived from the acts of the *sensus communzs.*

What has occurred in the imaginational act is that we have preserved the qualitative aspects of the knowledge of the *sensus communis,* but we have substituted as the existential principle the imagination itself in act. We have freed the object from the attribute of being in a now, and in producing a subject free from being in a now, we have in effect abstracted it from temporal existence entirely. It is in virtue of being in a now that an object can be in time as before and after. But, although we have removed the object from temporal existence, either from its divisible or indivisible mode, we have preserved the formality of temporal existence insofar as the object of the imagination manifests the two essential forms of temporal existence, viz. sameness and otherness, or simultaneity and succession. For temporal existence has two contrary principles, the now and the before and after-and these are principles of exclusive modes of existence. And the temporal being becomes actual by successively being in these exclusive modes of existence. But the imagination has become actual in the image wherein it has successively become phenomenal in each sense quality contained in the image. Hence, in its act, the image, the imagination is identical with itself by being actual in the image; but it has become other than itself by being phenomenally different in each sense quality, each of which exists also as the imagination in act. Thus, in being phenomenally different in each imagined sense quality, the imagination is presented as existentially other; but insofar as in each imagined sense quality, as well as in the totality of them-the image, we have the identity of the imagination with its actuality. Of the imagination, therefore, we can say that it is the existential principle of the phenomenal, and as such it is one with itself in being phenomenal, but other than itself in becoming phenomenally different. But, even in being phenomenally different, the imagination is one in that its being is to be phenomenal. And since in the phenomenal there is no formal principle of

existence other than that whose act is to be phenomenal-the imagination, there is in the image no existential contrariety, with the result that in the image the phenomenal existence is given as one, the act of the imagination.

Thus, to the extent that sensible qualities in the image exist as the imagination appearing, their contrariety remains as sensible qualities; but they have the unity of the imagination itself -its being as appearing. Hence, in the image comprising contrary qualities, we do not have a limitation and exclusion of the imagination's existence-as we do of the temporal in its being the now and in the before and after, which are contrary modes of existence; but rather we have the imagination being successively in each of the qualities by means of which it is, as well as being the principle of the unity of the image. In the image we have the formality of temporal existence given, thus giving for contemplation an object comprising simultaneity and succession, the formality of temporal existence. The one drawback is that the determination of the object of the imagination is the imagination itself. Thus, we cannot say that this object fulfills the primary requisite of a scientific object, viz. that it be necessary, and thereby generate a form of knowledge that is stable. If the image is to serve as a scientific object, the determination must come from outside the imagination itself.[18]

There are two such determinations, one negative and one positive. The image is determined negatively by the knowledge of the *sensus communis.* Since the imagination has as its content the sensible qualities, the matter at hand for the imagination to become actually phenomenal in is limited by the experience that occurred in a now, either past or present. This determination of the imagination is a determination of the image as sensible.

[18] Cf. I. Kant, *Critique of Pure Reason,* Transcendental Analytic, Analytic of Principles: the crucial difference between the Kantian and Aristotelian positions occurs here in the matter of the imagination. For in Kant the imagination constitutes and knows the object that in Aristotle is the object of the *communis,* since it exists in a now. Whereas in Aristotle existence and knowledge of existence begins in the now, in Kant it begins in the object of the imagination.

The second determination of the image as scientific---and here we tum to answer the second question that we said before must be answered: How can this object produced by the imagination be analyzed scientifically? For this supposed object of science has not been made by the proper maker of science, the mind, but the imagination, the principle of the phenomenaL Hence, since science is a form of existence produced only by the mind, at the level of the imagination we have not yet begun the scientific process. Rightly Aristotle has said that knowledge of the imagination is not true or false, but can be either. When he says that it can be true or false, but *per se* is neither, he implies that the truth or falsity involved will occur when we have begun the scientific process in regard to the image. Now in the sciences whose object is a formal determinant of existence, we cannot say that the object can be true or false. For since it is a determinant of noetic existence, as well as any other mode of existence, it will necessarily determine knowledge according as it is-and this is to know truly. But since in the object of the natural sciences there is no principle determining existence as the object, but rather an object that is only by means of imaginational existence, we cannot say that there is a principle that will necessarily determine noetic existence according to its formality. All questions of truth and falsity in regard to the imaginational object of the natural sciences will result from the fact that this object is scientific only by reason of the analogy of attribution. By this I mean that insofar as the mind formalizes this imaginational object-gives it the form of intelligibility, and thus makes it scientific-the object becomes one of science, and thus is the object of knowledge. Since the knowledge about this object becomes scientific not in virtue of the object's determination of noetic existence, but in virtue of the mind analyzing it formally, according to the mind's scientific existence, all questions of scientific truth or falsity will ultimately result from the mind alone, and will not be determined by the object-as is the case in the formal sciences.

To illustrate what I have said, I point to logic apd mathe-

matics, the two sciences whose objects exist actually only by reason of the actual existence of the mind. These sciences, so to speak, are completely and uniquely the property of the mind, for in the first, logic, the object is the mind itself in act scientifically; and the second, mathematics, can be as such, only through being known in the act of the mind. It is according to these two scientific modes of knowledge that the mind analyzes the imaginational object serving as the object of the natural sciences. But we must qualify this statement. The imagination of itself does not produce an object of science, since we have seen that any scientific principle of determination must come from without. Rather than saying that the mind analyzes the imaginational object presented to it as subject to scientific analysis, we should say that there is a rational context set by the mind, one that is constructed according to logic or mathematics, according to which the synthetic act of the imagination is interpreted. Thus, an object is produced by the imagination that is describable according to logical or mathematical cause and effect relations, and imagination is extrinsically determined in its act according to these regulative principles. In the biological sciences, in general, the mode of knowledge is formally that which is established as scientific in logic, analyzing the images in terms of genus, species, difference, and properties; while in the physical sciences the mode of knowledge established as scientific in mathematics is utilized. Since in both of these cases of the natural sciences the scientific element of knowledge is drawn not directly from the object of knowledge, but rather from the object of other sciences, the object of the natural sciences is scientific only by attribution. Hence, the imaginational object of the natural sciences is scientifically true only insofar as it occasions an analysis in terms of logic or mathematics to be elaborated in its regard. But the object does not cause this scientific analysis formally. However, the question of scientific truth ultimately resides formally in the logical or mathematical analysis, for the object of itself, not being a formal principle of existence, cannot be the cause of scientific truth. When proceeding either logically or mathe-

matically, the mind knows scientifically; but when the mind attempts in terms of its own existence as scientific to analyze the image, there is always the problem that the scientific procedures of logic or mathematics are not the terminal function of this cognitional operation, but rather the description of the image in terms of the scientific existence of the mind.

Thus, all analysis in the natural sciences is at best demonstrations of fact-the analysis can never be a demonstration of the reasoned fact. For the best that we can do in the natural sciences is to establish that the imaginational object can occasion a logical or mathematical analysis. It is impossible to establish the reason why the object is scientific in itself, because the reason why the object is supplied as an object occasioning a scientific analysis is the act of the imagination-and the act of the imagination cannot be the fonnal cause of the object being as a scientific object. [19]

[19] *Post. Ana.,* 78 a, 21-79 a, *15:* "Knowledge of the fact differs from knowledge of the reasoned fact. To begin with, they differ within the same science and in two ways: l) when the premisses of the syllogism are not immediate (for then the proximate cause is not contained in them-a; necessary condition of knowledge of the reasoned fact): (2) when the premisses are immediate, but instead of the cause the better known of the two reciprocals is taken as the middle; for of two reciprocally predicable terms the one which is not the cause may quite easily be the better known and so become the middle term of the demonstration. Thus (2) (a) you might prove as follows that the planets are near because they do not twinkle: let C be the planets, B not twinkling, A proximity. Then B is predicable of C; for the planets do not twinkle. But A is also predicable of B, since that which does not twinkle is near-we must take this truth as having been reached by induction or sense-perception. Therefore A is a necessary predicate of C; so that we have demonstrated that the planets are near. This syllogism, then, proves not the reasoned fact but only the fact; since they are not near because they do not twinkle, but, because they are near, do not twinkle. The major and middle of the proof, however, may be reversed, and then the demonstration will be of the reasoned fact. Thus: let C be the planets, B proximity, A not twinkling. Then B is an attribute of C, and A-not twinkling--of B. Consequently A is predicable of C, and the syllogism proves the reasoned fact, since its middle term is the proximate cause. Another example is the inference that the moon is spherical from its manner of waxing. Thus: since that which so waxes is spherical, and since the moon so waxes, clearly the moon is spherical. Put in this form, the syllogism turns out to be proof of the fact, but if the middle and major be reversed it is proof of the reasoned fact; since the moon is not spherical because

An excellent corroboration of what has been said about the object of the natural sciences being scientific only by attribution, is found in the function of the experiment. In the experiment we attempt to reproduce our image of the object, derived from our present intuition and our past memories of what it appears as, so that it may be intuited by all as a composite of what we see and remember to have seen. We set up our image by establishing an " antiseptic " environment, by which I mean a context free of everything, especially temporal sequence,

it waxes in a manner but waxes in such a manner because it is spherical. (Let C be the moon, B spherical, and A waxing.) Again (b), in cases where the cause and the effect are not :reciprocal and the effect is the better known, the fact is demonstrated but not the reasoned fact. This also occurs (1) when the middle falls outside the major and minor, for here, too, the strict cause is not given, and so the demonstration is of the fact, not of the reasoned fact. For example, the question " Why does not a wall breathe? " might be answered, " Because it is not an animal "; but that answer would not give the strict cause, because if not being an animal causes the absence of respiration, then being an animal should be the cause of respiration, according to the rule that if the negation of x causes the non-inherence of y, the affirmation of x causes the inherence of y; e. g. if the disproportion of the hot and cold elements is the cause of ill health, their proportion is the cause of health; and conversely, if the assertion of x causes the inherence of y, the negation of x must cause y's non-inherence. But in the case given this consequence does not result; for not every animal breathes. A syllogism with this kind of cause takes place in the second figure. Thus: let A be animal, B respiration, C wall. Then A is predicable of all B (for all that breathes is animal), but of no C; and consequently B is predicable of no C; that is, the wall does not breathe. Such causes are like far-fetched explanations, which precisely consist in making the cause too remote, as in Anacharsis' account of why the Scythians have no flute-players; namely because they have no vines.

Thus, then, do the syllogism of the fact and the syllogism of the reasoned fact differ within one science and according to the position of the middle terms. But there is another way, too, in 'which the fact and the reasoned fact differ, and that is when they are investigated respectively by different sciences. This occurs in the case of problems related to one another as subordinate and superior, as when optical problems are subordinated l.o geometry, mechanical problems to sterometry, harmonic problems to arithmetic, the data of observation to astronomy. (Some of these sciences bear almost the same name; e. g. mathematical and nautical astronomy, mathematical and acoustical harmonics.) Here it is the business of the empirical observers to know the fact, of the mathematicians to know the reasoned fact; for the latter are in possession of the demonstrations giving the causes, and are often ignorant of the fact: just as we have often a clear insight into a universal, but through lack of observation are ignorant of some of its particular instances. These connexions have a perceptible existence though

except what we synthesize in this context. When we speak of " controlling " the experimental environment, we imply that we wish to present to perception the synthetic product of the imagination as perfectly as possible, free from all influences except those of the imagination. Hence we hold that what is seen in the experiment is not occurring in any time nor in any particular place-it is the pure presentation of the object as it appears. But what we see in the experiment is not a scientific object-it is an image made perceptible. The object presented in the experiment becomes " scientific " by serving as an occasion of scientific analysis according to the principles of logic or mathematics. [20]

Obviously, science of this kind is perilous, since the scientific knowledge about an object distinct from the existence of the mind, and not formally a determinant of scientific existence, is based upon scientific principles drawn from the objects of logic and mathematics. Thus, the ultimate criterion of truth in respect of natural. sciences is not the principles of logic or mathematics, but the imaginational object as it is made universally intuitive in the experiment. But even the experimental

they are manifestations of forms. For the mathematical sciences concern forms: they do not demonstrate properties of a substratum, since, even though the geometrical subjects are predicable as properties of a perceptible substratum, it is not as thus predicable that the mathematician demonstrates properties of them. As optics is related to geometry, so another science is related to optics, namely the theory of the rainbow. Here knowledge of the fact is within the province of the natural philosopher, knowledge of the reasoned fact within that of the optician, either *qua* optician or *qua* mathematical optician. Many sciences not standing in this mutual relation enter into it at points; e. g. medicine and geometry: it is the physician's business to know that circular wounds heal more slowly, the geometer's to know the reason why."

[20] The prediction of which the natural scientists speak is not really prediction in the sense that prediction, or prophecy, is the science of the future. What the scientist usually means when he speaks of prediction is what I have described in the text. Given the image that he has formed, as we have described, and having utilized the image as an occasion for the logical or mathematical elaboration, he must " universalize " his image by presenting it to universal intuition in the experiment. Since the experiment 1 to be valid, must be independent of temporal existence in any of its modes, we cannot say that what occurs in the experiment is prediction. For it is merely universalizing intuitively what formerly existed only in the imagination.

object is not the unquestionable arbiter. For since this object is the image, which radically depends upon the experience of the *sensus communis* for its qualitative content, it is always open to revision on the basis of further experience of that which exists in a now. Thus, it is necessary to recognize the inevitable and constant limitations of scientific knowledge in respect of the imaginational object: (1) the knowledge is scientific not in respect of its object, but only in respect of its mode of knowing, drawing this mode from objects distinct from the object known; and (2) the object is always open to further revision on the basis of further knowledge of the *sensus communis.* Obviously, the second results from the first, for since the object is scientific by reason of the mind's formal sciences-logic and mathematics-rather than by reason of its own causality, we cannot even say that it is a scientific fact, for its existence as a scientific fact results from the causality of other objects.

It is, therefore, in the imagination that the entire possibility of the natural sciences resides. For only in the act of the imagination can the temporal object be raised out of the welter of atomic nows, and thus also freed from being in a before or after, by being expressed intentionally as successive and simultaneous. But in that coming to be intentionally, the object has become an intentional object not by reason of a formal causal determination independent and distinct from the formality of the imagination. It is tme that the content of the imagination results finally from the experience of the temporal apprehended in a now; but even the content, insofar as it is in the image, is there by reason of the act of the imagination. For the sensible qualities in the image are such by being a modification of the imagination itself in act. Thus, when we come to know this object scientifically, it is necessary to find the principles causing the mind's knowledge of it as scientific, independent of the object. This form of knowledge, therefore, constitutes the lowest possible form of science. For it is not scientific in regard to the object, while the mode of knowing is scientific through the causality of principles drawn from other

scientific objects. But even at the end of such formal scientific analysis attributed to the object, the imaginational object remains the ultimate arbiter of truth. And this object is ultimately known by intuiting it as a complex of sensible qualities.

Because Aristotle recognized only two forms of scientific knowledge of nature, that of the fact and that of the reasoned fact, and did not recognize a science of nature which is formally scientific in the mode of knowing, but is intuitive and imaginational in respect of its object, he did not develop his doctrine of imagination further. He did not recognize the science of the sensible as such as different from that of the movable as such, and hence felt that the causal principles of movable existence as such were univocally applicable in knowing natural beings in all their respects. Hence, as the causal principles of form, efficiency and finality were the determinations of movable existence as such, and thus such existence could be explained in terms of them; so nature insofar as it was qualitative could also be known through these same principles formally.[21] But, as we have seen, nature as qualitative is not a scientific fact formally, nor a reasoned fact in the sense that its existence can be ultimately explicable in terms of formal causal factors. Hence, it was necessary to explain how it is possible to have scientific knowledge of nature considered purely qualitatively.

Elaborating on principles laid down by Aristotle, we have attempted to show that it is in virtue of the imagination alone that the natural sciences are possible. For the termination, as well as the point of departure of aU scientific process, in the natural sciences, is intuition of the image, which is the ultimate arbiter of truth. Such a scientific endeavor Aristotle apparently did not apprehend, although he supplied us with all the raw materials needed for a foundation, as well as a critique, of such knowledge.

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[21] Cf. *De Partibus Animalium,* 639 a, 13-64!!:h, !!:, *passim,* where Aristotle deals with what he considers to be the methodological problems in the natlll'al science enterprise.

THE PHILOSOPHY OF LAW OF THE EPICUREANS

(Concluded)

IN HIS effort to lay the foundation of a new philosophical based solely on reason,[122] as well as in his attempt to elaborate this system in all its provinces and details, Epicurus did not omit also to deal with problems concerning

[122] As a very young man (at the age of 14, if frag. 179 *!LetpaKlwv,* a stripling of about 14 years-constitutes reliable evidence; at the age of l!i!, if we rely on Suidas) Epicurus moved to Teos (Strabo 14.638), undoubtedly in order to study under Nausiphanes, who in his day seems to have been a very popular teacher. Cf. Sextus Empiricus, *Adv. Math.* 1. !i!. It was to Nausiphanes that Epicurus owes his first acquaintance with the doctrines of the Atomists whose teachings he later prominently incorporated into his own philosophy. Diogenes Laertius also suggests (10. !i!) that Epicurus came across some of Democritus' own works, and that his atomistic leanings were due to his self study of Democritus. If, on the other hand, Epicurus later did not speak too favorably of his former teacher Nausiphanes (cf. frag. 114, Usener), this fact should be attributed not so much to Epicurus' effort to make himself appear an entirely independent and original thinker (d. Sextus Empiricus, *Adv. Math.* 1. 3: inrep *roD ooKetP avroiJloaKros elva<),* but rather to his personal dislike of mathematics, rhetoric, and scholiasm in general-subjects in which Nausiphanes seems to have excelled. The impression which Democritus' atomistic teachings made on Epicurus was so profound that for a long time he actually referred to himself as a " Democritean." Cf. Plutarch, *Adv. Coloten* 3. 3. Later, however, he came to the rather sudden conclusion that he actually had little in common with Democritus. Cf. Diog. Laert. 10. 8; Cicero, *DB Natura Deorum* I. 9!6. 79!; 1. 33. 93. This sudden change of heart might have been prompted by Epicurus' excessive vanity. Besides Nausiphanes he also studied under the Platonist Pamphilus who, however, did not impress him at all and of whom he thought very little. Cf. Diog. Laert. 10. 14; Cicero, *op. cit.,* l. 26. 72; Suidas.

During his stay at Colophon (after 329!) Epicurus developed his own philosophy mainly by self study and apparently without the influence of any known teacher. Hence his proud conviction that he owed his philosophy to no one but himself and his autodidactic efforts- In 310, at the age of 39!, he began to teach at Mytilene, and later at Lampsacus. Cf. Diog. Laert. 10. 15. In 307/306 he moved to Athens (Diog. Laert. 10. !i!), where he founded his school. Cf. Diog. Laert. lO.U; Sextus Empiricus, *Adv. Math.* 9. 64.

the nature and function of law, :right, justice, the legal order, and politically organized society.[123] For since the time of the Sophists these problems had become an integral part of Greek speculation. But although the general doctrines of Epicu:rus, which at times were violently championed and without doubt consistently developed, often assumed airs of great importance and true novelty, they were essentially but the product of old ideas merely sifted out or shifted about. His legal and political sayings, therefore, lack real originality, and cannot arouse our genuine interest for their own sake. For they are in many respects only restatements of views already held by Protagoras, Democritus, and many others. In addition, they were merely developed in the direction which had been previously determined by the real end envisioned by Epicu:rus: to establish an all-encompassing practical philosophy of life intended to become the " wise man's guide " to a happy and serene, but altogether solipsistic, life.

Epicurus' own theory of the nature and function of law, right, and justice, as well as his views concerning the legal order and politically organized society under the rule of law,[124] are most prominently displayed in the so-called *S6gat-*

[123] Although Epicurus excluded *practical* politics from his philosophy of life, and although he counselled against active participation in public life, he nevertheless frequently referred to and discussed *theoretical* politics and the theory of the social, legal, and political order.

As to Epicurus' philosophy of law, cf. R. Philippson, " Die Rechtsphilosophie der Epicureer," *Archiv fiir GfJSchichte der Philasophie* 22 (1910), 289-337; 433-446; A. Haas, *Uber den Einfiuss der epicureischen Staats-und Rechtsphilosophie auf die Philosophie des 16. und 17. Jahrhunderts* (Berlin, 1896).

••• It should be noted here that, with the exception of the Cynics, Cyrenaics, Epicureans, and certain Sophists, the Greek philosophers considered the problem of the State a predominantly moral issue, an indispensable prerequisite of the rational moral and civilized man. Cf., for instance, the whole tenor of Plato's *Republic, The Laws, Crito,* etc., or Aristotle, *Politics* 125£ a 1 ff., to mention only a few. Aristotle actually considers "politics" a body of *moral* norms and hence a part of ethics. Cf. *Nic. Eth.* 1094 b 8: " ... the end is the same for a single man and for a State ... .'" Also *ibid.,* ll30 b 28; 1181 b.l4, where he points out that both ethics and politics are "philosophy of human nature." Cf. *Politics* 19!76 b 9!1 ff.; 1£78 b l ff.

the " Sovereign Maxims." [125] Already the Sophists had rather eloquently and vehemently discussed the nature of law, and in doing so had admitted that the law (1-0 *8£Kawv)* constitutes the foundation of every politically organized society. The real Sophistic argument, therefore, revolved around the issue whether or not the existing law or laws were *cpvuEt,* that is to say, according to nature, or merely *OeuE„* that is, man-made laws and man-made justice. [126] In essence this distinction merely restates the old controversy: namely, whether or not something is true *KaT'* aA:q8Emv--according to objective truth-

[125] The *tcvp<a.<* found in Diog. Laert 10. 189-154 and H. Usener, *op. cit.,* 71 ff.; 894 ff., are a collection of rather losely connected *dicta* ascribed to Epicurus. They contain-or supposedly contain-the most important and authoritative *(tcvp<a.<)* statements uttered by the " master " concerning the Usener, *op. cit.,* 78 ff., informs us on good authority that this Epicurean " catechism " of basic truths, this list of " sovereign maxims," which for a long time has been considered the authentic work of Epicurus himself, is actually an ecclectic compilation and collocation whiclt did not originate with Epicurus, but rather with some of his immediate disciples or followers. It is fairly safe to assume that this compilation had been completed either during the lifetime of Epicurus or, at least, very shortly after his death in 270. It is also permissible to assume that these " sovereign maxims " represent the original and genuine Epicurean tradition. For otherwise the great and undisputed authority whiclt the *tcvp<a.<* enjoyed and the traditional opinion that Epicurus himself had been their author, could not very well be explained. Cf. H. v. Arnim, in: Pauly-Wissowa, *Realenzyklopiidie des klassischen Altertuma,* new edit. 6. 140 ff.

W. Criinert, *Kolotes und Menedemoa* 24, reconstructs the text of papyr. 1005. col. 7. line 18 ff., as follows: *lie* [Z'I]v...v] *tca.l etc TWV [tcvpl..v ...v evla.s}-"* [Zeno] also expurgated (or, re-edited) some *[dicta]* written into the *[tcvp<a.<* If Criinert's reconstruction should prove correct, and I have no doubt that it will, then we may safely assume that Zeno considered the re-editing of the " sovereign maxims " a necessary task, and that he could not have regarded Epicurus as their true author. For to re-edit and correct the sayings of the "master" himself would have been for an Epicurean tantamount to sacrilege. In view of the now fully established fact that in most instances these various *dicta* have been tom from their immediate and original context, they cannot be used or relied upon except with utmost caution.

[126] We should remember that with the Sophists *Oeuet liltca.<ov* and *v6p.lf1 liltca.<ov-* as opposed to *<{>vue< liltca.tov-are* one and the same thing, both denoting man-made laws and justice and, hence, arbitrary rules. The Stoics, on the other hand declared true morality to be man's complete harmony with nature (<{Jvuts) and the laws governing this nature, that is, with the cosmic reason (11.6-yos) or cosmic law (vop.os). Hence with the Stoics *<{Jvu<s* and vop.os are two equivalent terms.

or merely according to convention *(Kara v6p,ov, vop,(f!,* or, B€u-et).[127] It does not, as it is sometimes suggested, primarily concern itself with the formal or practical validity of the law or laws. Only by confounding the formal validity of the existing law with that other problem, namely, whether or not the existing law is *q;Vu-<H SiKtawv* or *vof.L(f! SiKawv,* could certain Sophists and some of Socrates' disciples (the Cynics and the Cyrenaics) arrive at their dogma of complete lawlessness and anarchy.[128]

For some unexplainable reason Epicurus has been charged with having denied the existence Of a *q;vmEt OLKaWV,* OI what is right and just according to nature. In other words, he has been credited with having rejected the existence of "natural law and right."[129] Obviously, this latter opinion is utterly untenable in view of *Kvptat S6gat* 31, where Epicurus states in unmistakable terms that" the law of nature *(q;Vu-ewc;oiKawv)* is declaratory of[130] what is useful or conducive to not injuring one or being injured."[131] In short, the principle of use-

[127] Polystratus, in his work *10ept aAO')'OV Karaif>povfwews (Vol. Hercul. Papyr.* 4, edit. Th. Gomperz, *Hermes* n [1876] 399 ff.; and *ibid.*, 12 [1877] 510 :ff.), col. 12 line 6, informs us that his " opponents," the Cynics, claim that right and wrong do not exist *if>VlYEL,* but merely *VOW;J.* Cf. Philodemus, *Philodemi Volumina Rhetorica,* edit. S. Sudhaus, I. 147.

[128] Socrates himself refuses to disavow the validity of the Athenian laws which condemn him, the most righteous man, to death, and which thus could not have been *if>vrm OlKawv.* Cf. Plato, *Crito* 48A; 50A ff.; 51A; 54C.

[129] Thus Seneca *(Epist.* 87. 15) states that he " disagrees with Epicurus on the point where the latter insists that nothing is just by nature--nihil *iustum esse natura."* It is quite possible that Seneca had in mind a passage found in *K.vpaxt* 33: "Nothing was by itself justice - - - - " H. Usener, *op. cit.,* 398, attempts to link this Epicurean statement directly to Aristippus' claim that " there is no law according to nature." Cf. Diog. Laert. 2. 93.

[130] The Greek term a sign by which one knows or infers a thing," cf. Lidell-Scott, *Greek-English Dictionary,* 6th edit. (1878), 1529-means not only " symbol," but also " symptom " or " evidence." Although in its plural form this term is also used in the sense ,of "treaty," "agreement," or "covenant" (cf. Aristotle. *Politics* 1280 a 35 ff.),][am more than convinced that in *d!pau* 31 it means "declaratory of." Cf. Aristotle, *De lnterpretatione* 16 a 4: "Spoken words are *<rvf.Lf3ol\a* (that is, declaratory) of mental experience." *Ibid.*, 23 a 32. See note 131 *infra.*

[131] ***rO* r7]s *¢Vuews OlKatOv €urr. uVP-f3oAov roD UVf.uj>Epovros els TO IlTJ {1AU1rretv*** aAl\?jl\ovs p;1Jiie *{3AV1FreiYOa,.*

fulness and expediency constitutes the absolute or natural principle of law and righL Hence Epicurus expressly acknowledges a law of nature or natural law, a *rij<;; 4>vcrewc; oiKawv,*[132] and thus accepts the« natural origin of law and right." [133] We might even be permitted to define Epicurus' *4>vcn:.wc; SiKawv* as the" idea of law, right, and justice," or, as the Germans would put it, as *die Rechtsidee.* Hence we could translate *dictum* 31 as follows: "the idea of law, right, and justice is declaratory of what is useful. . . ." Obviously the content of the *cpva-Ew<; 8£D<mov* is the *a-vpcpepov,* that which is useful and expedient in

I am amazed to notice that such an outstanding scholar as E. Zeller, in *Philosophic der Griechen,* 3d edit. 8. part !il. 455 ff., translates this passage as follows: " The law, according to its nature, is an agreement. . .." The original Greek text, also quoted by Zeller, however, reads *ro* r?js *<f>vo-<ws olKatov,* and not, as Zeller's translation would suggest, *To Kara <f>uo-tv* or, *To <f>vo-<ws oiKawv.* As to Zeller's translation of *o-vp,f3oll.ov* with "agreement," cf. note 130 *supra.* Zeller's translation of *o-vp,f3oll.ov Toll o-vp,<f>€povros* with " agreement concerning that which is useful," is likewise spurious in view of the fact that the passage in *Kvptat* 81 does not read *q{,p.fJoll.ov 1repl roll o-up,¢epovros* as this translation would suggest, and as we find it, for instance, in Aristotle *(Politics* a 39; *ibid.,* a 10). Neither does it read *o-vp,{3oll.oviJ1rep Toil o-vp,<f>£povros,*as we find it in *KVptaL* 33. I strongly suspect that Zeller confounds Epicurus' definition of law (with that of justice (*oc:Kawo-vv'Y/).*

In legal phraseology, to be sure, *ra o-vp,fJoXa* usually mean a covenant between two or more parties. But then this term nearly always appears in the plural. Cf. Thucydides I. 77 *(a/* c:bro *o-vp,f36"Awv olKa.c:,* meaning "lawsuits"); Aristotle, *loc. cit.;* Demosthenes, *Orat. Attic.* (edit. Reiske) 570 *(ra o-vp.f3oll.a o-v"fxeew,* meaning "to violate a treaty"); *ibid.* 79 *(o-up,f3oll.a 1roc:eio-liac:* 7rpos *1roll.tv,* meaning "to make a treaty with a city"); Antiphon, *Orat. Attic.* (edit. Stephens) 138. 31 (cbro *o-vp.fJ6"Awv* /lc:Kajeo-llac: meaning "to bring action under the terms of an agreement ") . In Polybius 24. I. 2, however, the phrase appears: *.q Kara ro o-vp,fJoA.ov OLKaw/ioCTia 1rp6s nva.* Cf. *ibid.,* 32.17. 3; Appian, *Civil Wars* 8.l3!il. Hence we are on rather safe ground if we translate *o-vp,f3ol\.op* with "symbol" or "declaratory of." In addition, it would make little or no sense to state that "the law of nature or. the law, according to its nature, is a reciprocal agreement as to what is useful." For one does not agree on what is useful, that is, on what constitutes the *principle* of usefulness or utilitarianism, but rather on what *conduct* conforms to this principle of utilitarianism, the *o-vp,<f>epov.*

u [2] In *Kvptat* 15, Epicurus speaks of "natural riches," *O* Tijs *<f>vo-ews* 1r"!l.ollros. Cf. *ibid.,* 7, where he defines steadfastness (M<f>aA€ta) as *ro T?]s <>vo"ews a"fa06v.*

[183] He does not, therefore, strictly follow the tradition established by the Sophists, Cynics, and Cyrenaics who reduced the origin of law and right to llf.o-et. Cf. *Kvpta<* 87: *.q roiJ lhKalov q,vo-ts.*

preventing men from injuring one another or being injured. It is the that which is to one's advantage, which is in some way the mother of all law and right.[134] In this manner Epicurus aimed at grounding law and right in the specific human nature of the individual, as well as in the natural needs, desires, and interests of individual man and the satisfaction of those needs. That which reason declares as being useful to man, in other words, as being in full agreement with man's natural craving for things useful to him or expedient in the satisfaction of this craving, is natural law and right. And that which is to one's advantage or useful to man *(uvf.Lcpepov)* constitutes that simple and, for Epicurus, self-evident element by which the complex and composite structures of actual legal and social life could rationally be explained and naturally justified. In short, the *uvf.Lcpepov* or which form the basis of law and right, underlie the complexity of those structures, the function of which consists in preventing men from injuring one another.[135]

This *j3A.d..-rrmv p:r;'8€ j3A.a7r'mr()at* makes it quite obvious that law and right in their application are based upon the principle of reciprocity; and that they can exist and function only within an established society.[136] According to its true nature, justice ('8umwuvv7J),as contrasted with law and :right (SI.Kawv),is, therefore, an essentially relational concept, a fact which Epicums fully acknowledges[137] when he states that, since all justice is but relative,[138] there is not, and never was, such a

u. *xpela &cnrep p:frrr;p 'TOJll OtKalwv.* Cf. H. Usener, *op. cit.* 319; Demosthenes, *Aristogeiton* "- - - the law intends what is right - - - and advantageous."

[135] *KVpta.t* 31: *TO tJ.>i (37\{urre<v* &.7\J\?j)\ovs.-It should be noted, however, that Epicurus does not limit the usefulness or expedience of the State merely to the safeguarding of the existing laws, as we shall see presently.

[136] Cf. Aristotle, *Eth.* b "This form of justice . . . is . . . virtue, not absolutely, but in relation to our fellow men." *Ibid.,* 1130 a 4.

[137] *Kvpuu* 33: *0LK(J.<O<TVV7J ••• ev rais fJ.ET' &."J\1\?j/\wv <TU<Trpo<f>ais.*

[138] We should remember that, according to Epicurus, no pleasure in itself *(tea()' €avril)* is good, that is absolutely good, but merely in relation to its after-effects. Cf. Diog. Laert. 10. 10.

thing as absolute justice.[139] Although law or right is *8iKawv* because it is declaratory of the basic and first principle which, according to Epicurus, constitutes the true or natural essence of man, namely, man's eraving for things useful to him -justice is merely a "state," other words, the practical application of the *8iKawv* to a concrete situation with a view to this situation. Hence justice must be relative in a twofold sense: in one sense it is relative because it is not, as for instance, in Plato, a quality of man,[140] but rather something concerned with actual human relationships;[141] in another sense it is relative because it is always dependent upon time and place *O'ITYJAiKov<>87] 7TOTE ro'ITov<;)*•[142] In other words, while the principle of usefulness and expediency constitutes the absolute or natural principle of law and right, the application or practice of this principle, that is, justice, is but a relative principle in that it deals with actual concrete human relationships and hence has to take into consideration such empirical facts or factors as time, place, tradition, and particular circumstances.[143] This is also brought out by Polystratus, a disciple of Epicurus,[144] who demonstrates that the relativity of certain legal precepts in their practical application does not disprove their universal usefulness and " validity."[145]

[139] *OvK* n *Ka8'€cwro IJcKaLOIJ'{wYJ.* This passage from *KVpcac* 33 has frequently been used in an effort to demonstrate that Epicurus did not acknowledge the existence of a natural law. Cf. notes 129 and 131 *supra.*

[140] This statement might contain a direct attack upon Plato. Cf. *Rqmblic* 353D: "Justice is the excellence of the soul."

[141] In this fashion Epicurus actually proposes a kind of" analytical jurisprudence" which operates with basic jural relations by elaborating a scheme or system of "jural opposites" or "jural correlatives." Cf. W. Hohfeld, *Fundamental Jural Conceptions,* edit. Cook, *35;* Aristotle, *Nic. Eth.* H34 a 29 ff.

[142] *Kvpcac* 33. Cf. *ibid.,* 36.

[143] *Ibid.,* 36. Cf. *ibid.,* 33.

[144] In his *wepl al\O')'ov Kara</>poviwews.* Cf. note 127 *supra.* This work has the subtitle, *wept al\6')'oV Kara</>povr}IJ'<WS €v TOtS 7rOAAOtS the Unwarranted Disdain of Popular Opinion.* Cf. notes 310 ff. *infra.*

[145] Polystratus in particular objects to the Cynic contempt for the traditional and " popular " conceptions of right and wrong, good and evil. The Cynics insisted that these concepts are meaningless and, hence, worthless, because they are neither *<j>vuec* nor *Kar' &./1.-fJO«av,* but *IUueL* or *v6p,r,>,* that is, artificial and arbitrary. The

The fact that justice varies with time and place [14c] is further illustrated by Epicurus' insistence that the law *(SiKawv)* contains two distinct features: certain common (Kowa) and certain particular (£Sta) elements. [147] Hence it might be said that the *Kowov SiKawv* constitutes the "primary natural law," while the *tSLa 8£Kata* represent what could be called the " secondary natural law." That part of the law which is common to all men is always and everywhere the same. But this " common law " is not always determined by its usefulness to every single individual within a given society. For "that which in a general way proves itself useful or expedient within a given society, has an the prerequisites of a *SiKawv,* irrespective of whether or not it is the same for everyone." [148] Conversely, that which is to the advantage of the individual as such is not necessarily always to the common advantage of society. Hence the advantage of the individual or of individual situations is taken into account by the particular (£Sta) elements of the

Cynics clinched their argument by pointing out that animals do not possess the notion of right and wrong. Polystratus objects to these arguments by showing that animals are incapable of reasoning. Although he admits that different peoples or nations hold different views as to the nature of right and wrong, he nevertheless insists that this relativity neither disproves the existence of such concepts or conceptions as right and wrong, nor impairs their absolute usefulness, even should their specific content or meaning vary with time, place, and circumstances. In this Polystratus is ably supported by Hermarchus (Porphyry, *De Abstinentia* I. lQ), who rejects the Cynic notion that the existing legal or moral precepts are *alitiupopa* (meaningless) because they apparently lack universality.

The views expressed by Polystratus and Hermarchus seem to be in line with the general Epicurean tradition which counselled obedience to the existing laws of the land. Cf. Diog. Laert. 10. lQl. Aristotle, *Nic. Eth.* 1134 b *25* ff.: "Now some people think that all law and justice is of this kind (scil., man-made or *v6p,'lJ,* and not by nature or ¢v(J"EL), because that which is by nature is unchangeable and has everywhere the same force or validity .... But this is not true in an unqualified sense ... [for] with us there is something that is just even by nature, yet all of it is changeable .... "

[146] *Kuptat* 33. Cf. *ibid.* 36: "... in its application to particular cases of various localities and conditions, [justice] varies under different circumstances."

[147] *Ibid.* 36. Cf. Aristotle, who likewise distinguishes between a *Kow!Js* and an ΓΟWS *POP,M. Nic. Eth.* 1134 b 18 ff.; 1134 b 24 ff.; *Rhetoric* 1373 b 6 ff.

[148] *Kuptat* 37.

law.[149] The *iSLa StKaLa-the* particular aspect or application of the law-are the historically developed and accrued body of, but only locally valid and enforced, legal precepts, rules, or norms. These *iSta StKata* are conditioned by the peculiar " legal genius " of a certain people, which in turn is determined by time, place, and circumstances.[150] In this sense, and only in this, justice, being based upon the *iSta StKata*, always remains a relative term.[151] The fact that two nations or cities may have two different bodies of *iSta StKaLa* and, hence, two different forms of justice, does not preclude, however, their sharing in certain common *(Kowa)* laws and rights. Since, however, the *iSLa StKata* are also subservient to the natural principle of usefulness and expediency, and must be considered the product of "natural factors " such as the " legal genius " of the people or a particular time, place, or circumstances', they are still *cpvO"ew<; StKaLa*, natural law, or to be more exact, "secondary natural law."

From all this it follows that justice develops and exists only within a given society/[152] conditioned by time, place, and certain particular cirl!umstances. Now we are told that, according to Epicurus, society is not a natural institution, but has been brought about by men as the result of reflection and for the sake of the general advantages which are expected from social life. While the Stoics declared human solidarity a dictate of reason and, hence, part of the natural order of things/[153]

[149] Zeller's insistence *(op. cit.,* 457) that Epicurus did not acknowledge a common and absolute law, is not supported by the available sources. I suspect that Zeller, when making this statement, had in mind *KvptaL* 83 which states that there never has been an absolute justice, that is to say, an absolute " administration of justice." But this passage does not, as Zeller implies, refer to the nature of law and right *(lllKawv).* Justice, as stated by Epicurus, signifies man's personal *relationship* to the *alKawv* or the *alKata,* to the *Kotva* as well as fllta *alKata-to* certain absolutely as well as merely relatively valid legal precepts, that is to say, to certain absolute legal precepts as well as to a merely historically developed and accrued body of locally or temporarily enforced legal precepts. Hence there cannot exist such a thing as absolute and universal justice, but only " local " justice.

[150] *Kvp•a•* 87. [151] *Ibid.,* 33.

[152] *Ibid.,* 38: . . . *ℓV Tats p.er'* ci.XX'ljXwv *ITV1TTporpa£s* ▪▪▪▪

[153] Cf. Cicero, *De Finibus* 8. 19. 64; 8. 20. 67; *De Legibus* 12. 88; *De Officiis* 1. 7; Seneca, *Epist.* 95. *52;* 47. 3; Marcus Aurelius, *Thoughts* 8. 4; *5.* 16; 6. 14; 6. 88; 7. *55;*

Epicurus has been accused of having denied most vehemently not only every fonn of natural association among men, but even the mere existence of a natural social instinct.[154] In view of the still available evidence it cannot be ascertained with complete definiteness whether or not Epicurus actually repudiated the social nature of man.[155] In any event, Hermarchus, one of Epicurus' immediate and most loyal followers, who can be fully trusted as having handed down to us genuine Epicurean notions, makes it a special point to emphasize the natural relation which exists among all men on account of their being essentially alike physically as well as mentally.[156] If we disregard certain secondary and not too reliable sources/[57] we thus may assume that Epicurus believed in a *cpVu€t Kowwvl.a* in the same way that he insisted upon a *cpvuewr; 81.Kawv.*[158]

The relative nature of justice-8tKatouvv17 as opposed to 81.Katov-is further brought out by *KVptat 86ga*, 33, where Epicurus states that justice is " a kind of covenant (or mutual agreement-<TvvlhjK17) neither to injure nor to be injured."[159]

8. 7; 8. 84; 8. 59; 9. 1; 9. 9; 9. 28; 10. 2; 11. 8; 11. 18; 12.80; Diog. Laert. 7. 129; Sextus Empiricus, *Adv. Matk.* 9. lSI; Epictetus, *Diss.* 2. 20. 2; 2. 20. S; and the many passages in the works of Panaetius and Posidonius.

"" Cf. Epictetus, *Diss.* 2. 20.2: "For what does he *(scil.,* Epicurus) say? . . . There is no natural relation between rational beings." Lactantius, *lnstituticmes Divinae* S. 17. 42: "Dicit Epicurus . . . nullam esse humanam *societatem."*

155 Cf. Epictetus, *op. cit.,* 1. 23. 1: "Even Epicurus is sensible of the fact that we are by nature sociable *(.pvue• tup,ev* Ko<vwv<Kol)." *Ibid.,* 2. 20. 2: "Thus also, when Epicurus would destroy the natural relation of men to one another, he makes use of the very thing he is destroying." It should be noted that Epicurus is not being accused here of *.denying* the existence of natural relationships among men, but merely of *destroying* them.

158 ln Porphyry, *De Abstinentia* 1. 7.

157 These secondary and rather unfavorable sources are mainly of Stoic origin, and therefore polemic rather than historical in their significance. Undoubtedly the Stoics tried to accuse the Epicureans of having denied everything which they themselves accepted as basic or self-evident truths.

168 *Kvpuu* 86Ecu Sl.

,•• *u""o-q'*11 r•s *V..* *11.1! ffA&..,.re•v* *fJll.&..,.reufJa.•.*

Plato *(Republic* S59A fi.) had already said that men, after having both done, as well as suffered, injustice, come to the conclusion that " they had better agree among themselves to have neither. Hence arise laws and mutual agreements (tr1JJIIJ7jKa.<)." Cf. *Cratylus* S84E. " . . . all is convention . . . . " *Tke Laws* 879A;

From all this it follows that not the law or right as such *(Si:t<awv),* but merely justice, the practice and application of the basic legal precepts *(S,t<atouVV7J),* rests upon a "sort of agreement." For justice, according to Epicurus, is the practical and concrete attitude of the various individuals towards the established positive legal order *(v6p.o')* towards whatever is authoritatively held as being useful and expedient in the mutual intercourse among men.[160] ·The established, that is, historically developed and locally conditioned positive legal order *(v6p.o,,* or *v6p.cp S,KatoCTVV7J),* in the final analysis is but the *cpvuEW'> Si:Ka,ov,* the universal principle of usefulness and expediency. This *cpvuews S£t<awv,* which in its further development and its efforts to adapt itself to the particular exigencies of time, place, and particular circumstances, has turned, through the authority vested in a particular society, into the *v6p.o'* or *v6p.cp S,KawuvV7J,* and thus, in some way, acquired the characteristics and function of a *uvvfJ.qK7J* or a sort of crovfJ.qK7J.[161] Obviously, then, the Si:Kawv--the *Kowov Si:t<awv* as well as the *iS,a S£t<a£a-did* not rest originally on a *uvvfJ.qK7J.* Because otherwise Epicurus would not have called this *Si:t<a,ov* a *cpvuews S£t<a,ov,* but rather *fJeue'* or *v6p.cp (vop.,ufJevra) S£t<a,a.*[162] This is also fully supported by Hermarchus, who states that men had, although not consistently, always observed certain legal precepts even before laws *(v6p.o')* had been established.[163] In view of' the fact that Hermarchus closely adhered to the orthodox Epicurean tradition, his statement, which reiterates the existence of a *cpvuews Si:t<awv,* is of greatest importance.[164]

Aristotle, *Politics* 1280 b 10: "•• and law is merely a convention or mutual agreement (tca.l o *11op.os uv11fJlJlCTJ).*" *Rhetoric* 1876 b 9: ". . . the law itself *as* a whole is a sort of (rls) covenaut *a.vros* O *116p.os uvvfJiJtcfl rls* eun11)." The *rls* is importaut because it modifies this statement by defining the law .*as* a " sort of covenaut."

[160] °*Kvp•a.•* 88.

[161] Cf. note 159 *supra,* particularly *as* to the importance of the term *rls.*

[162] *Kvp•a.•* 88.

[168] In Porphyry, *De Abstinentia* 1. 10. Porphyry also opines *(ibid.)* that even before laws aud cities had been established men by their very natural instinct aud without rational design had understood the usefulness of mutual preservation (4ll.o-yos *p.viJp.fl* roil *uvp.<f>epollros).*

[1].. Lucretius *(De Rt!II"Um Natura* 5. 1019 fi'.) also states that even before the

If the *v6wcp Sl.Katov* **is a or agreement, then the** *a-vv()Tjwr;* itself-that is to say, the contractual nature of the *v6p,cp o[Katov-also* determines the specific validity, function, and content of this *v6f-Lcp oiKawv.* Hence there is no such thing as a lawful or unlawful conduct (or justice) in one's .relationship to animals or things incapable of entering into mutual ag.reements.165 Neither can there be justice towards nations or peoples which are incapable of, or unwilling to share in, a system of law and right, or unfit to become a party to an agreement on account of their low mentality o.r fierce nature. 166 In the light of this observation, the beginning of *Kvptat 86gat* 33, *ovK 1jv* n *Ka(J' €avro OtKawa-vvr;* (" originally there was no such

invention of language men " began eagerly to unite themselves in friendship, in that neighbors strove not to injure one another or to be injured."-This "nee laedere nee violari " of Lucretius is but a translation of Epicurus' *p.7} {JA.chrrotv* p:qll€ *{Jil.a7!"nl18a<.*

If, on the other hand, Lucretius also informs us that, although in this manner complete " concord could not be achieved," at least " the majority kept the covenant unblemished " *(bona magnaque pars servabat foedera caste; ibid., 5. 1025* fl.), then these *foedera* (in Epicurus the *uvv8ijKru)* are but the product of man's natural instinct for things useful to him. And it is this instinct which drove man to form social unions" These *foedera* or *uvv!Jfi;au* are not covenants in the strictest sense of the term, but merely "a sort of" *11vv1Jfw'1,* a *uvv!Jf};cq rls,* because these *foedera* are not the result of deliberate calculation, but rather that of natural instinct. Should, therefore, Lucretius represent the genuine Epicurean tradition in this particular issue-and I have no doubt that he does, especially in view of the fact that all Epicureans most faithfully adhered to the *dicta* of the " master "-then we may also assume that Epicurus himself accepted the existence of something like a silent agreement (op.6'Ao'lfos) or quasi-agreement among men living in a state of nature, and that this silent agreement is actually the product not of deliberation and rational design, but of a natural impulse of self-preservation. Cf. Plato, *Crito* 5ii!D: "... you agreed to be governed by us *(scil.,* the existing local laws of Athens) in deed, and not in words only."

Hence the *11vv8fJKTJ* rls of the Epicurean state of nature, being not the result of rational design but of a natural " blind " urge, originally is not absolutely compelling. For it becomes a real and, therefore, binding *11w1Ji}K7J* only through the definite establishment of a detailed legal order which, in turn, becomes the *f'l/'l/V7Jr7Js* or surety of this *11Vv0i}K7J.* Cf. Aristotle, *Politics* 1280 b H.

165 *Kvpuu* 32. cf. Aristotle, *Nic. Eth.* 1161 b 1 ff. "... there is no .. justice towards lifeless things. B11t neither is there any friendship towards a horse or an ox, nor towards a slave *qua* slave. For there is nothing common to the two parties."

166 *Kvp«u* 32.

thing as absolute justice," that is, a state where the *cpvuewr; 8iKaLov* generally could be applied to a concrete situation) , acquires additional meaning: since justice does not apply to those who for some reason fail to accept or understand the relational or, to be more exact, reciprocal nature of justice; [167] and since in the primitive state men as a rule apparently did not, or would not fully acknowledge the reciprocity of just action, We cannot Speak of absolute *(Ka()'* eawo) justice. [168]

Although in the most primitive stages of human history or civilization there was no manifest justice, it is admitted by Epicurns or, at least, by some of his disciples, [169] that there existed in this state of nature a " sort of *uvvOfJI<"fJ,"* [170] a kind of latent and not yet articulate and truly manifest sense of what is right and just. To the Epicureans this primitive instinct for justice apparently is also a *uvv0.fJKTJ.* [171] In the course of the ever mounting human intelligence or evolution of mankind this *uvvB.fJK"fJ* is replaced by the articulate and truly manifest *uvv()-/jK"fJ,* that is, by a definite actual covenant based upon an actual agreement of :reciprocity. In this fashion the laws *(v6;wt)* governing cities are established and with them certain

[167] The wording of *KVpuu* 3!i! permits us even to assume that Epicums toyed with the possibility of a "law of nations " based upon reciprocal agreements or the " covenant of covenants," that is to say, the principle of *pacta sunt servanda.*

"'"This *ovK KaO'tauro* ●.● *o<Kaw<rvvrJ* .●. , however, does not preclude the existence of a *¢v<rews olKawv* in the state of nature. The *¢v<rews oi!;;awv* is but the most universal principle or idea of law and right, in other words, of what is useful to man. As such it is valid for all times and places, no matter what the particular circumstances might be. Here the *<f>vuews oiKawv* merely expresses that the law, or, for that matter, all laws, must be useful to man. Justice, on the other hand, signifies what is useful and expedient in a particular situation. Thus justice, in order to state authoritatively what is useful to man, always presupposes first the existence of an absolute and universal principle of usefulness and expedience, secondly, a certain state of social development to which this absolute principle might effectively be applied.

[169] Cf. Hermarchus, in Porphyry, *De Abstinentia* L 10; Lucretius, *De Rerum Natura 5.* 1019 ff.; *5.* 1024 ff.

[170] A

[171] Obviously with the Epicureans, as with other philosophers, the *vopm* developed along natural lines an evolution analogous to that language and the arts. Only at a late stage of this development did the law or laws acquire the features of something conventional. Cf. Diog. Laert. 10. 75; Plato, *Cratylus* 383A ff.

dearly defined and strictly delimited rights *StKata)* •[112] Or, as we would say today, this articulate *uvv8iJI<'YJ* determines within a given politically organized society what shall commonly be accepted as being right and, hence, what interests shall be secured through the authority of this politically organized society. Since, however, these *vop,tu{}f.vra StKata* or the *v6p,oL* are essentially the result of certain natural factors modified by the varying conditions of time, place, particular circumstances, and the "legal genius" of the people, the various *vop,tufJf.v-ra Si:Kata* as well as the *v6p,ot* of different cities, nations, or peoples must be different in their specific content. [173] But these differences are not due to artificial causes, but rather to such natural factors as time, place, and particular conditions. The *vo;uufUvm lltKata* could therefore also be defined as the historically developed and accrued body of authoritative grounds of, and guides to, actual determinations of controversies arising out of a conflict of " interests."

Only to the extent to which they are in complete accord with the natural concept (7rpOA1Jo/t<;) and essence of the *cpvueoo<; 8£Katov,* in other words, as long as they serve the " natural " idea of usefulness as regards society or individual man living in society, the *vop.cn* or *vop.taBevm o[Kaw,* may be called "just." [174] Any *vop,o<;* that fails to live up to this fundamental condition must be considered as being contrary to the dictates of the *4>vueoo<; SiKcuov.* [175] Hence it is also possible that a *v6p,or;:* is "just" for a limited period of time, namely, fo:r the time during which it proved itself useful and expedient in a certain concrete situation determined by time and place. [176] For even

[172] *Kvpuu* ll6Ea• 88.

[173] Cf. *Kvpuu* 88; 86.

[17•] *Kopuu* 37: "Among the things accounted just by the Po;wt, 'whatever in the exigencies of mutual intercourse is attested as being useful and expedient, is thereby stamped as just. . . ."

[175] *Ibid.* 87: "... in case any law is made which does not prove suitable to the exigencies of mutual intercourse, then this law is no longer just." Cf. *H.* Usener, *op. cit.,* 79; 80.

[176] *Kvptat* 37: "And should the usefulness or expediency which is expressed by the law vary and only for a time correspond with the prior conception *(scil.,*

what once under different circumstances had been useful to man must be termed " just " under those circumstances, as long as it remained useful and expedient,[171] although later it might have ceased to be useful and hence becomes" unjust."[178]

In this manner Epicurus openly defies those Sophistic theories of law and justice[179] which declare any and every form of *v6p.lfJ Bf.Ka,ov* to be arbitrary and " unjust," and thus contrary to nature on account of its changing content. But more than that: .by confronting the *v6p.o'* with the *cpvcrews8£Kawv* he raises once more the old and apparently never to be settled controversy between natural law[180] and positive law,[181] or to be

of usefulness, that is, the *<f>vuerAs lilKa.Lov),* nevertheless for the time being it was just . . . . " *Ibid.,* 88:. " • • • wherever the laws have ceased to be useful or expedient in consequence of circumstances, in that case the laws were for the time being just when they were expedient and useful for the mutual intercourse of the citizens; and subsequently ceased to be just when they ceased to be useful and expedient."

[177] Cf. Plato, *Theaetetus* 167C: "Whatever appears to the State to be just, so long as it is regarded as such, is just . . . to it." *Ibid.,* 172B: " . . . when they *(scil.,* the followers of Pythagoras) speak of justice or injustice . . . they are confident that . . . the truth is that which is agreed upon at the time of the agreement, and as long as the agreement lasts. . . ."

[178] *Kvp•a.•* 88: " Where without a change of circumstances the laws (v6p.o•), when judged by their consequences, were seen not to correspond with the idea of justice, such laws were not really just."

[179] It is quite possible that Epicurus attacks here certain Cynics or Cyrenaics who .in their longing for an ideal state of nature ruled exclusively by " the laws of nature," refused to acknowledge any of the laws *(v6p.o•)* to which a civilized and politically organized society submits itself. For the Cynics and the Cyrenaics rejected everything that in their opinion was merely a man-made institution or the result of tradition. Cf. Polystratus and his sarcastic discussion of the Cynic point of view in matters concerning the "legal convictions of the people." Cf. notes 810 ff. *infra.*

[18°] Cf. A.-H. Chroust, "On the Nature of Natural Law," *InterpTetations of Legal Philosophies: Essays in Honor of Roscoe Pound,* edit. P. Sayre, Oxford Univ. Press (1947), 70 ff.

By " positive law " we mean a historically developed and accrued body of authoritative grounds of, or guides for, actual determination of controversies. These grounds or guides may serve as rules for actual decisions or as guides to a definite conduct in a certain definite and detailed situation. They may also function as the bases for predicting " official" action. This body of authoritative materials, moreover, operates through a definite judicial or administrative process--and this process in itself is merely a development and application of these

more exact, the problem concerning the validity and justification of the positive laws in the light of the absolute dictates of the *cpvueco<; StKatov.* Certain radical Sophists, on the one hand, had insisted that only those laws are justly authorized which nature itself had determined, while human laws, on the whole definitely go beyond this and, hence, actually tyrannize man by forcing him to do things contrary to nature.[182] The *cpvueco<; StKatov* is used here primarily to criticize and combat the existing *v6ftot* and, at the same time, the established legal, social, or political order backed by these *v6ftot* or the *v6wtJ StKatoCTVVTJ.* Protagoras, on the other hand, had a least attempted to prove that both natural law and positive laws essentially agree with one another/[83] a view which to some extent is also shared by Epicurus and his followers.[184] We furthermore remember that Aristotle generally distinguished between universally valid or " common " (moral) law *(tuov S£Kawv)* / [85] and "statutory" or "positive law" *(v6ftLftOV S£Kawv).* Now this *v6fttftOV StKatov,* which operates to the common advantage of all/[86] in the main is but the practical application of the Aristotelian moral concept of justice and the *tuov S£Kawv* within a given organized society. Epicurus seems to follow the Aristotelian pattern insofar as according to him the *v6ftot* as well as the *VOfttCTOeVTa S£Kata,* which arise with the *v6ftot,* are but *uVftfJo'Aa -roil CTVftcpepov-ro<;,* and, therefore, the particular manifestations of the *cpvueco<; S£Kawv,* backed by the authority of politically organized society.[187] And like Ari-

authoritative materials through the employment of an authoritative technique, which itself is likewise the product of historical development and accrual.

[18-] Cf. Plato, *Protagoras* 887C (Hippias).

[183] Cf. Plato, *Protagoras* 322A fl'. [184] Cf. *Kupuu* 87; 38.

[183] Upon the Aristotelian *lcrov IJlKa.tov* rests the moral concept of justice which is defined as " that type of moral disposition which renders men apt to do the good things and which causes tliem to act justly and to wish for what is just." *Nic. Eth.* 1129 a 6 ff. The moral virtue of justice, in other words, is a state of the mind which makes man inclined to render unto everyone his due.

[186] The *vop.tp.ov IJlKO.LOP* of Aristotle is that law which is to "the advantage all." Cf. *Nic. Eth.* 1129 b 15 ff.

[187] The *JJop.tp.oJJ IJlKa.wv* of Aristotle also contains the *tro"AtnKov IJlKa.LOJJ (Nic. Eth.* 1134 a 18 fl'.), that is, the law established within politically organi2ed society

stotle,[188] he does not deny the validity or binding force of the [189] although these may in their specific application at times not always be in full accord with the *<f>vU"ew<; 8iKawv* and the idea of universal usefulness or expediency.[190] And although the *v6p,m* may not at times completely express the *<f>vU"ew<; 8iKawv,* according to Epicurus it is nevertheless advisable and even necessary to observe them,[191] because their disregard might become the source of unpleasant and painful consequences.

* * *

It seems that Epicurus believed :in the necessity of certain legal sanctions in order to make the *v6p,ot* truly workable and effective. It is the deterring effect of sanctions and punishment which, according to Epicurus, contributes to the maintenance of the established legal or social order.[192] For the evil-doer cannot hope to remain unnoticed and thus escape punishment forever.[193] Hermarchus, who in this probably follows closely in the footsteps of Epicurus, informs us that the *v6p,ot* had been

and valid for politically organized society as contrasted by the *I!etY'If"onKov I!{Kawv* and the *olKovofuKov olKawv* (the rights or the right of the head of the household, cf. *Nic. Eth.* 1134 b 7 ff.). Epicurus dispenses with a specific *'If"OA<TLKOV oiKawv,* because to him all *vof-'OL* are *wo"AtnKo1 vopm,* or to be more exact, because he does not acknowledge any *v6f.'o<* outside the politically organized society.

[188] The *vof-'OS* of Aristotle " possesses compulsory force because it is something which proceeds from a sort of practical wisdom and reason." Cf. *Nic. Eth.* 1180 a Ql.-This passage, however, might be an anonymous quotation.

[189] Cf. Philodemus, wepl *eiJtYe{3las* (edit. Gomperz) 120.

[190] *Kvp'"'* 38. *Ibid.* 36; 37.

[191] Cf. Philodemus, *op. cit.,* 120.

[192] Cf. Plato, *Protagoras* 324B fl'., where Protagoras, in discussing the nature of rational punishment, states that " no one punishes the evildoer ... for the reason that he has done evil. . . . He who desires to inflict rational punishment does not retaliate for the past wrong which cannot be undone; he has regard for the future, and is desirious that the man who is punished, may be deterred from doing wrong again. He punishes for the sake of prevention. .. This is the notion of all those who retaliate upon others either privately or publicly."

[193] *Kvptat* 35: " It is impossible for the man who secretly violates an article of the covenant ... to feel confident that he will remain undiscovered, even if he has already escaped ten thousand times. For right on to the end of his life he is never sure that he will remain undetected."

introduced by the philosophers in order to terrify people through the threat of sanctions.m Thus it appears at first sight that Epicurus interprets the and the existing legal order as a system of threats.[195] However, this notion requires some considerable modification, insofar as Epicurus himself admits that only the ignorant, but never the wise and understanding and, hence, just man, conceives of the laws as a threat. He abstains from evil-doing merely because of the threatened consequences.[196] Those who correctly reason about what is useful to society as a whole as well as to themselves do not stand in need of such inducements in order to do the right thing or restrain themselves from evil-doing. But those who are incapable of understanding that which is useful or expedient to society at large or to themselves require the restraining effects of legal punishment and sanction.[197] Hence the *v6pm,* as regards the intelligent and wise man, have not been introduced in order to restrain the latter from being unjust, but rather in order to protect him from being injured by others.[198] Merely the great mass of the ignorant requires laws and legal sanctions, which are designed to prevent the ignorant from evil-doing through the very threat which they contain: " *T]* *amKtrL* ... *KaKOV* (*ECT'nV*) ... *EV T(f;J KaTa T'YJV* • .r.' *TOfJ(f;'* ... '[199]

Obviously Epicurus' general remark that " injustice is not in itself an evil " is in complete accord with his basic tenet that no pleasure--and, hence, no pain-by itself could be called evil,

'"•In Porphyry, *De Abatinentia* 1. 8.

[196] *Kvpuu* 84: " Injustice is not in itself an evil, but only in its consequences-namely, the terror which is excited by the apprehension that those appointed to punish such offenses will discover the injustice."

[196] *Kvpu;u llOEa.•* 17: " The just man enjoys the greatest peace of mind *(cira.pa.-K6ra.ros)'* while the unjust is full of 'the utmost disquietude." Cf. *ibid.,* 5: "It is impossible to live a pleasant life without living ... justly .... "

[107] Hermarchus, in Porphyry, *op. cit.,* 1. 8 ff. Cf. *Tke Laws* 875C: "If a man were hom so divinely gifted that he could naturally apprehend the truth, he would not stand in need of laws to rule over him." *Statesman* 297A: "Nor can wise rulers ever err while they, observing the one great rule of distributing justice to the citizens with intelligence and skill, are able to observe them [the laws] .... "

[108] Stobaeus, *Florilegium* 58. 189.

[199] *Kvp•a.•* 84.

although some pleasures are to be avoided on account of their painful *consequences.*[200] Now in *«.VpuLt 86gat* 84 we are told that in the case of a contemplated disregard of the existing laws the fear of certain unpleasant consequences seems to be an inducement to abide by these laws. But it does not say that this fear is the *sole and only* restraining power which keeps the multitude in line. In other words, the law or legal order is not exclusively an order of threats; and the laws will not exclusive1y be observed merely because of certain possible sanctions which might take effect in case of a disregard of the law or laws.[201] We have already pointed out that the educated man does not stand in need of laws or legal sanctions in order to do what is useful to society.[202] This view finds additional support in the rather caustic remark of Epicurus: " Will the wise man do something contrary to the existing *v6JLot,* even if he realizes that his conduct will escape detection? A sllp.ple answer to this cannot easily be found."[203] As a matter of fact, Epicurus had already answered this query most thoroughly when he stated that " the wise man, who is in possession of the highest good mankind could ever devise, always acts and conducts himself in the proper manner, even though he should remain unnoticed."[204] This much is certain, then, that the wise man who fully understands and appreciates the true meaning of happiness, will always conduct himself in a manner above reproach. But will he also abide by the *voJLot,* particularly if the latter do not coincide with his conception of the *cpvuewt;; 8£t<awv,* the natural moral law? Undoubtedly the *cpvuewt;; 8£t<awv* is of

••• *Ibid.,* 8; *Diog.* 10. 141. Cf. Diog. Laeri, 129.

--[1] Hence Seneca (frag. 581, Usener) misunderstood Epicurus when he says that according to Epicurns " crimes must be avoided because the fear *(scil.* of subsequent apprehension and punishment) cannot be avoided."

••• Stobaens, *Florilegium 58.* 189.

••• Frag. 18 (Usener).

••• Frag. 588 (Usener) .-Cicero {De *Fi:nibus* 2. 9. 28) misconstrues this passage when he writes that " it conveys the impression that there is no deed so base that he *(acil.,* Epicurus) would not be ready to commit it for the sake of pleasure, provided he were guaranteed against detection." Cf. Epictetns, *Disa.* 8. 7.1: " Epicurus does not pronounce stealing an evil, only the being found out. . . ."

an higher order than the *vop,ot,* the man-made laws. This does not, however, excuse man from abiding also by the particular *vop,ot* of the politically organized society in which he lives. For should he find himself incapable of acknowledging the laws of the city or land in which he lives because he considers them incompatible with his notion of the *8£Kawv,* then he had better leave the city and go elsewhere.[205]

* * *

The State or politically organized society under the rule of law is primarily an instrument or institution to secure peace and order among its citizens. It is designed not only to make them abstain from injuring one another or from being injured in their mutual intercourse, but also to promote their personal welfare and interests by protecting them fmm each other. Moreover it is also intended to prevent through covenants or treaties clashes with the inhabitants of neighboring cities or countries, if only the latter are willing and morally or mentally capable of entering into such agreements or " non-aggression pacts." [206] Wherever these neighbors are either unwilling or morally incapable of doing so, that is, if they do not renounce by mutual agreements war and aggression, the State will have to protect its citizens agamst these actual or potential foes:

He who best knew how to meet the threat or fear of external foes made into one family all the creatures he could reach. ·And those he could not reach, he did at any rate not treat as aliens. And where he found even this impossible, he avoided all intercourse, and, as far as this proved expedient, kept them at a distance.[207]

[205] Cf. Philodemus, *Philodmni Volumina Rhetorica* !i!. !(!.59.-Philodemus might have been inspired by Plato, *Crito* .52D: "... you were at liberty to leave the city ... if our covenants appeared to yon to be unfair. Yon had your choice .... "

That the Epicureans did not believe that an evil-doer could really be happy even should he escape detection forever, can be gathered from Cicero, *De Officiis* 3. 9. 38 ff., where the Epicureans flatly refuse to take issue with the Gyges myth (Plato, *Republic* 359C ff.) by declaring that the whole story is both fictitious and impossible. Hence it might be assumed that they did not consider Gyges 2 happy man.

[206] *Kvpta< o6(aL* 3!i!.

[207] *Ibid.,* 89. Cf. *ibid.,* 6: " In order to obtain security from other men any means whatsoever of procuring this security was a natural good."

In other words, the first concern of the State is to weld all those who think and feel alike about certain social matters into one big family or community. In so doing the State orders its own internal affairs by abolishing internal rifts and clashes. After this is achieved, the State has to be secured from external aggression. This is done by incorporating those who are not members of the original community but who have certain things in common with the original " communal group " and can, therefore, rather easily be absorbed into this group. Those, however, who lack these common traits and who could not be absorbed, are pacified by mutual pacts of friendship. And, finally, those neighbors who could neither be incorporated into the "family," nor disarmed or appeased by friendly treaties, the State will either completely avoid or, if feasible and expedient, attack and drive away.[208]

Kvptat 36ga, 40, which likewise refers to the origin and development of law and State, informs us that

those who were most capable of providing themselves with the means necessary to secure themselves against their neighbors, are thus in the possession of the greatest guarantee [of peace] and, hence, passed the most agreeable life in each other's company. . . .

As in *KVptat S6ga,* 39, the protection and security of the commonwealth by strong and effective methods is considered the best way to safeguard the State and promote the greatest possible happiness among its citizens. For " there would be no advantage in providing security against our fellow-citizens so long as we are alarmed [about some threat from without]. . . .[209] Only " when tolerable security against our fellow man is attained, then on a basis of power sufficient to afford support [210] and through material prosperity arises in a most

[208] Hermarchus and Lucretius (see *mfra)* make it quite clear that these rather fragmentary statements deal with problems concerning the origin and evolution of law and State. ••• *Kvpuu* 13.

[210] Some scholars read instead of or *lEepeLtTTLKfJ.* If *lEoPLtTTLKV* be read, then this passage should be translated as follows: ". . . then on the basis of power sufficient to expel and on the basis of material prosperity . . . ," in other words, " on the basis of power sufficient to ward off and drive away *(acil.,* hostile neighboring tribes) . . . . "

genuine form the security of a quiet private .life withdrawn from the multitude *(auc/JaAeta)*." [211] It is this security from violence and aggression both from within and without the *corpus politicum* which the State and the legal order backed by the authority of the State provide. This security constitutes the necessary prerequisite of the ideal of a happy and contented life as envisioned by the Epicureans: " The greatest fruit of justice is the *arapa,r.a."* [212]

Since the of the wise man constitutes the ultimate end of the State and the legal order, it also determines the general attitude of the philosopher towards public life. The . wise man will, as far as this is possible, " not mix in politics," [213] because it will most certainly upset his equanimity and threaten his personal security. " The crown of the is incompatible with [the notion of] great political power *(aa-6p.fJA7Jrovrats p.eyaAatsiJyep.ovr.ats)*." [214] Epicurus also seems to have opined that the philosopher is not properly equipped or prepared to enter public 'life on account of his one-sided in- .terest and training in philosophy and philosophical theory which make him little qualified to deal with practical issues or to. exercise any decisive influence over the masses.[215] Epicurus himself, according to the testimony of Diogenes Laertius,[216] is said " to have carried his deference to others to such excess that he did not even enter public life." Because of this attitude he actually advised ldomeneus to throw off all political ties as soon as possible.[211]

Although the ideal Epicurean postulate of MOe *fJu!Juas,*[218]

"11 *Kvpuu Bofa.*• 14.

111 Frag. 619 (Usener) . Cf. *KVpta.t B6fa.t* 17.

118 Frag. 8 (Usener): " ... *OVBe* *71'0'AtTeVtTETI1.<* • --- "

""" Frag. *656* (Usener). Cf. frag. 548 (Usener) which emphasizes that not those who hold public office (d.pxa.l) or power, but those who are free from pain and the worries of public life must be called happy and blessed. Cf. *B6Ea.*• 7; Lucretius, *op. cit., 6.* 1120 11'.

115 Frag. 187 (Usener) .

118 10.10.

217 Frag. 188 (Usener). Cf. frag. 182 (Usener).

••• Frag. 551 (Usener).

as well as the idea of the *clucpaA.e,a*seem basically to determine Epicurus' theoretical and practical attitude towards the State and political life in general,[219] we might interject here that if Epicurus wanted security in order to live the happy and secluded life he envisioned, he must also have desired the means which would guarantee this security: namely, an orderly *corpus politicum* under the rule of law.[220] Hence even Epicurus could not entirely depreciate the art of statesmanship and statecraft.[221] As a matter of fact, Philodemus, who in this seems to rely on Epicurus, does not outright condemn all statesmen or politicians, but, following the famous example of Plato, merely denounces certain demagogues or rabble rousers.[222] For Philodemus the art of politics rests upon experience, practice, and historical knowledge;[223] in other words, upon a sort of practical "know how," which, although it cannot strictly be called a science, is nevertheless not without some definite merits or completely devoid of usefulness. These notions of Philodemus had found some support in Epicurus, who himself admits that " in order to obtain security from other men any means whatsoever of procuring this was according to nature."[224] Hence " some men have sought to become famous and renowned *(lv8ogot Kat* 7TEp£{3A.e'IT'To,), believing that thus they would make themselves secure against their fellow men. If, then, the life of such persons really was secure, they attained a natural

[219] Cf. in this connection, Plutarch's belated attack upon the Epicurean Colotes. In his *Adversus Colote:n* Plutarch points out that there could be no civic life and, hence, no government, but merely anarchy and civic disorder, if this maxim of *}\aiJt {j11hcra.s* should be carried out to its ultimate consequences. Cf. Epictetus, *Diss.* 8. 7. 1; 8. 7. 2.

[220] Cf. *KVpLa.L* 14.

[221] Cf. *Kvp•a• /MEa•* 6; 7; 89; 40. *Ibid., 5,* where Epicurus states that " it is impossible to live a pleasant life without living wisely. . . . " To live wisely, however, implies also the acceptance of the necessary means to ·a happy and unperturbed life, namely a well ordered and regulated State under the rule of law, governed by people well versed in the art of statemanship.

[222] 1n *Philodemi Volumina RhetOTica* 2, suppl. 88; 84; 85; 45; 241; 247.

[223] *Ibid.,* 2, suppl. 84. Cf. *ibid.,* 88.

[224] *Kvp•a• li6Ea•* 6.-A marginal gloss to this *dictum* mentions governments and monarchies as the proper means to obtain security.

good. ." [225] Thus Epicurus admits that, at least during the early stages of the evolution of social organizations, man's desire to rule and to engage in public life was a beneficial, that is, natural, desire and, therefore, fully justified. [226] And Plutarch tells us [227] that Epicurus did not deny outright that political or public activity and fame might, indeed, become the source of some pleasure and contentment-a statement which seems to be supported by Epicurus' letter to Idomeneus. [228] To be sure, Epicurus himself admits [229] that ambitious people should follow their nature and engage in political activity. Because by not complying with their natural desire they might actually be more unhappy and restless than they would be if they entered political life, with all its vicissitudes and turmoils. Hence Epicurus' general advice that the intelligent man should not let himself be drawn into politics is but relative: " One should consider the best means as to how one can safeguard the greatest good of life; and no one will on his own free volition assume those public offices which the masses confer." [230] But if in order to secure or safeguard these goods of life it becomes necessary, the wise man will assume the office of a judge/ [31] and, under certain circumstances, even flatter the tyranL [232]

* * *

When evaluating and analyzing Epicurus' theory of law,

[225] *Kvpteu* 7. Cf. Lucretius, *op. cit.,* 5.11S!Off.: "Men desired to be famous and powerful in order that their fortune might remain on a stable and secure foundation; and that being wealthy they might be able to pass a quiet life - - - - " This passage from Lucretius is practically a literal translation of *Kvp<a<* 7.-It seems to me that *Kal 7r<pif3A<7rTOS* should be translated as " outstanding and renowned in public affairs," or as " influencial and powerful in political matters."

[226] Cf. *KVp<a<* 29.

[227] Frag. 549 (Usener).

[228] Frag. 132 (Usener).

[229] Frag. *555* (Usener).

[23°] Frag. *554* (Usener).

[231] Frag. 576 (Usener).

[232] Frag. 579 (Usener). Cf. frag. *557* (Usener): "He who aspires glory and power, shall honor the tyrant. But he who will not tolerate inconveniences, had better avoid the royal palaces - - - - " As a matter of fact, many disciples and followers of Epicurus became engaged-successfully or unsuccessfully-in the many political struggles which soon after the death of Alexander broke out among his heirs and successors.

right, and justice, and, incidentally, his ideas concerning the State or politically organized society, we will always have to keep in mind that to him law is but an integral part of his general philosophical outlook, or to be more exact, of his ethico-practical teachings. Hence the moral ideal, the happiness of the self-seeking individual, constitutes not only the starting point, but also the paramount end of his legal or political theory.[233] The happiness of the individual is defined not only as the presence of pleasure, but also as the absence of pain/[34] and hence as the unperturbed peace of the mind *(aTapagf.a)*.[235] In order fully to enjoy this *aTapag£a,* man must obtain the greatest possible security from any sort of interference *(&.ucptf-*AEta).[236] This *aucpaAELa* might be threatened either by other members of the community in which we live, or by hostile neighboring communities. The existing laws or legal order as well as their enforcement protects the citizen against the aggression of his fellow citizen, while the organized might of the State safeguards him from foreign attacks.[287] Covenants with other nations are possible and even desirable,. if these nations are able and willing not only to enter into such agreements, but also to keep them.[238] This shows that Epicurus believed in the possibility and workability of a " law of nations " besides mere local laws. By providing the *aucpaAELa,* the State justifies its existence and fulfills its purpose.[239] For the end of law and justice and, incidentally, of all legal, social, or political organizations or institutions, is the principle of usefulness,[240] the personal advantage of the individual or, at least, of the majority.241 This usefulness is determined by the degree to which the law or the State is capable of producing happiness, which,

••• Diog. Laert. 10.128: "Pleasure is the principle and end of life . . . . " .Cf. *ibid.,* 10. 129; 10. 181; *et passim.*

••• Diog. Laert. 10. 128: "For the end of all our actions is to be free from pain . . . . " Cf. *ibid.,* 10. 181; *ICilpta< o6Ea<* 8; *et passim.*

••• Diog. Laert. 10. 128.

••• *Kvp<a<* 14.

037 *Ibid.,* 14; 82.

238 *Ibid.,* 82,

••• *Ibid.,* 89; 40.

... *Ibid.,* 81; 88; 86; 87; 88.

•u *Ibid.,* 87: " . . . 'whatever . . . is attested to be useful or expedient, is thereby stamped as being just, whether or not it be the same for all. . . . "

in turn, consists here in the pleasure of having one's essential needs wholly satisfied, and in the realization of one's being secure from wanton aggression and violence.[242]

Law or laws *(v6p,ot)* are that which is useful to man living within a community, or to be more exact, that which effectively prevents the citizens from injuring one another.[243] Hence laws are possible and expedient only within an already established society.[244] All *vop,ot* are derived from a silent and not yet articulated original agreement or quasi-agreement not to injure one another.[245] This origin of all laws is *Kara* cfnxnv,[246] not only because it expresses the most natural and basic desire of man to live a happy and undisturbed life, but also because without this first social postulate-namely, not to injure another or to be injured-there could be no human institutions or organizations of the social type. Out of this silent quasi-agreement the various detailed laws (vop,ot) or legal systems have evolved. Some of these detailed laws are absolute and universal *(Kotva 8iKata, iuov 8iKawv);* others, those which have been conditioned by time, place, and particular circumstances *(vop,tufJevra 8£Kata),* are but relatively valid *(i8tu 8£Kata)*[247] yet are nevertheless acceptable on account of their particular expediency or usefulness.[248]

The *v6p,ot* or *vop,tuOevra 8£Kata* replace and articulate the *8iKatov,*[249] the natural law/[50] although the latter always remains the criterion of the *v6p,ot,* the positive law.:m Only as long and insofar as the *v6p,ot* are in full accord with the dictates of the *8iKawv* are they serving the true end to which they were dedicated.[252] Nevertheless, even should the *v6p,ot* at times deviate from the *8£Katov,* the citizens would be bound to abide by them.[253]

Justice is primarily man's attitude towards an established

в.. *Ibid.,* 89; 40.
••• *Ibid.,* 81; 88.
••• *Ibid.,* 86; 87; 88.
••• *Ibid.,* 88.
••• *Ibid.,* 81.
••• *Ibid.,* 86.
••• *Ibid.,* 87.
••• *Ibid.,* 81.
••• *Ibid.,* 86; 88.
••• *Ibid.,* 87; 88. Cf. 86.
••• *Ibid.,* 87; 88.
••• *Ibid.,* 87.

and existing particular legal order or established laws (vop,ot). Hence there cannot be such a thing as absolute justice [254]. especially since justice is a relative or relational concept expressing a relationship to a definite positive legal order. This relationship in turn is determined by the kind of legal order in which we live. And this legal order itself has been conditioned by such relative factors as time, place, or special circum-

Thus what might be just in Sparta could very well be unjust in Athens. For to Epicurus the law *(v6p,ot* or *vop,u:r{N.vra S£Kata)* as a whole is always something determined or conditioned by "meta-legal" factors. [256] By expressly repudiating the notion or postulate of an abstract ideal State and ideal law or justice/ [57] he makes it quite clear that each society as well as each period has its own particular laws. Nevertheless the fundamental principle or end of law and justice, namely, to be useful to man, remains universally valid and, hence, constitutes the absolute philosophical criterion of any and every particular law or legal system. [258] In this sense it might be said that Epicurus was the first thinker to hit upon the idea of an immutable and absolute natural law with a changing and relative manifestation-the first legal philosopher who attempted to reconcile the claims of the "Natural Law School "with those of the " Historical School of Jurisprudence."

The sanctions attached to the *vop,ot* are to be applied against those who defy these laws. Thus it might be said that, in accordance with their ultimate purpose, the are intended to prevent the citizens from injuring one another. [259] Hence they also appear as threats which materialize whenever someone conducts himself in a manner contrary to what these *v6p,m* prescribe as the " right " conduct in certain detailed and definite matters. We could maintain, then, that the specific end of the *v6p,m* and the sanctions attached to them is to deter ignorant people from evil-doing. It is the ever-present fear or threat of being detected and punished which becomes an e:ffec-

[254] *Ibid.,* 33.
[255] *Ibid.,* 33; 36; 37; 38.
[256] *Ibid.,* 33; 36; 37; 38.
[257] *Ibid.,* 33.
[258] *Ibid.,* 36.
[259] *Ibid.,* 31; 33; *35.*

tive means of social control through law.[260] Evil-doing in itself is no evil, for the true evil rests in the pain or pangs of fear which the evil-doer experiences.[261] The wise and educated man, however, does not stand in need of sanctions in order to be "just " and do the right thing.[262] Knowing what is good for society and, hence, for himself, he always acts in the right manner, even if he knows that he would remain forever undetected.263 He requires the *v6j.wt* only to the extent that they provide him with effective protection against the trespasses of the ignorant.[264] To deter rather than to educate or rehabilitate is the aim of legal punishment and sanction. But the wise do not need to be deterred, while the ignorant, being incapable of improvement, can only be kept in check by the realization of the dire consequences of their wrong-doing.

The wise man win submit to the established legal and political order, but will comply with his civic duties only to the extent that this is absolutely necessary to his own safety and happiness.[265] He will from aspiring to or entering public office or partaking political discussions.[266] For the personal dangers he might incur by entering public life; the envy which it might arouse;' and the emotional disturbances which are always the result of ambitious undertakings, will most certainly disturb his philosophic ideal of *aiapa{;ia* and the *Acf()e f3ul>a-ar;*[267] Besides this, the true philosopher lacks that particular knowledge or art necessary for a good and successful statesman or politician.[268] Only those who would suffer greater pain by avoiding an active political life than by putting up with all the vicissitudes of civic strife, should enter politics.[269] The wise man will contribute to the commonwealth not by becoming

[260] *Ibid.,* 34; 35; 17. [261] *Ibid.* 34; *35;* 17. [262] *lbid.,* 17.
[263] Stobaeus, *Florilegium* 43. 139. Cf. frag. 18 (Usener) and frag. *533.*
[264] Stobaeus, *loc. cit.*
[205] *Kvp<aL* 17; 14. Cf. *ibid.* 37; frag. 519 (Usener).
[266] Frag. 8 (Usener).
[267] Frag. *556* (Usener). Cf. frag. 548 (Usener) and frags. 132; 133; *554.*
[268] Frag. 187 (Usener).
[269] Frag. *555* (Usener). Cf. frags. 576; 579.

a politician, but rather by strictly observing the laws; by his generous and kind deportment; by wise counsels; and by educating the youth to become good and law-abiding citizens.

* * *

Metrodorus of Lampsacus, [270] perhaps the most important and most faithful among the more immediate disciples of Epicurus, [271] was even more emphatic in his insistence that the wise man should abstain completely from mingling in public affairs. To him the commonweal is of no concern whatever. [272] With open contempt for those who aspire to public life or public office, he is said to have written: "Some so-called wise men in their excessive vanity have misconstrued the true meaning or task of philosophy to such degree that they actually plunged head over heels into the same passionate attitude towards the principles of life and virtue as did Lycurgus and Solon." [273] Hence " we may truly chide all those . . . who like to be another Lycurgus or Solon," [274] because they are but the slaves of external circumstances and, therefore, deserve the contempt of the man who relies solely upon himsel£.[275] Nevertheless, like his master and teacher Epicurus, Metrodorus does not completely deny the practical or pragmatic importance of the State and the legal order. For to him practical politics, the *EJL1THpia* constitutes that organized " power ... which is not contrary to the happiness of the majority." [276]

[27°] Cf. Diog. Laert. 10. ff.-He lived between 331/30 and and was perhaps the most famous teacher of the Epicurean School after Epicurus. Cf. Cicero, *De Finibus* 2. "... paene alter Epicurus ...."

[271] In view of the dominant influence of Epicurus, who actually outlived him and whose *dicta* he often merely repeated, Metrodorus cannot be classified as a truly original thinker. Cf. Plutarch, *Adv. Coloten* 17 fl'.; G. Korte, *Metrodori Fragmenta: Testimonia*

[272] Frag. 39 (Korte).

[273] Plutarch, *op. cit., 33.*

[270] Plutarch, *op. cit.,* 33. Cf. G. Korte, *op. cit.,* 540.

[275] Plutarch, *op. cit.,* 33.

[276] In *Philodemi Volumina Rhetorica* we are also told that politics and statecraft as well as all political power have arisen from custom, history, and practical experience; and that political aptitude must be based on experience and

If *Herculaneum Papyri,* no. 831, can actually be ascribed to Metrodorus, as Korte endeavors to do,[277] then l\1etrodoms would have completely accepted Epicurus' views as to the nature and origin of the *v6p,ot.* This badly mutilated text also speaks of *alrrxpov* as contrasted with the *v0f.Lq? alrrxpov-* of what is shameful or evil by nature as opposed to what is shameful or evil by convention.[278] In addition, we find here a statement expressing the necessity of observing the laws- probably local laws-which have grown out of convention and local custom. And finally, we are informed that the *arrcpaA.eta* or the *'ijv,* the external security necessary for a happy and serene life, is based on law and justice.

Colotes of Lampsacus,[279] likewise an intimate friend and disciple of Epicurus, fully adheres to the latter's opinion that the wise man should, as far as possible, avoid any kind of entanglement in public or civic affairs. But, like his master, he admits that law and order and, hence, the State, as long as they are grounded in the principle of usefulness and expedience, must be considered institutions of general convenience. In his vicious polemics against all non-Epicurean philosophers and philosophies,[280] he also takes issue with certain political and legal theories proposed by some contemporary philosophers whom he fails, however, to mention by name.[281] Against these

the understanding of history, that is, a knowledge of particulars. Philosophy, on the other hand, is merely concerned with universals.-It is quite possible that these passages go back directly to Metrodorus.

[277] In *Philodemi l'olumina Rhetorica* £. 588.

[278] Epicurus speaks of ¢6<Jews *i'iiKcuov* and *volu<JO€v i'iiKcuov.*

[279] Cf. W. Cronert, "Kolotes and Menedemos," *Studien zur Paliiographie und Papyruskunde* (edit. C. Wessely) 2. 5 fl'.; 2. Hi2 ff.; H. Usener, *op. cit.,* 144 ff.; Plutarch, *Adv. Coloten;* Plutarch, *Ne suaviter quidem vivi posse secundum Epicurum;* Macrobius, *De Somnio Scriptionis* 1. 2; Diog. Laert. 10. 25-Plutarch's *Adv. Coloten,* which constitutes our main source of information concerning Colotes, is essentially only a refutation of the latter's work, Sn *Kara ra rwv· a"AA.wv ¢<Ao<J6<j>wv oo"fp,ara* oVIJ€

[280] In Colotes, 5n *Kara rd. rwv aAAwv <j>LAO<JocjJw 00"/P,UTa OVa€ !:iiv*

[281] Plutarch, *Adv. Coloten,* is of the opinion that Colotes turns especially on Bion of Borysthenes, a Cynic, and Antidorus, an Epicurean apostate. Cf. Diog. Laert. 10. 8, where Epicurus is said to have called Antidorus a *<Javvlowpov-a* fawning gift-bearer.-This much, however, seems to be certain: the target of

"prophets of the beastly life" *(fJTJpl.wv* f31.0<;) he points out most emphatically that "those who established the laws, authoritatively declared what is lawful, and set up a sovereign rule over cities or states as well as introduced civil administration, endowed life with a high degree of external security and prevented civic uproars." [282] In short, law and the political order under the rule of law are useful to man and, therefore, desirable because of their expediency and the protection they afford. It is also interesting to note that Colotes does not give any preference either to a monarchic or to a democratic-bureaucratic form of government, a fact from which we may infer that neither he nor Epicurus ever envisioned an ideal State under an ideal form of government. For, according· to Epicurus' basic ideas concerning the origin of the various legal or political orders or organizations, each politically or legally organized society will develop that form of government or that body of laws which, according to time, place, and particular circumstances, is best suited for this society.

Hermarchus of Mytilene, [283] the disciple and successor of Epicurus in the scholarchate, [284] has presented us with a most interesting and astute theory of the origin and evolution [285] of law and justice. [286] Homicide, we are told, is contrary to nature,

Colotes' attacks and vituperations are the Cynics, a fact which might be gathered from the term *87Jplwv* ,Bios-the beastly life--which Colotes uses in orde.r to describe the kind of life lived by his otherwise unnamed opponents. Cf. Diog. Laert. 10. 8, where Epicurus calls the Cynics the *ex8povs* „.?is 'E;>.;>.c£aos-thefoes of Greece.

[282] Plutarch, *Adv. Coloten* (edit. Xylander).

[263] About Hermarchus, also spelled Hermachus,_ cf. ·Diog. Laert. 10. ff.; H. Usener, *op. cit.,* 167; frags. 49; 76; (Usener). As to Hermarchus' writings, cf. Diog. Laert. 10. Seneca, *Epist.* 6. 6; 4.-Hermarchus was already a very old man at the time of Epicurus' death in

[264] Cf. Diog. Laert. 10. where Epicurus in his supposedly authentic last will and testament states that Hermarchus "has grown old with me in the pursuit of philosophy, and is left at the head of the school."

••• *-yev•a.;\o-yla.,* according to Porphyry, in Porphyry, *De Abstinentia* 1. 7; or p. 46, line edit. A. Nauck.

••• This theory is found in Porphyry, *De Abstinentia* 1. Cf. note supra.-Porphyry, in his attack upon Empedocles and the Pythagoreans in general for having taught that man should neither kill animals nor consume meat, heavily

not only because of the fact that all men, due to their physical and mental similarity, are somehow related to one another,[287] but also because the practice of homicide would seriously endanger certain basic interests common to all men.[288] Hence the earliest lawgivers, in full agreement with the fundamental dictates of the law of nature, have declared homicide a sacrilege.[289] Only a few people failed to grasp by themselves the necessity of this, and to understand the common advantage which all men derive from not murdering one another. The many, however, abstained from homicide merely because of the threat of terrible retaliations or sanctions.[290] In other words, the intelligent man, who intuitively realizes that it is to his own advantage to submit to common laws, from the very beginning observed these laws without coercion/[91] while the ignorant person did so out of fear of certain serious and painful consequences or sanctions which had been instituted by a few with the approval of the many.[292] Thus no law or laws-whether written or unwritten-have ever been enacted without at least the silent consent and voluntary submission of those subject to the law or laws, because everyone could at least, if he only tried, understand that the laws and their observance are to everyone's advantage. The ancient lawgivers themselves were not brutal tyrants, but outstanding men of highest intelligence.[293] Their real task consisted merely in reminding the intelligent, but at times forgetful, man, through gentle persuasion rather than

relies on Epicmean views on these matters, and particularly on Hermarchus *(op. cit.,* I. 26, or Nauck p. 58, line 28) or Hermarchus' *hrurroXtKlx. 1repl* 'E!k7re-*lioKX€ovs* (in 22 books). Cf. J. Bemays, *Theophmst uber die Frommigkeit* 8.

As to Democritus' rules against the killing of animals or the consuming of meat-a dogma which in the final analysis is merely the result of his theory of reincarnation (frag. 117 Diels) -cf. frag. 137 (Diels); H. Diels, *op. cit.,* liB 7; 45E (Pythagoras); 21B 129, 4 ff.; Diog. Laert. 8. 36.

[287] Porphyry, *De Abstinentia* I. 7 (Nauck p. 46, lines 29 ff.).

[288] *Ibid.*

[289] *Ibid.*

[290] *Ibid.* (Nauck p. 47, lines 3 ff.).

[291] *Ibid.* (Nauck p. 46, lines 32 ff.).

[292] *Ibid.* (Nauck p. 47, lines 3 ff. and line 11).

[293] *Ibid.,* I. 8 (Nauck p. 47, lines 15 ff.): *if;uxfis, ov PW[L7J uwwzros* • •••

physical force, of the advantages inherent in the law or laws and their strict observation; and in terrifying the ignorant " bad man." [294] In this fashion Hermarchus defines the purpose as well as the necessity of sanctions, adding, however, that sanctions could very well be dispensed with if only men, in equal measure, would grasp and always keep in mind the advantages which the laws afford.[295]

While homicide in any form is absolutely and always contrary to the common advantage of mankind and of society in particular, the killing of animals is definitely in the interest of man [296] and, in many instances, something actually necessary, particularly whenever man's own safety is being threatened by wild animals.[297] Hence the destruction of anything that by its ferocious nature might endanger the well-being of civilized man is but part of man's general defence against whatever could seriously threaten his own safety *(c1a-cpaA.eta)*: **"It** was . . . advantageous to keep away [from enemies], and not to do anything injurious to those who, living in the same land, are joined together in the expulsion of wild animals as well as united in combatting those neighboring tribes which are bent upon doing harm." [298] In other words, social life and

[294] *Ibid.* (Nauck p. 47, lines 16-23).

[295] *Ibid.* (Nauck p. 47, lines 26 ff.).-Hermarchus' insistence upon punishing involuntary homicide *(aKovuws <f>6vos)* is motivated by two considerations: first, such punishment will prevent a premeditated murderer from escaping just punishment altogether by falsely pleading involuntary homicide; and, second, it will have a generally salutary effect in that it will become an effective instrument of reducing the number of actual involuntary homicides. Cf. *ibid.*, 1. 9 (Nauck p. 48, lines 3 ff.).-Plato *(Laws* 860D.) had already distinguished between voluntary and involuntary crimes.

In order to achieve a reduction in the number of homicides, Hermarchus even admits that it would be useful and effective to instill into people the fear of the gods and of divine wrath, something which Epicurus in particular had intended to abolish altogether. Cf. Diog. Laert. 10. 124; 10. 133 ff.; *KVptat /Mea•* 10; 12.

[296] Porphyry, *De Abstinentia* 1. 10 (Nauck p. 49, lines 2 ff.).

[297] *Ibid.* (Nauck p. 49, lines 7 ff.).

[298] *Ibid.* (Nauck p. 49, lines 13-17). Cf. *ibid.* 1. 12 (Nauck p. 51, lines 21 ff.), where Hermarchus, in full accord with *Kvptat* 32, opines that it would be a good thing to enter into agreements with wild animals for the purpose of mutual preservation and protection. Since, however, wild animals are devoid of reason

social conduct are not merely an end in themselves, but something expedient and useful in an effective defense against the inroads of wild animals and hostile neighbors! [99] Even without much ratiocination about utility and expediency in general [300] men actually did recognize the need and advantage of mutual consideration. [301] For otherwise, weakened by fratricide, they would soon become the prey of wild animals or foreign enemies. The lawgiver, therefore, must above all restrain those who are bent upon murder and who thus would weaken the community internaJly in its struggle against wild animals and hostile neighbors. In consequence, the first and basic laws were those which decreed the merciless extermination of all who by committing homicide acted against this fundamental interest of the commonweal. [302]

In opposition to the Cynics, Hermarchus objects to that view which professes that all moral and legal precepts and, hence, all morality and justice (To *KaAov Kat To StKawv)* are but the product of man's personal opinion or the result of human convention. [303] Thus he admits, at least by implication, that there is such a thing as a *Kowov StKawv,* a law common to all men-a natural law-as well as *Kowa StKa,a;* [304] or, to speak with Epicurus, [305] that" in its common aspects, justice is the same for all . . . ; but in its application to particular cases according to time or special conditions, it varies under different circumstances." If, therefore, a man should fail to recognize universally valid rights or a law common to all civil-

and thus incapable of entering into bilateral agreements, we must continue exterminating them for the sake of our own security.

••• Cf. Epicurus, 89.

[300] &l\o7os *p.vfw:q* Tofi *uvp.<p€povTos,* in Porphyry, *op. cit.,* 1. 10 (Nauck p. 49, line 25).

[301] *Ibid.* (Nauck p. 49, lines 17 ff.).

[302] *Ibid.* 1.11 (Nauck p. 49, lines 25 ff.). Cf. Plato, *ProtagOTall* 822D: "... he who has no part in . . . a sense for moral restraint and a feeling for justice shall be put to death, for he is a menace to the State."-In *Laws* 785B ff. he suggests that all disturbing elements should be removed from society.

[303] Porphyry, *op. cit.,* 1. 12 (Nauck p. 50, lines 81 ff.).

[30·] *Ibid.* (Nauck p. 51, line 12).

[305] *Kvp•a•* 86.

ized men, this failure is due to the fact that he erroneously considers these *Ko£va 8l.Ka£a* or the *Kowov 8l.Kawv* as being indifferent *(a8uicf>opa)* and without universal significance.[306] Conversely, certain laws are merely of local validity (To *t8,ov 8l.Kawv),* that is, they are but the products of a particular locality and specific conditions and, hence, are not compelling or valid for those who do not dwell in that particular locality.[301]

On the whole, Hermarchus merely restates the doctrines authoritatively laid down by Epicurus as to the origin, function, and end of law and justice as well as of the politically organized society under the rule of law. Like Epicurus, he emphasizes the contractual nature of laws; and with Epicurus he holds to the distinction between a *Kowov 8l.Kawv* and the *t8£a 8l.Ka£a,* that is, between a law common to all men and a particular justice or legal order adapted to the particular exigencies of a particular time and place. To Hermarchus, as to Epicurus, certain definite sanctions or threats attached to certain laws are only meant to overawe and restrain the ignorant from evil-doing through the fear of dire retaliation.[308] And like Epicurus, Hermarchus conceives the State to be a politically organized society under the rule of law, governed by the basic Epicurean principle underlying all laws, namely, the maxim of expediency and greatest usefulness to the greatest number. In other words, the State is a definite and articulate legal organization backed by the authority of politically organized society. This !ego-political organization, again, has as its ultimate purpose the effective protection of all citizens and their interests or rights against every aggression either from within or from without. Whoever by his asocial conduct seriously weakens the protective power of the State-the first task of all communal organizations-must be punished without mercy.

Polystratus, the successor of Hermarchus in the scholarch-

[306] Porphyry, *op. cit.,* 1. U (Nauck p. *51,* lines 17-21).

[307] *Ibid.* (Nauck p. 51, lines 9-14).

[308] By calling upon the fear of divine wrath as an effective means of social control, Hermarchus goes not only beyond, but actually against, the basic teachings of Epicurus. Cf. note *295 supra.*

ate,[309] has presented us with a remarkable little treatise, "llep£ *dA.oyov* [310] Concerning Unwarranted Disdain."[311] The third part of this work deals with the nature and validity of the concepts or conceptions of the *KaAov* (good, beautiful, right) and *aluxpov* (shameful, wrong, evil). Polystratus' anonymous opponents,[312] against whom this treatise is directed, claim that these two concepts-on which, in the final analysis, not only the law or laws, but also justice, the legal order, and politically organized society rest-are based merely on convention, personal opinion, and circumstance rather than upon nature (c/Jvuet). Hence they have no real validity or significance, and should, therefore, be completely ignored.[313] To this Polystratus replies[314] that such a philosophy, if actually carried into practice, would have disastrous consequences. For it would cause its proponents to be expelled from any society, unless, driven by dire necessity, they would in fact refuse to live up to their own theories or convictions. When dealing with such problems the true philosopher always keep in mind the relativity-or relational nature-of all things; for different things affect different people differently. Nevertheless, the empirical fact or truth that we have such concepts as the *Ka'Aov* and *aluxpov* cannot be denied.[315] Neither can we deny

[309] Diog. Laert. 10. is not certain whether or not Polystratus was a personal disciple of Epicurus.

[310] In *Vol. Hercul.* 4 (edit. Th. Gomperz), in *Hermes* 11 (1876) 399 ff.; and *Hermes* lZ (1877) 510 ff. Cf. K. Willke, *Polystrati Epicurei 7rep1 aAO')'OV KarappovfJ!IeWS Libellus;* R. Philippson, "Polystratus' Schrift tiber die grundlose Verachtung der Volksmeinung," *Neue Jahrbucher fur das klassische Altertum* and (1909), no. 7. 487 ff.

[311] This little pamphlet carries the subtitle *7rep1 aM')'ov KarappoviJIIews lv TOLS 7i"OAAOLS* *the Unwarranted Disdain of Popular Opinion.* Obviously, this subtitle, which is based on **col.** 14 a *Q; QQ* a *Q;* and *Q3* b 13, constitutes a later addition.

[312] Col. lQ b l fl.-Obviously Polystratus' opponents and the target of his attacks are the Cynics, the "foes of Greece" as they are called by Epicurus. Cf. Diog. Laert. 10. 8.

[313] Col. 13 a 13.

[314] Col. 13 b 10-14 b 9.

[315] Col. 14 b 10-18 b S.

the empirical fact or truth that such a thing as human action or conduct exists, a conduct, that is, to which the concepts of *KaAov* or *alaxpov* are related. Now the righteousness or uprighteousness of any actual conduct is determined by its usefulness. And usefulness, although its. particular nature and may vary under different circumstances, is, nevertheless, something empirically true and actual, and subject to empirical analysis.[316] To ignore these obvious empirical truths and, by doing so, to criticize the " moral genius " of the people, who in such matters always shows sound judgment, is the acme of folly and will, in due time, lead to most unpleasant experiences.[317]

In order to gain a profounder insight into the nature of law, right, and justice, Polystratus attempts to understand thoroughly the " legal genius of the people " of a given time and place [318]—a genius, that is, which unfolds and manifests itself in the commonly voiced and generally upheld legal polity or jurisprudence of a given people. For this " legal genius " is but the product of a slow and deeply rooted evolution or evolutionary conviction which in itself is but a part of " natural empirical truth." This definitely " conservative reverence " for, established legal tradition voiced by Polystratus seems to imply that he preferred [319] the "law that is" to any extensive philosophical speculation as to the " law that ought to be." Already, with Epicurus, we discovered that "should the expediency which is expressed by the law vary and only for a time correspond with the prior conception [of expediency], nevertheless for the time being it is just law, so long as we do not trouble ourselves with empty words, but simply look at the facts." [320] In other words, the reverence for the existing and

[316] Col. 18 b 8-18 b 11.

[311] Col. 18 b a 1.

[318] On account of this procedure or method, Polystratus might be called the first known representative of the so-called " Historical School of Jurisprudence."

[•••] This preference might have its psychological origin or motivation in the fact that that any disregard of, or contempt for, the existing laws or the enforced Jegal order is frequently the cause of dire and painful consequences.

[80°] *Kvpuu* 87.

established laws to no little extent relegates the philosophical element of jurisprudence to a secondary position. For in some way this type of thinking, which directs all legal thought towards a definite positivistic treatment of the actual reality of the law, always remains opposed to any theorizing about the ideal meaning, function, or end of law. Nevertheless it cannot completely dispense with, or repudiate, every philosophy or philosophical evaluation. What it repudiates is merely a value differentiation or distinction between the various historically developed and accrued legal systems. In short, to Polystratus all legal systems which express the " legal genius " of a people and sound common views as to the nature of law, right, and justice, are true and, hence, good or just, because they are the product of a natural or normal growth. [321]

It is commonly accepted that Cicero's information concerning Epicurean philosophy of law [322] is based upon his personal acquaintance with Zeno the Epicurean, [323] Siro, [324] Phaedrus, [325] and perhaps Philodemus. [326] Thus it is permissible to assume

[321] Cf. col. 18 a 14 fl'.-Undoubtedly, Epicurus' statement (in *l<vpuu* 33; 36; 37; 38) that the particular *P6pm* or the justice prevailing among different peoples or nations has been conditioned by time, place, and special circumstances, contains the root of the basic ideas underlying the " Historical School of Jurisprudence " so vigorously advocated by Polystratus.

[322] Mainly in *De Finibus* 1. 16.50-53.

[323] Also called Zeno of Sidon. He was a disciple of Apollodorus who had the surname of O *KrJ7rorvpa.vvos-"* the tyrant of the Garden." Cf. Diog. Laert. 10. 7. *35.* In 79/78 Cicero and his friend Atticus attended Zeno's lectures in Athens. Cf. Cicero, *De Finibus* I. *5.16; Tuscul. Disp.* 3.17. 38; *De Natura Deorum* l. 34. 93. Cicero also calls him the *"princeps Epicurem"Um."* Cf. *De Natura Deorum* l. *59, Tuscul. Disp.* 3. 17. 38. Diogenes Laertius refers to him as a voluminous writer. Cf. 10.

[324] Also spelled Sciro, Syro, Scyro, or Sirio. Cf. Cicero, *Acad.* 2. 33. 106; *De Finibus* 2. 35. 119.-According to Vergil, *Catal.* 7. 9; 10. l, he was Vergil's teacher.

[325] A teacher of Cicero in Athens. Cf. *De Natura Deorum* I. 33. 94; *De Finibus* I. *5.* 161; 5.1. S; *De Legibus* I. 53. According to *Ad Familiares* 13.1, Cicero also attended his lectures in Rome which were delivered there about the year 90 B. C.

[326] Cf. R. Hirzel, *Untersuchungen zu Cicero's philosophische Schriften* 687 fl'.; H. Usener, *op. cit.,* In *De Finibus* 119, Cicero speaks of "our excellent and learned friends Sirio and Philodemus," while *ibid.,* I. *5.* 16, he mentions Zeno and Phaedrus.

that Cicero essentially only restates the teachings of Zeno and his disciples.[327] According to Cicero or his authority, Epicurean justice is closely :related to pleasure:

> Not only does it *[scil.* justice] never cause any harm, but, on the contrary, it always adds some benefit, partly owing to its essentially pacifying influence upon the mind *(quod tranquillet animos)* , partly because of the hope it warrants of a never-failing supply of the things that an uncorrupted nature really needs ....[328]
>
> Unrighteousness *(improbitas),* when firmly rooted in the heart, causes restlessness by the mere fact of its presence; and if once it has found expression in some act of wickedness, however secret the act, yet it can never feel assured that it will always remain undetected.[329]

Besides the threat of secular punishment by their fellow men, the unrighteous" still dread the gods, and fancy that the pangs of anxiety gnawing at their hearts night and day are sent by Providence to punish them."[330] And besides the burden of a guilty conscience and the penalties of the law *(poena legum),* the malefactor gains nothing but the hatred of his fellow citizens *(odium civium)* .[331] "Men of sound natures, therefore, are called upon by true reason to conduct themselves according to the dictates of justice."[332] But " justice cannot properly be said to be desirable in and for itself;[333] for it is so because it is so highly productive of gratification *(quia incunditatis vel*

[327] It should also be remembered that some of Philodemus' teachings are merely restatements of Zeno.

[328] Cicero, *De Finibus* I. 16. *50.*

[329] *Ibid.-Cf.* Epicurus, *Kvptat 35;* 34. It should be noted that, according to Zeno, unrighteousness of the heart, even before turning into an evil deed, is already the source of restlessness and unhappiness. Cf. *KVptaL* 17: "... the unjust is full of utmost restlessness. . . ."

[330] Cicero, *De Finibus* 1. 16. *51.* Already Hermarchus (Porphyry, *De Abstinemtia* L 9), in opposition to the general Epicurean teachings, had pointed out the practical usefulness and restraining influence of religion and religious fear in the prevention of crime.

[331] Cicero, *De Finibus* I. 16. *51.*

[332] *Ibid.,* I. 16. *52.*

[333] Cf. Epicurus, *KVpLaL* 34: "Injustice is not in itself an evil, but only in its consequences ...."

plurimum ajjerat) . For esteem and affection are gratifying, because they render life safer and richer in pleasure." [334]

"Hence we hold that unrighteousness is to be avoided not simply on account of the disadvantages that :result from being unrighteous, but even far more *(sed multo etiam magis)* because when it dwells in the hearts of man it never suffers him to breathe freely or to know a moment's rest." [335] In other words, Zeno, or whoever supplies Cicero with this information, definitely rejects Epicurus' statement [336] that fear of subsequent detection and physical punishment constitutes the main and perhaps sole reason why the average person refrains from doing evil. In place of fear as the determining motive, Zeno substitutes the public esteem which the righteous and just man will most surely inherit from his righteousness, and the general hatred and contempt which is the sure reward of the unrighteous and unjust man for his unrighteousness. In his belief in the efficacy of such means of social control as the pangs of conscience and the wrath of the gods, which are but the wages of unrighteousness, Zeno definitely goes beyond Epicurus. [337]

Perhaps also under the influence of Zeno, but definitely antagonistic to the general Epicurean tradition, are those passages from Cicero's *De Legibus* [338] which call it a" most foolish belief that everything found in the customs, institutions, or particular laws of the various peoples or nations is absolutely just. [339] For, "i£ justice is but conformity to written local laws

[33]. Cicero, *De Finibus* I. Hi. *53.* [335] *Ibid.* ••• *Kvpta<* 34; *35;* 17.

[337] W. Cronert, *Kolotes und Menedemos* 24, reconstructs the text of papyr. 1005, col. 7, lines 18 ff., to read as follows: "[Zeno] also expurgated (or, re-edited, [some *dicta]* inserted into the *[dptat* insistence that the pangs of moral conscience or the fear of divine wrath are effective means of social control might be part of Zeno's effort not only to re-edit but also to add some new ideas to the original *Kvpta<* [838] Cicero, *De Legibus* I. 15.

[889] Obviously this passage refers to the idea voiced by some Epicureans (Polystratus, for instance) that local laws are just because they are the product of such natural factors as time, place, and particular circumstances; in other words, they are the product of a natural and normal historical growth in which the "legal genius" of a particular people manifests and unfolds itself. And this " legal genius " itself is something which is likewise conditioned by time, place, :and circumstance.

or certain special institutions or customs of the different nations -and if, as some persons claim [no doubt, the Epicureans], everything is to be tested by the standard of utility *(utili tate omnia metienda sunt)* , then anyone who thinks it will profit him, win, if he is able to do so, disregard and violate the laws." [340] Should this passage from the *De Legibus* actually have been inspired and, hence, directed against Zeno, then we may safely assume that the latter also belonged to that group of Epicurean thinkers who, like Polystratus, firmly believed in what we may call the "historico-philosophical approach to jurisprudence!' [341]

Philodemus of Gadara [342] insists that the true philosopher-and we may assume here that he means the Epicurean philosopher-is by the very nature his general attitude towards life better adapted to live successfully within the politically organized society than the ever orating politician. [343] Because the latter, while seeking publicity and public acclaim, will sooner or later arouse envy enmity and, although he might be motivated by the noblest of intentions, is often banished or even killed by his fellow citizens. Nevertheless, it is advisable that even the philosopher, although he would fare better, should refrain from entering public life or engaging politics. [344] By abstaining from every fo:rm of political activity the philosopher will above all gain the lasting esteem of his fellow citizenso

[34°] Cicero, *De Legibus* l. *15.* 4\!.

[3 ···] Needless to say, this manner of approach to the problems of law and jurisprudence, at least by implication, in a most general way had already been suggested by Epicurus himself. Cf. *KVptat* 33; 36; 37; 38. cr. note 3\!1 *supra.*

[342] He lived in Rome during the time of Cicero, who praises him as " an excellent and learned man." Cf. *De Finibus Z.* 35. 119. Of Philodemus' philosophical works no less than 36 have been found in Herculaneum. Cf. *Vol. Hercul.* 4. Aside from earlier but rather unsatisfactory attempts, S. Sudhaus, in *Philodemi Volumina Rhetorica,* !i! vols. and *suppl.,* edited Philodemus' writings on rhetorir which also contain his views on law and the State.

[343] In this Philodemus definitely differs from Epicurus, who insisted (frag. 187, Usener) that the politicians who have an understanding of particulars and of history, are better suited to enter public life than the philosophers who are primarily interested in universals, first principles, and abstractions.

[344] S. Sudhaus, *op. cit.,* L \!34. Cf. *ibid.,* \!. 147; Epicurus f:rags. 8; 548; *554;* 132; 133 (Usener).

For " even if the philosophers do not become entangled with politics, they are of much greater assistance to their country in that they instruct youth to observe the laws which have been enacted for the common welfare." [345] " In this manner the philosophers tum bad men into accomplished and law-abiding citizens who are not spiteful, but sociable. . . ." [346]

The wise and intelligent man will submit spontaneously and without coercion to the dictates of justice: " It behooves one who knows to be 'obedient to the whole law ... but only to obey ... , not because of the laws as such, but rather because of the advantage which such conduct entails for the commonweal." [847] Here again we encounter a theory of law which seems to be rather " classical " with the Epicureans, namely, that the law is a threat which materializes in case of a conduct contrary to that demanded by a definite and detailed law. This threat the wise man does not fear, because he understands the meaning of the principle of common advantage and, hence, will on his own free determination abide by the established laws. Only the ignorant or perverted person experiences the laws as a system of threats.

In a most interesting passage Philodemus discusses a problem which is very much akin to the old controversy between theory and practice, in other words, between " the law in the books " and " the law in action." He is quite conscious of the fact that philosophers often have been accused of having declared that certain common and established notions of right and wrong, lawful or unlawful, are actually contrary to nature and reason. Thus they were often suspected not only of endeavoring the devise entirely new laws, but also of despising the existing ones.[348] But even though these philosophers might be capable of imagining supposedly " more just laws," their efforts are truly of little significance because society as

••• S. Sudhaus, *op. cit., !t.* 155.

••• *Ibid.,* 2. 188. Cf. 2. 162.

"" *Ibid.,* 1. !t88.

···8 This seems to be a revival of the argument proposed and expounded in Polystratus' *Concerning Unwarranted Disdain of Popular Opinion.* Cf. notes 810 and 811 *supra.*

a rule rejects their proposed innovations or reforms. Moreover, should they themselves attempt to act in accordance with their novel ideas, they would most certainly find themselves confronted by solid popular antagonism. [349] For such conduct, even if it were prompted by the most lofty ideas o:r ideals, would be definitely contrary to the existing laws, the strict observance and enforcement of which is always insisted upon by the people in their popular demand for law and justice. [350] Hence the true philosopher fully accepts as being just o:r unjust, lawful or unlawful, whatever the established and deeply rooted popular jural tradition considers as such. [351] He only differs from the rest of the people in that he does this on :rational rather than on emotional or sentimental grounds; and in that he is always fully conscious of the rational meaning of the terms " just " or " unjust." [352] And unlike the vulgar masses, he does not consider public offices and the like a means to achieve real happiness and contentment. [353]

In complete accord with the people-the " legal genius " of the people-the true philosopher will always agree with the popular conceptions of the nature of laws, right, and justice, the more so, since these conceptions, in the final analysis, are always the product of natural and, hence, true insights into what constitutes common usefulness and expediency. He might, however, at times disagree about certain questions of fact to which these conceptions are related or applied, and voice his dissenting opinion as to what is most expedient and useful to the community in a particular instance. [354] Thus, although he may at times differ from popular opinion in some minor detail, the Epicurean .philosopher in all essential matters fully shares the existing popular views as regards law, right, and justice. In other words, he completely identifies himself with the " legal

[340] S. Sudhaus, *op. cit.,* 1.

[350] *Ibid.,* 1.

[351] The influence of Polystratus on Philodemus is here more than obvious.

[352] S. Sudhaus, *op. cit.,* I. Cf. Hermarchus, in Porphyry, *De Abstinemtia* 1. 8 (Nauck 47); *ibid.,* I. 10 (Nauck 49).

[353] S. Sudhaus, *op. cit.,* 1.

[354] *Ibid.,* I.

genius " of the people. He is not one who despises or combats the legalistic tradition of a certain people, but rather one who has always in mind the principle of social or common usefulness--one who acts in full accordance with this principle which, after all, finds its most telling expression in the " legal genius " of the people. In this fashion the true philosopher carries on the legal tradition of the people which is based upon the principle of common usefulness and expediency.[355]

Thus it seems that Philodemus considers any and every historically developed, accrued, and generally accepted body of laws as being good and just. Because whatever is the product of natural evolution and the unfolding of the ever mounting human intelligence, or the manifestation of the" legal genius" of the people, cannot be contrary to reason and truth. Reverence for the existing legal order merely because it exists as the result of natural evolution-a reverence which at times transcends all philosophic criticism or evaluation-is the true hallmark of the "Historical School of Jurisprudence." Reverence of what " is," instead of a philosophic quest for what " ought to be," forms the basic attitude of this type of lego-philosophical thinking which could very well be called " jural quietism " or " legal pietism." Hence we might also understand why Philodemus is so strongly opposed to radical reforms or innovations as well as to sudden changes of the legal order;[356] and why he has such a high esteem for the inner and silently working forces of the " legal genius " of the people.

Philodemus rejects the notion that the basic precepts of law and right could ever vary to the extent to which certain customs or local usages change according to time, place, and circumstances. He points out most emphatically that, from the very beginning of human civilization everywhere, that which is common to all peoples or by the use of which all people resemble one another, has been considered by the rulers as well as the ruled to be *To cpva-et 8£Katov Kat «aMv* (that which

••• *Ibid.,* 1.
••• *Ibid.,* I. I. !t. 147; 2. 158; 2. 188; *155.*

by nature is right and good).[357] Hence Philodemus definitely acknowledges the existence of a natural law, of a *cfn}cu.t 8iKawv* which to him is but that of which all peoples make use/[58] and by the common use of which all peoples resemble one another. This natural law, in turn, consists of the *Kowa 8£Kata* which are accepted and practised by all civilized nations. But in order to cope with particular conditions resulting from differences in time, place, or special circumstances, each nation or people has developed its own *ZSta oiKata* which are, in the final analysis, but the various adaptations of the *Kotva 8iKcua* to particular instances, localities, or times. Consequently the *ZSta oiKata* must vary, and actually vary, under different circumstances, a fact which is completely according to nature.[359] In some instances these *Z8ta OtKaw* become the *vop.to-(N.vm SiKata,* the enacted particular laws and rights backed by the authority of the politically organized society which enacts them.

Philodemus is fully aware of the fact that the *ISW. OtKata* as well as the *vop.to-(Jf.vm StK.ata* or the *v6p.ot* are not always in complete agreement with basic dictates of the (or *cpvm:w<>) SiKawv,* the natural law or the law common to, and commonly used by, all nations and peoples. Nevertheless, he insists that we must abide by these *iSLa 8iKaLa,* even though we may not always consider them fair and just, or else leave the country.[360] For if we do not think that we possibly could live happily under such laws, or obey these laws without coming into conflict with our conscience-if, in other words, we do not feel that we should respect these laws out of our own free will and without compulsion-we had better move to another country. Only by strictly complying with the established laws of whatever community he happens to be a member, will the philoso-

[357] *Ibid.,* 1. *fl59.*

[368] This is simply the Roman Law definition of the *ius gent-ium.* Cf. *Digest* 1. 1.1 De justitia et jure 2; *Institutes* I. 2 De jure naturali, gentium et civili: *"Jus gentium est quo gentes humanae utuntur."-It* should be remembered, however, that in Pre-Justinian jurisprudence the *ius gentium* and the *ius naturale!* were often completely identified: *naturale (scil., ius) etiam dicitur ius gentium.*

••• S. Sudhaus, *op. cit.,* I. 259. Cf. Epicurus, *KVp<a< 35.*

[360] S. Sudhaus, *op. cit.,* I. 259. Cf. Plato, *Crito 5£D.*

pher not only gain the confidence and the admiration of his fellow citizens, but also prove himself a most useful and respected citizen. But he will, as much as possible, refrain from entering public life, and limit his civic activities to the quiet education of youth. For he is not really equipped to become a "politician" or to lead the people in political matters.[361] As a rule he lacks that particular gift of the true politician which consists in a thorough knowledge not only of the pedple's various moods or, as we would say today, the psychology of the masses,[362] but also of the intricate art of legislation. For the laws, aside from certain general and universally valid precepts, contain also certain particular provisions which take into account particular situations with which only the politician, but never the philosopher, is thoroughly familiar.[363] The philosopher always looks at universals, and his main interest is focused on the application of logical principles. The successful politician, on the other hand, is primarily concerned with particulars. Hence the good politician or statesman must be a man of extensive practical experience backed by a thorough knowledge of history,[364] while the true Epicurean philosopher actually despises historical knowledge.

In his *De Rerum Natura/*[65] Book V, lines *925* ff., Lucretius presents us with a vivid description of the natural origin and development of law and soCialorder, an account which in many respects, although more elaborately, reiterates the version

[361] S. Sudhaus, *op. cit., it.* 1it: " The word of the wise man does not reach the masses- - - - " Cf. *ibid., it. it9; it.* 88; *it.* SO.

[362] *Ibid., it.* 1it il'.

[363] *Ibid., it.* 41 ff.

[364] *Ibid., it.* 81. Cf. *ibid., it.* itOS; *it.* it08 fl'.; *it.* it45.-Philodcmus also points out that the politician does not stand in need of philosophy *(ibid., it. itit5; it.* it67), although philosophy and philosophical training might prove a valuable ·and useful asset in all public functions. Cf. *ibid., it.* it71.

[365] Cicero, in his *Epistola* to his brother Quintus, frag. *it.* 9. S., says about the *De Rerom Natura: "Lucretii poemata, ut scribis, ita sunt, multis luminibus ingenii, multae tamen artis. - - -* "

The *De Rllll'Um Natura* closely adheres to the basic ideas and views laid do'wn by Epicurus. Thus even its title is but a Latin translation of Epicurus' work *1repl* Many passages in the *De Rerum Natura* actually are notlting else than literal translations from the Epicurean original.

found in Hermarchus. In the most primitive stage " men could not have conceived of any kind of communal good. Neither did they know among themselves of any customs nor use any laws." [366] But soon " they began eagerly to unite themselves in friendship, in that neighbors strove not to injure another or to be injured; and they asked protection for their children and womankind." [367] And they resolved " that it was right to pity the weak." [368] In this manner " concord could not altogether be brought about, but a good part, and the majority kept the covenant unblemished. . . ." [369] In short, social life begins to evolve in a natural way through the practice of the first dictate of natural social reason which demands that men mutually desist from injuring one another. In the further development of this polity, men of excellence [370] became rulers who founded cities and established private property. [311] This relatively happy era did not last, however: greed and envy as well as unbridled ambition caused its rapid decline and early fall. [372] The rulers were slain, [378] and" things came to the uttermost dregs of confusion," [374] thus forcing the people themselves to assume absolute sovereignty and power. [375] Then there arose some " who taught the people how to create magistrates and establish laws and rights, so that the people might desire to make use of the laws." [376] Tired of brutal force and arbitrary

••• *De Rerum Natura 5.* 958-959: ·• *Nee commune bonum poterant apectare neque ullis moribua inter se scibant nee legibua uti."*

••• *Ibid., 5.* 1019-1021: "... *inter se nee laedere nee violari."* This is essentially nothing else than a translation of Epicurus' formula: *p.;q pxa..,...,.etJJ dXXoqXovs p.'fllie fJM.7rreu8at.*

••• *Ibid., 5.* 1028.

••• *Ibid., 5.* 1024-1025: "••. *sed bona magnaque pars servabat foedera caste."*

••• *Ibid.,* 5.1106-1107: "... *bmigni ingenio qui praestabant et corde vigebant*. . . ." Cf. Hermarchus, in Porphyry, *De Abstinentia* I. 8 (Nauck p. 47, lines 151f.): *t/JpoJJoquet 'if;vxf}s, o6 pwwo uwp.11.ros.*

[871] *De Rerum Natura 5.* 1108-1110.

"'"*Ibid., 5.* 1118-1185.

au *Ibid., 5.* 1141.

[878] *Ibid.,* 5.ll86.

••• *Ibid., 5.* 1142.

••• *Ibid.,* 5.1148-1144; "•.. *iuraque constituere, ut vellent legibua* uti."-The " established laws and rights " are but Epicurus' *JJop.tu8eJJra liLKa.ta* (in: *Kvptat* 81), that is, rights backed or secured by the authority of politically organized society. Hence these established rights are contrasted by the *q,6uews lilKatoJJ.*

regimes,[377] the human race by its" own free submitted to the rule of law and to strictly defined and delimited rights "[378] which had sprung from *communia foedera pacis.*[379] Thus law and order not only replace tyranny and bloody personal feuds,[380] but also exercise a restraining control over man in that the laws enunciate certain threats or sanctions which no evil-doer can hope to escape forever.[381]

Unfortunately, we do not possess any of the writings either of Dionysius, the successor of Polystratus in the scholarchate,[382] or of Basilides, who succeeded Dionysius.[383] Likewise we are completely uninformed about the teachings of Protarchus of Bargylium[384] and his disciple Demetrius the Laconian;[385] nor do we know of those of Apollodorus, the author of over 400 books[386] and the teacher of Zeno of Sidon. Of some minor Epicureans, who might have been the source of valuable information, little more than their names have come down to us.[387] Hence there is a gap of nearly one hundred years between Polystratus and Zeno of Sidon. The first serious attempt to

[377] *Ibid., 5.* 1146 ff.; *5.* 1148 ff.

[378] *Ibid., 5.* ll47: "... *sponte sua cecidit sub leges artaque iura."*

[379] *Ibid., 5.* 1155.-These *"communia foedera pacis"* are nothing else than Epicurus' *11'vv0f}K'YJ inr"Ep roil l"'iJ {lha1rre<P f'1JOe f3"1\a7rreCieru,* in *Kvpw.,* 33.

[380] *Ibid., 5.* 1148 ff.

[381] *Ibid., 5.* 1151 ff.: " Hence comes fear of punishment that taints the goods of life; for violence and injury enclose in their net all those who do such things and generally return upon him who began it all; nor is it easy for one to pass a quiet and peaceful life whose deeds violate the bonds of common peace. For even if he hide it from the gods and from men, he must yet be uncertain that it will forever remain hidden."-These passages strongly remind us of *d;p<a< 35;* 34; 17 (cf. notes 193, *195,* and 196 *supra),* of Zeno, in Cicero, *De Legibus* I. 16. 50 (cf note 329 *supra),* and of Hermarchus, in Porphyry, *DeJ Abstinemtia* I. 8 (Nauck p. 47, lines 26 ff.); I. 9 (Naud: p. 48, lines 3 ff.; cf. notes 295 and 308 *supra).*

[382] Diog. Laert. 10. 25.

[383] *Ibid.*

[384] Strabo 14. 2. 20.

[385] Diog. Laert. 10. 26; Strabo 14. 2. 20; Sextus Empiricus, *Pyrrhonia* 3. 137; *Adv. Math.* 8. 348; 10. !Wl.

[386] Diog. Laert. 10. *25.*

[387] The two Ptolmys of Alexandria, Orion (cf. Diog. Laert. 10. 26), Diogenes of Tarsus (cf. Diog. Laert. 6. 81; 10. 97; 10. 118 ff.; 10.136; 10. 138), and Timagoras. Cf. Cicero, *Acad.* 2. 25. 80; Stobaeus, *Flmilegium* 4.173.

introduce Epicurean philosophy into Rome [388] seems to have been made by C. Amafinius [389] (around 150 R C.), who soon gained many followers, mainly on account of the simplicity of his Latin version of Epicurean texts. [390]

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Perhaps no philosophical school adhered more strictly to the original tenets laid down by its founder than the Epicureans, Epicurus himself is said to have been so dogmatic and so thoroughly convinced of the excellence of his *dicta* that he insisted that his disciples should memorize them. [391] In view of the fact that he enjoyed a reverence among his followers more becoming to a god [392]-something to which he seems to have been not entirely averse-it is not altogether surprising that his disciples did not dare to change, challenge, or even modify to any noticeable degree the original teachings of the venerated master. [393] In their continuing efforts merely to restate or paraphrase the " Sovereign Maxims " of the master. his pupils were not inclined to pay any attention to the ments of other philosophical schools; nor apparently were they capable of appreciating the ideas of other thinkers. [394] Barring two known minor exceptions, we should not marvel, therefore, that also in matters concerning the nature, function, and origin of law, right, and justice as well as politically organized society

[388] According to Athenaeus, in *Deipnosophistae* 12. 547A, under the consulate of L. Postumius (173 or *155* B. C.), the two Epicureans (or Cynics) Alcius and Philiscus were expelled from Rome on account of the bad influence their teachings had on Roman youth. Cf. Diog. Laert. 6. 80; Julian the Apostate, *Oratio* 6.

[389] Cicero, *Tuscul. Disput.* 4. 3. 6; 4. 3. 7.

[390] *Ibid.,* 4. 3. 7.

[391] Diog. Laert. 10. 12; 10. 83; 10. *85;* 10. *35* ff.; Cicero, *De Finibus* 2. 20.- Epicurus' last exhortation to his disciples was *TWP oo-yp.a:rwv p.ep.viJrrOat.* Cf. Diog. Laert. 10. 16.

[302] Cicero, *De Finibus* 2. *3.* 7; Plutarch, *Adv. Coloten* 17. *5;* 17. 4; *Ne suaviter quidem vivi posseJ secundum Epicurum* 18. *5;* Lucretius, *De Rerum Natura* 1. 62 ff.; *3.* 1 ff.; 3. 1010 ff.; *5.* 1 ff.; 6. 1 ff.

[393] Cf. Seneca, *Epist. 33.* 4; Eusebius, *Praeparatio Evangelica* 14. *5.* 3 fl'.

[394] Cicero, *De Natura* Deorum 2. 29. 73; 1. 34. 93; *Macrobius, De Somnio Scipionis* L 2. Cf. Diog. Laert. 10. 8.

under the rule of law, his disciples did not endeavor to deviate from the basic principles and directives authoritatively laid down by Epicurus. These minor modifications appear in the fact that Hermarchus and Zeno regard the fear of divine wrath and retaliation as an effective means of social control-something which Epicums himself had expressly set out to deny.[395] Perhaps the most noteworthy Epicurean contribution to legal philosophy must be sought for in the discovery, particularly by Polystratus, and after him Philodemus, that the various laws or legal systems of the different nations or peoples are but manifestations or the unfolding of what we might call the natural " legal genius " of the people, prompted by such determining factors as time, place, and particular circumstances. In this fashion Polystratus initiated an approach to the problem of jurisprudence which much later became the hallmark of the so-called " Historical School." But even this approach of Polystratus is not as original or heretical for an orthodox Epicurean as it might appear at first sight. For the very nucleus of such notions is already implicitly contained in Epicurus' *K:vpuu*[396]

This general lack of genuine philosophical productivity among the followers of Epicurus; this inability or unwillingness to build upon and expand the foundations laid by the master is in itself the most eloquent condemnation of the philosophical content of Epicureanism. The mere mechanical repetition of memorized statements or sentences does not speak well for the philosophical ability of the disciple. The profession of abject loyalty to the founder of a school of thought can hardly be considered sufficient compensation or excuse for the mental laziness of the pupiL A philosophy which fails to stimulate the disciple to intellectual originality or intelligent independence; which,in other words, calls for accurate scholiasts rather than productive thinkers, somehow condemns itself. Although Epicureanism probably contributed least to the ad-

[396] Diog. Laert. 10. *KVptcu* lfl; *et passim.* ••• *Kop•a•* 33; 36; 87; 88.

vancement of ancient philosophy, it became not only the most widespread and enduring of the many schools of Hellenistic or Roman thought, but also the philosophy which most stubbornly held on to its shallow teachings. This phenomenon can only be explained by the fact that in its shallowness Epicureanism was mentally, morally, and politically best adapted to an era of political giantism, to an era, that is, which in its tendency towards political bigness for its own sake, called for and promoted individual shallowness and smallness.

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BOOK REVIEWS

St. Thomas and the Existence of God. Three Interpretations. By William Bryar. Chicago: Henry Regnery Company, 1951. Pp. $5.00.

To date, the role of modern logic in the development of Thomistic thought has been little more than negligible. The work of I. M. Bochenski in logistics has thus far been the dominant contribution, and that mainly in the history of formal logic. Now we have another significant study in the field of semantics, this time by a student of Rudolf Carnap and pointed directly at clarifying the *prima via* of St. Thomas. The result is as stimulating as the enterprise is unexpected.

By reason of its heterogeneous background, Mr. Bryar's book is one that can be easily misunderstood. It must be read in the context of modern logical thought, particularly in the light of recent theories propounded by the University of Chicago school. Even then the mixture of scholastic terminology and technical expression peculiar to semiotics is a fecund source of confusion. Add to this the fact that the study is tentative, exploratory, and employs a style of writing that is so " conscious of itself " as to be extremely artificial, and the difficulty of comprehending the thesis becomes not inconsiderable.

Yet the author sincerely addresses himself to a real problem that has merited the attention of numerous commentators in the Thomistic tradition. Moreover, he claims to throw light on the meaning of a most important text of the Angelic Doctor. For these reasons, if for none other, his work merits analysis and evaluation from the viewpoint of traditional logic.

The complexity of Mr. Bryar's argument suggests that an exposition first be made of his general position and source material, then a description of the technical details of his systematic interpretative study, and finally a summary of his conclusions. These will then be set off against the traditional position in an attempt to evaluate the work as a contribution to current Thomistic thought.

* * *

The general position of the author may be highlighted by the following observations. He is not concerned directly with demonstrating God's existence. Rather he limits himself to the precise logical study of analyzing the meaning of St. Thomas' text, determining presuppositions and basic options, and ascertaining the interpretation of the *prima via* most consonant with his findings. His work is descriptive and explicative, not

argumentative. He does not reject traditional interpretations, nor does he intend to supplant them with this study. His aim is simply to elaborate a more or less neutral interpretative mechanism that would reconstruct the thought process implicit in St. Thomas' work. This he attempts through a study of the structure of the first twenty-six questions of the *Prima Pars*, which is the basis for his systematic interpretative study. The latter is only a hypothetical construction; yet it suggests three lines of meaning implicitly contained in St. Thomas' argument from motion. Thus the author concludes to a pluralistic interpretation of the *prima via.*

The implementation of Mr. Bryar's theoretical plan depends heavily on his source material, viz., an analysis of the tract in the *Summa* entitled *De Deo Uno*, and, to a somewhat lesser extent, an exegesis of chapter thirteen of the first book of the *Contra Gentiles* (Appendix I). Space limitations prohibit an extensive report on either of these studies, yet some illustrations from the former will be of interest.

For instance, relative to I, q, 2, a. 1, the author contrasts St. Thomas' fundamental option with one that would allow self-evident knowledge of God. As to a. 2, he notes that it builds up a knowledge of God's existence which is taken to involve no knowledge of God's essence, and he is prompted to ask what function demonstration *quia* will have in the case of setting up different answers to the question *quid sit.* Apart from the five ways in a. *3,* he observes from the objections that St. Thomas takes a

> enough field of vision to embrace a God whose infinite goodness would exclude all evil from the world, or a God related to the world as nature to aU natural things. The particular problems on the ways roughly divide into having them say too little or too much. Particularly in view of the subsequent development in the tract, the meaning of God seems to Mr. Bryar to be too big for any demonstration working up from the effects of God. Yet, at the other extreme, the premises of the fourth way are so broad as to admit a whole host of dubious or false statements of entities. (pp. l-14)

Moving into the tract, the author keeps an eye on the terms that are henceforth denied of God-moving, caused, contingent, limited, ignorant. His anlaysis is directed at disclosing certain families of terms which work up from creatures to God, and questioning how we can derive by argument meaning or content which were not originally put into them. Questions 3 and 9 are subjected to dose scrutiny in the process. Mr. Bryar asks with respect to q. 3 what is the basic framework which determines the particular alternative formulations suggested by St. Thomas in each article. He notes a gradual growth and consequent wealth in the meaning of " simplicity " as the question progresses, and is led to investigate the .source of this meaning. (pp.

Similarly, as to q. 9, he notes that in a, 1 "mutability" is set off as

incompatible with pure actuality, simplicity, and infinity. The process by which movement is denied of God is radically different from that in q. a. *3.* So Mr. Bryar inquires what there is in things that allows for these quite different types of discourse. The refinement of meaning again raises a problem. Is this simply a good pedagogic practice, or are there systematic reasons for not putting certain terms to work directly in a syllogistic framework, and using them only to explicate more general terms? (pp.

From these and similar analytical observations Mr. Bryar concludes to three sets of terms that characterize the tract. The first series contains terms under which experienced things are envisaged, such as " moving "; the second set regards mutability and immutability under substantial and accidental aspects; the third concerns essence and existence, and includes (at least implicitly) such terms as "creation" and "annihilable." To explain these is the burden of the systematic interpretative study. The author mentions that the success of this explanation will be measured first by its fruitfulness in providing a framework for explicating all the detail of the text of St. Thomas, secondly by its own internal consistency as an intellectual work. (pp.

The systematic interpretative study is thereupon undertaken. Being a very technical work, it suffers more in this syncopated abridgement than the foregoing. But the main lines may still be indicated in summary fashion, more as an expedient for later discussion than as an accurate reporting of the analysis.

Mr.. Bryar's theoretical study comprises three divisions, the first dealing with the proposition of existentiality, the second with the proposition of partiality, and the third with the proposition of contentuality. Each is concerned with a particular family of terms occurring in the tract, as noted above, and explicates an area of discourse ultimately reducible to the single propositions themselves. (pp. 30-34)

The first division is more extensive than either of the succeeding divisions. Beginning with an examination of " is " in the everyday statements: John is, Peter is, Fido is, the lump of coal is, ·the author asserts the proposition of existentiality. He then elaborates this through analysis and derives relations between the terms *esse* and *essentia,* and " creator " and " creature," and also rules which are based on these terms. One of the latter is the rule or proposition of explanation, which refers to alternate relations *?f* the internal components *esse* and *essentia,* denoted respectively by "identity" and "non-identity." (pp.

The remainder of the first division is used in elaborating alternative complexes given in the proposition of explanation. This is done by means of four attributes of *esse,* viz., stability, inclusiveness, perfectiveness, and determinativeness. Generally, wherever there is an opposition of these

attributes on the *esse-essentia* line, there is a sign of "non-identity " and creaturely dependence. The author then extends the meaning of each of these attributes by detailed explication, giving a fuller elaboration through the proposition of conjunction, discussing the inference that can be made to " non-identity " by the proposition of connection, and finally making both " identity " and " non-identity " very precise through the propositions of internality and externality respectively. (pp. 43-89)

The second division is similar to the first in structure, though somewhat abbreviated. In it the author takes as his empirical base the everyday statements: "John is a tall man, Peter is a tall man, Fido is a dog, the lump of coal is heavy. The "is" is examined here also, and this leads to the proposition of partiality. This is elaborated through analysis, and relations are derived between the terms " particularity " and " content," which in tum are further explications of the terms *aliquid* and *res.* A further relation is discerned between " cause " and " caused," and this, together with the foregoing, leads to the rules of coherence, fulfillment and causality. Finally an elaboration similar to that of the first division is indicated on the basis of the four attributes of partiality, viz., conservativeness, uniqueness, unqualifiedness, and irreducibility. (pp. 90-108)

The empirical base of the third division is found in the everyday statements: men are earth-dwellers, men are visible, square is not circular, red is not blue. Here again the development is analogous to that of the first division. The author derives the proposition of contentuality on the basis of this use of the words " is " and " are." Then he elaborates contentuality through the three rules of alpha, psi and omega, and also through the proposition or rule of demonstration. Rules of alpha treat of " instances of content " as such, while rules of psi typify the governance of statements in mathematics, rules of omega similarly in the natural sciences. The rule of demonstration is then explained; this permits a conclusion to be drawn by way of statements which join various "instances of content." Finally, the conclusion of the entire theoretical part of the book is devoted to a brief discussion of divisions of sciences and kinds of knowledge in terms of the three divisions, or three lines of meaning, elaborated in the interpretative study. (pp. 109-131)

With the completion of this terminological structure Mr. Bryar is in a position to interpret the *prima via.* His statement of St. Thomas' proof is orthodox in that he divides it into the empirical datum, the two premises " *omne quod movetur* . . ." and " *non est procedere in infinitum* " with their proofs, and the conclusion. The latter, however, he divides into the conclusion proper," *necesse est devenire ad aliquod primum movens,"* and a corollary, *"quod a nullo movetur,"* which appears to us an innovation. (pp.

As to the empirical datum, " that there is something which moves,"

Mr. Bryar says that this leaves the question open to any of the three lines of meaning. The premise" *omne quod movetur* ... "immediately pertains to the third line, hut it can be rendered meaningful in each of the three lines. In the first line, this is true because it can be explicated in terms of " creature " and " creator"; in the second line, because it can be explicated, by the terms " caused " and " cause "; in the third line, because it properly contains " instances of content." A question arises on the third line, because if it can only be explicated under the rule of omega (experimental science), much contemporary thought would grant the proof only some measure of probability. Also there is a difficulty about St. Thomas' use of " potency " and " act " in the argument sustaining this premise. These appear in a universal statement that is very high and very abstract, but they still pertain to the third line and have a quite limited meaning. (pp. 135-140)

The premise *"non est procedere in infinitttm"* primarily pertains to an " instance of content " also. However, it can be explicated on the first line because of the opposition of " moved movent " to the first attribute of *esse,* and ultimately in view of the creative relation. It can likewise be explicated on the second line as going from " caused " to " cause," invoking the propositions of causality and fulfillment. In either of these lines the statement is established on a proper examination of its terms. The third line again presents problems. It is not dear how this premise can be " explained " by reference to an observable " instance of content," e. g., as cited by St. Thomas, and there are difficulties in obtaining from the rules of alpha or psi or omega a significant explanation. Nonetheless, the argument sustaining this premise as stated in the *Summa* directly pertains to the third line. (pp. 141-146)

Likewise the conclusion can be shown to be explicable on all three lines of meaning. In the first line, the " first movent " can be explicated as "creator," and in the second, as "cause"; but neither of these require the adjective " first " in view of the propositions of creativity and causality respectively. The term " first movent " is found more apt for working on the third line, where the " instance of content " can meet the requirements of the proposition of demonstration. Then what Mr. Bryar terms the corollary of the conclusion is explicated in similar fashion using the propositions of conjunction and connection on the first line, various other propositions on the second and third lines. Still, not all the propositions developed in the theoretical part figure in the interpretation of the *prima via.* Some were only necessary in view of the subsequent development of *De Deo Uno.* (pp. 147-149)

This, then, is the basis for Mr. Bryar's threefold interpretation of St. Thomas' argument for the existence of God from motion. The three interpretations or explications, for him, yield three demonstrations with a certain common likeness.

* *

Mr. Bryar's thesis is at variance with traditional logical analysis of the *prima via* on several scores, but there is one aspect in which they both agree. His study is primarily a *reflective* study, and although his method is more that of Wittgenstein than of Cajetan, it nevertheless fulfills this primary requisite for logical analysis. The artificial structure employed in the interpretative study accents the reflective or second-intentional character of the work, and is a definite asset in that respect.

But there is a sharp divergence between Mr. Bryar's general position and that of traditional Thomism in the way in which he applies the reflective or interpretative method. The author is interested only in *explicating* the proof in the *Summa,* and in no way is concerned with actually *demonstrating* the existence of God. For the Thomist, this is an impossibility.

In traditional logic, there is a technical distinction between an explication and a demonstration. One is in no way reducible to the other. The existence of God can be demonstrated *a posteriori* from effects that are more known to us, but in so doing we proceed to a truth that was previously unknown by means of premises that are already known. The new truth that is arrived at is not actually contained in the premises; that is precisely why a demonstration is defined as *syllogismum faciens scire.* The new truth can be said to be there virtually in view of the power of the human mind, functioning under an intellectual habit or virtue, to see the new conclusion through the premises. But this is far different from the way in which the conclusion is contained in the premises of an explicative argument. In an explication, the conclusion is actually contained in the premises, though implicitly. A new truth does not result, but a truth that is already known, and really is presupposed to understanding the premises, is made more explicit through the explanatory procedure. The process goes from the implicit truth to its explicit expression, which is the reason it is called " explication " in the first place.

Now there is nothing tautological about the *prima via;* there is no reversible procedure by which the conclusion can be shown to be convertible with the premises on a semantical basis. What is required is an act of the intellect to see a new truth by actually making an illation from the truths contained in the premises. Logical form, or meaning, either taken alone, does not suffice for this act of the intellect. The content of the premises must be grasped with their form, and when the new truth is seen at the instigation of the complexus, the one seeing it is functioning under the light of a real science, not purely as a logician. According to the teaching of St. Thomas, a logician cannot understand and comment on a demonstration as used in a real science *(logica utens),* unless he operates under the habit of that science. This is not true of a dialectical argument, where the analyst can remain i.n the logical order throughout the examina-

tion of the proof. But for a demonstration of the type interpreted in this book, a logical analysis on the basis of meanings alone, as in Mr. Bryar's text, or on the basis of form alone, as in Appendix HI (Salamucha) , is inadequate for an understanding of the proof.

Once the illation is made, of course, the person understanding the proof can reflect on it, explain the premises, clarify the meanings, and try to aid others to see the demonstration for themselves. This is the proper role for a logical analyst, but it is nowhere apparent that Mr. Bryar is aware, *in actu signato,* of the strictly demonstrative character of the work he is interpreting. In fact, he develops his first two interpretations of the proof without any reference to demonstration whatsoever, and only introduces the tenn towards the end of the third line of meaning. Even then, as we shall point out later, his usage in this place is far from being in accord with the traditional meaning.

Thus, for the Thomist, it would be impossible to reduce the demonstration involved in the *prima via* to a set of propositions or meanings that would pre-contain the conclusion to even q. £, a. 3, never mind the entire tract *De Deo Uno.* It is undeniable that there will be a growth of meaning where demonstrations and strict argumentations are employed. Such meanings, however, cannot be separated out on purely semantical grounds and placed as the pre-suppositions or philosophical options necessary for the logical development of the science of theology. That would reduce theology to a game of concepts.

With this basic point in mind, the traditional logician would look askance at any attempt to " explicate " the *prima via,* particularly through a study of uses to which its conclusions will be put in the subsequent development of *De Deo Uno.* But despite the irrelevance of qq. 3 to 26 to an interpretation of the proof from motion, there is one question raised by Mr. Bryar in his commentary on this section that merits consideration. This is the continued insistence on finding sources for the growth of meaning in certain families of terms used. One gets the impression that the author believes that the entire tract on the attributes of God is derived explicatively from the terms involved in the five ways. This is not true. More than explication is again involved here; there is considerable demonstration and indirect argumentation employed, and these provide for a growth in knowledge, for more precise forms of predication, and consequently for a growth in meaning. These demonstrations are not *a posteriori;* they are negative *a priori* proofs that deny particular properties of God. Some argumentations are indirect, through a reduction to the impossible, while others are direct, using either proper or remote principles; and for the most part they use one or other of the conclusions to the *quinque viae* as a premise.

Thus the meaning of the term " simple " as spoken of God in the pro-

Iogue of q. *3* is certainly far less refined than that at the conclusion of the same question. St. Thomas' procedure through this particular question is one of successively eliminating from God all substantial composition, physical (aa. I and as well as metaphysical (aa. *3* and 4), and even logical (a. 5), then accidental composition (a. 6) and summarily all intrinsic composition (a. 7), and finally even extrinsic composition (a. 8). When the theologian thus concludes that God is completely simple, he obviously means it in a much more refined sense than a biologist does when he refers to an amoeba as simple. But when pressed for an answer as to what "simple " means to him, and where it acquired such a subtle sense, he can only reply in terms of the media or argumentation that led him to his statement. His " simple " has something in common with normal usage, but it is also different in many respects. It is truly an analogous term, as are all the terms we are led to predicate of God in the study of sacred theology.

Moving on now to the systematic interpretative study, we note in general that this suffers from an overly great concern with logical consistency. The author regards internal consistency almost as an end in itself. This seems to the traditional logician a trivial and minimum requirement for an intellectual work. Moreover, there is no .end to the detail in which the Wittgensteinian method involves the user as soon as he delves into matters of ordinary scientific complexity. If the human intelligence must ultimately be trusted as an expedient in analysing such matters, one wonders why it should be so mistrusted in the early stages of thought.

In the first division, the author is concerned with an area of discourse that hinges around such terms as *esse, essentia,* " creator " and " creature," all of which arise from a study of the analogous predication of "is." It is extremely difficult to see the relevance of the statements in this division to the argument from motion for the existence of God. Presumably the author has not fallen into the Anselmian error of deriving God's existence from his essence; presumably he is not presupposing the existence of a creator, and presumably he is not presupposing that John, Fido and the lump of coal can be identified as creatures. Thus the only thing he can hope to establish in this division is the logical consistency of making a possible predication, "God is." This seems a hopeless undertaking. There is no *a priori* way of guaranteeing logical consistency here. The best anyone can hope for is an *a posteriori* proof of the truth of the logical proposition " God is," and then he can take off from there on the analogous predication of *esse.* But short of actually demonstrating this, he will never know whether there is even a problem to talk about.

Moreover, the use of the terms "creator" and "creature" does not pertain to the *prima via.* St. Thomas delays the entire discussion of the procession of creatures from God until q. 44, and when he does examine

creation, he nowhere uses the proof from motion. He mentions the possibility of considering creation as a motion only to deny it in the strict sense. Nor do we see the relevance of Mr. Bryar's statement about the *omne quod movetur* principle, namely, "granted that a creator should explain the totality of the being, he can grant that it undoubtedly must in that sense explain its motion." (p. 135) In the *prima via* St. Thomas is arguing from the proper principles of motion, not from principles so remote as those that explain all of created being.

The terms involved in the second division have more relevance to the *prima via.* It is undeniable that the notion of causality is essential to an understanding of each of the *quinque viae.* Yet even here it is difficult to see in the particular area of discourse anything that limits the proposed interpretation of the first proof, as distinct from the second proof, or even the fourth. In fact the reducibility of the entire division to the proposition of partiality suggests the proof from participation used in the *quarta via,* while the discussion of the causal relation is more apt to the *secunda via* than to the argument from motion. The notion of causality in general is certainly presupposed for the *prima via,* yet the precise point of departure therein is the passivity of moved things, not the activity of cause causing. The traditional logician would hardly be impressed by an interpretative mechanism for the first way that failed to differentiate it from the other ways of proving God's existence.

The third division uses terms and makes statements that are closer to the meaning of St. Thomas in this text than either of the other divisions. The disappointing thing about this division is that the author stops just just when he approaches the difficult points in the proof. When he comes to real problems, he merely states them without offering a solution.

In particular, as we noted above, his discussion of demonstration in this division is most incomplete. He states that " demonstration proceeds by way of statements which join various ' instances of content,' and through the ' relation of implication ' draws a conclusion." (p. 122) But what is meant by " implication " here is not made clear. If the author intends senses as used in modern formal logic, e. g., either " material " or " strict," he does not establish this as St. Thomas' meaning for true demonstration. The Thomist would be prompted to ask how such implication would distinguish it from any other type of rational explication or argumentation, direct or indirect. Further, Mr. Bryar seems helpless to explain how any. universality of " instances of content " can be established. (p. 126) This is basically the problem of induction and it has always been a " bug-bear " for logical positivists; yet until it is solved it is useless for them to discuss possibilities of demonstration.

For the Aristotelian, the value of any discussion of the sciences will be determined in large part by its appraisal of demonstration. A science is

much more than a particular area of discourse governed by certain rules. There is no royal road to it, no magic formula that will show how " connections " of new propositions can be made *ad infinitum.* Rather it is fundamentally an intellectual habit that exists in the mind of the user. This is generated when he grasps the definition of his particular subject matter, and it grows as he demonstrates either properties of his subject or its proper causes. Without the intellectual habit, syllogisms are only groups of words; neither they nor all the rules in the world will ever lead the reader to a new conclusion he can hold with certitude.

Finally, the traditional logician could hardly agree with the conclusions Mr. Bryar reaches at the end of his study. H(' would reject the particular pluralistic interpretation offered on the basis of ihe irrelevance of the first two lines of meaning to the actual text of St. Thomas. If he granted them any value as a sort of metaphysical propadeutic to understanding the premises of the *prima via,* it would be with a serious caution to avoid the pitfall of the ontological argument and to beware of a watered-down version of St. Thomas' proof as applied to the physical order.

The third line of meaning offered by Mr. Bryar seems to be most proper in the light of St. Thomas' text, as he himself notes. But even here it is disputable whether the author's notion of a logic of modern sciences would stand up in Thomistic circles. It is one thing to speak of rules of psi and omega as being the accepted logical norms for governing statements in mathematics and natural science. It is quite another thing to justify the existence of such norms for any real science. This is a problem that has not as yet seen a meeting of minds between Thomists and logical positivists, and is clearly antecedent to an application of such norms to the *prima via.* The author is certainly justified in his observation that contemporary scientific thought would only accord some measure of probability to St. Thomas' proof. The difficulty this reviewer has experienced with logical positivists is one of finding *anything* in the intellectual order that they will accept with certitude.

Though we thus reject Mr. Bryar's particular interpretations, there are some points about his study that merit praise. For instance, the author gives evidence of himself understanding both the argument from motion in the *Summa* and also the text of the *Contra Gentiles.* His difficulties do not stem directly from a doctrinal standpoint; rather, we believe they are rooted in a presupposition that Carnap and St. Thomas are basically reconciliable, and that the former's method can be fruitfully applied to the study of the latter's text. This still remains to be proved. Another merit of the book is that the author raises a number of provocative questions about the structure of the first twenty-six questions in the *Summa.* It is a rare achievement these days to be able to ask intelligent questions about St. Thomas' work. Even if the correct answer is not

given in the same book, it at least arouses the curiosity of the reader. And the question being asked, there is the possibility that an answer may be forthcoming from some quarter.

Finally, Mr. Bryar has uncovered a number of real difficulties in explaining the *prima via* to the modern mind. It is to be hoped that his work will stimulate others to consider in detail these barriers that isolate St. Thomas from a large segment of our university people. Such a sequel, while possibly not all that Mr. Bryar had hoped for, would yet register for him a worthwhile contribution to modern Thomism.

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Psychiatry and Catholicism, by JAMES H. VANDERVELT, O. F. M. and RoBERT P. 0DENWALD, M.D., New York: McGraw-Hill Book Co., 195Q. Pp. 442, $6.00.

The Foreword states: " there has been a long-felt need of a book that would present a scientifically sane integration of psychiatry and Christianity." The present work certainly does not satisfy this need completely. It is, however, a step in the right direction; and should serve to allay the antagonism harbored by some Catholics towards psychiatry. The work is intended for the educated layman as wen. as for the priest, and its object is to give a brief, simple exposition of modern psychiatry, to weigh psychiatric theories and techniques in the light of Catholic moral te,aching, and to propose some points of practical value to the reader.

The two initial chapters treat respectively of "Person and Personality," and "The Moral Law, Conscience, and Responsibility." The first deals briefly with the philosophy of the human person, and discusses the psychology of personality. The second chapter is devoted to a presentation of theory in its essential points. As the title indicates, all is centred around the notions of law and conscience. The _authors do not show how the passage from external law to the internal forum, the forum of conscience, is to be effected; and thus they exclude any consideration, however brief, of the moral or practical syllogism. There is a gap between the objective standards of the law and the internal standard of conscience which ought to be filled with a treatment of the moral act, and with a more satisfactory treatment of the natural law..There is, unfortunately, no consideration of the moral life as a dynamic seeking of happiness, nor of the " good life " as distinct from that of mere obedience to law. The place of love in the moral life (whether natural or supernatural) is not mentioned. The chapter is an example of the rather unhappy stress on law in so many modem

manuals of moral theology. In what is called "an outline of the fundamentals of the Catholic system of morality " (p. 19) only the law is discussed, the eternal law, the natural law, and positive law. Actually the treatise on law is but a part of the " Catholic moral system " and it is necessary to see this treatise in due proportion to the other and more fundamental sections. This point is of no little practical importance in treating of the relations of Catholic morality to psychiatry since the conflicts of the emotionally disturbed often center around the problem of authority.

Moral responsibility itself is seen as a matter of obedience to law rather than as a means to happiness: " In brief, moral responsibility is a man's capacity of moral *guilt."* (p. For the Thomist, moral responsibility as a capacity for gnilt certainly is not in any way a true definition of moral responsibility. The end of the moral life is the divinization of man. The moral life Is concerned with the ideal of man, with what he must be, not primarily with what he is must do or not do. The very heart of Thomistic moral theory is that love of the good, as a living interior law, impels man to seek God. Freedom is considered positively as a means to God, as a capability, not so much of guilt, but of good. A proper orientation in considering the moral life of man is of utmost importance.

The understanding of the traditional Thomistic moral doctrine would be of greater value to an integration of psychiatry with moral theology than is a moral doctrine based only on legal concepts. The traditional teaching emphasizes the dynamism of human moral life, the dynamisms of will and intellect in the pursuit of the good and the true, and of God, and takes into account the dynamic energy of the emotional and affective elements in human nature. Such a conception is especially fruitful when considered in comparison with the dynamism of the emotional life stressed in modern psychiatry. Furthermore, since the aim of Thomistic morals is the wholeness of purpose of the integrated personality, the positive contributions of modern psychiatry could well be considered as aids to this goal. Since the authors do not adopt such an approach, one often feels that the moral discussions of emotional disturbances in this volume are mere external appendages. In most cases, the authors content themselves with trying to give suggestions for the determination of responsibility of sufferers from mental disorders in their single acts. This is certainly necessary and of undoubted pastoral importance, but a real synthesis of moral theology and psychiatry must penetrate deeper than this. It must seek an integral understanding of the problems of psychic aberation in the background of the dynamisms operative in the human person, and must seek to evaluate the emotional factors of human activity in the light of modern findings, and to direct these emotional forces to that goal which is the object of man's highest striving. The hoped-for integration must also concern itself with an appraisal of the psychological findings

theories of modern psychiatry in the general background of Thomistic psychology. Little has been attempted along this line in the present work.

One may note, on the part of the authors, a bit of uncertainty when dealing with the description and etiology of the various forms of emotional disorders. (Chapters 14-22) This is due partially to the differences of opinion in modern phychiatry, partially to the eclecticism of the authors, and partially, at least, to a neglect of the dynamics of these aberrations. This is especially clear in the discussion of the obsessive-compulsive neuroses and of scrupulosity. The case reports do not help a great deal in giving a picture of the disorder under discussion. In dealing with psychosomatic disorders the authors include more than is generally considered under this specific category. Thus conversion hysteria manifestations are listed as " psychosomatic " though this term is restricted generally to those physical effects of emotional disturbances that are without "psychic content." Furthermore, the authors seem to assume a closer dependence between certain definite types of emotional states and certain definite physical effects than is usually conceded to be the case.

In dealing with Freud, the authors divide his work into three sections: philosophical basis, psychological theories, and therapeutic method. Some attempt is made to evaluate the philosophical basis of Freudian theories, though one could hope for a bit more scientific detachment in dealing with Freud's views on religion, God and sex. Chapter Nine--" The Evaluation of Psychoanalysis "-has a bibliography which gives not a single reference to the works of Freud himself whose theories are being criticized. Such references should be made in accord with the demands of scientific method. There is no mention of the work of French Catholics, both theologians and psychiatrists, on the matter of integration of psychiatric theories and moral theology. The authors should have noted with regard to one book in the bibliography (Gaetani, *La Psicanalisi-p.* 158, note 2) that its author proceeds with a minimum of scientific method. The authors seem less unfavourably disposed towards Jung's theories. It would seem that the more exact and scientific contributions of Freud offer more valuable contributions to the understanding of emotional disturbances and are more useful to moral thought than Jungian psychology.

The section on Freud's psychological theories is at times rather weak. The authors seem rather hasty and uncertain of themselves in trying to appraise some of these theories and in seeking to appreciate the possible integration of some of these conceptions with those of the traditional psychology. This is particularly evident in their discussion of the *super-ego.* While it is true that Freud recognized no true moral conscience in the Catholic sense of the word, his findings on the *super-ego* are not to be passed over because of the fact that Freud thought the emotionally-derived *super-ego* to be the only form of moral conscience. The authors would do

well to consider the importance of the influence which the *super-ego* exerts in matters of morality and religion (on the question of the relations of conscience to the *super-ego,* vd. " La Formation Integrale du sens moral," J. J. Hayden, 0. S. B., M.D., Ph. D., in *Psyche,* IV, nn. 30-31, avril-mai, 1949, pp. *335-350).*

The authors often include in their discussions some practical directions for the reader. Unfortunately, so many classes of readers have been envisaged that these counsels are too often vague and uncertain.

We may welcome the publication of this volume as indicative of a more scientific and open attitude towards modern psychiatry on the part of Catholics. The work has definite merits, and the criticisms are to be taken as constructive, showing that a great deal is yet to be done in this field. With these important reservations, the book is recommended to the clergy and laity desirous of acquainting themselves with the vast and necessary field of psychiatry.

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Descartes and the Modern Mind. By ALBERT G. BALZ. New Haven: Yale University Press, 195!l:. Pp. 506. $10.00.

Hardly a year passes but there appear several works on Descartes. Among those published during 1952, the volume of Professor Balz of the University of Virginia is striking for its impressive size and excellent presentation.

The book opens with a reference to Socrates: "Socrates, in the Republic, relates that the aged Cephalus went away laughing to the sacrifices, leaving to his son the problem of justice. Perhaps Plato meant to convey that the wisdom of tradition must be supplemented, if not reevaluated as well as supplemented, by wisdom that should accrue from inquiry. Perhaps Rene Descartes is the heir of Plato as well as of Cephalus." (p. 3) The reference is made in order to discuss the problem of the separation of scientific and philosophic knowledge from theology, a separation characteristic of the modern mind but foreign to the medieval mind. On the one hand, *Scientia,* as Professor Balz puts it, and *Theologia* on the other, meet and fuse in Wisdom. In the evolution of the conception of Wisdom, Augustinism, Thomism and Cartesianism are so many stages. In order to understand well the change which thus occurs, Professor Balz proposes to distinguish between the act of faith, or the attitude towards the supernatural, and the act of Faith which involves assent to a theological doctrine; between Faith which does not presuppose any inquiry, and *Theologia* which represents the sacred science of the content of the Faith.

In each man the indispensable ground is the act of faith; but, Professor Balz says, the man of faith has the assurance of Faith. As to *Theologia* the field is wide open for controversy. With these distinctions made, the Augustinian ideal, according to Professor Balz, appears to be a single aU encompassing Wisdom directed towards a vision of the divine. The Thomistic ideal of Wisdom foresees, on the other hand, different functional moments in the quest for Wisdom which are *Scientia* and *Theologia.* They are destined to converge at infinity, hence the unity of Wisdom is not endangered. If such unity was broken, one or the other, or both, pursuits should be recognized as being illusory. The Cartesian ideal of Wisdom does not draw back before such risks. *Scientia* and *Theologia* are not only separated, but *Theologia* is even distinguished from Faith. The architectonic of Wisdom becomes tripartite: there is the knowledge represented by *Scientia* bringing together the sciences and philosophy; the knowledge constituted by *Theologia,* sacred science; and finally the knowledge constituted by Faith, a knowledge which is apprehensible but not comprehensible. This architectonical division might be then described as: Reason-and-Faith-in-Scientia, Reason-and-Faith-in-Theologia, and Reason-and-Faith-in-Sacred-Mystery. These last terms, Professor Balz very appropriately points out, " are however too cumbrous for constant use." (p. 50, n. 1)

Because it is based on this tripartite ordering of Wisdom and the distinction of the sciences and of theology, the work of Descartes may be placed under the auspices of modernity. However, Professor Balz sees the stately figure of St. Thomas Aquinas behind Descartes. For, insofar as St. Thomas is responsible for this ordering, it may be urged that he has defined the auspices of modernity. As for Descartes, he adopts, or one might say, he adapts and takes advantage of the Thomistic architectonic of Wisdom.

Such was the evolution of Wisdom up to Descartes according to Professor Balz. But does this tripartite division of Wisdom really belong to Descartes? In order to be able to assign it to him one would need an explicit recognition by him of each of the three divisions of knowledge. Now in searching the writings of Descartes one can find nothing like it in them. The position of Descartes as regards theology is particularly ambiguous and often contradictory. Professor Balz is the first to recognize this situation and he points out that the sincerity of Descartes in his attitude toward theology has often been questioned. In the discussion of the problem, Professor Balz says, " the issue, in fact, seems to me to be insoluble " (p. 15, n. 15) without a more complete historical study of Descartes and the milieu in which he lived. Under these circumstances one wonders to what extent it is legitimate to present the tripartite theory of Wisdom as being essential to the conviction of Descartes, and to declare that "this architectonical order of Wisdom, accordingly, defines the con-

ditions under which Descartes must seek to launch the search for truth in the sciences." (p. 53) For if one has to admit, with certain critics, that Descartes attaches no value to theology, *Scientia,* to use Professor Balz's terminology, would become the sole content of Wisdom in Descartes. *Theologia* would disappear from view and the act of Faith would resolve itself in an act of faith. In short, there would be no tripartite architectonic, and Descartes' views would come close to those of the moderns, of whom Professor Balz speaks at the end of his book, who consider any and every theology as illusory. What is, in fact, the true face of the *philosophe au masque?* That is the problem which ought to be solved before treating of his architectonic of Wisdom. It can only be done with the aid of an exegesis, a comparison of texts and discussion of their significance in the light of historical circumstances-a work which is lacking in *Descartes and the Modern Mind.* This gives the book a speculative character contrary to the historical spirit.

Committed to the method of conjectures, Professor Balz cannot escape from it. Instead of instructing us on the way Descartes speaks and thinks as expressed in his writings, he describes from one .end of the book to the other the way which, according to him, Descartes could have or should have thought. Thus, Professor Balz writes, Descartes " could ask: Do my scientific and metaphysical ideas conflict with the Truths of Faith? He could also ask: Do they serve adequately in the task of formulating and convincingly expounding the Truths of Faith. . . . Again he must ask: What is the relation of my theology ... to the generally accepted theology?" (p. 18) It is along these lines that the book is written. Speculative reasoning even penetrates history. "Viewed in historical perspective -as, perhaps, a Descartes might have perceived-the following could be said .... " (p. 41) One could easily add to the number of quotations of this kind. Yet, it might be said, the book is not without references to Descartes and his works. But they are insufficient in number for the subject treated in this book, and we have no doubt but that any authority on Descartes, on reading any chapter of the book, would agree with us. We should point out, too, the way in which the texts of Descartes are handled. Professor Balz does not compare texts in order to bring out the thought of Descartes, but uses them rather to decorate the description he makes of the Descartes he is imagining. The quotations placed at the head of each chapter or part of the book frequently seem to have been put there to dress up the book. 9ne is very frequently intrigued by the relationship which Professor Balz establishes between their content and that of the chapter.

Contrary to what these remarks might seem to suggest, our intention is not to deny the value of the book which is full of interesting insights. We simply wish to point out that the book is more a speculative than an his-

torical work. The truth is, as the author confides in the Preface of the book, that he has allowed himself to be pushed " by a kind of internal impetus " (p. viii) which carried him in his exposition beyond the framework of an historical study of the subject. *Descartes and the Modern Mind* became primarily a fruit of the personal meditations of Professor Balz, a product of his literary talents. If the historical Descartes disappears, what does it matter? Was it not the case of Socrates in Plato and would one reproach Plato for having sacrificed the historical figure of Socrates for the needs of literary production? The comparison of Professor Balz with Plato is not fortuitous. What little knowledge we have of him after reading his book has revealed him to us as a mind related to Plato.

For the purposes of literary presentation Plato surrounds Socrates with his disciples and friends and exposes his philosophy in the form of discussions among them. For the purpose of literary presentation Professor Balz makes two persons of Descartes and makes each one discuss things with the other. Here is how he explains this symbolism: "Descartes may be understood in a dual way." He can receive "the name of Cartesius to signify Reason itself," and that of Rene Descartes, who "is Everyman, and we are to cancel variant selves by identifying ourselves with him." With the two figures so defined the dialogue begins: "Rene Descartes, who is a symbol for every conductor of inquiry, may then be described as one who proposes to report what he has learned from Cartesius, the very voice of Reason." The distinction between Cartesius and Rene Descartes " is, of course, a rhetorical device to be justified only by its expository utility." (pp. 66-68) Professor Balz has no difficulty in admitting it. But such utility, foreign to the historical order, can only be justified in a work of literature. If it is simply a question of Professor Balz's own " Cartesian meditations " he is, of course, free to present them as he wishes. It is only on such a basis that one can justify the divisions he adopts for his book and the titles he gives to its three parts: Part One, CARTEsxus: Part Two: RENE DESCARTEs; Part Three, THE QUEST FOR WISDOM.

We shaH treat the third part separately. The first two take us immediately out of the historical framework in which Descartes lived and free us from the finality required of the historian in the exposition of his thought. We are immediately transported to the purely speculative order. In the first part, Cartesius, or Reason itself, is entrusted with telling us about the Quest for Certainty, the Quest for the Absolute, the *Fundamenta Scientiae Mirabilis,* of the *Dubito,* of the *Cogito ergo sum,* of the *Cogitatio,* of the Hyperbolical Doubt, to cite but a few. One is only supposed to see them from the point of view of the speculative implications. In the second part, Rene Descartes, Everyman, in discussing with Reason itself, tells us of the Idea of Nature, and while on this subject, of the Experimental Mythos, of Truth in the Sciences obtained by the Correlation of

Symbols, the Teleology and Analogy, the Diversification of Existence; finally of the Images of Nature, World, Man, Creation. The moral climate of each part of the book differs, from the fact that Cartesius speaks with authority but Rene Descartes does not. This is because Cartesius is Science and Philosophy and treats of matters in a systematic order while in Rene Descartes, the anthropocentric predicament, as Professor Balz calls it, intervenes. One has to distinguish between Knowledge as such and the pursuit of knowledge, a distinction which can however, be attenuated: in assuming the office of inquiry men become auxiliaries of Reason. Discoverers, who cannot discover without Reason, are functionally auxiliaries of Reason. The problem of neutralizing the anthropocentric predicament, accordingly, pivots upon the distinction between the inquiry-power and its auxiliaries. Perhaps Rene Descartes did think this a way of avoiding the anthropocentric predicament. But he has listened to the stern voice of Cartesius who would declare that this avoidance itself depends upon a set of claims eventuating from inquiry and implying the distinction between truth and falsity.

The third and last part of the book abandons in part Cartesius and Rene Descartes in order to return to just Descartes. It is not, however, to the Descartes of the seventeenth century that these pages are devoted, but to a Descartes living in the twentieth century and undertaking the search for wisdom. " I have, as it were, sought," the author writes, " to imagine the reactions of a Descartes examining the great book of the world of today .... I hope that it will be understood that the content is tentative, conjectural, and explorative." (p. 424) The author concludes: " A Cartesian philosophy for and of the future sciences may hope to attain some vision of what Socrates calls the first principle of the whole, by an ascent whose first steps are the composites of ideas and images provided by these sciences." (p. 485)

The limited space of a book review has not permitted us to give, as we should have liked to give, a more ample description of the .contents of the book. What we have said, however, will encourage, we hope, the reader to obtain a copy of the book and to read it himself. We must, however, make a few final remarks. First, our own training in historical methods has created a prejudice in us against the use of a person as a figure. There is something shocking about using Cartesius to designate Reason itself, and Rene Descartes to represent Everyman. As it is the method Plato used with Socrates to produce an incarnation of Wisdom, we willingly admit that this is a matter of custom. Yet Professor Balz cannot ignore the difficulty this symbolism will present for many readers and we suggest that it be suppressed in any new edition of the book. The author himself is aware of certain inconveniences which this symbolism presents since he writes: "I am aware of the dangers inherent in my own devices signified by Cartesius and Rene Descartes." (p. 110, n. 4)

We would also suggest that in a second edition he abandon Deseartes himself and present the book as being the fruit of his own reflections. The book would unquestionably gain in scientific value. A more accurate title would be *Cm·tesian Meditations* or *JJ!editations on Descartes.* Unless presented as suggested the book is subject to the objections we have made. They all come down to criticizing Professor Balz for forgetting Descartes. As it is, the title of the work is deceptive. We agreed to review the book because we had the impression it was a work of scholarship. Only after reading it did we realize that it was less an exposition of the thought of Descartes than an " experiment of adapting Cartesianism to the conditions of the present." (p. 444). Although we may claim some competence on Descartes, we have very little on Cartesianism later than the seventeenth century. We are not well qualified, therefore, to evaluate the neo-Cartesianism of the author who, in the preface, gives this important warning to the reader: " The author was driven beyond originally anticipated limits and beyond the limits of his competence." (p. viii) The first part of the phrase gives us the key to the disequilibrium one notes in the book. The author started with the intention of publishing a work on Descartes but led on by his "internal impetus " made the book an exposition of his own Cartesian reflexions. The second part of the phrase seems to relate to the value of ahesc meditations and requires us to be prudent in our evaluations of his Cartesianism. We finish the book with a favorable impression of the ideas of Professor Balz, but we prefer to leave to others more competent the task of analyzing them.

Finally, we might add a list of technical faults with the book which should be of help, we trust, in preparing subsequent editions.

One is quickly struck by the lack of a suitable bibliography. Professor Balz refers (p. ix) the reader to a bibliography he is preparing which will soon be issued in mimeographed form by the Bibliographical Society of the University of Virginia. It is obvious how unacademic such a reference to mimeographed copies is. A book is supposed to satisfy the reader at any time and place. What seems to have escaped Professor Balz is that the reader is not interested in a general bibliography of Descartes, but in a selection of the books corresponding to the contents of the work.

The reader's position is made worse by the fact that there is no indication of the state of the question treated. We are not told of anything that has been written on the subject. The author simply says that he has a " large collection of notes made somewhat at random " which constitute " evidence of my indebtedness to many Cartesian scholars, past and contemporary." (p. ix) In order to know the extent of this indebtedness and consequently of the originality of Professor Balz one would have to rummage through his collection of notes.

A "List of Works Cited" is given (pp. 486-489) but this is

certing in many ways. Many of the basic authors on Descartes are omitted. One is happy to note five works of Professor Gilson but these concern rather St. Thomas and Thomism. The only work of Professor Gilson on Descartes listed in his *Etudes sur le role de la pensee medievale dans la formation du systeme cartesien.* The *Discours de la methode,* with its precious notes, the *Index scolastico-cartesien,* and Professor Gilson's articles on Descartes are nowhere mentioned. For most of the authors cited in the List, one notes, upon checking the Index of the book, that they are cited only once in the book. In the List of Works Cited each of these authors is given an abbreviation-symbol. One wonders why these symbols are necessary if the author is only mentioned once. R is used as the symbol for the *Regulae* of Descartes and also for the work of J. Wahl entitled *Du role de l'idee de l'instant dans la philosophie de Descartes.*

One is tempted to find the reason for certain errors in *Descartes and the Modern M·ind* in the author's insufficient knowledge of the literature on Descartes. We have particularly in mind the question of the dates of Descartes' stay at La Fleche. In the table: " Life of Descartes " placed at the end of the Preface (pp. ix-xii) the dates given are from l604-l6Hl. But the question has been the subject of careful research by Monsignor Monchamps (Hll3), by Cohen (1920), and by Sirven (1928). All agree Descartes went to La Fleche in 1606 and left in 1614 or 1615. The whole question has been very exactly summed up Professor Gilson in his commentary on the *Discours de la methode,* Paris, 1947, pp. 103-105.

We regret that in referring to review articles the author gives no page references. The reader is thus unable to realize immediately the length of the articles. The Index of proper names leaves much to be desired. Certain names appearing in the book are not in the Index (Rosenfeld, p. 316, Roth, p. 4, 6, etc.) , others are in the Index but with incomplete references.

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Counseling in Catholic Life and Education. By CHARLES A. CURRAN. New York: Macmillan, 1951. Pp. 488. $4.50.

Historically, Father Curran's text is the mature unfolding of a thesis that was worked out several years ago in the clinical laboratory of Dr. Carl S. Rogers, then professor of psychology at Ohio State University. Himself an eminent authority in the field of non-directive counseling, Dr. Rogers always regarded Father Curran as a psychologist of great promise, despite the fact that differences of opinion existed between the two men

in matters of interpretation. These differences, in the main, arose from a simple cause. Thus, Rogers was content to remain at an empiriological level in the explanation of his findings; whereas Father Curran, because of his philosophic and theological training, and especially because of his interest in the prudential wisdom of St. Thomas Aquinas, envisioned meanings and applications of the counseling process that would effect not only the more formal aspects of Catholic education, but also the wider reaches of Christian perfection and the Christian way of life in a secular world.

After a brief introduction in which the general nature of counseling is set forth, and the particular nature of the non-directive method is fitted within its Thomistic framework, Father Curran applies himself with care to the task of analyzing the relation of counsel to prudence. The latter, as we all know, is first in the line of the cardinal virtues. More important to Father Curran's purpose is the fact that it is an incommunicable body of knowledge; enabling us to make moral decisions about the singular and contingent events in our lives. Because of the uniqueness of these events, prudence is an intensely private affair, lying at the core of all those movements that make for the integration of personality. From this point of view, it is the most individualistic of all our natural virtues; and since counsel is the prologue to the judgment, it, too, reaches down to the very foundations of our moral behavior. As St. Thomas points out, counsel is essentially directive. The singular and contingent actions that are so vital to conduct and character, are often shrouded in doubt and obscurity, so that it is impossible to form a sound moral judgment about them before previous inquiry has been set up. This preliminary search, undertaken by reason before will finally fixes on the object of its choice, is what Aristotle and Aquinas mean by counsel.

Note, however, that the man who is reasonable about his moral problems, first takes counsel with himself, making trial of his own empiric knowledge, before he discloses his difficulties to others. Indeed, it is only on condition that he finds no answer within the categories of his personal experience that he goes for advice. The function of non-directive counseling is to enable a person, utilizing his own life record, so to speak, to untie the moral knots in which he is presently held captive and to disengage himself from the emotional tensions and conflicts that torment him. The term " non-directive " is somewhat inadequate. What the non-directive counselor actually does is to help the individual reduce his own potential consiliar knowledge to act, in much the same way that a good teacher leads his pupils through the mazes of a geometrical problem to an ultimate solution, by making them conscious of new relationships between the elements of knowledge they already possess. It is presumed, in both cases, that some

power of insight is exercised, so that right moral or mathematical inferences are drawn from the data at hand. Thus the counselor has succeeded when the person with whom he is communicating, uses his own mental and moral apperception mass to settle the issues that are troubling him-or at least makes some sort of satisfactory and workable treaty with circumstances that he cannot change.

In the second section of his book, Father Curran is concerned with the essential role of prudence. The virtue is defined as right reason about things to be done, or better, right reason applied to our moral actions. Here the accent again is one of intense personalism-the point of departure and the goal of Father Curran's whole psychology. *Counsel* is the first of the three elements involved in prudential behavior. It supplies the material for the *judgment* which, in tum, is brought to bear on the contingent situation that here and now faces us, giving rise to the act of *command.* Prudence, fine, is the habit by which all our moral movements are properly integrated and formed into a pattern of rational conduct. For the Christian way of life, its appearance is the natural prologue to the exercise of the infused virtue of prudence that comes with sanctifying grace. As St. Thomas insists, the purpose of natural prudence (and this is true, *a fortiori,* of the other cardinal virtues) is twofold: first, to remove the obstacles to the operation of grace in the soul; then, with a clear field ahead, to allow full scope for the growth of the supernatural life. Now the chief sources of our moral embarassments come from the world, the devil, and the flesh; or, in terms of our fallen nature, from ignorance, badly formed wills, and passions that are either very poorly managed or not managed at all. The natural moral virtues are designed to correct these disorders, and the starting point of the whole procedure is in prudence. This is the tool, par excellence, of integration on the natural level, without which it is idle to talk of a supernatural integration. Father Curran's main interest, to be sure, is in the natural epigenesis of personality; and his focus on prudence sets the problem in its proper Thomistic perspective. Perhaps it would be well to recall at this juncture that, for the Angelic Doctor, prudence is the most fundamental of all the natural virtues, having formal relations with the mind, on one side; and the material relations with the appetites, on the other. Indeed, it is so critical in everv moral consideration that the rest of the cardinal virtues, with their nume;-ous progeny, can be defined in terms of the prudential motive that activates them. Moreover, the pervasiveness of prudence in the economy of our moral lives merely serves to accentuate the importance of counsel, since counsel is the basis of the prudential judgment. As aspects of the problem of integration through counseling, Father Curran devotes a great deal of space to such negative or retrograde factors as mental conflicts, disorders in the emotional sphere where so many of our troubles are rooted,

maladjustments that often go back to incidents m our childhood; and then, on the positive side, to growth in self-reliance and the ability to face up to situations-recognizing things for what they are in truth and reality, even at the cost of unpleasantness or pain.

The third section of Father Curran's book deals with those psychological forces that are necessary to the shaping of true counseling skill. Here the case histories are multiplied, with the practical intent of showing the delicacy of approach, sympathy, and sensitiveness to shifting accents in the revelations made to him that the prudential counselor must possess. Though no two records are the same (since the singular facts of human existence, by their very contingency, vary from individual to individual) it is possible to discern the general principle that guides the counseling procedure when it is non-directive: not to give advice, but rather to so conduct the interview that the individual finds his own solution to his problems; in short, to make counsel client-centered. To come to grips with one's difficulties in this manner-by frank self-exploration, by remembrance of meaningful events in the past, by reasonable insights into the present, by cautious foresight of what is to come, by docile acceptance of the facts of reality-surely a solution of this sort will give more confidence in oneself and a firmer prognosis of readjustment than if one is forced to rely on outside help. And as long as a man has the use of reason, there is always the possibility that he can be brought to see his difficulties in a reasonable light, and to apply his own prudential knowledge to the ments of his will and instincts.

But the techniques of non-directive counseling do not stop short at the clinic or classroom. They have significance for all the walks of life and in occupations both secular and religious. Their range of operation, in fact, is bounded solely by the limits that ignorance, instability, and badly lated emotions have placed on the centralizing forces of personality. They may even reach into the confessional where, working in a supernatural atmosphere, they can produce most salutary effects on the soul. Now the goal of counsel is sinner-centered instead of client-centered; and from conscious analysis of his failures *in concreto*, rather than from confused efforts to recognize how general moral principles are applied to the contingent facts of sin, the penitent becomes more profoundly aware of the reality of his transgressions; promises of amendment are made with a more open mind and a more sincere heart; and the whole problem of supernatural integration, as it seems to me, is set on a surer footing.

These are some of the ideas with which Father Curran closes his book. As at the beginning, so at the end, he is at pains to show the relation of the non-directive type of counsel to the larger Thomistic conception of prudence. His work opens up hitherto unopened avenues of thought, on which it will well repay the reader to reflect; and in this sense it manifests

the courageous qualities of every pioneering effort. Yet from another point of view, it is a return, with ample empiriological evidence, to the ground *motif* of the Thomistic morality, with its insistence on the major role of prudential knowledge. With his superb control over the findings of the counseling clinic, Father Curran illustrates how certain important aspects of modern research can tighten the philosopher's and theologian's grasp on the principles that lie at the foundations of the good life. More than this: he has shown how such empiriological insights can become practical in the development of natural virtue, thus laying a secure and lasting foundation for the higher life of grace and Christian perfection.

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BRIEF NOTICES

The Trinity and God the Creator. By REGINALD GARRIGOU-Lii.GRANGE, 0. P. St. Louis: Herder, 1952. Pp. 681. $7.50.

Life Everlasting. By REGINALD GARRIGOU-LAGRANGE, 0. P. St. Louis: Herder, 1952. Pp. 281. $4.50.

The first of these two recently translated works of the well-known Thomist, Father Garrigou-Lagrange, 0. P., is a commentary on the *Summa* of Saint Thomas, I, qq. 27-119. The series of volumes, of which this is a part, was intended originally as a type of manual-commentary for the use of students; and provides an excellent introduction to the works and thought of the Angelic Doctor. The author does not over-simplify questions, nor does he hesitate to present the fullness of Thomistic doctrine. His style is clear, and in the manner of the earlier commentators follows Saint Thomas article by article, with an introductory *status quaestionis* and concluding recapitulations. The resulting comx'nentary, resembling those of Billuart and Gonet rather than the earlier commentators, is directly intended for the use of students.

The treatise on the Trinity is preceded by an introduction dealing briefly with Sacred Scripture and the Fathers, which is useful; but of course, not adequate for a full appreciation of these sources. The difficulties concerning the existence of a real *terminus* in the act of love, really distinct from the will, is not discussed fully in reference to the Holy Ghost. With regard the formal constituent of personality, the author follows Cajetan.

The second work, *Life Everlasting,* is a treatise on the four last things. The first part deals with the " depth " of the soul, its unlimited scope, and shows the basis of this depth in the spirituality of the soul, whose desire for truth and goodness can be fully satisfied only by Sovereign Truth and Good. It is, in a way, a restatement of the first questions of the *Prima Secundae* on beatitude and man's final end. Of special note is the study made of the language of the mystics regarding the inner depths or " center " of the soul, of the substance of the soul.

The second half of the work is a treatise on eschatology, properly so-called, in which the greatest emphasis is placed on the beatific vision and its nature. We would have rejoiced, had the author given greater consideration, as do many modern theologians, to the " social aspects " of heaven. Father Garrigou-Lagrange stresses the "personal" rather than the "common good," whereas for Saint Thomas the notion of heaven as a *bonum commune* is of great importance.

The appearance of these two volumes in translation makes a welcome addition to the growing library of texts of St. Thomas and of his followers now available for those whose studies must be pursued in the English language.

Super Evangelium S. Joannis Lectura. By St. THOMAS AQUINAS. Ed. by Raphael Cai, O. P. Turin: Marietti, 1952. Pp. *551.* L. 2000.

In Aristotelis Libras: De Caelo et llfundo, De Generatione et Corruptione, Meteorologicorum Expositio. By St. THOMAS AQUINAS. Ed. by Raymund M. Spiazzi, O. P. Turin: Marietti, 1952. Pp. 768. L. *3500.*

It is a pleasure to be able to give notice of the publication of two more volumes in the reprinting of the text of St. Thomas by Marietti. The format and arrangement of the texts are uniform with the previous volumes of the series, and are a great improvement over the earlier Marietti edition. The new typography and disposition of matter will render the text much easier to read.

The text used for the *Commentary on St. John* is the same as that used in the earlier Piana edition. Two useful indices have been added; one of subject-matter, the other a general synoptic index. This particular Commentary dates from the later years of St. Thomas, H!69-H!79.!, and is of undoubted authenticity. The reading of this work should give not only a more profound understanding of the Sacred Text, but also should serve to demonstrate the exegetical skill and scriptural knowledge of the Angelic Doctor. It is thought too often by some that St. Thomas did not pay sufficient attention to the sources of dogma. A careful study of this Commentary should serve to correct such a notion, since it manifests that the author is truly a *magister in sacra pagina.* The Commentary, doctrinal rather than philosophical, gives St. Thomas the opportunity of expressing himself on many related matters, so that it is rich in references to many other points of Thomistic doctrine. Of special interest is the discussion of The Trinity occasioned by the Prologue of St. John.

The Commentaries on Aristotle are reprinted from the text of the Leonine Edition. The Introduction, with some omissions, is likewise taken from that edition, and contains a chronological table as well as three synoptic tables. The critical notes of the Leonine have been omitted while the textual arrangement has been altered to conform with the present Marietti texts. It is manifest that this volume is to be recommended to natural philosophers not only for its historical significance, but also for the philosophical value of the natural philosophy of both Aristotle and St. Thomas.

The Heart of Saint Therese. By ABBE ANDRE CoMBES. Trans. by a Carmelite Nun. New York: P. J. Kenedy, 1951. Pp.

St. Therese and Suffering, The Spirituality of St. Therese in Its Essence. By ABBE ANDRE CoMBEs. Trans. by Msgr. P. E. Hallett. New York: P. J. Kenedy, 1951. Pp. 141.

These volumes are the last two of three by the French theologian, Abbe Combes, on the spirituality of St. Therese; and they form an integral exposition of her doctrine. The great value of these volumes is to show the theological basis of St. Therese's "Little Way" and to demonstrate that this Saint's spiritual way to sanctity is rooted in the essentials of Christian doctrine. The object was to give the reader, theologian or layman, a true understanding of St. Therese, so that her life, properly appreciated and understood, could serve as a model for Christians. These sound studies should have the happy result of lessening the over-sentimental attitude so commonly and unfortunately entertained with regard to this saint and mystic. Carried away by his admiration for the Saint, the author becomes sentimental instead of allowing the life and writings of the Saint to speak for themselves. However, this does not diminish the substantial theological value of the works, based throughout on actual facts or texts, with which the author is thoroughly conversant.

The Heart of St. Therese deals with the love for Christ which was the dynamic force of the Saint's spirituality and is a fuller treatment of Chapters II and HI of the first volume of the series. The characteristic Theresian doctrines of the "Little Way" and of the "Spiritual Childhood" have nothing to do with pious sentimentality, but are the expression and result of charity, an intimate, personal love for Christ. St. Therese is thus in the line of the great mystic tradition, not only of Carmel, but the Catholic Church. (cf. pp. 160 ff.) One point of particular interest to the Thomistic moral theologian is the fact, often demonstrated by the author, that it was this love which allowed the Saint to " solve " various problems of her spiritual life: her inner trials, difficulties at prayer, her spiritual desolation and abandonment, her striving for the very heights of mystic union and sanctity, in spite of the accent on humility in the "Little Way." (cf. pp. 114 ff., etc.) This is an excellent example of the harmonious functioning in the moral life of charity and prudence. This latter virtue, so vital to the Thomistic concept of the moral life, and so forgotten to-day, rests on love; and, being directed by love, orders the rest of life in accord with love; and achieves the objective standard for moral actions, not attained by conscience. Though this is not mentioned by Abbe Combes, the solution of difficulties by St. Therese is the work of supernatural prudence based on charity.

The final volume of the series, *St. Therese and Suffering,* deals with the basic principle of suffering as taught and exemplified by Christ, and illustrated by the doctrine and actions of the Saint. The love of suffering, often misinterpreted, is not to be judged by merely psychological standards. (pp. 22, 28) Enlightened by a realization of the insufficiency of all created things (p. 28), inspired by a call of grace (ibid.), it is the full expression of St. Therese's desire to imitate the object of her love, Christ Himself. This volume is of a different character from the preceding in that the author, having a point to prove (p. *55),* is at pains to document every statement, and to refute other interpretations of the Theresian way of suffering. The great attention here given to controversy is a bit disappointing, after the more irenic expositions of the earlier volumes. Nevertheless, the value of the book is to bring us into direct contact with the Saint, that her own doctrine may be grasped.

Logic: The Art of Defining and Reasoning. By JoHN A. OESTERLE. New York: Prentice-Hall, Pp. *250* with index. $2.85.

From the Aristotelian-Thomistic point of view, none among the recent publications oJ' logic texts approaches Doctor Oesterle's brillant contribution. *Logic* is the product of a genuine scholar of the traditional logic. **It** is an achievement of the greatest moment for this classic discipline.

For this volume to be called a landmark is no exaggeration, since it is a book that gives the college student a complete course in logic. **It** is not a truncated edition, a presentation limited to formal logic. On the contrary, it offers the whole subject with candor, authority, completeness, and intelligence. The whole of the discipline of the Stagirite has been restored, and students will now see for themselves that logic is more than mental gymnastics, will see that it is a powerful instrument for clear thinking in all fields of knowledge.

Some years ago in a lengthy report on two logic books, the present reviewer suggested: " The way to teach logic is to return to the *Organon* of Aristotle." *(The Thomist,* X, Professor Oesterle has done just that. His text attains such brilliance of composition and exposition that it seems unlikely any book will equal or surpass it for sometime to come. Even compared with many older and standard texts in the field, this volume stands as the epitome. of perfection. Anyone familiar with the logic of Aristotle can see this fact merely by glancing at the table of contents.

Doctor Oesterle has divided his work according to the three acts of the mind. Part One includes two initial chapters on words, concepts, signs, and the predicables. Then the catagories are treated. Since the book is an introduction to logic, the categories are handled succinctly yet adequately.

Division and definition conclude the first part. This section, as weH as the whole work, is characterized by a splendid clarity of expression. In his definitions, the author achieves a brevity and precision that excels, while the style possesses a certitude and sureness that the reader cannot escape.

The two remaining parts of the work live up to the promise of the first section. Especially noteworthy is the chapter on supposition. The author shows that this difficult but vital aspect of logic can be presented in a clear fashion. Argumentation is competently explained in the Third Part, and it should be noted that Doctor Oesterle has deliberately and successfully directed his work to demonstration with the consequence that the syllogism gains its proper significance. While the true and vital role of the syllogism is shown, the need for induction is not ignored. Finally, a very good summary of sophistical reasoning concludes the main text of the book.

In case one were to doubt the validity of the author's procedure, he has included an appendix which is a translation of Lesson I of St. Thomas' commentary on the *Posterior Analytics.* In it, St. Thomas gives his complete doctrine on how logic should be presented. It is good that Professor Oesterle has taken the Angelic Doctor's words to heart, for in so doing he has produced an outstanding text of Aristotelian logic. Also included in the appendix are the first three lessons on St. Thomas' commentary on Aristotle's *On Interpretation.* The excellent translations are the work of the author's wife.

Each chapter of the book concludes with two types of exercises. The first is a series of questions, requiring essay answers, which test the student's comprehension of the matter covered. The second consists of problems which challenge the student's capacity to apply the knowledge acquired. Whereas the first group of questions subjected the memory to a test, the second set tries his ingenuity and reasoning process. These exercises should be an integral part of the logic course.

Thanks to Doctor Oesterle there is still hope that Aristotelian philosophy will not only survive at the college level, but will attract a more enthusiastic audience among the students.

An Introduction to the Philosophy of Natural and Mathematical Sciences. By Sister HELEN SuLLIVAN, 0. S. B. New York: Vantage Press, 19Ml. Pp. 188 with index. $8.75.

As interest in intellectual synthesis grows rapidly among educators in American higher education, an equally growing need for well thought out directives is manifest. To see the arts and the sciences in the context of highest wisdom is the mark of the wise man himself, and when the prin-

ciples necessary to establish and maintain intellectual order are lost, the process of rediscovery is slow and extremely difficult. The guidance of wisdom is needed.

Sister Helen proposes the guidance of Aristotle and Thomas Aquinas in the contemporary quest for intellectual unity in the form of a discussion text designed for advanced students in a college seminar. In proposing the main outlines of modern Thomistic thought on the interrelationship of the several levels of knowledge, she is not embarking on an untrodden path, for such proposals have been made before. The precise contribution of this book is to provide a blueprint for seminar reading and discussions which will enable the college student to see the knowledge he has acquired in the sciences, arts and humanities in the matrix of traditional wisdom.

An Introduction is designed primarly to serve as a guide for reading in the field of philosophy of science for students who have completed the major part of their advanced education and have had, in additiou, the equivalent of fifteen hours of philosophy. This book is admirably suited to stimulate a student with such a background to search for integrity and wholeness of viewpoint. On the other hand, the thesis of the text is so fundamental and the statement of the problems so clear that the student with much less training could read the book with profit.

The first half of the text is devoted to an outline of an ideal synthesis, that of Aristotle and Thomas Aquinas. The last section reviews the problems of mathematical and natural sciences in the context of this unity and suggests solutions to the knotty issues raised by modern science. Concrete discussions of mathematical, physical, chemical and biological problems aid the student in relating his courses to the main outlines of a Thomistic synthesis, and a list of questions, topics for discussion and suggested reading give strong practical guidance in matters which tend at times to become abstruse.

Since the purpose of the book is to provide positive guidance to seminar reading on the problem of integration, the reader might expect that many pages would be devoted to the presentation of traditional Thomistic teaching .. The blueprint outlined in the opening section of the text, however, is not itself without real issues open for discussion. The question of the division of the sciences and the consequent place of contemporary natural science and mathematics in that division is much debated among Thomists today, ;md is perhaps the most important issue in the search for principles of redintegration. This issue is not discussed in detail, however, and the author selects one of the current positions which adheres "more closely to the medieval notion of science" (p. 58) as the unifying theme of her text. During the seminar discussion, one might ask about this basic issue, but for the purposes of a text, it is necessary to organise the matter around a single viewpoint.

There are many other legitimate questions which the reader of *An Introduction* might raise concerning the 6rganization and statement of the theme. Why, for example, does the author place "A Study of Space, Time and Motion " ,in the section on Mathematics? It would seem, according to the general motif of the text, that these subjects would be discussed in the section on the physical sciences. On page 48 the reader is shown the broad extent of AJ:istotle's natural knowledge, that "the great treatises of Aristotle embraced studies dealing with every aspect of nature." But then we are told that his works on natural philosophy are " largely comprised in the eight books of the *Physics."* The tremendous bulk of his work is found in his other treatises which are called scientific by the author (p. 49) but not philosophic. This suggests a division in Aristotle's scientific approach which the author had before stated as integral. This, too, might provide the seminar with debatable matter.

On page 166 we read that modern experimental sciences provide facts, observations and calculations which, fa1: from being a mere collectivity, really tell us something about the nature of the things studied. But even though we are introduced to the properties, characteristics and qualities of natures, we cannot discern the inherent necessities in these natures and cannot achieve absolute certainty in these matters. Do not the constant operations reveal the inherent *natural* necessity, and can we not have *physical* certainty here? In natural science, do we ask for more than this?

Obviously, this book was not designed to give definitive answers to the questions just raised, but rather to seriously raise them and many more besides, and to give direction and useful aids to the advanced student interested in organizing his knowledge in the light of higher wisdom. This end _is certainly achieved in a most lively and trustworthy manner in *An Introduction to the Philosophy of Natural and Mathematical Sciences.*

Philosophy and the Experimental Sciences. Proceedings of the American Catholic Philosophical Association, Volume XXVI, April 1952. Washington: Catholic University Press, l-952. Pp. 232. $3.00.

The latest proceedings of the American Catholic Philosophical Association give detailed examination to the areas of contact between scholastic philosophy and modern science.

A sapiential background for the specialized papers is furnished by the addresses of Etienne Gilson and Fr. F. X. Meehan, outgoing president of the group. After these, Vincent Smith launches into a philosophical analysis of abstraction and the empiriological method. Then the experimental sciences of physics, biology, and psychology are reported on by Karl Herzfeld, Fr. Lucian Dufault, and Raymond McCall, respectively.

The concluding section, which makes up half the publication, is devoted to round table discussions ranging through all of philosophy from Logic and Method to Ethics and Moral Philosophy.

One receives the dear impression from this volume that American scholastic philosophers take a realistic view of the accomplishments of modern science and its methodology. They do not condemn the experimental sciences, nor do they attempt to tell their proponents how to develop them. Rather they are at pains to show that science can be right, and .scholastic philosophy even more right, provided everyone keeps the respective areas of discourse properly separated one from the other. The prevalent view of the Association seems to be one of concordism, after the Louvain school, between philosophy and modern science.

A refreshing note is sounded in two discussions by Frs. W. H. Kane, O. P. and .B. M. Ashley, O. P. from the Albertus Magnus Lyceum of Physical Science, River Forest, Illinois, who advocate a more unified view of the science of nature in the pure tradition of Aristotle and St. Thomas. While not o:ffering so facile a solution to modern difficulties as the majority view, this suggests a more basic integration, not only of science with philosophy, but even within the modern sciences themselves. The idea is so pregnant with possibilities for directing contemporary scientific thought into a Thomistic orientation that it would seem to merit a leading position on subsequent *agenda* for the philosophy of science.

The Doctrine of Being in the Aristotelian Metaphysics. By JosEPH OwENS, C. SS. R. Toronto: Pontifical Institute of Mediaeval Studies, 19tH. Pp. 471. $5.00.

The problem posed in this book is this: what precisely is it that Aristotle is studying when he is studying "being" in the *Metaphysics?* The trouble is not that Aristotle failed to say what the object of metaphysics is, but that he said too often what it is, and rarely did he say it twice in the same way. There are at least eleven different statements by Aristotle on what that object is (enumerated on p. 6).

Father Owens first passes in review the solutions of the earlier Greek commentators (Theophrastus, Eudemus of Rhodes, Alexander of Aphrodisias, Pseudo-Alexander, Syrianus, Asdepius and Clement of Alexandria) and of the nineteenth and twentieth century commentators (Ravaisson, Schwegler, Bonitz, Zeller, Natorp, Grote, Piat, Gomperz, Apelt, Dimmler, Rodier, Hammelin, Jaegar, Ross, Carlini, v. Arnim, V. Ivanka, Oggioni, Robin, di Napoli, Armstrong). Out of this meticulous research emerge the two alternatives: "In the Greek tradition Being *q'u.a* Being seem to be

ultimately identified with the Being of the separate Entities. Among the Arabs there appears with Avicenna its interpretation as *Ens Commune.* In this sense the Aristotelian phrase was understood in the mediaeval universities. . . . These two general interpretations, though understood in various ways, have been revived in the present era." (p. 22) Which tradition, if either, is authentically Aristotelian? The alternatives having been presented with historical and philosophical exactitude, the next problem is that of method: how to read the *Metaphysics* to get at its account of being as Aristotle understood being. First, there is acknowledged the necessity of combining form with content to understand Aristotle, and general agreement with Jaeger's analysis of the form of the Next, the working out of the methodical sequence of the treatises which constitute the *Metaphysics.* By "methodical sequence" the author means the order in which the mature Aristotle thought these treatises should be read, which is not the order in which they are published and not necessarily the order in which they were written. Finally the various chronologies worked out by Jaeger, v. Arnim, Nuyen and Oggioni are examined. The author finds none of them satisfying and so he follows the methodical order previously devised by himself.

There follows the body of the book: an exhaustive investigation of the Aristotelian text to determine the meaning of being as Aristotle understood it. Out of this analysis emerges Father Owens' conclusion: the being that first philosophy studies is form in the sense of act as found in the separate Entities. " A science treating universally of Beings which is not identified with the science of a definite type of Being, the primary type, is foreign to the Stagirite's procedure." (p. 299) Being *qua* Being means to Aristotle separate substance, not *Ens Commune:* the Greek commentators were right, Avicenna and his mediaeval Christian followers were wrong.

The authoritative seholarship of this book is suggested by the informed balance of the author in, for example, his judicious treatment of Jaeger. It is suggested, too, by the one hundred and twenty pages of notes and references, and the bibliography of five hundred and two titles. This book gathers together all the earlier scholarship on this problem, except the Arabian; quite possible it is also the definitive treatment of it to date.

The Theory of Universals. By. R. I. AARON. New York: Oxford University Press, Pp. with index.

One can congratulate the author on realizing the importance of this topic, even while one must regretfully add that, in spite of a great deal of hard work and good will, the treatment must be pronounced unsatisfactory, mainly because Mr. Aaron makes no real contact with the mainstream of scholastic teaching on the universals. Apart from an unsatisfying first chapter, in which cursory and desultory references are made to Porphyry and to various medievals, the focus of attention is on the empiricists: Locke, Berkeley, Hume, and on the rationalists: Spinoza, Descartes, Kant, and Leibnitz. The treatment of these authors occupies the whole of the first half of the book, which is apologetically presented as a " sort of anthology from the history of philosophy with a view to the requirements of Part II." (p. viii)

This disproportionate emphasis is all the more surprising in that Mr. Aaron does not set much store by their contributions to the theory of universals. Thus he rightly judges that Locke's conceptualism ends in scepticism; he finds Berkeley "disappointing," and criticises the Rationalists on the score of their not successfully proving the existence of innate ideas or schemata. Only for Hume does he have any warm approval. Hume is praised because he showed that " learning to use general words is not normally a conscious act," but can be explained largely in terms of habits, mental sets, or dispositions. The Thomistic view that knowledge progresses from the confused to the distinct is here unjustly ignored. It is safe to add that had the author been acquainted with R. Jolivet's .zlassic work, *LaNotion de Substance,* he could have re-written most of Part I.

Part II represents an attempt at a positive theory. Unmindful of the traditional triple distinction of universals viz., *in significando, in causando,* and *in essendo,* the author treats only of the first and seeks to answer the question, " How do we use general words? " He rejects successively the *ante rem* theory, conceptualism, and nominalism. He then feels constrained to reject what he mistakes for Aristotelian realism on the ground that this postulates that all universals are discovered, whereas, for example, the universal " being human " is not found ready made in reality but is rather " a quality for which we ourselves are partly responsible ... it is to a certain degree ' the workmanship of the mind.'" (p. 218) Superficially, this statement closely resembles the traditional thomistic teaching as given by M.D. Rolland-Gosselin in the preface to his edition of *De ente et essentia:* "St. Thomas makes his own the strong expression of Averrocs –'It is the intelligence which makes the universal.'" Unfortunately, the resemblance is not more than superficial; the author nowhere realizes that the universal can be abstracted from a single instance, but instead he

thinks that " the fundamental basis of all generalizing . . is observation of natural recurrences." (p. 242} The familiar distinction between the logical and the metaphysical universal would have been of great assistance to him at this point.

His final conclusion is that " universals are, first, recurrences, and, secondly, principles of grouping." (p. 244} The second half of this statement might be favorably construed as a somewhat cumbrous attempt to recognize the logical universal, but the first definitely rests on a failure to understand the nature of abstraction. With becoming modesty, Mr. Aaron ends his book with the admission that he has by-passed what some would consider the "real problem of universals," namely, "the final explanation of recurrences in nature." He spoils matters even here by thinking that the one attempt to solve it is that made by" the friends of Forms." While, to repeat, we consider his performance inferior to his promise, it is fair to add that he merits commendation for his recognition of the< crucial importance of the universal in any theory of thinking.

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