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THE RENEWAL OF MORAL THEOLOGY: THE NEW LAW

IN THE RENEWAL of moral theology, in its pedagogy, but more profoundly in its epistemological aspect and the inspiration deriving from it, the relationship between law and grace is without doubt the heart of the problem. Moreover, this is no longer a matter of one-sided controversy with Lutheran theology but, beyond the necessary reaction of the defense of orthodoxy, of agreement on a radical investigation of the internal dialectic between law and grace, which Lutheran intuition has already grasped.

My qualifications in this area are not those of a moral theologian but rather of a historian of theology, or, more precisely, in a sociological history, of an *historian of the Gospel among the People of God*, at that precise point where the Gospel is the leaven in the Church, the extent of the mystery and the place of the Spirit. I do not, therefore, offer a labora-

tory-type scientific analysis of the theoretical relationship between law and grace but, in its effect on concrete behavior (is this not where the impact of moral theology, a practical science, lies?), the relationship of law and grace as it actually exists in the community life of the Church structured by the Spirit. My profession as historian has led me to look favorably upon these experiences, whether authentic or deviate, and thus has made me ultra-sensitive to the present problem, not so much in its theoretical articulations, urgent as they may be, but in its community contexts.

It is commonly agreed that the Council directed neither its attention nor its decisions explicitly to the field of moral theology. Certainly, many of its documents, in particular the Constitution *Gaudium et spes*, furnish copious material; but today we have to elaborate upon it, drawing inferences from the many pregnant ideas beneath the texts. Having been witness to many of them, I would like to note the evangelical aspiration which impregnates them: how the freedom of the Gospel, amidst the powers of the world, emanates from the complex, sometimes turbulent, play of charisms exercised in the awakenings and movements of poverty in the heart of the People of God urged forward by its messianic hope: the poor in the Church are of themselves contesters of the structures, the moral precepts, the established order, briefly, of the Law itself. Another example with reference to current controversies: an accurate knowledge of the concrete relationships between law and grace will allow us to go beyond the contrasted positions of "situation ethics."

Right at the beginning I must remark that the category "moral theology," as distinguished from "dogmatic theology," cannot be employed without reservation. Not that it is false, but in its pedagogical formalism it separates the elements of a global perception outside of which truth remains fragmented. It is well-known that this distinction is ill-suited to the *ordo disciplinae* of Saint Thomas. It is likewise known that in the Council where the category of *pastoral*, by way of distinction and often by way of opposition, was placed ahead

RENEWAL OF MORAL THEOLOGY

of that of *doctrinal*, the impact of the truth of the Gospel on Christian life--except for the abstract doctrine of apostolic pragmatism--has not been sufficiently determined. The conditions for a "pastoral" magisterium, as it is called today, that is, of an authentic teaching in which the "law of liberty" (a term used by Saint Thomas in referring to the New Law) dominates and transforms the precepts, cannot be established except through an integral theology of grace and law. Thus there is an urgent need to supplant the entire theology of the Counter-Reformation, using constraint when opportune, both mental and pedagogical. A wonderful hope, of which moral theologians can be both witnesses and doers.

What then is my approach as an historian, observing the performance of the "new law," the Gospel in history? For it is in history, a sacred history, that the New Law finds its subject and its intelligibility.

SALVATION HISTORY

To begin with, let us register one very important and meaningful fact which reveals a primary law in the life of the Church: the "return to the Gospel," according to the full meaning of this expression, is the condition of a Christian's presence in his day, of a presence both in thought and in action, as regards the formulation of problems as well as pastoral insights. *Return to the Gospel, presence in our day:*¹ baffling dialectic when subjected to an abstract and detemporalized analysis; but, for the historian, a homogeneous knowledge of an economy whose dynamism emanates from an investment by God in history between the two comings of Christ.

The "return to the Gospel," by its inspiration, its direct

¹ We have here the very terms of the Council when in the *Decree on Religious Life* it defines the radical principle of renewal: "Accommodata renovatio vitae religiosae simul complectitur et continuum reditum ad omnia vitae christianae fontes . . . et aptationem ad mutatas temporum condiciones" (n. 2). *Simul* is employed intentionally in its intensive meaning to signify not only a juxtaposition but an interference. This perfect formula is valid for the renewal of the whole of the Church.

reading, its charismatic thrust, is the very principle-pastorally and epistemologically-} understanding the concrete situations of today, beyond the data of non-temporal terms and abstract precepts. This is the way of the Word of God: God speaks *today, -in* a community in which the apostolic ministry, continued by the episcopal ministry, functionally (rule) and sacramentally (orders) conditions the teaching of the faith and pastoral conduct. The actual life of the Church, the hierarchical community of the People of God, is the appropriated theological place, *locus ultimo paratus*, of theologae and theological understanding of the "New Law," another name for grace and the presence of the Spirit. Far from yielding to the counterposition of grace and law, liberty and obedience, their theoretical and practical articulation manifest their intrinsic complementarity. Unobtainable in its perfection, the organic unity of evangelical liberty and preceptive authority is, nevertheless, the permanent intention of our efforts and our researches.

Today: the Christian economy is defined as a history, a "salvation history," which faith, hope and charity, the virtuous organism of grace with its equipage of gifts and charisms, guides and renders intelligible. But, while being "salvific," this history is nonetheless history, embracing secular history whose total reality is assumed by the People of God, the Body of Christ animated by the Spirit. "Spiritus Dei, qui mirabili providentia temporum cursum dirigit et faciem terrae renovat, huic evolutioni adest." ² It is within this active presence of the Spirit that all laws play their part.

THE REGIME OF THE SPmiT

The most significant and most famous case in the West of this "awakening of the Gospel" in history is that manifested, stirred up and nourished by the foundation of the Mendicant Orders, under the charismatic power of Saint Francis and of Saint Dominic, the ecclesial context of the theology of Saint

s Gatulium et Spes, n. 26, 4.

Thomas, unthinkable without this spiritual disturbance. Here we can only mention this major episode,-from which expressly proceed our vocation, our life, our institution, our theology. Let us observe that it was not merely a movement of moral reform, with a better observance of laws, but, in today's terminology, a "structural reform," in which the charisms of the Spirit consubstantially play their part, and, as always, the sociological index is the call to poverty, for liberation from the established order.

The episode of the Spirituans in the Order of Saint Francis, in their criticism of institutions, legalisms, moral precepts, suggests (and very much so today) that equilibrium is difficult to maintain in this evangelism. Let us remember that faith in the Spirit and sensitivity to the movement of history on the march toward the end-time have been simultaneous from the beginning. It has been something quite other than the adaptation of a moral teaching, called eternal, to accidental circumstances. It is salvation history in action in history: the "return to the Gospel" is provoked by the consciousness of a violent change of a decayed anthropology and of an out-dated society: they are being contested in the name of the Gospel. Here the established Church has been subjected to a difficult testing, which, while extremely beneficial, has not been without risk or failure, even in the area of theology. Saint Thomas's treatise on the New Law in the *Summa* is the scientific formulation, in the *intellectus fidei*, of this lofty experience of the People of God.

The ultimate reason for this ecclesial and theological operation is the Incarnation, by which the Word of God becoming flesh entered into history, which is from now on innervated by the grace of Christ. Humanization, understood here as moral and social humanization, is the locus for divinization. Christ is not a divine being on a visit to the world of men to whom he would bring, in the nature of a message, the expression of the general and non-temporal divine will as a super-decalogue. In him the law is "new"; its precepts and its dogmatic formulas are but dispositions for justification. (For this reason

we cannot read the questions of Saint Thomas on law in the I-II without the III Pars.) .

This double historicity, of man and of God, determines an economy of movement according to the eschatological dynamism of the accomplishment of God's plan. It is certain that in Christ the investment is total: *all* in him, past, present and future, is accomplished in being, truth and goodness. There is no longer any need for awaiting another age, an age of the Spirit, in which all laws, institutions, and even the very sacraments themselves would be dissolved. Such was the false utopia promised by the new Gospel under the odd prestige of Joachim of Flora, which seduced a whole line of "Spirituals," including some of the early Preachers. In fact, there is contestation regarding conceptual and institutional data. We know that Saint Thomas was strongly against these myths.

But this absolute which is Christ does not in any way preclude distentions in time—the time of the Church—between the two comings. It is precisely this distention in time (and in space) which introduces psychological, social and political dimensions to the history of humanity without impairing its fidelity to an identical economy. The impact of the Gospel can be discerned whenever events become " signs of the times." The apostolic and doctrinal import of this evangelical category, which the Council fixed as a key position and made into a law, is recognized by all. The reading of these " signs " is the work of faith understanding history within the hierarchical Community in which presence to the world is the objective title to a discernment of these " signs." ³ Thus socialization, a typical phenomenon of the new civilization, engenders human values in which the Gospel takes on its " political " dimension in a fraternal love which takes possession of the collective structures: a newness in act in the law of the Spirit and not merely the reform of a social doctrine laboriously accommodated to a drastic evolution. Individual morals and preceptive behavior

• Cf. the Constitution *Gaudium et spes*, n. 44; and John XXIII, *Pacem in terra*, n, 1(10).

may no longer and should not be based on anything other than this socialization of the Gospel, within the context of salvation history. A certain spiritualism of the "interior life," affected by the view of eternity, has for a long time led to grave distortions within the Church and thus become alien to the world and to history. The "New Law" is the presence of the Spirit in the evolution of humanity. ⁴

CREATION AND INCARNATION

In this historical economy—the Gospel in time—the Christian finds himself defined by the double dimension of two mysteries, Creation and Incarnation, or, better still, of the unique mystery of the Word, realized in two operations: the Word creator and the Word incarnate. There you have, in fidelity and through fidelity to this mystery, the twofold cause of the permanent "newness." *Ecce nova facio omnia.*⁵ This is the axiom of the "New Law."

God did not create a ready-made universe upon which man would be placed like an angelic spirit upon heterogeneous matter or as the foreign spectator of a landscape at one moment fascinating and at another overwhelming. God has called man to be his cooperator in the progressive organization of a universe of which man himself, the image of God, must thus be the demiurge and conscience. He is precisely and primarily the image of God inasmuch as, being associated with his creator, he is by that very fact, in full liberty and responsibility, the master and builder of nature.

Now, due to the gigantic progression of man's grasp of nature, the radical metamorphosis of the conditions of his cultural and moral growth, the massive involvement of the construction of societies, we here are becoming aware of this "continuous creation," in a permanent state of innovation, in man's creativity. This vision of a history by which man is continually formed, and in which likewise the Word continually

- Cf. the text quoted from the Council.
- Apoc. 21:5.

manifests himself, is able to renew the biblical revelation of creation and to nourish a "theology of event" under the recapitulation of all reality in Christ. Thus God's Word, once for all and completely realized in Jesus Christ, preserves riches forever new in the Church consequent upon the historical and cultural situations in which they are welcomed and assimilated. **It** is the same faith, but it has a history, developments, epochs. Far from fearing to be dissolved, this faith recognizes, as an essential condition of its survival, the necessity of being resolutely inscribed in the diversity and succession of cultures which form human history.

Thus the "New Law" includes in its insights and in its exercise a consubstantial coefficient of prophecy in order that this permanent innovation be honored. Greek thought, which has always fallen short of the all-embracing reality of history, and Roman law, whose categories do not lend themselves to this dynamism without rupture, have not, despite their invaluable benefit, adequately responded to this evangelical demand. **It** is quite insufficient to say that Saint Thomas baptized Aristotle; and history is not satisfied with the affidavit *Ecclesia vivit iure romano*.

The General Assembly of the World Council of Churches, which was held July 1968 at Upsala with the active participation of the Catholic Church, had for its theme: *Ecce nova facio omnia*, the verse already quoted from the Apocalypse. At the opening conference the Metropolitan of Latakia, Mgr. Hazim, presented the subject in this way:

We will not adopt this phrase as simply a program of study and of action. That would lead us to the impasse of established orders and of revolutions: to moralize. No, "I make all things new" is not a program but an event, the sole Event of history. We are the prophets of the new, the visionaries of the resurrected Christ.

The Eastern prelate went on to describe this creator Newness—the newness of the law—which cannot be explained by the past but by the future, in this way:

God comes into the world as to his own encounter; he is up front and he calls, he upsets, he sends, he causes increase, he liberates. Any other god is a false god, an idol, a dead god, and it is high time that our modern consciousness bury it. This multiform god who inhabits the former consciousness of man is in effect behind man as a cause; he commands, organizes, causes man to regress and finally alienates him. There is nothing prophetic about him; on the contrary, he always comes afterward as the ultimate reason for the inexplicable or the last recourse of irresponsible people. This false transcendent is as old as death. . . . On the contrary, the creator newness comes into the world with the world. **It** does not invent itself, nor does it prove itself: it reveals itself. **It** is either welcomed or refused but it comes as an event . . . (It is the action of the Holy Spirit which makes this newness come into the world.) Without it, God is far away, Christ is in the past, the Gospel is a dead letter, the Church a mere organization, authority a domination, mission a propaganda, worship an evocation, and the Christian way of life a moral slavery.

And he concluded that the Church, the place and sacrament of this mystery, is "the prophetic conscience of the drama of this hour."

THE DECALOG_{ml}

It is in this context of the mystery acting in history that is developed and illuminated the dialectic of grace and law according to which the conceptual and preceptive elements, transubstantiated by grace, become conditionings, "dispositions," according to the unusual expression of Saint Thomas, of the life of the Spirit. There is no longer the question of receiving grace in order to become capable of facing up to the demands of the commandments (such a notion presided over the construction of the Counter-Reformation catechisms) but to live in dependence on the interior movement of the Spirit. In the long run the ethical ideal resides in the fact that man is a law unto himself and not in the fact that he obeys God's command coming from without. Such is the root of Christian liberty which is certainly not the absence of every norm but implies the free choice of a line of conduct conformable to the inner call of grace. Man fixes for himself his own law before

God: *Ipsi sibi sunt lex*. Thus the "evangelical revivals" in the Church overcome moral reforms: theological intensity of faith, exaltation of hope both eschatological and terrestrial, personal and collective disturbance of fraternal charity, challenge to the outmoded apparel of society and the Church, charisms of the presence and work of the Spirit, evangelical counsels assented to in the gratuity of vocations and human relations: so many blaring indices of the permanent newness of the "New Law" in the history of the People of God.

Among the many efficacies of this regime, the historian is able to observe in the facts and theologial analyses change of sense which is operative in the precepts of the so-called "natural law." A certain insistence upon this "natural law," its content, its personal and social constraints, strongly risks atrophying, with reference to Christ, the "law of liberty" enjoyed by the Christian.

The history of the exegesis and practice of the Decalogue is very significant here. At times the Decalogue is presented as the Word that an eternally unmovable God pronounced about a people which would be taken out of history through obedience to this Word,-and not as a Word spoken in history by a God who is making history to a people inserted in this history. The Ten Commandments would explain the general and universal conditions of all morality, providing morality with a series of pronouncements more perennial and unmovable than are reputed to come from the mouth of God, who is himself eternal and unchangeable: "Thus speaks the Eternal. ..." So God says eternally the same thing. That which, in the preaching of the prophets, indicates the *actuality* of the Word of God, is converted into a proclamation of his eternity. There is certainly some truth in this; but there is the immediate danger of falling into an abstract deism without history, outside the Covenant of the Old Testament, beyond the evangelic impact of the "new creation" in Christ.

Certainly, going along with the great scientific theology of the thirteenth century, I continue to think that, without any detriment to the Gospel and its kerygma, theological reasoning

can very fruitfully discern, establish, and analyze the rational and universal structure of this divine law. Thus Saint Thomas and Saint Bonaventure consider that the articulations of the Ten Commandments "recte ordinata sunt." I do not agree with the Barthian criticism of the Decalogue as natural law. Under the divine law nature is brought back into its own, and reason is bolstered in its autonomy of vision and method. This is what justifies, in documents such as *Pacem in terris* and in the Constitution *Gaudium et spes*, the aforementioned analyses of natural law. It is always true that for the People of God in the world in formation, an existential consideration involves the feeling of a presence of the Gospel not only at the level of pastoral efficacies but at the level of theological and historical understanding of the Kingdom of God. Otherwise this "natural law" turns into a catalogue of abstract truths made all the more rigid in the encounter with the movement of history. Innovation, discovery, creativity, charisms, are all eliminated from it. This is what happens in certain presentations of "social doctrine," closer in their uprooted universalism to Wolfian philosophy than to the evangelism of the theology of Saint Thomas.

An analogous analysis could be drawn of the moralizing interpretation of the "Sermon on the Mount," which makes from that which is first of all a prophetic proclamation of love in the actual coming of the Spirit abstract principles of morality, directed to an accounting of good works.

In the final analysis, such are the relations between ethics and religion, religion being understood as the "New Law" in Christ. The difference of application of categories, the very vocabulary, demonstrate that we are epistemologically confronted by two types of truth: evangelical truth as prophetic testimony, as the living message, messianic promise, and moral truth as enunciated by theological reason. "Saving" truth has in its christological and eschatological concentration a dimension specifically historical: not formally that which is, but that which happens, that which we concretely experience, the

truth of Saint John, *pistis* and *dikaiosune*, the power of the Church manifested in the Word. The Good News proclaimed in joy, *today*. Thus the "New Law": the grace of the Holy Spirit, communicated in faith, and not written law, consigned in documents and in principles.

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THE TEACHING OF THE THOMIST TRACT ON LAW

THE TEACHING FUNCTION has been for a long time restricted to an elite class, closely supervised by political or ecclesiastical authority, and regulated by corporate statutes. In our own times the very idea of this type of authoritarian control and corporate regulation raises objections; in fact, the teaching function has been so diluted that it can be said to be reserved to no one and is open to all. The audience reached by a journalist, or even a songwriter, is often greater, due to the multiplicity and facility of means of expression, than that reached by a professor with degrees and official approval.

However, to the extent that the teaching profession still exists, the training of teachers and the establishment of philosophically-oriented programs are less assured and are subject to many variations, since they are now more greatly influenced by the movements of public opinion. Political events, unpredictable as they are, currently have repercussions on the career and choice of teachers as well as upon the duration of programs and the spirit of teaching. Teaching must meet the needs of the people as they are expressed and are capable of being solved. Hence the demand of truth, to the extent that it is expressed and wherever it is concretely accompanied by the willingness to pay the price, bears less on objective and disinterested truth than it does on an exact adjustment of the student for his future tasks, either by organizing the teaching of moral theology to meet the need of the Church for confessors, or by channelling the flow of students toward subjects which will immediately assure them of a good position and answer the needs of economic development and of social welfare.

It appears, therefore, that the teacher, because of his concern

for effectiveness, especially in the apostolic and the pastoral area, tries to become a journalist, if not a songwriter, in order to get a great hearing. He fears that, unless he does so, he will be thought of as a mandarin.

The democratization of teaching easily tends towards a "massification."¹ I do not even wish to speak of the at times troubling overtones which accompany or run the risk of accompanying this symptom: a laziness which precludes sustained and silent effort; an appeal to the tinkle of vainglory. Above all there is the objection based on principle: why, what right have I to oppose them? Even the theologian who, more than anyone else, should say to himself: "My doctrine is not my own," experiences similar scruples. These he resists to the extent that he has not fallen prey to an idealistic epistemology or to phenomenology which denies "ready-made" truths, that is, precisely those which are not for everyone to create for himself, those which constitute the object of a doctrinal tradition.

We should add that the process is one which is auto-accelerating; once a striking formula hits the public ear it resonates and is amplified so that it seems to be a confirmation of its truth. **It** may have been proposed merely as a hypothesis by the author, but it soon succeeds too well for him to withdraw his conviction that it is firmly established, and thus it immediately passes for a conclusion of modern science (or an exigence of the modern conscience). This is so much so that the author loses every chance of continuing and of deepening his thinking on the matter, of keeping his critical spirit on the alert. Paradoxically, success itself condemns him to psittacism.²

Moral science, and the theory of law⁸ which forms part of it, are particularly suspect. **It** is amusing to note that Abbe

¹ Cf. G. Gottier, *Le langage de la foi. Fidélité et invention*, in *Table Ronde*, n. 250 (Nov. 1968), p. 67.

• Cf. J. De Bourbon-Bosset as quoted by P. Gache, *La France catholique*, July 29, 1966, p. 6.

• There is nothing quite as distressing to the public as this word *theory*, and authors avoid it as much as possible.

J. M. Aubert begins his work, *Loi de Dieu, Loi des hommes*, with humble oratorical precautions, as if he needed to beg forgiveness for writing on so grim a subject.⁴ Not long ago the manuals showed more boldness; they did not hesitate at all to affirm as prime and incontestable truths the existence of divine and human laws, the nature of law, its inviolable power to bind, etc. We are far from this robust healthiness, which would pass today for naive triumphalism.

The Abbe Aubert suggests an explanation for this change of attitude: the decadence of Christian teaching on law. In the final analysis, I believe that all explanations can be reduced to this. But it is evident that this decadence depends on many causes, and it remains to be asked especially what a good Christian teaching on law should be.

We might think that the rapid and profound changes which the world has known and is still experiencing are responsible, to a large extent, for the distrust and even contempt which the idea of law arouses. Everything changes, challenge is not new, but it seems that we have a sharper awareness of universal change. Thus in this constant change it could be said that law seems to be a stumbling block, an insoluble lump in a universal fluidity; as soon as a law is established, it weighs down as a heritage from the past⁵ upon a movement which pushes us forward; it is always by definition a fixed and circumscribed conception which prevents us from seeing with a clear and alert eye the perpetual flow of unrecorded situations wherein we are led to each moment by a living reality. Established laws make us react awkwardly to these ever new situations with a slowness that can never be overcome.

This is presuming that change and constant novelty appeal to us. Rightly or wrongly, we project all our hopes into the future: change, novelty, fluidity, by dropping the baggage and

• In the collection "Le mystere chretien," published by Desclee. I am happy to say that this work contains nothing grim.

• To resent the heritage of the past considered as something weighing down is a recent and remarkable phenomenon. Up to now, to benefit from the treasury accumulated by the Fathers and carefully transmitted to subsequent generations had been considered as an advantage, as the mark of a noble civilization.

impedimenta of the past, appear to us as positive, I mean favorable, values, even if they involve risks and force us to abandon vested interests with legitimate regret. No matter how respectable these regrets, how justifiable our disturbance, there is no question of fighting shy of the future toward which we are heading with joyous fervor, as if we were sure that the balance sheet of every change, of every step forward, was necessarily favorable and that every tomorrow must necessarily sing out precisely and uniquely because it is a tomorrow.

If this act of faith were reasonably based, there would be no point in eulogizing the law. Rather, it would be more fitting to challenge all established laws, their restraints, their barriers that slow us up on the incline down which we are rolling. The conclusion was drawn in this sense. It is a matter of paring down as much as possible, of dissolving even that which remains of the legal establishment, of rendering the present situation uncomfortable, unbearable, of aggravating its irritating aspects, and of laying down justifying bases, if we are to pave the way for the future *whatever it may be*.

Of course, we know nothing about the future, except that it will be necessarily better; to pretend that we can impose upon it in advance a prefabricated or preconceived plan is not to follow the rules of the game. Our freedom is not only unable to choose and to prepare for what "must" come, but it would contradict itself, so to speak, if whatever "must" come could be read in advance. There remains for us only one thing to do if we wish willy-nilly to contribute to what is coming, if not to the construction of the future: demolish everything that exists, make a clean sweep with the intention of accelerating the course of events. This intention, let us note, is probably illusory, for it gratuitously presupposes that there is at least a human activity, a subversive activity, which is endowed with efficacy and which could in a certain manner affect the future; but this, contrary to the logic of the system, is to reintroduce a law.

The true logic of the system is that of *fate*. Man is just a straw swept along powerless by the stream of becoming. Our act of faith is only a sentimental aftermath of faith in a

provident God who directs the course of history. Thus, just as economic liberalism began by being optimistic, by thinking that it could read into the fatality of *laissez-faire* a natural providential order but soon becoming pessimistic, so now our naive confidence in tomorrows which will sing can in the wink of an eye become transformed, with just as much or as little cause, into the most somber despair.

In any case, we can observe that to raise a question on the law is to raise a fundamental question, without doubt *the* fundamental question, not only in the order of morality but with regard to reason, one which affects man and his place in time and in the universe.

The different problems raised by the tract on law can be grouped under two headings, simply put, those from the viewpoint of *doctrina sacra* and those from the viewpoint of moral theology. It is clear what the first point of view entails: why speak of law in theology when we live by faith and the Gospel? On the other hand, the theologian, if he speaks of law, necessarily touches on moral considerations,⁶ and if he borrows from the moralist, he must supervise the quality of these borrowings. Thus we will have occasion to control from this philosophical point of view the very definition of law in general and more particularly the notions of legislative authority and of the moral obligation of law, which is practically one and the same problem. Finally, a few remarks will be necessary touching on the relationship between the tracts on law and on grace in the *Prima Secundae*. These problems will be taken up in four parts: I. Law in *doctrina sacra*; II. The Thomist definition of law; III. The authority of the legislator and the binding force of law; IV. The relationship between the tracts on law and on grace.

I. LAW IN *Doctrina Sacra*

Not infrequently we experience a somewhat saddened surprise in seeing theologians devote so much space to law in their

⁶ This is the *tenn* employed by Saint Thomas when he laid down the plan of the *Secunda Pars*.

exposition of *doctrina sacra*; we are inclined to reproach them for introducing into the simplicity of revelation a foreign body, a technique, called for by the need or the elegance of a system. Is this not one more sad result of the treachery of dialectics? Why water down the pure wine of God's word? This kind of uneasiness betrays a certain profane, sociological and juridical idea of law. The latter seems in effect to come from a world other than that of revelation, for example, from canon or Roman law, or from Stoicism, in short, from man, and we believe ourselves authorized to prune *doctrina sacra* of these profane superfluities.

In reality, one has but to read the Bible (this is how theology got its start) to realize that theologians could not do otherwise than to speak about law. This is not something which they have freely chosen to do, not a systematic option which they had need to justify through some technical concern for the good order of reason. The word itself is found in the sacred text and cries out for attention, first of all, by the quite large number of its meanings.⁷ Once in a great while the word *law* is used in an absolute fashion, *without any specification*, as when I Mace. teaches that Antiochus gave orders asking the Jews either to abandon the law or the books of the law would be confiscated. These books can designate either the Torah in its entirety or simply the legislative books, either the Pentateuch in its entirety or only the Book of the Covenant, i. e., chapters 20-23 of Exodus. Mathathias distinguishes himself by his *zeal for the law*, and he mobilizes the troops crying

• This observation has been made by Saint Thomas on many occasions; for example, twice in a row in his Commentary on the Epistle to the Romans. He notes first of all (in Chapter III, lect. 2, n. 292) that this word designates either the whole of the Old Testament or one of its parts: and since the Old Testament is divided into two or three parts, the word can designate either of two different sets of books, depending on whether the Bible is divided into the Law, the Psalms and the Prophets, or into the Law and the Prophets. Further on (Chapter V, lect. 6 n. 462) the enumeration is more complete: the word *law* can designate either the Old Testament in its entirety, or the Pentateuch, or the Decalogue only, or the totality of the ritual precepts, or finally such a ritual precept in particular; Saint Thomas gives a text in support of each of his affirmations.

out: " Let everyone who has a fervor for the law come out and follow me." (I Mace. 2:26-27)

With a specification we often find the expression *law of Moses*. Moses in reality is not the author of the law; he transmits it to the people on the part of God, but God gives all his laws through the intermediary of Moses, even those oral laws which have been transmitted from generation to generation and which are all considered to be connected with the revelation on Sinai. We still speak of the law of God, a consecrated term now become technical, with religious resonances, and reasonably equivalent to what we call "revelation." Undoubtedly God communicated his revelation through different means, but in proportion as devotion to the Law developed after the Exile, the gift of the Law monopolized the whole of revelation; this gift sums up the best of all God's benefits to his people.

In the strict sense, the word *law* has come to stand for any Scriptural text whatever. The case of John 15:25 is well known: "But all this was only to fulfil the words written in their law: they hated me for no reason"; now this citation refers back to Psalm 35. We should not forget that according to rabbinic usage as taught us by the Mishnah (Pirke Aboth), "Moses received the law of Sinai and communicated it to Josuah, and Josuah communicated it to the elders, the elders to the prophets; the latter entrusted it to the men in the great synagogue," which brings us to the generation which edited the Mishnah, during the second century of our era. Torah means not only the written Mosaic legislation, the 613 mizvot, positive as well as negative, extracted from the Pentateuch by the rabbis, but also the whole doctrine which was transmitted and taught during the course of centuries regarding law under the more juridical form of Halakah or under the edifying form of the Haggadah. All of this would have been known by Moses through the revelation received on Sinai and faithfully transmitted during the course of time to be divulged gradually as needed. Some of these traditions, as we know, found their way into the New Testament, for example, that the law was

given to Moses through the intermediary of angels. (Acts 7: 58; Gal. 8: 19; Heb. 2: 2; cf. I-II, q. 98, a. 8)

Next, the word *law* appears in the sacred text as a series of semantic developments with a firm continuity but also with an unexpected richness which it has received in the course of centuries and through various translations. This point is closely linked to the history of the theology of law itself, but it can be approached here on the level of vocabulary. It is classical to lament the fact that the Septuagint authors translated the Hebrew *Torah* by the Greek *Nomos*, which necessarily led to the Latin translation *lex*. Certainly, if words were once and for all univocal signs with unique meanings, we could be concerned about bringing together words which have their respective origins and a different history and which are, normally, involved in systems which are different in their signification. Etymologically the word *Torah* would go back, according to specialists, to a root which evokes the idea of "to cast" (as in casting lots, an oracle, etc.), the role of the priest seeming actually to have been originally that of a consultant who makes known the will of the gods rather than a sacrificer, a role which could easily have been fulfilled by the head of the family or clan. Hos. 6:6 relates the word *Kahen* not to sacrifices but to the *Torah* and the knowledge of God and his will. Since God is consulted in the case of trouble or litigation, the answers or judgments received before God in the sanctuary easily take on the sense of decisions which, from our point of view, are juridical decisions; the usage has repercussions, according to a well-known law, on the original (?) or etymological meaning of the word. Similarly, again from our own point of view, the fact that Yahweh was consulted in order to resolve problems of conduct gives to the instruction in question a practical signification, even if the people involved, ignorant of philosophy, had not even the faintest idea of the distinction between speculative reason or truth and practical reason or truth. Let us then avoid introducing into the Bible logical precisions which do not belong there. Whatever their contents, the *tmot* are essentially a teaching, an instruction, a doctrine

from God, and therefore every time God speaks to men in order to reveal to them his thoughts, his plans, his wishes, there is *torah*. In this wide fundamental sense we can clearly see evolving under the pressure of practice the meaning of a rule of conduct, of imperative practical truth. This does not diminish the fact that the Torah also contains historical accounts, particularly the recalling of God's benefits, or threats, promises, etc. And especially we must expect to see through the course of centuries the sense of the Torah becoming more complicated and enriched as the Law played an ever greater, sometimes encroaching, role in the life of the people, particularly when prophecy died out and there was no other voice than the Torah to know Yahweh's plans; even more so when there was no longer a Temple or sacrifices and when the Law became in some way identified with all religion.

When the Seventy translated the Bible into Greek, the word *nomos*⁸ was already specialized in its different usages and stood for the written law regulating the life of the city; its etymological meaning with the connotation of distribution and of allotment had been generally lost. But in the Jewish milieu of Alexandria *nomos* quite naturally inherited the meaning of *Torah*. It is not etymology but usage which modifies and gives nuances to the meaning of words under the mental context which clarifies their meaning and makes them more precise. As much must be said for the later translations into the Latin *lex* and the French *Zoi*: these words have their own origin and history, but, introduced into a Christian, thoroughly biblical language, they do not allow for the retention of the basic idea of instruction which was the meaning

⁸ *Nomos*, unknown to Homer, appears about the eighth century B. C. and invades the religious, musical, moral and political spheres; it means a melody, a musical style, a hymn. In religion, it is the order of ceremonies, the ritual, or one of the ceremonies in the concrete. In morality, *nomos* is the principle of value recognized by the entire social body and, concretely, it signifies good actions or the rules of conduct. In politics, it is the public order, or the laws, or a particular juridical institution. At the etymological origin of *nomos* is found the idea of distribution and allotment. Cf. E. Laroche, *Histoire de la racine NEM-en grec ancien* (Paris, 1949).

of *Torah*. It is not surprising to see Saint Thomas, who **did** not know Hebrew but was nourished by the Bible, including the most apt formula to introduce the theology of law: (*Deus*) *nos instruit per legem* (I-II, q. 90, prol.). I really believe that the misunderstandings which have arisen from the study of this tract stem from the fact that we forget or neglect the fact that the language of this theologian is a Christian language, i. e., biblical.

For obvious reasons we shall dwell on the tract in the *Prima Secundae*." Its structure is well-known. Having treated of law

⁹First of all, for a very practical reason: our teaching in fact comes from reading and commenting on this text. There is also a deeper reason: the Thomist work is the only complete exposition from the point of view of *doctrina sacra*. Commenting on the *Sentences* Saint Thomas is not the master of his plan, and he approaches the question of law in accordance with the occasions furnished him by Lombard's text: in Book II, d. 35, the Augustinian definition of sin ("... quod fit contra legem Dei"), in Book III, d. 36, how charity contains the whole of the law; beginning with d. 37, an analysis of the Decalogue; more particularly, d. 40 on the ninth Commandment which forbids desire is the occasion for a comparison between the Old Law and the New Law; the study of the sacraments in Book IV occasions remarks on the sacraments of the Old Law, on circumcision and on marriage. But the law is never studied for its own sake, either in its general philosophical definition or in its historical realization and its role in the economy of salvation. Even more interesting are Chapters 111-146 of *III Contra Gentes*, a very personal construction of Saint Thomas, very much involved in a highly structured work and going into great detail. But this exposition, though certainly theological, lacks the simplicity of intention found in the *Summa Theologiae*; it is not solely *doctrina sacra*. Not that it is philosophical, but it answers to a specialized task and reflects the theologian organizing the defense of revealed truths against those who deny them, and this is done using arguments which can be accepted by the infidels. It is therefore a work of theological wisdom, but a personal and original work in the line of apologetics and not in that of symbols, of catechesis and of other kinds of expositions prepared by a believer for the use of other believers in order to proclaim in good order, as exactly and completely as possible, the totality of the truths of the faith. Because of its date (between 1261 and 1264) this part of the *Contra Gentes* has the additional advantage of being almost contemporary with the *Prima Secundae* (1269-1270). In one sense the Thomist commentaries on the Scriptures come closer to the point of view of the *Summa Theol.*, the latter having originated precisely to prolong, organize and adapt them to pedagogical needs ("secundum quod congruit ad eruditionem incipientium" . . . "secundum ordinem disciplinae"). It is then a greater unity of intention and not only a more thorough analysis that we would like to see in the Commentary on Saint Matthew, (nearly contemporary with the *Sentences*), on the Epistles of Saint Paul and on Saint John (respectively contemporary with the *Summa Contra Gentiles* and the

in general (definition, kinds, effects), Saint Thomas in turn discusses each of the varieties of law (except *lex fomitis*) which he had enumerated in his general introduction. Thus we have the following chapters: the eternal law, natural law, human law, divine law in its twofold expression of Old and New Testaments. Historians tell us that this manner of organizing a tract on law was something relatively new; it had been inaugurated by Franciscans and particularly by John de la Rochelle and was found in the work entitled *Summa theologica* which bears the name of Alexander of Hales (John de la Rochelle and Alexander both died in 1245). The *tertia pars* of the *Summa* of Alexander is presented (general prologue) as a complete exposition of the Christian faith: "*Tota christianae fidei disciplina pertinet ad duo: ad fidem et intelligentiam. Conditoris, ... ad fidem atque intelligentiam Salvatoris.*" Thus it has already been treated from the point of view of *fides Conditoris*; there remains the question of the *Savoir*: in his person (Incarnation) and in the work of salvation (sacraments and glory). This format is followed in the first part of this third book. But, at the threshold of the second part a new distribution of material is proposed under the title: *De legibus et praeceptis: Summa theologicae disciplinae in duo consistit, in fide et moribus*. The author declares that he has already treated of faith (Redeemer), and he is ready to treat of morals. Now in this respect, he says, it is necessary to interpose precepts and laws, grace and the virtues, gifts, fruits and beatitudes: precepts and laws "*ut ostendentia debitum boni faciendi et mali vitandi*"; grace, virtues, etc., ... "*ut praestantia facultatem faciendi et vitandi.*" Actually this second part is subdivided into two sections: *De legibus et*

Summa Theologiae). Finally, let us acknowledge the existence of more or less elaborate reflections, scattered throughout the work of Saint Thomas, on divine law considered in its precepts (*In duo praecepta caritatis et in decem praecepta legis*) or as the ensemble of revelation (the two *Principia de commendatione et partitione sacrae scripturae*, as well as various prologues to theological works which delineate the mission of the Word as Wisdom who reveals God, enlightens our paths and brings us happiness).

praeceptis, De gratia et Virtutibus, which form the second and third parts of the whole of book three. The section *de legibus et praeceptis* embraces a fourfold investigation (*inquisitio*): 1. on eternal law; 2. on natural law; 3. on the Mosaic law, first in general and then in particular in three sections: moral precepts (in general and *de singulis*), judiciary precepts, ceremonial precepts; 4. on evangelical law in two *tractatus*: *de latatione et conditionibus legis evangelicae, de praeceptis legis evangelicae*.

The whole tract on law was therefore clearly drawn up before Saint Thomas. The *Summa* of Alexander, however, does not mention human law and omits giving a universal definition of law. On this last point Saint Albert will be the initiator. But if we go beyond the mere comparison of matters treated and prologues and heads of divisions where the author reveals his intention, we notice that, in favor of the successive modifications of the plan/^o matters which should be presented under the title *work of salvation* are henceforth entitled *De legibus et praeceptis*. In order to justify this title it should be kept in mind that all theological teaching comes back to that of faith and morals, and that, the doctrine of faith having been begun in the study of the Savior in his person (Incarnation), the only thing left is to take up the teaching on morals, i. e., to speak of laws and precepts, grace and virtues, gifts, fruits and beatitudes. While perfectly traditional formulas are employed, it happens that, consciously or not, their realization takes place in a perspective which is clearly moral. While expecting a study of the economy of salvation, where law and grace were placed in the context of the unfolding of sacred history, law and precepts are given the function of putting into relief the duty of doing good and avoiding evil, grace and the virtues being that which gives us the capacity to do this. These considerations are certainly not false, but they keep us on the level of moral.

¹⁰ We should not be overly astonished to see an author announce a plan which he does not in fact follow; this is not unusual. In the present case, these hesitations and new starts are probably due to the fact that the *Summa* of Alexander is compiled from preexistent works.

Once we go on to the tract in the *Prima Secundae* we notice that moral is not neglected, that the preceding considerations are found once more, that the same matters, the same solutions (more often than not), and the same categories are retained. But the initial prologue, at the head of q. 90, serving as the key and the framework, gives the tone to the entire piece and leaves no doubt regarding the "economic" significance of the tract. As the indication is circumspect and since the prologue is usually badly interpreted, it should be reread attentively.

Let us be clear on what should be read and reread: it is the text of Saint Thomas. In the present case one must be wary of headings added on by editors, either at the head of a question or in the table of contents. For a long time theologians believed that for Saint Thomas law and grace were external principles of human activity; most of them considered this so obvious that they never bothered to explain it; some, such as Banez, raised doubts but believed that they had to base themselves on the authority of Saint Thomas. Actually the Common Doctor, precisely on the subject of human law, which could more easily be looked upon as an external principle, says the opposite; ¹¹ the legislator in promulgating the law gives to those who receive it •*quoddam interius principium actuum.*" Besides, if the law is not confused with its material prop support (tables of stone or of bronze, paper, the writing itself) but is the reality which is reason of which Saint Thomas speaks in the first article of the tract (with its precisions in the ad 2), we will wonder how law ever got to be called an exterior principle. The text in the prologue is perfectly explicit: it designates by name God and the devil as the two external principles. Since the action of the devil was sufficiently treated in the *Prima Pars*, there is no need to return to it. There remains, therefore, toward the end of the *Prima Secundae* a

¹¹ I-II, q. 98, a. 5c: "Sicut homo imprimit denuntiando, quoddam interius principium actuum homini sibi subjecto, ita etiam Deus imprimit toti naturae principia propriorum actuum." . . . The ad 1 compares the promulgation to an *impreasio activi principii mtrimeci quantum ad res naturales.*

single exterior principle to study, God, who instructs us by means of the law and assists us by means of grace.¹²

* * * * *

It could be asked at this point if it is suitable to question the fittingness, law notwithstanding, of taking God as an exterior principle. But this time we are on familiar ground. We often read in Saint Thomas that man is master of his actions because he is capable of deliberation, that this deliberation is put into motion by an anterior deliberation, and that at the source of all this movement of which man is master the initiative necessarily belongs to an exterior principle. The theme is treated *ex professo* in the study *de motivo voluntatis* (I-II, q. 9, aa. 4-6); it comes up again at the beginning of q. 109, a. 2, ad 1 and in many other places as well.¹³ We can see in what sense the exteriority of this *principium movens ad bonum* must be understood: as it often happens in the unfolding of the tract on human acts, this exteriority is treated in relation to the voluntary (*quod procedit a principia intrinseco*). What we are talking about then is a divine effect whose initiative does not depend on the human will; quite the contrary, it is the movement of the will towards the good which depends on this principle of divine intervention. In the spirit of the Wisdom literature, as in that of the prologue of St. John, there is no place in this respect to distinguish between the different sorts of

¹⁰ A good point for Billuart basing himself on the text of the Prologue: God and the devil without further commentary. The case of Conrad Koellin is to be noted: he faithfully takes up the text of the Prologue, but he adds: "quia tamen non determinatur de ea (namely, of law and especially of the New Law) nisi quia a Deo qui est extrinsecus, ideo tractatus ille vacatur de principis extrinsecis." The formula was therefore already accepted in his time (his work: *Exposition commentaria* on the I-II carries the approval of the Master General, Cajetan, dated 1511). This does not prevent the editor (1589, Venice) from beginning the tract on law with a heading of his own invention: *De principis exterioribus actuum, scilicet de lege in communi, quantum ad essentiam*, which is an awkward formula in every respect.

¹³ See the beautiful study of M. Seckler, *Instinkt und GlaubenswiUe*, which has, among others, the merit of tracing the sources of this doctrine, in particular, for God and the devil, in Saint Hilary (p. 39). A meaningful connection between law and the gifts of the Holy Spirit.

"instruction," natural or supernatural, the normal conduct of Providence or the historical event realized once and for all. This is why the prologue to question 90 is perfectly proportioned to the contents of the tract. There is no doubt that it deals with the entire Christian revelation realized through the mission of the Word.

It is impossible to agree with those who suggest that Saint Thomas was principally interested in human law considered as the perfect type of all law and that he understood the consideration of the Old Law and the New Law only *pe'l' modum complementi*, by playing more or less on the sense of the word *law* and "not without artifice."¹⁴ He did not admit the concept of *lex fomitis*. Is it not more exact to think that he chose to speak of *lex fomitis* because Scripture invited him to do so and that he was interested in the Old and New Laws for the same reason? Juridicism, if juridicism there is, is there only for those who cannot read the word *law* without immediately thinking of Gratian or of Roman law.

We are therefore led to the question of the real sources of this tract on law. At the same time we will notice that its various parts are well-balanced. Not only is it noteworthy that of the entire nineteen questions (90-108) eleven treat of the Old and New Laws (98-108), but some of them are developed to the point that there are none longer throughout the rest of the *Summa*. It is necessary to approach the study of this tract through the interpretations of commentators to think

^u This is the expression employed by J. de Finance, *Etre et agir* (1960), p. 171, note 80. And yet this author has the eternal law and the natural law in mind: "L'artifice est visible chez saint Thomas quand il s'efforce d'appliquer à la loi éternelle et à la loi naturelle une définition de la loi inspirée des *Etyrrowlogies* d'Isidore et du *Decret* de Gratien." As a reference the author quotes for us q. 90, a. 4 where in fact is found, in the *sed contra*, a text from Gratian: *Leges instituntur cum promulgantur*; and q. 91, a. 1 where nothing is found, but that matters little; in the same a. 1 of q. 91 we find a reference to Prov. 8:28 which is more significant. It is strange that de Finance (*Ethica generalis*, 1959, p. 174) finds an exaggerated juridical flavor in the Thomist definition of law in general! If we take into consideration the quotations made by Saint Thomas as indications of the orientation of his thought, we will be further edified.

that the intention of Saint Thomas was principally applied to a philosophico-juridical study of law. Actually, it seems that these commentators steal away when question 98 comes up. There is, however, one exception of weight: in 15M3-1554 Dominic Soto wrote a work which was no longer a commentary on the *Summa* but an independent book whose success was immense and whose example was contagious, a *De Justitia et Jure*, whose first part devotes two books to law: I) law in general, the eternal law, the natural law, and human law; the Old Law, the New Law, comparison between the Old and New Laws, and the contents of the New Law; the third book treats of right, of justice in general, of judgment, of divisions of justice and in particular of distributive justice (since the latter was not to be treated later). The second part of the work, starting with the study of *dominium*, treats of commutative justice; it is the heart of the work. A third part (*completiva*), in three books, treats of vows, oaths, and the episcopate. The content of the first part has already been noted: its first two books exactly duplicate and in the same order the tract on law in the *Prima Secundae*. The work is obviously that of a master. The third book admirably sets forth the beginning of the tract on justice, always following the order of the questions of the *Summa* (II-II, qq. 57-61). By deliberate intention ¹⁵ the author modifies the order of his exposition in such a way that it clearly appears that law is the source of right and that a law which does not eventually create a right is an imperfect law, by a kind of reductive analogy.¹⁵

¹⁵ - *Consultius tamen duxi rationem paululum mutare scribendi*" (D. Scoto, *De justitia et jure Prooemium*).

¹⁶. If there is a necessity for renewal in the teaching of the tract on law in its totality, the need is even more urgent for questions 106-108 in particular, relative to the New Law. While these questions have always been there for us to see whenever we study the *Summa*, this tract can be said to be altogether new, as if it shared in the grace of novelty which belongs to the evangelical law. Altogether new, most of all because it is practically overlooked by the great commentators, Thomist or otherwise. Those who, like Billuart or John of Saint Thomas, comment in the form of dissertation without confining themselves to the order of the articles, omit it entirely. Billuart includes a solid tract on law but leaves out the Old and

Now it is a fact that Saint Thomas did not make his tract on law a part of the study of justice and right. This is surprising. Some regret that the Thomist definition of law is too juridical, others feel that the plan of the *Summa* does not stress this characteristic enough and that the study of law should show a definite connection with that of justice and right, undoubtedly forgetting that, for Saint Thomas, law "*non est ipsum jus, proprie loquendo, sed aliqualis ratio*

New Laws; John of Saint Thomas proceeds directly from the tract on the virtues and the gifts to the tract on grace. Those who follow the text article by article obviously cannot do likewise, but even they do not give these three questions their just due. In broad terms, I find that they comment on this text 1) without properly situating these three questions in the whole of the *Summa* and, consequently, 2) without delineating the theological significance of this small tract either as an element of the tract on law (where it figures somewhat as a rather pious and evangelical appendix), or as an element of *sacra doctrina* in its entirety.

As for exploring the depths of this tract for its own sake, making a special monograph of it, very few theologians have ever dreamt of doing so. At first glance, without having made a methodical search of the libraries, I find very few theologians of the Counter-Reformation, Dominic Soto and Suarez, the first in his *De justitia et jure* (see the text) and Suarez in his *De legibus*; paradoxically, both of them use this tract against the Protestants, which leads them to interpret it in a sense which, to be anti-Protestant, lends itself too readily to a juridical legalism.

In the eighteenth century the Italian Dominican Patuzzi (1700-1769), in the course of his anti-probabalistic polemics, utilizes these questions in his *Etkica ckristiana* (published in 1781), a work remarkable on many counts and pleasant to read but still a bit forced or distorted by its preoccupation with polemics (I was going to say partisanship).

More recently, the Franciscan Antonio de Monda has published an interesting work entitled: *La legge nuova della libertè secondo S. Tommaso*. It is indicative of a renewal of the tract in the light of the progress made in historical and biblical studies in our own century. However, the hill is a difficult one to climb, and this doctoral thesis remains too closely attached to moral and psychological considerations (it is true that these considerations carry considerable weight in the spirit of the times and that in their own way they contribute something toward the inspiration and sustenance of research). The work concentrates on the idea, surely correct, that the New Law is a law of liberty. But that this law has a role more profound than that normally attributed to it today, that it has an ontological character in the supernatural physics of grace, has escaped the notice of the author who has not attempted to find among the predecessors of Saint Thomas and especially among the Fathers a more developed doctrine on the New Law organically linked to the totality of the economy of salvation, and consequently the

juris,"¹⁶ where the term *ratio* needs to be clarified by the definition found in the I-II, q. 90. Then we will realize that not only can law not be identified with right, that it is not the creative source of right, except accidentally and when the legislative object coincides with an act of government modifying the play of social relationships in that which is called positive law, but, besides, that law pertains to all kinds of areas foreign to right.

Before coming to this point, let us continue to draw the perspectives within which the tract on law is written, such as we find it in the text of the *Prima Secundae*. A first impression is given by the citations found there. Without wanting to attach to them a definitive importance, it is permissible to expect from them an approximate view of the sources consulted by the author and of his principal centers of interest. A brief outline will suffice.

The quotations will be distributed in three columns: A. Citations borrowed from questions 90-97; B. Citations borrowed from questions 98-108; C. The total of the two preceding columns reflecting the entire tract. The reason for this division is to bring out strongly the special character of the questions of the Old Law and the New Law.

central meeting-place of the doctrines of the Trinity, of the Incarnation, of the Holy Spirit, of the Church, of Revelation, and of justification by faith.

This tract on the New Law has been renewed not by the achievement of Scholastic theologians but thanks to the lights thrown upon it by biblical and patristic studies. These lights have become so alive that they have brought about an awakening of the School through numerous articles in which Scripture scholars have tried to cast evangelical doctrines so as to be useful for the Christian life of souls. (A. Feuillet, St. Lyonnet, C. Spicq, F. M. Braun). In this they have been authentic theologians.

The best study available, not on the tract of the I-II but on the theology of law in Saint Thomas, is that of a Protestant, Ulrich Kuhn, *Via caritatis, Theologie des Gesetzes bei Thomas von Aquin*, Gottingen, 1965. Written in the ecumenical spirit of doctrinal rapprochement among the various confessions, it shows a deep and sympathetic knowledge of Thomist thought.

¹⁸ II-II, q. 57, a. 1, ad 2.

| | -A- | -B- | -C- |
|-----------------------------------|-----|-----|------|
| Bible | 64 | 660 | 724 |
| Aristotle | 48 | 48 | 96 |
| Augustine | 35 | 52 | 87 |
| Biblical glosses | 5 | 28 | 33 |
| Isidore | 25 | 7 | 32 |
| "Jura " (Digest, juriscons. etc.) | 12 | 0 | 12 |
| Maimonides | 0 | 9 | 9 |
| Gratian and Gregory IX | 8 | 0 | 8 |
| Cicero | 3 | 5 | 8 |
| Denys | 0 | 5 | 5 |
| Jerome | 0 | 5 | 5 |
| Chrysostom | 0 | 4 | 4 |
| Damascene | 2 | 0 | 2 |
| Ambrose | 0 | 2 | 2 |
| Gregory the Great | 0 | 2 | 2 |
| Josephus | 0 | 2 | 2 |
| Boethius | 1 | 1 | 2 |
| Hilary | 1 | 1 | 2 |
| Peter Lombard | 1 | 0 | 1 |
| Basil | 1 | 0 | 1 |
| Julius Caesar | 1 | 0 | 1 |
| Ausonius | 1 | 0 | 1 |
| Ambrosiaster | 0 | 1 | 1 |
| Bede the Venerable | 0 | 1 | 1 |
| Cassiodorus | 0 | 1 | 1 |
| Hesychius | 0 | 1 | 1 |
| Pelagius | 0 | 1 | 1 |
| Pseudo-Chrysostom | 0 | 1 | 1 |
| Theodore of Mopsuestia | 0 | 1 | 1 |
| Origen | 0 | 1 | 1 |
| Plato | 0 | 1 | 1 |
| Valerianus Maximus | 0 | 1 | 1 |
| | 208 | 841 | 1049 |

However unfamiliar one might be with Saint Thomas, this table speaks for itself. His thought is definitely concentrated on Scripture and relies principally on Augustine and Aristotle. If it were possible to go into greater detail, we would find that within Sacred Scripture the most frequently quoted are the books of the Pentateuch (especially Deuteronomy) and the Psalms; then come the Wisdom books, Isaiah, Ezechiel, Hoseah, Job, and Jeremiah. We find about the same thing in Saint Augustine: citations are taken from a great variety of works, but two groups dominate, namely, citations from the *Contra Faustum* and from the *De spiritu et littera* in questions 98-108, from the *De libero arbitrio* and from the *De vera religione* in questions 90-97. With regard to Aristotle, cited the same number of times in both groups of questions, the references are principally to the *Ethics*, then to the *Politics*, and then sporadically to the books of the *Metaphysics*, *Rhetoric*, and the *Physics*. The privileged position of the *Ethics* and *Politics* is possibly more pronounced in questions 98-108 than in questions 90-97.

On the basis of such evidence we are clearly invited to look for the main inspiration of this tract within Christian thought, i. e., in the Bible and in all the commentaries and reflections of the Fathers and Doctors of the Church elaborated on behalf of the faithful or to avert heresy and which they have transmitted to the theologians of the Middle Ages. In this respect Saint Augustine and the scriptural gloss condense all the essential elements of the data and the problems. With Saint Augustine and the glosses, including the anonymous ones, we know that the West received much more than what we ordinarily think has been the inheritance of Greek patristics, especially that of Origen.¹¹ But Origen himself, with his genius

¹⁷ Even the influence of Philo is recognizable in Saint Ambrose. But we have far better documentation on the extent and depth of Origen's influence on the West. On this subject see Jean Chatillon's research in the *Melanges bibliques rediges en l'honneur d'A. Robert*, p. 537-547: "Isidore et Origene. Recherches sur les sources et l'influence des Questions in vetus testamentum d'Isidore de seville." It contains a bibliography on the considerable and somehow renewed influence of Origen in the

and his extraordinary capacity for work, is not an absolute beginning; we must go back further to Saint Justin whose *Dialogue with Tryphon* already contains the whole theology of the two Testaments including most of the biblical types and their spiritual exegesis. We must go back further to the Apostolic Fathers, especially Saint Irenaeus and, through an unbroken continuity, to the exegesis of the rabbis and to the spiritual universe which witnessed the maturing of the revelation of the Old Testament, in the land of exile, or in Palestine, or in Egypt. It is there that we must now search for the sources of the theology of law if we wish to understand the genesis and the authentic sense of the tract in the *PTima Secundae*.

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The glory and originality of Israel was evidently not constituted by having lived under law or even by having looked upon these laws as a gift of God; the same things can be found among nearly all primitive peoples. That which is proper to Israel, which characterizes biblical thought and which will influence the New Testament, is a certain theology of law, precisely that of the divine law. Now this theology, necessarily posterior to the very existence of the law, took form toward the end of the Old Testament under the influence of events and under divine inspiration according to a movement of thought and of reflection which is superbly represented in the

twelfth century. The role of polygraphers and of compilers in the style of Isidore is particularly effective; sometimes we read without noticing it selected bits of Origen in their collections and encyclopedias (preserved by anonymity). Even more, "Isidore n'a pas seulement transmis à tous ceux qui l'ont lu ou recopie quelques themes exegetiques isoles, il a contribue aussi et surtout à introduire dans la pensee medievale une conception des rapports de l'ancien et du nouveau testament et de la signification typologique de l'Ecriture qui s'apparentait directement à ce que l'exegese origenienne offrait de meilleur et de plus sur." Through Isidore or through direct borrowing, Claude de Turin (under the name of Eucher) in the eighth century, Remigius of Auxerre and Rabanus Maurus in the ninth, Bruno of Asti at the turn of the eleventh to the twelfth century, Richard of Saint-Victor (*Allegoriae in vetus testamentum*, in his *Liber Exceptionum*) at the height of the twelfth century, the *Ordinary Gloss* which begins to take form at this time, these are so many channels through which Origen was received by the West in bulk.

Wisdom books. This trend has been studied for some years; it is not possible here to give the details, but it is necessary briefly to trace its broad outline in order to clarify the theology of law in Christian thought.

There have always been, in Israel as among all peoples, reflections and discourses of wisdom which take the form of proverbs or of stories, of maxims or of parables. This current of wisdom in Israel left written witnesses from the time of the kingdom, especially of Solomon, which was an epoch of commerce and of administrative organization. Although there was no antagonism in principle between the men of wisdom and the men of the divine word, they nevertheless are distinct in principle. It is eminently evident in Moses that the man of the *Word* and the man of the *Law* go hand in hand; they transmit to the people what they have seen and heard from God's mouth; they are the men of the Covenant. The wise man, in principle and according to the rule of literary genre, communicates to his son or to his disciple the fruit of his thoughts and of his experience; he addresses the individual as such, is interested in his trials, the dangers he runs, his destiny, and in this way his message of wisdom has an international import. He takes on more importance and grows in wisdom as he makes contact with nations, either during the Exile or in the land of the diaspora. Wisdom, whose throne can only be in God, who is the worker of creation and who is pleased to dwell among men whom she loves, becomes like a grace of divine revelation and, more than the Word to which she tends to become identified, acquires a sort of personality very near to God himself, while at the same time very much mixed with that of man, of the people of Israel above all, since she has chosen Sion for her dwelling, but also, through Israel, of all nations. She is like a permanent manifestation of Providence, of God's power and goodness; through Wisdom alone does prosperity, life and happiness come to men.¹⁸

¹⁸ H. Cazelles, "A propos d'une phrase de H. H. Rowley," in *Supplement\$ to Vetus Testamentum*, Vol. III, *Wisdom in Israel and in the Ancient Near East*, 1955, pp. 26-82.

But before the end of the Old Testament, notably in Eccli. and Baruch, this Wisdom which tends to become a person meets with the Law. This joining is surprising to us, but we know that rabbinic speculations had given to the Law a prestigious status with characteristics closely resembling those of Wisdom: preexistence before creation, a directive and regulative role in creation, supreme gift of God, source of life, of light, of prosperity, a pledge of God's presence, etc.

As Richard Simon remarked: "since those who composed the New Testament were Jews, it cannot be explained without a reference to Judaism."¹⁹ After having looked just about everywhere and especially to Greek thought for the alleged sources of the New Testament, it appears that today a great and profound continuity between the Old and the New Testaments is more readily recognized. Due credit must be given, however, to the considerable influence of Greek thought, especially after the dispersion of the Church in the Hellenistic world and after the penetration of the Christian faith among the educated classes of society. But the fact is that even Palestinian Judaism, and with greater reason Alexandrian Judaism in permanent contact with the Gentiles, solicitous for apologetic dialogue and proselytism, had received a great deal from Hellenistic thought, as the Wisdom books among others testify. We must also take into account the fact that Jewish milieux were far from being uniform and homogeneous. The New Testament would suffice for us to guess that, in a common fidelity to the Law and to traditional observances, there were schools of thought as different as the Pharisees and the Saducees, Baptist currents, Essenes, etc. It is evident that the young Saul, of Pharisaic upbringing from an early age at Tarsus and then at the feet of Gamaliel in Jerusalem, could not read the beautiful text of Deut. 30:11-14 without being filled with reverence and admiration for this Wisdom become internalized and identified with the all-powerful Word which is

¹⁹ Quoted by J. Steinmann, *Richard Simon et les origines de l'exegese biblique*, p. 72.

no other than the Law.²⁰ It is enough to refer back to the books of exegesis to measure the influence of the sapiential current upon the synoptic evangelists and, perhaps even more so, upon Saint Paul, Saint John, and the author of the Epistle to the Hebrews.

At this point in our demonstration let us not imagine that the writers of the New Testament had the intention of developing this sapiential movement, to bring it to its term by searching, by finding in it the person of Jesus as a representation, a historical and concrete incarnation. What actually happened is the exact opposite, an historical encounter: "that we have heard, and we have seen with our own eyes; that we have watched and touched with our hands: the Word, who is life." (I Jn. 1:1) And for Paul, everything began also with an encounter which happened to him. It is in listening to and beholding Jesus that the Apostles were led to express the mystery of his person and of his mission with the vocabulary and the biblical notions of Word and Wisdom, bringing, moreover, to term the development inaugurated under the Old Testament in such a way as to conclude definitively: The Word is God, Wisdom is God, because Jesus is God. If not, the personification of Wisdom and of the Word would remain what it was in the Old Testament, incomplete, a bold and poetic metaphor.

The mystery of Christ, this is the resume of the whole of the apostolic preaching. The word "mystery" means not so much something incomprehensible as something hidden, something which is precious to know but which needs to be revealed. The mystery is in part linked to wisdom, which is also God's secret that God alone can communicate. In general, according to the New Testament, to know a mystery is to know (and at the same time to receive, to touch) the benefits promised by God, prepared for our glory (formula of I Cor. 2:6); or

•• Deut. 50:11-15. Cf. text on p. 49 below. A note in the *Jerusalem Bible* says that this text is a source of the theology of the Word, such as it is expressed in I John, after having matured in the Wisdom books (cf. Prov. 8:1-11; Wis. 7:1-11); and Saint Paul applies this text to the word of faith in Rom. 10:6-8.

according to the more extensive formula of Eph. 1:9: "He has let us know the mystery of his purpose, the hidden plan he so kindly made in Christ from the beginning to act upon when the times had run their course to the end: that he would bring everything together under Christ, as head, everything in the heavens and everything on earth." This mystery is nothing other than the Gospel (cf. the final doxology in Rom. 16: "Glory to him who is able to give you the strength to live according to the Good News I preach and in which I proclaim Jesus Christ, the revelation of a mystery kept secret for endless ages, but now so clear that it must be broadcast to pagans everywhere to bring them to the obedience of faith. This is only what scripture has predicted, and it is all part of the way the eternal God wants things to be.")

This identity between mystery and the Gospel does not efface the nuances of expression: in the language of mystery the accent falls upon the impenetrable depth of God's designs and on the absolute gratuity of their revelation; in the language of the evangelical message the point of view is that of men who, until then, were plunged into darkness and to whom the light comes, the good news of salvation, connoting the laborers of the Gospel who have been charged to proclaim this good news everywhere. But the content is the same, it is the totality of all the good things which God resolved to communicate to men in the silence of the centuries. This is a far cry from the esoterica and the syncretistic mysteries of pagans; this is the true connection with the sapiential teachings: it is especially to the little ones, to the poor, to the humble, that, according to the Gospel and as already found in the Wisdom literature, the mystery is revealed.

These benefits, then, these things which have been revealed, this good news, are not solely or especially what Our Lord said; it is not so much a question of the words which he uttered. It is not that alone which was promised and shown but indeed Christ himself revealing in his person the whole essence of the mystery. As we read in the Song of Zachariah (Luke 1:68-79), the Incarnation is the culmination and the last word of

all the sacred words which reverberated in the Old Testament; all those long discourses, accounts and oracles which could be written down, held in the hand, kept in cupboards or placed upon the pulpit. But the word which sums up everything and which says everything, the *verbum abbreviatum*, is the incarnate Word. He is the content of Wisdom's plan, the object of the Father's complacency, or, as Saint Hippolytus of Rome put it, *to thelema tou Patros*, the will of the Father, certainly not a faculty but the summation and the entirety of what God wants, the fullness of his loving kindness and the totality of his promises so magnificently and so superabundantly kept.²¹ In other words, Christ is not only he who expresses the dictates of the Father in human language, he is not only the revealer and thereby the artisan of our salvation; he is salvation, for he is God's Word, that one which saves; he is God in person with us, he who sums up every blessing and all promises. He is not only the way but also the very truth and life.

At this point in our demonstration a problem arises. No one can ignore the prestigious position of the Law in the Jewish world and in the rabbinic teaching at the time of our Lord; it is also readily conceded that sapiential thought had considerable influence on the New Testament, particularly in Saint Paul and Saint John; it is recognized that the rapprochement between the Word and Wisdom in the person of our Lord is solidly attested. But if the Jewish milieu continued more than ever to identify the Torah with the Word and with Wisdom as being the full and eternal revelation of God, such a promotion of the Law seems quite foreign to the New Testament and at the same time to the faith of the first Christians, who, however, would have been nourished by this doctrine.²²

It could be remarked as an aside, however, that the entire evangelical teaching could not be contained in the books of the New Testament: "The world itself, I suppose, would not hold all the books that would have to be written." (John 21:25)

²¹ Saint Hippolytus of Rome, *Adv. Noet.* xiii; *PG*, 10, 819.

•• W. D. Davies, *Paul and Rabbinic Judaism*, 1948 (new edition 1963), Chapter 7: *The Old and the New Torah: Christ the Wisdom of God*, pp. 147-176,

More precisely on what touches our problem which concerns the relationship between the new faith and the Jewish law, the New Testament teaches us through the pens of Paul and of Luke (his friend and companion who saw everything from the same point of view), writing during the crisis of the Judaizers. Certainly, at the Council of Jerusalem in 49 Paul's views in his quarrel with the Judaizers were officially approved; James and John" shook hands with Barnabas and me, as a sign of partnership," (Gal. 9) but this liberating decision on behalf of converts from paganism in no way implied that the other Christians had to break away from Judaism; it merely imposed the duty to be tolerant towards them. John, in particular, was among those "who intended to break away from authentic Judaism the least possible." ²³

Confronted with the Judaizers Paul also claimed for himself an "authentic Judaism"; here the anti-Semitism depicted by Marcion is absent; Paul is just as Jewish, and even more so, then they are. (II Cor. 11: Addressing himself to the Romans (3: he upholds the advantages and the prerogatives of the circumcized: "First the Jews are the people to whom God's message was entrusted," i.e., the law; the latter is irreproachable, for if it is powerless to forgive sin, it is because it never pretended to do so. If the Christian is once and for all set free from the Mosaic law, it is not because the latter has failed; it has simply done its time as it should have and fulfilled its task of putting sin into relief in order to bring out the gratuity of the promise and of salvation. The Judaizers did not err in observing the law (which in any case was impossible to observe) but in attributing to its observance an efficacy for salvation which it did not have and which belongs only to grace. Those whom the Apostle combats do not constitute the *verus Israel* which kept the "oracles" of God which were entrusted to it. In these prophecies there is law, not law as understood by the Judaizers but law at the service of the promise now realized in Jesus Christ. There was a time

•• F. M. Braun, *Jean le theologien*, I, p. SSO.

in the life of the Chosen People when their blind fidelity to the (Mosaic) law made them unfaithful to the promise. But this official refusal must not make us forget the first conquests of the faith within the Jewish milieu. Right up to the episode of the centurion Cornelius (c. 48) there were mass conversions among the Jews of Palestine or of the diaspora, including Pharisees and "a multitude of priests." These converts from Judaism were perhaps less converts than the representatives of the *verus Israel* arrived at its full maturity. Their condition is truly unique, never will the Church which springs up from Gentiles ever be comparable to it, and we must await, to again witness this plenitude, the conversion of Israel announced for the end of time.

The first Judea-Christian community was made up of the privileged elite which had without harm passed from the promise to its fulfillment in Christ. Such was the case of James and of John; unfortunately we know little about the details of their teaching since "after having reported in detail their exchanges of views, Luke centered his attention on the missions of Paul. The role of John from then on is passed over in silence."²⁴

It is conceivable that for Saint Paul at grips with the Judaizers, or for Saint John writing after the fall of Jerusalem and the complete separation between Judaism and the Church, the word *Law* would ordinarily have designated the Mosaic law, and even more readily, in a pejorative sense, the Law would have been viewed as a temptation or obstacle on the path of the faithful. And in the same measure that Judaism was concentrated on the Law (the Law was everything for the Jews), the opposition must have been even more marked: The Jews have the Law, we have Jesus Christ! We must not expect in this context to find the Law identified with Jesus Christ. But pushed to an extreme, the opposition can be resolved by substituting Jesus Christ for the Law, with the functions and prerogatives of the latter (truth, way, light, life,

"*l'nd.*

food, salvation, sacrament of the presence of God, gift, grace, revelation, preexistence, role in creation, eternity, etc.) henceforth ascribed to Christ; whereas the Jew glories in the Law, the Christian glories in Christ, etc.

In the eyes of the Christian, however, grace and Christ are superior to the Law, for actually the Jews were wrong in expecting salvation from the Law. Saint Paul pointed out to them that salvation comes from the promise, which is much anterior to the law; it is the promise which is constitutive of the Covenant at the service of which, consequently, the Law was given. The novelty of the New Law, or of Christ considered as our New Law, is the union which took place between the Covenant and the Law identified in the person of Jesus Christ. It is precisely because the New Law contains the fulfillment of the promise that it no longer exhibits the relativity and the powerlessness of the Old Law; in other words, because the New Law consists essentially in the grace of the Holy Spirit, i. e., in the "gift of God" which the "benefits promised to David" prefigured, the New Law or the evangelical Good News consists in the event of the death and resurrection of Jesus, the fulfillment of all the promises. And since Christ had to die, since "the death of Jesus was bound up with the institution of the New Covenant, it was normal for the Savior to have been considered not only as a mediator signing the Covenant in the name of his Father but as a testator who leaves to those near to him the goods he now disposes of." ²⁵

•• C. Spicq, *L'épître aux Hébreux*. II, *Commentaire, Excursus IX*, p. 189. Thus we see the connection between Covenant and law already outlined in the Old Testament fully realized in the Christian economy; as for the idea of testament, somewhat foreign to *berith* (for, covenant is broken by the death of one of its contractors, whereas a testament gets its life and strength by the death of the testator), it was foreign to Jewish thought until the penetration of Roman law, but at that time it was designated in Hebrew by the transposition of the letters of the word *diatheke*. This fact explains the use of *diatheke* for either covenant or law, even the commandments or ordinations, and finally for the dispositions of the testator as in Gal. 8:15-17 and Heb. 9:16-17, a development which is related to the idea of adoption, since the institution of heirs was equivalent to the introduction of new sons into the family. See also A. Jaubert, *La notion d'alliance dans le judaïsme aux débuts de l'ère chrétienne (Patristica Sorbonensis, 6)*, 1968, pp. 811-815.

If then it is true that, according to the canonical writers, the law, taken absolutely, ordinarily means Mosaic law, and if the word *law* needs qualification as the law of Christ, or the royal law, or the law of the Spirit of life in order to mean the Gospel as a new way of life in Christ, it can also be stated that in certain Christian authors, who are no more Jewish than Paul or John but whose mentality and language further prolong, through simplicity or through archaism, the language and mentality of the synagogue, have a way of speaking about Christ as law which accurately characterizes that which we have called the Judea-Christian theology. The principal texts showing this have been assembled by J. Lebreton⁶ completed and exploited by J. Danielou²⁷ and are now easily accessible.²⁸ There is no need for us give an account of them here; it is enough to state here with J. Danielou that "the idea of Christ introducing a new covenant and giving a definitive law was current in the New Testament. But the importance of the texts (which are considered here) is that they present a further element, which is that they identify the Son of God with the Law and the Covenant." "Christian speculation on the Bible from the categories of postbiblical Judaism," such texts have left their mark on ancient liturgical formulas. Later theology used other categories, especially after Nicea, but these archaic traces are still recognizable. They moreover draw our attention by the obstinate recurrence of certain words, certain themes and of certain biblical texts: wisdom, law, truth, principle (*reshit*, *arche*, *principium* with the corresponding texts Gen. 1:1; John 1:1 and Prov. 8:22 the old warhorse of the supporters of Arianism). Considering the great freedom with which rabbis, the authors of the New Testament and the Fathers in their exegesis established their proofs, it can be said that the mere appearance of these words would be enough to evoke Christ on every page of the Bible. The word *Logos*, with its am-

•• J. Lebreton, *Origines du dogme de la Trinite*, II, pp. 648-650.

•• J. Danielou, *Theologie du judeo-christianisme*, pp. 216-219.

•• These are passages from the *Kerygma Petri* recorded by Clement of Alexandria, from texts of the *Shepherd of Hermas* and the *Dialogue with Tryphon* of Justin, etc.

bivalent meaning of Reason and of Word, should certainly be added to this list; this should be remembered when embarking on the Thomist tract on law.

After this review which is perhaps too long and yet perhaps too concise, what is at stake and the scope of the tract can be grasped. To tell the truth, it is not so much a tract, an element of a systematized theology; it is plainly a question of the first, and for a long time, the only article of faith; this is why the Gospels were written and to which it was sufficient to adhere to be Christian. This is the answer to the question asked by our Lord: "Who do people say the Son of Man is?"²⁹ That is to say, what does Jesus, the son of Mary, represent in the history of salvation? There was no need for preaching the existence or the unity of God unless the audience was Gentile. As for the preaching of the properly Christian mystery of the Trinity, it did not, at the start, have any other form than the unveiling of everything implied by the mystery of Christ. Even to the Jews it was not necessary to prove God's fidelity to his promise; it was enough to show that these promises were finally realized and that the novelty of the present situation, so long awaited for, was nothing other than "*novissime diebus istis*" God has spoken through his Son. The Good News is therefore, after the prophecy "*multifariam multisque modis*" addressed by God to the Patriarchs and the Prophets, the advent of *the* plenary and definitive Word which is the Word incarnate. This dogma is not only the first historically, but it contains all the others, and the development of the faith and of theology consists in deductions from and articulations of this "revelation." Just as the word *revelation* has two meanings, the act of revealing and the matter revealed, in the same way theology will make progress by displaying, so to speak, and by organizing *in actu exercito* in the course of its tracts all revealed matters; but theology must also apply itself *in actu signata* to the description of the very act of revealing, the fact of revelation. **It** can be said that it begins

•• Matt. 16: 18.

in that way, in considering Christ as the revealing Word of God. The question now is about a tract *de revelatione*, even though we would have some difficulty in recognizing it as such, accustomed as we are to read under this rubric theses which appear to be philosophical on the human dispositions for the act of faith, with legitimate apologetical preoccupations. In reality, before elaborating and putting in order the various revealed truths, faith and theology are first of all struck by the fact that God has spoken, that his Word has resounded, and that this Word always has the realistic efficacy of the Word of God; it produces what it utters, it transforms being by penetrating it to the core, it guarantees the Covenant, makes us sons and heirs, it accomplishes all the promises, it saves. **It** is this intervention of the Word of God that we must perceive in, and needless to say throughout, this tract where Saint Thomas tells us that God "instructs us through the law." ³⁰

It might be objected that this is hardly apparent. Is a great deal of good will required to draw such a conclusion from so tenuous an indication as a short phrase taken from the Prologue? I will refrain from pretending that this objection lacks any weight; it is enough to think of the many commentators who, in effect, have never dreamed of drawing such a consequence from this little text; they have perhaps never given this text anything but a rapid and distracted attention. The answer

³⁰ In these conditions there is no need react with undue emotion to the reproach frequently levied against the *Summa Theologiae*: the tract on revelation is missing! We answer this objection in the same way we have answered (see *infra*) the one concerning the alleged "absence" of Christ from many tracts in the *Summa*.

In the valuable article of A. Robert, "Le sens du mot Loi dans le ps. 119," *Revue biblique* (1937), p. 191, I find a quotation of Grether which summarizes this conclusion well: "Ainsi *dabar* s'entend de la Loi mosaïque concue non pas comme la somme des préceptes particuliers, mais comme l'incarnation de toute Révélation divine qui, tantôt ordonnant, tantôt promettant ou menaçant, vient se présenter aux hommes. L'unité de la Révélation est affirmée si fortement que la différence entre révélation legaliste et révélation prophétique, entre *dabar* legaliste et *dabar* prophétique, s'efface dans cette unité" (Grether, *Name und Wort Gottes im alten Testament*, 1934, p. 126). **It** is sufficient to remember that this revelation is a progression up to the revelation *in Filio, novissime diebus istis*.

to this objection is complex and delicate but, we think, solid. First of all, there is always good reason to take very seriously whatever indications Saint Thomas gives in his prologues; they are always well thought-out and significant, though under a painless appearance. Sometimes they seem to be on a much higher level and very remote from what is contained in the tract which follows; but this is precisely because they dominate it and, from above, relate it to perspectives broad enough to clarify it. And this clarification is often very personal: to tell the truth, one cannot be so sure that the order of the *Summa* is particularly original by merely observing the sequence of the tracts considered as doctrinal blocks. **It** is only at junctures and articulations, at the transitions that original explanations arise, decisive not only for the logical organization of the tract but for the significance of its contents.

Next, it must be admitted that, although we are enjoying a biblical renewal, Saint Thomas, nevertheless, was very familiar with the Bible. However, the evolution of modern thought, even within the Church, makes it very difficult for us to enter into the mental world of a thirteenth-century author by simply reading him. We will see later how this affects the notion of law. But let us consider for the moment the word *reason* which abruptly opens article 1 of q. 90. For us reason means something profane, and the idea never occurs to us (at least at first glance) that behind this word lies what an assiduous student of the Bible would almost unconsciously be aware of: the Word, the Logos. Its translations are even more obscure, for the system of words is different in each language. In a Latin Bible it takes us a while before we recognize the *Word* whenever the word *Sermo* is substituted for the word *Verbum* [cf. St. Thomas, *Commen. in Ep. ad Hebraeos*, c. IV, p. 2 (Marietti, n. 217)].

Furthermore, account should be taken of the fact that the *Summa* is a summary for the use of students who in addition were listening to the normal lectures of the Master of Scripture. **It** is principally in the commentaries on Saint John, Saint Paul, and on the Epistle to the Hebrews (in which the contribution

of the *Greek* and Latin Fathers bear fruit) that we find the complementary lights which illumine the skeletal summary of the *Summa*. These commentaries contain more than a biblical exegesis; they preserve for us a long tradition of disputes *Adversus Judaeos* which go back to the origins of Christianity and which were a very live issue in St. Thomas's time and beyond it. On another front they were struggling in an anti-Gnostic battle in order to determine the correct path between two errors, one which persisted in denying or misunderstanding the divinity of Jesus Christ, a divinity which implied the recognition of his salvific mission, and another which consistently denied or diluted the reality of his historic humanity ("born of David"). This polemic had been dominated above all and for centuries by the genius of Saint Augustine. Even the summary given in schematized form in the *Summa* bears the stamp of this tradition. We can understand at the same time how all the essential elements of the faith could, in general, be reduced to these two points: to believe in the divinity and in the humanity of Christ the Savior (*De articulis fidei et eccl. sacram.*, n. 598 ed. Marietti). This is exactly the echo of the words of Saint John: The Word became flesh and dwelt among us, or of Saint Paul: God all in all, through a unique and decisive intervention of God in human history.³¹

Finally, without pretending to be complete, I would add that the sapiential character of the prefaces and prologues which Saint Thomas placed at the beginning of most of his theological writings leaves no room for doubt; whether we examine the prologue which opens the *scriptum* on the *Sentences*, or the dedicatory prologue of the *Catena aurea*, or that of the *Compendium theologiae*, most of the time the same sapiential texts traditionally applied to Christ are used. They

³¹ A unique intervention but one which continues throughout the history of humanity and which culminates in the Incarnation. Thus, with regard to the rite of Baptism, we read in 4, d. 6. q. 2, a. 2, ad I, that the catechetical summary of that which is absolutely essential can be reduced to this simple expression: "in quadam summa, ut scilicet videat (the catechumen) quomodo in quolibet statu mundi Deo cura fuit de hominibus."

show that Wisdom is not only creative but that it conserves and perfects all things, especially spiritual creatures made in the image of God. This solicitude is expressed in a teaching which is light, life, happiness, and is a kind of completion of creation in that it makes men the children of God. All these words of salvation scattered throughout his writings seem to be summed up in the unique and shortened expression (*verbum abbreviatum* of Rom. 9:28) which means in tum and at the same time the Incarnation and the evangelical preaching, without prejudice to the synopses and compendia which the symbols and the works of theology offer of them.³²

³² The Commentary on this passage from the Epistle to the Romans, 9:28 (Marietti, n. 803 and 804) is probably the best summary of this *efficacia verbi*. The Gospel has a double efficacy, following the two epithets *consummans* and *abbrevians in aequitate* employed by Saint Paul. *Consummans*, i. e., perfecting, since the Law has brought nothing to perfection (Heb. 7:19), but the Lord has come, not to abolish but to perfect the law (Matt. 5:17), 1) to the law as type he adds the reality (*veritatem*); 2) as for the moral precepts of the law, he has explained them as they should be, he has suppressed the occasions for transgressing it and has even added on to them counsels of perfection. The Lord could then rightly say to the rich young man: If you want to be perfect (he had already practiced the commandments of the law), there is only one more thing you must do, go and sell everything you have, etc. (Matt. 19:21), and he could say to his disciples: "You must therefore be perfect just as your heavenly Father is perfect." (Matt. 5:49)

In the second place, the Gospel has the efficacy of being terse, and this conforms well with the first type, for the more a word is perfect the more it is profound and consequently simpler and briefer. Hence the evangelical word abbreviates the words of the law, for all the figurative sacrifices of the law are in the Gospel comprised in the one, true sacrifice in which *Christ offered himself up as victim for us* (Eph. 5:2). And he has enclosed all the moral precepts of the law in the two precepts of charity (Matt. 22:40: "On these two commandments hang the whole Law and the Prophets also").

And since in this summary nothing is lost or forgotten of the multitude of figures and precepts of the law which are all present in the brevity of the Gospel, the latter is justly said to be *abbrevians in aequitate*, according to Psalm 118: 72, *Omnia mandata tua aequitas*. And it is remarkable that (n. 804), wanting to give the reason for this efficacy, the Apostle evokes the author of this word *Dominus super terram*; it is the Lord, dwelling on earth as a man, who was to be this abbreviated word, and to quote the text of Baruch: *Post in terris visua est et cum hominibus conversatus est* (Bar. 3:88), in which the Latin version has translated into the masculine a common verbal form applicable to both genders but whose subject is Wisdom; the latter, moreover, is identified with the Law in the following verse

There should be no trouble over the fact that the teaching of wisdom often looks vague and hazy in the patristic literature and the biblical commentaries. In reality, thanks notably to the *De Trinitate* of Saint Augustine, this theology has taken a scientific form. In Saint Thomas the place for this study is found in the tract on God and in the tract on the Trinity. Its elaboration has involved a certain complexity in the hierarchy of laws. For the rabbis, the Mosaic law was at the same time qualified as divine law and eternal law. Under the influence of philosophy, especially that of Stoicism, eternal law was situated in the world of divine ideas which are the *rationes* of all created things; the precepts of the eternal law are the *rationes agendorum*. Often enough, for example, in the *Contra Gentiles*, the expression *divine law* simply designates the eternal law. So, it is only in the *Summa Theologiae*, at least in the tract on laws in the I-11, that Saint Thomas employs a more articulated vocabulary in which divine law designates the positive divine law and not the eternal law. Nevertheless, this properly theological elaboration maintains the reference to Christ that we have recognized in the wisdom and patristic literature. In the tract on the eternal law (I-11, q. 93, a. 4, ad 2) it is expressly stated that the Son of God was not subject to the eternal law but that, according to the doctrine of Saint Augustine in *de vera religione*, c. 31, the Son of God is the eternal law instead, by a kind of appropriation. To clarify this overly succinct statement, references could be made to a few passages, especially from the commentary on Saint John, where the influence of Saint Augustine is obvious.

In John c. 5, lect. 4, when our Lord says that "Every judgment comes from the Father," Saint Thomas uses an interpretation of Hilary and Chrysostom which he develops in this way: at the same time that the Father begets the Son and gives him life, he also gives him all judgment, he begets him precisely as judge, and that because the Son is none other than

(same text in the exergue of the *Principium*, Mar., p. 485). This theme of *verbum abbreviatum* is an ingenious way for the prologue of the *Compendium theologiae* to introduce the matter, but is not without precedent.

the *conceptus paternae sapientiae*; hence it is by the fruit of wisdom that each pronounces his judgments. That the Son is the Word, i. e., the *conceptus paternae sapientiae*, has been established at the very beginning of the commentary in the Prologue (c. I, lect. 2) when discussing " *omnia per ipsum facta sunt.*"

Further on, in John 12:49-50, we are given a more detailed explanation (lect. 8): "For what I have spoken does not come from myself; no, what I was to say, what I had to speak was commanded by the Father who sent me, and I know that his commands mean life eternal." All the divine commands, we read, are in the mind of the Father because the commands are nothing but the *rationes agendorum*. Thus, just as the reasons (ideas) for all creatures produced by God are in the mind of the Father, so also the reasons for all the things which we should do are found there. And both of these derive from the Father in the Son, who is the Father's wisdom. Saint Thomas remarks that, when the Father commands the Son, it is the same thing as begetting him. And a little further on he explains that " his command is life eternal " by recalling that the Son is himself the command of the Father, *ipse enim Filius est mandatum Patris*, an assertion based on I John 5:21: *Hic est verus Deus, et vita aeterna.*

One final text, taken this time from the commentary on Rom. 10:5 ff, will suffice. Speaking on the opposition between the justice born of the (old!) law and the justice born of the faith, Saint Paul recalls one of the most beautiful passages in Deuteronomy (Deut. 30:11-14 very strongly colored by sapiential influences where the " interiority of the Law " is proclaimed:

For this law which I enjoin on you today is not beyond your strength or beyond your reach. It is not in heaven, so that you need not to wonder: "Who will go up to heaven for us and bring it down to us, so that we may hear it and keep it?" Nor is it beyond the seas, so that you need to wonder: " Who will cross the seas for us and bring it back to us so that we may hear and keep it?" No, the Word is very near to you, it is in your mouth and in your heart for your observance.

These vain attempts in the heavens and beyond the seas can be recognized as the sapiential style and the mode of Job 28 or of Baruch 3:29 ff. Hence Saint Paul plainly attributes to the Word of faith what Moses understood of the Law; and what must be received in the heavens and brought down, or what must be received at the bottom of the deep and brought up, is simply Christ who has in fact come down from the heavens and returned from the dead. Conclusion: the word is very near to you on your lips and in your heart. Saint Thomas explains this text from Saint Paul in this way without giving the impression that the Apostle's exegesis is the product of a heady boldness; he reassures his reader: "Nee est inconveniens si quod Moyses dixit de mandato Legis, hoc Apostolus attribuit Christo, quia Christus est Verbum Dei, in quo sunt omnia Dei mandata."

All that we can permit ourselves to observe without doing injustice to formulas consecrated by an elaborate (I almost said stale) theology is that Christ or the Word of God is a much more comprehensive *conceptus divinae mentis*: for if he bears the ideas of the whole universe of creatures, he first of all expresses the fullness of the divine Being; it is in this fullness that he contains the ideas of all that proceeds from this creative plenitude. Furthermore, and this is the sense of the expression eternal law, he bears the *reasons* of all movements and created activities. Among these reasons there are some in which irrational creatures participate passively and others in which rational creatures participate actively (natural law). Positive laws, both those which men make for themselves (human laws) and those or that (according to an historical development) by which God instructs men in order to guide them on the way to happiness (Old and New Law), are derived from these reasons. Perhaps now we are better prepared to understand what the word "reason" means in the initial mention made of it in q. 90: *Utrum lex sit aliquid rationis?* Otherwise, we will see nothing but a scholastic refinement or elegance (?) in the care taken by the ad 2 of Article 1 to make a *conceptus mentis* of the law, purposely (by opposing it to an

operatio), an *operatum*, a fruit of reason, *aliquid per hujusmodi actum constitutum*, with the customary parallel between speculative and practical reason. What pertains to speculative reason, the proposition in relation to its conclusion, must also be said to pertain to practical reason, law in relation to its operation, i.e., law is both an universal active principle and a director of operation.

On this level, of course, there is no further obstacle to the unity of the tract and especially the universality of the definition of law given at the end of Question 90.

II. THE THOMIST DEFINITION OF LAW

We think it opportune to introduce the next two sections, which are very moralizing and the product of philosophical analysis, by a summary discussion of the concept of moral theology. Most certainly there is no question here of forgetting that Saint Thomas attempted to group what he calls moral considerations (I-II, q. 6, Pro!.) in the *Secunda Pars*. It was this part of the tract on law which led moralists, at least the vast majority of them, to look upon law as the indispensable and ultimate reference for discerning between good and evil actions.³³ This placed the tract on law in an unexpected perspective and light, namely, of moral science, by suggesting that law plays the role of pivot in morality. It was certainly not Saint Thomas's intention to lead us down this moralizing road; the misinterpretation occurs whenever the tract is read with a frame of mind characteristic of those sciences which are formally moral. If it has been believed opportune to displace the tract on law, it is because we have sought in it answers to

³³ This is the reason which leads authors of manuals to treat of law before taking up the question of the morality of human acts, a strategem foreign to Saint Thomas who sees in law essentially a *doctrina* taking into account that which it is, a type of knowledge which plays the part of rule, since it allows acts to be measured and directed as is fitting and not as a source of morality constituting certain acts as good and others as evil. This formalistic conception, if we should carry it into the realm of technical rules, would make us think that the goodness of an omelet, for example, consists in the fact that it has been made exactly according to the directions of the cookbook.

questions which Saint Thomas never pretended to resolve. What is more serious is to approach it with prejudices which distort its understanding. Briefly, then, remember that moral sciences—whether moral philosophy or what today is called moral theology—constitute bodies of knowledge which not only serve to direct practice but which are formally and methodically organized to give this service. But this is not, basically the nature of theology; it cannot be defined as a science *in the service* of practical living; like the faith itself, it is somehow the environment of a living spirit; it does not dispose for an end, it contains that very end; it is Christian wisdom, knowledge of God, meaning not simply discourses on God and divine things but the receiving of God's revelation and imparting a beatifying introduction to the life of God himself. That this exercises a considerable influence upon human conduct there is no doubt at all, for this is the case for every truly speculative knowledge which is presented as a life in which the great realities of end and beatitude are assimilated; but this type of knowledge must not because of this be conceived and structured according to formally moral or practical bodies of knowledge in view of an end which is not properly its own. Not only is it inappropriate to build a moral theology to provide, as has already been pointed out,³⁴ an apprenticeship for the ministry of the confessional; without falling so low, the very idea of placing theology *at the service of anything whatsoever*, even at the *service* of the Christian life, cannot be maintained as such. It is true that the theologian has a certain role to play in the Church, that theology eminently educates the faithful, that it also defends the faith against errors. But theology itself, understood in its complete Christian dimension, with the faith whose rational and methodical fructification it is, is not a

••In the article *Tribut* of the *Dictionnaire de theologie catholique*, Vol. XV, c. 1588. Here is the interesting section: (If we wish to appreciate the true worth of certain critics) "il ne faut pas oublier le point de vue et la tache propre de la theologie morale: avant tout elle entend preparer le futur pretre a son ministere penitentiel et le mettre a meme de ne pas manquer a la justice vis-a-vis de ses penitents."

school, preparing for the Christian life, it is itself the exercise of the Christian life. Nothing is more dangerous here than to oppose the doctrinal and pastoral functions: with what bread will pastors nourish their flocks if not with that of the word of God which they should ruminare and contemplate so that the faithful, too, may ruminare and contemplate it. Theology is too tied up with the faith not to be, in all its parts, like the faith, essentially contemplative. Faith does not prepare us for eternal life, it communicates this life to us, as was said to us at Baptism. Of course, this does not preclude the role of a supernatural synderesis; theology has certainly played a part in the conduct of human life, and this is why moral considerations are part of its make-up; but even so, theology remains a participation in the beatifying mystery, an entrance into the possession of the end (through faith, of course). Like faith and by faith, theology (even in its moral considerations) puts us in touch (gropingly, as through a veil, while awaiting the definitive revelation or the unveiling of the vision) with the term, beatitude, the end itself, beyond the reach of any " *ad finem*, behaviors organized and regulated by the moral sciences. Otherwise, we would be led to understand that theology and consequently faith could be put in the service of another end, of a better end, higher and worthier than that offered us here below through our knowledge of God and the mysteries revealed to us. There is a certain primacy of contemplation that we cannot fail to recognize without ceasing to be Christian. To return to the relationship between pastoral theology and sacred doctrine, the pastoral function which consists in giving just laws to the Christian people is nothing other than the current application adapted to circumstances of the doctrinal function by which the bread of divine truth is distributed. ³⁵

³⁵ This idea is expressed in a work where we would not expect it: " La fonction de regir le peuple de Dieu n'est done qu'un appendice de la fonction de l'instruire des choses divines" (L. Boyer, *La decomposition du catholicisme*, 1968, p. 96). The idea is quite justified, only the word " appendice " seems insufficient to me. I would say that the essential thing in pastoral theology consists in the exercise of the doctrinal function, but that it is secondarily extended to its applications and

Assume, then, without further discussion since this would take us too far afield, that moral theology remains indeed a genuine theology. It is also true that theology, when it deals with moral considerations, must be wary of the quality of notions and arguments that it borrows from moral science. The theologian must not be confused with the moralist,³⁶ but neither must his work be compromised by accepting the services of any moralist whatsoever. Saint Thomas is a theologian and not a moralist, but he knew what the Philosopher had said in his *Ethics*, he studied it, criticized it, and made use of it as a theologian "*cui omnes aliae artes deserviunt.*" The realm of morality is particularly dangerous in view of the fact that it is of interest to everybody and that everybody, more or less, believes himself competent in it. This realm is the favorite dwelling place of ready-made ideas, accepted without criticism, on the basis of unsuspected pseudo-evidence.

In what concerns his theory of law there is no need to come to the defense of Saint Thomas; his definition of law has been rightly accepted by all as excellent; it is hailed and admired on all sides and is in everybody's memory. I quote it here with the punctuation found in the Leonine edition:

QUAEDAM RATIONIS ORDINATIO AD BONUM COMMUNE,
 AB EO QUI CURAM COMMUNITATIS HABET, PROMULGATA
 (q. 90, a. 4c).

Since there is no solid support for this punctuation in the manuscripts, it necessarily reflects the interpretation of the editor; this particular one evidently represents an interpretation which is currently accepted in our schools as the classic one. However, we must point out that all is not clear in this formula.

consequences at times remote. As for what pertains, for example, to jurisdiction and the judiciary function, let us recall what Saint Thomas says: "unusquisque per conceptum suae sapientiae iudicat," and thus he sees in the fact that Christ is Wisdom the foundation of the power to judge which has been given him by the Father (*In Jo.*, c. 5, lect. 4, Marietti, n. 768).

³⁶ See I-II, q. 7, a. 2, ad 8.

Should we excuse ourselves for going into such grammatical minutiae, or rather admire the translators and commentators who have intuitively resolved them without bothering to justify their reading? Since this formula is given in the last article of question 90 as the summary of the four articles of this question, it might be thought that each member of this definition corresponds to one of these articles. The number four spontaneously invites us to look for the four causes: the formal cause in Article 1, the final cause in Article 2, the efficient cause in Article 3, while Article 4 introduces an existential or subjective consideration of promulgation, which is not without reference to the material cause, namely, the subjects "affected by" this promulgation.

But this reading presents an anomaly. The phrase *ab eo qui curam communitatis habet*, being logically related to what precedes, leaves the *promulgata* isolated in apposition; the first three parts would constitute the integral definition from the essential point of view the whole being projected into existence through promulgation. There is the impression, however, that this formula is defective in that the first statement lacks a verb: *quaedam rationis ordinatio ad bonum commune, ab eo qui curam communitatis habet*. This is the way this definition should be read, if account is taken of the contents of the articles the formula is supposed to be summing up. In effect, the author of the promulgation is not discussed in Article 4, whereas, after speaking of the multitude which is a true cause of law, Article 3 mentions this *persona publica quae curam habet multitudinis*. Nevertheless, to follow the natural drift of the grammatical construction, *ab eo, etc.* ... has to be referred to *promulgata*.

Translators are inclined to believe that the author of the *ordinatio rationis* is the same as the one who promulgates. In order to arrive at a grammatically correct and complete sentence, they add a verb in order to sustain the logic of the *ordinatio* . . . *ab eo*; there is then a certain verbal force in the noun *ordinatio*; there is the idea of a *putting in order* by someone. This is the sense obtained in Father Laversin's translation

in which he adds the word *established* which doubles the *promulgated*, the result being this: "On ordinance of reason in view of the common good, established and promulgated by one who has charge of the community." J. Kaelin's translation is perhaps preferable for it is more literally exact: "An ordinance of reason in view of the common good, established by one who has charge of the community, and promulgated."³⁷ In both translations it is obvious that *quaedam* simply becomes the indefinite article *une*. In both these cases also-and it was inevitable-there is no longer any question of the one who *curam habet multitudinis*, the multitude itself remains in the background; it could be sustained in theory that the multitude has charge of itself because of its key position, but the fact is that in Article 3 the one who has charge of the community is a distinct person, an "official" personage, or as Laversin says, a *persona publica*.

I do not pretend that my explanation of this text is new or altogether satisfactory. It is possible, after all, that the text itself is not perfect, either from the grammatical point of view or as a resume of the content of the articles. It is definitely to these articles that we must look for a sure and faithful understanding of the definition which pretends to be their summarization.

It can be easily seen that Article 4 stands apart relative to the others; we read there that, if law is to have that *virtus obligandi* that is proper to it, it should be applied to men whose actions are to be regulated, and this application properly constitutes a notification. This is an interesting idea, and it agrees with the longer exposition on the study of conscience found in q. 17 of *de Veritate*. We will come back to this.

Let us go back to Article 3. The title which we find immediately at the beginning of the articles in our printed editions is borrowed, everyone knows, from the first words of the first objection. The authentic title given to the article

³⁷ Saint Thomas Aquinas, *Des Lois, texte traduit et présentée part Jean de la Croix Kaelin, O. P.* (Paris, 1946), p. 88.

by Saint Thomas in the prologue to the question is *De causa ejus* (sc. *legis*). But the first objection opens the battle with a lively and impressive formula: *Anyone's reason can make laws*. To the question thus raised it is not possible to answer otherwise than by acquiescing. Naturally it is not up to the first one who comes along to make a law at the drop of a hat. Saint Thomas does not contradict this, but it is not so certain that our thinking corresponds exactly to his. If we are men of our times, we make a distinction between the multitude, which is subject to a law imposed from above, and the one *qui curam communitatis habet*, namely, authority. Now Saint Thomas undoubtedly granted that it did not belong to a particular isolated individual, nor even to all individuals taken collectively, to make law, but he did categorically affirm that this legislative activity belongs to the multitude, for the decisive reason exposed in the preceding article that law has for its end the common good, the good of the multitude; for in any domain he who ordains for an end is always the one to whom this end belongs as his own. I might add that Saint Thomas does not stop here: the power to legislate, he states, belongs either to the multitude taken as a whole, or to a person whom he describes as *persona publica quae totius multitudinis curam habet*, or again, *aliquis vice gerens totius multitudinis*. In any case the principle remains: to ordain for the common good of the multitude belongs to the one for whom the common good is properly an end, namely, in the final analysis, the multitude.

It is here that we risk losing the authentic sense of the Thomist formulas we repeat so often. We quite naturally, I mean spontaneously, believe that, faced with a multitude of individuals in which each must seek his own proper good, i. e., his particular good, since the particular good is the proper good of the individual as such, there must be above and beyond this multitude of individuals one who has charge of it, someone who is both qualified and authorized to legislate for the common good of this multitude. But such a schema leads us astray. Such a prince is exactly the one who in a classical sense has

been called a tyrant. For this alleged common good for which he legislates is not a common good but rather a collective good, that of a great number of individuals; even a complete assemblage of particular goods does not make up the common good; what we call a multitude of individuals does not constitute a multitude in the technical sense of social philosophy, i.e., a community. We know that within the multitude each has his own, individual subsistence; but what constitutes a multitude out of this collection of individuals in the sense of a political and social community is that, since each individual is naturally endowed with reason, his proper good is not a particular good; it constitutes the common good insofar as, independently of the subjective limits and oppositions found among individuals, there truly is a good which is common to all and which is precisely the proper good of the human multitude, being recognized and sought by every being endowed with reason and following his rational inclination.

It is different in the case of a flock. The image of the shepherd king, indeed, the idea of *pastoral* government, cannot be held except analogously. The shepherd is authorized to rule (but not exactly to legislate) over his flock because he is endowed with reason; he thinks and ordains in view of the collective good of his sheep, and when we see the flock prosper in rich pastures, we commend such a shepherd and expect that shepherd kings or ecclesiastical pastors will follow such a beautiful example. Now, the univocal transposition from the good shepherd to the government of men is the tyrant. He is a tyrant not because he might be bloodthirsty and act brutally (we assume that he is good toward his sheep and perhaps becomes exhausted in the effort), but he is a tyrant because he substitutes for the multitude in the conception and organization of a collective good falsely declared to be the common good. Classically it is said that the tyrant governs for the sake of his particular good instead of for the common good; this can be granted, providing that we take a cold view of things, of the positive conception of the shepherd, but it seems that the classical definition of tyrant no longer applies to the analogous

conception, pious and romantic as it may be, of the shepherd king, who precisely seems to act not at all as egoist and who is all attention for his " sheep " who are his subjects. But it must be clearly stated that even in this case there is tyranny involved; for we do not claim that this particular good which is sought and commended by the tyrant is an egostic good, but it remains that the collective prosperity of individuals each seeking his particular good is still a particular good and that the conception and service of this good (even if it be the blissful satisfaction of the subjects), being reserved to the prince who makes it his business, is properly speaking the particular good of the tyrant. This is precisely the way that we imagine a good tyrant to be, not only an enlightened despot but one with a generous, even sensitive, heart.

It is therefore not incorrect to say that the author of law is the multitude, understood in the sense of the community of rational beings. This is verified even in monarchical regimes whose pastoral form of representation should not necessarily be interpreted literally but rather analogically, the basis of which is the devotion the prince has for the welfare of his subjects. Conversely, it should not be imagined that a democratic form of government necessarily guarantees the success of the community and the intention of the common good; it can happen that such a regime will result, somewhat mechanically, in many particular wills which no common good can ever establish into a community, wills sufficiently informed that each is aware of the resistance of the others in order to avoid a war in which all would suffer and to benefit at least from the possibilities offered by the regime for an increase in the particular happiness of each. All that is asked of the shepherd king, then, is that he maintain a state of equilibrium, a favorable and enriching milieu conducive to the profit of each individual. This concern is therefore the work, the proper task of the tyrant, it is the end which is defined for him; but since there is no genuine community, it is clear that this proper end is the particular good of the tyrannical government. Thus, to the extent that a human collectivity fails to constitute a community (which

requires more than the external forms of mutual tolerance, discretion and politeness), it can only oscillate between anarchy and tyranny; at times, the instinct for self-preservation makes it prefer a tyranny which, if it is clever and efficacious, assures a favorable external context allowing particular wills to live side by side while avoiding conflicts and damaging infractions. However, it is clear that this is not the proper good of power, nor of individuals, nor even of the collectivity of individuals.

It should be admitted that this representation of a tyrannical power, which adopts the idea and assures the promotion of welfare in the collectivity without attaining a unity of views and intentions which would constitute a common good and make of it a "multitude" in the classical sense, is the image which we spontaneously form of political power, so much so that it seems to us normal and almost desirable. The legitimacy of this power depends on a single condition: that it was instituted in some way by that which is called its base, the collectivity of individuals; nothing is more logical, since the individuals entrust to political power the task of setting up conditions for existence for all. In other words, we have here again a *lex regia*, by which the people invests the prince with this authority which, henceforth, as long as they continue to consent to it, will properly belong to him. The normal rule, in our estimation, is that authority should stem from the collectivity, but it should properly reside, with power, in the head of the collectivity, who will henceforth exercise it and therefore legislate.

Now this representation effectively saves the empirical appearances and corresponds to the imperfection of political communities which history has described for us, but it does not satisfy Saint Thomas.³⁸ Saint Thomas is not ignorant of the

••To tell the truth, this is the reproach which a "realistic" spirit will make against the Thomist idea: to make the multitude the proper subject of legislative authority seems to disregard the fact that the "communities" are always more or less divided, or as we modestly say, pluralistic. And is this not to forget that every political regime which history has known has bequeathed to us an image of itself corresponding to the schema of tyranny? The answer is twofold:

practical necessities of life in society which often prevent the multitude taken as a whole from carrying on its legislative work; this is why he makes room for a *vicem gerens totius multitudinis*. Still it is necessary to take into account the massive fact of purely customary laws which ruled humanity for thousands of years to the exclusion of all written law; it clearly seems that the multitude was the cause of this; the first instance of written law generally consisted in codifying customs. But in any case, if there is a *vicem gerens*, Saint Thomas does not conceive him in the sense of intersubjective relationships according to the contractual figures of the mandate, of delegation or of representation. He is referring instead to a specific differentiation of multitude, hierarchically organized in its being, so that certain persons analogically assume the role of organs specialized for diverse functions. Whoever has charge of the multitude is referred to as a "*persona publica*," which we should envisage, it seems, as the personification of the community.³⁹ Thus, for the moment,⁴⁰ the head must not

a) We concede first of all that in a large measure the multitude is made up of imperfect men who can never constitute a perfect community; it follows that, to this extent, it is resistant to a political government, that it must be directed by other processes than that of law and that there are definitely less laws worthy of the name than there are of texts so designated in the official literature.

b) In the second place, it should be remarked that a political reality is only known by us through the descriptions that are made of it; as these are imperfect, more or less penetrating or complete, it is infinitely probable that in politics there are realities which are not explicitly recognized and described and which would probably be the most plain, profound and lived rather than explained; political life would then be more complex and better on the whole, more human, than the analyses and explanations of theoreticians would have us believe. In these conditions, we will not be too astonished at the rigorous, apparently unattainable, requirements of the political thought of Saint Thomas. Understood in depth, man is without doubt more admirable than he appears to be in his superficial and empirical manifestations.

³⁹ The idea of person in this context must obviously be understood in the analogical sense. It is clear that in the proper sense all human beings, whatever their social status, are persons. In social philosophy the term "person" is reserved for those who are active, or more precisely, for those who have voice in community assemblies and whose acts make some impact, count for something within the society. The force of the analogy is such that, *on this level*, some human beings who are true persons from the ontological point of view are not conceived

be thought to be a distinct person who enters into interpersonal relationships with the community in a contractual way; undeniably there are such relationships, but they envisage the "individual" who is vested with this function, an individual for whom it is necessary to find a position in relation to the community. We are now at a point which is logically anterior, and we are considering the community in its head as in one of its members who personifies it, because it is in him that it affirms itself as a person, that it speaks, that it acts; the other members are not so involved to the point that we can recognize in their words and actions the words and actions of the community. In the prince, on the contrary, the community acts in the principal way, the community affirms itself as a principle of action.⁴¹ Certainly, it should be repeated, all the

as having a personality; in return, personality is accorded (this is the artificial part or the fiction which belongs to every analogy) even to reasonable beings and institutions whose counsel or agreement is imposed on others, i.e., who act (on the social level actions are always operations which terminate in others and resound in them). The point of the analogy, regulating and justifying its application, is evidently that persons are recognized as principles of action and that reciprocally everything which is a principle of action is recognized as a person. It is on this basis that persons enter into social relationships: they oppose each other, adjust to each other, they are subjects of rights, in brief, they are the "others." We can see that the analogy was born and remains on the level of social transactions and that it owes practically nothing, except perhaps its point of origin, to metaphysical researches on the formal constitutive of personality. We must avoid ascribing to analogical personality a metaphysical reality which only belongs, according to Boethius, to the *rationalis naturae individua substantia*, as much as we must avoid reducing the metaphysical personality of persons properly so-called to their social personality defined in terms of others with whom they enter into relationship by their operations.

⁴⁰ For the moment, for we must not forget that we are living in the time of social structure; it is evident, and it is even the most evident thing in our daily experience, that once society is structured, with everyone in his place and carrying out his function, persons will enter into relationships by the very play of their activities: we will see come into being, in the distinction of agents, the opposition, the equilibrium of distinct subjective rights, as well among the members of society as among each of them and society considered as a person having rights them and intervening in their activities.

⁴¹ Tradition recognizes a record of reflections revolving around the *Principium* and the *Caput* (*In principia ... In capite libri ...*). The theme occurs often in Saint Thomas, with references to Aristotle. It follows from this that every being is essentially defined by that which is principal in it (I-II, q. 29, a. 4). Thus what

members act both by reason and will, otherwise there would be only a herd and not a political community; but the other members cannot pretend to play the role of principle of activity in such a way that the community would be considered to be acting in each of their actions.

We can now understand the sense of the alternative *vel ... vel ...* given in Article 3; it does not imply that whoever is in charge of the multitude is a transcendent subject separated from the multitude after having been invested with authority by it. There is in reality but one authority, whose proper subject is always the multitude; but it can happen that this multitude, few in number, remain relatively disorganized; all the members can assemble, deliberate, decide, or rather, if we remain faithful to the lesson of history, there is an implicit and tacit *consensus*, but well determined and very firm, which founds this form of law which is unwritten law or custom. Otherwise in larger and more developed communities the social structure will be different; certain organs will be consciously recognized as having the power to legislate/ ² in agreement with

men accomplish by reason is taken as being done absolutely and in the highest degree by themselves (*In IX Ethic.*, lect. 9, n. 1871). The motive in this is that "unaquaque res illud videtur esse quod in ea est potissimum, ut Philosophus dicit" (I-II, q. 106, a. 1). This is then applied to the structure of the social being: "Alio modo dicitur homo esse aliquid secundum principalitatem, sicut princeps civitatis dicitur esse civitas" (II-II, q. 115, a. 7). And again: "Unumquodque maxime videtur esse illud quod invenitur in eo esse principium; omnia autem alia videntur ei quod est principium adhaerere et ab eo quodammodo assumi, in quantum id quod est principium aliis utitur secundum suam dispositionem: quod quidem patet non solum in ordinatione civili, in qua principes civitatis quasi tota civitas esse videntur, et aliis utuntur secundum suam dispositionem, ut sibi adhaerentibus membris; sed etiam in ordinatione naturali. Licet enim homo naturaliter constet ex anima et corpore, principium tamen videtur homo esse anima quam corpus, quod animae adhaeret et quo anima utitur ad operationes animae convenientes" (*De rationibus fidei*, n. 980).

• It seems that, in French, words such as "legiferer," "legislation," "legislateur," etc., were very little used before the French Revolution; they have come strongly into vogue only since that date. Now, if they etymologically derive from the Latin, from a historical reality, it is not directly from the Latin that they have been borrowed but from the English language; this enrichment of language is due to the influence of the political ideas of England on the philosophers of the Continent. Cf. Sten Gagner, *Studien zur Ideengeschichte der Gesetzgebung*, p. 57. This

the multitude which gives its more or less explicit consent, and even sometimes a tacit adherence to the state of affairs. But it is not in virtue of personal authority that they do this; on the contrary, it is because they are the organs of law that they are invested with this authority, just as in a regime ruled by custom the wise men and the elders who speak the law are consulted on points of custom, and speak with the authority which is attached to custom. Thus it is clear that this reference aims at the multitude and that the authority of the multitude can be none other than that of reason.

We will see what has become of this Thomist doctrine in later history. Let us turn to the second Article. We do not stop here for long, since the remarks already made regarding the multitude as author or cause of law have led us to treat sufficiently of the *bonum commune* of Article Q. Let us at least point out that the expression "common good" is somewhat obsolete, if not worn out, and that it lacks attraction for most people. From one aspect this falling from favor is irreparable, since we are forced to choose an absolutely universal and abstract term if the definition of law is to be applied to all that is defined in its innumerable varieties and species. If this difficulty (which stems most of all from the lack of philosophical culture on the part of our audience), were to be overcome, it could be observed that the attractive reality of the common good is a datum anterior to the law. It is not the law which forces us to adhere to a desirable common good; without this desirability there is no community, much less a law. It is desirable for the audience to possess a certain maturity, an experience of human life which will give them a sense of the different desirable objects which constitute, at all levels, the

indicates, at least to us, that under the Ancien Regime, if not among the specialized authors, at least in current language, the nature of the act of legislating and its author were not hotly discussed. No one claimed to make law: the king would mete out justice according to the laws of the kingdom, the judges, would render judgment, etc. But the law was considered as a popular datum which was sometimes expedient to look into without proving the need to do so or granting the right to do it.

common good in which men will share because it is good to join in anything which shares in reason. In the domain of action the end is the principle, and the principle of principles can only be the end of all ends, beatitude, i.e., God. No law, not even divine law, can prescribe for us the obligation of adhering to this ultimate end which is the principle of all law. In a profound sense the law does not create obligation, it discovers it; if we are already obligated, related to God, no law, not even divine law, can touch us or bind us.

Let us state once again that God who is the universal end and the common Good of all men is the same God who is the object of love. We ordinarily think of God as the sovereign authority; this difficulty justifies a special section (III) . But the question is actually about infinite loveliness, such that in the order of integral nature all men would naturally love above all things, that which we love out of charity in the order of healing and elevating grace.

Maintaining all due proportions, the same thing can be said of human laws; there is a priority of the common good over the law. Certainly the requirements of the common good become more and more contingent and complex as the communities they are applied to are more particular; ⁴³ it can be maintained that the existence of good laws is an element which contributes to the common good of the community. But this a posteriori consideration does not obliterate the direct and fundamental consideration, which is that the end is not the law but the common good. It is the common good which is, in relation to the law, a first principle.

The notion of principle serves as a transition to the first Article. Remember its title: the law is "*aliquid rationis.*" This is a curious intrusion into what is supposed to be a theological tract. The word *ratio* is one of those which discourages the translator. For us, in keeping with the current use of the word in Saint Thomas, it can mean cause or motive, argument,

••" Bonum commune constat ex multis " (I-II, q. 96, a. 1c). This is precisely a question of human law.

the meaning or notion of a thing; again, it can designate a faculty of the human soul, or an act of this faculty, or a certain *habitus* of this faculty. The second objection points out this diversity of meanings and contests that none of them agrees with law. In his answer Saint Thomas makes a general remark on the ambiguities of ordinary language. The same word, often intentionally so, such as "construction," can designate either an activity or the result of this activity. The activity ceases when the masons leave the construction; and in this sense construction ceases. But the resulting construction happily remains. If we take the word *ratio* in the Latin sense of calculation it signifies an activity which is performed, and, if successful, ends in a result. The word *ratio* is also ascribed to this result which has a durable mode of existence independently of the activity which produced it; this kind of calculation served later on for an indefinite number of paradigms or rules for other constructions; thus, once the value of 3,1416 has been determined as the proportion between a circumference and its diameter, this calculation made once and for all serves as a tool, a rule, a measure for making other calculations. Hence, and this is the starting point for the argumentation, given what is not demonstrated but is universally accepted, law is the rule or the measure of human acts (speaking here provisionally of that which is better known, the law which rules in human societies, but the definition ought to apply to every law, eternal, natural, divine). This is what is meant when it is said (and it is said often today, so it is not very likely false) that law binds us to do this or to avoid that.⁴⁴ We are then in agree-

⁴⁴ Curiously, authors have been stopped by this formula: (*lex*) *obligat ad agendum*, and want to see in it a valuable teaching of the article. The logical course and flow of the article clearly show that it is only a start; it is the first and uncontested datum, in no wise elaborated, of what everybody understands by the word *law*: it is something which obliges you to do this or to avoid that. Saint Thomas translates this into his own language: it is a rule of human activity, and he does not feel the need to push the point, since in the main this is exactly what everybody means by the term. That this beginning is illustrated by a recourse to the etymology of *lex a ligando* (a little further on, recourse will be had to another etymology: *lex a legendo*) is nothing but a recourse to first and

ment: law is essentially a rule of human conduct; there are many kinds of laws, but that matters little: the word *rule* covers a great number of things; a thing can be a rule in many different ways. Thus if we are speaking of regulating human acts, this, of course, is considered an appeal being made to reason; this has already been demonstrated, and it is enough to dispel all doubt to recall what man is and what a human act entails.

More precisely, we speak of a *rule or measure*. While this may be slightly redundant, the two notions are not absolutely identical. Every rule is a measure but every measure is not a rule. To measure is basically an operation destined to give us knowledge of some object. This is valid first of all for objects which have extension, volume, weight, or number, in short, in the category of quantity; this is analogically extended, without any special problem, to every kind of knowledge, whether speculative or practical. And it is good to note that, in order to measure, we make use of a unit of measurement which plays the role of touch stone, of principle of knowledge. It is that which is known previously and whose truth will found and justify the knowledge of everything else in that order. It does not matter much whether this truth be had naturally, as in the first principles of reason, or be instituted through convention, as in the meter or the kilogram; in any case we possess knowledge (sufficiently proximate for the case of the meter or of the kilogram for which our imagination or senses have a certain appreciation) which allows us to measure, i.e., to know, all the rest, that is, all which in the same order derives from this principle of knowledge. The unit of measurement enjoys then a certain kind of perfection, first as unit and then as principle within a given order. This remark is important, as we will

immediate insights common to everyone. We can therefore base our reasoning on the above. What strikes me in this case is what little attention Saint Thomas pays to the avenues opened to him by the etymology of a *ligando* if these avenues were in fact of interest to him. It is obvious that he does not even think about them. The important thing is *ad agendum*; to say that a law obliges makes no sense unless we precise it further: to do this or to avoid that.

see when discussing the notion of rule. I know very well that the unit of measurement is often chosen rather arbitrarily and that one cannot without caution attribute absolutely and in the ontological order a privileged position to this unit of measure rather than to another; there is no reason why the meter should be preferred to the kilometer, considered in itself. However, if we go beyond the realm of material mensurations and strive to measure and to appreciate spiritual dimension, the unit of measurement is the perfect; any given quality will be small or great depending on whether it is nearer to or more remote from pure perfection. But even in quantitative measurements the choice of the units of measurement is not necessarily arbitrary; a certain technique will measure in terms of feet or inches, or meters or kilometers, or light-years, or microns; the reason for this is that techniques also are *aliquid rationis*. But we are now dealing with measures which are also rules.

Among the things which need to be measured to be known are our deeds and our operations; the measure in this case is called the rule, which means nothing else than the measure of practical intention which properly rules movements.⁴⁵ All measures in moral matters are rules, because human actions are considered as movements. Etymologically, to rule denotes the notion of *rectum*, and consequently a rule can be looked upon as knowledge directing us in the light of the principle which rules the whole order of human actions, namely, reason. To rule in the moral sense means, then, to introduce into those movements which are human acts the perfection proper to movements, the rectitude (whose contrary or absence is disorder) which has reason as its unit of measurement, the principle. There is no way, therefore, to escape the conclusion that if the law, as everyone claims, is the rule of human acts, then it must pertain to reason.

•• I leave aside as useless for our discussion the case of measures which share in the nature of rules because, while being foreign to practical reason and belonging to a kind of speculative reason, their usage implies operations. It is to meet the exigencies of these operations and to render them, in a certain sense, more practicable, when it is not so simply by professional tradition, that different units of measurement are chosen by different techniques or sciences.

Having concluded with a rapid reading of question 90, we see that the definition of law proposed in Article 4 is at the same time very rigorous and very comprehensive; it leaves no types of law which merits the name of law in the proper sense [except for *lex fomitis* which bears the name of law only in an analogical roundabout way (*indirecte*); but it is not properly a law SECUNDUM QUOD (*lex est regula vel mensura.*⁴⁶) In fact, it is only the authority of the Apostle which authorizes such talk.

III. AuTHORITY OF THE LEGISLATOR AND THE BINDING FoRcE oF LAW

Because the two problems originated together historically, are logically bound together, and constitute but one and the same difficulty in teaching, I have decided, for the sake of brevity, to consider in one section both the author of law and the problem whether law is the source of obligation.

The commentators on Saint Thomas today have difficulty dissociating themselves from the modern idea that law expresses the will of authority. They are particularly careful to justify the existence and the *vis obligandi* of law, to base it on an authority transcending the multitude ruled by law. And yet, historians for some time now have already done justice to this anachronistic perspective.⁴⁷ From the historical point of

⁴⁶ I-II, q. 91, a. 1c, and reply.

⁴⁷ See, for example, the classical work of the brothers R. W. and A. J. Carlyle (whose writings date back as far as 1880) entitled *A History Of Medieval Political Theory in the West*, especially Vol. I for its beginnings and the Fathers of the first centuries, and Vols. V-VI for the thirteenth century and the two centuries following. Also important are the works of G. de Lagarde, especially *La naissance de l'esprit laïque au déclin du moyen âge* (1881) & 3rd ed. from 1956 on). Even more significant are authors who are in no way specialists in the history of political doctrines but have an interest in some author of Christian antiquity, such as Tertullian, and who end up by realizing that our notion of law is vastly different from that which was prevalent in remote times.

Here are a few warnings given by the brothers Carlyle mentioned above: "We are so much and so naturally, if not very intelligently, influenced by belief in the existence of a conscious sovereign authority, of which law is the expression, that we find it difficult to understand the state of mind of these ages when the conception

view there is no room for doubt; even the theologians have begun to take account of this.⁴⁸ Let us attempt to study the problem by means of rational analysis. The idea which came to light in philosophical literature much before it found its way into the political and constitutional realm can be traced back to a legal formalism already marked in Jewish thought and even more so in Stoicism (chiefly in its distinction between *kathekon* and *katorthōma*), and found again later on in Kant: in order to obey the law in a perfectly virtuous way it is not enough to observe its tenets because such conduct is good, answers inclinations of nature and satisfies the reason; law must be observed, without any reference to its content, formally because the law commands it. There is a certain nobility, a bit forced but sometimes heroic, in this position; it has attracted many. What is new toward the end of the thirteenth

of the sovereign, in the modern sense of the word, hardly existed" (*A History ...*, Vol. V, p. 42). "It is really time that historical scholars should recognise that to think of the mediaeval king as in his own individual person a legislator is really to misunderstand the whole structure of mediaeval life and society, and to read back into it conceptions which belong to a later world" (*Ibid.*, p. 462). "The first appearance of the conception that the prince was the legislator was due to the revived study of Roman law, but it remained till the end of the thirteenth century merely academic and had no effect upon the constitutional practice of mediaeval societies, and very little on political theory" (*Ibid.*, p. 468). And here, in what regards Tertullian, is the conviction of a specialist, E. Langstadt, *Some Observations on Tertullian's Legalism*, in *Studia patristica*, Vol. VI, Part IV (1962). I summarize: we project into the ancient texts a very particular conception of law, the modern conception. Among the concepts which have never been criticized, it is curious that the most fundamental appears in the theology of Tertullian, that of law and the idea of God as Legislator. We are speaking of "law" in general and in the abstract. But we always take this term in the specific sense of a formal law, a sovereign will imposed by a sovereign power. This is not law but the modern conception of law which, without crying "Look out!" has been received as the general notion of law, by nature and by definition, in modern thought, i.e., ours. Starting with this formal notion, all the rest follows with a strict logic, and we come to deny to the religion of law every serious consideration. Law thus conceived must necessarily rest on fear and on the hope of rewards as the only motives for obedience; what God expects of man can be reduced to the precepts of law, and thus we come to the acquisition of merit according to our good works.

• Precisely on this subject, with the "Gerson case" and the quarrel between Vasquez and Suarez, see, for example, L. Vereecke, *Cl)nscience morale et loi humaine* (Desclee et Cie, 1957).

and the fourteenth centuries is that this theory has, so to speak, been given its letters of Christian nobility and has become like a cyst in the tissue of nominalist theology. With a religious sense pushed to the absurd, the omnipotence of God (*de potentia absoluta*) was so insisted upon that this omnipotence was "liberated" from every rule other than the principle of non-contradiction. Whereas the tracts on law, as we have already seen, had been bathed until then in the atmosphere of wisdom, henceforth they were inscribed under the title of the perfectly free and omnipotent will of God. Connected with this general position, let us note a consequence which is in no way fortuitous: since liberty supposes the absence of every motive which would bind it, its perfection consists in absolute detachment and a supremely indifferent free play; up to that time the will was envisaged as an appetite which behaves with a certain passivity, an attachment or a radical attraction to the good; from then on, the perfection of this faculty consisted in not being involved with anything so as to allow for self-determination in an entirely autochical fashion; it was no longer passive, it was all realizing, *effectrix*, energy.

The moral good is no longer defined in terms of its active attraction upon the will; this is strictly what our manuals call physical good. To be moral, no matter what its physical reality is, it is necessary and suffices that it obliges the will, and as a will can only be obliged by the precept of a superior will and ultimately of the divine will, it follows that the nerve of all moral goodness depends on God's will. Not only is all that God commands morally good (all are agreed on this) but nothing is *morally* good except what has this title and is done for this motive. Certainly, since God commands justice or temperance, it is right to acquire the virtues which give us a taste for them; but if it is good to acquire the taste for virtuous actions, it is to help us to do them and consequently to attain the unique moral value which consists in submission to the divine precept.

The importance that the lawmaker has in this perspective is obvious. Until then it was thought that all truth was good,

no matter who uttered it. Now, at least with regard to that truth which serves as a practical principle, what counts is the authority which imposes it upon us. A moral life consists less in being good and becoming better than in doing all that is necessary in order to maintain good relations with the superior. Outside the area circumscribed by the will of the superior there is only *moral* liberty, i.e., the absence of *moral* good and evil. Here again that kind of detachment characteristic of *nominalist* liberty is encountered.

We have then the germ of modern moral theology: in principle one is free (in the sense mentioned above); moral begins with the notion of obligation, when a legitimate authority imposes certain restrictions on the natural field of freedom. This is why this morality is founded on law, but on law which expresses in a clear way the *quantum* of obligation imposed by the sovereign. Hence the author of law cannot be the multitude, because the multitude is ourselves, and we cannot impose obligations upon ourselves; there is no voluntary limitation in the freedom of a will. The author of law should therefore be vested with an authority that raises him above the multitude, otherwise his claim would not be founded and his law would not have the power of binding the multitude in conscience. With an intrepid logic certain theologians marked by nominalism, such as P. d'Ailly and Gerson, concluded that no human law obliges in conscience, since there is no human authority that has the power to oblige in conscience.⁴⁹ They scarcely received a following, but what response could be made to them to preserve the force (in conscience) of human law? A detour was taken: certainly, the human legislator does not have the power of obliging in conscience directly, which would imply, so they say, that he had the power to send transgressors to hell; but he defines a certain positive order rendered *morally* good by the divine sanction, which is then imposed on the conscience, and whose infraction thus becoming a sin will be punished by

•• Except, of course, when authority and human law merely restate the divine precept.

God in the hereafter. This solution made of the human legislator God's minister, a thought which is not at all strange and which is supported by many pages of the Bible; the lawmaker is charged by God to complete in their contingent application the solemn prescriptions of the divine law and of the natural law. There was no pretense that he discharged this mandate with a continuous and complete success, but, despite all his limitations, the human legislator shares in the divine authority and, through him, it is ultimately God whom we obey.

Basically, if we have been led to this apotheosis of the human lawmaker, it is under the influence of an idea of law quite different from that of Saint Thomas. There is certainly no question of discussing the premise: law does oblige. Although the Thomist definition of law does not mention obligation, and although it is not even mentioned in question 92 (on the effects and acts of law), the manuals, even the Thomist manuals, cannot keep themselves from speaking about it. If they comment on the Thomist definition of law, they insist upon the word *ordinatio* in such a way as to evoke the idea of *order*, in opposition to counsel; if they explain question 90, they propose a theory much more subtle than the text of the *Summa*, in which all the acts traditionally attributed to law (command, forbid, permit, punish) are related to a unique act which they call the formal effect of law, to oblige.

The nominalist definition of law, which I have taken from Gabriel Biel, is unambiguous: "*Lex obligatoria*" (i. e., true law as opposed to counsel) "*est signum verum creaturae rationali notificativum rectae rationis dictantis ligari eam ad aliquid agendum vel non agendum.*" (*Super 3 Sent.*, d. 37, q. unic., art. 1, *notabile* lm). In this view it would be possible to maintain that law is an external principle, by definition in some sense, since law is only a sign (it is not a first principle of practical truth), and what it signifies necessarily is the thought of the lawmaker (who is necessarily someone else, since he obliges); finally, it is lacking nothing, what is signified is a thought whose content is formally that the subject is bound, i. e., obliged, to do this or to avoid that. *In recto*, what law

says is that you are obliged, more precisely, that the sovereign imposes an obligation upon you, puts you under restraint; all that remains is to inquire about the extent of this obligation and, as each one defends his own freedom, seeing that it (freedom) is "in possession," it is believed that the limits of this obligation will be duly controlled. As for the intrinsic value of those things which are rendered obligatory, this is especially the concern of the conscience of the human legislator; he will have to account for the way he has legislated, for the acts he has imposed, or for the abusive limitations which he has imposed on his subjects. But for the moral subject (I mean the one who sees things only from this point of view, no matter what the orientations of his appetite might be, no matter what are his likes or dislikes), only one point deserves consideration: to know exactly to what he is obliged. Modern moral would then be casuist and (human weakness impelling thither) probabilist, that is to say, animated by a perpetual spirit of challenge to the law. Little by little, when the religious spirit weakens, all that will remain of "traditional" moral is this frightful paradox: instead of being the sign of the grandeur of man "made to God's image," it will be the sign that man is quite inferior to God (who himself escapes moral, since he has no superior to oblige him). Law is then a shameful reminder, and man will always believe that he is being freed, coming of age, becoming God, in shaking off his moral obligations.⁵⁰

⁵⁰ The accusation of alienation articulated against morality dates further back than today. In the *I Sent.*, d. 43, q. 11, a. 2 Saint Thomas asks whether God acts *de necessitate justitiae* or not. The sixth objection is very interesting: God cannot be necessitated in his power by a created justice (for such a justice is not the rule of divine operations), nor by uncreated justice, for the latter does not contradict either the divine power or the divine will. This type of reasoning with its cutting logic is perfectly nominalistic; the objection supposes then that the necessity of a rule implies at least the possibility of a contradiction between the rule and the power ruled. In terms of the moralist, a rule becomes necessary only in the measure that there is at least the possibility of disagreement between it and the will. Since obligation is a kind of necessity, we can see that the rule ceases to be natural, becomes properly obligatory (or morally necessitating) when the will resists, or at least when it is presumed to be capable of resisting, the rule. This is also what Kant assumes when he sets *pure* will against *holy* will (*Critique de la*

The fundamental problem is what is called *moral obligation*. Certainly this notion does not play in the Thomist system the role that it subsequently usurped. But it would be absurd to imagine that Saint Thomas did not understand this term from daily language and misconstrued its notion. Obligation is like conscience; these notions are recognized and used, but when it is question of a scientific determination and when Saint Thomas is personally involved and speaks his own technical language, he substitutes something else for them, or rather his synthesis is built in such a way that these themes find no particular place there. It cannot be said that the notion of obligation is a false one: this would make no sense. The word obligation arouses in the spirit the idea of something everybody knows and which is quite real. To say that law does not oblige is shocking to any good man; he will justly protest. It is as if I were to say that the sun will not rise tomorrow morning. In both cases (unless I am to be taken for a fool) I am suggesting a false idea to my listener: the idea of a cosmic cataclysm which would plunge us into endless night; or this

raison pratique, I, 1, § 7; I, 8). Saint Thomas gives the following answer (ad 6): "Dicitur Deus non posse injuste facere, non propter justitiae suae contrarietatem ad suam potentiam, sed propter injustitiae impossibilitatem. Haec enim sunt impossibilia, quod Deus aliquid faciat et illud justum non sit."

There is perhaps a connection between the formalism of Kant, the trifle case he makes of goods, of these-called materialist morality, and the Protestant attitude with regard to deeds. Cf. the *Institution chretienne* of Calvin (ed. Belles-Lettres, Vol. I, pp. 202-208). Assuredly, Calvin has cause for reprimanding the mercantile calculation of bad Christians who rely upon their works according to the law in order to obtain justice; but this was no more the fault of the evangelical law than it was of the Mosaic law; these bad Christians correspond to the bad Jews. Calvin had been nourished by a theology which had lost contact with Saint Thomas; we will see that, properly speaking, it is not law which obliges us to accomplish certain works for the sake of reward; before the Law, there is a belonging to God through faith, and it is this which obliges us to God first of all and then to a conduct in keeping with the grace received. The practice of the Christian law is only the employment of grace, it is not the cause of grace. The study of the Christian virtues traditionally comes in theology after the study of grace, of which it is the prolongation, the explicitation and the exacting manifestation. This is somewhat like the precepts of the natural law as related to the rational nature which nature has given us. If the good tree yields good fruits, why would these works, in which grace bears fruit, not be good?

other cataclysm, not less frightful, of a law which would not be the rule of good action. But if we explain ourselves, if we raise ourselves to a sufficiently technical level, we will say without shocking anybody that tomorrow morning (or any other morning) it is not really the sun that will rise on the horizon but the portion of the earth on which we live that will begin to turn towards the sun.

Quite often, with regard to obligation, Saint Thomas speaks like everybody else; he says that law should have a *vis obligandi quod est proprium legis* (otherwise, what good are laws?). At the beginning of Article 1 of Question 90 Saint Thomas starts off with the banal idea, not false but common and not technically elaborated, that law, for everybody, is that which obliges to do this or to avoid that, and consequently that law is indeed essentially a rule of human activities. This is enough, as a starting point, to indicate what the question is all about. But the analysis remains to be had. Here it is merely a question of knowing of what we speak, as moralists, in this atmosphere which is not that of a bank, when we talk of obligation (qualified as moral obligation when necessary).

Etymology is not much help here: recalling the bonds by which the Law of the Twelve Tables kept debtors insolvent gives us the occasion to say that we do not wish to speak of a constraint or a physical limitation of liberty. However, there is indeed some analogical kinship between the two cases and ours does insinuate (especially in the modern doctrine of liberty) something like a limitation placed on liberty (we must add, here again, *moral*).

A friend has suggested: "The obligatory is what is imposed *hie et nunc*, taking into account all the circumstances, and what consequently is imposed universally whenever the exact same circumstances are present." It is obvious that this friend is a professor of philosophy and that he is not ignorant of Kant. It is true that we do not deny the quality of obligatory to universal principles which do not touch us *hie et nunc*; for example, a celibate is quite capable of judging and declaring that the rules proposed as obligatory in the Encyclical

Humanae vitae are indeed so; they are obligatory, and yet it is clear that they do not oblige in the precise sense of the word, for they do not touch or concern him *hie et nunc*. We can even say (even though negative precepts extend absolutely: *semper et ad semper . . .*) that these rules do not oblige married persons *hie et nunc* at every instant but only when the question is put. And yet, I repeat, for everybody and at every moment the question is being put of knowing whether these rules are obligatory.⁵¹ Not only can it not be maintained that a universal rule, because it is universal, possesses no *vis obligandi*, but if in fact it does oblige *hie et nunc*, it is because there is already some obligation (perhaps under a different form) attached to the universal rules. On the contrary, there is not less obligation, quite the contrary, in universal principles than in conclusions; but this allows us to proceed a bit further in our analysis.

There is more truth, more necessity in universal principles; but this necessity is not yet in contact with the act which is itself always singular, without precedent or repetition. Here we come once more to the idea proposed by Saint Thomas when he approaches the question technically with regard to obligation: it is a kind of *habitus*, a contact, a position in the network of circumstances, which causes the rule to enter into contact with the act which is to be regulated; in a word, it is the position "en marche," the application of the rule *hie et nunc*. The fault of modern moral philosophy, when it gives obligation an explanatory value, is to think that a rule, provided that it is applied, provided that the human act has not transgressed it, i. e., remains in contact with the act from beginning to end, as does the hand of the pupil on the wooden ruler when he draws a line, necessarily guarantees the perfection of the act. Certainly, if the rule is not applied, the act is not regulated! But if the application of the rule or the obligation

⁵¹ This was Abbe Oraison's contribution to the discussion of the encyclical during a radio dialogue; and yet, neither the person of the *orator*, nor the place, nor the other circumstances allowed for the slightest hesitation over the non-obligation *hie et nunc*.

has some moral force, it is because it is a true rule. If a pencil carefully follows a crooked ruler, the line will not be straight. We find here the same formalism already denounced. It is very true that a rule is made to be applied, (*quod est proprium legis*); but to stick to the application of the rule to explain the morality of acts is to stick to the consideration (not the formal but the formalist and therefore material consideration) of submission or non-submission, contact or non-contact, obligation or freedom, all subjective and interesting considerations but posterior and secondary. After all, if there is any technical or moral interest in applying a rule, it is because this rule is true, with a practical truth which calls for application, but an application which would have no sense if it were not an application of truth. Men have long accepted the duty of applying rules; little by little they have begun to wonder why rules are to apply. This is the point where we are now. The situation is not at all catastrophic. It is enough to fill the substantial void which has left in moral theology a nominalist way of thinking which is careful only to adjust the exact relations of conformity and submission, relations, however, empty of all substance, of all attraction for the appetite, since they were ignoring the specific quality of the terms thus related. It is not for submission or for application of rules that the rational creature hungers. It is for truth. Having said that, the rules which instruct us in the truth will be loved and a joy given in applying them, because submission itself is based on truth.

IV. THE RELATIONSHIP BETWEEN THE TRACTS ON LAW AND ON GRACE

We usually say that the *Prima Secundae* contains a tract on law and a tract on grace. And immediately two things come to our attention: first, that the most beautiful part, the very summit of the tract on law, the evangelical law, consists essentially in the grace of the Holy Spirit. Once we come to Question 109 we pride ourselves on finding a tract on grace, and we then make this second statement: this tract is really too short and incomplete. What are we to think of this?

Has not Saint Thomas given us all that he promised or are we expecting from him what he had no intention of giving us? His intention is manifested in the prologue to Question 90. He does not announce a tract on law or a tract on grace; he wants to tell us how God instructs us through law and aids us by grace. But what about the content? How is the program announced in the prologue fulfilled? The tract on law seems to be complete; it may even contain too much including, as it does, the important chapter on an evangelical law which consists essentially in the grace of the Holy Spirit. Actually, that the law is a gift, a grace from God, is a thought which goes back a long way, to the Old Testament; we are in the thread of a beautiful and solid tradition, or rather we are at the end of a long wait, and we are witnesses to the realization of ancient promises; we have seen that this is precisely what the Good News is. There is, therefore, not even for an instant, any question of dissociating the tract on this grace which is the evangelical law from the tract on law; this would be tantamount to the dethronement of the whole Christian economy, the divestment of its salvific significance.

Thus, it should be admitted that questions 109-114 do not constitute a complete tract on grace; let us be logical. It is not *the* tract on grace, since what is lacking in it is much more than a mere accessory development or such nuances as can be found elsewhere, as, for example, in the tract on the divine missions. This tract, this so-called tract, is only interested in the manner in which grace helps man to good, or rather in which God aids man by grace.

This is no discovery: for a long time it has been noticed that these questions 109-114 have been peculiarly dominated by the Augustinian perspective in its struggle against Pelagianism. There was no sparing of reproach for the poverty of this tract for ignoring an aspect so dear, as they said, to Greek theology, the aspect of grace as illumination, of adoption, and of divinization. We will be less embarrassed to recognize this if we admit that Saint Thomas's intention was not to assemble in these few questions all the elements of a doctrine on grace.

The fact that we find in questions 106-108, under the title of New Law or law of grace, an obvious part of the tract on grace, has not been sufficiently acknowledged, as if we had remained traumatized by the Pauline polemic against the "law" which opposed the law of faith. Justifiably, Saint Paul is fighting a Judaizing idea of the law, an idea which was an obstacle to the "economic" unfolding of the plan of salvation; but Saint Paul himself and Saint John after him, in meditating on Christ as Wisdom and Christ as the Word of God, show us that this obstacle should be met and the leap taken. The progressive convergence of the notions of Word, Wisdom, and Law, their conjuncture in the person of Jesus, the need for safeguarding the theocentricity of a Christocentric faith, all invite us to consider the incarnate Word not only as the intermediary, the word-bearer who transmits God's revelation, but also as the epiphany, the theophany of God in a Word which "dwells among us" to act in us as the Word of God does. From this comes an ontological or entitative modification which makes the new man, with the Son as exemplar, with the adoption, the inheritance rights, and the communication of divine secrets; the human act of adherence to this new covenant is faith in Jesus Christ, but more than ever we should translate the word Covenant here by *diatheke* in order to put the absolute and gratuitous initiative of God into relief.

From that time we would tend to judge the notion of law as insufficient unless care was taken of the biblical connection between *ratio* and word in *logos*. Is it deluding ourselves with empty verbal images to say, with so many ancient Doctors, that the incarnate Word, received and so to speak mystically begotten in our hearts by faith, is the key word which summarizes and brings to term the economy of salvation? One would have to be certain of knowing "what the gift of God is" to dare to contest it. Let us glean some more indications from Saint Thomas. On the one hand, he writes that what is essential, the *principalitas* (cf. above and note 41) of the New Law, what in it is *principium*, is the grace of the Holy Spirit who is given by faith (106, 1); on the other hand, he writes that the

principalitas legis novae consists in the grace of the Holy Spirit who "manifests himself in faith working through charity" (108, 1). Thus the *principalitas* which pertains to the grace of the Holy Spirit (or again the Spirit of Christ, to speak as Saint Paul does) is presented, on the one hand, as *principium* of the New Law, which is to say that by faith the Holy Spirit accomplishes his work in hearts by conforming them to the First-Born, by divinizing them by a kind of spiritual generation perfectly appropriated to the Holy Spirit as life-giver.

But, on the other hand, the same grace of the Holy Spirit is presented as *principium* of the New Law insofar as it is manifest in faith working through charity: under this aspect, which is secondary and deriving from the first, grace is *principium* of the New Law understood precisely as law, i.e., as rule and measure of Christian activities. Grace then can be considered as a new nature (it is not a matter of Aristotelian physics, but justice must be done to the second birth announced in the Gospel, or rather to the Gospel itself); according to this nature the New Law is *indita homini* ⁵² by an inherence analogous to that of natural law in human nature. Parallel to nature, this grace is at once principle of life in the entitative and in the operative sense; it seems that, precisely as law, it should be understood in the second sense. It is in this sense that it is rule for the activities of the new man.

Now if there is one point solidly affirmed by Christian tradition and raised again by Saint Thomas, it is that, contrary to the Old Law which announced a program of life without giving men the interior impulse necessary to fulfil it (as if the Creator had paused after having modelled in clay the figurine of the first man and omitted to breathe into him the breath of life), the New Law gives us this breath and in that brings us

⁵²"I-II, q. 106, a. 1, ad ... The translation of *indita* by *internal* is a little weak; but if it were translated otherwise, it would not apply to the case of natural law *pertinens ad naturam humanam* but could be said of the New Law, which is *aliquid inditum*. ... *quasi superadditum per gratiae donum*. We could have said "inscribed" in the wide sense if the article precisely did not oppose the written law to the law *indita*: all things considered, *inherent* seems to me to be the least poor translation,

the indispensable help to lead effectively the kind of new life which it delineates for us. Therefore, questions 109-114 should be considered as the continuation of questions 106-109. We see there actually, in the Augustinian perspective which is dominated by the anti-Pelagian struggles, how God's help by grace is combined with the play of the human will, more precisely on the level with free will, notably in that which concerns the two crucial questions of justification and of merit. In both cases the solution comes back to always giving an absolute priority to the action of grace (which gives God the initiative in the granting of the *diatheke*), but insisting (and this is the key which permits us to escape contradiction) upon the interiority, the immanence, the "radicality" of this action as interior *principle*. The insertion of the principle is so radically profound that it does not interfere with the unfolding of human activity of which it is the source and which it embraces by strengthening it on the level of a *simplex velle*. Once this strengthening has taken place, the material program of acts to accomplish or to avoid is hardly different from the prescriptions of reason according to the natural law, since, once the judicial and ceremonial precepts of the Old Law have been abrogated, there remain only the moral precepts which are known to be valid in any hypothesis "*quia secundum se pertinent ad rationem virtutis*";⁵³ in that, the New Law is already to a great extent liberating. But, it is especially liberating in that, with the limited program which remains, it makes us fulfill it more freely "*in quantum ex interiori instinctu gratiae ea implemus*."⁵⁴ Let us note well that this liberty should not be understood as the free play of a wheel gone wild. This liberty is too deeply rooted not to be an intense and determined voluntariness, "*ex principio interiori cum cognitione finis*." The libertarian error consists in thinking that the free man is one who is at his own disposal, i. e., who has not yet made up his own mind, committed himself to some end. Such

•• *I-II*, q. 108, a. 8, ad 8.

•• *Ibid.*, a. 1, ad 2.

a man is not even yet able to make up his own mind by a process of deliberation, because one can only deliberate in view of an end which has hold of you prior to this deliberation. In other words, one cannot hover between the world and God without belonging to one or the other. **It** is a delusion of the imagination that causes us to give a privileged position to this vain and unreal indifference as if it were pregnant with all the promises of the future. There is no future or promise of life except for the man who is attached to life's source: *Homo quanto Deo magis conjungitur, tanto efficitur melioris conditionis.*⁵⁵ In this union which binds us, obliges us to God, God has the initiative and the *auctoritas* of principle, for it belongs to the Father who gives life. The precepts of the New Law, isolated from this *principium*, are nothing but an empty letter, and it is always opportune to recall this truth to keep us from judaizing. But, under this *auctoritas* the precepts of the New Law trace the kind of life and the condition which suits the "reborn"; it is the glorious livery of the people of God, *in signum obligationis suae*, not as a book of obligations but as the manifestation of his belonging,⁵⁶ for "the Law was made by the Word, old law new word, both coming forth 'from Sion and Jerusalem' (Isa. 2:3), and the commandment has been made grace, the figure reality, the lamb the Son, the sheep man, and man God?." ⁵⁷

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•• *Ibid.*, q. 98, a. 5, ad 2.

•• Cf. II-II, q. 111, a. 2, ad 2; q. 185, a. Sc; q. 186, a. 7, ad 2.

•• Melitus of Sardis (second century), *Homelie sur la Paque*.

LAW AND GOSPEL

LuTHER's TEACHING IN THE LIGHT OF THE DisiNTEGRATION OF NoRMATIVE MoRALITY

SINCE THE REFORMATION, the accusation has been raised against Luther that with his original and peculiar definition of the relationships between faith, grace, and good works he has destroyed the foundations of Christian ethics and has paved the way for a collapse of all moral striving. Already in his "Sermon on Good Works" of a time when Luther was neither excommunicated or even threatened with excommunication ¹-he had to defend himself against the insinuation that he slighted good works: "Thus it happens, when I place so much emphasis on faith and reject faithless works as I do, they lay it up to me that I forbid good works, though in fact I will gladly teach the proper good works of faith, and want to do so." ² Even so, not until our own century has the charge been laid to rest, that Luther, if not in his

¹ This little book was written between March and May, 1520, and, as we learn from a letter of Melanchthon's dated June 8, was available in print in the beginning of June. The bull "Exsurge Domine," which threatened Luther with excommunication, was issued June 15, 1520.

• 6/205, 11; cf. 10 I 1/410, 14; 56/233, 20; 286, 7. These page numbers refer to the complete critical German edition of Luther's works, Weimar, 1883- (called WA, = Weimarer Ausgabe): citations are given according to volume (in given cases, one must add half-volume and section: thus, 10 I 1), page and line. In these footnotes, the line indicated will be that at which the text in question begins, and thus the reader should understand "sqq." whenever this would apply. Besides the Weimarer Ausgabe we have also O. Clemen's practical school edition: (8 v.) *Luthers Werke MAÜ8Wahl* (Berlin, 1966^s), which contains all of Luther's more important works; and the Munich edition: Martin Luther, *Ausgewählte Werke*, ed. H. H. Borchardt and G. Merz, 6 v. + 7 suppl. v. (Munich, 1948^s), reprinted 1962/1963. This edition gives not only a German translation of Luther's Latin works but also a modern German version of his German writings. Both of these editions, moreover, indicate in the margin the corresponding pages of the WA, and thus also handy reference to the citations.

intention, at least in his effect in the *de facto* order, did open up the way for the modern decay of moral norms and solid ethical convictions.³ If we undertake to pass a moral theologian's judgment on this decay and to this end inquire what Christian tradition has to say on the theme "Law and Freedom," then an investigation of Martin Luther's theology takes on special importance. We must test out whether and to what extent Luther's theology really does occasion and justify the above accusation. And if not, then we should ask what judgment Luther's theology for its part would give concerning this modern decay of normative morality: is it the bastard child of an illegitimate union between his theology and modern secularism? Or is it the neglected, spoiled child of an authentic Christian spirit brought to life by Luther? In which case, possibly, just a little care and rehabilitation could offer this child the chance for a new Christian generation.

The question we have raised would fit squarely under the above-mentioned headings "Law" and "Freedom." Luther, for his part, considered "Law" and "Freedom" as opposed, contrary, antagonistic concepts: one need only think of his programmatic document of "On the Freedom of the Christian Man," addressed in its expanded version to Pope Leo X, a document which Luther scholars and church historians count among the "classic Reformation texts."⁴

Thus, among Luther scholars our theme is treated under precisely this rubric." However, "Law and Freedom" is for Luther no fixed technical formula. The way we stated the

³ Cf. K. A. Meissinger, *Der katholische Luther* (Munich, 1952), pp. 101-108. A large number of examples from Catholic textbooks of Dogmatics is assembled in A. Hasler, *Luther in der katholischen Dogmatik. Darstellung seiner Rechtfertigungslehre in den Katholischen Dogmatikbüchern* (Munich, 1968), 52 sq., 77 sq., 85 sq., 96, 98.

• 7/20-28; following the Latin Yersion, 7/42-78. Also pertinent here is the "De servo arbitrio," written in 1525 against Erasmus, 18/600-787, where at great length and under many aspects the relation between law and freedom is discussed.

⁵ The most important study in recent years on this theme is: W. Joest, *Gesetz und Freiheit. Das Problem des Tertius usus legis bei Luther und die neutestamentliche Paramese* (Göttingen, 1961).

question rather focuses our attention quite involuntarily on another formula of Luther's: "Law and Gospel." If, as may be presupposed here, the essential and typical note of Christian ethics always finds expression in the fact that law and legalistic behavior take on a pejorative overtone, as something to be overcome, to be transcended-then, the counter-concept which one sets up over against the concept "Law," and the very manner of the opposition, will necessarily show forth our understanding and evaluation of "Law," on the one hand, and the starting point of Christian morality on the other. For Luther the concept opposed to "Law" is not "Grace" (as it was, e. g., for Saint Thomas), but "Gospel." All the other counter-concepts, such as "Freedom," are of secondary importance.⁶ Consequently, we can answer our question only by searching out the meaning of this formula in Luther.

1. *The Meaning of the Formula "Law and Gospel" in Luther's Theology.*

Our undertaking is faced with a two-fold difficulty. First of all: this formula, "Law and Gospel," does not constitute a single doctrine or treatise, as, for example, we can speak of Luther's doctrine on baptism or the Last Supper. Instead, this formula leads us to the very center of his entire theological thinking. Luther himself often said as much. "Practically the whole of Scripture and the understanding of all theology depend on a correct understanding of Law and Gospel."⁷ The distinction between Law and Gospel is "the highest art of Christianity."⁸ - Oft have ye heard, that there is no better way of teaching, preserving pure doctrine, than that we follow the method, namely, that we divide Christian doctrine into two parts, namely, into Law and Gospel."⁹ Should anyone, as, for example, Erasmus of Rotterdam, not take this distinc-

•For Luther, concepts synonymous with "Gospel" are "Verheissung" ("promise") and "Zusage" (also "promise").

⁷ 7/502,84.

⁸ 86/9,28.

⁹ 89 I/861, 1.

tion to heart, he understands nothing of the Sacred Scriptures, however much he might know about them.¹⁰ We have here expressions from the early, the middle, and the last years of Luther's activity. They allow us to recognize the central place of this theme "Law and Gospel." On the one hand, Luther thinks that "Law and Gospel" fully sums up *materialiter* the two statement-complexes of the Christian message; on the other hand, he teaches that the distinction of "Law and Gospel" shows us *förlmaliter* the way in which each and every statement of Scripture and Theology is to be examined and thought through. The Protestant theologian and Luther scholar, Gerhard Ebeling, is consequently quite right in his formulation: "Law and Gospel" is for Luther the "fundamental formula of theological understanding."¹¹

Thus the formula, "Law and Gospel," seen as the recapitulation of Luther's theology, opens up many lines of research. Indeed the enlightenment contained therein, which our interest in the contemporary disintegration of normative morality has driven us to seek, is from Luther's point of view a problem relating to the entirety of the Christian Gospel, not merely of a "moral theology" pursued as a thing in itself. The distinction between "Law" and "Gospel" is, to begin with, a hermeneutic principle, i.e., a methodological indication for the proper interpretation of Sacred Scripture. A prime complaint of Luther against the theology of his predecessors, leveled again and again in many variations, is that their exegesis has made a law out of the Gospel, indeed a more oppressive one than was the Law of Moses. A classic expression of this view is the well-known sentence from his "great Confession" of 1545, where Luther, looking back over his struggles as a reformer, sees his Reformation break precisely at the point of his turning

¹⁰ 18/693, 5; cf. 680, 28; 40 I/207, 17; 486.26.

¹¹ G. Ebeling, "Luther: Theologie," in *Die Religion in Geschichte und Gegenwart*, v. IV (1960), pp. 495-520: p. 507. Further testimony of this is brought together in O. H. Pesch, *Theologie der Rechtfertigung bei Martin Luther und Thomas von Aquin. Versuch eines systematisch-theologischen Dialogs* (Mainz, 1967), p. SI, n. 5.

away from that confusion of Law and Gospel of which he accuses Tradition. In effect, the aged Luther sees everything as dependent on a correct understanding of Paul's expression "the justice of God" in Rom. 1: 17. He had felt himself forced by Tradition to understand "God's justice," of which the Apostle speaks, as the active, punitive justice of God. This view, however, confronts Luther with the tormenting question, "Shall it not then be enough, that the wretched sinner, eternally damned through Original Sin, should be afflicted in the Law of the Decalogue with miseries of every kind? Must God then even through the Gospel heap sorrow on sorrow and threaten us in the Gospel, too, with his justice and his wrath?"¹²

As a factual account of Luther's Reformation break, such statements are to be accepted with a certain reserve,¹³ but they do show where the Reformer, looking back over his theological life-work, places the accent and wishes it to be placed: the Gospel (and after all Paul does want to preach the Gospel!) is misunderstood to the point of despair when one conceives it as serving the same function as the Law, indeed as intensifying the working of the Law. *The distinction* between Law and Gospel, consequently, alone makes Scripture clear and shows forth its message as a saving, liberating word.¹⁴

Secondly, the distinction between Law and Gospel takes on in this light a direct dogmatic significance. We make contact here with the doctrine on the justification of the sinner, which for Luther, as everyone knows, is the "*articulus stantis et cadentis ecclesiae*."¹⁵ If the sinner is justified before God, not

¹² 54/185, 30.

¹³ Not to be overlooked is the scholarly discussion focused on this text since the beginning of the century. Cf. O. H. Pesch, "Zur Frage nach Luthers reformatorischer Wende. Ergebnisse und Probleme der Diskussion um Ernst Bizer, *Fides ex auditu*," in *Catholica* 20 (1966), 216-243, 264-280. The most important contributions to the discussion are reprinted in B. Lohse, ed., *Der Durchbruch der Reformation; when Erkenntnis bei Luther* (Darmstadt, 1968).

¹⁴ Luther's theological impulses are detectable and have their effect even on into modern Protestant answers to actual moral problems. As a typical example, one might take the Protestant position on divorce and remarriage.

¹⁵ 40 III/352, 3; cf. 39 I/205, 2; 40 I/33, 16; 50/199, 22. One begins to see how all hangs together; if the doctrine on justification is the "*articulus stantis et*

through the law but through its opposite, the Gospel, then the sinner is not justified through that which the law demands, namely, works, but through the very opposite of this: through his being *set free* from the works demanded by the law, that is, through pure grace, which man must allow himself to accept as a gift, without seeking to make any payment. Thus from "Law and Gospel" a path leads directly to those "particula exclusiva" of the Reformation: "*solus* Christus," "*solus* Deus," "*sola* gratia."

And yet the precise point of Luther's teaching on justification is by no means adequately labeled with the formula "*sola* gratia," unless we add thereto "*sola* fides": this also follows logically from the distinction between Law and Gospel. For one thing, this is so because "faith" for Luther means precisely this: to let oneself accept a gift and to renounce self-justificatory works, the "fulfillment of the Law." We will come back to this aspect.¹⁶ But "faith" is also man's response to the "*Word*." Thus, seen as a consequence of the distinction between Law and Grace, the "*sola* fides" implies the fundamental affirmation that salvation and forgiveness of sin are communicated to man through the Word, and still further, that the Gospel itself *is* in fact the promise and proclamation of forgiveness of sins and of God's grace and mercy. From this follows notable consequences for understanding the salvific effectiveness of the Sacraments: Luther bitterly defended the sacraments against the Zwinglians and those other dissident Reform groups, whom he himself calls "Schwarmer" (visionaries) or "Schwarmgeister" (fanatics), and against any devaluation of the Sacraments he appealed to the fact of their establishment by Christ. But he emphasized, against the half-magical sacramental usages of his time (which he wrongly identified with Catholic tradition), that salvation lay only in the relation of God's word and man's faith-response, and that

cadentis ecclesiae," and yet the distinction between Law and Gospel is "the highest art in Christianity," then, if both are to hold true together, the entire teaching on justification must be summarily included in "Law and Gospel."

•• *Infm*, p. 94.

one could rightly understand the Sacraments only by seeing in them a Christ-founded institution in which this relationship is brought about.¹¹

It is impossible for us to pursue all these considerations in the present article. We had to mention them, however, so as to avoid in what follows the fallacy of taking the part for the whole. If there is ever a case of the part being intelligible only in the light of the whole, this is true in the case of Luther. Consequences that initially shock us, when seen in the context of the whole, appear convincing and almost self-evident. Given a grasp of a certain few basic premises, the conclusions seem altogether simple and direct: once we concede a Christian legitimacy to these basic premises, we can no longer avoid their consequences. It is just this which makes our dialogue with Luther so fascinating and stimulating.

The particular aspect of the "Law and Gospel" formula of concern to us here may be designated: Freedom and Obligation. We must recognize from the outset that one can refuse to hear Luther on this subject only if he considers any Catholic confrontation with the decisive statements of Luther's theology as fruitless and illegitimate.

A second difficulty confronting us is bound up with the question: where can we find Luther's authentic conception of "Law and Gospel"? Unlike a Thomas Aquinas, for example, Luther wrote no *Summa Theologiae* at the end of his life that might have systematized his thought and provided us with a standard source for his definitive teaching. Quite the contrary, the writings of Luther's last years, from 1580-1545 or thereabouts, should in *no* sense be seen as tying together or putting precise finishing touches to Luther's thought. The polemical writings of this period are aimed chiefly at defending positions he had reached long ago against opponents in his own camp; the disputations and class lectures of this period seek to impart to a second generation of Reformed theologians, in easy-to-grasp classroom style, a theology thought out long before. The

¹⁷ Cf. Pesch, *Theologie der Rechtfertigung*, pp. 326 sqq.

claims made on him by problems of church politics no longer allowed Luther the leisure he had enjoyed in early years to prepare his lectures. Add to this that on the whole the greatest part of Luther's published works represent transcriptions of his oral conferences in the pulpit or the classroom and that the reliability of the transcription varies, depending on who is responsible for the same. With all this in mind it can be appreciated easily enough how difficult it will be to give Luther's doctrine on any particular point with critical certitude and how tremendous are the methodological problems confronting historico-critical Luther scholarship. Fortunately, in the "Law and Gospel" questions we do not labor under the full weight of these difficulties. Above all, we are spared the most difficult of all the questions involved here, that of Luther's "Reformation break": in other words, that of the date after which Luther had so clearly stated his Reformed positions that the Church (at least that of the sixteenth century) would be no longer willing to recognize him as orthodox.¹⁸ It is methodologically evident that whatever Luther had to say *before* this point in time cannot be regarded as evidence for his Reformed Theology but rather must be measured for their "Lutheran authenticity" against the unequivocally Reformational statements. Now if the assignment of this date in current research varies between 1512 and 1518, by the same token the source value of Luther's important earlier writings, notably the First Commentary on the Psalms (1513/15), the Commentary on Romans (1515/16), and even the documents of the Indulgence controversy (1517/1518), is equally controverted. In terms of the question of "Law and Gospel" we get around this difficulty in that, as the research reveals, the *content* of the formula appears early enough in Luther's writings, but the technical elaboration and application of this *formula* as the "basic formula of theological understanding" is first discernable *after* the latest cut-off date of the "Reformation break," namely, after 1518.¹⁹ Moreover, Luther, fortunately for us, was com-

¹⁸ Cf. n. 13 *supra*.

¹⁹ On this, see G. Ebeling, "Die Anfänge von Luthers Hermeneutik," in *Zeitschr.*

pelled at every stage of his teaching career to speak out on the " Law and Gospel " theme, so that in view of the theme, the audience, and the opponents of the moment, everything conspired to clarify the problem in a precise and exhaustive way.

Thus we have first-class sources for Luther's " Law and Gospel " theology at our disposal, unshadowed by any literary-critical problem, namely, the two Commentaries on Galatians (the so-called "small" Galatians Commentary of 1519) and the " great" Commentary on Galatians, presented as a course in 1531 and published with alterations in 1538/^o the " De Servo Arbitrio " (1525) /¹ and the three disputations against the "Antinomians" (1532/38) ,²² to which we can add sermons on pertinent Scripture texts.²³ Guided by these texts, and basing ourselves on the intense research effort they have provoked, we can in the following pages develop Luther's thoughts on "Law and Gospel," or better, present a systematic sketch of them.

2. *The Radicalizing of the Law.*

Countless texts reveal that, to begin with, Luther understands by "Law" nothing different from the theology of his own and earlier epochs, namely, God's will promulgated to men. This does not, as it were, enter into force with the Law of the Old Covenant. Rather, it is an eternal law, written

filr Theologie und Kirche, 48 (1951), 172-230; 208-216; Ebeling, *Luther: Einführung in sein Denken* (Tiibingen, 1964), pp. 100-122; E. Bizer, *Fides ex auditu: Eine Untersuchung ilber die Entdeckung der Gerechtigkeit Gottes durch Martin Luther* (Neukirchen, ³1966), pp. 15-22; H. Bornkjam, "Zur Frage der Iustitia Dei beim Jungen Luther," part I in *Archiv filr Reformationsgeschichte*, 52 (1961), 16-29; part II, *ibid.*, 53 (1962), 1-60: II, 18-22. Further references in Pesch, *Theologie der Rechtfertigung*, p. 32, n. 6.

²⁰ *In epistolam Pauli ad Galatas M. Lutheri commentarius: 2/443-618; In epistolam S. Pauli ad Galatas commentarius, ex praelectione D. JI. Lutheri collectus: 40 I/15-688; 40 II/1-184.*

²¹ 18/600-787, esp. 671-688.

²⁹ 39 L/342-584.

²³ Esp. 36/8-79: "Wie das Gesetz und Evangelium recht gründlich zu unterscheiden sind ... " (*ilber Gal. 3:23-29*, 1532.

in the hearts of men, which corresponds content-wise to the Law of Moses, notably the Decalogue, and would have been binding of itself had Moses never given a Law. The need for this latter Law is traced to the darkening of reason and poisoning of the will through sin. Moses, then, gave no new law, but had only recalled anew God's eternal law. Christ, too, had simply interpreted and reinforced this law and had in no sense abolished it.²⁴

But to speak of the Law *only* in this sense is, for Luther, to miss the point of the Law's meaning for concretely-given man, i.e., for man after Original Sin. In this case the Law would be an affair of the angels; for man, such talk about the Law would be "empty."²⁵ For, from Paul, Luther has learned that the Law accuses, visits threats and demands upon the sinner. The Law is *lex accusans, reos agens, exactrix*.²⁶ This and nothing else is for the present the function—a function necessary for salvation-of the Law.²⁷ The Law exercises this function in that it reveals to man that he has failed God's will and still constantly fails it. More exactly, the concrete detailed prescriptions of the Law allow man, first of all, to recognize his violation in detail, convey to him, that is, his actual sins.²⁸ But this is not the decisive point. For even if one were to succeed in fulfilling all the detailed prescriptions of the Law, in this case the accusatory role of the Law would by no means be exhausted. On the contrary, it would then become plain that man was able to fulfill the Law only at the price of extreme personal effort; in other words, he in no sense carries

²⁴ 39 I/374, 2; 387, 5; 413, 14; 454, 4; 478, 16; 539, 7; 540, 1; 549, 8; 17 II/102, 24; 2/580, 7-23; 56/198, 8. Here *as* in the rest of the article we mention only a few "loci classici." A more thorough listing and interpretation may be found in my study mentioned in n. 11 above, esp. pp. 35-76, 296-317.

²⁵ "Whenever we speak of Law, we speak not of an empty Law, ... *as* the angels might speak of it, ... but of a Law which accuses, a Law which acts in us and exacts from us." (translated from the Latin) 39 I/434, 1.

²⁶ Cf. the text quoted in n. 25.

²⁷ 2/466, 3; 10 III/338, 4; 39 I/363, 19; 412, 2; 277, 1; 40 I/506, 24; 18/673,40-684, 29; 766, 25.

²⁸ 89 I/540, 8; 40 I/257, 22.

out God's will with that generous devotion that his outward behavior might appear to indicate—in effect he fulfills the Law only "slavishly" (*serviliter*); he lacks "affectus" and "spontanea voluntas."²⁹

A final issue is that man seeks to fulfill the Law without faith. But this is directly counter to the Law's intent: the first commandment of the Decalogue, to have no strange gods besides God, demands that we let God alone be God, which is to say, to acknowledge God as all-powerful Creator and all-generous Love.³⁰ If one does so, he can no longer will to stand before God other than through God's love and grace. This attitude is *one* of the central contents of the concept "Faith." To wish to be just before God through following the Law, and indeed through following the Law servilely and not out of total devotion, is the very opposite of this: unbelief. *Herewith* we have the explanation of Luther's famous thesis that every sin is at root lack of faith and that lack of faith is the sin absolutely speaking.³¹ Were man only to *believe*, he would then fulfill the Law out of gratitude and devotion to the praise of God's glory. But, since and because of Adam's fall, man refuses to believe and would rather fulfill the Law as master of himself, in order to be justified before God through his own personal achievement.³² However, this must fail, since this was never within the intent or possibility of the Law. Thus in the Law man encounters despair and hatred towards the God who gave us such an over-demanding Law.³³ So the Law entangles

²⁹ 6/353, 15; 56/200, 13; 253, 25; 255, 4; 274, 11; 289, 15; 242, 33; 249, 9; 1/227, 26; 376, 26; 376, 26; 2/587, 27; 7/335, 6.

³⁰ 40 I/399, 18; 419, 13; 39 I/428, 14; 531, 2; 581, 9; 5/395, 6; 40 III, 343, 4. In addition see the exposition by P. Althaus (based on an earlier investigation which still remains important): *Die Theologie Martin Luthers* (Glittersloh, '1963), pp. 119-127, 230-232.

³¹ Besides the texts cited in n. 20, cf. those analyzed in Pesch, *Theologie der Rechtfertigung*, pp. 85-88.

•• 40 II/393, 25; 404, 26.

•• 39 I/557-559; 2/527, 35; 5/210, 1; 557 sqq.; 10 I, 453, 2; 464, 2. Since man will never be free of this relationship to God and his Law, this is the point of departure for Luther's theory of lingering sin and ultimately for his formula "simul justus et peccator." Cf. Pesch, *op. cit.*, pp. 78-85; 109-122.

man even more deeply in sin; it works "anger," as Luther following Paul expresses it; it "kills."³⁴ The Law opens up no possibility of a way to God, it simply brings to consciousness the possibilities already forever closed off; it not only makes clear to a man his own actual sins, it also reveals to him the self-righteousness lying beneath his outward obedience. This means his irremovable, radical sinfulness, in that he thereby sees that he thus constantly violates the commandment of faith. Man not only *commits sins*, he *is* through and through a *smner*.

Without gainsaying here the broader problematic of which Luther himself is quite conscious,³⁵ it must be emphasized that God so wills it.³⁶ The Law itself, in its literal meaning, does not so will it. The Law wills a generous fulfillment of itself. But God wills with his Law, *rebus sic stantibus*, to drive men into despair. He wills that man's self-assertiveness should come to grief upon the Law, even at the price of letting man sink deeper into sin. To be sure, he does not will this despair, this sinfulness for its own sake. The Law and its death-dealing effect are, as Luther likes to put it, God's "opus alienum" -his "fremdes Werk." God engages in this for the sake of his "own work by right," his "opus proprium."³⁷ This latter is the Gospel, as we are now to show. Let us first, however, pause for a moment and cast a glance at the results we tentatively expect to arrive at in our pursuit of this question.

The Law, considered as a code of detailed prescription, is

³⁴ 39 I/557, 18; cf. 347, 29; 363, 19; 412, 2; 477, 1.

•• Here we should seek further information from Luther's teaching on God: if God's Law drives us into sin, is not God then responsible for sin? Also of special importance here is the work "De servo arbitrio." Cf. Pesch, *op. cit.*, pp. 106-109, 377-382.

³⁶ The controversies raised by Karl Barth's little book, *Gesetz und Evangelium* (Munich, 1956), have plunged Luther scholarship these last three decades into a discussion with implications both for the history of theology and for systematic theology. Cf. Pesch, *op. cit.*, pp. 46-51. The most important contributions to this discussion have been brought together in *Gesetz und Evangelium: Beiträge zur gegenwärtigen theologischen Diskussion*, ed., E. Kinder and K. Haendler (Darmstadt, 1968).

•• 1/112, 24; 356, 39; 5/503, 26; 7/531, 30; 9/101, 37.

important for Luther in that man learns thereby just how far he falls short of the mark. Luther, indeed, in his sermon on the Judgment and in the light of Biblical texts concerning the Last Judgment, speaks quite concretely about the detailed prescriptions of God.³⁸ At the same time, however, the detailed prescriptions of the Law are far less important for Luther than they would be for a moral theology in the traditional sense. For, as God's "*opus alienum*," the Law is assuredly not supposed to indicate how we should act or answer questions about the proper behavior of Christians but rather nothing other than to reveal the *fundamental sin* of self-righteousness and lack of faith. It is supposed not only to make us aware of actual sins but rather, through this, to lay open the "wicked heart," the root and source of all wicked deeds. In reference to our problem this means: upon an understanding of the Law there arises, for Luther, not a *moral theology problem of freedom and obligation* in Christian behavior, of "freedom of conscience" and "formation of conscience" but rather-before all such questions-the *theologico-anthropological problem, of a liberation* of man's existence before God. The question put by Luther to the Law is not "What shall I do?" but "Who rescues one from the death-dealing word of the unfulfilled Law of God?" or, more briefly, "Who rescues one from the *curse* of the Law?"

We are in no position here to pursue further the question, so far-reaching in its import, of Luther's justification in appealing to St. Paul for his theology of the Law.³⁹ One thing is sure: he did take quite seriously Pauline thoughts which, from the earliest times-out of understandable motives and interests⁴⁰ had been, as it were, "domesticated" by the traditional

³⁸ E. g., 7/207 sqq.; 6/231, 35; 242, 22.

•• Cf. the work of Joest (n. 5 *supra*); also G. Ebeling, *Wort und Glaube* (Tiibingen, 1962), pp. 263-277; P. Blaser, "Gesetz und Evangelium," *Catholica* 14 (1960) 1-23; 7-20; on a more general level cf. B. Lohse, *Lutherdeutung heute* (Gottingen, 1968), pp. 19-32.

•• With the Epistle to the Galatians *alone* it would be impossible to build up any sort of orderly Church life!

exegesis.⁴¹ On the other hand, we have an important distinction to make: the "Law" to which the Apostle ascribes the afore-said effects represents for Paul an *historical quantity*, an epoch, in a word, the constitution of the Chosen People. Now that the time of grace and the Spirit has dawned, this epoch has been brought to an end and left behind. "Lawful" behavior marks a regression to this bygone age. The time of the "pedagogue" (Gal. 3:25) is past, the Christian is the adult grown to full maturity. For Luther, on the contrary, the Law is, to use modern terminology, an *existential*. It qualifies human existence in an absolute way—the Law, the Decalogue is indeed written in man's heart. It is overcome not, as for Paul, once and for all, but anew each day, through belief in the Gospel. From here we can trace a direct path to Luther's much misunderstood formula: *simul justus et peccator*, which Paul in any case did not know in this Lutheran formulation.⁴²

In the two we see a shift in the historical situation of the Church. Paul's Church is a missionary church: adult baptism is quite naturally experienced as the great turning point and continuing sinfulness as the carry-over from a bygone age. Paul need only say to his Christians: "*Become what you are!*" But Luther's Church is a "Volkskirche," an established national church based on infant baptism; in place of that great turning point is the experience of continual sin, of a heart as rebellious as ever before. The accusatory function of the Law now accompanies the Christian throughout his whole life, and Luther must say to him: "*Become each day anew that which you are not (until you die)*"! *Exegetically* Luther has not been true to Paul: he has stretched the Apostle's text. But his interpretation of Paul is nonetheless a piece of authentic *history*

⁴¹ Thomas moves in a broad stream of exegetical tradition when in the *Summa Theologiae*, in reference to Rom. 5:20, he explains that the "killing" of the Law takes place not "effective" but "occasionaliter," and that the "ut" of "*ut abundaret peccatum*" is to be understood consecutively, not finally; see I-11, q. 98, a. 1, ad 2; 99, a. 11, ad 3. On the difference with Luther, see Pesch, *op. cit.*, pp. 431-432, 459-460.

⁴² Cf. Joest, 2., "Paulus und das Luthersche *simul justus et peccator*" in *Kerygma und Dogma* 1 (1955), pp. 269-320.

of the faith, just as the "domestication" of Paul's statements in Tradition is in its turn *exegetical* false but still an interpretation of Scripture in reference to some concrete reality of the Church's existence.

3. *The Gospel as Deliverance.*

Who overcomes for man the curse of the Law? The answer is not straight-away "the Gospel" but rather "Christ." Every attempt (and incidentally, this represents a whole school of thought) to explain this overcoming of the Law apart from the central role of Christ may indeed have its good reasons and be perfectly intelligible in the light of its own historical context, but it cannot stand as an historically faithful interpretation of Luther. Here as elsewhere, Luther's theology is, in contradiction to current conceptions, decidedly Christocentric.⁴³

Christ is the only man to have fulfilled the Law whole and entire with all the generous devotion due to God.⁴⁴ He has thereby satisfied God in a twofold sense: he has made recompense before God for all man's defections; and also, by that very fact, he has delivered man from the excessive burden of bringing about his own justification before God by a personal fulfillment of the Law.⁴⁵ Of man it is now demanded only that he *believe* in Christ, the fulfiller of the Law; or more exactly, to believe in God who, *through* Christ, himself the one just man by his fulfillment of the Law, delivers us from the curse of the Law and ascribes Christ's justice to those who believe in him.⁴⁶ The proclamation *of this* is the Gospel, and one will seldom find in Luther a definition of the Gospel in which

•• In the footsteps of the great Lutheran theologian and church historian, Karl Holl (and his "school"), the Catholic discussion with Luther likes to regard his thoughts on the "unique effectiveness of God" as the way to approach Luther's theology. In opposition to this, the Evangelical theologians (chiefly German), whose Luther scholarship has been influenced by Karl Barth, stress the Christocentric starting point of Luther's thought, whether from the historical or from the objective-systematic viewpoint.

u 56/260, 18; 2/466, 14; 497, 28; 523, 15; 10 I 1/74, 7; 17 II/240, 24; 291, 19; 31 I, 317, 7.

•• 1/505, 24; 2/479, 28/490, 32; 492, 17/563, 35; 39 I/357, 19.

•• In addition to the texts cited in n. 45: 24/4, 11/5/169, 14.

Christ's name does not appear.⁴⁷ As a message of peace, forgiveness of sin, and grace, the Gospel frees us from the accusation, the despair, the death, into which the Law plunges man. "The Law says 'Do, what you are supposed to do!' The Gospel says, 'Your sins are forgiven you!'"⁴⁸ - The Gospel is in its essential definition the promise of Christ, who frees us from the terrors of the Law, from sin and death, and brings grace, forgiveness of sin, justice and eternal life."⁴⁹ The Law is thus for one who believes and hears the message of God's working in Christ divested of its authority: God rescues the sinner "*contra legem*."⁵⁰ For the sake of Christ, the just and sinless one, the salvation of man no longer depends on whether or not the man himself has fulfilled the prescription of the Law.

Shall this be taken to mean that God's imperative "Thou shalt" is no longer meant to be taken seriously? It *is* meant seriously and remains so at all times, and this with all the embarrassment, not for its own sake but for the sake of Christ. As long as man has not come to doubt the possibility of becoming just before God on the basis of his own power, he cannot understand what God has done in Christ. He must therefore live out his entire life under the Law in this ineradicable quest for self-justification, even to the bitterly confused end. Only then can God's saving love fully open up to him in the Gospel, in that same moment in which the Law is overcome and God's honor as all-generous love is reestablished, in that man finally does what he had refused God from the beginning. Passively, in the "posture of pure reception" (Paul Althaus), he lets himself receive through Christ the gift of grace and justice as the ground of his life. "So long, Christ says, must the Law terrorize and disturb your conscience, until John comes and points out the Lamb, who takes away the sins of the world. Once I learn this and accept this, then must I bid a long farewell to all these Laws that accuse and condemn me, yea, even

"2/500, 11; 39 I/478, !W; 479,4 (cf. *infra*, nn. 53, 54) .

•• 2/466,6.

•• 89 I/887, 2.

•• 89 I/19, 21.

to the Decalogue." ⁵¹ Even to the Decalogue? Yes, in all seriousness even to the Decalogue: ⁵² "For to one justified, the Law ought not to be exposed and preached as something to fulfil but (it is to be preached to them) as fulfilled, for the justified already *have* in Christ what the Law demands of them." ⁵³ "Thus the demands and accusations of the Law fade before the pious, for what shall it still demand when Christ is already there" ⁵⁴

How seriously all this is meant is illustrated by Luther's bitter polemic against the description of Christ as "*legislator*," and therewith against an understanding of the Gospel as "*nova lex*," even if it be a "*lex caritatis*." Under no conditions is Christ a new Moses; he is not a "legislator," but rather a "propitiator" and a "*salvator*." ⁵⁵ "Where Christ is, there shall Moses the old peasant give way." ⁵⁶ Or as Luther puts it, short and to the point: "Lex est negatio Christi." ⁵⁷ This is a point especially emphasized by Protestant Luther scholars: "Where Christ becomes a 'legislator' and the Gospel a 'nova lex' a ... weakening is brought about: the tremendous 'But now!' of the Gospel is reduced to a shadow of what it was and is thus robbed of its explosive force over against man's 'cramp' of self-assertiveness." ⁵⁸

To do justice, we must note here that, even as they continue Luther's own emphasis on this point, contemporary scholars have come to show more reserve in arraigning before Luther certain prominent theologians of the Catholic tradition. Recent Catholic works ⁵⁹ have alerted Protestant scholars, and Luther-

⁶¹ 39 1/455, 3.

⁶⁹ It is not as though only the ceremonial precepts of the Old Law had been brought to an end with the Gospel, but so also has been the Decalogue: 2/468, 32; 492, 5; 18/764, 35; 40 1/229, 34.

.. 39 1/478,20 .

.. 39 1/479, 4.

⁶⁶ 40 1/232, 29; cf. 298, 13; 2/494, 9; 8/70, 20; 40 1/114, 13-20.

⁶⁸ 40 1/262, 9; cf. 259, 26; 56/339, 3.

⁶⁷ 40 11/18, 4.

⁷⁸ Joest, *Geaetz, und Freiheit* (cf. *supra*, n. 5), p. 28 sq.

• Above all, the works of G. SOhngen, *Geaetz und Evangelium* (Munich, 1957); "Gesetz und Evangelium," *Catholica* 14 (1960), 81-105; F. BOckle, *Geaetz und*

an research itself has shown, for instance, that St. Thomas's teaching on the "nova lex Evangelii" has nothing in common with what Luther is out to attack.⁶⁰ For Thomas the "nova lex" is identical with the grace of the Holy Spirit won for us by Christ, if this grace comes not through works but through faith and the Sacraments, if everything other than this grace which is identified with the New Law has at most a preparatory or manifestative function, never a meritorious efficacy, with respect to grace, if all good actions stem from the *inner* "ought" ("lex indita") of the freedom of the children of God, then all that Luther seeks has been objectively realized. At most, one may quibble about the opportuneness of using the word "lex" in this context.⁶¹ The same is true of "Christus legislator": for Thomas, Christ is a "legislator" only in the measure that the New Law is a "lex." This means: he is a "legislator" chiefly in that he bestows on us the grace of the Holy Spirit and institutes the Sacraments, and only secondarily in that he preaches the Sermon on the Mount. Thus, the novelty in Luther is not the substance of his doctrine: what Tradition held important, Luther also holds important. The novelty is a certain crisis over the concept "lex," and a polemic arising out of this, in which Luther felt constrained to defend himself against something which Tradition as such had never taught.

As we bring this section to a close, let us once more focus clearly on what we are aiming at in this discussion. It is true that the above understanding of the Law in no way gives rise to the moral theologian's problem of freedom and obliga-

Gewissen: Grundfragen theologischer Ethik in ökumenischer Sicht (Luzern-Stuttgart, 1965).

⁶⁰ At this point, a reference is in order to the praiseworthy achievement of U. Kühn, *Via caritatis: Theologie des Gesetzes bei Thomas von Aquin* (Berlin, 1964/Göttingen, 1965). See my review, "Thomas von Aquin in Licht evangelischer Fragen: Zu drei neuen Thomas-Monographien," *Catholica* 90 (1966), 54-78. 65-72, 76-78.

⁶¹ If Thomas does so, this is obviously because he places more emphasis on the continuity between Old and New Covenant than does Luther, whose thought is based entirely on Saint Paul.

tion, since Luther understands the Law as a radical accusation of human existence before God, it is equally impossible that the problem should arise from his understanding of the Gospel, since the Gospel abolishes every Law. The Gospel is no "nova lex" *over against which* some freedom might be set and then discussed in terms of its limits. On the contrary, the Gospel is itself freedom, because it is a deliverance of man from his guilt and fallenness before God.

The sum-total of our considerations thus far, then, can only read: *the formula "Law and Gospel" has, in its immediate meaning and in its theological function, no bearing whatever on the moral theologian's problem of freedom and obligation, of conscience and the decay of moral norms.*

4. *Luther on Christian Ethics.*

Only at first sight is this result disappointing. For it goes without saying that, for Luther, the justified sinner, the Christian in other words, does have ethical duties.⁶² Luther cannot block out this question or put it in parentheses or even give it only limited attention. The contrary is assured not only by the New Testament itself, to which after all he appeals for his understanding of Law and Gospel, but also by his controversy with the old Church. For, as already mentioned, the latter had not hesitated at an early moment to accuse him of endangering moral-ethical effort.

If, however, Luther holds so inexorably to his affirmation that the Gospel brings about freedom from the Law and that this is the key to an understanding of the entire Christian message, then this must surely have consequences for the foundations of Christian ethics and the guidance of Christian action. Definite foundations, definite modalities are in any case excluded in the light of this distinction between Law and Gospel. As for Luther's manner of arriving at a determination

••Lutheran theology treats this problem under the heading "Justification and Sanctification," a terminology admittedly found in Luther's own writings but never in a technical sense, and for that matter not always in the same sense. See Pesch, *theologie der* p. 287 sq.

of norms for Christian action, without reversing the overcoming of the Law by the Gospel, we must bring to light what the formula "Law and Gospel " does have to say about norms and freedom of conscience. What norm is Christian behavior to follow?

Lutheran theology after Luther's time, following Melancthon, developed in this connection the formula "tertius usus legis." ⁶³ This is intended to mean: God's Law, like any human law, has as its first function *to* repress sin in the outward dimension of life, to keep order in the life of society, to provide for the upbringing of the young, to secure freedom, to protect the preaching of the Gospel. This is the so-called "primus usus legis," also called "usus politicus," "usus civilis." ⁶⁴ Following this we have the "secundus usus legis" through which all that we have spoken of above is effected: manifestation and multiplication of sins (thus it is called "usus elencticus"; a negative preparation for justification (thus "usus theologicus," "usus sanctus," "usus salutaris") and an education unto Christ (thus, "usus paedagogicus"). But what of now? Have the prescriptions of the Law no further meaning for the justified "after" ⁶⁵ the "usus elencticus" has done its work? Quite obviously they do! ^{ea} And *to* explain this, first Melancthon and then Lutheran theology of the post-Luther period (including the Lutheran creedal statements themselves) developed the theory of "tertius usus legis." Meant here is a function of the Law whereby it does teach man what the will of God demands but no longer terrorizes, menaces, and "kills." For man, insofar as he believes, no longer follows the Law "serviliter," as do the self-righteous, but rather out of joyful and

•• See Ebeling, *Wort und Glaube* (cf. n. 39 *supra*), pp. 50-68.

•• "Usus" is difficult to translate (i. e., into German); perhaps the best possible would be "Funktion," itself a borrowed word.

•• This "after" (German "nach") is surely meant here in an altogether peculiar sense; because of continual sin (cf. *supra*, n. 39) man never experiences until his death a time "after" the "usus elencticus legis."

•• After elimination of all that is time-conditioned in the Law and which was valid only for the political existence of the Chosen People. See the relevant text 39 I/540, 8; and on this, Ebeling, *op. cit.*, p. 228.

thankful devotion to God. The doctrine of the "tertius usus legis" appears therefore to hold together in happy fashion not only the distinction, indeed the break, between the state of sin and that of justification but also the continuity of the one will of God, ever remaining the same. At the same time the basis of Christian ethics is explained: an obligation to the will of God as promulgated in the Law out of the free devotion of faith springing from the heart itself, this is the source and the essence of Christian behavior.

Luther himself is unfamiliar with the terminological formulation "tertius usus legis." He knows only (and this in a thoroughly untechnical sense) the formula "duplex usus legis."⁶⁷ Thus our research is faced with the question: did he know the *reality* expressed by this "tertius usus legis"? A whole string of statements from Luther argues that he did. Christ does not do away with the Law but builds it up in the proper way, by his new interpretation of it;⁶⁸ by the same token the Law is interiorized for the believer; he seals "friendship" with the Law.⁶⁹ Luther emphasizes the permanent significance of the Biblical admonitions as directives for Christian life.⁷⁰ These observations have led a considerable number of scholars to the conclusion that the objective reality corresponding to the "tertius usus legis" was upheld by Luther. An even larger number, however, are of the very opposite opinion: with this theory of the "tertius usus legis" the whole point of Luther's understanding not only of the Law but also (and notably) of the Christian condition would be obfuscated.⁷¹ And this for two reasons. The first, on *terminological* grounds. "Law" according to the tenor of Luther's expositions is that which exercises against men this function of

⁶⁷ See Ebeling's study mentioned in n. 63 *supra*.

⁶⁸ 39 I/387, 5; 2/580, 7-23.

⁶⁹ 4/467, 7; 5/562, 31.

⁷⁰ 6/207, 26; 18/693, 1; 39 I/542, 16.

ⁿ Cf. Lutheran positions on one side or the other collected in Pesch, *op. cit.*, p. 73 sq. Understandably, Catholic theologians are inclined to speak out in favor of the "tertius usus legis."

accusation and death: for Luther, the Law is defined precisely in terms of this function. A Law that does not accuse is not a law, however much its content may happen to correspond with that of the Law which accuses. Thus the later formulation marks a departure from Luther's own way of using words.

But this-and this is the second, *reality-oriented* reason-is more than just an argument about words! Whoever seeks to regulate the life of the Christian through the "tertius usus legis" forces him, no matter how much generous devotion of will might be involved, to look back once again to the letter of Holy Scripture to discover what he is supposed to do. It seems indeed to be no coincidence that, in reference to the Christian, Luther no longer speaks of Law but *only* of "admonition" (*exhortatio*) and "commandment" (*mandatum*), and indeed explains quite explicitly that this is to indicate a "weakening" of the Law for Christians.⁷² Luther ought to have thoroughly dispelled all doubt, when alongside his disquisitions on the permanent positive meaning of the Biblical directives we can find his incisive remark that Christians would make for themselves "new Decalogues" even better than that of Moses. Paul himself had gone far along this very road with his long lists of virtues/³ Quite plainly, Luther will stick to the end by his conviction: the Gospel brings freedom, and the Law can place no man, for whom Christ has interceded before God, under any condition whatever for salvation, save that of faith. Not only must the form of Law, the "exactio," give way to freedom, the content of the Law, too, must be subordinated to this freedom, no matter what restrictions must still be made in view of unintelligent, simple men who as such will always need leadership. The "tertius usus legis" is chiefly for these objective reasons un-Lutheran. So then, where does this leave us? Are there no more norms for moral action? Licence all down along the line, even to the notorious "peccatoriter, sed fide fortius?"⁷⁴ How *does* Luther approach the foundation-laying of a Christian ethics?

•• 39 I/474, 8-475, 6; cf. 3; 513, 8.

⁷⁸ 39 I/47, .

... WA, Letters,

1. First of all, we should note that Luther, in opposition to Tradition, sees the basic and complete Christian act not in "caritas" but in faith. If I compare the contents of the two concepts, their difference falls away almost to nothing. Everything that Tradition brings together under the concept of "caritas"—the grace-filled yet spontaneous self-giving of the soul to God for his own sake which ties together and directs all the other aspects of our relationship with God such as trust, hope, fear, assent and the like—all these Luther subsumes under the concept of faith. For him, "caritas" is above all love of neighbor, not love of God. Conversely, that which Tradition conceptually understands by "faith"—the assent of the reason (*assensus*) to the revealed word of God—is *only one* element in Luther's complex concept of faith to which, if considered all alone by itself, Luther himself never did and never would ascribe the justification of the sinner. The greater part of the polemic on both sides over the matter is built on mere terminological misunderstanding.⁷⁵

And yet there does remain something that cannot be brought together, something hard really to put one's finger on, since it transcends the theoretical domain and belongs to the level of one's personal relationship with God, one's spirituality. Anyone who uses the word "caritas" in the traditional sense does not think at once of his sins, but he does think quite readily of duties: not without significance the question of the "ordo caritatis" comes to the surface immediately.⁷⁶ Anyone who speaks of "faith" in Luther's sense thinks *right away* of his sins, faith places him under God's forgiveness and releases him from the oppression of the Law. "Faith" therefore excludes this immediate thought of duties. To put it another way,

•• Here we can give only a general reference to the exhaustive presentation of this problem in Pesch, *op. cit.*, pp. 735-747. See also the important articles by J. Lortz, "Luthers Römerbriefvorlesung: Grundanliegen," *Trierer Theologische Zeitschrift* 71 (1964), 129-153, 216-247, and P. Manns, "Fides absoluta-fides incarnata: Zur Rechtfertigungslehre in Luthers grossem Galaterkommentar," in *R&formata Reformarula: Festschrift für H. Jedin* (Münster, 1965), v. 1, 265-3U,

•• Cf. St. Thomas, *Summa Theologiae*, II-II, q. 26.

"faith" as the fundamental Christian act in Luther's sense implies primarily, in the light of his distinction between Law and Gospel, man's total passivity, his "death" so far as his "will to achieve" is concerned, the absolute gift-character of salvation, from which nothing can be taken away by any "partnership-like" contribution on man's part.

The reverse side of this is a conclusion directly relevant for ethics: *radical freedom*. Where God has made man's salvation entirely his own affair, man's own action is no longer in any way bound up as a condition with salvation; no particular behavior is any longer an objectively necessary precondition for receiving salvation. Faith and the "freedom" of a Christian are correlative. If one asks in a precise sense what the Christian must do to attain salvation, the answer in equally precise terms can only be: nothing.⁷⁷ He receives it as a gift, literally for nothing. Should he want to do something toward it, this would mean a denial of faith. Thus the fundamental premise of Christian ethics, for Luther, will be: man has no ethical duties whatsoever in relation to his attainment of God's justifying grace. Put more briefly: Towards God ("erga Deum") there is no ethics.

2. So what then, no duties and norms? Naturally, of course, there are, but in relation to God only insofar as such duties are nothing more than the reverse side of faith. Luther knows and admits only one such duty: the struggle against sin, or in a word, penance.⁷⁸

A faith, which did not take up an active struggle against self-seeking, mediocrity, and pride would deny in life what it affirmed in faith—that sin is against God and that God's judgment of the sinner is a just one. The struggle against sin, together with the genuine if always fragmentary advance of real justice, is so important for Luther that he can declare

⁷⁷ - Novitas nostrax est quidem necessaria, sed non ad salutem, non ad justificationem nostram. Ad salutem seu justificationem nostram necessaria est sola misericordia Dei, quae apprehenditur fide." (89 8).

•• For more detailed treatment see Pesch, *op. cit.*, pp. 288-295, where further references are given to the literature on this question.

quite unambiguously that without this struggle-progress faith and the Gospel are in vain.⁷⁹

Thus penance and the struggle against sin are also of ethical significance, for they stand in service of that very freedom which is the gift of faith. For this reason, continued sin is the enemy of freedom, for the quintessence of sin always remains rooted in man's seeking to justify himself, through which he brings himself anew under the oppressive weight of the Law. Every inch of ground conquered from the sway of sin increases freedom, which God at once gives to man and demands of him. Paradoxically expressed: because no ethic holds before God, Christians have the ethical duty of fighting against sin, because sin ultimately consists in the desire to be justified before God by one's own ethical achievement.

3. But where does man go from here with this God-granted freedom? Naturally he becomes involved in works and deeds, and he *should* do so. Are there still no norms for this? Do not ethical demands somehow hold at this stage of the game? When Luther pronounces himself on "Faith and Works" his first concern, in the light of his polemical situation, is to emphasize that faith does not derive its power to justify from any works that may accompany or follow it. "When faith is not lacking in every (sort of) work, even the slightest, it does not justify, indeed it is not even faith in this case."⁸⁰ This statement from his theses of 1520 characterizes the constant accent in all his pronouncements on the theme. But the thesis we have cited reads on: "It is, however, impossible for faith to exist without zealous, numerous and great works."

After the epoch of polemical line-drawing, which served to sharpen Luther's own position and make it one-sided, contemporary Luther scholarship sees clearly that, without any desertion of the "sola fide," works, i.e., ethical behavior, take on an essential place in Luther's understanding of what it means to be a Christian. And so one might arrive at the

formulation that Luther's formula should not read "sola fide" but, to be true to reality, it should read: "sola fide numquam sola."⁸¹

But how does the relation between this faith free of works and the works necessarily bound up with it shape up? If we try to summarize in thesis form the essential viewpoints emphasized by Luther, we must eventually come up with some such thing as the following: Faith is the *ground* of works and is related to them as the tree to its fruits, that is, faith makes the works good, but good works do not give faith its salvific power.⁸² They are necessary, therefore, not as a condition of salvation but as an expression and evidence of salvation.⁸³ As such they are the life-form of faith: it exercises and indeed "incarnates" itself in them.⁸⁴ Luther can express this in the optimistic words: faith hardly stops first to ask *if* good works are to be performed; before even asking, it is already involved in doing them.⁸⁵ Conversely, Luther draws the conclusion from all of this that, where *no* good works are in evidence, one may be sure that no salvific faith is present.⁸⁶ At times Luther can explain in the most beautiful traditional manner that Christian life consists in faith and works.⁸⁷

With this we have succeeded in *laying a foundation* for Christian ethics, though a concrete ethics itself is yet to be worked out. Faith makes our works good *before God*: they are no longer the fruit of the sin which still dwells in us. But faith of itself does not spell out just which works we are to perform here and now. Who can determine this, if the Law can and ought no longer do this not even in the sense of a "tertius usus legis"? Luther's answer is: only he *for whom*

⁸¹ This is the title of a little article by Althaus, *Una Sancta* 16 (1961), 227-235; it is also the tenor of his *Theologie Luthers*, pp. 213 sqq., and the works of W. Joest we have mentioned.

⁸⁰ 2/492, 21; 39 I/46, 28; 288, 9; 39 II/188, 37; 38/646, 20.

⁸⁸ 39 I/114, 28; 292,8; 47/789, 29; 10 III/225, 35.

⁸ 14/23, 17; 6/249, 7; 40 II/158, 1. Cf. Manns' article mentioned inn. 75 *supra*.

⁸ - WA, *Deutsche Bibel*, 7/11, 10.

⁸ 10 III/287, 20; 12/289, 29; 39 I/46, 20; 92, 17; 106, 24; 114, 24; 39 II/248, 14.

⁸⁷ U/289, 29; 10 I 2/88, 2; 17 I/98, II.

the works are good and who needs them. That is by definition not God who freely bestows salvation and forgiveness *without* works, but only man, our neighbor. Luther distinguishes between "pious" ("*formmen* ") and "good" ("*guten* ") works. The "pious" work is one that one performs "for God's sake" (a pilgrimage, for instance). Such works fall under the total condemnation of "justification through works," insofar as they are undertaken in view of some special meritoriousness before God; and Luther is unaware of any "pious" work that is *not* undertaken for this motive. The "good" work, on the contrary, is that which is directed toward our neighbor and his welfare. "Have you ears to hear, and a heart that can attend, well, listen and learn for God's sake, what good works are and mean. A good work is called good, because it serves and benefits and helps the one toward whom it is directed." ⁸⁸ - And we call good works, not those which we do for God but those we do for our neighbor, these are good works." ⁸⁹

On this fundamental position Luther bases his critique of monasticism, ⁹⁰ on the one hand, and his professional ethics ("Berufsethik"), on the other. ⁹¹ Good works in this sense are a simple exigency of our gratitude toward God in Christ: as God has done for sinners, so shall the redeemed sinner do for his neighbor; freely has he received, freely ought he to give. ⁹² In this way the Christian becomes another Christ. ⁹³ In full accord with the "*sola fide numquam sola*," we find in Luther the paradox: "A Christian man is a free master of all things and subject to no one. A Christian man is a useful servant of all things and subject to everyone." ⁹⁴

⁸⁸ 10 I 12/39, 3.

⁸⁹ 10 III/98, 16. For a formulation which sums everything up beautifully: "Opera gratiae sunt necessaria, ut testentur de fide, ut glorificent Deum patrem, qui in coelis est, ut serviant proximo." (39 I/225, 3).

⁹⁰ On this, see Pesch, "Luthers Kritik am Monchtum in katholischer Sicht," in *Strukturen christlicher Existenz*, ed. A. Pereira et al. (Wiirzburg, 1968), pp. 81-96.

⁹¹ See G. vVingren, *Luthers Lehre vom Beruf* (Munich, 1952).

•• 7/36, 3; 37, 32; 6/516, 32; 10 I 2/168, 17.

•• 7/35, 34; 66, 3; 11/513, 8; 15/504, 14.

•• 7/21, 1.

5. *Questions posed by Luther's Theology of Freedom for present-day Catholic Moral Theology.*

It would be impossible for us to discuss in full all the important questions that Luther's teaching on "Law and Gospel" poses for Catholic moral theology in our time. Let us at any rate close by at least intimating these questions. Luther's theology ordinarily considers this question under a presupposition not always appreciated in Lutheran circles: Luther's *concrete* ethical pronouncements are no more adequate for our day than are those of St. Thomas and St. Augustine. The "neighbor" whose need Luther made the measure of good works was the man of an agricultural or at best of a small town society, the society from which Luther himself came. The direction, to serve one's neighbor in your calling with the "tool" ("Handzeug") that God gives you, is sufficient here. But even in Luther's day, it was insufficient to cover the social, political, and economic changes that were already underway all around him.⁹⁵ And they are surely insufficient for the problems of modern industrial society and the economic ethics such a society requires, or for the problems of our "one World," the atom bomb, the total manipulability of the world and even of man himself. It is not his concrete, detailed prescription⁹⁶ which raise questions for us but rather the underlying *structure* of his theological ethics.

For the sake of clarity and to avoid any misunderstanding, I have intentionally formulated these questions in as brief and pointed a way as possible:

1. Is Catholic moral theology ready to admit that God has granted us salvation with no reference to works whatever, but unconditionally, for the sake of Christ?

Is Catholic moral theology ready to admit that God wants, not our "pious" works but only our "good" works-

•• Cf. a recent presentation of this by R. Friedenthal, *Luther: Sein Leben und seine Zeit* (Munich, 1967), esp. part III.

•• Rich material on this may be found in P. Althaus, *Die Ethik Martin Luthers* (Gutersloh, 1965).

for himself only thanks and praise, and apart from this only the passing on of his gift in our service to men?

3. Is Catholic moral theology ready to admit that any tying together of the question of salvation with that of ethics, whether on a conditional or final basis, and by the same token any conception of works as condition or means and salvation as purpose or end, can only serve to corrupt moral theology itself and to corrupt the works for good measure?

4. Is Catholic moral theology ready to admit that (precisely because of this) the modern decay of ethical norms has nothing to do with the conditions of man's salvation, that is to say, nothing directly to do with God but only with the success or failure of the life together of God's *children*, and thus ultimately but only by such a detour, with God?

5. Is Catholic moral theology ready to admit seriously that the sole criterion of ethical goodness is not some abstract norm, neither is it some impersonal "natural law," nor is it even a special revealed commandment of God himself (for there are no such commandments) ⁹⁷ but is instead *man* in the necessities of his individual, interpersonal, social existence?

6. Is Catholic moral theology ready to admit seriously that man is free to discover in the world about him (as the case may be) both these necessities and the corresponding ethical norms, and is also free to test our situation for this purpose, and *precisely this* in the *order of creation* to which he is subject?

7. Finally, is Catholic moral theology ready to refrain from wanting to know a priori what is good and to trust that, in ethical struggle, and for that matter in ethical failure in face of situational exigencies, the people of God is indeed led by the Spirit of God, even in the case when no answer is immediately forthcoming?

Certainly Luther's theology of Christian freedom awakens

⁹⁷ For the New Testament, see J. Blank, "Zum Problem 'Ethischer Normen,' " in "*Neuen Testament*," *Concilium* 5 (1967), 856-861; for the Old Testament, D. Arenhoevel, "Die Gesetzgebung am Sinai," in *Wort und Antwort* 10 (1969), 111-116; 45-51; 71-74.

the impression of a radical situation ethics. Only by the de facto circumstances of his own century was it prevented from having its most devastating effects. But in a time when decay of moral norms is a fact, and when all the discussion about natural law has at least been brought to a close, the exegetical insight that above and beyond this radicalization of ethical responsibility through the Christ-event there is simply no ethical revelation, specific in its content, available to us, and that we are instead thrown back upon real service to the world-in such a time the words "situation ethic" should no more frighten us than Augustine's remark: "Ama, et fac quod vis."

What a success it would be for Christian ethics were it able to deal realistically with contemporary situations, human situations! For this it should be glad to pay the price of not knowing whether what it says today will be still relevant to the situation of 500 years from now. Luther reminds us here that the task of Christian ethics is not to "extort" ⁹⁸ the works of the Law but to bring forth the fruits of the Spirit. Fruits grow from within. They are such, as is the tree itself. And they should serve man.

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•• Cf. 2/492,28.

GABRIEL BIEL ON *LIBERUM ARBITRIUM*: PRELUDE
TO LUTHER'S *DE SERVO ARBITRIO*

RECENT CONCENTRATION of scholarly interest upon the late medieval period and, in particular, upon that era's theology, has called for a contemporary examination of the thought of Gabriel Biel of Speyer (d. 1495), professor of theology and later rector of the University of Tiibingen.¹ Biel's theology exerted a significant, if not crucial, influence which recent scholarship increasingly discovers to have been more pervasive and profound. Ample evidence of Biel's direct influence upon Luther himself is not difficult to find. In his *Randbemerkungen zu den Sentenzen des Petrus Lombardus* Luther explicitly refers to Biel's *Collectorium*, the latter's own commentary on the *Sentences*.² In addition, Melancthon tells us that Luther was able to quote Biel and Peter d'Ailly from memory.³ And, of more interest for our

¹ Particularly noteworthy examples are the recent studies of Leif Grane, *Contra Gabrielem: Luthers Auseinandersetzung mit Gabriel Biel in d'ff Disputatio ccmtm scholasticam theologiam 1517* ([Copenhagen]: Glydendal, 1962), and Heiko Augustinus Oberman, *The Harvest of Medieval Theology: Gabriel Biel and Late Medieval Nominalism* (Cambridge, Mass.: Harvard University Press, 1963).

• *D. Martin Luthers Werke: Kritische Gesamtausgabe* (Weimar, 1883-), ix, 40, 36 and 74. 9. [Hereafter cited as *W. A.*] Luther's *Randbemerkungen* is dated c. 1509-10. It is not certain that he had direct access to the 1501 edition of Biel's *CoUectorium*; his references here may derive from his courses under Jodocus Trutvetter and Bartholomaeus Arnold von Usingen. Cf. Robert Herndon Fife, *The Revolt of Martin Luther* (New York: Columbia University Press, 1957), pp. 49-50. Fife also notes that Luther used either Biel's *Lectura super canone Missae* (Reutlingen, 1488) or the *Epithoma ea;positionis canonis Missae* (Tiibingen, 1499). *Ibid.*, p. 97. Curiously Fife is under the impression that Biel was a member of the Augustinian order: "The basic work he [Luther] used ... was that of an eminent member of his order, Gabriel Biel. ..." *Ibid.*

⁸ "Gabrielem et Cammeracensem pene ad verbum memoriter recitare poterat."-*Corpus Reformatorum, Philippi Melancthonis Opera Quae Supersunt Omnia*, ed. Carolus Gottlieb Bretschneider (Halis Saxonum Apud C. A. Schwetschke et Filium, 1839), VI, 159.

subject, we have Luther's own marginal notes in the Wittenberg monastery's copy of Biel's *CoUectorium* in the 1514 Lyons edition.⁴ The notes are not extensive and their importance can be easily exaggerated. But they are directly concerned with the question of justification and the role of the human will in salvation. The *Disputatio contra scholasticam theologiam* of December 4, 1517⁵ attacks Biel's doctrine and can be directly connected with the *Collectorium* passage annotated by Luther.

These preliminary remarks are meant to set the stage for a discussion of Gabriel Biel's concept of *liberum arbitrium*, a doctrine which would prove to be of crucial importance in the eventful years of the early sixteenth century. Our chief source is Book II, *distinctio* 25 of Biel's *Epithoma pariter et collectorium circa quatuor Sententiarum libros* (Tiibingen, 1501). A brief historical comment on the notion *liberum arbitrium* will introduce our examination of Biel's teaching; we will conclude with some remarks regarding the clearest expression of Luther's reaction to the theory-his famous *De servo arbitrio*.

HISTORICAL NOTE

By the fifteenth century the term *liberum arbitrium* had a thousand years of history behind it, and the concept to which the term referred was centuries older. For the medieval thinker the term was a classical one, part of the technical vocabulary of the philosopher-theologian. Its roots were unquestionably philosophical, dependent in large part on Aristotle's treatment of choice and the voluntary in his *Nicomachean Ethics*. Christian thinkers had little difficulty integrating his doctrine with revelation. In the Scriptures man's psychological freedom of choice is a presupposition rather than an assertion. The drama

• Paul Vignaux, "Luther, lecteur de Gabriel Biel," *Eglise et TMologie*, 12 (March, 1959), 88. For the text of these marginal notes cf. Hermann Degering, *Luthers Randbermerkungen zu Gabriel Biels Collectorium in quattuor libros sententiaru11b und zu dessen Sacri canonis missae expositio* (Weimar: Verlag Hermann BOhlaus Nachfolger, 1988).

• W. A. i. 221-HS.

of both the Old and New Testaments rests upon man's power of self-determination, at once personal and unpredictable, implicit and yet undeniable. Specific references to man's free will are not rare in the writings of the Fathers, some of whom found it necessary to defend human liberty in the face of the fatalism or determinism of the Stoics and other pagan thinkers. Once raised, the question of the source of man's power of self-determination was destined to play not only a distinguished but a distinguishing role in Western thought. Between Boethius, who situated freedom of choice in the undetermined deliberation of reason, and Scotus, who saw freedom only in the will, whose indetermination was alone complete, the outer limits of the spectrum of possible positions were established, and thinkers were destined to be labeled "voluntaristic" or "rationalistic" by reason of their viewpoint on this question.⁶

The question of the locus of the faculty of free choice was not a pressing problem for either Augustine or Anselm who were concerned rather with explaining how the will can remain free in the face of divine grace and predestination and, equally preoccupying, how to preserve the will's dependence on grace without reducing the former to impotence. Anselm felt it necessary to define freedom in such a way as to exclude "ability to sin" from the definition, otherwise God, who cannot sin, would not be free. Thus, for Anselm, *liberum arbitrium* is the ability to keep uprightness of will for its own sake.⁷ While no one can lose this natural ability he can refuse to use it and thereby sin; in this eventuality the will is powerless to regain righteousness but must await the action of God.

The basic questions pertaining to *liberum arbitrium* inherited by the Christian thinkers of the late Middle Ages were psychological-in what faculty of the soul is man's freedom of choice ultimately to be found?-and theological-how do grace

• Cf. Etienne Gilson, *The Spirit of Medieval Philosophy* (New York: Charles Scribner's Sons, 1949), pp. SU-813.

⁷ "Libertas arbitrii est potestas servandi rectitudinem voluntatis propter ipsam rectitudinem."-8. *Anselmi Cantuariensis Archiepiscopi Opera Omnia*, ed. F. S. Schmidt (Edinburgi: Apud Thomam Nelson et Filios, 1946-1961), I, 212, 19 f.

and sin affect man's freedom of choice and what power does free choice have with respect to eternal salvation? While the theological import of these questions is too obvious to need mention, even a cursory study of Biel's treatment supports the assertion that theological questions sometimes had to rest content with philosophical answers. Nevertheless, from our vantage point it is not only legitimate but necessary to keep the theological dimension in mind as we turn our attention to Gabriel Biel and his teaching on the notion *liberum arbitrium*.

BIEL'S DOCTRINE

The modern reader may be surprised as he comes to his reading of Biel with current notions of individual liberty and psychological freedom of choice to find that the term *liberum arbitrium*, although literally translated as "free choice," is not really an ability or capability but is an existential reality of a substantive order, a *res*. Indeed, it is not essentially distinct from the human soul itself. To be specific, *liberum arbitrium* is nothing other than the human will as cause of its willing.⁸ In Biel's psychology man's intellect and will are not two separate entities and are not actually distinct from the soul itself.⁹ While these powers are conveniently distinguished for the purpose of discussion, no real distinction is postulated. But even should one subscribe to the opinion which affirms that the distinction is not merely logical but real, one would not, according to Biel, assert thereby that *liberum arbitrium* is in reality two powers. Freedom of choice must still be regarded as essentially *voluntas*. The reason for this is that true freedom does not reside in the intellect itself which Biel (following Scotus) sees as being necessitated or determined by something distinct from itself, namely, truth. One cannot refrain from giving intellectual assent to what is clearly true, while one

⁸ "Quamvis libertas arbitrii non fit sine ratione obiecti volibilis ostensiva est tamen essentialiter et realiter voluntas sue volitionis productiva."-Biel, *Collectorium*, II, d. 25, q. un., art. 2, cone! I (G). Hereafter cited by number alone.

⁹ "Potentie anime rationalis intellectus et voluntas eodem realiter non distinguuntur ex natura rei aut formaliter."-II, d. 16, q. un., art. 2.

can refuse to choose what the intellect presents as good. Thus, liberty is in the will, and it is there that *liberum arbitrium* must, in the last analysis, reside. But this does not imply independence from reason. The will can choose only what is presented by reason; the latter has an indispensable function. Thus Biel can define *liberum arbitrium* as "the rational will freely willing something shown or presented to it by the intellect."¹⁰

In an earlier discussion of freedom Biel approvingly referred to the opinion of Robert Holcot (d. 1349) that, no matter how freedom is understood, it is essentially nothing but the will itself seen from a particular viewpoint. Thus freedom from sin denotes the will in grace, freedom from misery denotes the will without punishment, freedom from necessity denotes the will as not subject to coercion, freedom of indifference denotes the will neither more nor less inclined to one of two opposites. All these terms stand for one thing—the will itself. This, of course, means that the freedom of the will is not some quality added to or inhering in man's will but is its very essence. Even God cannot separate the will and its freedom.¹¹

Preserving *liberum arbitrium* from any intrinsic alteration does not mean that the acts it produces will be of the same quality, however. It is obvious to Biel that habit has a bearing upon the facility with which one acts. Grace also is essential if the act should enjoy the quality "meritorious." And with respect to grace, a will can be more or less responsive. Despite all this, *liberum arbitrium* itself is not altered; the essential equality of all men with respect to this basic faculty is not impaired. For it is not in the faculty itself that the inequality resides but in its habits.¹²

Given the essential identity of *liberum arbitrium*, *libertM* and *voluntM*, the inalienability of the will's freedom becomes apparent. Destroy man's freedom and he ceases to be man;

¹⁰ - --- voluntas rationalis libere volens aliquid ostensum sive praesentatum sibi per intellectum."-II, d. //5, q. un., art. concl. (G).

¹¹ II, d. 1, q. 6, art. 8, dub. 1 (D).

¹² II, d. //5, q. un., art. concl. 5 (H).

libertas is an ineluctable implication of rationality in the classic definition of man as *animal rationale*. But, although even God cannot destroy man's liberty without at the same time annihilating his humanity, this does not mean that God cannot affect the human will at all. The power and freedom of God are key themes in nominalist thought and Biel does not rest easily in limiting divine omnipotence merely to preserve the integrity of a definition! He applies himself to this problem: whether the will can be forced by God.

Biel had already made it clear that the will is not subject to force, for it cannot will against its will. But there are texts from Scripture which, he says, seem to use the language of true force: "... and compel them to come in" (Luke 14: 23); "no one can come to me unless the Father who sent me draw him" (John 6: 44); "I see another law in my members, warring against the law of my mind and making me prisoner to the law of sin...." (Rom. 7: 23) All of these convey the notion of coercion.

In the first place, with respect to the external acts commanded by the will, these are obviously subject to compulsion not only by God but also by creatures. This is certain, Biel says, because a person can be dragged to church against his will. Even Scripture attests to this. With respect to its internal acts the will can be moved or induced and, by fear or promises, can be changed in such a way that it abandons its former position and comes actively to will the opposite. Experience gives ample evidence for this, Biel asserts. Under this heading he inserts the *tractio divina*, that special motion of the Holy Spirit by which man is enabled to give up vice and choose the good.¹⁸

But God is able to do even more. He can force the free will in such a way that it cannot will a "willable" object. This follows from his ability utterly to annihilate the will; a fortiori he can do the lesser. Moreover, God is able to take away the

¹⁸ - --- recedere a vitiosis volitionibus et elicere bonas."-II, d. 25, q. un., art. 8, dub. 1, prop. 2 (J). Biel here speaks of *volitio* as though it were an object of will rather than as the will act itself.

use of reason from the will. In that eventuality no will act would be possible since it is reason which presents the will with an object of choice.¹⁴ Or God could simply suspend his general concurrence; the human will which functions on the level of secondary causality could not act if the primary cause withheld its concursus. These are indubitable facts for the Christian, Biel remarks. In this way God truly forces the will not to act.¹⁵

In a somewhat similar fashion God is able to compel the will to choose something in such a way that it would be unable not to will it. This proposition finds its proof in the undeniable creative power of God by which he is able to create in the will (and there conserve) an act of volition. For, just as the intellect cannot fail to understand knowledge actually existing within it, so the will cannot fail to will when it has within itself an existing volitional act. What else is an act of willing, Biel asks, than to have volition in the will?

All of this is not yet to force the will to act involuntarily, in Biel's judgment. Despite these external influences the will is not acting against itself, it is not being voluntary involuntarily. Still, Biel is not satisfied that God should be limited even here. Perhaps no essential contradiction is involved. He feels he must pursue the matter further.

Suppose, for example, a given act of willing a certain object. Within that same will God can create an act of not willing (*nolitio*) the same object. He is able to conserve these contrary acts simultaneously by his absolute power (*per suam potentiam absolutam*).¹⁶ The will would thus (and, we would think, to its great surprise) find itself willing and unwilling at the same time and in the same respect. At this point, Biel complains that grammar itself cannot bear the burden of this

¹⁴ Cf. *supra*, pp. 117-118.

¹⁵ II, d. 25, q. un., art. 8, lub. I, props. 1-8 (J).

¹⁶ *Potentia absoluta* and *potentia ordinata* are familiar terms in the nominalist vocabulary; their full meaning and implication lie far beyond the confines of this presentation. For our purpose let it suffice to define the former as the unlimited power of God by and in which he is totally free; the latter, that power by which God acts within the order which he has in fact established. By means of the former, God could, for example, decree lying to be an act of virtue.

thesis, unable as it is to signify the two acts with simultaneity! Furthermore, he realizes that one could object to classifying " willing " and " unwilling " as contraries. Technically they may be such, but actually they amount to contradictories and thus cannot find simultaneous existence in the same subject with respect to the same object. His reluctance " to deny anything to the power of God which does not involve a contradiction " leads Biel to forego making a decision on the case requiring the intervention of the *potentia absoluta* and concludes that, simply speaking, the will cannot be made to will unwillingly.¹⁷

When he asks the question whether it can be proved that the will is free, Biel relies on the arguments of Ockham and Gregory of Rimini and states that the freedom of the will is evident from experience and no demonstration is more evident than experience/¹⁸ Man's experience testifies that, even though reason tells him something or other ought to be chosen, the will is able to do otherwise. In addition, all human counsel would be pointless, no one could be rewarded or punished for his acts and, if one needs more convincing, the ordinances of God in the Scriptures would otherwise be without meaning. Biel makes no pretense that these arguments are original; they were commonly used and would be used again by Erasmus in his *Diatribes seu collatio de libero arbitrio* of 1525.

We should rightly expect that after his formal treatment of man's *liberum arbitrium* Biel would apply himself to a discussion of the practical implications of his teaching. He does this in *distinctio* 28 of the same book where he turns his attention to the threefold question: Is the *liberum arbitrium* of man able, without grace, to (1) elicit a morally good act; (2) avoid mortal sin, and (3) fulfill divine precepts?

The first question offers him little difficulty. Because the

¹⁷ II, d. q. un., art. 3, dub. 1, prop. 5 (L).

¹⁸ - Quod voluntatem esse liberam libertate contingentiae est evidens per experientiam et ideo non potest per aliquid evidentius demonstrari."-Ibid., dub. (M). The reliability of personal experience in the search for theological truth was also destined to find a place in Luther's own theory of justification.

intellect, of its own natural power, is able to know and judge that good should be done and evil avoided for a natural end, namely, love of virtue and honor, the will is able to conform itself to that judgment by eliciting a good act for the same motive. Such an act is morally good. To prove that the will can do a morally good act one need only remember that the will of its own power can dispose itself for the reception of grace; it cannot do this by an act not in conformity to reason but only by one morally good.

Furthermore, by the same power and for essentially the same reasons, the will in the state of mortal sin is able to avoid committing a new mortal sin. Indeed, freedom of the will means that one is potentially able to choose one of two opposites. If one does not have the power not to sin, neither has he the power to sin, for to be able to sin requires liberty. Against this conclusion Biel raises a *dubium*, incredible as an objection, the solution of which strikes a rather harsh note in the post-Reformation ear. It seems that without the gift of grace the will cannot really avoid every kind of mortal sin. For man is bound at some time to love God above all things; always to omit this act cannot be without mortal sin. Whoever fulfills this precept and does love God above all things, thereby avoiding mortal sin, disposes himself, by that very act, for the simultaneous infusion of divine grace, which, in fact, takes place. Thus, one could not be said to have avoided mortal sin without the gift of divine grace(!). This objection was not new; the lines of its solution had already been drawn nearly two centuries earlier by Duns Scotus in his own commentary on the same *distinctio*. Even though the act of love of God above all things is the complete and perfect disposition for the infusion of grace, this is not the result of any absolute incapacity of *liberum arbitrium*. To love God above all things is within the capacity of the will in virtue of its own natural power even if grace were not infused. Only the generosity of God can be adduced as the cause of the gift of grace even though naturally, if not chronologically preceded by the dispositive act. Furthermore, " grace is not required to elicit the act by which man is

disposed for the reception of grace, simply speaking, but is added over and above to the act as a previous disposition by which the subject is disposed for the reception of grace." ¹⁹

Since it has been shown that man is able by his own natural resources to love God above all things, one should not be surprised to hear Biel explain that man without grace is able to fulfill the precepts of the divine law at least substantially, though not with respect to the divine intention. This latter implies the act's orientation toward God as one's ultimate end, and this involves the order of grace. Only by meritorious work which requires grace can man act toward his ultimate end.²⁰

Already at this point one would be prepared to accuse Biel of heresy even by the standards of the pre-Tridentine Church. Where can there be found a statement more deserving of the label " Semi-Pelagian" than that quoted above: " Grace is not required to elicit the act by which man is disposed for the reception of grace"? But Biel has not yet revealed the full extent of man's power. Granted that man does perform acts morally good *in se*, that he can, even in the state of mortal sin, refrain from committing new mortal sins, that he can substantially fulfill the divine precepts, what is the maximum power of *liberum arbitrium* vis-a-vis eternal life and union with God? We immediately realize that with this question we have come to the heart of our topic, to a kind of turning point or climax, a question whose answer will place Biel forever in the unorthodox land of the Semi-Pelagians. Let us follow his reasoning as he takes us to the summit of *liberum arbitrium's* power and reveals to us her crowning glory.

It is by *liberum arbitrium* that man "does what is in his power" (*facit quod in se est*), a technical phrase found throughout scholastic theology denoting the capability of

¹⁹ "Et immo non requiritur gratia ad eliciendum actum illum quo disponitur ad suscipiendum gratiam simpliciter sed superadditur actui tanquam prae dispositioni quo subiectum disponitur ad susceptionem gratie."-II, d. 11S, q. un., art. 8, dub. 1 (L). Unfortunately, Biel does not disclose the basis for the latter portion of the statement.

²⁰ *Ibid.*, art. 11, cone! 8 (K),

nature unaided by grace. The soul "does what is in its power" by the act of removing obstacles to grace and by eliciting a movement of itself toward God. This act of doing all in one's power is acceptable to God, and because of his liberality, though not due in justice, he grants the first grace of salvation. God must look with favor upon all who turn to him, otherwise he would be wicked. He therefore receives those who do what is in their power—it is *necessary* that he do so, Biel says. God receives them by infusing grace. This, he notes, marks the limits of the capability of *liberum arbitrium*.

It is clear that Biel is not simply describing the process by which God justifies man. Despite his demurrer that all of this is not "ex debito iusticie sed ex sua liberalitate," he is nonetheless prepared to speak in terms of necessity and absoluteness:

God looks with favor on those who have recourse to him, otherwise he would be wicked. But it is impossible that he be wicked. Therefore it is impossible that he not receive those who have recourse to him. But one who does what is in his power does have recourse to God. Therefore it is necessary that God receive him.²¹

As long as such a statement is allowed to stand, all subtle distinctions about *meritum de congruo* and other nay-saying will not suffice to counterbalance the unrighted scales. Biel was undoubtedly saved from accusations of unorthodoxy both by his own care in maintaining at least a verbal distinction between *meritum de congruo* and *meritum de condigno* and by his ability to take refuge in the split-level world of nominalist *potentia absoluta* and *potentia ordinata*. On the former level there was no criterion by which one could measure orthodoxy, for it was a realm beyond human knowledge and divine revelation. Evidence of what we would be inclined to call "schizoid" theology appears even in Biel's sermons:

No doubt He could have simultaneously made us His friends and accepted our work as meritorious without this gift of grace. . . .

²¹ - Deus respicit confugientes ad se. Aliter in eo esset iniquitas. Sed impossibile est quod non recipiat confugientes ad se. Sed faciens quod in se est confugit ad ipsum. Ergo necesse est quod ipsum recipiat."-11, d. 27, q. 1, art. 2, cone!. 4 (K).

Thus God has established the rule [covenant] that whoever turns to Him and does what he can will receive forgiveness of sins from

While the dichotomy between the two orders of God's power is definite and unmistakable, Biel does succeed in avoiding many of the excesses characteristic of nominalist thought in its speculation on the endless possibilities open to God's absolute power.²³ In our judgment, however, he not only did not succeed in remaining within the bounds of traditional orthodoxy with regard to justification, but he also would be a catalytic element in the precipitation of Luther's own *Rechtfertigungslehre*.

THE REACTION OF LUTHER

Biel's own doctrine of justification, clearly Pelagian as it was, apparently provoked little or no pre-Lutheran opposition. His general orthodoxy was of a high degree and his influence as a theologian was widespread.²⁴ 'We are on safe historical ground in accepting Biel's theology as an example of the *via moderna* at its best. Thus, it would also be safe to assume that the practical implications of this doctrine would find their way into the hearts and lives of the faithful. Little wonder, then, that pious Christians strove "to do all in their power" to achieve righteousness before God. And Luther himself was not untouched by this moral optimism. The depth of his despair and the intensity of his frustration are indices of the strong

²² *Sermones de festivitibus Christi*, (Hagenau, 1510), "De Circumcisione Domini," Sermo II, in ordine 14, quoted in Heiko Augustinus Oberman, *Forerunners of the Reformation* (New York: Holt, Rinehart and Winston, 1966), p. 173.

²³ Cf. C. Ruch, "Biel, Gabriel," *Dictionnaire de Theologie catholique* (Paris: 1909-1950), II, col. 817.

²⁴ Oberman points out that "the name of Biel and his fellow schoolmen is not only absent from the Trent Index of Forbidden Books; but in an appendix to the 1569 edition of the Index published by the diocese of Munich, Biel's name is included under the suggestive heading: 'Most select list of authors from which a complete Catholic library can properly be constituted.'" *The Harvest of Medieval Theology*, p. 427. Cf. B. A. Gerrish, *Grace and Reason: A Study in the Theology of Luther* (Oxford: Clarendon Press, 1962), p. 49.

grip in which the *facere quod in se est* held the fervent young Augustinian. Once the grip was released the reaction could almost be predicted.²⁵

Luther's *De servo arbitrio*, written expressly in answer to Erasmus, strikes one immediately as an over-reaction. Erasmus's remark early in his own work that some will compare him to a fly contending with an elephant²⁶ might also be aptly applied to the relative importance each placed on the matter at issue and even to the size of the books. Erasmus numbers *liberum arbitrium* among those "superfluous questions" which men ask with "irreligious curiosity."²⁷ But for Luther the issue was far different. In the conclusion of his work he wrote:

Finally, I strongly praise and commend this in you, that you alone before all others have attacked the real issue, that is the heart of the matter. You have not worn me out with those peripheral matters about the Papacy, purgatory, indulgences and similar trifles rather than issues, about which almost every one up to now has hunted me down in vain. You and only you have seen the hinge of things and have aimed at the main point. For that I thank you from the bottom of my heart.²⁸

In view of Erasmus's own statement that this matter was really a superfluous question, Luther's praise was extremely generous.

²⁵ Cf. Thomas M. McDonough, *The Law and the Gospel in Luther* (Oxford: University Press, 1963), pp. 35-38.

²⁶ Hie scio quosdam protinus obturatis auribus reclamatorios: "Aww Erasmus audet cum Luthero congredi, hoc est cum elephanto musca?" - *De Libera Arbitrio* DIATPIBH *Sive Collatio per Desiderium Erasmum Roterodamum*, ed. Johannes von Walter. Vol. 8 of *Quellenschriften zur Geschichte des Protestantismus*, ed. Joh. Kunze und C. Stange (Leipzig: A: Diechert'sche Verlagsbuchh. Nachf. (Georg Biihne), 1910, p. 2 (1a2).

²⁷ --- haec, inquam, tenere meo iudicio satis erat ad Christianam peitatem nee erat irreligiosa curiositate irrumpendum ad ilia retrusa, ne dicam supervacanea, an deus contingenter praesciat aliquid, utrum nostra voluntas aliquid agat in his, quae pertinent ad aeternam salutem *Ibid.*, pp. 6-7 (1a8).

²⁸ Deinde et hoc in te vehementer lando et praedico, quod solus prae omnibus rem ipsam es aggressus, hoc est summam caussae, nee me fatigaris alienis illis caussis de Papatu, purgatorio, indulgentiis ac sirnilibus nugis potius quam caussis, in quibus me hactenus omnes fere venati sunt frustra. Unus tu et solus cardinem rerum vidisti et ipsum iugulum petisti, pro quo ex animo tibi gratias ago.... " - *W. A.* xviii, 786, 26-tH.

That Erasmus had not, in fact, " seen the hinge of things " is evident from his own admission. On the other hand, Luther's appraisal did not apply to Erasmus's arguments or conclusions. He was disappointed that his learned antagonist came against him with such puny weapons. Who should be awarded the palm of victory remains a matter of opinion. That Erasmus considered himself bested may be gathered from the necessity he felt to make a rejoinder, and that in two sizeable volumes, *Hyperaspistes Diatribae adversus servum arbitrium M. Lutheri* (1526, 1527) .

These data need not be strained to support the assertion that, while Erasmus was the immediate cause of Luther's writing his *De servo arbitrio*, he was not, to use the terminology of scholasticism, the *causa sufficiens*. The stature, fame and importance of the man Erasmus demanded a reply; the same can hardly be said of his argument. Had an unknown author produced the *Diatribae*, one could say with some assurance that Luther would not have responded at that time. The magnitude and vehemence of his reaction in the *De servo arbitrio* must be attributed at least in a significant degree to the "pelagianizing" which its author saw so widespread in the schools and experienced so keenly in his own life.

Unfortunately, it lies beyond our present scope to examine the *De servo arbitrio* in detail. Its relentless passion and indefatigable argumentation, often enough tinged with the sophistry Luther so detested, is well-known. Our present contention is that the thrust of this masterpiece remains unappreciated unless the work is seen not simply as Luther's reply to Christian humanism but as his most serious statement of opposition to nominalist theology and in particular to Gabriel Biel's doctrine of *liberum arbitrium*.

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BOOK REVIEWS

Theological Science. By THOMAS F. TORRANCE. New York: Oxford University Press, 1969. Pp. 363. \$11.75

In a mod-colored drug culture where Roman Catholics argue publicly and desert in droves, it is a strange experience to open the covers of this book and to read that theology is "The science of God." (p. viii) In a day in which atheism is a sweeping tide Professor Torrance finds the presence and being of God bearing upon his experience and thought so powerfully that he "cannot but be convinced of God's overwhelming reality and rationality." (p. ix) Certainly we cannot deny that this may be true for the author; it is just that this is so counter to so much experience today that the reader quickly moves on to see if the book will make God this real for him.

Unfortunately (at least for this reader) so much is assumed about God and so little is said directly that no new insight into the divine nature is really forthcoming. Primarily this book is an epistemological study; that is, it is an elaborate discussion of many modes of knowledge, particularly logical and scientific, and an assertion that God can be known in a way comparable to these. One might have thought that the struggle to turn theology into a "science" had been abandoned, but certainly it has not on the pages of this volume. However, the real question is not whether theology might qualify as a "science" but how many readers will be able to make the assumptions which Torrance needs to make in order to pose his question in this way.

There is no doubt but that we are dealing with a major work. The author has amassed a vast amount of recent philosophical theory, and he deals with theology in relation to this in an attempt to show that it can be reconciled with contemporary theoretical sophistication. This is a masterful attempt at the integration of theories, and it is impressive on that score alone. However, its underlying tone is "dogmatic," that is, the author simply and flatly states, time and again, his most controversial and basic assumptions. Perhaps any attempt to understand this book should begin with a consideration of the acceptability of its major premises.

Torrance says: "How God can be known must be determined from first to last by the way in which He actually is known," (p. 9) and "Knowledge of God is essentially a rational event." (p. 11) But perhaps this statement is the most important: "Theological thinking . . . pivots upon the fact that God has made Himself known and continues to make Himself known, that He objectifies Himself for us, so that our knowledge

is a fulfilled meeting with objective reality." (p. 29) **If** these various statements can be accepted, the greater part of Torrance's argument can be granted. **If** God did or does in fact act in this way, the theologian's task has been made easy. Yet, the real question is: Does God in fact present himself in this way? Is that really the way the controversial events surrounding Jesus' life and death are to be interpreted?

I suppose that any reader will have to concede that God might act in this way if he wanted to. He could have given us a firm basis for a science about him. **It** is possible for him to provide us with certainty; but, when we look at the founding events of Christianity and its history, does it really appear as if God "objectified" himself? There is nothing absurd in itself in saying that he aimed to provide us with this kind of certain knowledge about himself, except that that leaves the uncertainty and the puzzles which have surrounded Christianity unexplained. And it is equally possible to assume that God had no such intention to provide man with the basis for a science about himself.

Throughout the whole book the intentions of God are assumed as given and not really argued to as opposed to other theories which would not see science as God's aim at all. And it would seem that theology's first task is to argue in support of the view of God's nature and actions which it accepts. Torrance thinks, for instance, that theological thinking is "more like a listening than any other knowledge," (p. 30) but the real question is whether God did or did not intend to make it that easy for us. Torrance is right: "Unless we have a word from God . . . we are thrown back upon ourselves to authenticate His existence and to make Him talk by putting our own words into His mouth and by clothing Him with our own ideas." (p. 31)

It would be nice if God did act to remove our uncertainty and responsibility in that way, but the real issue is: Can we assume that this is what took place in Jesus' life and death? Did God really "utter Himself in His Word"? (p. 32) **It** is not at all clear that we can simply assume that he did, since the events recorded in the Gospels equally leave open the possibility that God remained hidden and not directly visible. We know that Jesus preached and healed and died, and Christians came to believe that God had intervened to reverse his death, although they did not see this event itself. Can we really say, then, that what God does is to give himself to our thinking, that "He objectifies Himself for us"? (p. 37)

What is the evidence that God's intention was to make himself so unavoidably plain and present as this? When Torrance says "God gives Himself to be known as personal subject," we have to ask whether these are God's words or Torrance's interpretation of certain events which in themselves never said quite that. **It** is not wrong to give our interpretation of God's actions: it is only questionable when we assume our theories to

be words spoken by God himself. Probably all Christians have asserted that God became "known" in Jesus Christ, (p. 45) but we must not assume that "to know" God in this instance means to be able to develop anything like scientific knowledge about him. God may have acted, but why do we assume that his intention was to produce "knowledge"?

As Torrance rehearses current scientific theory (Chap. II) we must ask him: Are we forced to become amateur physicists in order to do theology, and why? Our author wants us to engage in "scientific dialogue," (p. 105) but this assumes that theology should be "vigorous, disciplined, methodical and organized knowledge." (p. 116) Now, God might be a being subject to such precision, but, on the other hand, it could be that God is of such a nature that knowledge of this kind about him is simply not possible (as the mystics have always argued). Torrance goes into a long discussion of "truth" (Chap. IV), but most of the major issues are assumed. For instance, he simply asserts that theological statements have an "empirical relation" to the active, living, speaking God. (p. 175) But if God is that "empirical," how can we account for the widespread scepticism and apostasy?

It would appear that God has not left the matter quite as clearcut as Torrance would like to have it in order to construct his "science." He and we may have to learn to live with a great deal more uncertainty than that. This does not make faith impossible; it makes it necessary if any conclusion is to be reached. Torrance wants us to verify our statements by an "appeal to judgments of God Himself," (p. 195) but what if, for his own reasons, God decides to turn down our appeal for such assured confirmation? Thomas's desire for empirical verification was not denied by Jesus, but neither was it made the ideal of faith.

In an era which is used to uncertainty and probability Torrance's Chapter on "Logic" perhaps sounds the strangest to our ears. To call Jesus "the Logic of God" (p. 205) does not seem to fit the variable accounts given of him in the Gospels. As a figure he seems more indirect and hidden and not that clear, although how God acted upon him in death may have become clear to Christians after the fact. Is it to oversimplify the "incarnation" vastly and to intellectualize it impossibly to say that it evoked from us "organic forms of knowledge in conformity with it"? (p. 222). Certainly even a slight grasp of the vast history of discussion in theology fits into no such neat picture. This book is a work of vast sophistication and intricacy, but all of its major assumptions about God's nature and intention go unchallenged.

Can we really say that "what Jesus requires of each man is an objective apprehension of Himself"? (p. 302-3) Or, are the demands of Jesus more moral and religious and less intellectual than that? Yet, we reach what is perhaps Torrance's major assumption that needs to be challenged when we read: "We are confronted with a complex fact that includes

its own interpretation as part of its facticity." (p. 326) It would be convenient for men if this were true, but the New Testament does not report this crucial epistemological rule. And, it just may be that our difficulty is that God has confronted us with certain acts and yet has not provided us with their interpretation, but rather he has left that to us-as his demand and as his test.

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God and Man. By E. SCHILLEBEECKX, O. P. New York: Sheed & Ward, 1969. Pp. SOB. \$6.95.

This third volume of "Theological Soundings" is a collection of Fr. Schillebeeckx's essays and lectures during the period 1958-1967. As the title indicates, the subject matter encompasses a variety of problems, all of which are at least indirectly related to secularization and the counter-"ecclesial" tendency in the world. In this collection the purpose is "to clarify the fundamental principles which, in the opinion of the author, govern the practical problems involved" (p. vii) in these tendencies.

Difficult as it is to find an intrinsic unity to such a collection, it might be suggested that, save for the final essay on situation ethics, a unifying theme lies in Schillebeeckx's constant insistence on the correlation of man's natural and theological communion with the personal God and the consequences of this communion on the individual person as well as on his interpersonal relations with others. In the opening chapter it is suggested that the erroneous concept of God which fractured this unity brought in its wake a cultural inertia and in turn gave rise to an atheistic rejection of such an error. Schillebeeckx sees in the secularizing process which has produced an awareness of the absence of God a plus factor in bringing man to "the point at which the question of personal communion with God arises . . . even though he is incapable of reaching it by his own resources." (p. 25) The lectures given to the philosophical faculty at Nijmegen, which constitute the third chapter, continue this theme by explaining that the very experience of our contingency compels surrender of self to the transcendent God.

Perhaps the most significant contribution of the volume is Section II of Chapter 4. After an extensive critique of Robinson's *Honest to God* in Section I, Schillebeeckx proceeds to attempt an answer to the question: "Can we and may we experience this Christianity in its evangelical purity and human authenticity in the spirit of radical 'horizontalism'?"

(p. 161) His response is directed to the believer who expressly accepts Christ and his Church.

The believer, according to the author, asserts that the secular transcendence of man, his capacity to determine himself and also to transcend this determination, is "only possible through man's so-called 'vertical' transcendence, his constitutive dependence on the absolutely transcendent: God." (p. 163) Hence the believer must affirm that the ground of his being, God, is the transcendent Third in all human experiences, an affirmation which commits him to responsibility for the world. But, as Schillebeeckx notes, this interiority of God does not negate the affirmation of God as a transcendent personal God. Nor does the inability clearly to understand the divine personal existence negate this personal nature. The denial of the created modes of being as proper to him leads to some positive knowledge. From the natural affirmation of God as person a "demand for self-surrender, which is constitutive of man as such, breaks through the purely horizontally transcending of human existence in this world." (p. 171) This consequence of such a demand "shatters the vision of radical 'horizontalism'," for it is a prototype of the Christian surrender in faith. On a purely natural level trust in God is expressed by trust in fellow man. But is there a demand for an immediate personal intercourse with God beyond love of one's fellow man? To this question the author clearly affirms "that there is immediate intersubjectivity with God: we do have to do with the Father, the Son and the Holy Spirit, of whom our experience of contingency gives not the faintest idea." (p. 181)

But it is at this point that I would take issue. Schillebeeckx writes: "In the final analysis we are able to experience only our own existence, which is personally addressed by God. We are personally united to God only in faith, i.e., in the surrender to the unseen and *unexperienced*." (p. 204, italics mine) He insists in Chapter 5 (written some five years previous to the contents of Chapter 4) that "man becomes himself only in moving outwards from his own centre of life towards God ... more accurately, to experience personally God's presence within him." (p. 211) If we are to take the author at his word in Chapter 4 that God is an unexperienced person, then the major thesis of these essays will not stand. While it is true that the intersubjectivity of faith does not provide us with an intuitive encounter with the glorified Jesus, by charity we do attain his person directly. By the operation of the gifts of the Holy Spirit there is granted a personal experience of the glorified Jesus. Lacking such an *experienced* personal encounter with Christ, the Christian person will never practically experience the shattering of his radical horizontalism. To limit the realization of our earthly intersubjectivity with the man Jesus to Scripture and to the Church is an invitation to the continuance of the formalism which has characterized so much of what we have called "spirituality." Schillebeeckx insists that the experience of Christ through

these signs must be called direct, but he fails to explain the reason for such instances.

This volume provides an enlightening view of a renowned theologian's response to the problems of secularity. Though his insights may appear outdated in the light of recent developments, taken in the context in which they were written, they give evidence of his theological acuity in dealing with the impact of secularity on traditional Christian teaching.

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Beyond Trinity. The Aquinas Lecture, 1969. By BERNARD COOKE, S. J.
Milwaukee: Marquette University Press, 1969. Pp. 73. \$2.50.

Few areas in the on-going theological task of reconceptualizing the basic beliefs of Christianity have been as neglected as that which is most central and determinative of all the others—the specifically Christian theistic concept of God as Triune in Personality or as a Trinity. Fr. Bernard Cooke, in this Aquinas lecture for 1969 given at Marquette, draws attention to the present inadequacies of the traditional formulation of this mystery somewhat as Leslie Dewart has more graphically but in an overly facile way done in his *Futlre of Belief*. Still, few positive suggestions have been forthcoming which are not variations on Rahner's essay in the early fifties, "Theos in the New Testament." Fr. Cooke has given this approach as rich and updated expression as is currently available. In fairness, his own declared intention here is not to attempt creative theology but "to suggest the possibilities for more understanding of the God we love and worship." (p. 5) His own suggestion is that we look "beyond Trinity," by which he ostensibly means that the doctrinal formula stretching from Nicea to Florence, while not to be jettisoned, can no longer truly serve as a faith-symbolum. He argues strongly—with scholarly reserve and personal faith engagement—that man's sole cognitive approach to the identity of the Father, Son, and Spirit lies in the historical realities of Jesus' human life. This is achieved by living faith which from past historical faith-events encounters Jesus' present consciousness (one fully achieved only after the Resurrection and possession by the Spirit) of his precise relationship to the Father in and by their Spirit. Good! And well said by Fr. Cooke whose respect for tradition keeps him from a possible pitfall here, namely, an over-emphasis on the Trinity of the economy of salvation (the human experience of which is recorded in the New Testament) which runs the risk of suggesting a crypto-modalism. This accords with the insistence

of Tertullian and Origen that Jesus' earthly life was a revelation of the inner life of God himself, of the "immanent" Trinity. Primitive Christian worship, at any rate, was historical in an unprecedented way, and Fr. Cooke views "the present moment as continuing what had broken forth in history." (p. 47)

What this implies is that trinitarian theology should *begin* with the missions (as Scheeben suggested) rather than *ending* with them. This may well be the author's strongest point. But, surely some intellectual conceptualization of the unique divine Personhood of the Word and his real distinction from the Father and the Spirit is humanly unavoidable. The humanity of Jesus is a *nature*; even though it is God's own humanity, it should not be looked upon as a "surrogate God." It is the reality of God as revealed in Jesus Christ that faith seeks to know. What Fr. Cooke questions is "the extent to which the idea 'trinity' corresponds (to this]." (p. 4) The troublesome concept for him is that of "person" as it stands over and against that of "nature." But, does his substitution of "community of persons" for "unity of nature" (pp. 59-60) really surmount the difficulty? Is it not itself a formulation fraught with overtones of at least a crypto-tritheism? While there is no juvenile disparagement of metaphysics here, there is a headlong flight from any engagement with that science in "doing" theology. The question that this raises is whether the shift of focus from the concerns of metaphysical anthropology to the social dimensions of man's existence can be as total as Fr. Cooke and so many others wish.

In some respect systematic trinitarian theology is set over against faith-experience rather than seen as originating from and being sustained by it. It can hardly be denied that the hiatus did exist in the past, and disastrously so. But I do not find justification for the stress that Fr. Cooke betrays when he writes that "systematic trinitarian theology tends to view God as One who in his creative work 'ad extra' reveals nothing of his immanent life." (pp. 4-25) The real concern here is to understand the distinction of the divine Three as something far more mysterious than that which characterizes distinct essential perfections and to avoid misconstruing this as even analogous with the latter. Fr. Cooke interprets St. Thomas's insistence on the creative power pertaining to the divine nature as if the distinctiveness of the Persons is somehow lost in their commCn activity "ad extra." Actually St. Thomas is denying that creation is proper to any one Person ("proprium alicuius personae"), and he makes clear that each of them causes as the unique hypostasis he is. (cf. III, q. 45, a. 6) Moreover, he adopts St. Augustine's triad of "mode, species, and order" as an insight into the likeness of the Trinity that is impressed on every creature, even the infra-rational and the inanimate. (*ibid.*, a. 7) And the theory of appropriation may not be as "thin a gruel" as Fr. Cooke thinks (p. 19), especially as taken formally wherein what is appropriated

to one Person cannot *in the same way* be appropriated to another. (cf. *I Sent.*, d. 31, q. 1, a. 2, ad Sum) Contemporary investigations into the phenomenon of language tend to confirm the propriety of this sort of linguistic device in speaking of the divine.

All in all, a certain inadequacy of Fr. Cooke's attempt continues to force itself upon us. Contemporary theologians seem not to have ventured beyond the endeavor to seek a delicately balanced dialectical movement between preconceptual, lived theology and notional theology. The re-emphasis on existential faith-experience below the threshold of concepts has been a welcome corrective to a cerebral re-ifying of logical entities. But we have now reached a sort of halfway house; the real task remains. Here and now the theological tools to forge such concepts may be lacking, but there are such clues as Wittgenstein's notion of the person as not "the thinking, presenting subject ... but the metaphysical subject, the limit—not a part of the world." (*Tractatus Logico-Philosophicus*, 5.631-5.641)

The question needs to be asked whether in such thinking insights are being newly discovered out of the perspective of today's intellectual milieu, insights that bear continuity with those of primitive Christian theology and their elaboration in the High Middle Ages but that will be differently rendered into concepts and hopefully somewhat deepened. At any rate, the theological task is still that of seeking to conceptualize what in reality lies beyond concepts but is affirmed by faith. Thus there remains the need to employ the metaphysical resources of human intelligence (either as reflective science or in a spontaneous, ordinary, "vulgar" way) to conceptualize the realities of faith simply because, if the perfective term of every cognitive act lies in the existential grasp of reality and union with it as it actually is, this is humanly possible only from that angle of insight and at that depth of intelligibility that comes to birth in the concept. This is not less true as regards our *cognitive* union with the Three Persons of God, where it is more a case of our being grasped by Ultimate Reality.

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Acta Congressus Internationalis de Theologia Concilii Vaticani II. Ed.
by A. SCHOENMETZER, S. J. Rome: Typis Polyglottis Vaticanis, 1968.
Pp. 881.

An international congress met in Rome from September 26th to October 1st, 1966, to discuss the theological implications of the Second Vatican Council. This volume presents the papers that were read, along with the

scientific apparatus to verify, expand, and elucidate the texts. The points made regarding institutional and doctrinal development offer a broad conspectus of thought among Roman Catholics at what historians will likely regard as a turning point in the life of the Christian churches.

The episcopal college and the origin of the office of bishop formed the subject matter of eleven conferences. Here an outstanding contribution is that of Dr. Jean Colson, who treats the period from the election of Matthias in the *Acts of the Apostles* to the letters of Ignatius of Antioch. What the author brings out most clearly is his conviction that an evolution was taking place within the New Testament regarding the special teaching role of certain Christians. This was continued, he maintains, in the period to which the Apostolic Fathers belong.

Dr. Colson's performance is of the quality Jaroslav Pelikan has indicated theologians must achieve if dogmatic development is not to be regarded as too important a topic to be left to them. He establishes what is a scientifically respectable case for a line of continuity in the New Testament. First, through the election of Matthias, the apostolic college that had been depleted by the loss of Judas is *expanded*. The role of apostle at the beginning of *Acts* is to be understood as the Christian analogue of the priestly *paqid* or *mebaqqer* of the Jewish sects. And the addition of Matthias completes the college of twelve in such wise that the eschatological state of Israel (symbolized by the *HW* there present) had a representative of the Lord at the head of each of its twelve groups of ten. The addition of Paul enlarged the apostolic college so as to correspond to the new dimensions of an Israel extending itself to all the nations. As to his own view, Paul seems to vindicate for himself less the title of apostle (this is similarly a designation of Barnabas, *Acts* 14:14; Andronicus and Junias, *Romans* 16:7) than the directness with which that role was conferred on him by Jesus Christ. In other words, he is not the delegate of the twelve but has delegates as do they. Thus there was an extension of the apostolic office, which was conferred on others by Paul and the Twelve. Here Dr. Colson speaks of apostolic delegates in the case of Timothy and Titus. The term is not intended to convey the frequent Roman Catholic connotation of papal diplomats; indeed it is used in the same context by J. N. D. Kelly in his *Commentary on the Epistles* (New York, Harper-Row, 1963). It designates auxiliaries whose role assumes greater importance with the passage of time and the contemplated or actual death of the first apostles. Obviously, the distinction of having witnessed the glory of the risen Jesus could not be transmitted to others who had not in fact seen him. But the mission consequent thereupon, namely, that of leadership in preaching the Gospel, could be and was.

One notes with interest the similarity between this presentation and that of a contemporary American biblical scholar (cf. Myles Bourke, "The Catholic Priest: Man of God for Others," in *Worship* 43 (1969) 68-81).

But the systematic theologian interested in seeking an understanding of the human intermediary in all Christian Faith will likely proceed further in reflecting on the line of development here presented.

In his *Quest of the Historical Jesus* Albert Schweitzer saw the history of Christian dogma to be the result of disillusionment experienced first by Jesus and then his followers with regard to a delayed parousia. Others have seen a great apostasy as early as the Apostolic Fathers with regard to a reality as central to Christianity as is grace itself. More recently, Ernst Kiisemann has given a most negative judgment with regard to church-life as described and commended in the Pastorals because of the nexus they establish between an ordained ministry and the action of the Spirit. It is obvious, therefore, that the notion of development within the New Testament is the object of considerable study. The question has been raised as to whether there are not implications in all of this for the normative character of those same Scriptures in relation to Christian Faith.

To put this concretely, Colson sees a line of development from the *Acts* to the monarchical episcopate of the Ignatian letters. To be sure, there are serious problems in this regard within the writings of the Apostolic Fathers; those he treats elsewhere (cf. *Ministre de Jesus-Christ ou Le Sacerdoce de l'Evangile: etude sur la condition sacerdotale des ministres Chretiens dans l'Eglise primitive*, Paris, Beauchesne, 1966). But, all in all, he makes the assumption of such a continuity a responsible position historically and a credible religious stance as well. What he does is to show the gradual association of Gospel-preaching with particular Christians endowed with a special teaching function. Within the New Testament this is a fact.

One can ask, although Dr. Colson does not, what significance, if any, this has for church order and faith of later ages. Here Christian traditions since the Reform have not agreed. Is this development within the New Testament the work of the Spirit or a purely human (perhaps even sinful) phenomenon? This question regarding the normative character of that development must be faced squarely. It will not do to say there are many church orders represented in the New Testament. There are to be sure. But that does not lead necessarily to the conclusion that all present ones are equally founded or unfounded there. Nor does it preclude the fact that actual forms of existence at one period are not for that fact and without further ado permanently viable possibilities. Development to a definite term in the New Testament cannot be a priori ruled out as having normative consequences for subsequent faith and order in the Christian churches.

A similar notion regarding the normative character of development is suggested by the extraordinarily perceptive paper Pierre Benoit read at the same Congress. It has to do with the nature of truth in the Bible. That truth, he maintains, is concrete and not speculative; religious rather

than secular; expressed by way of adaptation and literary creation; proposed progressively and not all at once or in any one book, but after the close of revelation complete and decisive for the faith of subsequent ages. His point is that, in the gradual development present in the composition of the biblical canon, God makes corrections (e. g., regarding the nature of human survival after death) or, better, tolerates certain outward appearances of error which he little by little eliminates. This is divine pedagogy from which men are to learn. Is the divinely directed process of development itself (and not simply the final truth attained) intended to be instructive? An affirmative seems the warranted answer and does not keep the doctrine of life everlasting from being the truth for future ages. Perhaps the development with regard to the office of Christian teacher in the New Testament deserves to be considered in an analogous way.

Unless questions regarding the normative character of the *direction* development took in the New Testament are faced, Christians run the risk of needless ecumenical disillusionment. Projected unions of churches may be rejected for good as well as for ignoble reasons. If the good ones point at some future date to the fact that systematic theologians are not doing their homework now, the cause of Christian unity will not be well served. I may be mistaken on this but it is my view. It is also the reason why I consider the historical studies of Colson and Benoit so important for those concerned with the past and future development of Christian institutions and doctrines.

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Philosophy and the Future of Man: Proceedings of the American Catholic Philosophical Association. Edited by GEORGE F. McLEAN, O. M. I.
Washington, D. C.: Catholic University, 1968. Pp. 245.

In recent years social thinkers mainly in France, the United States, and Great Britain have increasingly turned attention to the track of the future and especially the shape of the human city in the year 2000. According to Daniel Bell, Chairman of the American Academy of Arts and Sciences Commission on the Year 2000, a combination of the old and new may throw some light on the upsurge of futurism and the special fascination of the year 2000: the old, a residual strain of chiasm; the new, an overweening technological optimism, complacently trustful that man will be able to create new mechanical miracles. A deeper reason seems at work; contemporary man, who, in the somewhat self-praising phrase, has "come of age," feels confident that techniques like linear programming, decision-making

theory, systems analysis, plus advances in social theory may bring within reach a conjectured prevision, if not control, of certain sectors of the future. For reflections and projections concerning things to come, various symposia have drawn on physicists, chemists, zoologists, social psychologists, psychiatrists, social theorists, political scientists, economists, anthropologists, communications experts, ethnologists, State Department professionals, military analysts, computer experts, and theologians. The lack of philosophers among participants in futuristic conversations seems glaring in the light of philosophies of history propounded by Vico, Spengler, Sorokin, Comte, Hegel, and Marx among others that have endeavored to foretell at least glimmers of what lies ahead and that, some hold, have remotely inspired futuristic ambitions. To remedy in part this deficiency "Philosophy and the Future of Man" was adopted as the 1968 ACPA convention theme. Considering how doubly hard it appears in an age adoring nonconformity to get philosophers (sometimes self-analyzed as a particularly ornery breed) to hew to any set intellectual policy, some may judge it a minor thematic triumph that all seven plenary session papers directly or indirectly ponder lines of the future and, of fifteen panel session papers, seven touch on the meaning of the future in some way. Because of the nature of the theme, roughly two-thirds of the papers are concerned with practical issues. Two other unlinked items may be noted. Thirteen papers are presented by thinkers not connected with church-related institutions. Curiously, little or nothing throughout bears on or derives from Teilhard de Chardin, a seer celebrated for his grand vision of the future.

Robert Kreyche's presidential address, given the same title as the convention theme, calls for a realistic metaphysics that pursues humanistic issues through analysis of the cognitive conditions of practical wisdom. Canonizing the linguistically trivial, he warns, has quietly garroted the quest for logos in the majority of American philosophy departments. Gently, at times wittily, he holds the mirror up to other current behavioral debits: a pathetic obsequiousness to the nonprofundities of foreigners (so pronounced, one may add, that in some circles delivery in broken English of itself assures utmost respect for a paper) and a distressing proclivity to acclaim any idea, no matter how grotesque, so long as it is supposed new. Also concerned with the state of philosophy is the address of Aquinas medalist Josef Pieper, accorded a handsomely appropriate introduction by Msgr. J. K. Ryan. Locating the core of modern philosophical malaise in the divorce of philosophy and theology, Pieper offers some reasons and directives for their cooperation. Without acquaintance with the science and philosophy of the day theology may stagnate and the theologian become unable to translate his interpretation of revealed data into contemporary idiom. For theology progresses, not as suggested by the feeble analogy of vegetative growth but under human conditions, with all the tensions due to mental conflict and moral stress. Encounter and rapport bring philoso-

phical gains also, the largest of which is immunity from all-explaining deductions of nature and history. Breakdown of communication with theology disposes philosophers to consecration to the nugatory and the elaboration of pseudo-salvific programs. We remain utterly in the dark about what ideas will hold the field in the generation or two ahead. Revelation *de novissimis* is silent about the state of philosophy in the penultimate hour of human history, but close to the stroke of doom, Pieper surmises, perhaps only believers will be genuinely philosophizing.

In "The Challenge to the Computer" Mortimer Adler poses the question whether it is in principle possible to construct a Turing machine capable of carrying on an open-ended conversation. Such a robot would not replicate but simulate intelligent behavior, for built into it would be "infant programming," i. e., not a knowledge of a particular natural language but a randomness of connections enabling it to learn a natural language. Apparently, Adler concludes, a Turing machine that worked would nullify arguments for an immaterial source of concepts. The literature Adler is familiar with, however, contains grounds for a more astringent skepticism than he evinces. As M. Taube has shown, no mechanical translation can be formalized (in other words, no MT machine can handle puns or simple homonyms), and for similar reasons a machine able to learn a natural language and converse openededly simply cannot be formalized. In this connection Gidel's proof, according to J. Lucas, cancels out all possibility of formalizing any language in a closed fashion. Aside from laboring under the fallacy of analogy (equivalent to calling an adding machine a young mathematician), the Turing proposal, moreover, doubly begs the question. Thinking is behavioristically assumed to be mere mechanical verbalization. And it is illicitly supposed that true language can occur in the absence of a central nervous system and a highly developed brain, neither of which is mechanically reproducible. Again, as the delightful incongruity of the well-known *New Yorker* cartoon indicates, no machine can say, *Cogito, ergo sum*, for an artifact has essentially no more subjectivity and self-awareness than a stone. Furthermore, the mathematician Euler, according to an old story, once nonplussed a mathematically ignorant Diderot by interweaving a few equations, then proclaiming, "Therefore God exists!" It seems most doubtful that anyone will build a Turing machine in the next fifty years. Instead, within a half century or century perhaps a generation less liable to be taken in by philosophical bizzarries of scientists will dismiss Turing's proof of a thinking machine as an unwitting quasi-McLuhanesque spoof of no more value than Euler's proof. Indeed, even today it seems questionable whether anyone really believes a machine can think any more than anyone really acts on the belief that Bertrand Russell and his disciples are nothing but Russellian bags of sense data.

Contemporary man is a bridge to Superman; so hypothesizes James

Feibleman's "The Human Future from Scientific Findings." Increasing control of the environment favors the expectation that man can actively make straight the path for his evolutionary superior-actively because we have it within our hands to decide the sort of Superman we want to emerge. This is, on the whole, a disappointing effort from an ordinarily fertile and sensitive spirit. In addition to being, as R. De George's commentary notes, practically devoid of consecutive argument, it musters no scientific findings at all in advocacy of a next evolutionary leap but simply keeps the neo-Darwinian faith in mutation, actually a retrogressive mechanism. Somewhat better control of scientific data marks William Pollard's "The Key to the Twentieth Century." Envisaging the earth as a spaceship (a figure originating with Adlai Stevenson and popularized by Barbara Ward) with limited energy and food to maintain its occupants, Pollard paints a grim picture of the social paroxysms, especially famine, that will convulse underdeveloped countries, mainly because of a population crisis, in the next decade or so. The means for increasing energy, expanding food production, and repossessing wastelands lie within technical grasp, but myopic national self-interest is thwarting formation of international organizations to apply these techniques. In his commentary P. Kuntz raises doubt about Pollard's extrapolations from current population figures and effectively questions the spaceship analogy of a paper almost bare of philosophical analysis.

Whereas most give short shrift to the philosophical implications of what lies beyond the horizon of the present, "Philosophy and the Futurists," by Paul Durbin, a promising young thinker, adventurously tries to pin down some of the philosophical tasks growing out of futurism. Borrowing his contextual frame from G. H. Mead, he deems the intellectual sphere a society of knowers, the most significant part of which is a scientific subculture; and within this subculture the most enterprising wing of social scientists consists of futurists like B. De Jouvenel, D. Bell, and H. Kahn who, armed with an assortment of predictive techniques, are striving to fashion a systematic mode of forecasting. Geared to the future, philosophical activity should aim at becoming an "integral part of human evolutionary adaptation," be radically open, give itself to teamwork, and initiate or identify itself with a social movement. The hypothesis of social evolution, however, seems largely discredited and, on the practical side, the pluralism which Durbin blesses clearly vetoes any pooling of resources among those of broadly diversified philosophic persuasions. In spite of some defects, Durbin's venture commends itself as a forceful exercise in the tentative thinking on fundamentals he believes best defines philosophizing.

In "Secular Man and his Religion," the most enthusiastically received address at the convention, Louis Dupre argues that because of an inescapable secularity religion can never more claim to be the only sovereign integrating factor in society but must reconcile itself to the fact of competing world views like terrenistic humanism and Marxism. Restriction

of religious hegemony flows from secular man's conception of religious faith as completely interiorized. Dupre, a thinker rising in prominence and influence, concludes to the absolute inwardness of faith from discerning analyses of the dialectic of the sacred vis-a-vis the secular and from modern alienation. The sacred assimilates the profane by negating it. Indeed, as transcendent, it is a *coincidentia oppositorum*. The modern loss of the sacred, on Dupre's reckoning, has estranged man from his own being. Yet, though inherently antagonistic to the sacred, alienation remains potentially religious. In the context of alienation modern man no longer directly experiences the sacred so that his faith becomes a strictly interior commitment, which carries implicit recognition that religion can no longer hold title to an all-embracing integrative power. This rich, acute paper is unfortunately somewhat marred by a forced polarization of sacred and profane. The two are not contrarily but relatively opposed, and far from being mutually cannibalistic, they are meant to harmonize in a dynamic, extrinsically finalistic pattern, the goal of the lower being ordered to, but not gobbled up by, the end of the sacred. In this connection a sacred order in which all opposites blur together looks suspiciously like either a nest of paradoxes or a night in which all cows are black. Again, an alienation entailing the loss of the sacred might be better called privatively instead of potentially religious. Dialectical shuffling also probably underlies the odd observation that sex libertinism among revolting youth must be countenanced as a novel epiphany of the religiously authentic. A purely interiorized faith, moreover, seems vulnerable to the devastating charge against Kierkegaard's dictum that truth is subjectivity: how is one to distinguish authentic faith from the no less inward vision of a lunatic? Finally, in predicting, "Religion will never again be *the* integrating factor of society," Dupre seems to fall victim to a twentieth-century parochialism besides, as H. Boers' commentary observes, contradicting an earlier contention that religion is the meaning-giving ingredient in society.

One of the most impressive of the afternoon panel session papers, "The Problem of Balance in the Philosophy of Religion," by Kevin O'Neill, a former student of Dupre's, penetratingly examines inconveniences arising when one unwarily essays to do full justice to the integrity of both philosophy and religion. Clearly both philosophy and religion, taken separately, must be guaranteed autonomy, else one or the other becomes paralyzed. Yet when taken together, as in some interpretations of the character of philosophy of religion, one or the other must surrender autonomy. If religion remains autonomous, philosophy must defer to extra-rational factors. On the other hand, conscientiousness about philosophic autonomy tends to stifle the independence of religion; religious data has to be chopped to fit prior philosophic assumption-structures. Though O'Neill does not explicitly draw the conclusion, the upshot, it would seem, is that philosophy of religion cannot lay claim to a disciplinary status equi-

valent to that of philosophy of nature or philosophy of man. It is merely a curricular hybrid nonsystematically canvassing topics principally from natural theology and fundamental theology. O'Neill's remarkable paper trumpets a warning against a still virulent strain of Enlightenment rationalism that, in arbitrarily decreeing that reason sit in judgment on all religion, threatens to dereligionify religion and invites the destruction of Christianity. The companion piece in the philosophy of religion section, James King's "Is Relation to God Impossible?", nicely and, for the most part, justly disentangles the multiple sense of man's relation of God. Absolutely speaking, it is logically impossible to become related to God; such a becoming implies alteration in or production of God himself. If there is a God, we are, strictly, already related to him. Striking and, for some, stinging corollaries spring from this fine distinction: all language about suddenly entering into relation with God is meaningless; since religion is synonymous with existence, all actions are religious; phenomenology is worthless for resolving the God-question. Still, King adds, we may legitimately speak of becoming related to God in a qualified manner, according to our dateable mode of awareness. It is not captious to wonder whether King's slighting of relations of reason has flawed some of his analysis. If only real relations obtain between man and God, God is modified by our being, apart from our becoming, related to him; and if the relation is one of reason on his side, our becoming absolutely related to him does not modify him one whit. Again, if all actions are labelled religious, trying to pinpoint the religious qualities in murder and cruelty may prove embarrassing.

Edward Rousseau's "Historical Causality and Civilization" furnishes one more sign of surging interest in the import of history. Though historical statements fall short of precise necessity and universality, they can attain, we are told, an artistic necessity and a sort of causative universality. Just as a plausible inevitability attends the denouement of a major Shakespearian tragedy, so a certain factual determinancy is laid bare in a perspicacious historical rendering of what might have been otherwise. The historian also concentrates on human analogates of what pre-Galilean physics named universals in causation (the sun in reference to the earth was one such universal): the impacts of a George Washington or a Battle of Leipzig stretch far beyond their temporal span. Seeing the historian as quasi-dramatist, however, leaves the gap between history and assured knowledge as great as ever; the valuational standpoints of a new generation of historians may reverse or reject predecessors' conclusions. Disanalogous factors weigh heavily against the suggestive idea of a causative universality. For one thing, the nature of historical event remains woolly. More importantly, long-term "causal" sequences in history result from historians' reconstructions; long dead historical "causes" simply can not operate like natural causes. Not history but history of philosophy

is the concern of A. Robert Caponigri's "Reason and Death: The Idea of Wisdom in Seneca." A study marked by a measured style as well as shrewd analysis meditates on a theme to which latter-day Stoics, the existentialists, have given fresh urgency. For Seneca death has three analogous significations: physical dissolution itself; the slow wearing away of life temporally experienced as nausea or *accidie*; and, in the ultimate sense, the severance of human reason from cosmic reason. The main business of philosophy consists in wedding individual reason to the reason of nature so that this union spells the defeat of the other two deaths also. For the man of wisdom in tune with Reason's changeless life, death becomes a liberating gateway to life at its fullest. Because Caponigri cites no texts, it is not easy to determine whether he is reading out of or into Seneca certain Spinozistic and Heideggerian accents. Too, the parallel of the Senecan Sage's serenity with Paul's cry of triumph, "O death, where is thy victory?" seems more contrived than spontaneous.

The meaning of death also partly occupies Edward Ballard's "Toward a Phenomenology of Man." Biological birth and death, he maintains, are only metaphorically applied to their human correlates. Indeed the reverse of common opinion is the case: it is by human birth and death that we analogically come to understand their biological similars. Human birth is indirectly experienced in an awareness of one's capacity to solve problems and creatively to enjoy a concert or painting. Best exemplified in the passing of a Socrates, human death is a fruition to which the successful fulfillment of a plan approaches. It seems misguided, however, to speak seriously about a human birth and death in some literal, i.e., experienced, sense. Too, solving a problem in calculus does not evidence birth of mathematical capacity but brings awareness of an aptitude already there. Nor is death the crown of life; the tolling bell laments the termination but hardly the culmination of life. Coupled with Ballard in the section on phenomenology is Calvin Schrag's excellent paper, "Substance, Subject, and *Existenz*," according to which the notions of substance and subject have to be superseded by *Existenz* to achieve a rounded portrait of man. An irremediably cosmological Aristotelian substance, while admittedly dynamic, perforce neglects the historicity of man. The concept of subject also situates man in a totality of facts and splits private and public worlds. *Existenz*, "the center of concern projected against a background of natural and historic meanings," catches all that is opulent and many-splendored in individual lived-out experience. But, in selecting process or event as his prime category, Schrag tums man into a collection of events, which is tantamount to a photo-copy of the atomic dust of the Humeans. Again, lopsided stress on man the doer may tend to cut man off from his roots in nature and from the scientific side of culture.

Both Edward Manier and Desmond Fitzgerald wrestle with the problem of human mutability in an evolutionary framework. In "Genetics and the

Future of Man: Scientific and Ethical Possibilities " Manier discusses scientific means available for a limited genetic control of human evolution intended to check the alarming rise of potential mutations in the gene pool. The ethical possibilities are only skimpily explored, and considered moral judgments on the problem are postponed. Manier might well have allotted a line or two, one feels, to reprehending the terrible simplifications of the neo-Malthusian K. Davis and B. Eckland's almost weird theory that the family must be scrapped. Fitzgerald answers a characteristically thoroughly researched, convincing "yes" to the question in his title, "Is there an Unchanging Human Nature?" Man has probably undergone considerable physical modifications in passing from an australopithecine to homo sapiens, but his essentially rational nature has stayed unaltered. It is possible, he holds, that future physical traits such as size, musculature, and range of senses may further vary without substantially affecting the theorizing, good-captivated, and artistic animal. Some of the evolutionary sources, it may be remarked, merit a somewhat less reverential treatment. Among his colleagues, Leakey, sometimes disparaged as a bone hunter, does not enjoy the most envied of reputations for accuracy and reserve, and even the authority of E. Mayr cannot win assent for the classification of a skull with a capacity of only 500 cc. as truly human.

Adapting Scheler's triple division of life-community, formal organization, and person-community, Ernest Ranly, in "Ethics and Community," vibrantly searches for ways to ground the propositions of the natural law in person-community, "essentially a religious community," and thus, while retaining the universal scope of natural law principles, to apply general rules in an analogous and personalistic rather than a univocal and legalistic manner. Ranly, however, is not altogether successful in clarifying the character of person-community. In one respect his description sounds like a philosophic version of a nowhere-exemplified natural People of God. Too, a universality analogously applied may have trouble steering clear of the reefs on which situationists founder. Robert Ashmore's essay, "Situation Ethics and the Human Situation," tackles, apart from a communitarian context, some of the problems that engage Ranly. Absolute rules of behavior are not imperatives imposed from above but formulations expressing the necessity of certain means to satisfy needs like food, shelter, mating, and the welfare of larger social groups. Certain moral prohibitions are absolute, because the acts proscribed are unjustifiable by definition. Yet, because of infinitely varying circumstances, exceptions are at times permissible. Indeed because it is empirically grounded, the moral code itself can vary inasmuch as man in his total situation varies according to "evolutionary or technological process." The slightly veiled situationism making its entrance toward the close clashes sharply with Ashmore's earlier unmistakable espousal of absolute rules. Apart from this incongruous shift, Ashmore's hesitant relativism will fail to carry conviction so long as he neglects to

specify the " evolutionary and technological " conditions that will radically alter fundamental moral precepts and declines to instance cases in which absolute rules like that barring murder admit of unambiguous, honorable exception.

For Jesse Mann and Fr. Robert Roth, S.J., a beneficent pragmatism yields a general philosophic style and a sane social policy. Mann finds the basis for " The Role of the Tentative in John Dewey " in Dewey's picture of the nature as a continuum of ceaseless flux, in the ongoing cognition of which risk and incertitude preponderate. A hypothetically employed scientific intelligence narrows the band of the indeterminate and experimentally proffers solutions to moral problems. Mann's unqualifiedly admiring appraisal might have gained balance by a critical scrutiny of a notoriously amoral scientific intelligence so aptly manageable by Kremlin con men. Roth's "American Philosophy and the Future of Man " judiciously counts on pragmatism to hit the mean between pessimistic and optimistic readings of the present and future states of American civilization. Earlier L. Mumford chided older pragmatists for acquiescence in depersonalizing tendencies. Lately H. Marcuse has been summoning social thinkers to " the Great Refusal," an anathematizing of all evil in contemporary living. From pragmatistic resources, Roth believes, we can harvest a melioristic blending of valid acquiescence and refusal: acceptance of the sturdy, rejection of the sleazy in our institutions. The pragmatistic outlook applauds the healthy lineaments of science and technology but levels strictures on social forces that balk the freeing of the human spirit, particularly an individualism judged and found wanting in the light of Dewey's faith in ideals communally aspired to. This study, however, does not seem sufficiently alert to the perils, commonly associated with pragmatism, of social engineering and of total commitment to a social-minded naturalism that hallows expediency and genuflects before the status quo in the name of scientifically emancipated morality.

Papers on disparate topics by Charles Breslin and Ivan Boh are grouped under the rubric of logic, language, and epistemology. Breslin, in " The Logistic Interpretation of Aristotle's Categorical Syllogism," expertly surveys a number of modern logical systems and concludes that not one adequately duplicates Aristotle's categorical syllogistic. Frege's predicate calculus cannot handle subalternation, contrary and subcontrary opposition, and other laws. In general, the algebra of logic of Boole, Venn, and Schoeder provides no room for subalternation, since A is nonexistential and I existential. Even Lukasiewicz is unable to assimilate Aristotelian syllogistic to modern logical structures. Brentano-Hillebrand existence theory implies a logical formulation equivalent to an NI system, and this, too, is forced to exlude certain core features of Aristotle's formal logic. The reason why modern systems cannot be made coextensive with Aristotelian logic lies in their extreme existential neutrality, symbolized by

the null class. This stance widely diverges from the existential reference stamped on Aristotelian logic, which Breslin calls "a logic of Being." This last phrase, however, seems elliptical. It may be more accurate to esteem Aristotle's logic an instrument for ordering operations of the mind dealing with the nature of things; it is, in other words, a work of the mind concerning second intentions bearing on first intentions. On this alternative view, then, Aristotelian logic, though instrumentally existential, is a noetic structure that is in itself existentially neutral. Thus one basic error of modern logicians seems to be in part the reverse of what Breslin argues for: despite a drift to formalization for its own sake, modern logics tend to be over-existential in the sense that they focus on first intentions (according to H. Veatch) or treat second intentions as first intentions (according to F. Wade). But the absurdity of the null class, we may add, seems to be traceable to another mistake, an overstress on extensionality. Vienna-born Gustav Bergmann's swing from indoctrination in logical positivism to an investigation of problems not negotiable by logic, natural sciences, and mathematics captures Boh's interest in "Reflections on Bergmann's Ontology." To the question, why do we look upon two red spots as numerically different but qualitatively alike, Bergmann replies that the spots are bare particulars, ontological simples, somehow sharing in the universal red and joined to the universal by a nexus of exemplification. Existence continues to bedevil inquirers: "John exists" is not translatable into a propositional function, and existence resists inclusion in a thing-ontology. The problem of existence, in one reader's opinion, might look less formidable if, breaking free from Kant here and critically reviewing Frege's logic, we saw existence as a determinant able to be predicated of a subject.

Capitalizing with surprising success on elementary relations in modern logic, William Martin's "The Order of Teaching and Learning" deftly limns the structure of teaching. First, the relation is triadic: a teacher teaches knowledge to a student. Second, the relation is asymmetrical: no teacher as such learns from a learner as such. Third, the relation is transitive: without exaggeration, we may take Descartes to be the remote teacher of a student mastering analytic geometry. From the denial of their relations stem certain ills of educational theory. Dropping knowledge from the triad encourages schooling that virtually manipulates minds for social adjustment. Indifference to asymmetry robs the teacher of authority. Finally, out of suppression of transitivity are bred contempt for the past and a cult of the shallowly utilitarian.

Whitehead's view that great thinkers in science and philosophy are "ultimately the rulers of the world" seems to smack of a certain academic inbreeding that may afflict even the best. Too intellectualistic a perspective underplays the massive forces of passion, fantasy, deep-rooted loves and loyalties, not to speak of what lies in another realm altogether, the strength of the genuinely supernatural. Though it may be extravagant to

believe it is primarily ideas that make the world go round, reason cannot be denied its indispensable moiety to contribute to the building of a City of Man open to God. So (to indulge one more imaginative roving about the future) , should a generous philosophic reader yet unborn stumble upon this volume thirty or one hundred years hence, he will probably be warmed by the retrospect of professionals dedicated to the hard work of thought, eschewing the spectacular and oracular, struggling for his sake as much as theirs to push back the edges of darkness a little bit.

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Two Logics: The Conflict between Classical and Neo-Analytic Philosophy.

By HENRY B. VEATCH. Evanston, Illinois: Northwestern University Press, 1969. Pp. 288. \$8.00.

What can be said of Prof. Veatch's *Two Logics* can be said of few other recent books in philosophy: it deals with issues that are at once topical and fundamental in a style that is free of abstruse or hypertechnical language. For what Veatch proposes to do in his latest book is no less than to explain how the present, often recognized conflict between our scientific and humanistic cultures arises out of a fundamental difference in their respective logics, i.e., in the way or method by which each of these opposed cultures achieves knowledge and understanding. Concretely, Veatch suggests that whereas the humanistic disciplines seek to understand things for *what* they are in fact and in reality, that is, seek to know things in their "whats" or natures, scientific disciplines seek to know things in their *relation* to other things. And so, the one uses a what-logic while the other uses a relating-logic.

Now Veatch's ultimate aim is to show that each of these two logics is quite legitimate for its own purposes, so that it is not and should not be a case simply of either the one logic or the other. Moreover, in his concluding chapter Veatch argues that, while they are distinct and equally justifiable cognitive instruments, our humanistic and scientific logics are not so independent of each other "as to exclude a possible ordering . . . one with respect to the other," in such a way that the relating logic of modern science is shown to be subordinate to the what-logic of the humanities.

To substantiate his ultimate thesis Veatch presents a detailed, lucid and really illuminating comparison of the character and function of both propo-

sitions and arguments as the latter are construed in the context of a what-logic and a relating-logic respectively. The general point of the comparison is to show the inappropriateness of either saddling science with a theory of propositions and argumentation designed to meet the needs of humanistic knowledge or, *vice versa*, saddling humanistic knowledge with a doctrine of propositions and inference tailored to the specific purposes of scientific knowledge.

But Veatch's method is not merely expository but necessarily defensive and critical as well. For, as in centuries past some of the later Schoolmen tried to foist a what-logic on human beings in their role as scientists, explaining particular physical phenomena in terms of hidden essences or substantial forms, so today, according to Veatch, we find neo-analytic philosophy committing the opposite error of foisting a specialized relating-logic on all of us simply in our role as ordinary everyday human knowers.

The proximate cause of this contemporary error according to the author is the widespread, if uncritical, acceptance by neo-analytic philosophers of the analytic-synthetic dichotomy among propositions. For that distinction rules out in principle what is the very core of a what-logic, namely, the possibility of making statements that are at once necessary and about the world. But Veatch argues both that the common notion of an analytic truth amounts to a sheer impossibility and that the nominalistic presuppositions that originally gave rise to the analytic-synthetic distinction in Hume and Kant-presuppositions which go unquestioned or unseen by many neo-analytic philosophers-are unwarranted. In fact, Veatch maintains, it is this outright dismissal of real essences or natures by contemporary followers of Hume and Kant that constitutes the ultimate cause of the present-day eclipse of a what-logic in favor of a relating-logic. And lest anyone doubt that contemporary scientists as well as contemporary analytic philosophers owe much of their method to Hume and/or Kant, Prof. Veatch ably shows how the celebrated Kantian method of transcendental justification (according to which there is no such thing as necessary order in or experience of nature apart from the activity of human minds) has become "the very foundation stone of almost the entire edifice of contemporary philosophy of science." (p. 179)

Nevertheless, quite apart from the dubious logical and ontological grounds on which the present-day elimination of a what-logic rests, the error of abandoning a what-logic altogether may be seen more immediately according to Veatch by noting how, precisely *because* of their abandonment of a-what-logic, neo-analytic philosophers fall prey to a certain logical fallacy when it comes to analyzing certain *prima facie* what-statements. This fallacy Veatch calls "the fallacy of inverted intentionality."

Specifically, and according to the neo-analyst, a statement like "red and green cannot be in the same place at the same time" does not intend any real impossibility in the world but is rather a mere linguistic truth or a

" veiled grammatical rule " for the use of " red " and " green." But Veatch argues that, if this is not to commit the logical fallacy of confusing use with mention, it is surely to commit the logical fallacy of inverted intentionality or, in other words, the fallacy of ignoring the order of priority among the various levels of intention. For, clearly, it is only because of the real impossibility of red and green being at the same place at the same time that there is a grammatical rule governing the use of " red " and "green." Or, put more generally, it is only because of what words are used to signify in first intention (i.e., it is only in making what-statements) that we can in second intention utter certain linguistic or logical rules for the use of these same words. But, having removed all necessity and impossibility from the world, the nco-analyst must artificially construe a necessary statement in first intention as a necessary statement in second intention (i.e., as a linguistic truth, a veiled grammatical rule, etc.) . And yet, the very condition of the second intentional statement is that the first intentional statement be taken at face value, i.e., taken as a first intentional or " what " statement.

The reviewer finds the author's criticism of nco-analytic philosophy very telling and his overall comparison of a what-logic with a relating-logic superb. And yet, the reviewer feels that by insisting on the *fallibility* as well as the necessity of the what-statements of traditional logic, the author falls into the very error he accuses the nco-analyst of making, namely, the error of construing necessary logical relations as entirely independent of any real necessity-relations that are in no way "dictated by reality." For, according to Veatch, a statement like "the whale is a fish" exemplifies the necessary logical relation of species to genus, even though the statement is in fact false.

Moreover, this fallibility thesis as regards what-statements seems (ironically) to lead Veatch himself to a form of the fallacy of inverted intentionality. For if the genus-species relation is not based on any real necessity, then it follows that the necessity of, say, the second intentional logical or grammatical rule: "'animal' is the genus of 'man'" cannot be determined by what the words "animal" and "man" are used to signify in first intention. In other words, instead of the necessity of the logical rule in question being determined by some real necessity between being a man and being an animal, the necessity of that rule holds quite independently of what animals and men are in fact and in reality. To avoid this embarrassment, perhaps Veatch should have said that it is not what-statements *themselves* that are fallible, but rather that it is *we human beings* who are fallible in judging that a statement is or is not a what-statement.

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An Interpretation of Existence. By JosEPH OwENs. Milwaukee: The Bruce Publishing Company, 1968. Pp. 160.

This interpretation of existence follows familiar Thomistic lines but is not mere repetition. It is set forth in the context of the historical background and the pluralistic currents of contemporary thought. The author remarks that genuine philosophy must be creative, not, indeed, a creation out of nothing but a creative evolution which is the continuing of a developmental process and the growth of insights marking the progress of human understanding. "A Thomism that is narrowly 'Thomistic' cannot hope to be a genuine Thomism." (p. 147) The present work is refreshingly open to the interests of philosophers not only of the West but in this ecumenical age hopefully also of the East.

The problem of existence arises from the fact that, although the existence of things is admittedly known, the interpretation of this fact is by no means easily achieved or agreed upon. Is the existence of things a mere historical event which can be passed over as philosophically trivial, or is it pregnant with the most far-reaching and all-important of philosophical consequences? The answer, we are told, depends upon how existence is grasped and conceived.

Our original grasp of the existence of things is not attained in any concept, because concepts do not have existential content. Conceptually, one hundred dollars are the same, whether the dollars exist or not. By intellect we can consider the thing and the existence separately, and the concepts themselves even in combination, such as a real mountain of gold, do not express the fact that something exists. It is not in the act of mere conceiving but in the act of judging that we grasp the existence of things in such a way as to know that something exists. Conceptualization and judgment always accompany each other, but they are two different kinds of intellectual activity, each with its own object. Judgment is a dynamic and synthesizing activity, and it is conditioned by time. Existence as the object of judgment is also a synthesizing, dynamic and temporally conditioned actuality. There are two ways or levels of existence, real and cognitional, and these are known by different judgments.

Existence as first known by judgment is analyzed and interpreted so as to set forth the high points of realistic metaphysics in a way that is, for the most part, clear and convincing. This is a work which merits and will well repay careful study. In striking ways it brings out the cardinal position that our knowledge of existence is attained through judgment, not through mere apprehension. The analysis of existence as first grasped through judgment is pursued to the source of existence in an efficient cause which is itself subsistent existence, and from this principle synthetic consequences of vital importance are drawn concerning the imparting of existence to created things, particularly in regard to human freedom and the human soul.

Some reservations, however, must be made. In the first place, the author does not analyze or critically justify the realism which he assumes. He does not indicate the necessary order in our primitive concepts and judgments through which we know that something exists with its own real or natural being distinct from our knowledge of it. This analysis was made by St. Thomas both in the *Summa Theologiae* (I, q. 11, a. 2 ad 4) and elsewhere, and indeed was one of his great achievements. Moreover, one might object to the way in which the author contrasts the objects of conceptualization and of judgment and the way he relates these different acts. The intellect can conceive a thing and its existence separately, but this does not seem to be the usual way of conceiving. Ordinarily we must know that something exists before we can know what it is, and some primitive apprehensions must precede judgment, which is made by combining or dividing concepts in the light of the objects known. It would seem that apprehension must attain existence in some way, even if not distinctly or explicitly, and once explicitly known through judgment this knowledge can be included in the concept of the thing at least implicitly. In a word, to empty all concepts of existential import seems highly artificial, if indeed it is at all possible. Furthermore, the author does not interpret the main line of Aristotle's thought as does St. Thomas, who explained Aristotle's doctrine of form, not as a being or a whole but as a part and a cause of being, always dependent upon a first cause which imparts not only motion but also being even to eternal and incorruptible things.

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Moral Reasoning. By R. W. BEARDSMORE. New York: Schocken Books, 1969. Pp. 143. \$4.95.

R. W. Beardsmore, of the University College of North Wales, Bangor, has provided us with an essay on moral reasoning and moral arguments that is simultaneously fascinating and frustrating. It is fascinating both because Beardsmore's critique of the positions taken by R. M. Hare and Mrs. Foot is so telling and instructive and because much that he has to say positively about the nature of moral reasoning makes such good sense. It is frustrating because, after one has finished and begun to reflect on Beardsmore's own position, one is suddenly aware that the position set forth, although plausible in many respects, is ultimately a linguistic game that simply fails to come to grips with the issues.

Beardsmore's essay is intended to show (1) that the two principal accounts today of the nature of moral reasoning—in his view those represented by R. M. Hare and Mrs. Patricia Foot—are erroneous and that an alternate account, one proposed in the course of the essay by the author, is more plausible.

Hare maintains that moral judgments have no subject-matter proper to themselves and that a moral judgment is such not because of *what* is said but because of the *way* it is said. According to Hare, a moral judgment makes sense if it follows as a logical conclusion from a syllogism whose major premise states a principle of conduct and whose minor premise is a statement of fact. On this view moral evaluations, although based on factual statements, are not reducible to facts but consist of facts plus an added ingredient—an evaluative judgment that can serve as the major premise in a moral argument. For instance, Hare argues as follows: One ought never to say what is false; but X is false; therefore one ought not to say X. Among the objections that Beardsmore poses to Hare's position is that it logically entails the absurd consequence that *anything can count as a moral reason*, provided that it is possible to devise an appropriate major premise. Thus, according to Beardsmore, one could legitimately argue, if Hare is correct in his evaluation of the nature of moral reasoning, as follows: One ought always to hit one's brother-in-law on Tuesdays; today is Tuesday; therefore you ought to hit your brother-in-law.

Mrs. Foot, on the other hand, holds that there are very strict limits as to what can count as a moral reason. In Beardsmore's view, the limits assigned by Mrs. Foot are *too* strict, too mechanical. For Mrs. Foot there is, in principle, no reason why agreement on moral questions cannot be reached on the same basis on which agreement is attained in scientific, empirical arguments, because for her there is no real difference between the two types of arguments. Consequently, on her view there is no real difference between moral judgments and factual judgments inasmuch as the former can be reduced to the latter by means of arguments based on considerations of function and utility. Although Beardsmore does not make this comparison, it would seem that Mrs. Foot's position is, on ultimate analysis, the same as that of the utilitarians. An act's rightness or wrongness depends on its utility as a means to achieve a certain end; if the end in question contributes to the well-being of men, then the act in question will be right. And the determination of the act's utility can ideally, be decided on empirically verifiable grounds. Beardsmore objects to Mrs. Foot's position chiefly because it is so rigid that it is impossible to see how it can allow room for legitimate disagreements in moral matters, disagreements that cannot be resolved in the same way that electricians, for example, can resolve disagreements over what is wrong with a given electrical system.

In the place of either of these two positions Beardsmore offers one,

inspired in part by Wittgenstein, that is intended-*contra* Hare-to show that only certain kinds of things can count as moral reasons and-*contra* Foot-to allow room for serious conflict and disagreement over moral questions. Beardsmore maintains that "there is a range of concepts (murder, adultery, suicide, truth-telling, etc.) which are in some sense constitutive of a morality." (p. 44) These concepts, moreover, are bound up with factual states of affairs, so that all those who accept these fundamental concepts are bound "to the same conclusion" because "for them the facts already possess evaluative import. They are not just facts." (p. 74) These concepts, in short, determine what significance the facts can have for us, that is, they "determine our ideas of morality." (p. 79)

For Beardsmore such judgments as "murder is wrong" or "one ought to tell the truth" or "one ought not to commit adultery" are not, as both Hare and Foot and most other moralists maintain, "moral principles." Rather they are a web or network of evaluative judgments accepted as factual statements by those who adhere to a given way of life or who have been entrusted with a given tradition or heritage. As a result, all those who belong to a given way of life—for example, Catholics—assign a given meaning to certain types of activity (e.g., suicide) and within the framework of this fundamental moral code we can find the framework for and disagreement. (Cf. p. 121) Beardsmore holds, however, that by proposing the view that moral judgments make sense within a given way of life or basic moral code he is not joining those who say that morality is a matter of "convention" pure and simple. He claims that in his view the basic moral code or way of life provides the context for telling whether a particular reason can count as a moral reason but that it does not mean pure conventionalism. For one thing, he holds that this basic code or way of life, to be morally significant, cannot simply be accepted as something imposed from without but it must be interiorized. Although a particular individual within a given way of life does not *decide* what will count as a moral fact—this is simply a result of the cultural milieu in which he is immersed—still there is plenty of room for personal decision and responsible judgment. Yet he does hold that irreconcilable disagreements will arise when individuals with basically different moral codes engage in argument—for example, when a Catholic argues about suicide with a Japanese Samurai. Although it is possible that one will be "converted" to the other way of life, this rarely happens, and when it does it means that a person has come "to see that in some important way his views are wrong." (p. 90) But as long as persons of radically diverse moral codes adhere to these codes, there is simply no way of reaching agreement, because they cannot agree on what will count as a moral argument.

This, in brief, is Beardsmore's position. As I said at the beginning, his essay is both fascinating and frustrating. He has done a real service, I

believe, in showing the inadequacies of the views of Hare and Foot; he is surely correct in arguing that not everything can count as a moral reason and that the intelligibility of a moral argument depends on agreement over certain fundamental concepts and ideas. He is also quite right in stressing the role that cultural background, heritage, traditions, and membership in a given political and/or religious community play in providing these concepts and in offering us a framework within which meaningful discussion can take place. Yet his position logically leads to moral relativism, for he is incapable of offering any reasons why any particular moral code should be preferred to any other. In final analysis, this means that there is ultimately no irrefutable reason why any type of human activity should be considered right or wrong. The ultimate criterion, consequently, of the rightness or wrongness of a human act, must be non-rational. Although Beardsmore's position illuminates many aspects of the rational character of moral discourse, it finally issues in the absurd.

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The Nature of Moral Judgment: A Study in Contemporary Moral Philosophy. By PATRICK McGRATH. Notre Dame: University of Notre Dame Press, 1969. Pp. 327. \$6.50.

The decade of the 1960's may well be remembered by future historians of ethics as a period of stock-taking and consolidation. After nearly 50 years of unparalleled vitality and development, a growing number of moral philosophers in the Anglo-American world seem to be ready to slow the pace for a moment in order to assimilate and reevaluate the rapid steps of the recent past. The evidence for this is twofold: first, the rather surprising dearth of novel, groundbreaking work in ethics during the last ten years and, second, the near simultaneous appearance of a number of books devoted in large measure to the task of giving a critical, historical review of the development in Anglo-American ethical philosophy since G. E. Moore.

The Nature of Moral Judgment falls squarely into this latter category and as such will inevitably be compared with such excellent recent works as *The Revolution in Ethical Theory* by George Kerner and G. J. Warnock's *Contemporary Moral Philosophy*. Any such comparison, however, is bound to yield a favorable judgment of Father McGrath's work. His treatment of individual theorists is remarkably fresh, and his view-

point provides a valuable and much needed perspective on the issues under consideration.

All of the previous works of this genre have been written by philosophers who stand squarely in the tradition of linguistic-analytic philosophy itself. Warnock and Kerner, for example, are both students of the late J. L. Austin. And while their assessments of the fruitfulness of the direction which recent ethical thought has taken vary widely, they share many assumptions in common with the philosophers whose work they discuss. Father McGrath, by contrast, approaches the analytic tradition in ethics with the concerns of traditional moral philosophy uppermost in his mind. The result, however, is not an unsympathetic diatribe against "linguistic" philosophy of the sort which has been all too common in recent years. Instead, one finds a balanced and generally sympathetic presentation of the views of all the "classic" ethical theorists in the analytic tradition, along with constructive criticism of each.

McGrath's book is divided into four parts, the first three devoted to exposition and criticism and the fourth to a development of the author's own constructive views. Part One, "The Emotive Theory of Moral Judgment," presents sketches of Moore's refutation of naturalism and of the theories of meaning developed by Logical Atomism and Logical Positivism. It then goes on to probe the emotivist ethical theories of A. J. Ayer and Charles Stevenson, showing them to be a near inevitable response to Moore's work in view of the theory of meaning extant among the early analysts.

Part Two, "The Function of Ethical Statements," is devoted to a careful analysis of the ethical writings of J. O. Urmson, R. M. Hare and P. H. Nowell-Smith. What separates the work of these philosophers from that of the emotivists is a heightened appreciation of the subtlety and diversity of linguistic functioning. Here McGrath correctly notes that this new emphasis on looking at language at work in ethical contexts, as a means of clarifying the nature of moral judgment, is due largely to the theory of meaning implicit in the work of the "later" Wittgenstein.

In Part Three, "The Good Reasons Approach," McGrath considers the work of Stephen Toulmin and Kurt Baier as exemplifying an approach to ethics which, though Wittgensteinian in orientation, differs markedly from that of the men discussed in Part Two. Urmson, Hare and Nowell-Smith have been primarily interested in clarifying the use and significance of key ethical terms such as "good" and "ought." Toulmin and Baier are more concerned to lay bare the distinctive inferential patterns involved in giving reasons and formulating arguments in ethics.

The exposition in these first three sections of the book is uniformly excellent. Each theory is laid out simply, clearly and directly, with an economy of expression that belies the true level of sophistication involved. While this feature of the book recommends it highly to those seeking an

introduction to recent developments in ethics in the analytic tradition, the repository of evaluative criticism in these chapters will be of interest to all students of moral philosophy. Father McGrath obviously believes that a philosopher's views are no sounder than the arguments on which they rest. His method of criticism is thus the devastatingly effective one of taking crucial theses from each theorist, laying out the arguments which support them, and then challenging the arguments with counterexamples and counter arguments of his own. While his criticisms are not all of equal weight, many are novel and important and will have to be taken seriously by anyone convinced of the essential correctness of the theory in question. Indeed, anyone fascinated by sheer argumentative skill will find much to appreciate here.

In the fourth and concluding section of the book the author presents his own positive theory of moral judgment. The explicit rationale which is intended to tie together the first three critical sections with this fourth constructive part is that, while all traditional moral theorists presuppose a theory of moral judgment, "they seldom expound it and even less often provide any evidence to show that it is true." (p. ix) Thus it is important, from McGrath's point of view, to develop his own objective theory of moral judgment out of a dialectical confrontation with the explicit, non-objective theories of moral judgment put forward by ethicists in the analytic tradition.

While this intention is clear, its execution is less so. This is not to say that McGrath's own views are not stimulating and provocative. In a relatively brief space, Part Four presents not only a spirited defense of the objectivity of moral judgments but a definition of "good," an ultimate criterion for moral judgment, and an answer to the question of why we should be moral! The surprising thing is that, while echoes of the Greeks, Scholastics, Kant and Bradley are all clearly audible in this section, virtually no attempt is actually made to relate the views being expressed to those of the theorists whose work was the subject of the previous sections. The reader is left to his devices in sorting out and evaluating the areas of agreement and disagreement.

In sum, one is left with the impression that there are two distinct monographs between the covers of this book. Each is worthwhile in its own right, but they rest somewhat uneasily side by side. Had the author been able to weld them together more seamlessly, what is without a doubt a good book would have been an excellent one indeed.

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Il fondamento etico-religioso del diritto secondo S. Tomm(Uo d'Aquino. By P. REGINALDO M. PIZZORNI, O. P. Rome: Lateran University, 1968. Pp. 231.

Una discussione sul'etica della Felicit . By GmvANNI BLANDINO, S. J., BERNARD HARING, C. SS. R., GIANFRANco I\IoRRA, PAoLO VALORI, S. J. Bologna: Edizioni di Etica, 1968. Pp. 99. L.600.

Il fondamento etico-religioso del diritto secondo S. Tom= o d'A_ quino is an ample, thoroughly thomist and well-documented thesis on the necessary dependence of positive law on the natural law and of both on the eternal law of God. There are many conclusions to be drawn. One that is of interest in the changing world today is that law should not be changed for frivolous reasons. St. Thomas's warning is timely: "qui facile mutat legem, quantum est de se, debilitat legis virtutem." Much modern thought about the relativity of natural law is rooted in the false notion that it is something bound up with nature as we understand it and not as the Wisdom of God has designed it. What we call divine positive law, God's many personal interventions in our moral affairs, is a check on the tendency of man to be a subjectivist where morality is concerned. The growth of atheism has increased this danger so much that even believers think it is suitable to formulate the theory that there can be law or morality without reference to God. **It** is a theory that division among Christians has indirectly fostered; for this pluralism causes the State to shy at identifying itself with the truth as preached by one or other Christian denomination, and in its passion for secularism it ends by failing to give practical recognition in its lawmaking to the existence of God and his Wisdom.

This book has a vital message. Indeed, it is a recall to sanity, if only intelligent men have the patience to read through it slowly and thoughtfully.

With all the names *l'Etica della Felicit * looks like a notice of a film coming shortly. Father Blandino the protagonist of the thesis that a sytem of Ethics could be suitably built on the intention in every action of contributing to one's own and other people's happiness. **It** is introduced by Gianfranco Morra of Bologna University, and the theory is discussed by Father Haring, C. SS. R., and Father Valori, S. J., of the Gregorian University.

The merits of the thesis are fairly appraised, but disagreement centers on two points-Father Blandino's idea that an Ethic can be established without reference to God and because felicity, pleasure or happiness are much too vague and indefinite concepts on which to base one's moral judgment.

It seemed to me that, in a discussion on morality, there was an absence

of realism. Morality remained very much an idea and reflected experience neither of God nor of people. However, now that discussion is so popular, many will find it interesting.

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Participated Eternity in the Vision of God: A Study of the Opinion of Thomas Aquinas and his Commentators on the Duration of the Acts of Glory. By CARL J. PETER. Rome: Gregorian University Press, 1964. Pp. 808.

If one had to summarize Peter's lengthy doctoral dissertation in one sentence, one might say that the duration of acts of glory was for Thomas Aquinas participated eternity but for Duns Scotus *aevum*. If one were allowed two sentences, one could add that Thomists tended to side with Aquinas and Franciscans with Scotus but three Jesuits (de Toledo, Bellarmine, Vazquez) considered the two to be saying the same thing: Aquinas's participated eternity was Scotus's *aevum* (see "Conclusion," pp. 253-68). Of course, such a summary does not do justice to the nuances of doctrine within the thomistic or the scotist schools, nor to Peter's paleographical work (see "Appendices," pp. 281-88) or his careful textual exegesis (at times quite detailed) of at least thirty-nine theologians stretching from Aquinas (1223-1274) to John of St. Thomas (1589-1644).

As an exegetical instance let us outline his study of Aquinas, which forms Part One of his book. (pp. 5-71) The question raised, he begins, concerns "the duration of the beatific acts in intellectual creatures." More exactly, does "the very permanence itself of the acts of glory" involve "a true supernaturality"? (p. 5) There are two ways of answering, the first of which consists in comparing various durations. God's is eternity (pp. 7-12), and spiritual creatures' in their natural existence and operations is *aevum*. (pp. 12-20) But these latter in their supernatural and beatific operations of contemplating and loving God also enjoy what Aquinas calls a "participated eternity" (pp. 20-24) -namely, "the duration of an act that completely exhausts the potency of its subject for immediate knowledge and love of God; that is, its subject is open to no greater perfection." (p. 32) It is "the measure of the acts of glory in intellectual creatures. This vision introduces man into an immediate union with God Himself and His duration. It implies a share in what is properly divine and consequently excludes the possibility of change. The glorified subject is simply not open to greater perfection, to more perfect knowledge and love of God, as it was in its natural state." (p. 33)

The second way of deciding whether the permanence of the beatific vision is supernatural is to investigate that vision as a psychology state, especially in the immutability of mind and will which it entails (pp. 35-44), the cessation in it of hope (pp. 44-49), and the knowledge of contingent futures which a blessed attains. (pp. 49-67) From those three considerations the conclusion is again drawn (pp. 67-71) that spiritual existents in the beatific vision "participate in God's eternity." They attain "grades of interminability or immutability" because "there change is found neither in act nor in potency." Although the operations of beatific knowledge and love are not "absolutely unlimited perfections," still "through them the Blessed have the ultimate perfection of which their natures are capable. And if the latter be the case, there remains no potency in the nature for further perfection; and consequently, the acts in question have a duration characterized by the supreme degree of immobility possible in creatures and the closest approximation to that of God." (p. 68) They are, also, supernatural since they transcend the highest natural knowledge and love possible to angels and separated souls (namely, through God's image in their created natures; p. 69). They arise only through "God's communication of Himself in a finite mind and will, [and thereby] the creature participates in a perfection which is properly God's. By sharing in God's own beatitude, the creature is blessed by participation. By sharing God's nature, he is divinized or deified by participation. So too by sharing in the immutability of eternity, he is eternal by participation. And that participation in eternity is supernatural." (p. 70)

The topic Peter chose for his book is important (see pp. 268-71 for its relevance to current theology) and, obviously, difficult. His approach by cataloguing the answers which theologians subsequent to Aquinas gave to the problem is helpful. But his treatment of Thomas himself can, in my judgment, be improved. One improvement would be to trace (at least to some degree) the positions of Thomas's predecessors on the beatific vision and related matters. In justifying his inclusion of Scotus, Peter himself stated: "When the thought of one mind depends on that of another, the fair exposition of the former [here, Thomistic commentators] involves some familiarity with that of the latter [here, Scotus]." (p. 3) Surely that statement holds with equal force in reference to Aquinas and those preceding him. Especially is this true in the light of the controversy on the beatific vision which raged during the first four decades of the thirteenth century and which culminated in the condemnation in 1241 of anyone holding that in heaven neither men nor angels see the divine essence ("Primus [error], quod divina essentia in se nee ab homine nee ab angelo videbitur"; H. Denifle and E. Chatelain, *Chartularium Universitatis Parisiensis* [Paris, 1889-1897], I, 170). Peter should have used studies devoted to the condemnation, one of which he mentions but does not

pursue (that by H. F. Dondaine), but others he bypasses entirely (e. g., those by P.M. de Contenson, J. M. Alonso, V. Lossky). Again, he should have structured his exegesis of Aquinas according to a chronological order of writings. However much one may disagree with B. J. F. Lonergan's Neo-Kantianism in other writings, his series of articles running in the *Theological Studies* from 1941 to on "Saint Thomas and *Gratia Operans*" established firmly the necessity of such chronologically arranged investigations. In his "Preface" Peter admits receiving invaluable assistance from Lonergan "through the years" and, in fact, lists those *Theological Studies* articles in his bibliography. Unhappily, they seem not to have assisted him sufficiently.

Finally, what seems somewhat lacking in Peter's pages on Aquinas is what appears most essential to a dogmatic theologian: a genuine *intellectus fidei* and *intellectus textuum Sancti Thomae*. One looks in vain for an intrinsic understanding and explanation of what participated eternity itself consists in, an inner realization of what (so to speak) it *does* to and in the spiritual creature elevated to the beatifying contemplation and love of God by his direct presence. One thinks of the sort of theological reflection which grounded Maurice de La Taille's theory of the *lumen gloriae* and which issued into his article, "Actuation creee par acte incree," *Recherches de Science Religieuse*, 18. I find little of that sort in Peter's book (in fact, de La Taille's article is not even listed in his bibliography). He does not discuss what "participation" might mean in Aquinas. On occasion he refers to Geiger and Fabro. In a footnote on the final page of his section on Aquinas (p. 71, n. 131) he refers to J. S. Dunne's article, "St. Thomas' Theology of Participation," *Theological Studies*, 17 (1957), where (Peter reports) Dunne" notes that this use of the term *participation* by Aquinas refers to a reality that stands in opposition not merely to that which is being through essence but also to that which an intellectual creature is or can be, left to its own resources." There seems to be no other attempt to tie down definitely what participation of eternity might itself ontologically entail for Aquinas. I find this almost incredible in a book whose title is *Participated Eternity in the Vision of God*.

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The Doctrine of Thomas Aquinas Regarding Eternity in the Rational Soul and Separated Substances. By CARL J. PETER. Gregorian University Press, Rome, 1964. Pp. 124.

This volume is the author's doctoral thesis which was submitted to the faculty of philosophy at the University of St. Thomas (Angelicum) in Rome. Like many published doctoral dissertations it does not appear to have been sufficiently reworked prior to its appearance in book form.

What the author has attempted to do, and in this he has for the most part succeeded, is to give a careful account of St. Thomas's philosophical position on duration in separated substances (angels) and the human soul. The book is divided into three chapters of very unequal length. The first presents a brief general conspectus of the meaning of *aevum* in the writings of Aquinas. The second, comprising the bulk of the volume (76 out of 124 pages), presents a kaleidoscopic view of Aquinas's teaching on duration. The author examines all of Aquinas's works save his commentaries on Sacred Scripture. The concluding chapter presents a rather loose synthesis of the findings of chapter two.

The author draws four main conclusions from his investigation. 1) Only in God is duration eternal; 2) Duration in created persons may be eternal by participation; 3) The duration of contingent beings is inversely proportional to their mutability; and 4) *Aevum* is used of separated and of the human soul in a fundamentally uniform manner, when the latter is viewed in its relation to its act of existence rather than to its temporal union with body. Thus, regardless of slight differences of emphasis and varying phraseology, the author finds that Aquinas does not refer *aevum* to the human soul and to angels in ways that are contradictory but complementary. While in his concluding remarks the author does state that the key to the understanding of Aquinas's whole teaching on the problem of duration is the degree to which he views each being as *possessing* its act of existence, it is regrettable that this point was not more fully exploited. It would have provided a more easily digestible synthesis and made a comparison between the teaching of Aquinas and twentieth-century thinkers on this point considerably more meaningful and more rewarding.

What, however, this reviewer found consistently irritating was the manner in which the author chose to present the findings of his research. In this instance it is difficult to see any advantage gained in analyzing each of the works of Aquinas separately and in chronological order. Granted that some questions might profitably be investigated in this way, the question of duration does not seem to be one of them. Here the end result of this approach is a needless proliferation of quoted passages from Aquinas and an obscuring of the latter's overall teaching on duration. Had the author learned from his study of Aquinas's works that there was indeed a genuine progression in his theory of duration, a chronological presentation of texts

would surely have had merit. But the reader can only ask whether such an approach was truly helpful when at the end of his study the author concludes that the Angelic Doctor's treatment of eviternity (*aevum*) in his *Commentary on the Sentences of Peter Lombard* and the *Summa Theologiae*, while differing perhaps verbally, is in effect, "really equivalent in the framework of his system." (p. 114)

Equally questionable is the manner in which the author has incorporated so many lengthy, untranslated texts into his main narrative. In numerous instances the author's purpose could just as easily have been served by synthesizing and/or incorporating parts of the texts themselves into his narrative and relegating the full Latin text to a convenient footnote.

The final synthesis, too, lacks satisfying sharpness and precision. Even here the reader is confronted with an additional ten pages whose narrative is often interrupted by fresh Latin texts. Yet, despite these shortcomings, all the more unfortunate since a thorough revision of the dissertation's original format could have eliminated most of them, this work is surely representative of thorough and sound scholarship, and should prove helpful to students of Aquinas wishing to explore in depth his teaching on duration in the separated substances and the human soul.

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The Concept of Order. Edited by PAUL G. KUNTZ. Seattle & London:
The University of Washington Press, 1968. Pp. 518. \$12.50.

The concept of order has always been one of the pivotal notions in philosophy. Throughout the centuries many attempts have been made to discuss order (or disorder) and the implications which it has for philosophy. Today any attempt to discuss order must begin not only with a philosophical analysis but with the way in which other disciplines rest upon a concept of order. Science, art, history and the social sciences as well as philosophy all demand a penetrating analysis of order.

This book is a collection of twenty-eight essays on order plus an introductory essay by the editor. The work is the fruit of a seminar on order held at Grinnell College in 1963-1964. The authors represent a wide variety of academic disciplines, and one of the important features of the collection is its interdisciplinary character. In the attempt to describe a basic concept from a variety of perspectives the authors bring into sharp focus the necessity of broadening one's point of view. The different approaches to order come to be seen as complementary and the richness of the notion of order emerges.

In certain ages the concept of order was regarded as a simple idea, and it was believed that by reason man could come to know the basic order of the universe. This unifying concept of order was thought to be one which would bring together the way in which the concept was employed in different disciplines. Thus, it was thought that there was a basic order at the foundation of the physical sciences whose laws could be expressed in relationship to this basic order. When interest was centered upon the philosophy of history, it was thought by some that man would uncover the basic order which was behind the process of history.

The authors who write in this collection do not represent one point of view, but they do agree on the need for a sophisticated understanding of order. Thus, for example, Eric Voegelin finds in history not a simple order but the co-existence of various movements and institutions which tend to be found together. These he calls configurations, and he is able to find some order in history in terms of recurring configurations. Arnold Toynbee appreciates the importance of Voegelin's analysis and attempts to find the foundations of order in history in the regularity and uniformity stemming from man's subconscious.

The order which is uncovered by the physical sciences is expressed in laws which indicate a statistical determinism. As John Greene indicates, however, the physical idea of order is by no means simple. The entropy of the laws of thermodynamics is not easily reconciled with an evolutionary understanding of order. In fact, the concept of order is employed by evolutionists who do not explain why random variation and natural selection should produce order.

The definition of order is itself a basic subject for discussion, and in these essays one can find many attempts to define or describe order. While the authors do not settle on one definition, it does become evident that the definition of order must take into account both a whole and its parts. The concept is relational, and in many instances it could be rooted in the unity and integrity which are dimensions of an ordered whole.

If one defines order in terms of harmony, balance, unity and integrity, however, it is equally necessary that provision be made for disorder, chance, accident and randomness. The essayists who write from the point of view of aesthetics are clear about the importance of both an order in an artifact and variations of order. Perfect order could be static, repetitive, or boring; and, on the other hand, disorder without order can be chaos.

Various authors underscore the importance of maintaining a tension within one's understanding of order. The biologist, Paul Weiss, shows how the discovery of order in the gross is paralleled by the discovery of disorder in the small; Monroe Beardsley speaks of the same phenomenon in aesthetics. Hartshorne shows how such concepts as purpose and causality demand chance and are not efforts to deny the reality of chance; he also reveals the tension between predictability and control of nature.

The final two sections of the book are perhaps the most engaging, for here the eight essays concern order in human society and order as a challenge to contemporary society. Talcott Parsons shows the importance of distinguishing values and norms, while Samuel Stumpf elaborates the distinction between law and morality. Present concern about Law and Order should not neglect the process of protest, which Stumpf finds is part of the very life of the law.

Iredell Jenkins and Hans Hofmann both indicate the order which man must establish in society. It is important that man's efforts to create order are truly creative; he does create order. The political order which he creates must be flexible enough to permit change and to allow the existence of divergent points of view. Yet the success of the order demands that it not only provides procedural safeguards for freedom but substantive principles on the basis of which such procedures have meaning.

The book does not contain a theological investigation of order; this omission is unfortunate and, given the wide scope of the title, strange. The final essay, by Joseph Wall, does bring the reader to the theological question. After showing that the most frightening concept of God which man can employ is that of a god who is absurd or mad, the author faces the disorder which man sees around him. He sees how modern men have inherited ever since the scholastics a belief in order and logic which today seems naive.

The collection of essays which Paul Kuntz has brought together deserves wide recognition. It is an introductory, not a definitive study of order. It is a significant study because of its cross-disciplinary character and because of the distinguished scholars who have contributed to it. The reader benefits both from the insights of the individual essays and the general perspective which emerges from reading the whole collection. Hopefully, the work will stimulate further research on the concept of order, especially on the concept as it is employed by theology.

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- St. Augustine and Christian Platonism* (The St. Augustine Lecture 1966).
By A. HILARY ARMSTRONG. Villanova University Press, 1967. Pp. 66.
\$2.25.
- Augustine and the Greek Philosophers* (The St. Augustine Lecture 1964).
By JOHN F. CALLAHAN. Villanova University Press, 1967. Pp. 117.
\$3.50.
- Great Thinkers on Plato*. Ed. by BARRY GROSS. New York: Putnam,
1968. Pp. 345. \$6.95.

The series of annual St. Augustine lectures at Villanova University is designed to show the relevancy of aspects of St. Augustine's thought for our own time. Through the work of specialists, the lectures are in general aimed at a non-specialist public and, as such, two of them have fallen into the hands of a non-specialist reviewer.

The lecture by Professor Armstrong is the more immediately interesting of the two. Though overtly concerned with Augustine, it constitutes in fact a rather convincing plea for the re-introduction of Platonism as a vitalizing force in Christian theology. Students of Christian spirituality in particular should find it of absorbing interest. At a time when traditional approaches to spirituality are being called into question on the grounds that they are to a large extent tributaries of a Plotinian-Platonic world-view that is basically un-Christian, it is refreshing to find such an eminent Plotinian scholar as Professor Armstrong underlining the deep harmony that exists between many aspects of the Christian and the Platonic approach to the life of the spirit. He also stoutly maintains at times that, if there are certain narrownesses in the theology and spirituality of such great Christian Platonists as Gregory of Nyssa and Augustine, this, far from being the result of Platonic corruption, is due rather to an incomplete grasp and faulty assimilation of rich elements in the Platonic tradition. There are points, of course, on which the differences between Christianity and Platonism are irreducible; the merit of Professor Armstrong's little work is to emphasize how few in fact these are.

In the lecture of Professor Callahan we have a scholar speaking primarily to scholars, and the non-specialist will find the going somewhat heavier. The first section, which suggests that the ontological argument of St. Anselm be grand-fathered on St. Augustine, will be of interest to the theologian. The third and final section, which shows us Augustine wrestling with the problem of time and traces the genesis of his psychological approach to the question, is of more general interest. Over and above the detailed questions discussed, Professor Callahan's lecture is of value in that it shows us how even a thinker as original as St. Augustine remains a man

with a history, and how such giants of the spirit are more aptly described as builders rather than creators.

The third volume under review is an anthology of critical comments on Plato by great philosophers from Aristotle to our own time. I would recommend it as an ideal bedside book for a Platonist. For those of us who feel more at home with 'Vodehouse, the volume, assuredly the result of painstaking research, serves at least to back up the contention of Whitehead that "the safest general characterization of the European philosophical tradition is that it consists of a series of footnotes to Plato."

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Medieval Philosophy, from St. Augustine to Nicholas of Cusa. Ed. by JOHN F. WIPPEL & ALLAN B. WOLTER, O.F.M. New York: The Free Press; London: Collier-Macmillan Limited, 1969. Pp. 487. \$3.95 paper.

For many years the only available collection of readings in medieval philosophy in English translation was Richard McKeon's *Selections from Mediaeval Philosophers* (19:29). Today the student of medieval philosophy has a choice of several good volumes of translated texts, varying in range and interest. The latest of these, edited by Fathers Wippel and Wolter, is particularly suited for undergraduate students in medieval philosophy and the general reader who is looking for information about the subject. It covers a thousand years of philosophical speculation, from St. Augustine to Nicholas of Cusa. Selections have been made from twenty-four of the most important thinkers of this period. The volume has a competently written introduction of thirty pages, sketching the main outlines of philosophy in the Middle Ages. Each chapter is prefaced by a brief account of the man whose text is translated in it. The bibliography at the end of the book contains general histories of medieval philosophy, other volumes of translations, and specific bibliographies for each chapter. These bibliographies are up-to-date and generally well compiled.

A few comments are in order concerning the editors' selection of passages for translation. Any selection is bound to be somewhat arbitrary and dependent on the special interests of the translator. The texts in this volume are on the whole well-chosen. They are varied in subject matter and representative of the major figures in medieval philosophy. A few obvious lacunae should be mentioned. It is unfortunate that there is no

text from St. Albert the Great, who was surely one of the greatest of medieval thinkers. It is also regrettable that none of the Greeks who so profoundly influenced the philosophy of the Latin West are present, e. g., Denis the pseudo-Areopagite, John Damascene, or Nemesius. The Arabs and Jews are represented by Avicenna, Averroes, and Maimonides, but the text selected from Avicenna, and two of those from Averroes, are from works unknown to the scholastics of the Middle Ages. In my opinion, it would have been preferable to have chosen texts from the Arabian philosophers that had a deep impact on medieval Christian thought. However, it is true that the Christian scholastics knew but a portion of Muslim philosophy through Latin translation and that it is necessary to correct their partial viewpoint by reading the other works of the Arabs.

The text from Honorius of Autun on the medieval picture of the world is of greater interest to the student of medieval science than of medieval philosophy, and Odo of Rigaud's question on theology as a science is directly theological and not philosophical. Ockham is represented by a text "On possibility and God" which, though important, is not best suited to introduce a reader to his thought. The interesting short treatise of Fridugis on "Nothing and Darkness" has been made available in English for the first time.

For the most part, the translations were made specially for this volume by the editors. A spot check reveals that they are usually accurate and well done. The English is clear and modern. In several cases the editors could have improved on the translation taken from other sources, e. g., Shapcotes' translation of Aquinas's "On the Power of God" and Heron's version of Cusa's "On Learned Ignorance."

It is admittedly difficult to put Boethius's *De Hebdomadibus* into English. But the use of the word "essence" in the title and elsewhere in the work is apt to mislead the reader. Since the scholastics distinguished between essence and existence, this word has taken on a meaning that is not present in Boethius's treatise. "A conception common to the mind" (p. 97) should be "A common conception of the mind." In the translation of Anselm's *Proslogion*, "based on faith" (pp. 154-155) does not translate *de ratione fidei*. It is unfortunate that more of Chapter I was not translated; this chapter is a necessary introduction to the famous proof of God's existence by exhorting the mind to shut out the external world and turn inward upon itself. In Chapter II (p. 155) the description of God as "something greater than which we can conceive of nothing" is rather awkward.

These are but minor criticisms of a book that is generally excellent. It is a useful aid to students of medieval philosophy.

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Scholasticism After Thomas Aquinas and the Teachings of Hasdai Crescas and His Predecessors. By SHLOMO PINES. Jerusalem: The Israel Academy of Sciences and Humanities, 1967. Pp. 101.

The Teachings of Maimonides. Ed. by ABRAHAM COHEN. Prolegomemon by Marvin Fox. New York: KTAV Publishing House, 1968. Pp. 389. \$8.95.

Professor Shlomo Pines of the Hebrew University in Jerusalem, who a few years ago produced the definitive English translation of Maimonides' *Guide of the Perplexed*, presents now an original thesis which opens wide possibilities for further research. While historians of medieval philosophy have traditionally emphasized the influence of Arabian philosophers on Jewish thinkers such as Maimonides, and the influence of both sources on Aquinas and other Christian scholastics, Pines's present essay explores evidence of influence exercised by later Christian scholastics on their Jewish contemporaries. Using ample textual comparisons, Pines suggests several points of affinity between post-Thomistic scholasticism (Scotism in particular) and the theories of such Jewish thinkers as Yeda'aya ha-Penini Bedersi, Gersonides, Joseph ibn Caspi, and Hasdai Crescas. The instances of relationship includes Bedersi's doctrine of personal forms, which resembles Scotus's *haecceitas*; the discussions by Gersonides and ibn Caspi concerning God's knowledge of future contingencies, which strongly recall the Christian scholastic debates on the same subject; and the criticisms levelled by Crescas at the Aristotelian foundations of Maimonides' proofs for the existence of God, which parallel somewhat the objections against the Thomistic proofs from Christian adherents of the "new physics." Observing that fourteenth and fifteenth-century scholasticism itself still remains to be investigated in much more depth, Pines concludes with the remark that any advance in this field of research is likely to shed light on the Jewish philosophy of the same period.

The Teachings of Maimonides is a KTAV republication of a volume which first appeared in 1927. Its author and editor, Dr. Abraham Cohen, was a scholar who won considerable recognition for his work as general editor of the *Soncino Books of the Bible*, his contributions to the Soncino English edition of the Babylonian Talmud, and his own book, *Everyman's Talmud*. In this volume he proposed to present an orderly compendium of Maimonides' views on religious and philosophical subjects. Since Maimonides himself never gave a systematic exposition of his entire thought in any single treatise, Cohen's undertaking was designed to introduce the essentials of Maimonidean teaching to a wide range of readers who would lack the ability or patience to struggle through the medieval thinker's vast and labyrinthine writings. Selected passages from these writings comprise almost the entire contents of the volume, so that Maimonides is allowed

to speak for himself except for transitional paragraphs and abundant explanatory footnotes supplied by Cohen.

For the bulk of the volume the arrangement of materials follows the order of Maimonides' "Thirteen Principles of Faith," covering the existence and nature of God, the structure of the universe, religion and revelation, providence, reward and punishment, and eschatology. There follows a section on "Psychology," stressing the nature and functions of the human intellect, and then a section on "Ethics," by far the longest in the book (forty-eight pages), covering the classification of virtues and vices, the virtuous mean, asceticism, the requisites for physical health as well as for moral and social well-being, and the goal of human life. Under each of these subject headings Cohen's procedure is to assemble excerpts from widely scattered writings of Maimonides in such a way as to suggest a clear, coherent and consistent teaching.

In terms of the purpose which Cohen set for it, the anthology is certainly a contribution. It can serve to introduce unfamiliar readers to many important elements of Maimonides' thought, and in so doing it incidentally makes available passages from several of his works which still have not been published in English translation. Any compendium of this kind runs the obvious risk of oversimplifying and misrepresenting an author's thought by selecting passages from different works out of their respective contexts and thus giving more of an impression of consistency and continuity than is warranted. As Professor Marvin Cox of Ohio State University observes in his introduction to the new KTAV edition of Cohen's volume, this danger is especially present in the case of a thinker like Maimonides, who deliberately wrote in so obscure a fashion as to hide his real teaching from all but the most diligent readers. Scholars now are unable to offer a definitive consensus as to the essential orientation of Maimonides' thought: whether he accepted the supremacy of Aristotle at the expense of orthodox Judaism while trying to conceal his heresy; or whether, on the contrary, he merely posed as an Aristotelian while trying to undermine the Stagirite's philosophy which he recognized as irreconcilable with his Jewish beliefs; or whether, finally, he accepted the truth of both Aristotelianism and Judaism and tried to show their harmony, in the way that Aquinas would later do with Christian revelation. Indeed, research during the forty years since the original publication of Cohen's volume has made it increasingly doubtful whether Maimonides' thought constitutes a unified system at all. The anthology is serviceable as an introduction and reference for beginners, provided that the above difficulties be kept in mind.

Christian philosophers in particular, who would naturally be interested in possible evidences of affinity between Maimonides' thought and that of Aquinas and other scholastics, are likely to note with some disappointment the anthology's scanty and sometimes inaccurate presentation of philoso-

phical issues as compared with issues bearing more directly on Jewish belief and practice. In the chapter on "God the Creator," for example, Cohen omits to reproduce Maimonides' proof of God's existence with the twenty-six Aristotelian propositions which they presuppose (*Guide of the Perplexed*, Part II, Introduction and Chapter I), remarking that "the Propositions are too long, and the argument which Maimonides bases upon them too intricate, to be quoted *in extenso*." (p. 315, n. 7) When he does attempt to explain the concept of accidental motion, a key element in the first of Maimonides' proofs, he erroneously identifies accidental motion with all motion which is initiated by an external agent. (p. 315, n. 11) The chapter on "The Attributes of God" gives ample evidence of Maimonides' preference for negative attributes in general but almost no hint of his obscure position on the value and meaning of positive attributes; nor do the footnotes refer at all to the controversy with the Mutakallemim, out of which Maimonides' discussions of the divine attributes arose.

This lack of interest and precision concerning philosophical matters should probably not be taken as a deficiency of the anthology but rather as an illustration of the typical attitude of traditional Jewish scholarship toward Maimonides. To the Jewish community, Maimonides' principal value has consisted in his great systematic commentaries on the Torah and the Talmud; his philosophical speculations, when not rejected as heretical, have generally been treated with comparative indifference. If indeed he was endeavoring to harmonize Aristotelian philosophy with Jewish belief, his efforts have never won the acceptance from institutional Judaism that those of Aquinas were to win from the Catholic Church.

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Leo Baeck: Teacher of Teresienstadt. By ALBERT H. FRIEDLANDER. New York: Holt, Rinehart and Winston, 1969. Pp. Q94. \$8.95.

Rabbi Albert H. Friedlander has made an important contribution to the field of religious and Jewish scholarship. His book, *Leo Baeck, Teacher of Thersienstadt*, is a significant, scholarly, erudite and readable work on Leo Baeck. This book and other studies about Baeck, which are expected in the near future, will probably give his works far greater recognition as well as increase the value of his teachings to the contemporary scholar, both Christian and Jewish. Friedlander has presented a persuasive case for a stronger appreciation of the contributions of Leo Baeck the late rabbi teacher, theologian and scholar of rabbinic literature as well as of Greek and Latin.

BOOK REVIEWS

There were a number of reasons for the delayed recognition that apparently will now be paid to Leo Baeck. The first probably had to do with his importance as a community leader, rabbi and pastor to his flock in the concentration camp. His spiritual nobility overshadowed his intellectual endeavors. The quarrel over how much responsibility the victims of the despicable Nazi conspiracy had for their own destiny, i.e., their own death, and the time needed to regain our own sanity after Auschwitz, certainly added to the difficulty of evaluating the scholarship of Leo Baeck.

Friedlander also points out some of the other factors that presented difficulties in giving the recognition to Baeck that is his due.

Those who think of Leo Baeck "solely" as a rabbi and communal leader ignore the intellectual dimensions of his religious leadership. Baeck was the great apologete and polemicist of the Jewish community, bringing a completely new emphasis into the Jewish-Christian dialogue. Within his own community, he was the systematizer of modern Jewish theology. In Jewish scholarship, he opened up new areas in the field of early Jewish preaching and in Jewish mysticism. And Christian scholarship is only now cognizant of his contribution to New Testament interpretation, where his emphasis upon Jewish traditions has received the support of recent findings. The basic difficulty in coming to terms with these various facets of Baeck's thought is that they are scattered through some four hundred articles written over a sixty-year span. Two basic texts do exist: *The Essence of Judaism*, written in 1905, and *This People Israel*, published half a century later. But the internal structure of those works only comes into view when other writings, many of them unknown to most scholars, are placed alongside the better-known works. In turning to this task, we face the additional difficulties that little of Baeck's writings has been translated; that much of the material is scattered and some of it lost; and that there are no full-length studies of Baeck's works, no study of his life. But there are devoted scholars of Baeck's works; as we draw their findings into a unified whole, the essence of Baeck's teachings begins to emerge. (p. 6)

Friedlander has made a significant contribution in his study. In his bibliography he lists some nine major works of Leo Baeck and more than sixty other primary sources. He also presents a brief biographical portrayal which he believes necessary to an understanding of Baeck's works. Albert Friedlander uses the insights revealed in the later writings of Baeck to clarify and illuminate his earlier writings or, more correctly, to indicate the development, extension or refinement of earlier concepts. There is in Friedlander's work not only a depth of scholarship but also a quality of prose which is often almost poetry.

The biographical sketch of Baeck, traces the development of a young German Jew through his transition from traditionalism to Jewish liberalism. Friedlander discusses Baeck's capability in the field of scholarly endeavor including his concern for insignificant detail. Nevertheless, his emphasis was on the total gestalt rather than the isolated elements. Baeck served

as a rabbi in the Berlin community, and at the same time he taught midrash and homiletics at the Lehranstalt at which he had been ordained. He served as a chaplain in the German army during the First World War. Community leadership was constantly urged upon him even up to and during his incarceration in the concentration camp. Friedlander quotes H. G. Adler, one of the survivors of Terezin, writing about Leo Baeck as follows:

The most memorable personality in the Council of Elders was Rabbi Leo Baeck . . . who was universally respected among all prisoners and regarded with even higher esteem for his readiness to help. He never withdrew from the camp, but it did not seem to exist near him; none of its filth could touch him. Peace emanated from him. He could be gentle . . . but could also speak with zealous anger, for he knew the demand of the hour, knew of the fateful failings to which he and everyone else in the framework of history was subject. This oppressed and saddened him, but could not break him. For he always held himself ready for new tasks, tenaciously, bravely, he never refused them. He knew that he was a witness to the fact that there still had to be a different world from this "ghetto." In-corrupible, he saw weakness and corruption in his surroundings. He exerted his influence against them, particularly through the purity of his own example. He was a shining beacon in the salt tear ocean of despair. (pp. 45-46)

Baeck's first major encounter with Christian thought resulted in his polemic against Adolf Harnack, who in 1899-1900 wrote about *The Nature of Christianity*, eliminating theological dogmas, ornate rituals or ecclesiastical claims to power. The teachings of Jesus with regard to the fatherhood of God and the brotherhood of man was presented by Harnack as the essence of Christianity. Both the Judaism of the earlier times and the Christian thought of later times were dismissed as irrelevant and unnecessary. Harnack insisted that, so long as Christianity did not become independent of the Old Testament, it would thus be unable to make any progress. Baeck believed that Harnack dismissed almost everything in the gospels except those ideas that had meaning for him. Baeck believed that the chief value of Christianity is found in its Jewish roots, that the New Testament requires the Old Testament for Christian ethics, that the Pharisees were condemned by Christians because of prejudice and a lack of scholarship. Baeck used both Jewish and Christian sources to attack Harnack in the field of history and theology. He applied a sound knowledge of "Jewish" texts to the study of the New Testament. The polemic against Harnack's description of Christianity served as preparation for his work on Jewish apologetics presented in his book, *The Essence of Judaism*.

In this work Baeck is concerned with presenting the Jew and his faith. He utilizes his conception of himself as a Jew because there is self knowledge. *The Essence of Judaism* presents Judaism as a living configuration which speaks for itself out of its existence as a covenant people linked with God who is the genesis of the system. The Deity is accepted on faith as

the "One God whose essence is the moral law." Baeck's twofoldness, i.e., his polarity, begins to unfold. Hermann Cohen's teachings of optimism, the significance of reason, and the importance of the ethical deed, are major concerns of Baeck. But there is also the inner experience for him. Both man's dependency upon God and the stress upon the commandment of freedom, i. e., personal choice, are stressed.

Baeck remains consistently true to his emphasis on the ethical act. Duties must precede the knowledge of God or dogma can lose the redeeming quality of the ethical act through the institutionalization of religion. The Jewish people acting ethically in accordance with the commandments moves toward the mystery. Religious thinking is transmitted through the chain of generations.

The ethical act was of paramount importance to Baeck. He rejected Christianity as a religion of creed without the emphasis on the deed. Friedlander discusses Baeck's fear of dogma based on what the late rabbi considered the failure of the Christian experience:

"Protestantism places importance in the so-called witnessing It is assumed that the word and particularly its profession can be fully possessed." Baeck makes the distinction that "in Judaism, religion is not experienced but lived." It does not present itself from outside of life; it is life. The universal teaching embraces all; the right deed is demanded from all. And it is the right deed for Baeck which brings man to belief: We can only believe that which we do; faith, too, is rooted in will. One who does not become aware of God through good work . . . will also not become aware of God through an inner experience. (pp. 70-71)

Revelation for Baeck as a liberal scholar is found in the inner consciousness of the people. Their existence is the revelation; their history is the details; and their ethical actions are the future of that revelation. The election of Israel refers to a people created in God's image becoming aware of itself and its role. Baeck saw the particularism of Israel culminating in Israel's mission to mankind-to be a light unto the nations and to lead all nations into the path of ethical actions.

Friedlander also presents a significant study of Leo Baeck and the Religion of Polarity. Polarity refers to the complementary aspects of an act or a philosophic concept. If the Jew fulfills mitzvot or commandments, he does so as an affirmation of God. Thus both the deed and the dogma are united. Through Hermann Cohen's concept of correlation which indicates that man cannot be thought of without God (and God cannot be thought of without man), Baeck moved ahead to the polarity of religion. The human, for example, dwells in the Divine.. God speaks to man and man speaks to God.

Through the meaning of life death is defined. Death is a *caesura*, a cutting into life. Since man is part of the creative act of God he can not die. The child dies and man is born. The creative bond unites death and life.

All is established out of human experience. Existence does not come before essence nor essence before existence because each is contained in the other and explains the other. There is a unity (an entity) with different aspects which are necessarily united in order to achieve a totality.

Baeck views Christianity as a romantic religion removed from life and encumbered by dogma. He views Judaism as a classical religion which teaches the importance of the ethical act, the importance of the collective experience of the people, the importance of historical continuity. He is a master of midrash of retelling the idea over and over in different ways in order to bring many different rays of light to reveal its true spirit and essence. Baeck sees the Christian emphasis on dogma as a withdrawal from a proper perspective which can lead all the nations to a reign of peace. For him, impossible ideals that man cannot achieve further create a sense of guilt, unworthiness and defeat in terms of seeking ethical ideals. These factors he views as factors which helped establish a climate in which the evil of Nazi Germany could exist.

As Baeck sees Judaism and the Jewish people as a totality, so does he approach Christianity as a unity in which tragic errors of thought have torn the fabric of human experience itself. Theology in our time can only ascend into the realm of ideas through the torn fabric of twentieth-century existence. Baeck stands before Christianity as an ancient prophet; if Christians would re-enter their sanctuary, there must first be acknowledgment of sin; there must be atonement. The way to (;Qd leads through fellow man. (p.

Baeck's polemic against Christianity became milder in his later writings. Yet he retains the attitude of a parent rebuking a child out of love. He still seeks a personal sense of responsibility from the Christian for what has happened to the Jew. He requires an accounting from Christianity not of its beliefs but of its actions. Many in Jewish life have asked if the current emphasis on dialogue means the acceptance of the Jew as an equal with the Christian by the Christian churches and communities. Many Jews were deeply disturbed by the silence of the Church during the Six Day War in Israel. It is the hope of many in Judaism that in the "challenges of the aftermath of war," when new pains have to be alleviated, that there will be a new opportunity for church and synagogue to strive for a world of peace. When Christianity becomes reconciled to the continuing fact of Jewish existence, it will be able to accept the Jew as a witness of God. Then church and synagogue will be able to work together to establish the Kingdom of God. Then a true dialogue can come to life.

Albert Friedlander's book is a book that should be read and reread both by Christian and Jew. It should be used as a text shared by inter-religious groups to help build a bond of understanding. This book should prove valuable to almost all religious segments. It is a book which presents an ongoing search for a religious meaning in life, as experienced

by Leo Baeck. It is challenging without seeking to defeat. It is a rejection of some religious ideologies with an attempt at adding a balance to what was viewed as unbalanced. It is an acceptance of Jewish life as experienced by the Jewish people and an appreciation of seeking to spiritualize the soil of the land of Israel. But most of all, it is a book in which there is an affirmation of life, an optimism in living even while recognizing the depths of degradation to which man can descend. It is a book which presents the religious development of a significant scholar, the influences upon him and the meaning of his life and his teachings for the contemporary Jew and the contemporary Christian.

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The Cosmic Christ: from Paul to Teilhard. By GEORGE A. MALONEY, S. J.
 New York: Sheed and Ward, 1968. Pp. 305. \$6.95.

It is true to say that no phrase of Teilhard de Chardin's has been viewed with so much caution as "the Cosmic Christ." Father Maloney takes this phrase as the title for his book. He starts with the premise that modern man needs Christ. But does the Christ traditionally presented to him at school, in lectures, in sermons, have any relevance for him? Today, he is absorbed in the fascinating business of fashioning a new world. He cannot reconcile a Christ that can be found only by withdrawing from the world, with the strong attraction he feels toward the world. If he is to find Christ at all, he must find him in the world.

The thesis of the book is that Christ is the centre of the life of the world—the spiritual and material world. God created the world, and he so loved that world that he sent his only-begotten Son into the world to establish his kingdom there. Christ came into the world to transform and complete God's creation. The cosmos itself participates in the Redemption. Instead, then, of trying to escape from the world in order to find Christ, we must search for him and find him in it. This is what has come to be termed the "cosmic" dimension of Christ. The phrase is Teilhard's. But the book shows that the same vision of Christ in the universe is to be found in the New Testament and in the early Fathers. So the first five chapters of the seven of the book sketch the relation of Christ to the cosmos in the writings of Paul and John, and in the ante- and post-Nicene Greek Fathers. These chapters, the author handles very well, and in addition to the text he gives in an appendix selected quotations from each Father.

Some readers, however, may find fault with his interpretation of some texts.

A fault of the book is that it has nothing to say on the period between Maximus the Confessor (7th cent.) and Teilhard de Chardin. It is dismissed simply" after Maximus the Confessor, for reasons too many and too complex to be developed here, Christ's dynamic presence and activity in the world was not sufficiently stressed" (p. 15) The chapter on Teilhard de Chardin is an excellent summary of his Christology.

This is not a book everyone will be able to read. But for those really interested in the problem of cosmic Christology, it makes a valuable contribution to the literature on the subject.

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What Is Religion? By PAUL TILLICH. New York: Harper and Row, 1969.

Pp. 191. \$5.95.

This volume contains three early works by Paul Tillich: "The Philosophy of Religion," which originally appeared in "The Conquest of the Concept of Religion in the Philosophy of Religion" and "On the Idea of a Theology of Culture," originally presented in 1917 and 1919 respectively. The main themes of Tillich's central work, his *Systematic Theology*, appear in these early essays. With interest these three essays are read in the reverse order in which they are published in this volume. Then one can see the progress of Tillich's thought as he grapples ever more profoundly with the problem of the relation of religion and theology to culture. On the other hand, the essays in the order in which they are published lead reasonably from more general notions of religion and the philosophy of religion to the specific task of theology vis-a-vis culture.

Tillich's notion of the philosophy of religion is not the common one. Philosophy of religion is not a detached, objective study of religious phenomena. It is the first part of a "normative cultural science." Such a science in the case of religion involves: (1) a determination of the criteria for authentic religion and the categories for comprehending religious phenomena (the philosophy of religion); (2) a cultural history organizing the data of the empirical sciences of religion according to the norms determined in the philosophy of religion; and (3) a concrete normative science of religion (theology) which is elaborated in the light of the norms and categories of the philosophy of religion and on the basis of the materials of cultural history.

Tillich hopes to overcome the opposition between philosophy of religion

and theology, between reason and revelation, without falling into pure rationalism and yet without a supernatural which is isolated from the totality of culture. All of this theory is grounded in Tillich's own metaphysical vision. The problems of both the theory and its underlying metaphysics have been raised in appraisals of other works of Tillich. The only comment here is that, if Tillich's insight is valid and a true solution to the problems of the relation between religion and culture, philosophy of religion and theology, reason and revelation, some language must be employed to sell it to contemporary Americans other than the language of classical German philosophy. The first essay in this volume is "heavy" reading, full of broad abstractions and sweeping generalizations, with occasional references to empirical facts which appear to be examples to corroborate the creative imagination rather than empirical evidence from which the abstractions and generalizations are gathered.

Most interesting in the volume is the final essay, "On the Idea of a Theology of Culture." Such a theology would replace a theological ethics developed out of dogmatics, out of a body of knowledge given from on high in revelation, extrinsic to, and separate from, other knowledge. If religion is a dimension of all reality, of all culture, namely, its relation to the Unconditional, then what is needed is a theology which embraces not only ethics but all the functions of culture: a theology of culture. Theology of culture stands in contrast to Church theology; the former is based on the idea that religion is a dimension of all culture and generally embodies religion; the latter envisions religion as distinct from culture, the sacred as a special realm within the secular. The problematic here is couched in terms slightly different than those of Catholic theology, but the problem is found in Catholicism as well as Protestantism. Tillich's thoughts are provocative and helpful.

In these pages one sees with special clarity how subsequent theologians who have pronounced the death of God and declared a total secularization of reality can claim that they found their initial inspiration in Tillich. It is equally clear, however, that in drawing that radical conclusion they departed from Tillich's metaphysical vision which cannot tolerate the death of God (at least as Tillich understands God) or bless a "religionless religion."

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Bonhoeffer: The Man and his Work. By RENE MARLE:, S.J. Glen Rock, N. J.: Newman Press, 1968. Pp. 141. \$4.50.

When Bonhoeffer's name is mentioned many of us make an immediate association: religionless Christianity. This small book is valuable because it puts that association into the perspective of Bonhoeffer's whole life and whole teaching. The life reveals a man of deep faith in Christ and in the Church, a man of constant prayer. The teaching reveals the essential complexity of his thought. No one after reading this book would ever dare to sum up his thought by the phrase "religionless Christianity " nor identify him with the secularity movement today.

Perhaps MarJe's best contribution to fuller understanding of Bonhoeffer's theology is his juxtaposition of the religionless Christianity theme from the *Letters and Papers* with other themes from the same book and from the *Ethics*, which Bonhoeffer was also writing in prison. For example, Bonhoeffer never gave up on the necessity of intense, personal prayer while dialoguing with religionless men. Also, while insisting that the Christian must have true affection for this world and its peoples before one could have true appreciation for Christ's work, since Incarnation (or God embracing the world) comes before Redemption, the Old Testament before the New, the penultimate before the ultimate, still what is important in the end is Redemption, justification, salvation; what is important in the end is religion.

Bonhoeffer does not make the connection between religionless Christianity and Incarnation, Old Testament, penultimate things explicit, but Marie shows that it is no distortion of his writings to say that the connection is strongly implicit. I believe Marie is right.

In all, this is a very useful book for these seeking a few handles into the study of this great Lutheran theologian who was conservative in his ecclesiology, yet open to ecumenical dialogue; who stood stubbornly with the Confessing Church, while sharply criticizing it; who wrote a highly subtle book on Christian ethics, yet lived a basically simple life; and who died a hero's death.

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Un Cardenal, Fil6sofo de la Historia, Fr. Zeferino Gonzcilez, O. P. (1881-1894). By FRANCO DrAZ DE CERro, S. J. Rome: Lateran University, 1969. Pp. 197.

Four articles published in 1870 under the title "La Filosofia de la Historia " (" The Philosophy of History ") are taken as basic writings for a study on Cardinal Gonzalez's notion on the subject. They first appeared

in the journal *La Ciudad de Dios*; augmented by Cardinal Gonzalez himself later on, they were also included in *Estudios religiosos, científicos Y sociales* (2 vol. Madrid, 1873). The author of this book, a Gregorian University professor, states in the introduction that the ideas contained in those articles signified an important contribution to the Philosophy of History. Such a point is never proved in a book that even has an ill-conceived title.

The work starts out with a bibliography of Cardinal Gonzalez and his writings. It is well organized, complete and undoubtedly very helpful for scholars devoted to the study of the Thomist restoration in the last century. Some of the works included, however, touch the subject merely in a very indirect way.

Though the book does not purport to be a biography, the first part gives that impression. Moreover, this first section comprises a very lengthy collection of praises by many contemporary friends of the Cardinal, and it fails to give the impression of a carefully written biography. Very often the appraisals border on the ridiculous, and almost always they refer to small details without any bearing on the supposed purpose of the book. In the monotonous litany of quotations the only refreshing one is taken from Unamuno.

The second and third chapters are devoted, respectively, to the notions of Philosophy and of History of Philosophy. One gets the impression that Cardinal Gonzalez was just beginning to work his way out of an incredibly poor intellectual environment and that his merits are to be considered in this perspective. His notion of philosophy as quoted here, for instance, is at best confusing because of lack of sufficient precision regarding the relations between philosophy and science and the objects dealt with in each. Some remarks about how a textbook should be written sound incredible and even ridiculous to our ears today, but probably they were understandable and useful in the second half of the last century. Fr. Diaz's book fails adequately to point out what that situation was like. Had he done this, many a statement by Cardinal Gonzalez would sound less preposterous.

In the chapter devoted to the notion and conditions of the History of Philosophy the author quotes two statements concerning Hegel's idealism which are at least apparently contradictory, without noticing the contradiction and without bothering to reconcile them. The cross references in this chapter, as well as the headlines, are somewhat misleading.

Chapters IV and V on Philosophy of History as such are more interesting and better developed. But the overall important notion of the discipline and consequently the distinction between History, Philosophy and Philosophy of History are never explained in a satisfactory way. This is complicated even more by frequent affirmations of the type "only History can tell what History is." When Cardinal Gonzalez discusses whether Philo-

sophy of History is science or not, it seems that he is talking about History as such, and the need to add "Philosophy of-" is not seen. A similar difficulty arises in Chapters VI and VII: are the laws he points out something else than merely historical laws?

The last two chapters are rather concerned with a Theology of History, but some of the statements Cardinal Gonzalez makes and which Fr. Diaz quotes without criticism are wrong from a purely historical viewpoint.

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Superstition and Irreverence. Trans. by T. F. O'MEARA, O. P. and M. J. DuFFY, O.P. Volume 40 (91a91ae, qq. 991-100) *Summa Theologiae*. New York: McGraw-Hill, 1968. Pp. 169. \$6.75.

Every journey has its desert places, and McGraw-Hill's pilgrimage through the *Summa* must pass through less endearing sections. So it is that O'Meara and Duffy of the Midwest Dominicans try their hand at "*de vitiis religioni oppositis*." The translation of the text measures up to the usual high standards of this series. Thomistic jargon and Latin syntax do not get in the way of the meaning. Indeed, some sentences become rhetorical questions and the overworked "Socrates" is retired in favor of "John Doe."

Over and above the *Summa* text, however, this volume does not have a great deal to offer. Angels, much less devils, have a bad press today, so the editors' preference for "demonic" over "demon" is understandable. They do succeed in suggesting points of contact between this tract and contemporary discussions. What is sadly lacking is an historical interpretation of the text. How does St. Thomas compare with other medieval writers on the subject, and what were the lines of development up to the 13th century and since then? The scholar will have to look to the appendices of other volumes, hopefully not in vain.

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CoveMnt and Creation. By PIET SchONENBERG, S. J. Notre Dame, Ind.: University of Notre Dame Press, 1969. Pp. 213. \$5.95.

In 1955 the author published the first part of a dogmatic treatise on the Apostles' Creed designed for the laity and entitled *Het geloof van ons doopsel* ("The Faith of Our Baptism"). This ambitious project was never finished, not only for lack of time but also because of the radical changes which theology itself was undergoing. However, the work contained many valuable insights, and the present volume represents selections taken from it. The rationale of this book is the author's desire to expound dogmatic truths within their biblical categories and at the same time to make them meaningful to modern readers. Trained in both Scripture and dogmatic theology, Fr. Schoonenberg comes to his task well-equipped.

The first part of the book contains a resume of salvation history. The author gives us a biblical portrait of the God of the Covenant (and dates the emergence of monotheism with Abraham). The "absolute" attributes of God are examined first: holiness, mercy, faithfulness, illustrated in their Old Testament context. Then follow his "relative" attributes: God as Creator, Father, Savior. The purpose of this historical survey is to underscore the personal dimension which the notion of covenant involves.

In the next section the author elaborates the concept of creation in depth. He is at pains to show from his analysis that what theologians call God's "conservation" and "governance" represent a continuation of creation. The creative element involves *newness*: conservation represents newness in respect to duration; governance represents newness in respect to activity. In the case of man, God's creativity is apparent in the former's free decisions (which provide a unique element of newness). Fr. Schoonenberg sees law as governing only the fixed elements in created activity, not their newness. Thus, man's free actions--along with the freaks in nature--are not subsumed under the law.

Now comes the author's principal interest: a consideration of "supernaturality." In the Old Testament, he points out, the gratuity of God's "hesed" in connection with the Covenant foreshadowed this concept. In the New Testament, supernaturality lies beneath the gifts attributed to the Holy Spirit. A lengthy analysis of human versus divine covenants in the context of interpersonal relationships leads the author to conclude that the supernatural consists essentially in God's gratuitous, unpredictable exceeding of man's needs and expectations: an uninterrupted series of unmerited surprises. These reflections cause Fr. Schoonenberg to see that covenant is implied in the very act of creation.

Perhaps that most intriguing portion of the book is that which deals with miracles. Reacting against the Scholastic tendency to place the sign value of a miracle in its going-beyond-the-laws-of-nature, the author insists that it is to the religious context that we are to look for the sign value. He

builds his case on the observation that modern science has tended to debunk the notion of God's *immediate* action in miracles: he seems always to use secondary causes. (Teilhard de Chardin's theory of "hominisation" is cited at this point). A survey of some of Christ's miracles tends to bear this out: they were never performed as stunts nor simply as proofs of his own authority; they normally presupposed a minimal faith and carried with them a symbolic message (exorcisms and healings not only taught the lesson of God's mercy, but also pointed to the dawn of the messianic era). Actually, miracles represent "no intervention from without, no removal of the forces of creation, but a heightened involvement (of God)" (p. . . . Indeed, "The extraordinary is at all times to be expected from God." (p.

The reader who is willing to study this book will be richly rewarded. Perhaps the best recommendation which this reviewer can offer is that he has just finished using it as a satisfactory text in a course entitled, "Man and Grace."

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The One Bread. By MAX THURIAN. New York: Sheed & Ward, 1969.
Pp. 159. \$4.50.

The American publisher, Sheed & Ward, has here given us in one English volume a collection of essays of Max Thurian which appeared in the original French in two short volumes. The first part is a collection of essays on the Eucharist and related topics. The second part, however, has little to do with the Eucharist and can be unified around the theme of faith, if around anything.

Much of what Thurian has to say on the Eucharist he has already said at greater length in his more substantial *The Eucharistic Memorial*. The present book, then, stands or falls as a work of popularization. Thurian continues to write in that calm and optimistic tone that characterizes all his efforts. These essays reflect his generally broad theological culture with a strong biblical emphasis. The author maintains a proper respect for divergent traditions, whether Protestant or Catholic, together with a desire to bring these divergencies together in an overarching unity. He thinks that many of the disputes that have had a long history in Christian theology are solvable at a deeper level. Thus, "Simplistic oppositions must be abandoned; liberty-institution, spirit-liturgy, prophet-priest are oppositions that have no sense in the message of Christ. Rather, it is a matter of complementary terms; and the first vivifies and opens eschato-

logically on the second, which in turn serves the first as support and language." (p. 56)

The author shows considerable respect for the traditions of different churches on the question of inter-communion, but he definitely thinks the time has arrived for moving beyond the present practice to an actual sharing of the one bread. Thurian attempts to give some theological support for this plea by his view that faith is a "process" and not simply adhesion to a series of statements of belief. Traditional Catholic theology is familiar with the distinction between implicit and explicit faith. Thus Thomas Aquinas and a peasant in medieval Sicily may have both belonged to the same church, but the level of the explicitness of their faith varied widely. Thurian wants to apply this distinction to the question of inter-communion between churches today. The fulness of truth regarding the Eucharist is an eschatological goal toward which the doctrines of different churches tend. Therefore, it seems in order that the Catholic or Orthodox Churches, heretofore opposed to inter-communion, should feel free to allow inter-communion at least occasionally to members of other churches whose Eucharistic teaching they view as less complete or explicit.

Thurian adduces no substantiation for this position from Vatican II. Certainly no student of the conciliar documents would expect any direct support from that source. However, Vatican II did place new emphasis on the historical or "process" aspect of the Church. The Church as the People of God has a past and moves forward to its future. Then too, the conciliar decree on ecumenism acknowledges in an unprecedented way the theological importance of other Christian churches. These churches, Protestant as well as Orthodox, have some ecclesiological meaning as churches and not just as collections of good but invincibly ignorant Protestants or Orthodox. These considerations, in this reviewer's opinion, should lead the Catholic Church to a renewed evaluation of its traditional opposition to inter-communion. If Thurian's little book helps lead to this reconsideration of positions, it will have more than made its publication worthwhile.

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Autobiographies of Ten Religious Leaders: Alternatives in Religious Experience. By RANOSLAV A. TBANOFF. San Antonio: Trinity University Press, 1968. Pp. 804. \$7.00.

Radoslav Tsanoff was born in Sofia, Bulgaria, and emigrated to the United States as a young man in 1908. He graduated with honors from Oberlin College and in 1910 received his doctorate in philosophy from

Cornell University. Practically his entire professional life has been spent at Rice University as a professor of philosophy. Since 1961 he has been a Distinguished Trustee Professor of Humanities at Rice University.

Among his previously published works the following titles deserve special mention: *The Problem of Immortality: Studies in Personality and Value Religious Crossroads* (1942); *The Moral Ideals of Our Civilization* (1942; second impression 1947); *Ethics* (1947; revised edition 1955); *The Great Philosophers* (1953; second edition 1964). Professor Tsanoff's most recent work, prior to the present volume, was *Worlds to Know: A Philosophy of Cosmic Perspectives* (1962).

In the present volume Professor Tsanoff offers an ecumenical panorama of outstanding religious personalities, starting with St. Augustine and terminating with Pope John XXIII. He does not restrict himself to Catholic figures nor even to European Christians, although he does exclude from his study the Oriental mysticism of Asia and India. Thus, the reader will find in this volume a stirring account of the religious experiences of ten Christians who have emerged influential leaders in the course of the centuries: St. Augustine, St. Teresa of Avila, George Fox, John Bunyan, John Wesley, Cardinal Newman, Ernest Renan, Leo Tolstoy, Albert Schweitzer and Pope John XXIII.

As in any selective anthology, readers may argue about the inclusion or emission of certain individuals. Some may be unwilling to admit that Bunyan, Renan and Tolstoy deserve to be classified as religious leaders in Christianity. Others may be disappointed to find that Professor Tsanoff omitted from his list such persons as St. Paul, St. Jerome, Luther, St. John of the Cross, Calvin, Fr. Liebermann, St. Therese of Lisieux, de Foucauld, and others. Perhaps the historian of Christian spirituality would judge that the author's greater fault was in the omission of certain persons who are unquestionably influential leaders of Christian life and thought.

A second criticism of the book is that it does not fulfill the promise made in the Foreword, where the author states that "the purpose of this book is to examine principal varieties of Christian experience as they have been expressed in the intimate autobiographies of great religious leaders." (p xi) Except for the study on Albert Schweitzer and Pope John XXIII, the direct witness by way of autobiographical material is totally inadequate. This is difficult to explain or excuse, especially in the case of St. Augustine and St. Teresa of Avila, who have left such a wealth of autobiographical material. All too often the author becomes involved with the biographical data of the life of his subject instead of discussing the religious experience of the individual, which is promised in the sub-title of the book: "Alternatives in Religious Experience."

These two criticisms of the book are serious ones, and yet it must be admitted that Professor Tsanoff writes with great sensitivity and with a good understanding of the basic principles of the Christian life. His book

could well serve as an antidote to the poison of contemporary pagan humanism, and it might even prod some of the moderns, alienated from God and religion, to face the disturbing problem of Christ and the Gospel.

JORDAN AuMANN, O. P.

Chicago, IUnioia

Icon and Pulpit. The Protestant-Orthodox Encounter. By CARNEGIE SAMUEL CALIAN. Philadelphia: Westminster Press, 1968. Pp. 220. \$6.50.

Ecclesia Sponsa Apud S. Ambrosium. By JoANNES JosEPHUS MARcoLic, T. O. R. Rome: Pontificia Universita Lateranense, 1967. Pp. 175.

The understanding of other religious traditions is certainly a giant step in ecumenical conversations. Dr. Calian's book is a contribution toward that understanding. His background is ecumenical, for he was baptized in the Orthodox tradition and raised as a Protestant. Now a Presbyterian minister, Dr. Calian teaches at the University of Dubuque Theological School, a Presbyterian institution closely united with Lutheran and Catholic seminaries.

The book, while presenting Orthodoxy to a Protestant audience, tries to go beyond this immediate aim and to lead to a deeper understanding of the Church by a renewed appreciation of the Eastern or Greek dimension of its life and heritage. After a brief historical survey of Protestant-Orthodox relations, Dr. Calian contrasts the ecclesiology of Orthodoxy with that of Western Christianity, and in a concluding section he points out the distinct contribution to Church renewal that can come from a full incorporation of Eastern themes into Western Christianity.

One defect worth noting: although Dr. Calian distinguishes Eastern Rite or Oriental Catholics from other parts of Eastern Christianity, he seems then to ignore the distinction. Thus, liturgical practices and theological or juridical positions common to Eastern Christians are attributed to the Orthodox alone, and Roman Catholicism becomes identical with Latin Catholicism.

Despite this unfortunate tendency to ignore Eastern Catholics the book does give a useful introduction into important themes of ecumenical concern. An eleven-page bibliography is a useful addition.

Taking the wider dimension, the past decade has been marked by ever growing interest in the Church as an object of theological investigation. *Ecclesia Sponsa apud S. Ambrosium* examines one title or analogy, frequent in Scripture and the Fathers, by which the Church is described: the

Church as Bride or Spouse of Christ. In particular, this theme is studied *in* the works of St. Ambrose of Milan.

For Ambrose this theme was not something incidental but a central motif through which he presented doctrinal, moral, and ascetical teaching. The redemptive work of Christ, the sacraments (especially Baptism and the Eucharist), the relation of the Holy Spirit to the Church, the condition of the sinful or apostate Christian: these and other doctrinal themes are, in the thought of Ambrose, aspects of the fundamental comparison between marriage and Christ's union with the Church. Ambrose, as an energetic pastor, found this theme of great value also in describing the love of God for men and in reminding his people of their moral obligations. Although Ambrose continued the earlier patristic theme that the title "Spouse of Christ" belongs in a special way to those who lead a virginal life in the Church, he also developed a less common patristic notion that the union of every Christian to Christ might aptly be described in terms of spiritual matrimony.

The author notes that Ambrose is at times not particularly original but merely summarizing and putting into order theological themes presented in a disparate way by earlier Fathers of the Church. This can enhance his value for us, since he is not so much a single witness as a sign of an entire theological tradition. He has a significant place in the patristic writers of the West, especially because of his influence on St. Augustine.

Besides its obvious value to those working in ecclesiology, this book has a further usefulness. In it those searching for a truly pastoral theology can learn of that fruitful union of dogmatic and moral teaching so frequent in the Fathers. Often they were concerned with the formulation of doctrine, but they also labored to make it operative in the lives of those they taught.

JusTIN HENNESSEY, O. P.

Albertus Magnus CoUege
New Haven, Conn.

Patterns of Promise. Edited and published by THE CHRISTIAN BROTHERS.
Winona, Minnesota: St. Mary's ColJege Press, 1968. Pp. \$8.60.

There is certainly something deficient about this book, but it is difficult to pinpoint. Perhaps it is the publicity, so grossly exaggerated, for it is claimed that this is the first basic text for adult education written by American authors for American Catholics, that it examines and clarifies the essential theological issues of the second half of the twentieth century, that it explores in depth the conclusions of modern biblical scholarship and

theology regarding the past, present and future of the Church. Not one of these claims is fulfilled in this book. Indeed, the very subtitle is misleading, for *Patterns of Promise* is not, by any stretch, even a survey of "Christian doctrine, yesterday, today and tomorrow."

Perhaps the deficiency is the lack of a discernible plan for the book. Eight men and women are listed as "principal contributors" of the seven chapters and two appendices, but no one seems to claim credit or blame for editing, and so one wonders if it was indeed edited at all. After reading the book, some may be convinced of it.

Perhaps the lack of depth is the real deficiency, and thus it deserves the description of pop theology. Supposedly, it is intended for adults, but I daresay it would be easily understood by most high school students of today, and possibly be better accepted by them, especially in its chapters on liturgy and social responsibility. Attempts are made to treat of hope, in two distant chapters, but this is also a disappointment.

Maybe it is not just one thing that is deficient; it's everything about the book. To be sure, there are isolated paragraphs of value. The total effect, however, is negative. When I first read that the *New Book Review* listed this among a dozen "worst books," I was shocked at the vitriol, but now on retrospect I am inclined to agree:

Can an adult catechetical study guide that quotes *Man of La Mancha* and *The Wizard of Oz*, alludes to Lew Alcindor, Humphrey Bogart and Chairman Mao as well as regulars like Teilhard, John XXIII and the Holy Spirit, be all that bad? A loaded question. This sort of pop theology makes one wonder if the *aggiornamento* was worth it. Pius XII would have condemned *Patterns of Promise* . . . as "not only dangerous but nefarious." And so it is.

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BOOKS RECEIVED

- Appleton-Century-Crofts: *A Contemporary Approach to Classical Metaphysics*, by George J. Seidel, O. S. B. (Pp. 136, \$1.95); *Human Being & Being Human*. *Man's Philosophies of Man*, by Edmund F. Byrne & Edward A. Maziarz (Pp. 438, \$6.00).
- George Braziller, Inc.: *Bertrand Russell's Theory of Knowledge*, by Elizabeth Ramsden Eames (Pp. 140, \$6.00).
- Burgess Publishing Co.: *The Concept of Equality*, ed. by W. T. Blackstone (Pp. 210).
- Editions J. Duculot, S. A.: *Le Dynamisme de la Morale Chretienne*, by P. Anciaux, J. Ghooos, F. D'Hoogh (Vol. I, pp. 174; Vol. II, pp. 200, 120 FB each).
- Edigraf Editrice: *Paolo VI uno stile poetico*, by Eduard Landolt, Salesiano (Pp. 207, L. 1,800).
- Free Press: *Process and Reality*, by Alfred North Whitehead (Pp. 441; paperback, \$3.95).
- Harper & Row: *The Future of God*. *The Revolutionary Dynamics of Hope*, by Carl A. Braaten (Pp. 186, \$5.95).
- Humanities Press, Inc.: *Naked Ape or Homo Sapiens? A Reply to Desmond Morris*, by John Lewis & Bernard Towers (Pp. 134, \$3.50).
- Lateran University: *Tomismo e Pensiero Moderno*, by Cornelio Fabro, C. S. S. (Pp. 469); *Il Corpo Mistico e le Sue Relazioni con L'Eucharistia in S. Alberto Magno*, by Antonio Piolanti (Pp. 211); *De Theodoro Balsamone*. *Analysis Operum ac Mentis Juridicae*, by Gerardus Petrus Stevens (Pp. 361); *Un Pretre de Toujours*. *Marie-Joseph Chiron (1797-1852)*. *Fondateur de Sainte-Marie de l'Assomption*, by Edmond Pognon (Pp. 288); *La Pace e Paolo VI*, by Luigi Bogliolo (Pp. 89).
- Lawrence Publishing Co.: *The Other Americans*. *Minorities in American History*, by Kathleen Wright (Pp. 182, \$2.00).
- Macmillan Co.: *Anatomy of the New Testament*. *A Guide to its Structure and Meaning*, by Robert A. Spivey & D. Moody Smith (Pp. 518); *Reflective Naturalism*. *An Introduction to Moral Philosophy*, by Vincent C. Punzo (Pp. 398, \$7.95); *Determinism and Freedom in the Age of Modern Science*, ed. by Sidney Hook (Pp. 152 paper, \$1.50).
- La Nuova Cultura Editrice: *L'Ultimo Maritain*, by Giuseppe Zappone (Pp. 167, L. 1,500).
- Oxford University Press: *Thessalonians*. *The New Clarendon Bible*, by D. E. H. Whiteley (Pp. 115, \$4.00).

- Pastoral Educational Services/NCRD: *Belief in Human Life*, by Anthony T. Padovano (Pp. 96, \$5.00).
- Philosophical Library: *Rays of Hope. The Universe-Life-Man*, by Robert Lloyd Gregory (Pp. 26S, \$7.00).
- Priory Press: *The World in the Church*, ed. by Jordan Aumann, O. P. (Pp. 161, \$5.95).
- Friedrich Pustet: *Der Moralthologie J. Geishuttner (1763-1805), I. Kant und J. G. Fichte*, by Ursicin Derungs (Pp. 34S, DM 39).
- Van Nostrand Reinhold Book Corp.: *Issues in Religion. A Book of Readings*, by Allie M. Frazier (Pp. 3SO).
- Scepter Publishers: *St. Augustine on Nature, Sex and Marriage*, by John J. Hugo (Pp. Q49, \$5.95).
- Charles Scribner's Sons: *Belief, Knowledge, and Truth. Readings in the Theory of Knowledge*, by Robert R. Ammerman & Marcus G. Singer (Pp. 532, \$4.95).
- Sheed & Ward: *The Gospel of Irreligious Religion. Insights for Uprooted Man from Major World Faiths*, by Lowell D. Streiker (Pp. ISS, \$4.95); *Humiliation and Celebration: Post-Radical Themes in Doctrine, Morals, and Mission*, by Gabriel Fackre (Pp. 315, \$6.95); *Can These Bones Live? The Failure of Church Renewal*, by Robert S. Lecky & H. Elliott Wright (Pp. Q19, \$5.50).
- Shocken Books, Inc.: *Without Answers*, by Rush Rhees (Pp. IS3, \$6.00).
- Union Panamericana: *Examen Critico de la Enseñanza Superior de la Filosofia en America*, by Diego Dominquez Caballero (Pp. 53, \$0.75).

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