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EVANGELIUM VITAE, ST. THOMAS AQUINAS, AND THE DEATH PENALTY

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THE MAGISTERIAL JUDGMENT of *Evangelium vitae* concerning the legitimacy of capital punishment constitutes-as emphasized anew by its insertion within *The Catechism of the Catholic Church-the* most important modern locus for understanding the Church's teaching on this topic. The position presented in this encyclical has figured prominently in more recent papal and episcopal statements dealing with the death penalty. The question that has created some confusion is what kind of teaching is being presented. A common interpretation is that *Evangelium vitae* marks a doctrinal development: the encyclical is said to restrict use of the death penalty to cases where it is absolutely necessary for the physical protection of society in a sense comparable to the use of lethal force in self-defense.

Yet such a reading neglects numerous and substantial contributions from the tradition that argue for a different understanding of the penalty's legitimacy. It is the nearly unanimous opinion of the Fathers and Doctors of the Church [1] that the death penalty is morally licit, and the teaching of past popes (and numerous catechisms) that this penalty is essentially just (and even that its validity is not subject to cultural variation). [2] Saint Augustine says, in *The City of God:*

[1] The two exceptions are Tertullian, who died outside the Church, and Lactantius.

[2] Cf. *Acta Apostolicae Sedis* 47 (1955): 81-82, recounting this teaching of Pope Pius XII within this century.

The same divine law which forbids the killing of a human being allows certain exceptions, as when God authorizes killing by a general law or when he gives an explicit commission to an individual for a limited time. Since the agent of authority is but a sword in the hand, and is not responsible for the killing, it is in no way contrary to the commandment, "Thou shalt not kill," to wage war at God's bidding, or for the representatives of the State's authority to put criminals to death, according to law or the rule of rational justice.[3]

This teaching of St. Augustine well sums up the general attitude of the Fathers and Doctors of the Church. Augustine often in practice opposed executions, and stressed the importance of the possibility of repentance. Yet given his formal teaching here cited on the matter it cannot rightly be claimed that he held the penalty as such to be wrongful, nor that he justified it solely by reference to the safety of society apart from the issue of the manifestation of a transcendent norm of justice in the world. His own concern in pressing for mercy is pastoral, and framed in such a manner that the plea of the minister of God's mercy does not always trump the minister of God's justice. It is for this theological reason that he does not condemn the rightfulness of authority of those commanding execution even in those cases where his counsel of mercy was ignored.

Augustine's teaching about the penalty is refined and further articulated by St. Thomas Aquinas,[4] and resonates through the tradition of the Church on this matter. Augustine's conclusion diverges from Thomas's only in this: that for Thomas divinely commanded killing is not even an "exception" to the commandment "Thou shalt not kill" since the instrument is not the principal subject of imperation but rather is only its tool. Hence if an act of killing really be included within the positive·decree of God, it is God who formally slays, while the human agent is not

[3] St. Augustine, *The City of God,* 1.21.

[4] English translations are preponderantly derived as follows, any reformulation being mine: the Vernon J. Bourke translation of the *Summa contra Gentiles* (University of Notre Dame Press, 1975); Fathers of the English Dominican Province translation of the *Summa theologica* (Benzinger, 1947); Cyril Vollert translation of the *Compendium of Theology* (Herder, 1952). The Ottawa edition of the *Summa Theologiae* (College Dominicain d'Ottawa, 1941), and the Leonine edition *(Sancti Thomae de Aquino opera omnia,* vol. 14 [Rome, 1926]) of the *Summa contra Gentiles,* are used as the basis for any slight reformulation I may have introduced.

at liberty to do so under his own recognizance.[5] Hence, to anticipate, for Thomas the wronged citizen may not in cold blood execute a malefactor, for he is not providentially charged with the care of the common good nor authorized to exact justice in this manner. But the rightful representative of the state, whose *bona {ides* are derived from the providential need for and obligation to provide justice, acts with the force and rightfulness of divine commission, and with charity in behalf of the common good, in justly sentencing grave malefactors to death or in exacting this penalty.[6]

Thomas's teaching states with commanding clarity the divinely delegated character of the state's authority with respect to the execution of criminals. Most importantly, his account clarifies the primary medicinal purpose of legal penalty in general and of the death penalty in particular: namely, the manifestation of a transcendent norm of divine justice. For Thomas, the end of truth-manifestation regarding the overarching moral order is essential not merely for deterrence of further wrongs, but also for the healing of society, the strengthening of the bonds of justice, and the moral purification of society. This primary medicinal end of penalty, and the delegated rather than original jurisdiction of the state over the gift of life, are central both to Thomas's understanding and to the reading of *Evangelium vitae* in the light of tradition, which, I will argue, produces a prudentialist reading.

The witness of the tradition is important not only for the sagacity of its arguments. For the interpretation of *Evangelium vitae* must take account of a basic principle: as a magisterial document, its meaning is constituted in relation to tradition. The claims for doctrinal development have, so far, seemed to ignore this fact. Of course, this is not to say that there can be no development on this topic. However, this essay will argue that a merely intra textual and *prima facie,* reductionist reading of the encyclical apart from the tradition leads to conclusions that are in tension with the tradition. A more traditional reading will identify and contextualize the thesis of the encyclical within the prudential order, and not hesitate to give "defense of society" a rich meaning

[5] *STh* 11-11, q. 64, a. 3, ad 1; also, note this same principle in *STh* 11-11, q. 64, a. 6, ad 3.
[6] *STh* 11-11, q. 64, a. 3, resp. and ad 1; see also *STh* 11-11, q. 25, a. 6, ad 2.

inclusive of the manifestation of a transcendent order of justice within society. Once we dissever the encyclical from the tradition it articulates, we lose extratextual reference,[7] and accordingly will be misled. In showing this, we will also come to see that the claims for doctrinal development are, so far, unjustified.

I begin with a view of *Evangelium vitae* through the lens of the common or reductionist interpretation, an interpretation that construes the encyclical's teaching on the subject of the death penalty without advertence to tradition. Then follows a wide-ranging, fourfold consideration of St. Thomas's teaching about penalty, determinations of the natural law, the death penalty and the common good, and his response to criticisms of the death penalty. I then formulate the reductionist account in its premises and conclusion, and explore its unreconciled tensions with tradition. In the course of this exploration, I propose a prudential reading of *Evangelium vitae* that stresses the moral evacuation of the common good wrought by the culture of death, and the consequent loss of that social intelligibility essential to the primary medicinal end of the death penalty.

I. THE REDUCTIONIST READING OF *EVANGELIUM VITAE* REGARDING THE DEATH PENALTY

The reductionist reading of *Evangelium vitae* illustrates how simple nonadvertence to tradition can cause a subtle realignment of the meaning of key terms and propositions, and thus the possible interpretation of a Church document in a way that is at least in tension with tradition. For example:

> [27] Among the signs of hope we should also count the spread, at many levels of public opinion, of a new sensitivity ever more opposed to war as an instrument for the resolution of conflicts between peoples, and increasingly oriented to finding effective but "non-violent" means to counter the armed aggressor. In the same perspective there is evidence of a growing public opposition to the death penalty, even when such a penalty is seen as a kind of

[7] And one also loses important intratextual reference, as the encyclical primarily addresses the contingent but arresting spectacle of the culture of death, and its treatment of capital punishment needs to be understood as a prudential dimension of the Catholic response to the culture of death.

"legitimate defence" on the part of society. Modern society in fact has the means of effectively suppressing crime by rendering criminals harmless without definitively denying them the chance to reform.

In the absence of further nuance or reference to tradition, this paragraph implies that the death penalty could have no legitimate purpose other than suppressing crime. Hence, inasmuch as criminals may be rendered harmless in other ways, no such penalty as capital punishment is supposed to be putatively valid.

Further along within the encyclical, the nature of capital punishment is apparently explicated within the *ratio* of self-defense. Yet, initially, this section appears merely as articulating the nature of legitimate self-defense, and defense of others, rather than of deliberate execution:

[55] This should not cause surprise: to kill a human being, in whom the image of God is present, is a particularly serious sin. Only God is the master of life! Yet from the beginning, faced with the many and often tragic cases which occur in the life of individuals and society, Christian reflection has sought a fuller and deeper understanding of what God's commandment prohibits and prescribes. There are in fact situations in which values proposed by God's Law seem to involve a genuine paradox. This happens for example in the case of legitimate defence, in which the right to protect one's own life and the duty not to harm someone else's life are difficult to reconcile in practice. Certainly, the intrinsic value of life and the duty to love oneself no less than others are the basis of a true right to self-defence. The demanding commandment of love of neighbour, set forth in the Old Testament and confirmed by Jesus, itself presupposes love of oneself as the basis of comparison: "You shall love your neighbour as yourself" (Mkl2:31). Consequently, no one can renounce the right to self-defence out of lack of love for life or for self. This can only be done in virtue of a heroic love which deepens and transfigures the love of self into a radical self-offering, according to the spirit of the Gospel Beatitudes (cf. Mt 5:38-40). The sublime example of this self-offering is the Lord Jesus himself.

Moreover, "legitimate defence can be not only a right but a grave duty for someone responsible for another's life, the common good of the family or of the State." Unfortunately it happens that the need to render the aggressor incapable of causing harm sometimes involves taking his life. In this case, the fatal outcome is attributable to the aggressor whose action brought it about, even though he may not be morally responsible because of a lack of the use of reason.

The encyclical's citation of Thomas here concerns, not capital punishment, but killing in self-defense, and seems chiefly

concerned with the distinction between private and official acts of immediate self-defense against unjust assault.[8] The point of Thomas's text is to show the anomalous character of self-defense by private individuals, in contrast with licit and direct use of lethal force by the state (which is not held to the same restrictive logic). The reductionist reading of the encyclical has ignored this point, and thus raised a serious problem of interpretation. For if we interpret *Evangelium vitae* as assimilating the *ratio* of public justice to the *ratio* of wholly private self-defense, then *Evangelium vitae* will appear to miscontextualize the teaching of Thomas while suggesting grave difficulties for the Catholic tradition's distinction between private and public authority.

The encyclical continues:

> [56] This is the context in which to place the problem of the death penalty. On this matter there is a growing tendency, both in the Church and in civil society, to demand that it be applied in a very limited way or even that it be abolished completely. The problem must be viewed in the context of a system of penal justice ever more in line with human dignity and thus, in the end, with God's plan for man and society. The primary purpose of the punishment which society inflicts is "to redress the disorder caused by the offence." Public authority must redress the violation of personal and social rights by imposing on the offender an adequate punishment for the crime, as a condition for the offender to regain the exercise of his or her freedom. In this way authority also fulfils the purpose of defending public order and ensuring people's safety, while at the same time offering the offender an incentive and help to change his or her behaviour and be rehabilitated.

These lines also refer to a "growing tendency" to abolish the death penalty. This tendency is buttressed by reference to the development of systems of penal justice that are "more in line with human dignity." The primary purpose of punishment is stated as being "to redress the disorder caused by the offence," yet the reductionist reading has interpreted the "rehabilitative" goal highlighted in the following sentence as the complete and sufficient meaning of "redressing the disorder." One must observe that although the conversion of criminals has always been consistent with punishment, punishment has never been defined in terms of conversion, nor of rehabilitation: that is, it has been viewed as a

[8] *Sfh* II-II, q. 64, a. 7.

happy event if either conversion or rehabilitation should occur, but one that neither policy nor prayer predictably can effectuate-whereas the purpose of punishment is as the encyclical states, to "redress the disorder caused by the offence."

The encyclical continues:

> [56] It is clear that, for these purposes to be achieved, the nature and extent of the punishment must be carefully evaluated and decided upon, and ought not go to the extreme of executing the offender except in cases of absolute necessity: in other words, when it would not be possible otherwise to defend society. Today however, as a result of steady improvements in the organization of the penal system, such cases are very rare, if not practically non-existent.

These words above are critical: that only the absolute necessity reflected by the impossibility of defending society in any other manner can justify imposition of the death penalty. Moreover, not only is this absolute condition laid down, but it is stated that-as a "result of steady improvements in the organization of the penal system"-such cases are "very rare, if not practically non-existent."

If we accept a reading of the document as a doctrinal argument *apart from tradition*, it does appear to propose that only those executions are justified which are absolutely necessary to the physical protection of society (but note the interpolation of the term "physical," which is inserted to signify the encyclical's contextualization of the issue in the light of "self-defense"-which will happen if and only if we prescind from the tradition in our interpretation). However, both the major premise (that capital punishment is justifiable only when absolutely necessary to defend society) and the minor (that owing to penal improvements capital punishment is not necessary to defend society) are in certain respects unclear. We will address this point at length in section 3, below. To anticipate, we might wish to ask whether the solemn execution of a divine norm of justice might not be described as necessary to a richer conception of social order and the common good that may legitimize the application of the death penalty. Similarly, one might ask for particular elaboration on the character of the penal improvements which condition the judgment that the death penalty is no longer needed to defend society. On

this latter prudential point one can imagine great disputes amongst criminologists and sociologists.

The encyclical further states that:

> [56] In any event, the principle set forth in the new Catechism of the Catholic Church remains valid: "If bloodless means are sufficient to defend human lives against an aggressor and to protect public order and the safety of persons, public authority must limit itself to such means, because they better correspond to the concrete conditions of the common good and are more in conformity to the dignity of the human person."

These words appear to suggest that the protection of public order and the safety of persons are the ends of punishment. Insofar as these ends may be achieved by bloodless means, this is in greater conformity with the dignity of the human person.

The reductionist reading would argue that the model of "defense of public order" here employed involves a specific sense of public order: the purpose of punishment in this phase of the encyclical, it is argued, is simply the physical protection of social order. Such an interpretation would certainly be regarded by the tradition as minimalistic and pragmatic. A similar issue has arisen in regard to the Vatican II document *Dignitatis humanae.* In this document, "public order" finally was chosen by the council fathers in express contradistinction to "common good," for "the common good" seemed more inclusive of the traditional Catholic position regarding civil obligations toward God. Yet, in the *Catechism of the Catholic Church* we are now instructed that:

> The right to religious liberty can of itself be neither unlimited nor limited only by a "public order" conceived in a positivist or naturalist manner. The "due limits" which are inherent in it must be determined for each social situation by political prudence, according to the requirements of the common good, and ratified by civil authority in accordance with "legal principles which are in conformity with the objective moral order." [CCC 2109]

So the full requirements of the "common good" are held to define a right conception of "public order" that is not postivist or naturalist. Similar concerns are likely to be pertinent to the conception of "public order" that touches the issue of capital punishment. If the sense of "society" in the phrase "protection of society" is

interpreted more richly it will then imply much more than mere physical safety, encompassing the somber efficacy of transcendent moral sanctions in social life. On this score there is arguably interpretative room for doubt. Yet the reductionist interpretation of the encyclical, based on its surface reading as a doctrinal argument, points to the physical protection of public order and the securing of safety as the prime considerations.

Thus far then, the summary of the reductionist interpretation of *Evangelium vitae's* treatment of the death penalty. We have indicated ways in which it varies substantially from the tradition. But might this reading involve a true development? I will now turn to the express doctrine of St. Thomas regarding both penalty in general, and the death penalty in particular.

IL THE DOCTRINE OF ST. THOMAS

A) Punishment in General

In Thomas's teaching, the *ratio* of punishment is not solely a function of the physical protection of civil society. While punishment does serve the purpose of protecting society, it also and primarily serves the function of manifesting the transcendent, divine order of justice-an order which the state executes by divine delegation. This, of course, entails a noninstrumental view of the common good, in which this common good essentially and necessarily is defined in relation to a transcendent moral order which it must acknowledge and, within its limited jurisdiction, providentially serve. Furthermore, it may be argued that such a conception of punishment, rooted in the restoration of moral balance, always presupposes an awareness of the superordinate dignity of the common good as defined by transcendent moral truths. Hence what is at stake in the argument about *Evangelium vitae* is twofold: the superordinate dignity of the common good, and the character and need for punishment as such.

About punishment, Thomas argues in the *Summa contra Gentiles (ScG* III, c. 141) that "it is essential not only that punishment be a privation of the good, but also that it be

contrary to the will." Similarly in the same work *(ScG* II, c. 83), Thomas writes that "punishment is something contrary to a good of nature, and thus is said to be evil." Likewise, in the *Summa Theologiae*(I-II, q. 87, a. 3, ad 1) Thomas argues: "Punishment is proportionate to sin in point of severity, both in Divine and in human judgments." This point is made even more tellingly in the following reply *(STh* 1-11, q. 87, a. 3, ad 2):

> Even the punishment that is inflicted according to human laws is not always intended as a medicine for the one who is punished, but sometimes only for others: thus when a thief is hanged, this is not for his own amendment, but for the sake of others, that at least they may be deterred from crime through fear of the punishment, according to Prov. 19:25: "The wicked man being scourged, the fool shall be wiser." Accordingly the eternal punishments inflicted by God on the reprobate, are medicinal punishments for those who refrain from sin through the thought of those punishments, according to Ps. 59:6: "Thou hast given a warning to them that fear Thee, that they may flee from before the bow, that Thy beloved may be delivered."

One notes that this sense of the "medicinal" is essentially *social and deterrent*rather than *individualand rehabilitative*.[9] Yet, were a punishment not just in its own right, it would be wrong to impose it solely to deter. One may not execute the innocent even should this somehow fulfill a deterrent function; nor may one justly punish disproportionately, even should this deter (e.g., imposing the death penalty for spitting on the sidewalk). That the punishment is not always intended as a medicine for the one punished but sometimes "only" for others renders clear that there is a twofold social and medicinal point, as does the phrase that through these penalties others may "at least" be deterred-suggesting a "most" or higher medicinal effect necessarily sought by just penalty and distinct from the "least" and deterrent medicinal effect. While the penalty may deter, this deterrence is secondary (and of lesser dignity) vis-a-vis the manifestation and

[9] While this sense of the "medicinal" is distinct from the use of the term within the *Catechism of the Catholic Church* (in which the medicinal character is understood in terms of its contribution "to the correction of the offender" [#2266]), these senses are by no means necessarily opposed. The rehabilitative sense is potentially included in the social sense of medicinality (clearly the rehabilitation of the criminal contributes to strengthening and healing society).

vindication of a divine norm of justice. This second element is an essential and definitive note of penalty, and indeed the chief element. The medicinality of penalty is not merely a function of "stopping" an offense, nor merely of deterring, but of manifesting the truth regarding the transcendent order of justice and the wickedness of the offense. Without this manifestation of truth in penalty, social healing is not promoted. The medicinal value is not merely one of stopping prospective injustice, but of teaching and manifesting the truth.

Clearly, then, punishment must first be essentially just and only then may it rightly serve social and deterrent functions. One might deem this merely to indicate that retributive justice is a necessary but not sufficient condition for the imposition of penalty. In response, the proposition that punishment "is proportionate to sin in point of severity, both in Divine and in human judgments" *(STh* 1-11, q. 87, a. 3, ad 1) clearly makes no essential reference to medicinality for the common good (deterrence, instruction). Hence the text appears to suggest that even though medicinal concerns may always be present, it is justice that makes penalty necessary. But this issue is obviated by the dual realization that medicinal considerations are further considerations of justice, and that the manifestation of the order of retributive justice is in itself medicinal insofar as it manifests the truth of right order in society. Yet this medicinal purpose is natural to retributive justice, only requiring prudential modulation in accord with the contours of particular circumstance. The primal truth that punishment ought to be proportional to the severity of crime is not merely a necessary condition for punishment; for chief among medicinal considerations is the manifestation of the order of justice within society. Further, given the condition of humanity, medicinal purposes will always be sought through punishment as part of the wider teleology of acts of justice. Hence Thomas writes that:

> In the infliction of punishment it is not the punishment itself that is the end in view, but its medicinal properties in checking sin; wherefore punishment partakes of the nature of justice, in so far as it checks sin. But if it is evident that the infliction of punishment will result in more numerous and more

grievous sins being committed, the infliction of punishment will no longer be a part of justice.[10]

Further, Thomas argues that:

> All who sin mortally are deserving of eternal death, as regards future retribution, which is in accordance with the truth of the divine judgment. But the punishments of this life are more of a medicinal character; wherefore the punishment of death is inflicted on those sins alone which conduce to the grave undoing of others.[11]

Clearly in this life all penalty is medicinal, in the wide sense that the manifestation of a transcendent norm of justice is necessarily instructive and to some degree a deterrent. By comparison with Hell, terrestrial penalties certainly are "more of a medicinal character" (albeit even damnation is medicinal for those in this life who contemplate its nature). Yet the presence of two purposes-retributive and medicinal justice-ought not obscure the priority of assigning punishment proportionate to the crime Gust retribution) insofar as the limited jurisdiction of human justice allows. The end is not punishment, but rather the manifestation of a divine norm of retributive justice, which entails proportionate equality vis-a-visthe crime. While this end is in the wide sense medicinal, its form is retributive-for the divine order participated by temporal penalty has both medicinal and retributive aspects.

The medicinal goal is not tantamount merely to stopping future evildoing, but rather entails manifesting the truth of the divine order of justice both to the criminal and to society at large. This means that mere stopping of further disorder is insufficient to constitute the full medicinal character of justice, which purpose alike and primarily entails the manifestation of the truth. Thus this foundational sense of the medicinality of penalty is retained even when others drop away. That is, even if we hypothesize that society would be secure were a felon released, and on the most unlikely supposition that no deterrent function as such is

[10] *STh* 11-11, q. 43, a. 7, ad 1.
[11] *STh* 11-11, q. 108, a. 3, ad 2.

necessary for that particular crime,[12] some element of penalty would still be rationally assignable to correct the criminal's fault-both to check his sin, as Thomas puts it, and to manifest a transcendent norm of justice for the sake of heightening the bonds of justice and the instruction of society. While a heightened sense of justice implicitly includes a deterrent aspect, it is a good thing in itself even apart from deterrence, and despite the evil that is its occasion: just as, for Thomas, the directive authority of the state is a positive aspect of its natural charge over the common good, and not merely a necessitated response to evil as in Augustinian political theory. Social recognition of the reign of justice is good not merely for deterrent reasons, but because it purifies society, lifts the social conscience higher, and directs the mind to final justice. It bathes the wound suffered by society in that divine justice which all right social order participates. For Thomas it is indeed the task of the state within its limited jurisdiction to vindicate the transcendent moral principles that define the common good.

The larger justice owed to society requires even further medicinal elements beyond the manifestation of the transcendent order of justice-we do not wish to punish in a particular case, if doing so would induce worse moral disturbances in society at large. Hence retributive justice is to medicinality as is form to end-everything moves toward its end by reason of its form. For one wishes to address the moral imbalance of the offense both for the individual and for society at large. Thus without ever losing retributive form, medicinal elements will serve to justify different penalties in significantly different social settings, in all of which-as has been seen above (*STh* 1-11, q. 87, a. 3, ad 1)-Thomas holds that penalty ought be proportionate to the severity of crime (a generic requisite in order that the medicinal judgment itself truly be just). This is to say that the retributive purpose ought be served; that it bears within itself a natural medicinality (the manifestation of a transcendent order of justice); and that it is natural that this original medicinal purpose be further served in

[12] In this order of providence, given the presence of temptation and evil, it is difficult to imagine a society for which the deterrent function would be generically unnecessary.

a way consonant with that larger justice owed to the community as such (e.g., further medicinal considerations of deterrence, etc., that are implicit in the original medicinal purpose).

If imposing a penalty will bring about more disorder than it seeks to check, and so foreseeably fail to manifest the transcendent order of justice, its imposition is unjust because it is counter to the very teleology of just penalty. But the teleology of just penalty is a teleology of *penalty*. Theologically considered, even the satisfaction of the sinner includes both a strict element of retributive justice and a medicinal element. [13] As will be shown (see the section "Legal Justice and the Superordinate Dignity of the Common Good" below), for Thomas human penalties inflicted in political community (including the death penalty) imitate the cosmic order of divine justice, and are delegated from divine authority.

Thomas writes (*STh* I-II, q. 87, a. 3, ad 3): "God does not delight in punishments for their own sake; but He does delight in the order of His justice, which requires them." It may be seen that punishment "rights a moral imbalance" in two ways. First, the suffering entailed should move the agent away from the dispositions and deeds productive of such sorrow. But more importantly, punishment rights moral imbalance by isolating a malefactor with the true nature of the evil he has chosen. In punishment, the true bitterness of the evil embraced by a sinner is manifested to the evildoer himself. This manifestation through punishment of the true nature of the evil embraced by a criminal always entails some form of banishment from the common ordering of providence and society, involving deprivations contrary to the criminal will. Hence in *ScG* III, c. 144 we find the following lines:

> Besides, natural equity seems to demand that each person be deprived of the good against which he acts, for by this action he renders himself unworthy of such a good. So it is that, according to civil justice, he who offends against the state is deprived completely of association with the state, either by death or by perpetual exile. Nor is any attention paid to the extent of time involved in his

[13] *Quod/.* 2, q. 8, a. 2, ad 3: "it must be said that satisfaction is both punitive inasmuch as it is an act of vindictive justice, and also medicinal inasmuch as it is something sacramental" (trans. Sandra Edwards [Toronto: Pontifical Institute of Medieval Studies, 1983])

wrongdoing, but only to what he sinned against. There is the same relation between the entirety of our present life and an earthly state that there is between the whole of eternity and the society of the blessed who, as we showed above, share in the ultimate end eternally. So, he who sins against the ultimate end and against charity, whereby the society of the blessed exists and also that of those on the way toward happiness, should be punished eternally, even though he sinned for but a short space of time.

Noting the propensity to suppose that punishment must be merely for the correction of behavior and nothing else, Thomas in the same chapter proceeds to say:

However, if one concede that all punishments are applied for the correction of behavior and not for anything else, one is still not forced by this admission to assert that all punishments are purgatorial and terminable. For even according to human laws some people are punished with death, not, of course, for their own improvement, but for that of others. Hence it is said in Proverbs (19:25) "the wicked man being scourged, the fool shall be wiser." Then, too, some people, in accord with human laws, are perpetually exiled from their country, so that, with them removed, the state may be purer. Hence, it is said in Proverbs (22:10): "Cast out the scoffer, and contention shall go with him, and quarrels and reproaches shall cease." So, even if punishments are used only for the correction of behavior, nothing prevents some people, according to divine judgment, from having to be separated perpetually from the society of good men and to be punished eternally, so that men may refrain from sinning, as a result of their fear of perpetual punishment, and thus the society of good men may be made purer by their removal.

As shall be later noted, Thomas does not fail coherently to infer the implications that flow from affirming that the limited justice of the state participates the divine justice. The following words (*STh* 11-11, q. 108, a. 3) are particularly arresting:

I answer that, Vengeance is lawful and virtuous so far as it tends to the prevention of evil. Now some who are not influenced by motive of virtue are prevented from committing sin, through fear of losing those things which they love more than those they obtain by sinning, else fear would be no restraint to sin. Consequently vengeance for sin should be taken by depriving a man of what he loves most. Now the things which man loves most are life, bodily safety, his own freedom, and external goods such as riches, his country and his good name. Wherefore, according to Augustine's reckoning (De Civ. Dei xxi), "Tully writes that the laws recognize eight kinds of punishment": namely, "death," whereby man is deprived of life; "stripes," "retaliation," or the loss

of eye for eye, whereby man forfeits his bodily safety; "slavery," and "imprisonment," whereby he is deprived of freedom; "exile" whereby he is banished from his country; "fines," whereby he is mulcted in his riches; "ignominy," whereby he loses his good name."

The ultimate deprivation and banishment is that of eternal banishment from beatific fellowship with God, which is Hell. In this life, the death penalty is the most severe such separation, which constitutes banishment from the land of the living. The death penalty not only adjudges an individual unfit to live, casting the sinner out from temporal fellowship and felicity, but in acertain respect adjudges human penalties as insufficient punishment for the evil done, and remands the sinner immediately to the highest tribunal for judgment, namely God. Yet such a penalty may be offered willingly by way of atonement without prejudice to the criminal's eternal well-being, as the example of the Good Thief suggests (although crucifixion appears more a form of torture than merely of capital punishment). Finally, for lesser crimes banishment from society of various durations is prescribed. In all these cases, one is primarily deprived of participating in the common good owing to some grievous evil, while lesser evildoers are not punished in this way, as time is allowed them for repentance inasmuch as they do not grievously harm others (cf. *STh* II-II, q. 64, a. 2, ad 2).

Before we can harvest the intelligibility of these and other teachings of St. Thomas regarding punishment, however, we must address the point that, according to Thomas, all punishments bestowed by society are *determinations* of the natural law.

B) Determinations of Natural Law

An initial reading of Thomas might to some suggest that for him there is no foundation for the death penalty, or for any particular penalty, in the natural law. He distinguishes between two modes of derivation of human law from the natural law, one by way of "conclusion," and the other by way of mere "determination." The first is directly derived from the natural law, while the second is only generically rooted in the natural law. For

instance, that we avoid unnecessary fatalities is directly rooted in the natural law precept that the innocent ought not to be slain; but that we achieve this end in civic life by all driving on the left side of the road, or all driving on the right side of the road, is a matter of social determination rather than something directly derived from the natural law.

Thomas writes that while the need for some form of punishment is a *conclusion* from the natural law, the assignation of any particular form of punishment is a mere *determination* that is not rooted in the natural law. As he puts it:

> Some things are therefore derived from the general principles of the natural law, by way of conclusions; e.g., that *one must not kill* may be derived as a conclusion from the principle that *one should do harm to no man:* while some are derived therefrom by way of determination; e.g., the law of nature has it that the evildoer should be punished; but that he be punished this or that way, is a determination of the law of nature.
>
> Accordingly both modes of derivation are found in the human law. But those things which are derived in the first way, are contained in human law not as emanating therefrom exclusively, but have some force from the natural law also. But those things which are derived in the second way, have no other force than that of human law.[14]

On first glance this seems to suggest that only the general need for punishments, but no particular punishment, is derived from the natural law. So construed the death penalty (or any penalty) may appear wholly a matter of convention. Yet that something is a determination of the natural law does not cause it to cease to participate the natural law-for by nature determinations need be made, and these must cohere with natural justice.

Nor is it reasonable to suggest that "any punishment will do." One can scarcely take solace in supposing that since particular punishments have no force but that of human law, therefore any punishment whatsoever can be levied. On such an analysis one might as well torture criminals, or lobotomize them, as execute them-for the proposition that punishment has "no other" force than that of human law is then construed to mean that the selection of punishments is by nature *arbitrary.* But not to be

[14] *STh* 1-11, q. *95,* a. 2.

derived as a conclusion from the natural law is not equivalent to being arbitrary. The imposition of penalty still must conform to a natural norm of justice. Clearly we all know penalties that might work both to punish and deter that we would nonetheless execrate as barbarically contrary to rational justice.

To read Thomas as saying that all particular punishments are arbitrary is to misread him. Rather, he is making the point that determinations of punishment partake of the force of natural law only by partaking generically of the form of lawful punishments, since the need for punishment is natural. It does not follow from this that punishments generally need not conform to the requisites of proportionality. Indeed, so natural is proportional equality that divine justice itself accords with it "in so far as rewards are apportioned to merits, and punishments to sins" *(STh* 11-11, q. 61, a. 4, ad 1). The role of proportionate equality in natural justice is unquestionable:

> Since divine justice requires, for the preservation of equality in things, that punishments be assigned for faults and rewards for good acts, then, if there are degrees in virtuous acts or sins, as we showed, there must also be degrees among rewards and punishments. Otherwise equality would not be preserved, that is, if a greater punishment were not given to one who sins more, or a greater reward to one who acts better. Indeed, the same reasoning seems to require different retribution on the basis of the diversity of good and evil, and on the basis of the difference between the good and the better, or between the bad and the worse.[15]

Of course, there are factors other than justice that may be equally needful to the common good of society (for example, reconciliation and avoiding civil war). Open to the teleological and prudential entailments of the common good, Thomas's thought does not, like Immanuel Kant's, demand necessary pursuit of justice in the individual case over against the wider justice owed to the felicity of society. But his insistence on proportionate penalty suggests that right reason in relation to some particular social matter will determine just penalty.

The important point here concerns the nature of determinations of the natural law, for not all such determinations are

[15] *ScG* III, c. 142.

equally remote from the form they particularize. That some given matter is not derived from the natural law as a principle does not make it utterly contingent, for the nature of the matter varies from instance to instance.

The illustration provided by Thomas suggests the presence of degrees of necessitation in some determinations:

> But it must be noted that something may be derived from the natural law in two ways: first, as a conclusion from the premises, secondly, by way of determination of certain generalities. The first way is like to that by which, in sciences, demonstrated conclusions are drawn from the principles: while the second mode is likened to that whereby, in the arts, general forms are particularized as to details: thus the craftsman needs to determine the general form of a house to some particular shape.[16]

Note the nature of the illustration. In particularizing the form of a house, the craftsman is guided by two elements: the requisites of the form in general, and the nature of the particular matter and its attendant issues. Given the nature of the matter, it may then follow from the nature of the form that a certain particularization is essentially befitting or even required. For instance, if one is building a multilevel house with a given material, and the material can bear only so much stress, then no more than this given amount can be placed upon beams made of that material. Ergo the particular form achieved will be characterized by this necessity. It may be that, given a certain second matter, there is only one way to achieve some given effect-and this "reduction to one" is clearly a strong "necessitation" insofar as one is particularizing the general form in the given matter.

A *determinatio* of just punishment is not simply contained in the natural law so as to be derived from it alone. What I am here suggesting is that the relation of the *determinatio* of just punishment to the natural law bears a necessity analogous to the necessity exhibited by proper accidents in relation to essence. For proper accidents are not included in the definition of a quiddity, nor are they simply derived from this definition; yet they do necessarily flow from the essence. The point of similarity is this:

[16] *STh* 1-11, q. 95., a. 2.

in each case, the element concerned may not be simply derived from its principal cause, for it is not primarily contained in it (i.e., the determination is not simply contained in the natural law, nor is the proper accident simply contained within the quiddity as a quidditative note of the essence). Yet, in each case, it is necessarily generated by its principal cause (albeit in the case of determinations, only in conjunction with some particular matter).

Thus determinations of the natural law may at times flow necessarily from the combination of a general form with some particular matter (not from the general form alone, in which they are unlike proper accidents). Hence we may say that the form of justice-which is of the natural law-may generate, in relation to particular grave matter, some degree of necessity in the particular form of justice that is dispensed by way of penalty. In other words, the general requisites of justice may be most fittingly particularized in relation to a given matter by a certain type of penalty. [17]

Not all particularizations of form are equally remote from the general form. Not only may there be necessity in the particularization of the general form given the limits and nature of certain matter, but certain particularizations are by nature closer to or more clearly manifest the general form. That is, some aspects of the particularization of a general form derive most clearly from the nature of the general form being particularized, and others from the conjuncture of this form with a given matter. Now, both of these considerations apply to the *detenninatio* of penalty in the case of a justly inflicted death sentence. First, justice gauges what is owed to a murderous criminal according to the proportionate evil inflicted-what has been taken from the innocent victim (life), from the victim's family and friends (an inestimable good), and from the state and the common good (usurpation of divinely delegated authority and harm to the common ordering). Second, no penalty manifests the transcendence of the general form of

[17]Note the congruity with the case of a proper accident, e.g., risibility in man, which is not contained among the quidditative notes of the nature "man" but nonetheless flows from the nature. Risibility necessarily follows upon the rational form. In partial similarity, given certain grave matter and the form of justice, it is consistent for St. Thomas to have thought that certain *determinationes* of penalty are naturally most befitting or even required.

justice so distinctly as the death penalty: paying what is due according to a measure which while proportioned to grave crime is transcendent vis-a-vis temporal experience. Here there is no question of "rehabilitation" but *only* one of redressing moral imbalance, together with the hope of conversion. As Thomas writes of the temporal penalty of exile *(Compendium theologiae,* c. 183): "Exile, it is true, does not last forever, but this is purely accidental, owing to the fact that man's life is not everlasting; but the intention of the judge, we may assume, is to sentence the criminal to perpetual punishment, so far as he can." Even more solemn is that penalty whereby the sinner is stricken from the land of the living, and remanded to the highest tribunal for eternal judgment.

Given the nature of penalties as determinations of natural law, it now remains to highlight the role of the death penalty according to Thomas in the light of the superordinate dignity of the common good of civil society.

C) Legal Justice and the Superordinate Dignity of the Common Good

Thomas argues that "If we speak of legal justice, it is evident that it stands foremost among all the moral virtues, for as much as the common good transcends the individual good of one person" *(STh* 11-11, q. 58, a. 12). The individual good and the common good differ formally and not merely quantitatively:

> The common good of the realm and the particular good of the individual differ not only in respect of the *many* and the *few,* but also under a formal aspect. For the aspect of the *common* good differs from the aspect of the *individual* good, even as the aspect of *whole* differs from that of *part.* Wherefore the Philosopher says *(Polit. I. 1)* that *they are wrong who maintain that the state and the home and the like differ only as many and few and not specifically.*[18]

It is for this reason that he will argue:

> Now every part is directed to the whole, as imperfect to perfect, wherefore every part is naturally for the sake of the whole. For this reason we observe that if the health of the whole body demands the excision of a member,

[18] *STh* 11-11, q. 58, a. 7, ad 2.

through its being decayed or infectious to the other members, it will be both praiseworthy and advantageous to have it cut away. Now every individual person is compared to the whole community, as part to whole. Therefore if a man be dangerous and infectious to the community, on account of some sin, it is praiseworthy and advantageous that he be killed in order to safeguard the common good, since *a little leaven corrupteth the whole lump* (1 Cor. v. 6).[19]

Note that Thomas does not limit the reason for putting criminals to death to their immediate physical danger to others; rather, he clearly speaks of the *nature* of the criminal. Hence, the illustration is of a member that demands excision because it is "decayed or infectious"-that is, severe enough corruption ("decay") is in its own right harmful to society, apart from any issue of "clear and present danger" in the physical order. Thomas further insists that "When, however, the good incur no danger, but rather are protected and saved by the slaying of the wicked, then the latter may be lawfully put to death."[20] He goes on to point out that human justice imitates according to its powers the order of the divine wisdom:

According to the order of His wisdom, God sometimes slays sinners forthwith in order to deliver the good, whereas sometimes He allows them time to repent, according as He knows what is expedient for His elect. This also does human justice imitate according to its powers; for it puts to death those who are dangerous to others, while it allows time for repentance to those who sin without grievously harming others.[21]

Note that the "grievous harm" pertains to conduct: that is, if someone grievously harms another, he deserves to be put to death precisely in imitation of the divine justice (as opposed to the sentence of those "who sin without grievously harming others"). Again, although such justice "puts to death those who are dangerous to others" this dangerousness is a function of evil rather than a mere technical matter of social quarantine. These words are akin to the manner in which one might describe someone as

[19] *STh* II-II, q. 64, a. 2.
[20] *STh* II-II, q. 64, a. 2, ad 1.
[21] *STh* II-II, q. 64, a. 2, ad 2.

a "dangerous man" even though he were immobilized or imprisoned, because of his vicious character and traits.

In Thomas's account legal justice "imitates according to its powers" the divine justice. Insofar as the tradition affirms the death penalty as an essentially licit form of this imitation, while a reductionist reading of *Evangelium vitae* suggests that it is unnecessary, one stands in the presence of significantly diverse interpretations of the eternal law. The *ratio* of this diversity may be seen most formally in the common teaching of Augustine and Aquinas that the authority of the state to impose the death penalty is divinely delegated. This emerges clearly in the following lines of the *Summa contra Gentiles* (III, c. 146):

> Since some people pay little attention to the punishments inflicted by God, because they are devoted to the objects of sense and care only for the things that are seen, it has been ordered accordingly by divine providence that there be men in various countries whose duty it is to compel these people, by means of sensible and present punishments, to respect justice.
>
> Again, in various countries, the men who are put in positions over other men are like executors of divine providence; indeed, God through the order of His providence directs lower beings by means of higher ones, as is evident from what we said before. But no one sins by the fact that he follows the order of divine providence. Now, this order of divine providence requires the good to be rewarded and the evil to be punished, as is shown by our earlier remarks.
>
> Moreover, the common good is better than the particular good of one person. So, the particular good should be removed in order to preserve the common good. But the life of certain pestiferous men is an impediment to the common good which is the concord of human society. Therefore, certain men must be removed by death from the society of men.

These lines simply could not be more forceful regarding the prime role of punishment as participating a transcendent divine norm of justice, which "requires the good to be rewarded and the evil to be punished." Indeed, regarding those who pay little attention to "punishments inflicted by God," it "has been ordered accordingly by divine providence that there be men in various countries whose duty it is to compel these people, by means of sensible and present punishments, to respect justice." This includes both medicinality and purely proportional retributive justice. For it is divine providence itself that "requires the evil to

be punished" -quite distinct from yet in unity with the medicinal issue of deterrence. As St. Thomas elsewhere writes of punishment by death (*STh* I-II, q. 87, a. 3, ad 1), "this punishment, in its own way, represents the eternity of punishment inflicted by God." Lest there be doubt about Thomas's meaning in arguing that the state serves as executor of divine providence in applying penalties, one ought to note his commentary on the Fifth Commandment:

> Some have held that the killing of man is prohibited altogether. They believe that judges in the civil courts are murderers, who condemn men to death according to the laws. Against this St. Augustine says that God by this Commandment does not take away from Himself the right to kill. Thus, we read: "I will kill and I will make to live." [Deut 32:39] It is, therefore, lawful for a judge to kill according to a mandate from God, since in this God operates, and every law is a command of God: "By Me kings reign, and lawgivers decree just things." [Prov 8:15] And again: "For if thou dost that which is evil, fear; for he beareth not the sword in vain. Because he is God's minister." [Rom 13:4] To Moses also it was said: "Wizards thou shalt not suffer to live." [Exod 22:18] And thus that which is lawful to God is lawful for His ministers when they act by His mandate. It is evident that God who is the Author of laws, has every right to inflict death on account of sin. For "the wages of sin is death." [Rom 6:23] Neither does His minister sin in inflicting that punishment. The sense, therefore, of "Thou shalt not kill" is that one shall not kill by one's own authority. [22]

Is there any doubt whatsoever of the teaching, shared by St. Augustine and St. Thomas, that the state vindicates a transcendent divine norm of justice through the imposition of penalty?

D) Rejection of Arguments against the Death Penalty

Referring to the idea that the death penalty is inappropriate because an innocent person might be sentenced, or because "so long as man is existing in this world he can be changed for the better" Aquinas has the following words (also from *ScG* III, c. 146): "Now, these arguments are frivolous." He proceeds to argue regarding the danger of sentencing the innocent that

[22] This commentary is reprinted in *The Catechetical Instructions of St. Thomas Aquinas*, trans. Joseph B. Collins (Manilla: Sing-Tala, 1939), 93-94.

Indeed, in the law which says, "Thou shalt not kill" there is the later statement "Wrongdoers thou shalt not suffer to live" (Exod. 22: 18). From this we are given to understand that the unjust execution of men is prohibited. This is also apparent from the Lord's words in Matthew 5. For after He said: "You have heard that it was said to them of old: "Thou shalt not kill" (Matt. 5:21), He added: "But I say to you that whosoever is angry with his brother," etc. From this He makes us understand that the killing which results from anger is prohibited, but not that which stems from a zeal for justice. Moreover, how the Lord's statement, "Suffer both to grow until the harvest," should be understood is apparent through what follows: "lest perhaps, gathering up the cockle, you root up the wheat also together with it" (Matt. 13:29). So, the execution of the wicked is forbidden wherever it cannot be done without danger to the good. Of course, this often happens when the wicked are not clearly distinguished from the good by their sins, or when the danger of the evil involving many good men in their ruin is feared.

Aquinas evidently is not among those for whom we can never with certitude identify the perpetrator of an evil deed. But his commentary regarding the "conversion imperative" for allowing criminals to live-an argument taken up in *Evangelium vitae* when it notes that "Modern society in fact has the means of effectively suppressing crime by rendering criminals harmless without definitively denying them the chance to reform"-is arresting. He addresses this issue in two distinct passages: one in the chapter of the *Summa contra Gentiles* from which the preceding quotations are derived, and the other from the *Summa Theologiae* (II-II, q. 25, a. 6, ad 2). I will first cite the comments of the *Summa contra Gentiles:*

Finally, the fact that the evil, as long as they live, can be corrected from their erors does not prohibit the fact that they may be justly executed, for the danger which threatens from their way of life is greater and more certain than the good which may be expected from their improvement. They also have at the critical point of death the opportunity to be converted to God through repentance. And if they are so stubborn that even at the point of death their heart does not draw back from evil, it is possible to make a highly probably judgment that they would never come away from evil to the right use of their powers.

The danger that threatens "from their way of life"-that is, not alone from their physical malice, but from everything that is bound up with moral viciousness and its tolerated existence in

society-is "greater and more certain" than the good that may be anticipated by their improvement. The cognate teaching of the *Summa Theologiae* is adduced precisely within the context of an argument in favor of having charity toward evildoers.

> It is for this reason that both Divine and human laws command such like sinners to be put to death, because there is greater likelihood of their harming others than of their mending their ways. Nevertheless the judge puts this into effect, not out of hatred for the sinners, but out of the love of charity, by reason of which he prefers the public good to the life of the individual. Moreover the death inflicted by the judge profits the sinner, if he be converted, unto the expiation of his crime; and, if he be not converted, it profits so as to put an end to the sin, because the sinner is thus deprived of the power to sin any more.

Clearly Aquinas does not human life as superordinate to the "good" of justice in society. Indeed, "both Divine and human laws command such like sinners to be put to death." One notes the term "command" *(secundum legem divinam et humanam praecipiuntur occidi):* it does not suggest the malleability to modern penal progress absolutized in some readings of *Evangelium vitae.* What are the implications of interpreting *Evangelium vitae* apart from the very tradition it prudentially applies? We must turn now to this issue.

III. ST. THOMAS AND *EVANGELIUM VITAE*

Clearly there is no simple accord between the doctrine of St. Thomas and a *prima facie* interpretation of the teaching of *Evangelium vitae* apart from tradition. But might not the disparity between the two be a function of those developments in penal practice noted by the encyclical? Thomas could hardly have included these in his consideration. Yet despite the tremendous improvements in penal arrangements, this proposition is falsified on the rock of evidence. Men and women of other generations than our own have known of the *oubliette,* that part of a dungeon where a prisoner could be cast and forgotten. That a dangerous felon might be cast into a well and fed with a basket has always been known. Technology has made the well more comfortable,

and the food somewhat more nutritious. But the situation is not fundamentally changed. Given this fact, how can it be plausibly supposed that in previous epochs the Church approved the penalty only because it was "absolutely necessary" to the protection of society? Indeed, when has *any* execution ever been "absolutely necessary" to the protection of society (if we understand by "protection" merely physical defense of minimal public order)?

For Thomas, there is no parity between just execution of the guilty and wrongful slaying of the innocent. Hence these words of the encyclical are read quite differently in the light of Thomas's teaching: "[57] If such great care must be taken to respect every life, even that of criminals and unjust aggressors, the commandment 'You shall not kill' has absolute value when it refers to the innocent person." What, precisely, is the force of this "if ... then" proposition? It is the altogether rightful intent of the encyclical that the care bestowed to respect the gift of life even in the tragic context of a criminal may testify all the more to the absolute immunity from deliberate violence that this gift of life calls for among the innocent. Yet to value life rightly is to requite its abuse and violation proportionately to the severity of such crime. Equal formal regard for the humanity of each person seemingly requires different material respect for the freedom and life of the just and the unjust. Arguably an idealistic equal material regard for the life and liberty of all-for, say, a murderer, a thief, and an innocent citizen-will finally devalue innocence at the behest of mere survival.

A) The Argument of Evangelium vitae

The encyclical's generally negative evaluation of recourse to the death penalty (which is undoubted), when construed doctrinally, is often thought to present so apparent a disparity with the traditional doctrine as to suggest that a new element has been introduced in the consideration of the death penalty that would trump all the traditional arguments. Specifically, it might be thought that a development of doctrine regarding the

transcendent value of life could supply a premise for dissociating life from the general principles governing retributive justice. If such an argument were made in *Evangelium vitae,* it would then be possible to assess this argument vis-a-vis the tradition. If the argument proved sufficient, then there would indeed be a ground to reject the general norms of retributive punishment in the unique case of the death penalty while retaining them for lesser penalties. Even so, the coherence of this position would be difficult to sustain, as analogical proportionality would then not be sustained betwixt life and the lesser but profound goods of freedom, social integration, and so on-for the penalties touching each of these is contrary to a distinct good of nature, and so seemingly should be proportionally subject to the same principles (howsoever profound the differences). Yet in any case such an argument is not made; nor is it clear that any argument superordinating physical survival to justice can be consistent with either Scripture or tradition (clearly the most sublime sacrifice of life ever made-on the cross-is made in mercy to satisfy justice). Nor, lastly, are we now in possession of any principle that exempts human life as such from the general norms of retributive penalty.

Accordingly, the arguments of *Evangelium vitae* on the death penalty appear either (1) arbitrarily to dissociate this penalty from valid general norms of retributive justice, (2) to propound a novel *ratio* for penalty as such that justifies it solely by physical protection of public order (i.e., the reductionist argument), or (3) to articulate the tradition in the prudential order given the defining circumstance of an omnipresent culture of death. The third option is strongly suggested by a reading of the encyclical in the light of tradition. However, if we read the encyclical apart from tradition, then the second interpretation is both more consonant with the encyclical's actual argumentation about the death penalty and less arbitrary than is the first. For this reason, it is the second interpretation that commands our attention both as the most coherent reading of the encyclical apart from tradition, and also as an argument in its own right used to imply the wrongfulness of the death penalty as such.

B) The Reductionist Argument: Major Premise

The reductionist argument has the following form:

Major premise: The state ought to execute criminals if and only if this is absolutely necessary for the physical protection of society.

Minor premise: But modern penal reform renders it unnecessary to the physical protection of society for the state to execute criminals.

Conclusion: Therefore, in societies blessed with the aforesaid modern penal reform the state ought not to execute criminals.

Before turning to the prudentialism of the minor premise, we ought first consider the major premise, for it is this which constitutes the most radical core of the argument against the licitness of the death penalty, and implies a shift in the view of the nature of the common good that is dubiously reconcilable with theism.

Major premise: The state ought to execute criminals if and only if this is absolutely necessary for the physical protection of society.

This is the premise that St. Thomas did not hold, if by it is meant "absolutely necessary for the protection of minimal order in society." Nor does one find this reduction of justice to physical security anywhere in Catholic sources prior to *Evangeliumvitae.* If one incorporates within "protection of society" not only physical protection, but also the manifestation of transcendent justice in society as constituting a good in its own right-as necessary for the conformity of man and social order to divine law, a higher end by far than mere Hobbesian survival-then there is no particular *doctrinal* reason why justified uses of the death penalty should be absolutely "very rare, if not practically non-existent" *(EV* 56). Rather, these will be not doctrinal but variable prudential judgments conditioned by many factors. For justice then serves purposes distinct from its effect in facilitating social survival (while yet serving *society* understood in a morally richer way).

Furthermore, were the protection of society to embrace this noninstrumental (albeit not thereby nonteleological) good of justice, then there is also no reason why penal reform should be pertinent, since whether in the presence of given conditions a convicted felon merits the death penalty is an independent consideration. Nor may one plausibly say that the encyclical is teaching us precisely that the noninstrumental justice and prudence of the situation is that no felon ought ever to be executed. For to say that criminals ought not to be executed because the physical perdurance of society does not require it fails to exclude other putatively valid reasons, such as that society may validly desire to vindicate the order of justice and the dignity of persons by requiring the execution of those who commit the most grievous offenses, publicly and visibly cutting off such malefactors as unworthy of continued existence.

As noted above, *Evangelium vitae* may seem to presuppose that the physical protection of society is primary vis-a-vis redress of moral disorder-hence the encyclical's contextualization of the death penalty discussion in terms of legitimate self-defense. The reference to "offering the offender an incentive" to "be rehabilitated" (*EV* 56) underscores this point. Admittedly the encyclical does speak of "adequate punishment": "Public authority must redress the violation of personal and social rights by imposing on the offender an adequate punishment for the crime" (ibid.). But adequate *to what end?*

If by means of technological implants we may someday suppress crime without punishing criminals at all, *ought* we to persist in punishing them? If punishment is defined as St. Thomas defined it-"Punishment is something contrary to a good of nature, and thus is said to be evil,"[23] which is "contrary to the will"[24] and is "proportionate to the sin in point of severity, both in Divine and in human judgments"[25]-why ought we to punish save insofar as this is required for physical protection of society? The answer for Thomas lies in the very nature of penalty itself, in the proportionality that defines justice, and in the medicinal

[23] *ScG* II, c. 83.
[24] *ScG* III, c. 141.
[25] *STh* I-II, q. 87, a. 4, ad 1.

obligation to manifest the transcendent order of justice in society. On the holding of the Catholic tradition, the common good is defined by its relation to a morally transcendent order. It is only in relation to such an order that punishment as the righting of moral imbalance can be intelligible if it is not physically required for the minimal protection of public order. In short, while justice and the imposition of just penalty are ordered in part toward the physical protection of society, they are not "merely" for the physical protection of society but also and chiefly for the manifestation and vindication of moral truth.

By contrast, the reductionist interpretation of *Evangeliumvitae* appears to place the entire *ratio* of penalty in question, suggesting that inasmuch as penalty is not required for defense of minimal public order it is superfluous. In arguing that mere physical protection is the primary aim of criminal law and penalty-such that a penalty not absolutely required for physical protection of society is to be avoided-the encyclical would then be construed to suggest that there is no question of justice pertinent to the common good beyond physical protection. Yet surely this conflicts not alone with the antecedent Catholic view of punishment, but with the obligations of any decision-making power to cognize the whole truth that pertains to the doing of justice to the human person.

Surely it cannot be that only the most powerful of institutions, whose unrealism may do the most harm-the state-may justifiably act in disregard of that hierarchy of ends which defines the order of justice. Nor is it from a theistic point of view plausible to hold that the state is not charged with maintaining the common good of society. But this common good is, for the moral realist, defined vis-a-vis the form of transcendent moral truth as this is particularized in the way of a *determinatio* in the matter of a given society, with all its unique and distinctive history, limits, strengths, deficiencies, customs, and characterizing social ends. Yet in its particularization, the form is neither lost nor abandoned.

Granted, then, that there is a significant measure of freedom in assessing whether the larger justice owed to society may require prosecuting an issue of justice in some particular case; granted

also, therefore, that the ordering measure of justice invoked must be assessed relative to the common good of society and that as one of its prime aims it embraces the physical protection of society; nonetheless, it also and by its very teleology (as promoting the genuine good of a common social life) orders this common social life in accord with the whole moral order and proceeds from the aspiration toward the end of a good society. Such a teleological ordering is limited from "beneath" by prudence regarding the "social matter" of the particular society, and from "above" by the ethically normative hierarchy of moral ends, such that in any just consideration the major premise will reflect the ordering of ends, and the minor premise will reflect the prudential delimitations which particularize the approach to the end.

Of course, proponents of the incommensurability of basic human goods may presuppose that teleological order is not ethically significant-but this is a supposition contrary to the evidence of moral nature. Some critics suppose that if the natural order of ends is not sufficient to itself for moral purposes, it must be otiose.[26] Yet it is neither, as it calls for prudential completion through particularizing practical judgment and *determinatio,* through that extension whereby speculative knowledge becomes practical, as Thomas approvingly cites Aristotle.[27]

Historically, there are varied reasons for retreat from the traditional and rich Catholic view of the common good toward

[26] Cf. Robert P. George, "Recent Criticism of Natural Law Theory," *The University of Chicago Law Review* 55 (1988): 1371-1429. Page 1428 provides one example: "The attempt to resolve choices involving religion (or anything else) by reference to an alleged principle of objective hierarchy, by contrast, seems hopeless inasmuch as it either requires us virtually always to choose for the sake of religion, or fails to provide a principle on the basis of which to decide when choices for religion are required and when they are not." But it is one thing for knowledge of the hierarchy of ends to be a *necessary* condition of sound prudential judgment; it is something else for it to be the *sufficient* condition of sound prudential judgment. Moreover, human agents are diversely situated vis-a-vis the fixed ends of life, calling for diverse routes to the final end. This does not imply an absence of principle, but rather the crucial role of the prudential knowledge of contingent means, which necessarily conditions practical affairs.

[27] *STh* I, q. 79, a. 11, sc.: "Sed contra est quod dicitur in III de Anima, quod intellectus speculativus per extensionem fit practicus." Note that the balance of the article indicates Thomas's concurrence, hence, ad 2 of the same article: "ita obiectum intellectus practici est bonum ordinabile ad opus, sub ratione veri. Intellectus enim practicus veritatem cognoscit sicut speculativus; sed veritatem cognitam ordinat ad opus."

a reduced and somewhat impoverished sense of mere "public order." Inflections of minimalism about the common good have indeed haunted Catholic life since the Second Vatican Council. In the effort to come to terms with republican political institutions and the old liberalism-and to learn something thereby-the Church has prudentially muted certain aspects of its stress upon the transcendent dimensions of the common good. As earlier noted, in *Dignitatis humanae,* wrestling with the issue of religious liberty, the council fathers opted for the language of public order in express preference to that of the common good, so as to avert those prudential issues ineluctably posed by a richer notion of the common good. Yet this minimalism has never been entirely embraced, in part because of difficulties with tradition, in part because it is conceptually unsatisfactory-and so the language of the common good reappears within *The Catechism of the Catholic Church's* treatment of religious liberty (CCC 2109). From this vantage point, the regnant minimalist interpretation of the teaching of *Evangelium vitae* regarding the justice of the death penalty constitutes another minimalist epicycle in the to and fro between rich and eviscerated senses of political common life.

Yet while many critics conceive that only through instrumentalizing the idea of the common good may the Catholic Church become consistent with liberal order, it is arguably the case that a richer and more vibrant common good constitutes precisely what the lesser affirmations of the older liberalism need in order to be perfective of persons and lead to a good society. A prudential regard for the human good achievable through liberal institutions-constitutional government, free markets, democracy-need not suggest that these goods and institutions are not further ordered toward nobler ends. Even as today in the West secularists seek a regimen of law in which, while religion is permitted privately to exist, it is excluded from "the public square," so one may imagine a Catholic state founded upon antecedent consensus wherein the regimen of law might honor the whole truth about man as given in revelation without negating anyone's proclivity to private secularist dissent. Catholics may indeed distinguish between the ideology of liberalism and the value of liberal institutions.

If the logic of the reductionist interpretation of *Evangelium vitae* manifests a degree of utilitarianism in suggesting the loss of adequate moral grounds for punishment insofar as society may otherwise be physically protected, by contrast the idea of punishment as chiefly the righting of moral imbalance manifests an essentially Christian anthropology. If even the sacrament of confession may at times not remit the temporal penalty due to sin, how odd were society to view penalty merely as a utilitarian function rather than a function of justice.[28]

Just as universalism about a putatively absolute right to religious freedom has prompted a fresh regard for the prudential and principled limits of such a right flowing from the nature of the common good, so also universalist clemency may prompt renewed consideration of the antecedent Catholic tradition regarding the nature of punishment.

C) The Reductionist Argument: Minor Premise

This brings us to the minor premise of the reductionist argument:

Minor premise: But modern penal reform renders it unnecessary to the physical protection of society for the state to execute criminals.

Even should one accept the factual claim that penal reform is universal, this minor premise, as essentially prudential, poses questions that need to be addressed. Precisely *how* does penal reform render it unnecessary for the physical protection of society to execute criminals? If this premise is to be the critical factor in abolishing the death penalty, further clarity about the nature of the reforms, how far along they ought to be, and just how they render the death penalty unnecessary to the physical protection of society are prudentially necessary. Upon reflection, it should become apparent that the variability of the prudential data can hardly suggest a uniform answer throughout the globe: surely the encyclical is not proposing a "one size fits all" criminological prudence.

[28] See note 12, above.

The encyclical argues that crime may be suppressed without use of the death penalty, because criminals may be sequestered and so rendered harmless: "Modern society in fact has the means of effectively suppressing crime by rendering criminals harmless without definitively denying them the chance to reform" (*EV* 27). But this raises the issue of whether mere sequestration is always a penalty tantamount either to the purposes of deterrence or the manifestation of the proportion of justice. Is a life sentence in an air-conditioned facility with cable TV always either sufficient penalty, or sufficient deterrent, to grave crime? What of the continued danger to guard personnel? Is their safety not comprised in the protection of society? What of released criminals who murder even after earlier clement treatment for other crimes (one recollects the man who built the state of Ohio's electric chair while incarcerated for theft, was released, and then committed murder-finally to be executed in the very chair he had built)?[29]

The point here is not to argue any universal norms of deterrence, or of intraprison safety, but merely to identify prudential elements that potentially may break the link between "suppressing" crime and merely "sequestering" criminals. Yet without this practical link the conclusion of the reductionist reading of *Evangelium vitae* will not invariably follow. *Ergo one reasonably looks to the larger purpose of the encyclical as a whole to provide guidance on this point.* First I shall frame the difficulty, and then suggest an alternative reading of the encyclical.

D) The Prudentialist Argument

The difficulty is that, inasmuch as there are more factors that bear upon crime than are affected by sequestering the criminal, one cannot reason from rendering the criminal harmless to the requisite deterrence of similar criminal acts by others and the corresponding suppression of crime. The argument about deterrence

[29] Ironically, the felon's name was Charles Justice. While serving rime for theft, he built the state's first electric chair, in 1897. Later after release on the theft charge, he was convicted for murder, and executed in the very chair he had built. See *The Chronicle Telegram,* from Elyria, Ohio, July 23, 1995. I am indebted for this information to the Death Penalty Information Center and Ms. Carrie Rodriguez.

is by its very character difficult of proof. But to claim that the death penalty has never deterred anybody, anywhere, would seem rather a fanciful proposition. And it is precisely the deterrent factor that St. Thomas refers to as a "medicinal" ground for punishment. [30]

How could the deterrent factor be known-about any given society, much less about all given societies-without an enormous volume of study? And surely such data also change. If the deterrent factor varies amongst different peoples, if it is not a datum one can know in advance, and about the whole world, short of prophetic charism, and if it also may change for any given people, then the minor premise in the encyclical cannot predictably sustain the doctrinally universalist clemency that according to a reductionist reading it putatively supports. In short, the reductionist interpretation of the encyclical apart from tradition suggests that the encyclical places great weight upon arguments that clearly cannot bear the weight claimed for them.

As an answer, I would suggest that by contrast and in the light of Catholic tradition it is arguable that societies perceived as unwilling to impose the maximal penalty-no matter how grave the crime or how pressing the prudential considerations-may fail to deter crime. Insofar as it is conceivable that this may anywhere or at any time be true, the sequestration of criminals apart from further punishment may prove insufficient to suppress crime. Where and insofar as this is true, the encyclical as construed in the light of tradition makes clear that the need for defense of society may (other things being equal) license use of the penalty.

While the encyclical does insist that need to impose the penalty is a rare condition, this cannot plausibly be construed as an effort to supplant prudential *contactus* with diverse societies, legal institutions, and criminological realities with a universal criminological prudence. *A more plausible reading* is that, in the light of the culture of death, the encyclical stresses that it is better for contemporary societies to avoid the use of the penalty. Insofar as this is pertinent to the larger motivating purpose of the entire encyclical, even an astute intratextual reading should see this

[30] *STh* I-II, q. 87, a. 3, ad 2.

prudential feature of the argument. This will be especially pertinent inasmuch as contemporary secular societies tend to lack the basis for imposing the death penalty in a virtuous fashion,[31] and apparently no longer embody those moral norms by reference to which such penalty is morally intelligible. Ironically, part of this loss of moral normativity is a function of the moral evacuation of the common good in contemporary secular societies, and the loss by these societies of that reference to the transcendent order of justice which the imposition of penalty is ordered to manifest. So interpreted, *Evangelium vitae* is posing a prudential moral argument, adverting to the practicality (and retributive character) of other penal arrangements pending the social restoration of those moral norms necessary for right social and legal order-at which time the death penalty may, if needed, be more likely to be rightly understood and virtuously imposed.

One might inquire why the disabilities of the solipsist culture of death which disrupt the social intelligibility and conditions for virtuous imposition of the death penalty do not alike proportionately vitiate imposition of every penalty. In truth, this *is* the case. But in cases of disabling disorder, we always seek primarily to forestall the most grave miscarriages. So, we are aware that a drunk may abuse the slamming of doors, the use of language, and so on: yet we primarily try to prevent his abuse of driving a car, or of sharp instruments, or firearms, even while realizing that we cannot avert all manifestation of systemic disorder in lesser matters. This is all the more true in society, wherein social functions will be carried out even when owing to systemic moral disorder it is dear that they will be performed, to some degree, in the wrong way. It is in just such a case that *Evangelium vitae* urges us to avoid use of that intrinsically licit penalty whose contingent yet predictable wrongful application (because social conditions for virtuous imposition and social understanding of the penalty are occluded) would be a most grave miscarriage. But why, then, ought society fall back on the use of the death penalty if it proves requisite to deterrence? Suppose that a drunken man

[31] Hence the obsession with giving what is essentially a moral and punitive judgment a hygienic and ersatz medical form, ministering more to the secular sensibilities of those punishing than to the solemnly moral and penal character of just execution.

is the only, or assuredly the best, hope for a person to receive emergency life-sustaining help. Might not even the drunk, in such a case, morally attempt to save the person's life? Similarly, if the penalty is requisite to deterrence, to forestall society from exacting it because of its systemic failure in understanding the good of life will be to encourage even further depradations *against* the good of life-which is not the purpose of the prudential prohibition. So, the deed done is then in a sense necessary, and so socially justifiable even where the accident of disabling circumstance would otherwise obviate it.

By contrast, where the prime medicinal effect of penalty is achievable, the culture of death analysis appears inapplicable. Where a given society understands its power to assign and impose penalty as delegated and confined within a larger order of justice, and truly understands the death penalty as manifesting a transcendent norm of justice (the prime medicinal effect of penalty), it is not making the wrongful implicit claim of autonomous dominion over life and death. The evil of such a false dominion leads to the wrongful imposition of the penalty by societies that clearly do not fathom the role of any transcendent order of justice in social life, in the order of law, or in political community generally. For such communities as these to impose the death penalty may well constitute a false antinomian claim to authority over life and death as such-matters to which the authority of the political community rightly reaches only through divine delegation. Lacking the primary medicinal end of the penalty, only very strong evidence of its deterrent worth would embolden one to entrust so metaphysically deracinated a culture and a political community with its imposition.

IV. CONCLUSION

From a Thomistic vantage point, the reductionist interpretation of *Evangelium vitae* is difficult to reconcile with Catholic tradition, because this tradition must consider the political state as providentially bound to acknowledge and implement a morally transcendent order of justice. So long as Catholics do not become contract theorists or Hobbesians, they must

conceive the state as executing an order of justice that transcends it in origin, majesty, and truth. Only on such a ground does punishment as a righting of moral imbalance make sense. This is, implicitly, the trouble faced by largely secular societies that aren't themselves any longer sure why they should punish if society may be otherwise physically protected.[32] But this does not appear to be an option consonant with Catholic belief. Hence the reductionist major premise seems to embrace an instrumentalist view of the common good that is, finally, incompatible with the infliction of any punishment save on grounds that appear remarkably utilitarian. It appears *a fortiori* to follow that this cannot count as an authentic reading of the encyclical.

Finally, the moral *ratio* of punishment itself seems endangered by the effort to sever the encyclical's reasoning from tradition. The merely intra textual and *prima facie* reading of *Evangelium vitae* regards the divinely delegated authority of legitimate states to manifest justice through the imposition of penalty as falling under the same logical lens with acts of self-defense by private parties. But formally to commingle private, individual acts of self-defense with the political community's exaction of justice is seriously problematic. The depth of this difficulty is apparent in separating the encyclical's use of the word "medicinal" as meaning "rehabilitative" from the wider aspects of medicinality bespoken in tradition.

Some may wish to stress that the imperative not to cut short the felon's earthly time to repent by untimely execution is, itself, derived from the transcendent moral order. Hence, on this view, no issue of instrumentalization of the common good arises in claiming that the wrongness of capital punishment is a development of doctrine. This proposition ignores the reductionist claim that absolute necessity for merely minimal physical protection of society is the absolute criterion for just imposition of the death

[32] This may also explain something of the ineffectiveness of punishments in secular society, inasmuch as the moral code they enforce is otherwise left derelict, unarticulated, orphaned, and silent in society at large. Inasmuch as positive moral vision is suppressed as constitutive of the common good, the criminal may tend to assuage himself with the sentiment that his suffering is merely the result of being crushed by a governmental power which is no more ordered to the common good than has been his own.

penalty. But, on the supposition that we drop this reductionist emphasis upon mere physical protection, and focus upon the issue of a moral imperative to give criminals more time to repent, we still find little support within the Catholic tradition. This is indicated by the tradition's approval of the licitness of the penalty, in the direct knowledge that it does indeed cut short a felon's time for conversion. While this concern might in given circumstances support a prudential preference to avoid the penalty, taken as universal doctrine this teaching does not seem to cohere with the tradition of the Church on this subject. It ought not quickly or lightly be supposed that *Evangelium vitae* seeks within the compass of a few paragraphs to contradict prior Church tradition.

The minor premise of the regnant interpretation of *Evangelium vitae* is likewise uncompelling, because so interpreted, the propositions of the encyclical are prudentially falsifiable. But the encyclical cannot intend to predicate a universal doctrinal negation upon shifting and variable prudential data. A universal prudential claim about the medicinal element of deterrence is almost impossible to substantiate inasmuch as it is contingent upon which penalties deter and which do not (a datum which changes within any given society, and presumably also differs among various societies). It is more reasonable to interpret this premise within *Evangelium vitae* as identifying the actual feasibility within most societies of relying upon other means for penalty for so long as the culture of death renders this penalty both morally unintelligible and unlikely of virtuous application.[33]

In the presence of concurrence among the Fathers and Doctors of the Church, prior pontiffs, and the two great doctors of the Latin Church (St. Augustine and St. Thomas) regarding the licitness of the death penalty, a *principle rooted in revelation* would appear to be needed to justify a genuine doctrinal shift. Perhaps it may eventually be theologically clarified how a

[33] It must be remembered: just penalty ought to be virtuously applied. Whereas, the hygienic mask drawn by contemporary societies over the death penalty implies lack of insight into its nature and purpose and also into the nature and destiny of the individual subject thereto, in behalf of mere subjective comfort on the part of those punishing. This would appear to be the very opposite of manifesting a transcendent order of justice in society.

changed sense of the good of human life in respect of its teleological order to beatific fellowship with God may root such an argument. But one is obliged to point out that the argument is not made in *Evangeliumvitae,* that the reductionist interpretation of *Evangeliumvitae* to this effect is vulnerable to decisive criticism from tradition, and that, were the argument made, it is unclear how human life-however profound a gift-could elude a principle of proportional penalty applicable to all goods of nature.

There will always be grounds for considering whether the death penalty-or any particular penalty-may not be problematic on essentially prudential grounds, owing to some foreseeable harm that may accrue to the common good through its use (civil war, prejudicial application, etc.). In particular, the prudential issue of countering the culture of death must condition our contemporaneous judgments. The antinomian claim to originative jurisdiction over the gift of life that is implicit in the legal and moral culture of many polities, and blockage of the primary medicinal end of penalty by the widespread loss of transcendent reference for the common good, are defining circumstances from which our practical judgments ought not abstract. In a secularist society lacking coherent norms to identify human life, and lacking metaphysics and revelation to illumine its end, to permit the use of the death penalty may be akin to giving a drunken man a shotgun. But this is a prudential application of Catholic doctrine by the magisterium to a widespread moral, cultural, and legal circumstance, rather than purely a doctrinal development in its own right.

Mercy toward the criminal occurs in the context of justice: where justice is no longer the norm, acts of mercy no longer signify the same thing. Most importantly, mercy itself deploys justice, for it is because of justice that we invoke and flee to the divine mercy. Where justice is permitted to fail, and the evildoer murders with no threat to his own existence, conversion through recourse to the divine mercy may itself be impeded. For God is infinitely just and infinitely merciful, and we cannot be "more" merciful by being "less" just. Our justice points toward the final mercies-the man approaching the block or the hangman's noose

knows with certitude the need for final rectification of conscience. It is puerile to suggest that there are not persons who require such an occasion for the changing of their hearts. Yet part of the evil of the culture of death is that it socially occludes the moral intelligibility of justice as participating the transcendent order of divine providence. Hence the need to avert the worst abuses of this devastation of the common good and of our legal and moral culture arises from the nature of justice itself, which is medicinally ordered toward the healing and purification of society through manifestation of the truth. It accordingly follows that where the juridic and moral norms governing life are socially obscured, the prime medicinal end of the death penalty is impeded. Finally a true embrace of the divine mercy ought to mandate a renewed regard for the demands of justice as itself sacral. Only then will true mercy be exalted in its full grandeur, highlighted and brought forth from the dialectic of justice in a fallen world so well described by St. Paul.[34]

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AQUINAS ON PAGAN VIRTUE

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IN ALASDAIR MACINTYRE'S *post-After Virtue* narratives of the history of ethics, Aquinas's principal achievement is portrayed as a creative synthesis of the preexisting Aristotelian and Augustinian traditions. [1] The most obvious point of disagreement between the two traditions concerned the possibility of the autonomous achievement of genuine moral virtue. To put the matter another way, the central tension concerned conflicting answers to the question of whether anyone could achieve moral excellence without divine assistance. The Aristotelian answer, as embodied in the *Nicomachean Ethics,* was clearly (if anachronistically) affirmative. The Augustinian answer, influenced by Paul, Augustine's own experience, and anti-Pelagian polemics, was a resounding negative. [2]

As Macintyre tells the story, this is one issue where Aquinas sides unequivocally with Augustine and against Aristotle: there is no genuine virtue that is not shaped by the infusion of divine *caritas.* As Bonnie Kent has shown, however, MacIntyre's reading of Aquinas on this point is inaccurate; [3] MacIntyre's own

[1] See *Whose Justice, Which Rationality?* (Notre Dame: University of Notre Dame Press, 1988) and *Three Rival Versions of Moral Enquiry* (Notre Dame: University of Notre Dame Press, 1990).

[2] For Augustine's evolution on this point, see James Wetzel, *Augustine and the Limits of Virtue* (Cambridge: Cambridge University Press, 1992). In *De civitate dei* 19.25, Augustine famously characterizes pagan "virtues" as actually vices. For more of the nuances in Augustine's position, see the texts cited by John M. Rist in *Augustine: Ancient Thought Baptized* (Cambridge: Cambridge University Press, 1994), 170-73.

[3] Bonnie Kent, "Moral Provincialism," *Religious Studies* 30 (1994): 269-85; see her references to MacIntyre's texts on 274-77. As Kent notes (279), MacIntyre's reading is at odds with a long tradition of commentators on Aquinas. Kent's critique of Macintyre is

Augustinian leanings skew his interpretation of Aquinas.[4] Kent even goes so far as to accuse Macintyre of "moral provincialism" because his misreading of Aquinas excludes entire categories of persons from the possibility of any moral excellence on the basis of their religious commitments. She argues that Aquinas actually held a more "morally cosmopolitan" position because he allowed for the possibility of at least a qualified achievement of moral virtue by non-Christians. While I cannot wholly endorse Kent's evaluation of Macintyre, she is clearly correct in claiming that he has misread Aquinas on the reality of genuine virtue apart from charity.

Neither Kent nor Macintyre, however, has successfully sorted through either the complexities of Aquinas's position or, more importantly, its theological import. If Aquinas is more faithful to Aristotle than Macintyre acknowledges, he is also more faithful to Augustine than Kent admits. Aquinas's position is difficult to sort through, however, because there is a tension between what he says about acquired Aristotelian moral virtue and what he says about the Augustinian need for grace. The purpose of this paper is first of all carefully to untangle the tensile Aristotelian and Augustinian strands and to show that they do not really conflict. An examination of key texts in the *Summa Theologiae* discloses that Aquinas admits Aristotelian virtue, but within Augustinian limitations. The second and more constructive aim of this paper is to argue, based on a seminal insight of T. C. O'Brien, that Aquinas's doctrine of grace makes it possible to attach a theological significance to pagan virtue that goes beyond anything that Augustine ever affirmed. In the end, Aquinas's analysis of pagan virtue represents a creative appropriation of Aristotelian and Augustinian elements into his own theological synthesis.

In order to make my case, I will begin by explaining what Aquinas understands to be the nature of acquired moral virtue. I will argue that it is essentially political virtue, the virtue of man as a social being ordered to the common good, and that Aquinas

reiterated in her *Virtues of the Will: The Transformation of Ethics in the Late Thirteenth Century* (Washington, D.C.: The Catholic University of America Press, 1995), 19-34.

[4] Macintyre describes himself as an "Augustinian Christian" in *Whose Justice, Which Rationality?,* 10.

believed that such virtue had been not only articulated by pagans, but also actually achieved. In other words, Aquinas believes that it is possible for human beings to achieve a genuinely good end, a life of political virtue in the *polis*, through their own autonomous resources. He is careful to qualify his assessment of pagan virtue as an imperfect kind of virtue, however, because it does not involve an ordering of man to his ultimate end: God. It needs to be emphasized at the outset that Aquinas holds that man has one and only one end or *telos:* the beatific vision of God. There are not two human ends, one natural and the other supernatural, as was thought in older, erroneous versions of two-tiered Thomism.[5] So when Aquinas argues for the reality of pagan political virtue, he does not view it as the achievement of man's natural end, but rather as the optimal good achievable by human beings apart from grace. When it comes to movement towards our true end, God, we are incapable of acting autonomously because of the Fall. Here the Augustinian theme of the need for grace emerges, which is the focus of the second section of the paper. Aquinas holds that any effective moral ordering to God can only be the result of grace. Thus there can be no "natural" religion or effectively theocentric ethic apart from grace. In the third section I will argue that the kind of achievement embodied in the life of pagan political virtue should not be understood as a moral order independent of the economy of grace, but rather as the preparation for grace that is itself already under the influence of grace.[6]

[5] For ample documentation on this point see Jorge Laporta, *La destinee de la nature humaine selon saint Thomas d'Aquin* (Paris: J. Vrin, 1965). In line with what Laporta has established, Denis J. M. Bradley has recently articulated a strong challenge to the legitimacy of any allegedly Thomistic ethic based on the fictitious "natural end" of man in *Aquinas on the Twofold Human Good: Reason and Human Happiness in Aquinas's Moral Science* (Washington, D.C.: The Catholic University of America Press, 1997).

[6] As I hope is clear from this introduction, my aim does not involve tackling the perennially thorny question of the relationship between the acquired and infused moral virtues. Insofar as my inquiry touches on that issue, it would be to argue that the acquired virtues are not merely a heuristic device designed to provide an apparatus to explain the infused moral virtues. On the relationship between acquired and moral virtue, see Renee Mirkes, O.S.F., "Aquinas on the Unity of Perfect Moral Virtue," *American Catholic PhilosophicalQuarterly* 71 (1998): 589-605. For a recent overview of work on virtue in Aquinas that provides a needed corrective to much of the literature, see Thomas F. O'Meara, O.P., "Virtues in the Theology of Thomas Aquinas," *TheologicalStudies* 58 (1997): 254-85.

I. ACQUIRED MORAL VIRTUE AS PAGAN POLITICAL VIRTUE

Aquinas believes that there is a foundation for moral virtue in human nature in a certain seminal knowledge of the natural law in the intellect and a natural inclination to the good of reason in the will.[7] This is true even in fallen human nature, which is the only nature at issue here. It is vital that we make clear that Aquinas is not interested in exploring the moral capacities of an ahistorical or "pure" human nature. He is interested instead in our existential state as fallen *(in statu naturae corruptae),* wherein the damage to the nature is understood as a privation of the supernatural perfections enjoyed in the state of original justice *(in statu naturae integrae);* fundamentally, original sin results in the absence of the complete ordering of the human person to God that was originally the gift of habitual grace.[8] The human instinct for virtue, however, persists in fallen human nature. To cease to have an inclination to virtue would be to cease to be human because it would mean that there was no longer a rational nature ordered to its own perfection. The inclination to virtue is really nothing other than the natural appetite of the human being for those goods that will perfect it precisely as a rational being; being naturally ordered to virtue is being naturally ordered to the actions and dispositions that will achieve the *telos* of rational human nature. Sin can diminish this inclination to virtue, but it cannot destroy it.[9]

[7] "Utroque autem modo virtus est hornini naturalis secundum quandam inchoationem. Secundum quidem naturam speciei, inquantum in ratione hominis insunt naturaliter cognita tam scibilium quam agendorum, quae sunt quaedam seminaria intellectualium virtutum et moralium; et inquantum in voluntate inest quidam naturalis appetitus boni quod est secundum rationem" *(STh* I-II, q. 63, a. 1). I will be citing the Piana text as found in the revised edition of the *Summa Theologiae* published by the College Dominicain (Ottawa, 1941). See also *STh* I-II, q. 51, a. l; and *De virtutibus in communi,* q. 1, a. 8.

[8] I follow the understanding of original justice and fallen nature in Aquinas that is outlined by T. C. O'Brien in appendices bearing those titles in *Summa Theologiae,* vol. 26 (la2ae. 81-85) (New York: McGraw-Hill Book Company, 1965), 141-64.

[9] See *STh* I-II, q. 85, a. 1 and especially the discussion in a. 2 on whether the total good of human nature can be destroyed by sin: "Dicendum quod sicut dictum est [a. 1], bonum naturae quod per peccatum diminuitur, est naturalis inclinatio ad virtutem. Quae quidem convenit homini ex ipso quod rationalis est: ex hoc enim habet quod secundum rationem operetur, quod est agere secundum virtutem. Per peccatum autem non potest totaliter ab

While the inclination to virtue is innate, habits or virtues are not. Moral virtue, understood as a good operative habit,[10] must be acquired through either repeated actions or direct infusion by God.[11] Acquired moral virtue is developed on the basis of repeated actions under moral tutelage whereby the appetitive powers as passive are trained to act in accord with reason as active;[12] it cannot be inculcated on the basis of a single act.[13] The agent resulting from this kind of moral development is not necessarily perfect, but rather chooses the good for the most part *(ut in pluribus).* The acquired moral virtues are not lost by one unvirtuous action because an acquired habit cannot be destroyed by a single action. By contrast, the infused moral virtues can be lost by a single act of mortal sin because such an action destroys the relationship of charity upon which the infused moral virtues causally depend.[14]

This distinction makes it possible to reconcile Aquinas's claim about the inevitability of mortal sin with the thesis of the reality of acquired moral virtue. Aquinas thinks that it is possible to live the life of acquired moral virtue even though one performs actions that can be categorized theologically as mortal sins. It is important to be careful about what is meant by a mortal sin. Strictly speaking, someone who is not in a graced relationship

homine tolli quod sit rationalis, quia iam non esset capax peccati. Unde non est possibile quod praedictum naturae bonum totaliter tollitur."

[10] "Unde virtus humana, quae est habitus operativus, est bonus habitus, et boni operativus" *(STh* I-II, q. 55, a. 2). Although Aquinas formally defines virtue in an Augustinian manner in the next article, it is clear throughout that he is thinking of acquired moral virtue as Aristotle defines it in *Nicomachean Ethics* 2.6.

[11] See *STh* I-II q. 51 on the cause of habits and q. 63 on the cause of virtue.

[12] See *STh* I-II q. 51, aa. 2-3.

[13] "Manifestum est autem quod principium activum quod est ratio, non totaliter potest supervincere appetitivam potentiam in uno actu, eo quod appetitiva potentia se habet diversimode et ad multa; iudicatur autem per rationem in uno actu aliquid appetendum secundum determinatas rationes et circumstantias. Unde ex hoc non totaliter vincitur appetitiva potentia, ut feratur in idem ut in pluribus, per modum naturae; quod pertinet ad habitum virtutis. Et ideo habitus virtutis non potest causari per unum actum, sed per multos" *(STh* I-II, q. 51, a. 3).

[14] "Et qui amittit caritatem per peccatum mortale, amittit omnes virtutes morales infusae" *(STh* I-II, q. 65, a. 3). For an overview of Aquinas's understanding of mortal sin, see "Mortal Sin," appendix 2 in vol. 27 (1a-2ae 86-89) of the *Summa Theologiae,* ed. T. C. O'Brien (New York: McGraw-Hill Book Company, 1973), 110-17.

with God cannot commit a mortal sin because this presupposes charity; what makes a sin mortal is precisely that it ruptures the relationship of charity. Yet there are also some classes of actions that Aquinas considers to be mortal sins *ex genere* because they involve the pursuit of objectives that are intrinsically incompatible with the love of God above all things.[15] In this context he distinguishes sins that are against the love of God (e.g., blasphemy and false oaths) from sins that are against love of neighbor (e.g., homicide and adultery). Without grace and the theological virtues it is impossible to avoid the first kind of mortal sins. But it is possible for someone without grace generally to avoid the second category of sins because these acts are opposed to reason.[16] Presumably a person would not need grace either to recognize the wrongness of actions of this kind or to avoid them for the most part. So while a person without grace cannot live a God-directed life or an impeccable life, he can live a virtuous life for the sake of some other rational end that involves recognizing a social good or the good of other persons.

The acquired moral virtues thus have reason for their measure.[17] When Aquinas discusses the specific difference between acquired and infused moral virtues, he argues that they differ

[15] "Cum enim voluntas fertur in aliquid quod secundum se repugnat caritati, per quam homo ordinatur in ultimum finem, illud peccatum ex suo obiecto habet quod sit mortale. Uncle est mortale ex genere, sive sit contra dilectionem Dei, sicut blasphemia, periurium, et huiusmodi; sive contra dilectionem proximi, sicut homicidium, adulterium, et similia. Uncle huiusmodi sunt peccata mortalia ex suo genere" *(Sl'h* I-II, q. 88, a. 2).

[16] In responding to an objection that since man cannot avoid sin without grace he cannot acquire virtue without grace, Aquinas states: "Dicendum quod virtus divinus infusa, maxime si in sua perfectione consideretur, non compatitur secum aliquod peccatum mortale. Sed virtus humanitus acquisita potest secum compati aliquem actum peccati, etiam mortalis, quia usus habitus in nobis est nostrae voluntati subiectus, ut supra dictum est; non autem per unum actum peccati corumpitur habitus virtutis acquisitae; habitui enim non contrariatur directe actus, sed habitus. Et ideo licet sine gratia homo non possit peccatum mortale vitare, ita quod nunquam peccet mortaliter, non tamen impeditur quin possit habitum virtutis acquirere, per quam a malis operibus abstineat ut in pluribus, et praecipue ab his quae sunt valde rationi contraria. Sunt etiam quaedam peccata mortalia quae homo sine gratia nullo modo potest vitare, quae scilicet directe opponuntur virtutibus theologicis, quae ex dono gratiae sunt in nobis" *(STh* I-II, q. 63, a. 2, ad 2).

[17] "Virtus igitur hominis ordinata ad bonum quod modificatur secundum regulam rationis humanae, potest ex actibus humanis causari, inquantum huiusmodi actus procedunt a ratione, sub cuius potestate et regula talis bonum consistit" *(Sl'h* I-II, q. 63, a. 2).

according to their formal objects *(secundumspecialeset formales rationesobiectorum)*and that the formal difference is a function of two different *regulae:* human reason and divine law. He uses the virtue of temperance to explain the difference. Materially, temperance of any kind involves a right disposition of the concupiscible appetite with respect to the good of pleasure arising from the sense of touch. When it comes to the acquired moral virtue of temperance, the formal element regulating the pursuit of the pleasurable good comes from reason commanding that food and drink be pursued in amounts compatible with good health and reasonable action. When it comes to the infused virtue of temperance, however, the rule is set by divine law and may involve a call to abstinence far beyond what is required by the rule of reason. The two different *regulae,* reason and divine law, provide two formally different standards for the pursuit of the same material good and may result in differing patterns of action.[18] The distinction of formal object is essentially connected with a second distinction on the basis of end *(secundum ea ad quaeordinatur).*Moral virtue presupposes the nature's ordination to an end and a difference in ends therefore makes for a difference in virtue. Because human nature can be considered as ordered either to the earthly city or to the heavenly city, there are therefore two kinds of moral virtue.[19]

[18] "Dicendum quod dupliciter habitus distinguuntur specie. Uno modo, sicut praedictum est, secundum speciales et formales rationes obiectorum. Obiectum autem virtutis cuiuslibet est bonum consideratum in materia propria, sicut temperantiae obiectum est bonum delectabilium in concupiscentiis tactus. Cuius quidem obiecti formalis ratio est a ratione, quae instituit modum in his concupiscentiis; materiae autem est id quod est ex parte concupiscentiarum. Manifestum est autem quod alterius rationis est modus qui imponitur in huiusmodi concupiscentiis secundum regulam rationis humanae, et secundum regulam divinam. Puta in sumptione ciborum ratione humana modus statuitur ut non noceat valetudini corporis, nee impediat rationis actum; secundum autem regulam legis divinae, requiritur quod homo *castiget corpus suum, et in servitutem redigat* [1 *Cor. 9:27]* per abstenentiam cibi et potus, et aliorum huiusmodi. Unde manifestum est quod temperantia infusa et acquisita differunt specie; et eadem ratio est de aliis virtutibus" *(STh* I-II, q. 63, a. 4). See also the earlier a. 2 on the two different *regulae.* The example of temperence is used also in *De virtutibus in communi,* q. 1, a. 10, ad 8.

[19] "Alio modo habitus distinguuntur specie secundum ea ad quae ordinantur; non enim est eadem specie sanitas hominis et equi, propter diversas naturas ad quas ordinantur. Et eodem modo <licit Philosophus in III *Pol* [1276b31], quod diversae sunt virtutes civium, secundum quod bene se habent ad diversas politicas. Et per hunc etiam modum differunt

Aquinas holds that the good to which man is ordered by the acquired moral virtues is the *bonum civile*.[20] The acquired moral virtues are therefore fundamentally *political* virtues, directing human beings to the kind of flourishing possible in civil society *(vita civis seu politica)*. This is most clearly stated in the discussion of the traditional distinction of the virtues (from Macrobius) into *exemplares, purgati animi, purgatoriae, et politicae*. In analyzing the last, Aquinas says:

> Because man is by nature a political animal, the virtues that exist in him according to his nature are called political, since by them man is rightly ordered regarding the conduct of public life. It is in this sense that we have been speaking of the virtues up until now.[21]

The entire discussion of acquired moral virtue is, then, a discussion of political virtue. Moral virtue brings to perfection the universal inclination of every part for the good of the whole[22]

specie virtutes morales infusae, per quas homines bene se habent in ordine ad hoc quod sint *cives sanctorum et domestici Dei [Eph* 2: 10J; et aliae virtutes acquisitae, secundum quas homo se bene habet in ordine ad res humanas" *(STh* HI, q. 63, a. 4). The infused moral virtues presuppose the immediate orientation to God opened up by the theological virtues. See also the earlier a. 3.

[20] This is the consistent teaching of Aquinas throughout his career: "Dictum autem est quod virtutes morales quaedam sunt infusae et quaedam acquisitae, et quod acquisitae dirigunt in vita civili, uncle habent bonum civile pro fine" (III *Sent.,* d. 33, q. 1, a. 4; see also a. 2, sol. 4). The same doctrine is found in *De virtutibus cardinalibus,* q. 1, a. 4; see especially ad 3.

[21] "Et quia homo secundum suam naturam est animal politicum, virtutes huismodi, prout in homine existunt secundum conditionem suae naturae, politicae vocantur; prout scilicet homo secundum has virtutes recte se habet in rebus humanis gerendis. Secimdum quern modum hactenus de his virtutibus locuti sumus" *(STh* I-II, q. 61, a. 5). There is a long medieval tradition preceding Aquinas wherein the acquired virtues are classified as political. For an overview, see Dom Odon Lottin, *Psychologie et morale aux XIY et XIIY siecles,* vol. 3, *Problemes de morale,* second part (Belgium: Gemboux, 1949), 99-194. It should be noted also that it was commonly held that political virtue was a kind of preparation for theological virtue. See, for example, Lottin's treatment of William of Auxerre (ibid., 142-46).

[22] "Quia unaquaeque pars naturaliter plus amat commune bonum totius quam particulare bonum proprium. Quos manifestatur ex opere; quaelibet enim pars habet inclinarionem principalem ad actionem communem utilitati totius. Apparet etiam hoc in politicis virturibus, secundum quas cives pro bono communi et dispendia propriarum rerum et personarum interdum sustinent" *(STh* II-II, q. 26, a. 3).

and, more specifically, the natural law imperative that humans pursue the basic good of community.[23]

Given the causal primacy of the end as the object of the will in Aquinas's understanding of the moral life, a necessary condition for the achievement of the acquired moral virtues is the overarching rectification of a person's will with respect to the *bonum civile* or *bonum commune.* The will's intention of the *bonum commune* precisely as *finis* means that that intention formally measures every choice of *ea quae sunt ad finem.* Hence the overarching virtue in the will, guiding and informing the life of acquired political virtue in the same way that charity informs the infused moral virtues, is justice, specifically general or legal justice. As the firm and stable disposition in the will to pursue the common good, general justice is the architectonic virtue ordering all the other virtues to their ends within the context of the political community.[24] The meaning and the demands of courage, temperance, prudence, and particular justice are all measured by the common good.

In discussing acquired political virtue, Aquinas commonly describes it as what the ancient pagan philosophers were talking about when they spoke of virtue *(sicut locuti sunt philosophi).* But did he think that anyone had actually realized it, as distinct from merely proposing it as an ideal? The answer is clearly affirmative in his reply to the question whether there can be moral virtue without charity:

It must be said that, as already noted, the moral virtues that produce good acts respecting an end that does not exceed human nature can be acquired by

[23] "Tertio modo inest homini inclinatio ad bonum secundum naturam rationis, quae est sibi propria; sicut homo habet naturalem inclinationem ad hoc quod veritatem cognoscat de Deo, et ad hoc quod in societate vivat. Et secundum hoc, ad legem naturalem pertinent ea quae ad huiusmodi inclinationem spectant, utpote quod homo ignorantiam vitet, quod alios non offendat cum quibus debet conversari, et cetera huiusmodi quae ad hoc spectant" *(STh* I-II, q. 94, a. 2).

[24] See *STh* II-II, q. 58, aa. 6-7. "Dicendum quod sola iustitia legalis directe respicit bonum commune, sed per imperium omnes alias virtutes ad bonum commune trahit, ut in *V Eth.* dicit Philosophus. Est enim considerandum quod ad politicas virtutes, secundum quod hie dicuntur, pertinet non solum bene operari ad commune, sed etiam bene operari ad partes communis, scilicet ad domum, vel aliquam singularem personam" *(STh* I-II, q. 61, a. *5,* ad 4).

human acts. As thus acquired, they can be without charity, *as was the case in many pagans.*[25]

Here is a clear affirmation of pagan virtue as an historical reality and as genuine virtue. Alongside this affirmation, however, is Aquinas's reminder that acquired moral virtue is virtue in only a qualified sense *(secundum quid)* because it does not order man with respect to his ultimate supernatural end, but with respect to goods that are ultimate in a qualified way. Only the infused virtues are virtues in the complete and perfect sense because only they order man with respect to God as his true end.[26]

Much the same teaching, but with some interesting distinctions, is reiterated in the other well-known discussion in the *Secunda Secundae* (q. 23, a. 7) of the possibility of virtue without charity. Here Aquinas once again distinguishes between two ends, but this time in terms of what is *ultimum et universale* on the one hand and what is *proximum et particulare* on the other; the distinction of ends is not between the supernatural and the natural as in the earlier discussion. The ultimate end is the *fruitio Dei* and can only be achieved by the theological gift of charity. All other goods are distinguished by their compatibility or referability to the ultimate end: if they can be ordered to the ultimate good, then they are true goods; if they are not compatible, then they are false goods. Since virtues are dispositions ordering us to an end, the previous threefold distinction of goods/ends leads to a threefold distinction of virtues. True virtue in an unqualified sense *(virtus vera simpliciter)* is what orders us to the ultimate good and such virtue cannot be found without charity. There is a second kind of true moral

[25] "Dicendum quod, sicut supra dictum est, virtutes morales prout sunt operativae boni in ordine ad finem qui non excedit facultatem naturalem homins, possunt per opera humana acquiri. Et sic acquisitivae sine caritate esse possunt: *sicut fuerunt in mu/tis gentilibus" (STh* I-II, q. 65, a. 2; emphasis added).

[26] "Secundum autem quod sunt operativae boni in ordine ad ultimum finem supernaturalem, sic perfecte et vere habent rationem virtutis, et non possunt humanis actibus acquiri, sed infunduntur a Deo .... Pater igitur ex dictis quod solae virtutes infusae sunt perfectae, et simpliciter dicendae virtutes, quia bene ordinant hominem ad finem ultimum simpliciter. Aliae vero virtutes, scilicet acquisitae, sunt secundum quid virtutes, non autem simpliciter; ordinant enim hominem bene respectu finis ultimi in aliquo genere, non autem respectu finis ultimi simpliciter" (ibid.).

virtue, however, that can be found without charity and that disposes us toward a particular true good; the specific example of such a good is the preservation of the city *(conservatio civitatis vel aliquid huiusmodi).* Aquinas describes this as true but imperfect virtue *(vera virtus sed imperfecta).* Such virtue is perfectible, however, because it retains an openness to being ordered by charity. The final type of virtue is sham virtue *(falso similitudo virtutis),* since it is directed to false goods that are incompatible with the ultimate end of life.[27] Aquinas here replaces the previous distinction of virtue as either *virtus simpliciter* or *virtus secundum quid* with the distinction between two different kinds of *vera virtus: perfecta* and *imperfecta.*[28] Here it is apparent how Aquinas differs from Augustine. Where Augustine could only see the dichotomy of perfect virtue and sham virtue, Aquinas recognizes a third kind of virtue-true but imperfect.

The dialogue with Augustine continues in Aquinas's response to the first objection. In response to Augustine's assertion that an act of an unbeliever is always a sin, Aquinas says (as usual) that a distinction must be made. An act lacking charity can be of two kinds. The first kind is the act of an unbeliever deliberately acting

[27] "Dicendum quod virtus ordinatur ad bonum, ut supra habitum est. Bonum autem principaliter est finis, nam ea quae sunt ad finem non dicuntur bona nisi in ordine ad finem. Sicut ergo duplex est finis, unus ultimus et alius proximus; ita etiam est duplex bonum, unum quidem ultimum et universale, et aliud proximum et particulare. Ultimum quidem principale bonum hominis est Dei fruitio, secundum illud Psalmi LXXII.28: *Mihi adhaerere Deo bonum est;* et ad hoc ordinatur homo per caritatem. Bonum autem secundarium et quasi particulare hominis potest esse duplex: unum quidem quod est vere bonum, utpote ordinabile, quantum est in se, ad principale bonum, quod est ultimus finis; aliud autem est bonum apparens et non verum, quia abducit a finali bono. Sic ergo patet quod virtus vera simpliciter est ilia quae ordinat ad principale bonum hominis.... Et sic nulla vera virtus potest esse sine caritate. Sed si accipiatur virtus secundum quod est in ordine ad aliquem finem particularem, sic potest aliqua virtus dici sine caritate, inquantum ordinatur ad aliquod particulare bonum. Sed si illud particulare bonum non sit verum bonum, sed apparens, virtus etiam quae est in ordine ad hoc bonum non erit vera virtus, sed falsa similitudo virtutis.... Si vero illud bonum particulare sit verum bonum, puta conservatio civitatis vel aliquid huiusmodi, erit quidem vera virtus, sed imperfecta, nisi referatur ad finale pefectum bonum. Et secundum hoc simpliciter vera virtus sine caritate non potest" *(STh* II-II, q. 23, a. 7).

[28] Dom Odon Lottin asserts that the language of *STh* II-II, q. 23, a. 7 represents a stronger position than *STh* I-II, q. 65, a. 2 because the change in terminology stresses the true character of acquired moral virtue. See Dom Odon Lottin, "Les vertus morales acquises: sont-elles des vraies virtus? La reponse des theologiens de saint Thomas a Pierre Auriol," *Recherches de theologie ancienne et medievale* 21 (1954): 103.

against the offer of grace; the acts of one deliberately opposing charity are always sinful. It is possible to lack charity in another way, however, by way of mere privation, as in one who has not heard the gospel and so has not had a chance to choose explicitly either belief or unbelief (we can call this "unbelief" as opposed to "disbelief").[29] Someone lacking charity in this sense can perform good acts on the basis of some gift of God or the goodness of his own nature.[30] Aquinas earlier had argued that while nonbelievers cannot do anything meritorious without divine grace, nonetheless they are capable of doing good in accord with their natural capacities.[31] In a later discussion of the good of patience, Aquinas recognizes the possibility and reality of pagan civic virtue when he raises an objection to the claim that patience presupposes grace by referring to numerous historical reports of pagans who endured great suffering rather than betray their country or commit disgraceful acts. Aquinas implicitly acknowledges the truth of such accounts and explains that the good of political virtue does indeed lie within the capacity of man apart from grace; he just denies that such acts count as instances of patience as he has defined it.[32]

[29] In his discussion of infidelity in *STh* II-II, q. 10, a. 1, Aquinas distinguishes between infidelity as a privation of faith and infidelity as an opposition to faith.

[30] "Dicendum quod actus alicuius caritate carentis potest esse duplex. Unus quidem secundum hoc quod caritate caret; utpote cum facit aliquid in ordine ad id per quod caret caritate. Et talis actus semper est malus; sicut Augustinus dicit in IV *Contra Julian* [c.3], quod actus infidelis, inquantum est infidelis, semper est peccatum; etiam si nudum operiat vel quidquid aliud huiusmodi faciat, ordinans ad finem suae infidelitatis. Alius autem potest esse actus caritate carentis, non secundum quod caritate caret, sed secundum quod habet aliquod aliud donum Dei, vel fidem vel spem, vel etiam naturae bonum, quod non totum per peccatum tollitur, ut supra dictum est. Et secundum hoc sine caritate potest quidem esse aliquis actus bonus ex suo genere; non tamen perfecte bonus, quia deest debita ordinatio ad ultimum finem" *(STh* II-II, q. 23, a. 7, ad 1).

[31] "Uncle manifestum est quod infideles non possunt operari bona opera quae sunt ex gratia, scilicet opera meritoria; tamen bona opera ad quae sufficit bonum naturae aliqualiter operari possunt .... Ad secundum dicendum quod fides dirigit intentionem respectu finis ultimi supernaturalis, sed lumen etiam naturalis rationis potest dirigere intentionem respectu alicuius boni connaturalis. Ad tertium dicendum quod per infidelitatem non corrumpitur totaliter in infidelibus ratio naturalis, quin remaneat in eis aliqua veri cognitio, per quam facere possunt aliquod opus de genere bonorum" *(STh* II-II, q. 10, a. 4).

[32] "Dicendum quod bonum politicae virtutis commensuratum est naturae humanae. Et ideo absque auxilio gratiae gratum facientis potest voluntas humana in illud tendere, licet non absque auxilio Dei" *(STh* II-II, q. 136, a. 3, ad 2). I am following the Leonine text here; the

It has been argued by some Thomistic commentators, however, that the imperfection with respect to end that characterizes acquired moral virtue also implies another imperfection. Following in the tradition of John of St. Thomas, Jacques Maritain argues that the acquired moral virtues are not firmly connected together and therefore are really more like dispositions than habits.[33] The textual support for this claim is allegedly found in the discussion of whether the moral virtues are necessarily interconnected in *Summa Theologiae* 1-11, q. 65, a. 1. There Aquinas distinguishes between imperfect and perfect virtues. The former are described as an inclination to do some kind of good *(inclinatio in nobis existens ad opus aliquod de genere bonorum faciendum)* and are not interconnected. Perfect virtues, by contrast, are firm dispositions inclining an agent to do the good in a good way *(habitus inclinans in bonum opus bene agendum)* and are necessarily interconnected; Aquinas gives the cardinal virtues as an example. Those who follow John of St. Thomas interpret the perfect-imperfect distinction of this article as identical to the perfect-imperfect distinction in the discussion of infused and acquired virtues and so conclude that the acquired moral virtues *qua* imperfect virtues are not connected and are really somewhere in between a genuine habit and an inclination; they dispose someone to the good without bringing the activity to the true perfection of virtuous action *(dispositive tantum, non essentialiter et habitualiter).* Yet Maritain and John of St. Thomas are in error here; the sense of the imperfect-perfect distinction in the discussion of the connection of the virtues is not the same as in the discussion of the acquired and infused virtues. This is clear from the contemporaneous parallel discussion in *De virtutibus cardinalibus,* q. 1, a. 2. There Aquinas makes the same distinction: the perfect virtues are connected, while imperfect virtues are not. What makes a virtue perfect is that it disposes man to act well with respect to the *bonum hominis simpliciter* (as opposed to the

Ottawa edition reads the last clause as "licet non absque auxilio *gratiae* Dei." I think the *auxilio* in question is the general divine *motio,* not grace.

[33] See the discussion in Jacques Maritain, *Science and Wisdom,* trans. Bernard Wall (London: Geoffrey Bies, 1940), 145-54. Maritain's views are rooted in John of St. Thomas's *Cursus Theologicus,* vol. 6, disp. 17, a. 2.

bonum secundum quid in imperfect virtue). He goes on to divide the *bonum simpliciter* found in human actions into two categories according to the effective operation of two different *regulae: ratio recta agibilium* and God. The first rule derives from prudence, the second from charity.[34] He then goes on to say that there are three grades of virtue. The first kind is imperfect because it involves virtuous inclinations without prudence. The second grade of virtue is acquired moral virtue:

> The second grade of virtue is those which are based on right reason but do not attain to God himself through charity. These are perfect in the sense of being related to the human good, but they are not unqualifiedly perfect because they do not attain the primary rule of the ultimate end as Augustine said in *Contra Julianum.* Hence these virtues fall short of the true meaning of virtue like moral inclinations without prudence.[35]

It is clear from this text that Aquinas thinks the acquired moral virtues are necessarily interconnected through prudence. They fall short of the perfection of virtue on the basis of their end, but they do provide stable dispositions inclining the agent to act well with respect to the *bonum humanum.*

What emerges from this reading of the texts is a clear affirmation of the reality of acquired moral virtue as political virtue.

[34] "Dicendum, quod de virtutibus dupliciter possumus loqui; uno modo de virtutibus perfectis; alio modo de virtutibus imperfectis. Perfectae quidem virtutes connexae sibi sunt; imperfectae autem virtutes non sunt ex necessitate connexae. Ad cuius evidentiam sciendum est, quod cum virtus sit quae hominem bonum facit, et opus eius bonum reddit, ilia est virtus perfecta quae perfecte opus hominis bonum reddit, et ipsum bonum facit; ilia autem est imperfecta, quae hominem et opus eius reddit bonum non simpliciter, sed quantum ad aliquid. Bonum autem simpliciter in actibus humanis invenitur per hoc quod pertingitur ad regulam humanorum actuum; quae quidem est una quasi homogenea et propria homini, scilicet ratio recta, alia autem est sicut prima mensura transcendens, quod est Deus. Ad rationem rectam attingit homo per prudentiam, quae est recta ratio agibilium, ut Philosophus dicit in VI *Ethic.*. Ad Deum autem attingit homo per caritatem, secundum illud *1 Ioan.*, 4: 16: *Qui manet in caritate, in Deo manet, et Deus in eo"* (De *virtutibus cardinalibus*, q. 1, a. 2, as found in *Quaestiones disputatae*, vol. 2, ed. Bazzi et alia (9th ed.; Rome: Marietti, 1953).

[35] "Secundus autem gradus virtutum est illarum quae attingunt rationem rectam, non tamen attingunt ad ipsum Deum per caritatem. Hae quidem aliqualiter sunt perfectae per comparationem ad bonum humanum, non tamen sunt simpliciter perfectae, quia non attingunt ad primam regulam, quae est ultimus finis, ut Augustinus dicit *contra Iulianum.* Unde et deficiunt a vera ratione virtutis; sicut et morales inclinationes absque prudentia deficiunt a vera ratione virtutis" (ibid.).

Aquinas recognizes a this-worldly *(bonum praesentis vitae)* and pagan *(sic fuerunt in mu/tis gentilibus)* morality that involves genuine, not sham, virtue. It is rooted in the natural inclination to virtue and acquired by the kind of moral tutelage and practice outlined in Aristotle's *Ethics.* Indeed it would seem that the outline of Aquinas's account of pagan political virtue is quite faithful to Aristotle. The political life, however, is only a second-best kind of life for Aristotle. He believed that there is another kind of life, aiming at something beyond the city, which nonetheless lies within the range of human achievement. At this point, however, Aquinas as theologian must part company from the Philosopher on Augustinian grounds.

II. THE IMPOSSIBILITYOF A RIGHT ORDER TO GOD WITHOUT GRACE [36]

While the *bonum commune* is a truly human good whose pursuit by the will offers the prospect of a life of virtue, it is not the ultimate end of human nature. The will is ordered to the *bonum universale et infinitum.* [37] To know and love God is the *ultimus finis* of human nature. [38] Only the beatific vision can satisfy human nature. [39] Hence the fundamental moral imperative is rectification of the will with respect to God; this is the precondition for complete moral virtue. Aquinas puts this clearly in his discussion of the first precept of the Decalogue:

> The primary determinant of the goodness of the soul is the goodness of the will, according to which a person uses rightly any other good. Now the goodness of the will follows from the object that is its end. This is why for one who was to be led to virtue through law, it was first necessary to lay a kind of

[36] After submitting this article, I came across David M. Gallagher's "The Role of God in the Philosophical Ethics of Thomas Aquinas" in *MiscellaneaMediaevalia,* vol. 26, *Was ist Philosophieim Mittelalter?,* ed. Jan A. Aertsen and Andreas Speer (Berlin: Walter de Gruyter, 1998), 1024-33. I think Gallagher misinterprets Aquinas by ignoring the texts that I will discuss on fallen nature's need for grace in order to reach its theocentric natural *telos.*

[37] *STh* I-II, q. 2, a. 8.

[38] *STh* I-II, q. 1, a. 8.

[39] *STh* I-II, q. 3, a. 8.

foundation in religion, whereby a man is properly ordere.d to God as the ultimate end of the human will.[40]

Thus the fundamental moral question is whether man is able to intend God as the ultimate end of his will apart from grace. As we shall see, the answer is negative.

In his discussion of the need for grace in the *Summa Theologiae,* Aquinas asks whether a person can will or do any good without grace. He explains that prior to the Fall *(in statu naturae integrae)* man was able to will and do the *bonum* proportioned to his nature and acquire the moral virtues.[41] In his fallen condition, however, man is unable to achieve the complete good proportioned to his nature. Aquinas goes on to explain that human nature is not totally corrupt after the Fall and so is able to pursue particular goods like building houses and planting vines, but these goods do not perfect him in such a way that he comes to his complete natural fulfillment; hence fallen man must be healed by grace *(gratia sanans)* even in order to achieve the good commensurate with his nature.[42] Aquinas's precise meaning here has long been a matter for debate among commentators, and

[40] "Et in bonitate animae prima pars est bonitas voluntatis, ex qua aliquis homo bene utitur qualibet alia bonitate. Bonitas aurem voluntatis attenditur ad obiectum suum, quod est finis. Et ideo in eo qui erat per legem instituendus ad virtutem, primo oportuit quasi iacere quoddam fundamentum religionis, per quam homo debite ordinatur in Deum, qui est ultimus finis humanae voluntatis" *(STh* II-II, q. 122, a. 2).

[41] "Sed in statu naturae integrae, quantum ad sufficientam operativae virtutis, poterat homo per sua naturalia velle et operari bonum suae naturae proportionatum, quale est bonum virtutis acquisitae; non autem bonum superexcedens, quale est bonum virtutis infusae" *(STh* I-II, q. 109, a. 2). I am focusing throughout this discussion on Aquinas's assessment of man's ability to achieve his connatural good, not his supernatural good; for the latter, of course, grace is required both before and after the Fall.

[42] "Sed in statu naturae corruptae etiam deficit homo ad hoc quod secundum suam naturam potest, ut non possit totum huiusmodi bonum implere per sua naturalia. Quia tamen natura humana per peccatum non est totaliter corrupta, ut scilicet toto bono naturae privetur; potest quidem etiam in statu naturae corruptae per virtutem suae naturae aliquod bonum particulare agere, sicut aedificare domos, plantare vineas, et alia huiusmodi; non tamen totum bonum sibi connaturale, ita quod in nullo deficiat. Sicut homo infirmus potest per seipsum aliquem motum habere; non tamen perfecte potest moveri motu hominis sani, nisi sanetur auxilio medicinae. Sic igitur virtute gratuita superaddita virtuti naturae indiget homo in statu narurae integrae quantum ad unum, idest ad operandum et volendum bonum supernaturale. Sed in statu naturae corruptae quantum ad duo, scilicet ut sanetur; et ulterius ut bonum supernaturalis virtutis operetur, quod est meritorium" *(STh* I-II, q. 109, a. 2).

what he says here about fallen man's capacmes seems to contradict what has been claimed about pagan political virtue. That Aquinas could contradict himself on such an important matter, however, is unthinkable. The key distinction in this discussion is that before the Fall man could achieve the *complete* good proportionate to his nature without the aid of grace, while after the Fall man is unable to achieve that complete good. Aquinas leaves the door open to the achievement of a genuine but incomplete human good. The examples in the text, often cited as proof of fallen man's moral debility, are somewhat misleading; they reflect Aquinas's use of traditional sources rather than his own thinking.[43] There is nothing in this text that contradicts what he says about the achievement of acquired political virtue.

Aquinas's main point becomes clearer when he goes on in the next article to explain that the reason for fallen man's inability to will and act for the sake of the total human good is his inability to *diligere Deum super omnibus.* To love God above all things is connatural to man; indeed, following Pseudo-Dionysian lines, Aquinas argues that it is natural for every creature *qua* part to love in some way the source and end of the goodness of the whole.[44] Prior to the Fall, man was able to love God above all things and refer everything-especially himself-to God as the ultimate end. As a consequence of the Fall, however, man is not able to love God above all things and so pursues some *bonum privatum* as end unless he is healed by grace.[45] It is vital to note,

[43] Aquinas is making an implicit reference to what he took to be an Augustinian text (now known to be pseudo-Augustinian) called the *Hypomnesticon contra pelagianos et coelestianos seu Libri Hypognosticon,* book 3, chap. 4 (PL 45: 1623); the same reference is made later in *STh* I-II, q. 109, a. 5. The larger list in the original makes the main point that free will apart from grace is able to accomplish the goods that pertain to the present life and that the latter are understood in social terms (friends, marriage, agriculture, etc.).

«See G. Stevens, "The Disinterested Love of God according to St. Thomas and Some of His Modern Interpreters," *The Thomist* 16 (1953): 307-33, 497-541.

[45] "Dilegere autem Deum super omnia est quiddam connaturale homini; et etiam cuilibet creaturae non solum rationali, sed irrationali et etiam inanimatae, secundum modum amoris qui unicuique creaturae competere potest . . . . Uncle homo in statu naturae integrae delectionem sui ipsius referabat ad amorem Dei sicut ad finem, et similiter dilectionem omnium aliarum rerum. Sed in statu naturae corruptae homo ab hoc deficit secundum appetitum voluntatis rationalis, quae propter corruptionem naturae sequitur bonum privatum, nisi sanetur per gratiam Dei" *(STh* I-II, q. 109, a. 4).

as Aquinas makes abundantly clear, that the love of God above all things at issue here is not the supernatural love of God in charity but rather the natural love of God *prout est principium et finis naturalis boni.*[46] Even if fallen man rationally recognizes the existence of God as source and end of all goodness and being, he cannot by an act of his will effectively make God the ultimate end of his life.

The inability to pursue God as the ultimate good means that fallen man cannot fulfill all the precepts of the law apart from grace. Aquinas does not argue that man cannot fulfill *any* of the precepts of the law, but rather that he cannot fulfill the law completely; once again the contrast is between complete and partial fulfillment.[47] In discussing whether fallen man is able to abstain from sin without the help of grace, Aquinas notes that fallen man can avoid all the kinds of mortal sins that are opposed to reason, but that due to the disorder in the concupiscible appetites it is not possible to avoid every venial sin.[48] That man will commit sins mortal in kind is inevitable because of the will's inability to pursue God as the ultimate end. A failure with respect to the ultimate end necessitates eventual failures with respect to other goods that ought to be pursued precisely for the sake of the ultimate end.[49] Once again, however, it must be noted that the inevitability of man committing acts that qualify as mortal sins *ex*

[46] "Dicendum quod caritas diligit Deum super omnia eminentius quam natura. Natura enim diligit Deum super omnia, prout est principium et finis naturalis boni; caritas autem secundum quod est obiectum beatitudinis, et secundum quod homo habet quandam societatem spiritualem cum Deo" *(STh* I-II, q. 109, a. 3, ad 1). The same contrast between the natural and the supernatural love of God is made in *De caritate* q. 1, a. 2, ad 16; and *De spe* q. 1, a. 1, ad 9.

[47] *STh* I-II, q. 109, a. 5.

[48] "In quo quidem statu [naturae corruptae] potest homo abstinere ab omni peccato mortali, quod in ratione consistit, ut supra habitum est [q. 74, a. 4]. Non autem potest homo abstinere ab omni peccato veniali, propter corruptionem inferioris appetitus sensualitatis" *(STh* I-II, q. 109, a. 8).

[49] "Quia sicut rationi subdi debet inferior appetitus, ita etiam ratio subdi debet Deo, et in ipso constituere finem suae voluntatis. Per finem autem oportet quod regulentur omnes actus humani.... Ita etiam ratione hominis non totaliter existente subiecta Deo, consequens est ut contingant multae inordinationes in ipsis actibus rationis. Cum enim homo non habet cor suum firmatum in Deo, ut pro nullo bono consequendo vel malo vitando ab eo separari vellet; occurent multa propter quae consequenda vel vitanda homo recedit a Deo praecepta ipsius, et ita peccet moraliter" (ibid.).

genere does not mean that political virtue is impossible; it simply means that no fallen person can live a God-directed life.

What emerges from this discussion of man's postlapsarian condition is that Aquinas sees the principal moral handicap as the inability to make God the ultimate end of the will apart from grace. Even if a person is able to come to an intellectual acknowledgement of God as the source and end of all being and goodness-which knowledge is the end of metaphysics[50]-nonetheless that knowledge cannot lead to the consistent volition of God as ultimate good apart from grace. For the knowledge of God to make a moral difference in a person's life, grace is required. We cannot autonomously achieve a natural love of God *qua* metaphysical source of being and goodness; we can only receive the gift of loving God *qua* friend in grace. This means that even if a person were to recognize the moral obligation to practice the virtue of religion, he could not effectively do so apart from grace.[51] Although religion is not a properly theological virtue having God as its immediate object since it concerns the worship due God, it nevertheless presupposes God as ultimate end[52] and *finis cui*.[53] Aquinas explicitly states that religion depends upon the theological virtues.[54] The natural inclination to love God above all things can only be realized through the theological virtue of charity. Aquinas thus remains true to

[50] See Thomas C. O'Brien, *Metaphysics and the Existence of God* (The Thomist Press: Washington, D.C., 1963).

[51] Oddly enough in the light of his Augustinian bent, Macintyre apparently believes that religion in Aquinas is a natural moral virtue; see *Whose Justice? Which Rationality?*, 188, 201.

[52] "Religio proprie importat ordinem ad Deum. lpse enim est cui principaliter alligari debemus tanquam indeficienti principio; ad quern etiam nostra electio assidue dirigi debet, sicut in ultimum finem" *(STh* 11-11, q. 81, a. 1).

[53] "Religio est quae Deo debitum cultum affert. Duo ergo in religione considerantur. Unum quidem quod religio Deo affert, scilicet cultus, et hoc se habet per modum materiae et obiecti ad religionem. Aliud autem est id cui affertur, scilicet Deus.... Unde manifestum est quod Deus non comparatur ad virtutem religionis sicut materia vel obiectum, sed sicut finis. Et ideo religio non est virtus theologica, cuius obiectum est ultimus finis; sed est virtus moralis, cuius esse est circa ea quae sunt ad finem" *(STh* 11-11, q. 81, a. 5).

[54] "Virtutes autem theologicae, scilicet £ides, spes et charitas, habent actum circa Deum sicut circa proprium obiectum; et ideo suo imperio causat actum religionis, quae operatur quaedam in ordine ad Deum" *(STh* 11-11, q. 81, a. 5, ad 1). See also *Expositio super librum Boethii De trinitate*, Q. 3, a. 2.

Augustine: there is no moral movement toward God that is not under the aegis of grace.

III. PAGAN VIRTUE AS A PREPARATION FOR GRACE

The first aim of this paper has now been achieved insofar as the results of the first section's analysis of acquired moral virtue as political virtue have been shown to be compatible with the results of the second section's analysis of the need for grace. The Aristotelian themes of man's natural direction to life in the *polis* and the moral virtues requisite for the achievement of that *telos* are compatible with the Augustinian theme of fallen man's moral woundedness, which results in the need for healing grace in order to be rightly related to God as ultimate end. Fallen man cannot choose the complete good commensurate with his nature, but he is capable of achieving a limited kind of moral virtue apart from divine grace. Showing that there is no contradiction between these two strains, however, does not explain their interrelationship. Even if the affirmations of the reality of acquired moral virtue and the reality of the need for grace do not contradict each other, nonetheless they seem to lie in uneasy tension within Aquinas's theological perspective. Why would Aquinas the theologian allow for· pagan virtue? Was it simply a need to account for an historical fact *(sicut in multibusgentilibus fuerunt)?* Does it not seem to uphold a kind of natural or pagan moral order outside of God's providence and grace? I do not think so. Following the insight of T. C. O'Brien, [55] what I want to suggest in this final section is a way of reading Aquinas that allows for a genuine theological significance to the reality of pagan virtue precisely as a preparation for or openness to grace: in choosing to order himself to some true (albeit incomplete) human good, the practitioner of pagan virtue is *faciens quod in se est* and so implicitly opening himself up to the Good that transcends his nature.

.11 My reading of this article presupposes the more detailed analysis of T. C. O'Brien in "A Commentary on lalae. 89,6," appendix 4 in *Summa Theologiae,* vol. 27 (la2ae 86-89), 125-33. See also Max Seckler, "Das Heil der Nichtevangelisierten in Thomistischer Sicht," *Theologische Quartalschrift* 140 (1960): 38-69.

In order to see how this is so, it is necessary to turn to Aquinas's solution to the question of whether it is possible for someone in the state of original sin to commit only venial sins and so avoid mortal sin *(STh* 1-11, q. 89, a. 6). There Aquinas argues that once a person reaches the age of moral maturity he is confronted with the question of his fundamental orientation or ultimate end. Everything depends on what he takes for that end:

> When a person has begun to have the use of reason, he is not entirely excused from the culpability of venial and mortal sin. At that point the first thing a person must deliberate about is his own self. If he were to order himself toward a due end *(debitum finem),* then he will receive pardon from original sin through grace. But if he does not order himself to a due end, insofar as he is capable of discerning it at that age, then he will sin mortally, not doing what in him lies *(non faciens quod in se est).* And from that time on there will not be in him venial sin without mortal sin, unless all his sins be subsequently pardoned through grace.[56]

At the heart of this response lies the primacy of the ultimate end in the moral life. Being a responsible moral agent entails the intention of some end as ultimate. The option is presented here as lying between the self and some good that is not the self; either an agent makes himself the ultimate end or he recognizes the exigencies of achieving a due end outside himself. It is vital to note that the fundamental choice (at least initially) is not between self and God, but rather between self and some *debitum finem.* The issue is whether or not the agent sees himself as ordered to perfection through actions bearing on a good outside himself. What matters is not that the agent chooses the complete or perfect good as ultimate end, but that he chooses a genuine good, something that is truly perfective as answering to his natural inclination to the good. I would argue that the *bonum civis*

[56] "Cum vero usum rationis habere inceperit, non omnino excusatur a culpa venialis et mortalis peccati. Sed primum quod tune homini cogitandum occurrit, est deliberare de seipso. Et si quidem seipsum ordinaverit ad debitum finem, per gratiam consequeter remissionem originalis peccati. Si vero non ordinet seipsum ad debitum finem, secundum quod in ilia aetate est capax discretionis, peccabit mortaliter, non faciens quod in se est. Et ex tune non erit in eo peccatum veniale sine mortali, nisi postquam totum fuerit sibi per gratiam remissum" *(STh* I-II, q. 89, a. 6). As O'Brien notes, the phrase *facienti quad in se est, Deus non denigat gratiam* is a traditional axiom in the theology of grace that originates in Ambrosiaster.

identified as the ultimate end of pagan virtue is just such an end and good. The *bonum civis* is a due end of man, truly perfective of his nature and commensurate with his natural inclination. It involves a subordination of self to the good of the community. The other-regarding *(ad alterum)* that is constitutive of justice opens the agent to appreciate a good transcending himself[57] that imposes order on his pursuit of all other goods. The achievement of political virtue is an ordering to a self-transcending *debitum finem* that is in principle available to every moral agent as a fundamental option because it is a good in accord with human nature and inclination.

In Aquinas's understanding of the divine economy of grace, the effective orientation of the will to the *bonum debitum* requisite for pagan political virtue can be interpreted as *faciens quod in se est* and so as an opening up to or preparation for grace. In his formal discussion of the preparation for grace, Aquinas asserts that any movement toward the good that can be construed as a preparation for grace is itself already under grace (this is his rejection of semi-Pelagianism)[58] and that the good in question need not be the complete good.[59] Hence the pursuit of the *bonum commune* as that orders the life of acquired pagan political virtue may, within the divine economy of grace, be already the preparation for grace that leads to justification. In this context, failing to do what in one lies is the same as failing to act

[57] "Quaelibet enim pars habet inclinationem principalem ad acrionem communem utilitari totius. Apparet etiam hoc in politicis virtutibus, secundum quas cives pro bono communi et dispendia propriarum rerum et personarum interdum sustineat" *(STh* II-II, q. 26, a. 3).

[58] "Sed si loquamur de gratia secundum quod significat auxilium Dei moventis ad bonum, sic nulla praeparatio requiritur ex parte hominis quasi praeveniens divinum auxilium; sed porius quaecumque praeparatio in homine esse potest, est ex auxilio Dei moventis animam ad bonum" *(STh* I-II, q. 112, a. 2). For St. Thomas's clear rejection of semi-Pelagianism, see *STh* I-II, q. 109, a. 3; and *Quodl.* l, q. 4, a. 2. For an overview of St. Thomas's doctrinal development on grace, see Joseph P. Wawrykow, *God's Grace and Human Action: "Merit" in the Theology of Thomas Aquinas* (Notre Dame: University of Notre Dame Press, 1995); see especially 34-55 (on the seminal works of Brouillard and Lonergan) and 177-233 (on the treatment of grace in the *Summa Theologiae).*

[59] "Dicendum quod, cum homo ad gratiam se praeparare non possit nisi Deo eum praeveniente et movente ad bonum, non refert utrum subito vel paulatim aliquis ad perfectam praeparationem perveniat; dicitur enim *Eccli. XI,23: Facile est in oculis Dei subito honestare pauperem.* Contingit quandoque quod Deus movet hominem ad aliquod bonum, non tamen perfectum; et talis praeparatio praecedit gratiam" *(STh* I-II, q. 112, a. 2, ad 2).

in accord with the natural orientation to virtue that is ineradicably a part of human nature. The divine economy of salvation works through and perfects the moral horizon of human teleology. To fail to pursue what is in accord with human nature is to fail with respect to God.

The ultimate end of human nature is not the common good of the *polis,* however, but rather the common good of the universe: God. Hence the supreme preparation for grace works through the natural love of God.[60] In the ideal scenario then, the achievement of political virtue would be penultimate and itself preparatory for the recognition of God as ultimate good. As noted in the last section, philosophical knowledge of God as first cause and ultimate end can only be morally effective under the influence of God's healing grace.[61] When Aristotle himself had described the achievement of contemplative happiness in *NicomacheanEthics* 10.7 as somehow dependent upon divine action within us, he was right in a way that he did not understand. If any pagan were able to achieve political moral virtue and make God his ultimate good through the intention of his will, then he would have to be acting under the influence of God's grace. This means that even if the subjective terms according to which God is known and willed are recognized on the basis of creation, the act by which God is willed as the ultimate end must be an act of charity. Creation does not form the basis for some kind of natural religion ordered to a vague Supreme Being, but is rather the horizon in which God draws people into the communion of Father, Son, and Spirit. There is no purely natural destiny for a graceless human nature, but rather only the supernatural calling of the human person created in the very image of the God to share in God's own life. What I am suggesting is that that supernatural calling could have come to the pagans through the historical particularity of their own moral striving in the *polis.*

[60] "Ad secundum dicendum quod naturali dilectione qua Deus super omnia naturaliter diligitur potest aliquis magis et minus uti, et quando in summo fuerit, tune est summa preparatio ad gratiam habendum" *(Quodl.* 1, q. 4, a. 3; *Opera omnia, Tomus XXV,* vol. 2 [Rome: Leonine Commissi_on,1996]).

[61] SI'h1-11,q. 109, a. 3. On the idea that natural theology disposes a person for grace, see M. F. Sparrow, "The Proofs of Natural Theology and the Unbeliever," *American Catholic PhilosophicalQuarterly 65* (1991): 129-41.

At this point my claim touches on some large theological issues: implicit faith, the salvific value of non-Christian religions, and even the relationship between nature and grace. While these matters lie beyond this essay's ken and competence, I would argue that my reading of Aquinas is supported by theologians expert in such matters. Thomas O'Meara has identified scattered hints in the texts of Aquinas that God's universal will to salvation involves the offer of grace to people of every time and place in ways that do not always involve an explicit assent to Christ through baptism.[62] J. A. DiNoia has appropriated O'Brien's reading of *Summa Theologiae* I-II, q. 89, a. 6 as part of his Thomistic approach to the salvific value of non-Christian religions.[63] Fergus Kerr's *Immortal Longings* touches on themes relevant to this essay when, after having discussed various contemporary thinkers as manifesting a common latent theological theme of the human longing for the transcendent, he concludes: "They all believe, and argue, that as moral agents, as subjects, we are indebted to something other than ourselves. In one way or another, they believe that human life as a moral and spiritual enterprise is essentially *responsive."*[64] Kerr goes on to suggest that such immortal longings should be considered in the light of the nature-grace debate between Barth, de Lubac, von Balthasar, and Rahner. Whether or not Kerr is right in his assessment of that debate, I want to endorse as authentically Thomistic his recognition of the way in which moral striving, responding to the claims of a genuine good outside of self, can be an implicit movement toward the Good transcending all other goods. In this way the virtuous pagan, ordering himself to the good of the community, may have been implicitly moving under the influence of grace. And if that self-transcending immortal longing culminated in a conscious striving toward God as ultimate good, it surely was a longing and a striving under grace.

[62] See Thomas F. O'Meara, *Thomas Aquinas: Theologian* (Notre Dame: University of Notre Dame Press, 1997), 235-41.

[63] J. A. DiNoia, O.P., *The Diversity of Religions: A Christian Perspective* (Washington, D.C.: The Catholic University of America Press, 1992), 95-97.

[64] Fergus Kerr, O.P., *Immortal Longings: Versions of Transcending Humanity* (Notre Dame: University of Notre Dame Press, 1997), 164.

By now we have come a long way from the original dispute between Macintyre and Kent; indeed, we have come to the limits of this inquiry. What has resulted is not a vindication of either Macintyre or Kent, since neither grasps the deeper theological context in which Aquinas's treatment of pagan virtue must be considered. Aquinas is indeed more morally cosmopolitan than Macintyre recognizes, but this is because he is more theologically cosmopolitan than Kent recognizes. I am aware that the theological interpretation of pagan virtue that I offer is perhaps controversial. I am confident, however, that I have untangled the Aristotelian and Augustinian strains in an accurate manner. And if that is the case, then I do not see any other way of reconciling them that does not lead to either the worst kind of nature-grace extrinsicism or an implicit denial of God's universal salvific will.

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THE CONTEXT AND CHARACTER OF THOMAS'S THEORY OF APPROPRIATIONS

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ACCORDING TO THOMAS, 'appropriation' refers to the attempt to manifest the Trinity of divine Persons by means of essential attributes.[1] Because the essential attributes are known from creation and are therefore more accessible to reason than the personal properties of the three Persons, we have greater access to them. Moreover, "just as we are able to use vestiges or images of the Trinity found in creation, so it seems permissible to use the essential attributes in the same way."[2] These essential attributes are not to be asserted of the divine Persons as if they were proper to them but only by way of similitude or dissimilitude.[3] The intention of such speech is best described as removing errors from our thinking and speaking about the three Persons.

At first glance, Thomas's explanation of appropriations does not appear to be especially revealing or insightful. In fact, he dedicates only two articles to it in the *Summa Theologiae*. Similar discussions in the texts of earlier theologians went on for pages.[4] Because of this comparative brevity, Thomas is often considered not to be innovative on this topic. One scholar notes that

although we do not know to what extent Thomas was able to refer to Alain de Lille, Simon de Tournai, and the Porretan masters, he remains to a large extent

[1] Thomas Aquinas, *Summa Theologiae* I, q. 39, a. 7.

[2] "Sicut igitur similitudine vestigii vel imaginis in creaturis inventa utimur ad manifestationem divinarum Personarum, ita et essentialibus attributis" (ibid.).

[3] Ibid., ad 1.

[4] Augustine, for example, discusses the appropriation of power and wisdom to Christ for almost two entire books *(De Trinitate* 6-7).

the heir of their teaching. The Porretan theologians were the first to assemble the patristic dossier that is essentially reproduced and organized into a solid structure in the *Summa Theologiae*.[5]

With these words J. Chatillon consigns Thomas to the status of heir and innovative compiler of material that was worked out by earlier if not greater minds. Thomas's contribution is assumed to be one of putting such insights into a very concise and readable form.

According to Chatillon's study, appropriation theory is based on a text in Romans that appears to refer to distinct divine Persons in the act of creation: "For from him and through him and in him are all things" (Rom 11:36). Beginning with Augustine's *De doctrina Christiana*, this text was used as "the point of departure" for theological reflection that seeks to "render an account of the ineffable mystery of the distinction of persons."[6] Such reflection then provides a kind of *accessus* to the mystery of the divine Persons.[7] Chatillon contends that Augustine, in the *De Trinitate,* combines the teaching of Romans 1:20 (that our understanding of invisible things is had by created things) with Romans 11:36 in order to justify a "method of intellectual ascension ... to the knowledge of the mystery reflected in creation."[8] The understanding "by means of created things" is, according to Chatillon, an ascent to the mystery itself, that is, to the distinction of divine Persons.

Chatillon uses Augustine's discussion as the framework for treating Thomas and his sources. For Chatillon, as well as for al-

[5] "Pourtant, bien que nous ne sachions pas clans quelle mesure saint Thomas d'Aquin a pu frequenter Alain de Lille, Simon de Tournai et !es maitres porretains, c'est de leur enseignement qu'il demeure pour une large part l'heritier. Ce sont en effet !es theologiens porretains que avaient ete Jes premiers a rassembler Jes elements du dossier patristique dont la *Summa theologiae* reproduit l'essentiel et a !es organiser clans un traite solidement structure" (Jean Chatillon, "Unitas, Aequalitas, Concordia vel Connexio," in *St. Thomas Aquinas 1274-1974: Commemorative Studies,* vol. 1 (Toronto: Pontifical Institute of Medieval Studies), 375.

[6] "Rendre compte ... de !'ineffable mystere de la distinction des personnes" (ibid., 337).

[7] In order to make his study of the theory's development more manageable, Chatillon focuses on the Augustinian triad of *unitas, aequalitas, concordia,* which comes from *De doctrina Christiana.* This triad also appears in *STh* I, q. 39, a. 8.

[8] "Methode d'ascension intellectuelle ... jusqu'a la connaissance du mystere qu'il reflete" (Chatillon, "Unitas," 342).

most every modern scholar of the history of Trinitarian theology, Augustine and Thomas are understood almost without question to be "of a piece," speaking with one voice the "Western Latin Trinitarian tradition"; hence, the reading of one determines the reading of the other. [9] Augustine is indeed the explicit source for several parts of Thomas's discussion. [10] About this there can be no dispute. Nor is there much dispute that Thomas seems to agree with Augustine in his understanding of appropriations. What difference there is has more to do with clarity than with substance. Thomas is assumed to have given a more accurate and complete statement of the theory he took from Augustine's writings, due in part to the work of the many gifted theologians in the intervening centuries. Yet a lack of dispute among scholars on this theory does not demonstrate its accuracy. The problem becomes more acute when Chatillon uses Albert the Great's definition of appropriation for discussing the theory itself and the work from Augustine to Thomas and everyone in between. [11] Albert defines appropriations as an *"accessus ad proprium,"* implying an approach to the doctrine from natural reason. Revelation supplies the missing pieces, not the substance and foundation. Nowhere in Augustine or Thomas do we find such a definition. [12]

On the contrary, the discussion of appropriations in both Thomas and Augustine comes after the treatment of divine Persons distinguished by relations, involving revealed doctrine and the hermeneutical principles founded therein. Arguments involving appropriated attributes would most likely be at the

[9] See, for example, J. Thompson, *Modern Trinitarian Perspectives* (New York: Oxford University Press, 1994); C. Gunton, *The Promise o(Trinitarian Theology* (Edinburgh: T.& T. Clark, 1991); B. Lonergan seems also to suggest more affinity in theological method between Augustine and Thomas than is warranted by textual comparison. See Lonergan's *De Dea Trina: Pars Systematica* (Rome: Gregorian University, 1964).

[10] See *STh* I, q. 39, a. 8.

[11] Chatillon, "Unitas," 338 n. 4.

[12] The notable divide between Albert's practical and Thomas's speculative definition of theology almost requires that their stance on such issues as appropriations and our knowledge of God be different. What appears to be similar must be understood distinctively due to the different assumptions and goals of their theological writings. For more detailed comparison, see R. Mcinerny, "Albert and Thomas on Theology," in *Miscellanea Mediaevalia,* Veroffentlichungen des Thomas-Instituts der Universitat zu Koln, herausgegeben von Albert Zimmerman, Band 14, *Albert der Grosse* (Berlin: Walter de Gruyter, 1981), 50-60.

beginning of the Trinitarian questions if they constituted an *accessus.* Further, the incongruity of Albert's definition with the teaching of Augustine and Thomas can be seen in the insistence of the latter that appropriations are based upon a comparison with personal properties.[13] There is no attempt to discern distinctions among the essential attributes and project them onto the Persons.[14]

No doubt many of the theologians Chatillon considers do share much in the way of detail and discussion, yet the appearance of the same words does not necessarily imply the same meaning and polemic. The way in which such words or polemical details are used is at least as important as the details themselves. Chatillon, for example, notes Thomas's distrust of deductive methods in Trinitarian theology, but, surprisingly, he does not bother to delineate the differences in theological method among the various theologians he considers, some of whom employ deductive arguments. What Thomas characterizes as "manifesting" the doctrine (the distinction and unity of Persons in one nature) by means of the essential divine attributes is then lumped together with earlier attempts to deduce the personal distinctions from these same essential attributes. The question of context is important not simply for rendering a fuller account; it goes to the heart of the argument's meaning, its noetic value.

One cannot make sense of the role and significance of appropriation theory without attending to larger issues of theological methodology. Anselm explicitly attempts to prove the doctrine of the Trinity without the benefit of revelation.[15] Abelard goes so far as to affirm repeatedly the theological understanding of pagans with regard to Trinitarian doctrine: the pagan understanding of distinct attributes of God constitutes a virtual insight into Trini-

[13] Cf. Augustine, *De Trinitate* 6.1-3; Aquinas, *STh* I, q. 39, a. 8.

[14] Albert, however, seems to suggest that power and wisdom understood distinctly do correspond to the way in which the Father and the Son together create; see Albert, *Summa Theologiae,* tr. 12, q. 48, cap. 2; q. 50, cap. 1. With respect to other theologians included in Chatillon's study, the deductive effort is clear. Cf. Abelard, *Introductio ad Theologiam* (PL:178), col. 989-94.

[15] For a detailed analysis of Anselm's procedure, cf. S. Gersh, "Anselm of Canterbury" in P. Dronke, *A History of Twelfth-Century Western Philosophy* (Cambridge: Cambridge University Press, 1988).

tarian doctrine. The tendency to group Augustine and Thomas so closely is due to a failure to take account of the larger methodological structures of their respective works. The fundamental difference between Chatillon's understanding of appropriation and Thomas's is that the former sees it as a way of arriving at personal distinctions whereas Thomas does not.

Our purpose here is not, however, to refute Chatillon's argument, but to use it as an example of how modern scholarship often fails to do justice to the theological tradition. It is our intention to separate Thomas from his predecessors and contemporaries in order that we may hear "his voice." Reading the *Summa Theologiae* as a distinct theological work different not only from other thirteenth-century works but also from earlier medieval and ancient works on the Trinity is necessary if we are to understand Thomas's own method and teaching.

I. THE CONTEXT OF THOMAS'S DISCUSSION OF APPROPRIATIONS

In the *Summa Theologiae* Thomas argues most clearly that the divine Persons cannot be deductively known. Knowing that God exists and describing God by means of effects in creation allows us to know only the divine nature, not the distinction of Persons. We cannot know who or what God is because we can know God only by way of creatures (divine effects), and creation is not proper to any one divine Person.[16] The effects of God evident in creation are due to what is one in God (power, goodness, wisdom, etc.) and, therefore, do not lead to a knowledge of distinctions. Neither can we nor should we purport to know the Trinity by any means other than revelation. "Through faith one comes to cognition, not the reverse."[17]

For Thomas there can be no approach or *accessus* to the doctrine of the Trinity apart from revelation. Arguments from

[16] *STh* I, q. 2, a. 1; also q. 45, a. 3.

[17] "Dicit quod per £idem venitur ad cognitionem, et non e converso" *(STh* I, q. 32, a. 1, ad 2). On this point, Augustine and Thomas wholly agree. See, for example, Augustine's introductory comments to book 1 of his *De Trinitate.* Moreover, the fact that Thomas quotes Augustine in the reply to the objection demonstrates that Thomas does not see himself disagreeing in any way with the great Doctor but only with certain twelfth-century or even thirteenth-century readings of Augustine.

natural reason can only be of one type: manifesting the doctrine. "Manifestation" means beginning with the revealed doctrine and then providing reasons for the congruence of this doctrine with those things that can be more easily known. [18] The main argument of Thomas's discussion of appropriations (*STh* I, q. 39, aa. 7-8) follows precisely this type of procedure. Manifestation, therefore, follows and does not precede the explanation of the theological doctrine in question. The arguments that are proposed to manifest this doctrine for the faithful are first of all meant to remove errors in their understanding (i.e., errors in conceptualizing what cannot be conceptualized).

How then does one come to know and understand distinction in God? For Thomas, the revelation of the Trinity was given so that we might rightly understand our creation and salvation. [19] What we must know is that our salvation was not a work of necessity but was due to the free love of God. That God chose freely to create and to save is seen in the revelation of the Trinity. [20] Such knowledge is a constitutive part of our salvation, for we cannot invoke one of whom we are ignorant. Our creaturely oriented way of knowing then does not constitute a completely apophatic theological view. Knowing that our understanding of God is by way of creatures allows us to talk about God in three ways: by negation, by relation, and by affirmation. By reason alone, we speak of God in terms of what he is not, by denying of God what is proper to creatures. Relational terms consider God as principle and are, therefore, more concerned with creatures than with the Creator. The affirmative terms are the subject of our concern here, for these terms are said of God substantially. That is, these terms signify the divine substance even though they are deficient in the manner that they represent God. The discussion of Person and essence takes place within this category of speech. The difficulty of affirmative language, however, is seen as the inevitable negative elements make themselves known. Even language that is informed by revelation cannot escape the

[18] Cf. *STh* I, q. 32, a. l; q. 39, a. 7.

[19] *STh* I, q. 1, a. 1.

[20] *STh* I, q. 32, a. 1 ad 3. God's freedom as such can also be known by reason; see *STh* I, q. 19, a. 10.

necessity of negative elements because of our creaturely manner of knowing. Thomas demonstrates, on the other hand, how the subtle negative elements allow such language to gain a foothold on the divine reality. For if such revelation was given for the right understanding of our salvation, its truth cannot be utterly beyond us.

From question 32 to question 39 of the *Prima Pars*, Thomas discusses the divine Persons individually, or *absolute*. He first treats the concept and application of 'person' in Trinitarian doctrine (qq. 29-32) and then treats the divine Persons in turn, in terms of their proper and attributed names. Only after having discussed the distinction of Persons and the proper identity of each does Thomas turn to the complexity of speaking about the Persons and the divine essence comparatively-that is, making sense of the oneness and threeness of God.[21] Most fundamental is the fact that the Persons and the essence cannot differ *secundum rem* but only *secundum rationem*. The Persons are distinguished from each other by relations, yet these relations do not adhere as accidents in the essence. Also, the simplicity of the divine nature necessitates that there be nothing but the divine nature in God. Thomas has already established that Persons are multiplied only by relations, and that relations must be subsistent in God because no accidents can be in the eternal divine simple essence.[22] The divine essence is then neither a merely abstract unity as is human

[21] One might have the impression from a cursory reading that Thomas was referring to the divine essence as such (qq. 1-26), that by which the divine Persons are divine but not distinctly so, before discussing the relations (qq. 27-38), that by which the Persons are distinct. If this is true, questions 1-26 would constitute a monotheistic theology, questions 27-38 would constitute a Trinitarian theology (i.e., the specifically Christian doctrine of God). Thomas does not, however, refer to the divine essence as the abstracted "form" of divinity or as the subject of the philosopher's investigation in qq. 1-26. His favored term in those questions, *in divinis*, signifies God indistinctly. Even in the articles in which Thomas defines the term 'person' and its use with regard to Father, Son, and Holy Spirit, he does not refer to *essentia per se*. Question 39 is the first time in the *Summa* that Thomas discusses the divine essence *per se*, that by which the divine Persons are divine but not distinctly so; or rather, that which we understand and signify in God to be form because one and simple. See Timothy L. Smith, "Thomas Aquinas' Theological Method: Setting the Record Straight," *Sapientia* 53 Oune-July, 1998), 119-54.

[11] The teaching is directly in line with that of Augustine in *De Trinitate* 7.2, 9; and of Boethius in *De Trinitate* 4.

essence, nor is it a unity existing prior logically or temporally to the Persons themselves. The Persons do not "come from" the divine essence.[23]

The most obvious difficulty in describing the identity of Person and essence is that one is countable and the other is not.[24] It is a logical contradiction for something to be and not be distinct at one and the same time. Divine simplicity, however, demands nothing less than the identity of what is one in God with what is really three in God.[25] In question 3 this simplicity was demonstrated by an absence of materiality (the principle of multiplicity in created beings). In question 39, however, the issue is made problematic by the preceding long discussion of the multiplicity of Persons. Hence, it is logical to ask whether such multiplicity is really or accidentally present in the divine essence. For Thomas, if the divine relations are divine, they must be the divine essence itself and cannot differ *secundum rem:*

> Divine simplicity requires that in God essence and supposit are the same and that in intellectual substances there is nothing other than person.... Just as relations in created things are present accidentally so in God they are the divine essence. It follows then that Person and essence may not differ in reality, but nevertheless that Persons are really distinguished from one another.[26]

Divine relations of origin, unlike relations in creatures, are *subsistentes.* They differ from one another according to their supposita *secundum rem* but from the essence only *secundum rationem.*[27]

[23] Cf. *Sfh* I, q. 39, a. 5.

[24] 'One' as a principle of numeration is not predicated of God. To say, "God is one" constitutes then only the denial of multiple gods. Cf. *Sfh* I, q. 11, a. 3, ad 2.

[25] Note that our language is strained and inaccurate even in describing the problem. There is nothing properly speaking "in God" but only God. There divine essence *is* God, and the three Persons *are* God. We use prepositions to signify such circumlocutions as "with respect to." It may be more accurate to say "the identity of the respect to which God is one with the respect to which God is three," but such verbosity is unacceptably burdensome.

[26] "Divina simplicitas hoc requirit, quod in Deo sit idem essentia et suppositum; quod in substantiis intellectualibus nihil est aliud quam persona. •.. Sicut relationes in rebus creatis accidentaliter insunt, ita in Deo sunt ipsa essentia divina. Ex quo sequitur quod in Deo non sit aliud essentia quam persona secundum rem; et tamen quod personae realiter ab invicem distinguantur" (*Sfh* I, q. 39, a. 1).

[27] *STh* I, q. 39, a. 1, ad 1.

Even one who has carefully read all the preceding questions would likely find this discussion a bit cavalier. Thomas presents the reader with several difficult points only cursorily substantiated. One is left wondering in what way the divine essence is really one and not just a form. Is it merely the *fiat* of the theologian's pen that makes it so? One would expect this particular article, with its highly controversial and difficult subject, to be quite long. It is not. It is almost matter of fact in its presentation. It is important, however, to keep in mind the way in which Thomas leads the reader; he is a very careful teacher. He has in previous questions carefully built up a Trinitarian grammar concerning the proper ways of talking about divine unity, simplicity, etc., and the distinction of Persons. By recalling the material of questions 3 and 28 here in question 39, he invites the reader to incorporate the details of earlier discussions in this question. The scattered parts of the answer need only be brought together here for the complete answer to be realized.

Thomas's third response in this article[28] recalls an important point made in the middle of the discussion of divine unity.[29] Having made a great deal of progress thus far in the *Summa* in expounding the revelation of God, of God's self, so to speak, we may have become quite comfortable with our precise and descriptive theological language. Thomas reminds us as we venture into the thicket of logical difficulties concerning the Trinity that we are attempting to describe something we cannot know directly-nor does our language suit it. Our use of the term 'Person', for instance, reveals a limitation in our knowledge of God. 'Person' is not a revealed designation, but signifies what is many times asserted in the Scriptures.[30] It is our way of understanding what is revealed to us in Christ about who God is, one God: Father, Son, and Holy Spirit. Even the revealed names of Father, Son, and Holy Spirit are understood by us according to correlates in creation, that is, through the things that are made (Rom 1:20).

[28] *ST'h* I, q. 39, a. 1, ad 3.

[29] *ST'h* I, q. 13, a. 1.

[30] "Maxime per se ens et perfectissime intelligens" *(ST'h* I, q.29, a. 3, ad 1).

Nevertheless, we "impose names on divine things according to the mode of created things," not according to the mode of divinity itself.[31] We may refer to the Persons as supposits of the divine nature in much the same way as we refer to an individual existing human with the term 'human'. There are two important differences, however. The form 'humanity' is only notionally one, whereas the divine essence is a true unity. Secondly, God is not composed of form and matter, nor of form and supposit, nor of essence and existence. God is simple and all is one in the divine (except where there is an opposition of relation).

The unity in question is best understood as being not of a nature but of an essence. We can say "three persons of human nature," but we do not say "three individuals of human essence." The essence is the form of the individual, not of the species-or rather essence coming from 'being' designates what is truly one being.[32] The emphasis on essence serves to reiterate the existential unity of the three Persons: not a unity of mind or will or love or even of nature, but of essence. This point is based on the Lateran statement which is a longer version of the Greek *homoousion* of Nicaea.[33] Thomas does not let the reader forget that questions about the language of the doctrine, the choice of words, their syntax, relation, and identity are all attempts to coordinate the data of revelation and to portray accurately such revelation in a meaningful way.

II. DEFINING THEOLOGICAL LANGUAGE

Using language accurately here involves determining the way such terms function in theological discussion, so defining their meaning. Thomas distinguishes between the *res significata* and the *modus significandi* of terms in order to clarify their import for talking about God. In *STh* I, q. 13, on naming God, he uses the *modus significandi* to demonstrate how a given name could be asserted of God while denying its creaturely mode (compositeness and such). Thomas uses the distinction here in question 39 to

[31] *STh* I, q. 39, a. 1, ad 3.
[32] *STh* I, q. 39, a. 2, ad 3.
[33] *STh* I, q. 39, a. 2, sc.

solve some of the logical tangles that are part and parcel of Trinitarian doctrine. This distinction is not, however, an effort to attain to a knowledge of God but is made in the context of knowledge about God. It is a distinction imported by Thomas into theology that does not "adjudicate for metaphysics"[34] but rather corrects our manner of signifying with our mode of understanding. He is not, thereby, affirming a direct univocal knowledge by way of a pure signification. When he denies our *modus significandi* with respect to divine names, he is intending to

> separate from God the inevitable connotations of composition, abstraction, and concretion that arise wherever our mind forms and signifies any predication as well as the related connotation that would imply anything accidental in God.[35]

The negative judgment about our ability to signify God and the consequent effort to "square the grammar" is then based upon what we already know about God-infinite, simple, subsistent being, etc.-coupled with the inescapable creaturely orientation of our language.[36]

Thomas's denial of our manner of signifying God is a reminder of the distance between our manner of understanding and God's utterly simple manner of being. When we posit a perfection in God, there is an inescapable creaturely connotation in our language and thought. The reason is this: we signify things with words with a mediating conception in our minds.[37] Hence, we name something as we are able to understand it. We cannot know God except from creatures, and so we cannot name God except by way of the same things. For example, we name God as the source of things (God is good = God is the source or cause of goodness) or as possessing an attribute in a more excellent manner since all perfections exist preeminently in him (God is good = God is goodness itself). That is,

[34] K. Buersmeyer, "Verb and Existence," *New Scholasticism* 60 (1986): 152-55; cf. also M. Jordan, "Modes of Discourse in Aquinas' Metaphysics," *New Scholasticism* 54 (1980): 401-46.

[35] Gregory Rocca, O.P. "The Distinction between *res significata* and *modus significandi* in Aquinas's Theological Epistemology," *The Thomist 55* (1991): 189.

[36] Ibid., 193.

[37] Cf. *STh* I, q. 13, a. 1.

Whatever is said of God and creatures, is said according to some order of creatures to God as to their principle and cause in whom the perfections of all things preexist in a more excellent manner.[38]

Because we must deny of God any creaturely imperfection and limitations, we must deny any creaturely mode of being to God. Anything that we say of God "can also be denied of him since they are not fitting to him in the way that they are found in created things and as they are understood and signified by us."[39] The separation from God of creaturely imperfections and of the imperfect manner in which creatures possess perfections is the basis for Thomas's rejection of the *modus significandi* in naming God.[40]

It would be a mistake however, to conclude on the basis of such negations that nothing is really known and signified. The denial is not of the *res significata* itself but only of the way in which that *res significata* pertains.[41] Augustine, for instance, is often read as positing a creator-based referent system whereby "Father" is signified properly of God the Father and by analogy of earthly fathers. In this case the denial or subtraction of the *modus significandi* from the *res significata* would leave us with the pure, "original" meaning. Hence, our ignorance of God's true perfection entails a complete ignorance about the name "Father" which would consequently remain without meaning. If, on the other hand, we affirm that our knowledge of God is by means of creatures, then we can at once affirm the fact of such knowledge while noting the nonunivocal character of our naming of God. When we predicate 'wisdom' of God, for example, we are deny-

[38] "Et sic, quidquid dicitur de Deo et creaturis, dicitur secundum quod est aliquis ordo creaturae ad Deum, ut ad principium et causam, in qua praeexistunt excellenter omnes rerum perfecriones" *(STh* I, q. 13, a. 5).

[39] Aquinas, *Expositio super librum Dionysii De divinis nominibus* (Marietri, 1950), c. 5, lect. 3 (673).

[40] Rocca, "The Distinction," 185.

[41] Rocca notes that some modern authors read Thomas's argument in the following way: "the *RS* [res significata] is what the word *really* means, but we do not know what that is; the *RS* is a 'core meaning' that has picked up limited connotations by being applied to creatures for so long; supposedly, after stripping away the 'encrustations' of the *MS* [modus significandi], we are left with the 'pure' meaning or *RS*. But at this point no one can describe that pure meaning, and so in the end it is no meaning at all" (ibid., 175).

ing that wisdom pertains in the same way as it does to us, that is, as an accident. The term 'wise' signifies properly in some way but we cannot know how. That it applies, that the *res significata* of the term predicates some reality in God, is something we can state but not conceive.

> We never really know in a clear conceptual fashion what a divine name might mean for God, and whatever we do know about such a name is always a consequence of the judgments we have already made about God. [42]

The *res significata* left when the *modus significandi* is denied is then based upon judgment, the judgment that what we are signifying is the same thing in God and creatures, the same *res significata* only in an analogous manner.

The key to the affirmative divine attributes lies in the intelligibility of the claim that perfections found in a limited way in creatures may be asserted while negating those creaturely limitations.[43] Just as 'white' can be signified abstractly or concretely, yet we know whiteness only in its concrete instantiation, so 'wisdom' is never grasped apart from its modes in the created order. To say 'God is wise' without knowing exactly how God is wise does not detract from the intended truth. Because God is the source of all perfections, we affirm that such perfections pertain to God preeminently and substantially. On the other hand, because this intention within the term is negatively qualified, we cannot comprehend it. Such insight into religious language is corrective indeed but not a license for "transcendent predication *tout court*."[44]

The statement that the three divine Persons are of one essence is deemed correct insofar as it signifies what is found in Scripture, encapsulating narrative statements into a systematic one. If one seeks the meaning of the expression, one then returns to its scriptural foundation Oohn 10:13, 38; 14:10; et al.).[45] This

[42] Ibid., 194.

[43] R. Mcinerny, "Can God Be Named by Us?," in *Being and Predication: Thomistic Interpretations,* Studies in Philosophy and the History of Philosophy 16 (Washington, D.C.: The Catholic University of America Press, 1986), 276.

[44] Burrell, *Aquinas: GodandAction* (Notre Dame: University of Notre Dame Press, 1979), 10.

[45] *Cf.STh* I, q. 39, a. 2, ad 2.

procedure is valid as long as one allows the *modus intelligendi* to mediate between the *modus significandi* and the *modus essendi*. As far as our signifying falls short of understanding, so our understanding falls short even more of the mode of being in God. This kind of affirmative predication can only be analogical.

III. THE ANALOGOUS NATURE OF THEOLOGICAL PREDICATION

Aquinas's primary model for explaining analogous terms is that of "health"-either in a subject, or in one causing it, or in one signifying it. The analogous term is used according to a proportion or order to one; in this case, in the subject who possesses health. Proportion does not mean that one subject possesses health in a greater or lesser degree, but that one referent *is* healthy whereas other referents cause or signify such health. There is no one meaning at root but an order to one proper significate (the healthy subject). Thus, when we use the term 'wise' to refer to God we are not assuming a meaning common to creatures and God but noting that there is the same *res significata* in both God and creatures. The signified wisdom in God is the cause of wisdom in creatures-not a higher example of wisdom, for in that case the term would be univocal.[46] Terms used of God and creatures cannot be univocal precisely because we know God from creatures and our language is creaturely.

If we stopped there, it would be difficult to avoid the charge of equivocation. To say that God simply causes wisdom is not to say anything definite about God. My father, for example, was the cause of my extreme politeness as a young boy, yet my father was personally very rude. In this case the only quality present in my father that caused something was strictness. When we say "God is wise" do we mean anything more than that God causes wisdom? Can we for that reason say "God is body" because God is the cause of corporeality?[47]

Another aspect of Thomas's theory of naming is the doctrine of divine simplicity. God is not only cause of wisdom but is wisdom itself, for his causality and being are one with his intellect

[46] Cf. *STh* I, q. 13, a. 5, ad 3.

[47] Cf. *STh* I, q. 13, a. 2.

and power. It is not one thing for God to be and another for God to be wise. We name God properly when we deny any distinction between the divine attributes. God causes goodness by being (goodness); God causes humans to be wise by being himself (wisdom). He is the cause of such perfections, and those perfections preexist preeminently in him (substantially). Affirmative names are then said of God both causally and essentially, yet always analogously. [48]

The nature of analogical language is, however, made somewhat problematic by an example Thomas gives in *STh* I, q. 13, a. 10. The question concerns the semantic value of 'God' in the mouth of the pagan. This name is not strictly a term of perfection, nor is it proper. According to Thomas, the pagan and Christian are not being equivocal in using the name 'God'. When a Christian says to the pagan that his idol is not God, the pagan understands his own belief to be attacked. Both the pagan and Christian use the name 'God' to signify the true God. The problem is that the pagan's knowledge of God is imperfect. Not realizing the imperfection of his knowledge (e.g., thinking that God is local or material), he misjudges the object of his belief. Thus, the use of the name 'God' according to truth and according to opinion is neither wholly equivocal (they share the same intention of truth; also, utter equivocation would preclude dialogue) nor wholly univocal (the pagan does not know the true divine nature and therefore cannot signify it), but analogical.

The name 'God' is "understood according to one accepted signification that is included in the definition of the name [even] when used for other things." [49] The pagan is right in intending by the name 'God' the one true God, but he is mistaken in the manner of signifying; that is, he actually judges his belief to be literally true. The Christian correctly signifies the true God by the name 'God', with the knowledge that the manner of signifying is

[48] *STh* I, q. 13, a. 6. The importance of this point can be seen in the consequent distinction between metaphorical and analogical naming. A purely negative way of naming would not be able to distinguish levels of predication because all things can be predicated of God causally.

[49] "In analogicis vero, oportet quod nomen secundum unam significationem acceptum, ponatur in definitione eiusdem nominis secundum alias significationes accepti" *(STh* I, q. 13, a. 10).

inadequate. In the same way, one can call a big steak dinner or a huge appetite 'healthy' with reference to the health of the subject in which health obtains but be mistaken in thinking that these things are true signs of or causes of health. The problem is not in knowing what health means but in identifying the proper manner of health in a subject, its true causes and signs and its true nature. Weighing over two hundred pounds and being half drunk, a man may be considered 'healthy' on the streets of New Orleans, but the truth is otherwise. Yet that mistake does not mean that the term is used equivocally (with a totally different meaning). The *res significata* is found in various uses of the analogical term, but only one *res significata* is prior and the basis for the ordered predication in other instances. The difficulty is in knowing which referent is signified properly and in what way, that is, which analogate includes the *ratio propria*.[50] In the case of 'wise', it is evident that the primary significate is the wisdom in God, for that wisdom is the cause of wisdom in creatures as well as the very subject of wisdom. Moreover, wisdom, the *res significata*, "exists in a way we cannot comprehend, as one with His essence and other perfections."[51]

The term 'God' brings to the fore the question of accuracy in signifying precisely because this name is not common to creatures. On the one hand, it is not a proper name because it is common to three. On the other hand, it has only one subject. To use it improperly is to mistake the sign for the subject itself. In dealing with this problem, Thomas is concerned with more than the correctness of grammatical constructs. The pagan, for instance, could say "God is just," but the proposition is inaccurate insofar as his use of 'God' is imperfectly related to the true God. The Christian use of the name is, on the other hand, proper.

The revelation of the distinction of divine Persons and their proper names brings further issues to the table of divine naming. It is one thing to qualify terms of perfection that are common to creatures, but should we proceed in the same way with revealed names? Do we in fact proceed in the same way with 'Father' as we do with 'wise'? The question concerns the primary referent of

[50] R. Mcinerny, "The Analogy of Names," in *Being and Predication*, 284

[51] Ibid., 285.

such terms. Are these personal names predicated more properly of God or of creatures? Which naming is logically prior?

'Paternity' said of God and humans seems to derive from the preeminent paternity of God the Father. All earthly references to paternity would then be ordered to the divine and would include in their definition an order by which they approach the prior instance more or less.[52] Two things should be noted: (1) paternity is not a perfection, but a personal property known by revelation; and (2) paternity is like a term of perfection in that it pertains to God substantially and is understood by us in its creaturely mode. On the other hand, the class of analogous names is of two types: those whose multiple uses are ordered to the creaturely and those whose uses are ordered to the divine *res significata.* For example, names are used metaphorically of God with the primary referent in creatures. God can be called a lion insofar as he has in the divine nature a similitude for doing all that he wills as the lion does. Other names such as 'good' or 'wise' are ordered primarily to God because they are said of creatures with reference to the cause.[53]

We understand 'good' or 'wise' in creaturely terms and therefore distinguish the *res significata* from the *modus significandi* in order to predicate it accurately of God, with the qualification that we know that it is applicable but not how it is so. Does this distinction work the same way with the terms 'Father' or 'Trinity'? We say that God *is* good or wise not only because God causes goodness and wisdom, but because God *is* goodness and wisdom substantially. Do we mean to say that God causes paternity and thus is paternity in the same way that God is wise as the cause and source of wisdom? Goodness is not an accident or present in God as it is present in us; it *is* God. In the same way, can one say that paternity is present in God, but that we do not know in what way it is present? It is indeed "substantial" in God as is goodness, lacking all composition or any character of an accident. On the

[52] Cf. *STh* I, q. 13, a. 6.

[53] Ordered to the one who is wise and causes wisdom. Thus, according to what is signified with the name 'wise', it is literally said of God *(proprie competunt Deo) (STh* I, q. 13, a. 3). Yet because we know wisdom in its creaturely mode, the name is not said literally of God in its manner of signifying.

other hand, goodness and wisdom share the same *res significata,* the divine nature. Goodness and wisdom really are the same in God and differ only according to our understanding. Paternity and sonship, however, do not share the same *res significata.* These signified relations really are distinct while the one in whom they are distinct remains one.

Thomas reasons about these revealed names in order to clarify what we understand by them. He does not argue about what paternity *must* mean in God or what the First Person of the Trinity *must* be like and how he differs from the Second Person. Rather, Thomas describes how we in fact understand the creedal language, what we mean by certain terms and statements, all the while qualifying them in the same way he has qualified the terms of perfection. He explains the Father as divine Person, for instance, by noting that the name signifies *id per quad ilia persona distinguitur ab omnibus aliis* insofar as it signifies 'paternity'. [54] So 'paternity' is said with respect to the Son, and indicating that the one generating the Son is not from another, thus *ingenitus.* It would seem then that the Persons differ according to both origin and relation, the relation following upon the act of generation or of spiration. The Father alone is unbegotten and the other two proceed from him in two different ways, and it is by these two different kinds of origin that the Son and Holy Spirit are distinguished. However, these three are eternal and equal, and it is only our way of thinking that posits a beginning in procession and a relation coming to a subject rather than being subsistent.

Thomas must therefore qualify the term 'paternity' in order to separate the connoted created modes of being. That is, he must distinguish the paternity we signify in God from our manner of signifying it. 'Paternity' *in divinis* does not denote a "first one" nor one who becomes "paternal" after a begetting. 'Paternity' signifies a relation that alone differentiates the three Persons, yet a relation that subsists eternally and so is not simply a property but a hypostasis. 'Father' signifies an individual divine hypostasis distinct from the Son and the Holy Spirit by the very relation *quae est distinctiva et constitutiva hypostasis.* [55] Thomas does not

[54] *STh* I, q. 33, a. 2.
[55] *STh* I, q. 40, a. 2.

allow us to speak of the origins and relations of the Persons being distinct even *secundum rationem.* Others had proposed that we can think of the Persons being distinct by way of origin and relation while noting that these two differ only *secundum modum significandi,* one as an act and the other as a form; thus, the Father and the Son would differ because one generates and the other is generated. But Thomas argues that this way of talking cannot stand *(sed hoc non potest stare).*

> For two things to be understood as distinct, it is necessary that the distinction be understood through something intrinsic to both, just as in created things such distinction is understood through form or matter. The origin of a thing, however, is not signified as something intrinsic but as a certain way from a thing or to a thing. 'Generation' is then signified as a way to the generated thing and as a proceeding from the one generating. Hence, it is not possible that the generated one and the one generating be distinguished by a single generative act, for it must be the same thing in both that distinguishes them. In the divine Persons, there is nothing for us to understand except essence and relations (or properties). [56]

The divine Persons are distinguished from one another only by relations *prius et principalius.* 'Origin' signified as an active or passive act does not constitute an hypostasis. In other words, we must separate our manner of signifying relation and origin from the signified thing. We know relations are *in divinis* because the revealed proper names are relational, but such relations are not accidents coming to be in a subject in any way. Hence, the connoted origin in the personal names must be denied altogether in its temporal, causal, and logical mode.

What is most revealing in Thomas's discussion of these issues is the way in which he "pulls back" from affirmative language. When treating various terms and questions regarding each of the

[56] "Aliqua duo distincta intelligantur, necesse est eorum distinctionem intelligi per aliquid intrinsecum utrique; sicut in rebus creatis vel per materiam, vel per formam. Origo autem alicuius rei non significatur ut aliquid intrinsecum, sed ut via quaedam a revel ad rem: sicut generatio significatur ut via quaedam ad rem genitam, et ut progrediens a generante. Unde non potest esse quod res genita et generans distinguantur sola generatione: sed oportet intelligere tam in generante quam in genito ea quibus ab invicem distinguuntur. In persona autem divina non est aliud intelligere nisi essentiam et relationem sive proprietatem" *(STh* I, q. 40, a. 2).

Persons in turn (qq. 33-38), he was willing to let the affirmative language stand insofar as it could shed light on the theological terminology, especially the proper names. When discussing questions of distinguishing the Persons from the essence or from the relations or from one another, Thomas is always careful to remain at the level of *modus intelligendi*, not assuming that we have through revelation a privileged access to the inner life of God. Hence in question 40 (cited above), Thomas is pointing out what can and cannot be understood, what can and cannot be signified in God, all the while not supposing that we actually know in a positive way. He does not say "there is nothing except essence and relation in God" but that there is nothing else for us "to understand," nothing else for us "to think about," than essence and relation.

According to Thomas then one cannot proceed from 'Son' to the proper divine identity of this one signified by 'Son'. The way such realities obtain in God is unknown just as the way in which God is wisdom is unknown. We can give an account of why we predicate wisdom of God, even though we cannot give an account of how wisdom pertains. To know the way in which God is wisdom is to know the very bei•g of God, for it is the being of God that constitutes rather than is measured by wisdom. Yet we cannot give a similar account of how sonship or paternity obtains in God, but only an account of our affirmation derived from the revealed personal names. Our explanation in both cases is limited to explaining how we came to that proposition, through reasoning or through revelation, and denying any creaturely modes of being to such signification. We still are unable to describe how the Second Person *is* the Son or how that one really differs from the other two. Proper differences remain veiled, not in fact but in their character.

Revealed names, however, are distinguished from others by their appropriateness. It is more proper and right to say 'Father', 'Son', and 'Holy Spirit' than to say 'wise', 'simple', etc.[57] On the

[57] *STh* I, q. 39, a. 3, ad 4. Note that according to q. 13, a. 10, *Qui est* is the most proper name for God because it is the least determinative. Hence, 'Father', 'Son', and 'Holy Spirit' are most proper when seen as the least determinate.

other hand, it is more difficult to construct an appropriate *ratio* or meaning for the personal names than for the perfections. Wisdom, for instance, is known by us only in its creaturely instances, but our participation in that perfection brings us closer to God. Hence, we may construct a *ratio* for wisdom employing the *via eminentiae,* affirming that the being of God defines wisdom and causes it in us. Paternity, on the other hand, is not posited as causal. It is known in its creaturely modes and is also connotative of such modes. To say that it is a constitutive (eternal, subsistent) relation stretches language almost to the breaking point. That is, these are more properly names than attributes, whereas the perfections are both. The *ratio* by which we signify the Father is then less a definition than a pointing. When we say, 'Father, Son, and Holy Spirit', we are necessarily speaking in a religious manner, addressing the one God rather than speaking about him.

In answering the question of the accuracy of Trinitarian formulations, Thomas keeps this analogous character of naming at the fore. He strives at every turn to distinguish carefully what we know, what we understand and do not understand, how we signify and the truth of things themselves, or in this case the truth about the being of God one and three. He first analyzes the statement 'three Persons of one essence' according to our *modus intelligendi* rather than according to God's *modus essendi.* Because we understand individuals of a nature to be individuated through matter, we call them 'subjects' or 'supposits'. Hence, although we name the divine Persons in this way, it is "not because there may be some supposit or subject, in the sense of a thing." [58]

Thomas explicitly distances himself from the effort to assure the truth of divine distinctions. He treats only the manner in which we name God, according to the manner in which such names are found in creatures, not in the divine itself. Speaking of the personal names, he reminds us:

[58] "Et propter hoc etiam divinae personae supposita vel hypostases nominantur; non quod ibi sit aliqua suppositio vel subjectio secundum rem" *(STh* I, q. 39, a. 1, ad 3).

Our intellect does not name divine things according to their [proper] mode because we cannot know them in their proper mode; instead, we know them in accord with the manner of creatures.[59]

We name God as one and three according to the way in which creatures are individuated, as form and supposit. We say, "this is a man of perfect virtue," signifying the virtue as a form. So when we wish to signify the divine essence that is not multiplied by way of the Persons, we predicate the essence of the Persons as a form.

Because 'nature' designates the principle of action and 'essence' is said of one being, something can be said of one nature that pertains to some act as everything that heats [possesses the nature of heating]; but of one essence it cannot be said of something unless it is one being. Therefore, the divine unity is better expressed by the statement "three Persons are of one essence" than if it is said that they are of one nature.[60]

The truth of the creedal statement is measured by its sense in Scripture. The sense being found, the statement is judged permissible. Moreover, by attending to our creaturely manner of understanding and signifying, Thomas contends that 'essence' is preferred over nature as the signified 'form'. Nature is generally understood to be the principle of action rather than of being per se. And in expressing the form of God, it better to use the principle of being, which is essence.

Thomas' s responses to the various objections as to the accuracy of Trinitarian propositions are all governed by this same method. He is at every point concerned foremost with the fact that our understanding is limited to the manner of created things and that our naming follows accordingly. The accuracy of such propositions is determined then by negating creaturely modes. Thomas is probing the mystery by clarifying the language as an instance of speech governed by rules of analogical naming.

[59] "lntellectus noster res divinas nominat, non secundum modum earum, quia sic eas cognoscere non potest; sed secundum modum in rebus creatis inventum" (*STh* I, q. 39, a. 2).

[60] "Ad tertium clicendum quod, quia natura designat principium actus, essentia vero ab essendo clicitur, possunt clici aliqua unius naturae, quae conveniunt in aliquo actu, sicut omnia calefacientia: sed unius essentiae dici non possunt, nisi quorum est unum esse. Et ideo magis exprimitur unitas divina per hoc quod clicitur quod tres Personae sunt unius essentiae, quam si cliceretur quod sunt unius naturae" (*STh* I, q. 39, a. 2, ad 3).

Certain statements' coherence as speech about God comes from their adherence to rules of grammar and coherence to known truths about God with the added qualification that such language does not accurately represent the divine, though it can signify properly. Terms of perfection are then unique among the rationally known terms in being proper or "literally" applicable to God. Because we know God by means of these perfections proceeding from God to creatures, such perfections are indeed in God, though in a more eminent mode. What is signified by the term 'wisdom' then is literally true of God *(proprie competunt Deo)*.[61] It is only our manner of signifying this perfection that renders the term more proper to creatures.

Theological language must function within the bounds of everyday grammar even as it serves to signify what is quite beyond human understanding and human language. If theological language were to break rules of grammar, it would to that extent cease to be intelligible. It signifies accurately because it is guided by revelation, even though its manner of its signification relies on created things. Distinguishing the *res significata* from the *modus significandi*, then, does not leave us with a core concept or root definition. The use of this distinction concerns judgment rather than conception. Thomas's theory of analogical naming is dependent simply upon "recognizing the truth about God."[62] Thomas is insistently building on the foundation of revealed truths and terms. His confidence is not due to the power of human understanding to grasp the divine nature but rests upon the assurance of God's communicating to us in a human manner.[63] The fact that God became man, that God speaks through men and women in history, provides a reliable source of our imperfect speech about God, especially what cannot be known by reason.

IV. A MOST ELUSIVE THEOLOGICAL TERM: 'GOD'

One of the difficulties that bedevils Trinitarian theology, ironically enough, is the use of the term 'God'. We call the Father

[61] *STh* I, q. 13, a. 3.

[62] Rocca, "The Distinction," 196.

[63] Cf. *STh* I, q. 1, a. 1; *STh* I, q. 32, a. 1.

'God' and the Son 'God', yet there is only one God. The traditional response to this problem is that 'God' signifies the divine essence or nature. The term 'essence' signifies the divine as form even though we deny the mode of form to it. That is, we affirm that its unity is not merely abstract even though we can only talk about simple things in abstract terms. This procedure is not, however, completely one of negation, for each term must be not only clarified in its use but also distinguished from other terms in its application.

Thomas clarifies essential names into substantive and adjectival. Names such as 'wisdom' or 'uncreated' or 'God', which signify substantially, are used in the singular only-one uncreated, one wisdom, one God. The adjectival forms of these names are used in the plural of the three Persons-three existent ones, three wise ones, three having deity and so forth. The term 'God' is more difficult to define categorically because 'God' and what it signifies, the divine essence, are not used in the same way. We do not say "divine essence from divine essence" or "three Persons of one God." The first step in dealing with the problem, according to Thomas, lies in seeing that although the divine essence is identical with God, 'God' is used of the divine Persons in a manner that 'divine essence' is not.

Take for example the common pronouncement that the Father is God, the Son is God and the Holy Spirit is God, yet there are not three Gods. We do not say conversely that God is the Father and so forth because not only the Father but also the Son and the Holy Spirit *are* God. We can say 'God generates' or 'is generated' to signify one of the divine Persons, but we do not say that the divine essence generates. It is not a principle of action, or rather it is not a supposit, but exists in *supposita.* In other words, the formal character of 'essence' precludes certain types of expressions. The *modus significandi* of 'God', however, allows for a greater range of predication as well as confusion.

Thomas takes his cue from the properties of speech. Instead of accentuating the differences between speaking about God and speaking about creatures, he allows the rules and modes of the latter to influence and guide the former because, as he insists, we name things as we know them, and we only know God from

creatures. Our speech can only be in the creaturely mode (with the qualifications gained from reason and revelation that inform us about what God is not).[64] Theological understanding cannot function as a privileged or higher-order language. As the Word clothed himself in flesh, so God spoke through the prophets, to the prophets, and in Christ in human language. We must use that same creaturely oriented language, stretching it as far as we can to signify what is not creaturely. We cannot move beyond creaturely modes of expression, but we can deny the applicability of such modes, owing to divine simplicity. It is a failed enterprise to attempt to formulate speech directly applicable to God. Such language would be meaningless for purposes of communication.[65]

The theological language we end up with, according to Thomas, does not display a neat definition of God, but rather a dialectical circumlocution that both affirms and denies things of God, based upon judgments regarding what conceptualization we do have. The distinction between God and the world demands that the rules of created existence do not apply to God, and yet these realms are not wholly discontinuous. This distinction does not preclude knowing something about God as cause or as Trinity. The difficulty lies in knowing where our language obtains a positive hold on the truth about God and where it fails-that is, knowing how it functions in predicating things of God.

The problem becomes more complex when considering creedal statements such as "God begat God." The divine essence does not beget nor is it begotten, for the essence is not a supposit except in the Father and the Son and the Holy Spirit. There are three Persons of one essence, not three Persons *and* one essence. 'God' signifies the divine essence, then, only 'as one having deity' while 'man' signifies one having human nature. Verbs like 'beget' or 'spirate' specify which Person is signified, as one 'as having the divine essence'. Humanity is a separate form in every human

[64] Cf. *STh* I, q. 13, a. 1; *STh* I, q. 39, a. 1. For a similar attempt in the modern context to clarify the way in which God is both distinct from creatures and yet knowable by them, see Robert Sokolowski, *God of Faith and Reason* (Notre Dame: University of Notre Dame Press, 1982).

[65] Cf. St. Paul in 1 Corinthians 14. The use of tongues is useful only for the speaker unless someone can interpret, that is, put the "inspired" speech into intelligible form. The value of meaningful speech far outweighs any other form of utterance.

person, yet divine nature is a substantial, metaphysical unity. 'Man' signifies the individual who has humanity or the collective of those who have humanity. 'God' may signify the one(s) having deity or the unity of divinity itself. Thus, 'man' has one *modus significandi* while 'God' has two. 'God' signifies in the singular adjectivally and substantially.[66] Although "there are three having deity, there is only one deity, one God and not three."[67] For this reason, Thomas overturns the common manner of using 'God'. Though 'God' signifies naturally the divine essence, it supposits naturally for the Person(s) inasmuch as it signifies the essence as in the ones having it *(ut in habentes).* Here again, Thomas is being attentive to "the proprieties of speaking" which determine that our use of 'God' will be more like our use of 'man'. 'God' then signifies a nature or essence but supposits for the Persons. Its *modus significandi* determines that a Person or Persons is intended. Only acts *ad extra* adjoined to 'God' would specify the divine essence itself being intended.[68] The divine essence can be the subject of supposition because it is one *secundum rem.*

It is noteworthy that in discussing modes of signification and supposition Thomas does not refer to the Boethian distinction between *id quod* and *id quo.* This distinction was used by many of his predecessors to describe the simplicity of God and the different modes of linguistic expression. Thomas, however, refers to the essence not as a *quo* but as a *quod habetur.* In so doing, he has more strongly suggested a unity and substantiality to the essence. It is not an abstract form as 'humanity' is. The identity of Persons and essence allows the divine essence to be causal in this sense: when the Father, Son, and Holy Spirit create, it is the Father, Son, and Holy Spirit *as* divine essence that creates.[69] The divine

[66] The commonly used Boethian distinction between the *quo est* and the *quod est* is found in Thomas's *Scriptum* but not here, even though it would serve quite well in making his point clear. Thomas may, however, be wanting to say more than that the essence is the *quo est* and therefore looks for a better way of making his point. To say that God is one yet a different kind of unity than in exists in creatures demands that the divine essence is not merely a *quo est.*

[67] "Licet sint tres habentes deitatem, non tamen sequitur quod sint tres dii" *(SI'h* I, q. 39, a. 3, ad 1).

[68] *SI'h* I, q. 39, a. 4.

[69] Creation is not proper to any one Person (see *SI'h* I, q. 45, a. 6).

Persons are distinct really but only with reference to one another, not with reference to the divine essence. They are distinct by means of opposing relations. Attempts giving priority either to essence or to Person, or attempts to answer questions of priority, inevitably lead to error. On the basis of divine eternity (naturally known) and equality (revealed), there can be no beginning or process in God. Is the Father the Father because he generates? Thomas says no. The Father generates because he is the Father.[70] Person and essence then remain equally fundamental. The difference in our language concerns the distinction between our modes of signifying. We signify what is simple with abstract terms, even though what is simple in this case is not an abstract form.

Thomas's concern throughout this discussion typically focuses not on God *in se* but on our manner of signifying God. He shies away from an answer as to how exactly the divine essence can be truly one and the Persons identical to it but distinct among themselves. His efforts are aimed at making our speech conform to patterns revealed in Scripture. He can do so only by providing rules for proper speech, precise terminology used in a careful manner, according to rules that prevent error and dishonor to God.

Thomas does not describe the being of the Trinity because it remains hidden. He cannot describe how the essence is one in three Persons; only that it must be so and how our language can signify such truth. Attaining precision in language is a way of obeying the multiple dictates of revelation, not an explanation of God's being. When speaking of what is beyond us, we are limited to our ways of understanding and naming informed by judgment *per remotionem.*

V. THE LANGUAGE OF TRINITARIAN APPROPRIATIONS

Thomas's discussion of appropriations is an attempt to speak rightly about the Trinity within the context of the doctrine itself. Appropriation theory is not a special access to the mystery of the three Persons nor an alternative approach to understanding the

[70] *STh* I, q. 33, a. 3.

Trinity. It is an attempt to manifest the faith, to show the truth about the three Persons. The inner divine distinctions cannot of themselves be known. We know the personal properties only by revelation, and we know their distinction only in terms of the revealed relations. The distinction between the personal properties remains hidden. The truth about these three Persons, however, can be declared by other means; namely, by terms better known because not dependent upon revelation. [71] The procedure, however, remains completely dependent upon revelation for one simple reason: the Persons can only be known by revelation. Using appropriated attributes to manifest these Persons demands that one already have a knowledge of these Persons. Abelard's mistake in this matter consisted precisely in assuming that the Persons were distinct in some way other than through mere personal relations. For example, he proposed that the Father actually did possess power in a way distinct from the other two; likewise the Son possessed wisdom in a special way. Accordingly, pagan philosophers could know something of the Trinity insofar as they understood the function of certain divine attributes.

Thomas is insistent for his part that all things in God are one except where there is an opposition of relation. We cannot know the distinctive personal properties of the Father except as the Father of the Son and the co-spirator of the Holy Spirit. When Thomas addresses the question of priority regarding Person and essence, he merely avoids answering the question by saying that nothing prohibits the Person being prior. Thus while our grammar may imply a kind of accidental predication by which a divine supposit takes on a relation, revelation disallows it.[72] The way of manifesting these Persons is by way of similarity and dissimilarity, by using essential attributes to affirm or reiterate what is known of the Persons. Power may be appropriated to the Father in order to distinguish him from creaturely fathers who

[71] That is to say, the *ratio* of nonpersonal names is more accessible to us because we can know them as causing perfections in creatures.

[72] In actual fact, Thomas would affirm that this same point can be known on the basis of reason. The simplicity of God as a negatively defined doctrine is also the basis for Thomas's assertion of the revealed Persons being subsistent relations and their identity with the divine essence. The revelation of Persons does not then contradict the divine simplicity.

is then of the *ratio* of the appropriated term with the *ratio* of the divine personal name.

Thomas is quite unlike his predecessors in concentrating on the divine Persons as Persons and not upon their distinction. His explanation of appropriations can be read as an attempt to forestall any efforts to reason about the Trinity in such a way as to gain a proper knowledge of the personal distinctions. His explanations at every point serve to emphasize the indistinction and equality of the divine Persons among themselves. His discussion of the attributes of power, wisdom, and goodness is especially illustrative. He considers them in terms of operation. 'Power' is attributed to the Father both because he is *principium totius divinitatis* and also because this Father is not weak as earthly fathers are in old age. Similarly, divine operations especially defined by power are appropriated to the Father. As the first cause or *principium non de principio,* the divine Persons do not proceed as to an end but according to the reason of natural power. 'Wisdom' is well suited to the Son by corresponding to the Son's identity as the Word and proceeding according to the manner of intellection. Such appropriation also shows the difference between the divine (wise) Son and the earthly (foolish) Son. On the other hand, as in the fifth objection of *STh* I, q. 39, a. 8, it seems that 'truth' is not merely appropriated to the Son but proper to him. By the reason of the Son proceeding according to intellectual procession, it seems that truth is proper to this divine Person. Truth, however, can be considered in the intellect and in the thing, both of which correspond to *essentialia* and not to personal properties in the divine. 'Goodness' corresponds to the Holy Spirit who is also known as love and separates this divine Holy Spirit from earthly spirits of a violent nature. Thomas is careful here not to suggest a lack of power on the part of the Son and the Holy Spirit. They both are said to possess power insofar as they effect something. On this note Thomas appropriates the indwelling of grace to the Holy Spirit. Though the whole divine essence in three Persons is in all things through *essentia, potentia,* and *praesentia,* the sanctification of creatures is appropriated to the one who is specially known as goodness itself.[76]

[76] Cf. *STh* I, q. 43, a. 3, ad 2.

Thomas's consideration of the attributes 'power', 'wisdom', and 'goodness' is perhaps the most interesting and revelatory part of this article. He explains the use of these terms according to the consideration of God as causing something. He reminds us that appropriations are meant to display a similarity to the properties of the divine Persons or dissimilarity with creatures. In other words, they reiterate the distinction between the divine and created orders. By determining the suitability of these appropriated terms according to similarity (with the personal properties) and dissimilarity (with creatures), Thomas effectively illustrates his theory of appropriations. Naming the divine Persons by means of certain essential attributes is another way of pursuing the distinction between the *res significata* and the *modus significandi*. Referring to each Person in terms of its dissimilarity with creatures is simply another way of denying the (creaturely) *modus significandi* of the personal names. For that reason, appropriations make no sense apart from personal names, apart from the revelation of the Trinity. The appropriated terms give no insight into God, because they signify only by way of the personal properties. Power, goodness, and wisdom are not really three in God, but one. Predicated essentially of God they all have the same *res significata*. To say that the three Persons are power, goodness, and wisdom is to say either that these three attributes really are distinguished in God, or that the divine Persons are distinguished only *secundum rationem* as are these attributes. Using them for referring to the Three is therefore not a way of signifying distinctions. Rather, it is a way of clarifying our manner of signifying the divine Persons, being careful always to distinguish the thing signified from our manner of signifying it.

Thomas's method with regard to appropriations is firmly rooted in the knowledge of the Persons, their proper names, manner of processing, and relations. The foundation of the discussion is that knowledge of the Persons had from revelation, the relational identity of the Persons had in the personal names. The dynamics of the appropriated terms themselves do not serve to illumine the mystery. The relation of power and goodness, for instance, is not used here to explain the Persons or anything about them; rather, Thomas matches particular attributes to the

properties of each Person from a particular vantage point. Thus, the question of appropriation is not an absolute one. There is no one set of appropriations. There is no single way of revealing personal differences by way of essential properties because no group of attributes or triad of terms (or even created image) can accurately represent the Trinity. Thomas is accordingly not concerned to judge any one triad as better or worse than another. Each one functions within the one objective of distinguishing between the divine *res significata* and our *modus significandi.*

The appropriation of essential attributes to individual divine Persons is, therefore, not an argument but a series of descriptive expressions that attempt to display aspects of the doctrine as correct speech about God. In this sense, appropriation theory fits into the practical part of theological investigation, which begins with a clarification of doctrine and leads to a meaningful communication of the truths of that doctrine in the same way that one demonstrates a knowledge of a grammatical rule by using it correctly. The goal is right speech and, in this case, right speech about God with the elimination of creaturely modes of understanding and signifying. Thus, these attributes would never be asserted properly of the Persons if they were to be said of one Person alone. Such predication is meant to aid our understanding through similitudes and dissimilitudes. Another way to say that the Son is the image of the Father is to call the Son 'beauty'. Another way to say that the three Persons are one and that the Father does not proceed nor is generated is to call the Father 'unity'. Another way to say that the Holy Spirit proceeds from the Father and the Son as mutual love and is the gift of sanctifying grace in us is to call the Holy Spirit 'goodness'. To investigate divine power absolutely does not reveal anything of the Father. In the same way, 'goodness' as a term or concept does not reveal anything more about the Holy Spirit than is known through the personal name of 'Holy Spirit'.

The essential attributes contain no subtle differences that correspond to personal properties and distinctions. According to a particular manner of considering the Persons, one attribute may seem more suitable. But the more we think it would be properly suitable, the less we understand the mystery. Thomas goes so far

as to say that the most proper name for God is *Qui est* because it is the least determinative, signifying only that in this One, being and essence are one-he is who is. The point of these efforts in manifesting the Persons is to avoid errors of projecting creaturely modes of being, to avoid thinking of three Gods and to avoid the conclusion that one divine Person is less than another. Each divine Person is fully God and one alone is equal to the other two or all three. Not three gods but one, and yet the Father is not the Son and the Son is not the Holy Spirit, these three are One God.

VI. CONCLUSION

One attempts to develop a well-articulated understanding of the Trinity in order to speak properly about our creation and salvation. To utter the truth about Christ then, one cannot avoid the necessity of clarifying the complex language about divine Persons and divine essence. It is precisely at the juncture of these terms that error most often erupts, error that dishonors God and detracts from the divine glory. Arius supposed that the "sending" of the Son entailed created dimensions. Sabellius thought that it is only according to our understanding that God is Three. Gilbert was accused of denying that the divine essence is God and claiming that the personal properties were mere accidents to the Persons. Peter Lombard was accused of teaching a reified essence, so making God into a quaternity. All of these problems resulted from attempts to talk about the oneness and threeness of God at the same time. The difficulties of talking about the divine essence and the divine Persons coherently proved virtually insurmountable without denying or calling into question some part of the doctrine itself. Clumsy use of terms inevitably implied a multiplicity of Gods, a denial of real distinction between divine Persons, or even a reification of the essence prior to or apart from the Persons.

Aquinas took it upon himself to pursue a path through these errors by first proposing a discussion of distinction in God according to revelation. Only then did he take up the discussion of the systematic language needed to talk about God as One and Three at the same time without violating anything thus far

established. The difficulty is to formulate a language that brings together expressions of the divine unity and expressions of the inner divine distinctions-that is, to bring together in a meaningful way language about Person and essence.

Thomas's success in this regard owes as much to the clarity of his earlier discussions as to his constant attention to the nature of theological language. He places at the center of his theory of naming the necessary qualification that we name God in the way that we know God, through creatures. Revealed names and revealed truths for which we formulate names (e.g., 'person') provide a reliable source for our imperfect speech about God. It is the condescension of God in the revelation of salvation history that guides our speech. Such revelation gives license to our use of such terms but does not provide further insight into the being of God. With or without revelation, the *modus essendi* of God is beyond us because we cannot understand apart from creatures and creaturely modes. We cannot but understand 'Father' according to its reference within creation. We say that this one is power or unity or eternity not as a way of identifying this divine Person as opposed to the other two, but rather to say that this one is not weak but is powerful because he is God, etc. What is signified, the proposition's semantic value for theological discourse, is not an inner divine distinction but the unity and equality of the Father with the Son and Holy Spirit, *tres personae unius essentiae.*

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AQUINAS'S USE OF ULPIAN AND THE QUESTION OF PHYSICALISM REEXAMINED

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SOME MORAL THEOLOGIANS contend that there is a dichotomy between nature and reason, the physical and the personal, in the Church's teaching on sexual and social matters.[1] On the one hand, it is claimed that the Church's teaching on sexuality stems from a classical view of the world and is rooted in a teleology of "nature," "biology," and the "physical," from which static realities the Church lamentably "deduces" its ethical teachings on sexuality. Her social teaching, on the other hand, takes cognizance of the contemporary sense of historical consciousness, is based on inductive reasoning, and laudably attends to "the human person in term's of one's multiple relationships with God, neighbor, world, and self and the call to live responsibly in the midst of these relationships."[2] The conclusion is that this dichotomy between nature and biology on the one hand, and reason and the person on the other hand, has led to an unjustifiable methodological split between official Catholic sexual and social teaching-and this split is traceable, in part, to Thomas Aquinas's "slightly puzzling"[3] adoption of Ulpian's "order of nature" along

[1] For a good overview of this contention and a bibliography, see Richard Gula, *Reason Informed by Faith: Foundations of Catholic Morality* (New York: Paulist Press, 1989), 220-49.

[2] Charles Curran, "Official Social and Sexual Teaching," in *Tensions in Moral Theology* (Notre Dame: University of Notre Dame Press, 1988), 96.

[3] Cf. Michael Crowe, "St. Thomas and Ulpian's Natural Law," in *St. Thomas Aquinas 1274-1974: Commemorative Studies*, ed. Armand A. Maurer, 2 vols. (Toronto: Pontifical Institute of Medieval Studies, 1974), 282.

with Gaius's "order of reason" in the development and formulation of his own natural-law theory.

The purpose of this present study is not to overcome this dichotomy. I subscribe to Grabowski and Naughton's conclusion that the Church's teachings regarding sexual and social matters "are held together organically rather than juxtaposed inconsistently."[4] Rather, I wish to argue that those who find a "physicalism" in the Church's sexual ethics are, in fact, correct, but for reasons other than those generally given-reasons, moreover, that restore the physical to its proper place in the Church's sexual ethics. To this end, I will examine the fact of Aquinas's adoption of Ulpian's "order of nature" in his natural-law theory (part 1) and then demonstrate how the natural order operates in his treatment of sexuality (part 2). I will conclude that, while "nature" and "biology" are fundamental to Aquinas's view of the human person, especially in the area of sexuality, neither nature nor biology in and of itself provides a physical "blueprint"[5] as such for ethical behavior. For between the facts of nature and ethical behavior lie both theoretical and practical reason (part 3).

I. AQUINAS AND ULPIAN

It is certain that Aquinas integrates the Roman jurist Ulpian's definition of the natural law ("that which nature teaches all animals"),[6] however awkwardly at times, into his own discussions of the natural law.[7] What is remarkable is that in doing so he departed from most of his predecessors and would have few followers.[8] To explain why he did so is, in part, the purpose of this essay.

[4] See John S. Grabowski and Michael J. Naughton, "Catholic Social and Sexual Ethics: Inconsistent or Organic?" *The Thomist* 57 (1993): 555-78, esp. 556.

[5] Cf. Gula, *Reason,* 227.

[6] "jus naturale est quod natura omnia animalia docuit" *(Dig.* 1.1.1.3).

[7] For an excellent discussions of this see Crowe, "St. Thomas and Ulpian's Natural Law," and Odo Lottin, *Le droit nature/ chez saint Thomas d'Aquin et ses predecesseurs* (Bruges, 1931).

[8] Cf. Crowe, "St. Thomas and Ulpian's Natural Law," 261. I will be following Crowe in the first section of part 1.

It is unlikely that Aquinas read Ulpian directly. Rather, the immediate sources for Aquinas's adoption of Ulpian's definition were both legal and theological.

A) Legal

Ulpian is one of the great names in Roman jurisprudence to whom Justinian, in his sixth-century codification of Roman law, was most indebted. Whatever may be the sources for Ulpian's definition of the natural law, the genuineness or possible interpolations of it, or possible parallels to it in Pythagorean or Stoic philosophy, its authority,[9] which was to last through the Middle Ages, was both enhanced and confirmed by its appearance at the head of the *Digest* and *Institutes* of Justinian (the *Corpus iuris civilis).* It was possibly by way of both the *Corpus iuris civilis* and the *legistica traditio* of the twelfth and thirteenth. centuries that Aquinas retrieved Ulpian's definition of the natural law, not merely as an arbitrary choice among various definitions available to him,[10] but as the legal profession's own choice.

B) Theological

The theologians of the twelfth century were a little more reluctant than the lawyers to adopt Ulpian's definition. Anselm of Laon and his school had little use for Ulpian; the same may be said of Hugh of St. Victor,[11] Peter Abelard,[12] and Peter Lombard.[13]

It was not until the thirteenth century, when the *Tractatus de legibus* had become an integral part of theology, that Ulpian once

[9] Ulpian's definition was commonly described as the "jurist's definition" or the "definition of the natural law."

[10] During the twelfth and thirteenth centuries, two definitions of the natural law, persisting in an uneasy relationship, obtained among civil lawyers: the specifically human natural law (sometimes called *ius gentium)* and Ulpian's definition. The latter was to prevail (cf. Crowe, "St. Thomas and Ulpian's Natural Law," 268).

[11] Cf. *De sacramentis legis naturalis et scriptae* (PL 176:39).

[12] Cf. *Expositio in Epistolam Pauli ad Romanos,* (PL 178:814-62); *Dialogus* (PL 178:1656).

[13] Cf. *Liber sententiarum,* Ill, d. 37 (PL 192:832).

again finds his place in discussions of natural law. One finds acceptance of Ulpian's definition, described as natural law in the wide sense, in William of Auxerre's *Summa aurea* and in the teachings of Roland of Cremona at Paris. The Franciscan tradition, represented by Alexander of Hale's *Summa fratrisAlexandri14* and Bonaventure's *Commentary on the Sentences,* also retrieves Ulpian's definition; Bonaventure even eulogizes him for it.

In light of this development, it is surprising that Aquinas's own teacher, Albert the Great, had no use for Ulpian. In both the *Summa de bono*[15] and the *Commentary on the Nicomachean Ethics* Albert clearly rejects Ulpian's definition, insisting that the natural law belongs to the specific, rational nature of human beings and not to any nature they may share with other creatures.[16] He reiterates this insistence on the rational nature of the natural law in his later *Ethica.*

In spite of Albert's radical rejection of Ulpian's definition, his pupil, Aquinas, found a place for it, not only early in his career[17] but at the end of it as well, both in his systematic treatment of the law in the *Summa Theologiae,*[18] and in his *Commentary on the Ethics* of Aristotle. While Aquinas recognizes Ulpian's definition as a restrictive sense of the natural law, he nonetheless retains it. This is most manifest, along with the attendant difficulties the definition poses for contemporary moral theologians, in his treatment of sexuality.

[14] Book 3, containing the treatise on law, was written by Alexander of Hales's collaborator John of La Rochelle (cf. *Prologoumena in librum III necnon in libros I et II in Summa fratris Alexandrt).*

[15] Part 3 of the *Summa de creaturis.*

[16] E.g., *Summa de bono,* tract. V, "De iustitia," q. 1, a. 1 *(Opera Omnia* 27 [Munster, 1951], 265-66): "Non enim consentimus in distinctionem quam quidem posuerunt, scilicet quod ius naturale multis modis dicatur et uno modo sit commune nobis cum brutis"; q. 1, a. 2 (268-69): "Cum igitur lex sit ius nee possit ius esse, ubi lex non est, non erit ius naturale nisi solius hominis . . . . haec distinctio nee artem nee rationem habet, sicut est mos decretistarum ponere distinctiones."

[17] Most notably *N Sent.,* d. 33, q. 1, a. 1, where, in spite of his use of Ulpian, Aquinas gives more importance to the rational nature of the person.

[18] For a fuller treatment of Aquinas's use of Ulpian in both the *Commentary on the Sentences* and in the *Summa Theologiae,* cf. Crowe, "St. Thomas and Ulpian," 272-81.

II. AQUINAS ON SEXUALilY

In his *Summa Theologiae* I, qq. 90-102, Aquinas discusses the meaning of human beings "made to God's image." In question 98 he treats of "the original state or condition with respect to sex." In article 2, concerning the question "would it have been copulation?" the objection is made:

> it is in fleshly copulation that man becomes most like the animals, because the pleasure is so violent; hence the esteem in which continence is held, by which men refrain from this sort of pleasure. But it is because of sin that man is compared to the animals in the Psalm: *When man was in honour he did not understand; he was compared to beasts and became like them* (Psalm 48 [49].13, 21). So before sin there would have been no fleshly copulation of male and female .[19]

Aquinas begins his response to this objection by asserting that one must attend to two factors: (1) the fact of nature *(quod naturae est),* namely, the mating of male and female for procreation; (2) the extravagance of desire that disfigures it. His full response is as follows:

> Animals lack reason. So what makes man like animals in copulation is the inability of reason to temper the pleasure of copulation and the heat of desire. But in the state of innocence there would have been nothing of this sort that was not tempered by reason. Not that the pleasurable sensation would have been any the less intense, as some say, for the pleasure of sense would have been all the greater, given the purity of man's nature and sensibility of his body. But the pleasure urge would not have squandered itself in so disorderly a fashion on this sort of pleasure when it is ruled by reason. It is not demanded by this empire of reason that the pleasurable sensation should i!e any the less, but that the pleasure urge should not clutch at the pleasure in an immoderate fashion; and by "immoderate" I mean going beyond the measure of reason.

[19] *STh* I, q. 98, a. 2, obj. 3: "in conjunctwne carnali maxime efficitur homo similis bestiis, propter vehementiam delectationis; unde etiam continentia laudatur, per quam homines ab hujusmodi delectationibus abstinet. Sed bestis homo comparatur propter peccatum, secundum illud Ps.: Homo cum in hon ore esset intellixit; comparatus est jumentis insipientibus et similis factus est illis. Ergo ante peccatum non fuisset maris et feminae carnalis conjunctio."

Thus a sober man has no less pleasure in food taken moderately than a greedy man; but his pleasure urge does not wallow so much in this sort of pleasure.[20]

Aquinas makes several important assertions here. First, while he recognizes what he calls the "fact of nature" *(quadnaturaeest)*, meaning the mating of male and female for copulation, he also makes a distinction between this simple fact of nature and what is proper to human beings in the process of copulation, namely, reason. What makes humans "like animals" in the act of copulation is not copulation as such, but the absence of "reason" in the act, which should temper the pleasure of copulation and the heat of desire. Aquinas is not "anti-pleasure" in stating this. In opposition to Bonaventure[21] and Alexander of Hales,[22] who speculated that sexual pleasure would have been less intense before the fall, Aquinas asserts that it would have been even greater because of the purity of prelapsarian nature and a greater sensibility of the body. Further, pleasure would have been greater because it would not have been "squandered" immoderately, but would have been under the control of reason.

This sojourn into Aquinas's reflections on human beings "made to God's image" and "the original state or condition with respect to sex" provides an important context for understanding what he will say about sexuality in a subsequent part of the *Summa*. If human sexuality is to be fully human, then the sexual appetite must be brought under the control of reason.

Aquinas takes up the question of sex more extensively in *Summa Theologiae* II-II, qq. 153-54. The immediate setting is an exposition of the cardinal virtue of temperance (qq. 141-54). In

[20] Ibid., ad 3: "Ad tertium dicendum quod bestiae carent ratione. Unde secundum hoc homo in coitu bestialis efficitur quod delectionem coitus et fervorem concupiscentiae ratione moderari non potest. Sed in statu innocentiae nihil hujusmodi fuisset quod ratione non moderaretur; non quia esset minor delectatio secundum sensum, ut quidam dicunt; fuisset enim tanto major delectatio sensibilis quanto esset purior natura et corpus magis sensibile; sed quia vis concupiscibilis non ita inordinate se effudisset super hujusmodi delectatione, regulata per rationem ad quam non pertinet ut sit minor delectatio in sensu, sed ut vis concupiscibilis non immoderate delectationi inhaeret; et dico 'immoderate', praeter mensuram rationis. Sicut sobrius in cibo moderate assumpto non minorem habet delectationem quam gulosus; sed minus ejus concupiscibilis super hujusmodi delectatione requiescit."

[21] Cf. II *Sent.*, d. 20, a. un., q. 3.

u Cf. *SI'h* I, p. 2, q. 89, m. 2.

question 141, "Temperance Itself," Aquinas defines the essence of virtue in general as that which sets human beings towards the good.[23] For human beings, the "good" means living according to reason. Virtue is what sets them towards rational living. Temperance does this; its very name expresses a temper measured by reason. Aquinas then goes on to state:

> By its nature each thing is bent on what fits it. And so human beings naturally crave an enjoyment that matches them. As such they are intelligent beings; consequently those pleasures are appropriate to man in keeping with reason. On these temperance puts no restraint, though it does on those that are against reason. Clearly this is to agree and not to clash with the burden of human nature *[inclinationinaturaehumanae]*.Which is not to deny that temperance is against the grain for merely animal nature uncomplying with reason.[24]

Aquinas makes an important distinction here. The function of temperance is not to put a restraint on the pleasure that corresponds to rational human nature. Temperance, in other words, is not at odds with the rational inclination of human nature. Rather, the function of temperance is to bring rationality to bear on those inclinations that human beings have in common with other "animal natures" that are not in conformity with the. human inclination towards reason.

The order in which commands of the law of nature are ranged corresponds to that of fundamental inclinations, of which there are three levels. The first is a tendency towards the good of the nature that humans have in common with all substances; each has an appetite to preserve its own natural being. At this stage, the natural law is engaged to maintain and defend the elementary requirements of human life. The second is a tendency toward those things which are in accord with the nature of human beings and, more specifically, what they have in common with other

[23] *STh* II, q. 141, a. 1; cf. *Sfh* I-II, q. 55, a. 3.

[24] *Sfh* II, q. 141, a. 1, ad 1: "Ad primum ergo dicendum quod natura indinat in id quod est conveniens unicuique. Unde homo naturaliter appetit delectationem sibi convenientem. Quia vero homo, inquantum hujusmodi, est rationalis, consequens est quod delectationes sunt homini convenientes quae sunt secundum rationem. Et ab his non retrahit temperantia, sed potius ab his quae sunt contra rationem. Unde patet quod temperantia non contrariatur indinationi naturae humanae, sed convenit cum ea. Contrariatur tamen indinationi naturae bestialis non subjectae rationi."

animals (e.g., the coupling of male and female, the bringing up of the young). The third is a tendency toward that good which is proper to the human being as a rational creature (e.g., knowing the truths about God and living in society).[25] Human sexuality, therefore, finds its place in part in the second level, that is, those things that human beings have in common with animals. This requires some explanation.

For Aquinas all living beings have souls. Therefore, plants, animals, and humans can be called *"animalis"* (the adjectival form of the noun *anima),* which simply means that they are beings with a soul. Plants have a vegetative soul, capable of nutrition, growth, maintenance, and generation. Animals have a sensitive soul because they have both internal and external senses. But they also have the functions of the vegetative soul inasmuch as they,. too, are capable of nutrition, growth, maintenance, and generation. Human beings have an intellectual soul and are, therefore, rational creatures. The intellectual soul is the sole principle of order in the human being, possessing within it the functions of the vegetative and sensitive souls. When, therefore, Aquinas states that the human power of procreation is that which it has in common with other animals, he does not mean, as I stated earlier, that human procreation is "animal-like." Rather, he simply means that the rational human being, whose intellectual soul is the only principle of order, possesses the power to procreate as do other animated beings.[26]

[25] *STh* I-II, q. 94, a. 2: "Secundum igitur ordinem inclinationum naturalium est ordo praeceptum legis naturae. !nest enim primo inclinatio homini ad bonum secundum naturam in qua communicat cum omnibus substantiis, prout scilicet quaelibet substantia apperit conservationem sui esse secundum suam naturam .•.. Secundo inest homini inclinatio ad aliqua magis specialia secundum naturam in qua communicat cum caeteris animalibus; et secundum hoc dicuntur ea esse de lege naturali quae natura omnia animalia docuit, ut est conmixtio maris et feminae, et educatio liberorum, et similia. Tertio modo inest homini inclinatio ad bonum secundum naturam rationis quae est sibi propria; sicut homo habet naturalem inclinationem ad hoc vertitatem cognoscat de Deo, et ad hoc quod in societate **vivat."**

[26] With respect to human beings, Aquinas says that the generative powers come nearer in dignity to the sensitive soul, though in a higher and more wide-ranging manner *(licet excel/entiori modo et universalion),* than the vegetative soul. This is because, unlike the power of generation in plants, the power of generation in animals and human beings has its effects on another body, not just on its own. Cf. *Sfh* I, q. 78, a. 2.

While recognizing that human beings share a certain commonality with other animated beings, Aquinas never forgets that they are rational creatures. Therefore, if human beings are to live virtuously, the inclinations they experience (e.g., the drive to eat or to procreate) must be brought under the aegis of reason. The failure to do so leads to vice. In the remaining part of his treatment of temperance, Aquinas pairs off the virtues with their corresponding vices: abstinence and fasting with gluttony; sobriety with drunkenness; chastity with lust.

Having discussed the vice of lust in general in question 153, Aquinas turns his attention to specific kinds of lust in question 154. By way of general comment, he writes:

> The sin of lechery [lust] consists ... in a person applying himself to sex pleasure not according to right reason.[27] This may come about either because of the nature of the act in which pleasure is sought or, when this is rightful, because some due conditions are not observed.[28]

In other words, lust may conflict with right reason on two counts (discussed in a. 1). First, when the act is of its nature incompatible with the purpose of the sex-act. When generation is blocked, we have unnatural vice *(vitium contra naturam).* By this Aquinas means any complete sex-act from which, due to the nature of the act, generation cannot follow.[29] Second, when an act is of its nature in conflict with right reason with respect to the other party in one of two ways: (1) within the proscribed bounds of consanguinity or affinity (i.e., an incestuous sex-act); (2) with respect to the guardian (e.g., if the husband, then we have adultery; if the father, then we have seduction if no violence is present; if violence is present, then we have rape).[30]

[27] Cf. *STh* 11-11, q. 153, aa. 2 and 3.

[28] "Dicendum quod, sicut dictum est, peccatum luxuriae consistit in hoc quod aliquis non secundum rectam rationem delectatione venerea utitur. Quod quidem contingit dupliciter: unomodo secundum materiam in qua hujusmodi delectationem quaerit; alio modo secundum quod, materia debita existente, non observantur aliae debitae conditiones."

[29] Unnatural vice *(vitium contra naturam):* all vice is unnatural according to Aquinas (cf. *STh* 1-11, q. 71, a. 2) because it is contrary to the natural human inclination towards the good found in virtuous living.

[30] Aquinas is arguing here according to the physiology of the time according to which the man alone is the agent, the woman the patient. This distinction is not essential to his argument and will be ignored hereafter.

In articles 11 and 12, Aquinas draws out the full implication of these two points. Because of the controversy engendered by these articles, it is worth citing the salient passages in full.

First, outside intercourse when orgasm is procured for the sake of venereal pleasure; this belongs to the sin of self-abuse, which some call unchaste softness. Second, by intercourse with a thing of another species, and this is called bestiality. Third, with a person of the same sex, male with male and female with female, to which the Apostle refers [Rom 1:26), and this is called sodomy. Fourth, if the natural style of intercourse is not observed, as regards the proper organ or according to other rather beastly and monstrous techniques.[31]

1. The developed plan of living according to reason comes from man; the plan of nature *[ordo naturae]* comes from God, and therefore a violation of this plan, as by unnatural sins, is an affront to God, the ordainer of nature ....

2. We have contended that sins against nature are sins against God. And they are graver than the depravity of sacrilege to the extent that the order of nature is more basic and stable than the order of reason we build on it.

3. An individual within a nature is more bound to that nature than to any other individual of that nature; therefore so much the worse are the sins committed against it.

4. The gravity of a sin corresponds rather to an object being abused, than to its proper use being omitted. And so, to compare unnatural sins of lechery, the lowest rank is held by solitary sin, where the intercourse of one with another is omitted. The greatest is that of bestiality, which does not observe the due species.... Afterwards comes sodomy, which does not observe the due sex. After this the lechery which does not observe the due mode of intercourse, and this is worse if effected not in the right vessel than if the inordinateness concerns other modes of intimacy.[32]

[31] *STh* 11-11, q. 154, a. 11, sc ("Is unnatural vice *[vitium contra naturamJ* a species of lechery?"): "Uno quidem modo, si absque omni concubitu causa delectationis venerae pollutio procuretur, quod pertinet ad peccatum immunditiae, quam quidam 'mollitem' vocant. Alio modo, fiat per concubitum ad rem ejusdem speciei, quod vocatur bestialitas. Tertio, si fiat per concubitum ad non debitum sexum, puta masculi ad masculum, vel foeminae ad foeminam, ut Apostolus dicit ad Rom. [1.26], quod dicitur sodomiticum vitium. Quarto, si non servetur naturalis modus concumbendi aut quantum ad instrumentum non debitum, aut quantum ad alios monstruosos et bestiales concumbendi modos."

[32] *STh* II-II, q. 154, a. 12, ad 1-4 ("Is unnatural vice the worst of all the kinds of lust?"): "Ad primum dicendum quod sicut ordo rationis rectae est ab homine ita ordo naturae est ab ipso Deo. Et ideo in peccatis contra naturam, in quibus ipse ordo naturae violatur, fit injuria ipsi Deo ordinatori naturae .... Ad secundum dicendum quod etiam vitia contra naturam sunt contra Deum, ut dictum est, et tanto sunt graviora quam sacrilegi corruptela quanto ordo naturae humanae inditus est prior et stabilior quam quilibet ordo superadditus. Ad

Aquinas distinguishes between two categories of the vice of lust: sins against nature *(contra naturam),* where the natural process of depositing semen in the vagina does not occur (e.g., masturbation, sodomy, fellatio, cunnilingus, contraception, and bestiality); and sins according to nature *(secundum naturam),* where the act of insemination does occur but where some distinctively human aspects of sexuality are violated or threatened (e.g., fornication, adultery, rape, and incest).[33] The question is, to what kind of "nature" is Aquinas referring in this distinction?

Usually Aquinas prefers Gaius, for whom the natural law is *quod naturalis ratio inter omnes homines constituit* (i.e., reason constitutes nature among human beings). But beginning with article 11, Aquinas has found a place for Ulpian's definition of the natural law in terms of what humans and animals have in common.[34] Why he does so will be the subject of the next section.

III. PRACTICALAND THEORETICALREASON

As we saw above, Aquinas asserts that the developed plan of living according to reason comes from man; the plan of nature *(ordo naturae)* comes from God. Because this plan of nature, ordained by God, is a more basic and stable reality than human reason, a violation of it is, as in the case of a vice "against nature,,, an affront to God and, therefore, more serious than a vice "according to nature.,,

It is this assertion that has led a number of moral theologians to see in Aquinas's views on sexuality a lamentable kind of

tertium dicendum quod unicuique individuo magis est conjuncta natura speciei quam quodcumque aliud individuum. Et ideo peccata quae sunt contra naturam speciei sunt graviora. Ad quartum dicendum quod gravitas in peccato magis attenditur ex abusu alicujus rei quam ex omissione debiti usus. Et ideo inter vitia quae sunt contra naturam, infimum locum tenet peccatum immunditiae, quod consistit in sola omissione concubitus ad alterum. Gravissimum autem est peccatum bestialitatis, quia non servatur debita species.... Post hoc autem est vitium sodomiticum, cum ibi non servetur debitus sexus. Post hoc autem est peccatum ex eo quod non servatur debitus modus concumbendi, magis autem si non sit debitum vas quam si sit inordinatio secundum aliqua alia pertinentia ad modum concubitus".

[33] Cf. Vincent Genovesi, *In Pursuit of Love: Catholic Morality and Human Sexuality* (2d. ed.; Collegeville, Minn.: The Liturgical Press, 1996), 119.

[34] Cf. *SI'h* 11-11, q. *57,* a. 3. Ulpian's influence on Aquinas can be seen in IV *Sent.,* d. 33, q. 1, a. 1, d 4: "ius naturae est quod natura omnia animalia docuit"; V *Ethic.,* lect. 12.

physicalism. These theologians do not deny the role that reason plays in his thought: they understand him to say that what is revealed in nature must be understood by the intellect and either affirmed or rejected by the will in order to become the "matter" of a distinctively human morality. But this role of reason does not, in the view of these theologians, change the fact that the order of nature itself is a too restrictive basis for human morality: the ends of sexuality are, in effect, determined by a blueprint provided by nature. The question I wish to explore is this: is this understanding of the role of reason too restrictive? In other words, is the function of reason in Aquinas's thought merely that of understanding the role that nature plays in sexuality?

In order to understand the relationship that obtains between nature and reason, Stephen L. Brock[35] suggests an examination of what Aquinas means by "imitation of nature." A revealing starting point can be found at the beginning of the *proemium* to Aquinas's *Commentary on the Politics* (1270-72), composed at approximately the same time as the *Secunda Secundae.* Aquinas writes:

> As the Philosopher teaches in Book II of the *Physics,* art imitates nature. The reason for this is that operations and effects stand proportionately in the same relation to one another as their principles among themselves. Now the principle of those things that come about through art is the human intellect, and the human intellect derives according to a certain resemblance from the divine intellect, which is the principle of natural things. Hence the operations of art must imitate the operations of nature and the things that exist through art must imitate the things that are in nature. For if an instructor of some art were to produce a work of art, the disciple who receives his art from him would have to observe that work so that he himself might act in like manner. And so in the things that it makes, the human intellect, which derives the light of intelligence from the divine intellect, must be informed by the examination of the things that come about through nature so that it may operate in the same way.[36]

[35] Stephen L. Brock, *The Legal Character of the Natural Law according to St. Thomas Aquinas* (Ph.D. dissertation, University of Toronto, 1988). In the pages that follow I will be using the line of thought traced by Brock.

[36] Translated by Ernest L. Fortin and Peter D. O'Neill in *Medieval Political Philosophy: A Source Book,* ed. Ralph Lerner and Mushin Mahdi (Toronto: Collier-Macmillan; New York: The Free Press of Glencoe, 1963), 298.

This passage seems to suggest a one-to-one correspondence between the forms and processes of nature and the forms and processes of art such that, if the apprentice observed closely the work of the master, he would be able to bring about the same results. But the following passage excludes such a correspondence:

> And that is why the Philosopher says that if art were to make the works of nature, it would operate in the same way as nature; and, conversely, if nature were to make the works of art, it would make them the way art does. But nature, of course, does not achieve works of art; it only prepares certain principles and in some way supplies artists with a model according to which they may operate. Art, on the other hand, can examine the works of nature and use them to perfect its own work.[37]

What the apprentice learns, in fact, are not the processes and forms of nature as such, but general rules according to which the master accomplishes his work. The apprentice ts able to conceive these more general rules from the example of the carefully executed work of the master. From his encounter with the master's work, the apprentice is able to create his own work, one that will resemble that of the master. But this resemblance is realized not by attending to the master's work itself, but by attending to the general rules that make the master's work possible. Thus, the apprentice's imitation of the master's work will not be slavish; rather, it will be a certain share in mastery.[38]

What Aquinas is considering here is the relationship that obtains between nature and art and the manner in which the apprentice moves from one to another. Theoretical reason allows the apprentice to "see" what exists (viz., the work of the master), and to see, moreover, the truth of the general rules according to which the master accomplishes his work. Practical reason allows the apprentice, based on what he has seen to be and to be true, to "do," or to "create" his own work, one that will creatively resemble the work of the master. Reason, in other words, does not merely correspond to nature: it "imitates" nature because human reason, both speculative and practical, depends in some

[37] Ibid., 298-99.

[38] Cf. Brock, *The Legal Character,* 168-69.

way on the experience of physical realities provided by the senses.[39] Theoretical reason's experience of physical realities allows one to have insight into the nature of things, their orientation to perfection (i.e., their teleology) and their ultimate purpose.[40] Practical reason's experience of physical realities allows one to know what is good and that one should pursue it because it is fitting to do so.[41]

The movement from nature to art by means of theoretical and practical reason does not entail positing a naturally known principle to do what nature does. Nature does not serve as a "blueprint" for reason. Theoretical reason does not turn to nature in order to determine how to act. It is naturally turned toward nature, but nature does not constitute its standard. Its standard is grasped passively in the things themselves or from the experience of them without being their cause. From the things themselves or from the experience of them, practical reason is able actively to form judgments of action in relation to an end. In either case, reason remains superior to and free from nature by its very capacity for such conception and action.

The intellect's capacity for conception and action does not imply, however, that reason does not intrinsically and necessarily tend toward the imitation of nature. But theoretical reason's superiority to nature and practical reason's freedom from nature derive from the fact that they are primarily and immediately subordinate both to the universal cause of being and to the universal cause of good. The standard of reason, then, is not nature, but reason's own natural light, which is derived immediately from God,[42] for "nothing subsisting is greater than the rational mind, except God."[43]

In light of Brock's analysis (viz., the intellect's primary and immediate subordination to God from whence comes its superiority to and freedom from nature), we may well ask ourselves why Aquinas clung so stubbornly to Ulpian in his definition of

[39] Cf. ibid., 166. See *STh* I, q. 60, a. 5; II *Phys.*, lect. 4, no. 6.

[40] Cf. Montague Brown, *The Quest for Moral Foundations: An Introduction to Ethics* (Washington, D.C.: Georgetown University Press, 1996), 92.

[41] Cf. ibid., 94.

[42] Cf. *STh* I, q. 84, a. 6, resp. and ad 3.

[43] *STh* I, q. 16, a. 6, ad 1.

"sins against nature," in spite of the rejection of this formula by some of his predecessors (especially Albert).

The answer to this question lies in Aquinas's respect, not for the biological basis of sexual morality as such, but for the natural pattern of sexuality that has been created *by God* for the benefit of the species. Theoretical reason is naturally turned toward this pattern, a pattern which theoretical reason itself has not caused. But it sees in this pattern the truth of the general rules according to which God has ordained that the species be continued. Practical reason, in turn, is able actively to form judgments of action in relation to the pattern grasped by theoretical reason. Specifically, practical reason judges that certain actions (e.g., homosexual behavior, masturbation, bestiality, or other patterns of nongenerative sexuality), do not conform to the truth of the pattern grasped by theoretical reason and should, therefore, be rejected by the will. Theoretical reason remains superior to the pattern of nature, receiving its light not from nature itself, but primarily and immediately from God who is the author of the pattern that it discerns in nature. And while practical reason is able to form judgments of action in relation to the pattern of nature established by God and grasped by theoretical reason, it is free from this pattern of nature because it is, first of all, subject not to nature but to the universal cause of good.

While it is true that both theoretical and practical reason tend intrinsically and necessarily toward the natural pattern of sexuality, it cannot be claimed that Aquinas has fallen into the naturalist fallacy, that is, deriving the "ought" to avoid nongenerative activity from the "is" of the natural pattern of human sexuality. Rather, the "ought" is a recognition of and a response to the God who reveals his sovereign will for humankind and expresses it, in this instance, in the realm of biology.

While some may criticize Aquinas's conclusions (e.g., making masturbation, which is a sin against nature, more grievous than rape, which is a sin according to nature), two observations must be kept in mind. First, Aquinas is speaking, in the words of Cajetan, "formally"[44]—that is, he is looking at the sex act in

[44] E.g., in the *Praefatio* to the Leonine edition of the *Summa* (Rome, 1888-1906), Cajetan writes: "ea in verbis formalitas ac proprietas, ut nihil insit extrarium, nihil accidens."

isolation from its context (e.g., violence). If he were discussing violence, he would have come to a different conclusion. Second, Aquinas's treatment appears under the special moral virtue of temperance which is related directly to strains inherited with our so-called animal nature. One will have to look at other parts of his writings to discover the more "personalist" elements of human sexuality.[45]

IV. CONCLUSION

My purpose has been to critique a certain reading of Aquinas and, by extension, of the Church's teaching on sexual ethics. To label Aquinas or Church teaching as "physicalist" in the sense of deriving moral obligation from physical structures is to make a charge that is difficult to sustain. Aquinas calls certain behaviors "sins against nature" not because they are contrary to the "order of nature" as such but because the "order of reason," which receives its light primarily and immediately from God, is not brought to bear on the corporeal reality of the person. The "matter" that becomes the basis for human morality is not simply biological; rather the "matter" is the reality of the person, namely, the unity of body and soul in its relationship to God and to others. To maintain otherwise, either by excessively spiritualizing the body or by physicalizing the totality of the person, would have the effect of emptying the body of moral meaning or of reducing the person to the level of beast. The body is as integral to human nature as is reason. To act against the teleological structure of the body is, in the end, to act not only against the body but against reason's apprehension of the sacred character of the body and the integral place it occupies in human nature.[46]

[45] Cf. *STh* II-II, q. 151 (metaphorical or spiritual chastity); *STh* II-II, q. 153, a. 1, ad 1 (chastity's connection to the virtue of prudence); *STh* I-II, q. 68, a. 5, ad 3 and *STh* II-II, q. 61, a. 1 (chastity's relationship to the virtue of justice); *STh* III, q. 29, a. 2 (the mutual faithfulness of the couple); III *ScG*, c. 123 (friendship of the couple and mutual pleasure of the couple).

[46] For a further discussion of this, cf. Benedict Ashley, *Theologies of the Body: Humanist and Christian* (Washington, D.C.: The Pope John Center, 1985 and 1995), 370.

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NOTES IN DEFENSE OF *EX CORDE ECCLESIAE:* THREE REPLIES TO THREE TYPICAL OBJECTIONS

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DURING THE TEN YEARS since the promulgation of *Ex corde Ecclesiae* and for several years of discussion leading up to it, administrators, faculty members, and other concerned parties have warned that an implementation of its vision and norms could damage Catholic higher education in the United States.[1] Such warnings can be summarized under three headings: academic freedom, pluralism, and institutional autonomy. The controversy surrounding *Ex corde Ecclesiae* has raised examination of these concerns to a new level of sophistication and produced some excellent discussion and debate. Unfortunately, the overall conversation seems to proceed dismally, with many commentators, including the most visible leaders in Catholic higher education, articulating these concerns in terribly simplistic terms, as if academic freedom, pluralism, and institutional autonomy were clearly defined notions upon which everyone in the modern academy agrees. This is particularly unfortunate given the divided state of Catholicism in the United States, for it encourages a pejorative, indeed polarizing, approach to many of the initiatives that come from the Holy See.

The purpose of the following discussion is to discourage caricatures of *Ex corde Ecclesiae*. It is structured according to the

[1] The following article originated as a panel presentation at a conference on *Ex corde &clesiae* and *Veritatis splendor* sponsored by the Institute for the Study of the Magisterial Teaching of the Church and held at Assumption College in Worcester, Massachusetts on March 21, 1998.

three headings mentioned above, which are addressed by sketching three typical objections to the letter-that it opposes academic freedom, pluralism, and institutional autonomy-and then offering three replies. The title suggests that this discussion is designed as a "defense" of *Ex corde,* which it is: not a full-blown defense, but a limited defense intended to show that the issues raised by *Ex corde* are more complex than its critics usually imply. It further suggests that *Ex corde* acknowledges these complexities in a way that the critics do not. In other words, this discussion is not a positive account of the vision of *Ex corde,* which would require more argumentation than is presented here, but a loosely organized negative account, indicating not so much how to think about the vision of *Ex corde* as how *not* to think about it. Thus it is best to regard this discussion as a set of "notes."

By way of disclaimer, nowhere below is there a statement as to whether or not Catholic theologians should possess a canonical mandate in order to teach, and if so how such a requirement should be implemented. But the discussion will bear on this vexed matter by showing that a cogent argument against implementing the mandate will have to offer more than simplistic appeals to academic freedom, pluralism, and institutional autonomy. The notes that follow will serve their purpose if they free readers to move beyond the oppositional thinking that has dominated discussion of *Ex corde* and to engage the more complex, difficult, and interesting task of restructuring Catholic colleges and universities to embody once again a dedication "to the research of all aspects of truth in their essential connection with the supreme Truth, who is God" *(Ex corde Ecclesiae,* 4).

I

A frequently raised objection to *Ex corde Ecclesiae* is that it opposes academic freedom. The response to this objection should be that it does not *oppose* academic freedom, so much as *define* it according to truth and the common good as understood in Catholic tradition. So defined, academic freedom is placed under certain constraints. But every intellectual tradition places aca-

demic freedom under some constraints, including that liberal intellectual tradition which disavows all such constraints. This disavowal, in fact, excludes the understanding of freedom embodied in Catholic tradition and articulated by the pope in *Ex conie Ecclesiae.*

This objection finds support from Stanley Fish, literary critic and author of an article entitled "There's No Such Thing as Free Speech and It's a Good Thing Too."[2] Fish argues that "free speech," understood as an absolute principle, is a fiction. All appeals to freedom of speech, he says, are made from within a worldview whose core set of values places limits on the principle itself. Thus, while it is easy to find a ready defense of the principle of free speech in every quarter of U.S. society, it is equally easy to produce a list of commonly accepted situations in which the "principle" does not apply: when some stands up in a theater and shouts "fire!"; when one is in the operating room and brain surgery is being performed; when words written on leaflets or spoken from soap boxes represent, in the words of Justice Holmes, "a clear and present danger" (Schank v. U.S. 249 US 47, p. 52 [1919]); when the words spoken inflict injury upon other people in such a fashion as to constitute what courts have recently defined as "hate speech." Fish's argument is aimed at a certain form of political and legal theory that regards all speech, even the most deleterious speech, as constitutionally protected. He counters by bluntly asserting that for the good of certain individuals or groups or of society as a whole, some speech should simply be prohibited. "Speech," as he puts it, "is never a value in and of itself but is always produced within the precincts of some assumed conception of the good to which it must yield in the event of conflict."[3]

Fish's argument about freedom of speech sheds light on the stance taken in *Ex corde Ecclesiae* with respect to academic freedom. Three times Pope John Paul II affirms the importance of academic freedom and each time he qualifies this freedom by

[2] Stanley Fish, *There's No Such Thing as Free Speech and It's a Good Thing Too* (New York: Oxford University Press, 1994), 102-19.

[3] Ibid., 104.

invoking what Fish calls "an assumed conception of the good." In the first instance, he argues that every Catholic university

> possesses that institutional autonomy necessary to perform its functions effectively and guarantees its members academic freedom, so long as the rights of the individual person and of the community are preserved *within the confines of the truth and the common good.* (12 [emphasis added])

In the second instance, he states that

> the Church, accepting "the legitimate autonomy of human culture and especially of the sciences," recognizes the academic freedom of scholars in each discipline in accordance with its own principles and proper methods, and *within the confines of the truth and the common good.* (29 [emphasis added])

In the third instance, he maintains that in a Catholic university

> freedom in research and teaching is recognized and respected according to the principles and methods of each individual discipline, so long as the rights of the individual and of the community are preserved *within the confines of the truth and the common good.* (General norms, a. 2, n. 5 [emphasis added])

In each instance, the Pope affirms academic freedom not as an abstract, general principle to be applied regardless of the specific content of academic inquiry being pursued (there's no such thing), but as a principle embedded in an overriding scale of values: academic-freedom-as-defined-by-truth-and-the-common-good. Thus from one perspective, *Ex corde Ecclesiae* may be viewed as merely imposing limits upon academic freedom, but from another perspective it should be seen as redefining academic freedom and locating it within a more substantive and comprehensive Catholic intellectual vision. In this vision genuine intellectual inquiry is ordered to what has been revealed by God as true and good. This same understanding of freedom was set forth by the Pope at greater length and with more clarity in *Veritatis splendor,* where he writes:

> freedom is not unlimited: it must halt before the "tree of the knowledge of good and evil," for it is called to accept the moral law given by God. In fact, human freedom finds its authentic and complete fulfillment precisely in the

acceptance of that law. God who alone is good knows perfectly what is good for man, and by virtue of his very love proposes this good to man in the commandments. *(Veritatis splendor,* 35)

Many people in the academy reflexively object to a Catholic vision of the true and the good, especially when this vision is explicitly invoked to redefine freedom, and even more so when this redefined freedom is *institutionalized* in Catholic colleges and universities in the United States. But such objections too often fail to address *Ex corde's* view of truth and the common good. Instead, they invoke and absolutize the principle of academic freedom, insisting that Catholic institutions of higher learning, like all the others, must protect it. Here is where Fish's argument is particularly useful, for it suggests that all such appeals to academic freedom (as with freedom of speech) will at some point be suspended for the sake of some overriding conception of the good.

Anyone familiar with the actual operations of the academy has seen this happen. Take, for example, the English department at Duke University (which Stanley Fish chaired from 1986 to 1992). In the mid-eighties, Duke decided to create an English Department that would be committed to *avant garde* brands of literary criticism-Marxist, deconstructionist, feminist, and so on. It recruited faculty members with these particular interests and commitments. It established endowed chairs to bring on accomplished scholars in these particular areas. It attracted graduate students of these particular kinds. And this meant excluding other potential faculty members, candidates for chairs, and prospective graduate students. It was all part of a conscious attempt to promote particular forms of intellectual inquiry, and to exclude others, on the basis of what the Duke English department held to be good.

The same process occurs, often less explicitly and dramatically, in all departments. A department of political science will hire comparativists specializing in Latin America or Straussians; and this preference will exclude comparativists who concentrate on Africa or Rawlsians. So it is with departments of economics, psychology, philosophy, art; throughout the humanities, the social sciences, and the natural sciences. Of course, there is some

variety in every department, but every department also has a distinct mix of scholars, a certain shape, which determines what most of its members believe it needs in order to be good at what it does. It is this belief, this conception of what is good for the department, that governs its deliberations, ranging from which courses are offered to who gets an endowed chair, and thus limits its academic freedom.

In sum, to the objection that *Ex corde Ecclesiae* opposes academic freedom, the response should be that *all* institutions of higher learning operate according to a scale of values that defines and thereby limits academic freedom. What is different about the Catholic institutions-at least the ones patterned after the vision of *Ex corde-is* that they are more explicit, more forthright and honest, about their scale of values, which the pope sums up in the phrase "truth and the common good."

II

Another frequently raised objection to *Ex corde Ecclesiae* is that it opposes pluralism. The response to this objection should be that it does not *oppose* pluralism but rather *affimzs* a particular form of pluralism, one that can only be found at institutions of higher education that claim the Catholic tradition as their own. Catholic tradition is often pitted over against pluralism as if it were simple, monolithic, and intolerant of variety and controversy. But contrary to popular opinion (which in the academy sometimes masquerades as critical scholarship), Catholic tradition is complex and multifaceted, not merely tolerant of variety and controversy but dependent on them for its progress and development.

A compelling account of this pluralistic understanding of Catholic tradition can be found in Alasdair Maclntyre's explication of the *Summa Theologiae* of Thomas Aquinas. In the *Summa,* Macintyre points out, Aquinas poses a series of questions on a given topic (humanity's last end, human happiness, virtue, natural law) and then brings forth authorities from the sacred and secular traditions he has inherited (Paul, Benedict, Gregory the Great, Augustine, and Aristotle, to name a few) to present pos-

sible answers from various perspectives. The answers are not only different, but are in apparent conflict with each other. Aquinas takes up the task of identifying these conflicts, resolving them to the extent possible, and providing the most conclusive answer available at that particular point in the development of the tradition. [4] Some questions are answered straightforwardly and the conflicts readily resolved. For example, a created good cannot constitute human happiness; granted, in *On Divine Names* Dionysius states that Divine wisdom unites the ends of first things to the beginnings of second things, thus suggesting that human happiness is found in reaching the angels who are created, but humanity does not rest there but reaches out to the universal font of good which is God (*STh* 1-11, q. 2, a. 8). Other questions raise complex issues that can be answered only by making distinctions. For example, natural law can be changed by way of addition, as when God provided written law to supplement natural law which had partially decayed in the hearts of those who reckoned some good things to be evil; and natural law can be changed in respect to secondary precepts on rare occasions when some special cause prevents their unqualified observance; but natural law, as regards its first principles, is altogether unalterable (*STh* 1-11, q. 94, a. 5). But in each case, the questions are designed to reconcile conflicts among the authorities of sacred and secular tradition and so to provide an intellectually coherent account of God, creation, humanity, and salvation through Christ and the Church. Thus the very structure and methodology of the *Summa* is irreducibly pluralistic. And in this respect it reflects Catholic tradition in general.

Now, Macintyre notes that at times certain propositions unavoidably contradict the truths revealed in Scripture and the dogmatic affirmations of the Church and must therefore be excluded. Without authoritative exclusions, the tradition would dissipate or transmute into some other tradition. But such exclusions are enforced only to ensure that the tradition develop in a manner consistent with its own fundamental principles. Thus Catholic tradition progresses by open-ended inquiry, the findings

[4] Alasdair Macintyre, *Three Rival Versions of Moral Enquiry* (Notre Dame: University of Notre Dame Press, 1990), 105-48.

of which are ordered to its own first principles. It is characterized by both unity and multiplicity, authority and innovation.

The ordered yet open-ended character of Catholic tradition can be discerned throughout its centuries-long development. Even when exclusions are enforced, Catholic tradition does not simply eliminate pluralism. To take a present-day example, the encyclical *Veritatis splendor* (described in the subtitle as an instruction "regarding certain fundamental questions of the Church's moral teaching") authoritatively calls for the exclusion from Catholic moral teaching of "proportionalism," a school of thought that, according to the encyclical, endorses a form of act-redescription in light of intentions and consequences that effectively denies that some actions are by their very structure evil and thus cannot be ordered to the good *(Veritatis splendor,* 71-83). But this exclusion does not eliminate pluralism from Catholic moral discourse; it only limits it, and only in very specific ways. Thus it is possible to assent to the exclusion of proportionality from the field of authentically Catholic moral theories, and yet at the same time to point out that the encyclical does not offer a complete account of the virtues needed for people to abide by the natural law and progress in living the good life.[5] Likewise, one can assent to the teaching of the encyclical and yet argue that its appeal to objectivity is problematic inasmuch as it portrays the primary precepts of the natural moral law as available to anyone apart from the beliefs and practices that make up his or her life, a portrayal that strains against the Christological and ecclesial emphases found elsewhere in the encyclical. Of course, this argument may be contested, in which case a disputation would ensue over the proper understanding of grace in coming to know the natural law. But this disputation would take place from within a tradition that, while partially defined by exclusions, nevertheless remains pluralistic.

The point is this: Catholic tradition is irreducibly pluralistic, so that when *Ex corde Ecclesiae* makes reference to "truth and the common good," this is not an instance of Catholic tradition squelching pluralism, but rather an instance of Catholic tradition

[5] Herbert McCabe, "Manuals and Rule Books," in *Considering"Veritatissplendor,"* ed. John Wilkins (Cleveland: Pilgrim Press, 1994), 61-68.

specifying its own particular form of pluralism. From this point, another point follows: while plenty of Catholic scholars and commentators would disagree with this interpretation of *Ex corde Ecclesiae,* as they voice disagreement and then engage in an extended argument over how it should be interpreted, they would, I submit, be helping to confirm my interpretation, for the very form and content of the argument, if rationally pursued, would be identifiably Catholic. This second point is crucial to the general issue of pluralism because this kind of argument, forged as it is on conceptions of truth and the common good that are endemic to Catholic tradition, is pursued *only at institutions of higher education that claim the Catholic tradition as their own.* While these or similar arguments may be pursued in partial fashion at non-Catholic institutions, it is only at Catholic institutions that they can be pursued fully-which discloses another sense in which Catholic tradition affirms pluralism. What institutions other than Catholic institutions are willing and able to sponsor inquiry and argument over the form and content of Catholic tradition?

It is in light of this institutional reality that *Ex corde's* call for dialogue between theology and the other disciplines takes on full significance. What the Pope envisions is a dialogue between, say, theology and history in which theological questions can be brought to bear on the writing of history. What assumptions are embedded in an historical narrative about the role of religion or the Church in the unfolding of world events? What is the place of Divine Providence in history? Similar theological questions could be asked of the discipline of sociology; for example, how can sociologists give proper acknowledgment of formal and final causes in explaining social development? So too with regard to the disciplines of economics, psychology, physics. Such questions are not raised in a systematic way in most departments. Such dialogues are rarely if ever enacted in most colleges and universities in the United States. However much it might be said that the modern secular academy sponsors a wide array of intellectual inquiry, that the good it pursues is the good of pluralism itself, the fact is that theology as a form of inquiry has been pushed to the margins and in some contexts virtually excluded. By calling

for more dialogue between theology and the other disciplines, *Ex corde* offers resistance to this marginalization. This constitutes yet another way in which it does not oppose but affirms pluralism.

III

A third objection to *Ex corde Ecclesiae* is that it threatens the autonomy of Catholic institutions of higher education by permitting Church authorities to intervene in their internal procedures and decisions. The reply to this objection should be to grant that *Ex corde Ecclesiae* limits the autonomy of Catholic colleges and universities, but then to point out that these institutions readily tolerate interventions of other external authorities, interventions every bit as pervasive and intrusive as any envisioned in *Ex corde.*

Catholic colleges and universities, it has been recently been pointed out, are subjected or subject themselves to a host of so-called external authorities, ranging from the National Institutes of Health to the National Collegiate Athletic Association, and including a host of regional and professional accrediting agencies.[6] Of these external authorities, two may be brought forward in illustration.

The first is the Reserved Officers Training Corps (ROTC). As a course of study and a program of moral formation directed ultimately by the Pentagon and over which our Catholic college and university administrators have limited influence at best, ROTC is certainly an external authority; but in this case Catholic colleges and universities have not hesitated to forfeit their institutional autonomy. This is no merely abstract point. Serious moral issues are at stake. For example, in February 1998, as the United States prepared to launch an air attack against Iraq, the seven active cardinals in the United States and Bishop Anthony Pilla, president of the NCCB, expressed "grave concern" over the "readiness on the part of the United States to use military force to compel compliance [with U.N. resolutions] by Iraq."[7] Their statement was crafted in accord with the principles of just-war theory. Let us

[6] James T. Burtchaell, C.S.C., "Out of the Heartburn of the Church," *Journal of College and University Law* 25, no. 4 (1999): 680-82.

[7] *Origins* 27, no. 36 (26 February 1998): 601.

suppose that the air attack had been launched and that the president had ordered all reservists to active duty, including those in ROTC programs. Let us further suppose that the cardinals did not retract their judgment on the immorality of such an attack but indeed reaffirmed it. Would students in the ROTC programs at Catholic colleges and universities have heeded the leadership of the military or the leadership of the Church? Would they have viewed their situation in terms of the prospect of perhaps participating in the taking of innocent life? At issue here, in part, is the matter of institutional autonomy. But the issue is rarely identified as such because the U.S. military is an external authority that Catholic institutions of higher education have freely chosen to embrace.

The second illustration has to do with business corporations such as IBM and Arthur Anderson. Modern business corporations currently exercise considerable sway over the internal affairs of Catholic institutions of higher education. Through financial donations, corporations support large development projects and thus contribute to the overall direction taken by our colleges and universities. Corporate leaders populate our boards, oftentimes constituting a majority. Many Catholic universities have business schools and most colleges have majors in business or finance. And of course corporations are very effective in recruiting our students, so much so that a study of the relevant data could lead one to conclude that Catholic schools function as little more than vocational training centers for laborers in the vineyard of market capitalism. Here too, serious moral concerns are at issue, as is indicated in the catalogue of behavior and actions listed in *Veritatissplendor* as contrary to human dignity, a catalogue that includes business fraud, unjust wages, forcing up prices by trading on the ignorance or hardship of another, tax fraud, forgery of checks and invoices, excessive expenses, and waste *(Veritatis splendor,* 100). This catalogue comes in the context of a warning about the seriousness of the commandments, adherence to which, as is demonstrated in the story of the rich young man featured in the encyclical, is necessary to inherit eternal life. But if this is the case, then we are obliged to examine the extent to which business corporations interfere with a genuinely Catholic education and

formation. Moreover, we are obliged to examine the ways in which corporate culture trains people to view themselves primarily as consumers who have a fundamental right to attain what they prefer and can afford to purchase, whether it be a contraceptive device, an assault rifle, or an abortion. The moral crises that beset society today cannot be abstracted from the market forces that produce them. But the problems posed by the modern business corporation are not addressed in any serious and systematic fashion in our institutions of higher education.

The influential role played by the military and business corporations in Catholic colleges and universities suggests that these institutions are not so much opposed to the impingement upon their institutional autonomy by external authorities in general, as they are opposed to the impingement of one external authority in particular: the Church. Thus institutional autonomy is no more an absolute principle than is academic freedom. The question is not *whether* but *which* external authorities an institution of higher education allows to have sway over its life. It must be noted how peculiar it is that Catholic colleges and universities readily allow the external authorities of the United States military or of the corporate world to shape their internal life, but resist allowing the "external authority" of the Church to do so.

IV

But this last statement of course is misleading, for it implies that Church authority stands apart from, if not indeed over and against, Catholic institutions of higher education, whereas the reality-at least the reality portrayed in *Ex corde Ecclesiae-is* that they come from the heart of the Church. And yet, to what extent *do* they come from the heart of the Church?

This is precisely the question that *Ex corde* raises, and the answer at this moment in history is necessarily ambivalent. On the one hand, Catholic colleges and universities in the United States clearly do come from the heart of the Church. They were founded by men and women of the Church, the preponderance of whom were members of religious orders, and they have long records, most stretching back into the nineteenth century, of

training their students in the faith. It would be difficult to account for the impact Catholics have made in this country in medicine, law, politics, and business without reference to Catholic colleges and universities (though, of course, the extent to which that impact has been salutary from the perspective of Church teaching is a different and very complex question). On the other hand, Catholic colleges and universities have been so deeply transformed by economic, political, and cultural forces that now, at the end of the twentieth century, they constitute very different institutions, particularly with respect to their capacity to embody Catholic intellectual commitments. This is no coincidence, for this transformation has entailed their embrace of professional values that in key respects have disengaged virtually all Christian institutions of higher education from their founding churches.[8] These values emerged and gained acceptance among leading educators in the late-nineteenth and early-twentieth centuries, as evidenced by the establishment of the American Association of University Professors (AAUP) in 1915, and over the course of this century they have determined the very shape of academic life in the United States.[9] Catholic educators embraced these values rather late in the day, but when they finally did, they did so quite explicitly and with few inhibitions, most notably in the Land O'Lakes Statement in 1967, but also in the plethora of statements issued in the years since by administrators and governing bodies of Catholic colleges and universities and by national organizations such as the Association of Catholic Colleges and Universities (ACCU).[10] Included among these values, indeed lying at the heart of them, are academic freedom, pluralism, and institutional autonomy. Against the background of the relatively recent

[8] See James T. Burtchaell, *The Dying of the Light* (Grand Rapids: Eerdmans Publishing Company, 1999).

[9] See Richard Hofstadter and Walter P. Metzger, *The Development of Academic Freedom in the United States* (New York: Columbia University Press, 1955); George Marsden, *The Soul of the American University* (New York: Oxford University Press, 1994), 292-316.

[10] George J. Campbell, S.J., et al., "Land O'Lakes Statement: The Nature of the Contemporary Catholic University," *in American Catholic Higher Educa.tWn*, ed. Alice Gallin, O.S.U. (Notre Dame: University of Notre Dame Press, 1992), 7. For a summary of these developments see Philip Gleason, *Contending with Modernity* (New York: Oxford University Press, 1995), 305-22; and Burtchaell, *Dying of the Light*, 557-742.

embrace of these values by Catholic educators, we can understand their almost reflexive resistance to *Ex cor<ie Ecclesiae.* But to understand it is not to affirm it.

These notes are intended to move us beyond the current preoccupation with three typical, rather reflexive, and not very compelling objections to *Ex corde Ecclesiae.* They are not extensive and they leave a host of theoretical and practical questions unanswered, but they do, I hope, show that we have more pressing issues before us, issues having to do with the relations between theology, philosophy, and the other branches of knowledge in the humanities, social sciences, and natural sciences. These issues can be traced back to the thirteenth century when Augustinians and Aristotelians at the University of Paris struggled to ascertain the ways in which theology should order and direct inquiry in the other secular sciences and arts; and even back to the second century when catechists and learned believers began employing classical thought to articulate a distinctively Christian philosophy. The message of *Ex corde Ecclesiae* is quite straightforward: if Catholic educators take up these issues seriously, not merely in mission statements but in hiring practices and curricular policies, then, but only then, will their institutions be worthy of the description "Catholic." If Catholic educators continue to avoid these issues, then no one will take them up, and the vision of higher education set forth in *Ex corde Ecclesiae* will continue to appear as unrealizable as they insist it is.

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THE DYING *OF THE UGHT* AND THE CONTEMPORARY CATHOLIC UNIVERSITY

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JAMES BURTCHAELL has provided us with one of those rare texts that combine a magisterial breadth of research with a literary style that is at once brilliant and breezy.[1] Its main contention is that America's religiously affiliated colleges and universities have slowly succumbed to the forces of liberal secularity and now only barely resemble the institutions their founding Churches and religious orders had in mind. And with the controversy surrounding the Vatican's 1990 document on Catholic higher education, *Ex corde Ecclesiae,* the text is also perfectly timed to contribute significantly to a heated contemporary debate. Love it or hate it, this book is destined for a wide dissemination and therefore merits careful consideration.

The text is primarily an exercise in historical reconstruction. Burtchaell provides the reader with thickly described histories of seventeen colleges and universities (fourteen Protestant and three Catholic) that are presented as paradigmatic examples of a more generalized collapse of religious culture in academia. He peppers his description with his own trenchant analysis of where things "went wrong." This is not a dispassionate and detached recitation of value-neutral historical "facts"; Burtchaell is frequently dismissive of those individuals within the academy that he deems responsible for what he clearly considers to be a negative historical slide from institutional religious commitment to the blandness

[1] James Tunstead Burtchaell, *The Dying of the Light: The Disengagement of Colleges and Universities from Their Christian Churches* (Grand Rapids, Mich.: William B. Eerdmans Publishing Company, 1998), xx + 868 pp. $45.00.

of secular homogeneity. Burtchaell does not attempt to 'prove' that religiously affiliated colleges and universities have become secularized. He simply accepts it as a given and then proceeds to lay bare the historical story of how it came about. Those who share this negative assessment of the state of religion on the modern campus will welcome Burtchaell's pointed remarks. For example, while discussing the often-repeated bromide of Jesuit university presidents that one can maintain the Catholic identity of a university with only a small "critical mass" of Catholics among the faculty he states: "The problem is that instead of a critical mass they have a landfill, and an apparently endless supply of its natural product, methane gas" (632).

Strangely, however, one never gets the sense that Burtchaell's strongly held convictions cloud his historical analysis. Indeed, his passion is fetching and the analysis he presents seems clarified by his convictions rather than muddied. Thus his own methodology in the writing of this text serves to underline one of its central affirmations: faith and knowledge should not be divorced from one another and kept, dualistically, in separate gnoseological compartments. The Enlightenment's bifurcation of all knowledge into two types-the objective and "neutral" knowledge gained through reason and the subjective and "biased" knowledge gained through religion and affectivity-is precisely the problem. Burtchaell's counterargument is a strong and unapologetic reaffirmation that the faith commitment of the Christian brings an intellectual advantage through the fusing together of knowledge and the moral universe created by the Christian claim. One need not repeat the well-rehearsed sociological and philosophical critiques of the Enlightenment's naive, univocal view of "rationality." Burtchaell does not aver to these critiques directly but his central thesis seems to assume that knowledge motivated and organized by moral commitment is superior to knowledge that has been trivialized by its moral vacuity and pseudo-detachment from all "non-academic" loyalties. He does not hide his disapproval, therefore, for presidents of religiously affiliated colleges who will acknowledge the importance of the connection between learning and moral commitment on a whole range of secular

issues, while keeping the religious identity of the institution at a safe distance from anything vitally important.

Burtchaell is, moreover, a careful historian and he is quick to nuance his criticism of particular individuals with a detailed analysis of the broad sociological forces that have driven the secularization process. The causes of the disaffection of universities from their religious identities are complex and involve the dialectical relationship between the university and the various communities with which it interacts. The growing secularity of the broader culture has led to a gradual marginalization of religion in our public life in general; the academy is not the only place where a largely pietistical and privatized notion of religion has led to the trivialization of faith as a notable public virtue. The social privatization of religion in turn leads to an exaggerated notion of "academic freedom" defined now as "freedom from all non-academic loyalties." Thus, the religiously affiliated university, seeking the approval of its more respected secular peers, must not allow religious faith to "intrude" upon the "independence" of the academic curriculum. The religious identity of the university is now to be nurtured in such extracurricular and voluntary venues as "campus ministry" and social outreach programs. Finally, the financial crisis that afflicted many private universities in the sixties led many to sever their official juridical ties with their founding religious organizations in order to avoid the "sectarian" tag and to gain financial assistance from the civil government.

What emerges from this post-mortem is that the cause of death was not the conspirator's bullet but a misdiagnosed cancerous growth. Presidents and other administrators made seemingly sound short-term decisions for the sake of the institution's survival, only to discover that their actions had proven lethal to the long-term religious identity of the school. The question thus becomes, how could such an obvious decline in religious vitality have escaped the notice of so many? How could the symptoms of illness have been so blithely overlooked? Burtchaell develops the thesis that the secularization process was a "stealthy" one since it was cloaked in the respectability of a genuine theological rationale. American pietism-a largely Protestant theological adjustment of the nineteenth century-affirmed the priority of

interiority and affective subjectivity in religion over the outward trappings of institutionally sanctioned symbols. The visibility and public rationality of religion was of far less consequence than the inner disposition of the individual believer. This interiorizing and privatizing of religion coincided with the creeping disestablishment of Protestantism as the de facto "religion of America" in the late nineteenth and early twentieth centuries. Protestant universities and colleges found, therefore, theological justification for their increasing alienation from an explicitly confessional warrant. Unfortunately, pietism's bifurcation between religious affectivity and secular rationality led to a voluntaristic form of religion that easily degenerated into liberal moralism, which was in turn swallowed up by secular rationalism. Thus, pietism is an unsustainable theological perspective that carries within itself the "rationalist seed" of its own destruction. Burtchaell states flatly: "Once pried out of their history and their church, they had no capacity to endure much history or church. So they begot piety unsustained by morality, church without theology, preaching without sacrament, community without order. They would inevitably have a short half-life" (841). The "true" is now approached mechanistically and instrumentally, while the "good," being a voluntaristic category, simply drops off the academic map entirely. Burtchaell contends that this same pietistical theology finally infected a "mainstreamed" American Catholic Church-an infection that was allowed to rage unchecked in the ecclesiological flux and cultural upheaval of the sixties. Thus, American Catholic universities simply repeated a cultural path already trod by Protestants for decades.

One wonders, however, if Burtchaell is not guilty here of a certain theological and historical over-simplification. He seems wedded to a Protestant paradigm that dominates his analysis of the secularization process in all universities and colleges. Certainly there is merit in this paradigm and the path followed by Catholic institutions has mirrored in significant ways that of their Protestant counterparts. American Catholics are members of a dominant Protestant culture and most certainly have sat on the same cultural fault lines and ruptures created by the tectonic movements of that culture. Nevertheless, one must account for

the seemingly rapid collapse of Catholic identity at universities in the sixties. Are we to believe that Protestant forms of pietism had so influenced millions of Catholics-lay and clerical-that when the ecclesiological lid was lifted American Catholics simply emerged from their pietist closets and transformed American Catholic higher education almost overnight? This is certainly one possible scenario. However, it assumes that American Catholics did not adopt pietism in the sixties, but had been crypto-pietists for decades. There seems to be little historical evidence for this in the ample documentation on the form and structure of the American Catholic subculture in this century. It makes more sense to search out a Catholic theological process analogous to that of pietism.

David Schindler has proposed just such an alternative.[2] Schindler, though sympathetic to Burtchaell's project, is nevertheless uncomfortable with the "pietist" explanation. He points out that Catholic theology had suffered for centuries from a degraded Scholasticism that created a strongly dualistic "nature-supernature" bifurcation. This is certainly not a new insight. However, Schindler applies this analysis to the loss of Catholic identity on Catholic campuses and concludes that the problem is much more profound than what can be explained by weak administration and the influence of pietism. The problem is more idiosyncratically Catholic than Burtchaell implies and it is deeply theological in nature. Whereas in Protestantism pietism degenerated into rationalism, in Catholicism one begins with a rationalized theology that degenerates into pietism. One finds already in late medieval Catholicism a dualistic separation of the realms of philosophy and theology. The integral nature of these two disciplines within Catholic thought had already begun to be eclipsed by a concern with "method." Once the formal distinction between theology and philosophy evolved into a widening material separation, theology began to turn more and more to philosophy for its justification and warrant in order to avoid fideism. The end result was a highly rationalistic and degraded theology that conceives of the relation between piety and

[2] David Schindler, "The Catholic Academy and the Order of Intelligence: The Dying of the Light?", unpublished paper delivered at the Kenrick Lecture, St. Louis, March 25, 1999.

knowledge, the true and the good, in largely extrinsicist categories. It is a short step from there to a full compartmentalization of "confessional" religion on a Catholic campus and its marginalization as a voluntaristic enterprise.

The strength of Schindler's proposal is that it explains the "birth" of Catholic pietism in the sixties as the end result of a long "Catholic" gestational process. Furthermore, it is more historically nuanced since it does not deal with the secularization process as a univocal Protestant phenomenon that is simply repeated by at a later date. It is more ecumenically sensitive in that it does not explain all of the religious identity problems on Catholic campuses through recourse to the "Protestant-pietist infection" analogy. It has the added advantage of linking the demise of Catholic identity on American campuses with similar trends in the global Catholic Church. Finally, it makes clear that the loss of religious identity on Catholic campuses is not the result of a few "dissenting" theologians creating a climate of theological confusion for unformed minds. If that were the case then a strong juridical response from the hierarchy, as well as the restoration of an older ecclesiological model, might be seen as justified. The problem is rather the result of a pandemic of bad, dualistic theology for many centuries.

The common thread in the analyses of Schindler and Burtchaell is that the confessional aspects of religion come to be defined in voluntaristic categories while the canons of secular rationality are located at the heart of the academic enterprise. Thus, secularity is equated with "objectivity" and "neutrality"-virtues considered necessary for the maintenance of "academic freedom"-while "religion" is associated with feelings and "subjective" moral commitments that are a matter of private taste: *de gustibus non disputandum est.* Ironically, therefore, religion is viewed as a heteronomous intrusion into the legitimate autonomy of valid academic discourse. The salient point here is that the neutrality of secularity is equated with truly "free" discourse while religious questions and religious discourse are equated with coercion, bias, and distortion. Furthermore, beyond the issue of academic freedom lurks the equally nettlesome problem of "institutional autonomy." Here too any hint of "interference"

from ecclesiastical authorities on the issue of religious identity is deemed an institutional disaster of the first order. Total "independence" from Church authority is now presented as a nonnegotiable *sine qua non* for the university to do its job properly. Indeed, it would be better to say that it is viewed as a necessity in order for the university to be a university.

It is at this point that Burtchaell's text provides us with some useful insight into the current debate surrounding *Ex corde Ecclesiae.* The critics of this document (as well as the American Catholic bishops' draft on the implementation of its stipulations) are quick to object that any juridical relationship between the university and the Church weakens the institutional autonomy of the former and involves the latter in an unacceptable meddling into the freedom of individual professors and their research. This in turn weakens the status of the Catholic university with her secular peers and threatens the "nonsectarian" stand required to garner federal education money. These are the essential objections raised by J. Donald Monan (past president of Boston College) and Edward Malloy (current president of Notre Dame) in their now famous commentary on *Ex corde* in *America* magazine.[3]

The flaw, however, in the Monan-Malloy approach is precisely its failure to take account of the extremely ambiguous nature of what is meant by "neutrality" and "autonomy." As we have seen, the modern academy operates out of a set of assumptions that equates these two academic virtues with the general ethos provided by liberal secularity. The Monan-Malloy article shows every sign of repeating this assumption. The presumption throughout their criticism is that secularity represents a kind of benign substrate onto which the "religious-confessional" elements of the university are then added. The presumption is that scholarly research and the teaching of students is a value-neutral enterprise that exists in a kind of "academic Eden" devoid of nonacademic loyalties and constraints (academic freedom). It is further assumed that this in no way represents a threat to the religious identity of the institution so long as a "critical mass" of voluntaristic religious symbols remains to remind one and all that they are

[3] J. Donald Monan and Edward Malloy, "Ex Corde Ecclesiae Creates an Impasse," *America* Uan. 30-Feb. 6, 1999): 6-12.

engaged in some vaguely defined "mission." This approach to the relationship between religion and academic culture is characterized, therefore, by a surprising sociological naivete concerning the true nature of secularity. Secularity is an ambiguous concept at best, a word-game we often play in order to domesticate religious perspectives into more denatured forms of discourse. The "secular-neutralist" argument is erected on a naive view of academic culture as a demythologized, value-neutral medium within which religious perspectives are "free" to swim so long as they pay homage to the dominant canons of rationality antecedently determined by secularity. This privileges from the outset a rationalized and highly denuded type of religiosity that is unable to draw from the tradition that created its warrant in the first place. Academic freedom, therefore, should not be characterized as a "stand-alone" virtue. It is contextualized in a particular kind of academic culture. One cannot assume without further debate that liberal secularity is the only cultural medium that can sustain genuine academic discourse. The mythological idea of "pure" neutrality and autonomy is not only unattainable, it is also undesirable. Show me a person without passions and loyalties and I will show you a person without a soul. Therefore, the real question is not about what constrains academic freedom. The real question is the quality of the culture that contextualizes that freedom.

Related to this discussion of "academic freedom" is the issue of "institutional autonomy." The detailed histories provided by Burtchaell demonstrate that, far from being devoid of extra-institutional constraints, the modern Catholic academy is riddled from top to bottom with all kinds of civil constraints that do not seem to elicit the kind of alarmist concern that religious commitments do. It is not necessary to recite a litany of the many agencies, funding sources, and community groups that constrain the freedom of the university and impinge upon its autonomy (not to mention the university's own board of trustees). Anyone remotely familiar with the current bureaucratized nature of American higher education knows full well that the concept of institutional autonomy is a relative one. Given, therefore, the highly symbiotic nature of the university with the many communities it serves, as

well as the juridical relationship that exists between the university and many of these communities, one is left wondering why there should be so many objections to a more juridical relationship with the Church. The peculiarity is magnified when one actually reads *Ex cortie* and realizes that the specific juridical stipulations contained in that document are few and, frankly, attenuated. The Vatican's expectation that a university that actively markets itself as "Catholic" ought to have some sort of "official" relationship with a "competent ecclesiastical authority" who can vouch for its Catholic credentials strikes this reviewer as modest, reasonable, and more forthrightly honest than the equivocations of university administrators who have grown accustomed to having their cake and eating it too. As the academic dean of a small Catholic college I must pay attention to all sorts of accrediting agencies who alone can offer a juridical citation that my institution is in fact capable of providing the education we advertise. Why should the "Catholic identity" of my institution be treated any differently? Certainly I would object to ecclesiastical meddling in the day-to-day affairs of the college in an attempt to micromanage the identity of the school from a distance. But a broad oversight process to which the college must submit in order to gain accreditation as "Catholic" is hardly more intrusive than the other accrediting processes to which we happily submit. In short, the Grand Inquisitor is not at our doorstep and the debate over *Ex corde* is ill-served by alarmist cries that the sky is about to fall.

One final issue that is often raised by the opponents of *Ex corde* is that American Catholic universities cannot appear overly "sectarian" and still hope to pass the constitutional muster to gain federal money. Once again, however, Burtchaell's text makes it abundantly clear that the United States Supreme Court has repeatedly ruled that religiously affiliated colleges and universities are perfectly free to pursue their religious mission and still receive federal aid. One is puzzled, therefore, at the continued use of this line of argumentation. Perhaps it is indicative of a more generalized fear that the court's reasoning seems fickle on these issues and that it may change its mind. Indeed, there are new lawsuits that appear like clockwork every few years challenging the legitimacy of such aid. Fair enough; but one wonders what

Thomas More would have made of such equivocations in the face of a State grown hostile to religion. Thus we see today the strange sight of some academicians and administrators accusing the Vatican of audacity in meddling in "our affairs" yet being utterly docile to the slightest hint of civil disapproval-real *or imaginary*.

The Catholic academy ought to be about the business of demonstrating how faith in the God of Jesus Christ opens up an integrating process that allows for the deepest humanistic impulses to be lifted up into the light of the gospel and transformed without being destroyed. The sheer "foreignness" of this statement to our ears ought to alert us as to how far down the secularist path we have already come. Many Catholic universities have reached the point where they have hired a "critical mass" of faculty who would view the idea of a faith-animated curriculum as a heteronomous intrusion into the "real work" of the university. As Burtchaell points out, it is simply common sense to realize that you cannot have a Catholic college without Catholics. The concern of the university for academic freedom and its fear of juridical rumblings from the Vatican about "mandates" are symptoms of a more serious dislocation. Until university administrators begin to take seriously again the hiring of practicing Catholics in disciplines other than Religious Studies we will continue to see these sorts of interminable debates well into the foreseeable future. Once again, the sheer fact that raising the "religion card" in our hiring processes sends shivers down our backs should alert us to the fact that we no longer consider lived Catholicism to be of any importance to a Catholic university. Certainly, the mere presence of Catholics on campus does not guarantee Catholic identity, nor does it eliminate all possible tensions between the university and the juridical elements of the Church. Life is messy, and human beings disagree and have different perspectives no matter who they are. But there is simply no substitute for the embodied Catholicism of faculty who embrace fully both the canons of their discipline and the canons of their faith. It is precisely here, in the creativity of the human person, that piety and knowledge must meet. The Catholic university must privilege this relationship and the Vatican must respect the full latitude that such creativity requires. Tensions are

unavoidable, but they are also the irritant in the oyster that create the pearl.

If the dialogue over *Ex corde Ecclesiae* is to be a truly honest one then we must be brutally frank at the outset that what is at stake is not "academic freedom" or "institutional autonomy" but rather the deeper issue of the very nature of "rationality" and "intelligence" in their first principles. If the founding religious vision of a university is not allowed to play a normative role in our hiring and tenuring processes, in the development of core curricula, in the kinds of speakers we bring to campus, and in the social causes the university will put its name and reputation behind, then the only norms left, by default, are the secularist ones. The value of Burtchaell's book is that it lays bare the rhetoric and opens our eyes to the real historical forces that are at work here. In the Realpolitik of this debate Burtchaell forces us to ask ourselves what our real choices are, and to abandon all imaginary Pollyanna-ish scenarios wherein a "critical mass" of religious symbols will suffice to imbue the campus with their romanticized, and quickly fading, glow.

BOOK REVIEWS

Action and Conduct: Thomas Aquinas and the Theory of Action. By STEPHEN L. BROCK. Edinburgh: T & T Clark, 1998. Pp. 266. £ 23.95 {cloth). ISBN 0-567-08547-3.

The vast majority of contemporary analytical philosophers either assert or assume that action remains entirely within the agent who acts. Anything external that follows from internal activity is, the consensus contends, best regarded as a fortuitous happening, an uncontrollable side effect. Davidson put the hunch famously: "we never do more than move our bodies, the rest is up to nature." Justifications for this view, when offered, normally draw on another assumption, equally widespread. Since the *effort* to act surely does reside in human agents, and is, for the most part, the sole object of moral evaluation, it follows that this effort exhausts agency. Indeed it must, for if we assign to agents what happens subsequently to the movements that take place within, then description and evaluation of actions will be as arbitrary as the occurrence of those happenings, which of course, we do not control. They move about with a natural necessity that our willing can little alter, and thus it makes little sense to say that our internal efforts are connected to them as cause to effect. What we do, what we can alter, must remain within.

What follows? Nothing but trouble, at least according to Stephen Brock in his excellent explication and defense of Aquinas's account of action. Consider, for example, the question of action description (53-67). When I aim, shoot, and fire at a man, something must happen to him-he must die-before we can say that I have killed. The action is completed and assigned to me only after I cause him to suffer something {in this case, death). Of course, I might miss and he might live, in which case the description of what I have done must change, even if our moral assessment does not. Trying to kill a man is not the same as actually killing him, although they are not altogether separate matters. The complete action is a composite of internal and external parts, and assuming I succeed its proper description will require reference to each-both my intention and his dying. Or consider the question of moral goodness (139-49, 186-92). If one assumes that actions remain wholly within agents precisely because one also assumes that we are powerless to effect external happenings, then it is not at all clear on what grounds we may call what goes on within good. If, as the Kantian interpretation of these assumptions would have it, a good will has no object beyond itself, and if a good will can effect nothing

besides itself, and if it is in fact a good will that makes one good, then, according to Brock, "the upshot would be simply this: being a good man is no good" (192; cf. 46-48). If a good will does not dispose one to accomplish what is good in the world, then it can hardly be regarded as we invariably wish to regard it, as the subject of moral goodness and the object of moral praise.

Of course, Brock's replies assume what the analytical consensus does not: that we can bring about or transform external states of affairs because we want to, that agency presumes power over things. One might expect him to defend his dissent with argument, but, wisely, he does not, at least not directly (137). Instead, he follows St. Thomas and notes that we use the terms "action" and "agent" analogically, in order to embrace rational, nonrational, and inanimate action. Fire boils water. Knives slice through fruit. Machines stamp out widgets. Dogs bite mail carriers. Human beings fight in the morning and kiss in the afternoon. It is Brock's thesis that attending to the analogy of action will yield a better understanding of the relation between human and nonhuman agency, which in turn is "crucial for understanding voluntary action" (3) and its ordinary efficacy with respect to external things (242). Briefly, "action," according to Aquinas, means "origin of motion," while "agent" implies a "principle of movement" (38). Agents of all kinds act upon other things, subject them to some activity, and thus move them about in this or that definite direction. Moreover, they do so by virtue of "an intrinsic principle of activity." In inanimate things that principle is nature. Their specific activities are an immediate consequence of the kinds of things that they are. Fire heats because its nature gives rise to this activity. But note, heating is not initiated by fire. Fire is not a principle of movement in this sense. Bringing water to a boil belongs to fire, but it cannot be regarded as fire's own work (52). It is, rather, the work of the agent who uses the natural capacity of fire to heat deliberately, for the sake of some end that is desired because it is known (36). Agents of this latter sort, rational agents, act *per se,* on their own, as persons, not instruments (17-29). They act by their own initiative, by conducting themselves, and thus agency-mastery of one's actions-is assigned to them simply. To all others-inanimate things and nonrational creatures-agency is attributed by analogy with human action (39). They act *per aliud,* "by dint of something else," and thus they participate in agency in a "secondary fashion, as a mere share parceled out to them by its true owner," the rational agent who puts them to use (26).

According to this account, all actions exhibit a couple of common features. Actions are efficacious and intentional. They cause changes in certain states of affairs, and specific actions do so in definite ways, by tending to some definite end. They also find their term, their completion, in the patient acted upon by the agent. With considerable skill, clarity, and wit Brock explicates these deceptively complex matters in chapters 2 and 3. It is in chapter 4, however, that he addresses the heart of the matter. There he makes good on his promise to show how the relation between rational and nonrational action, properly understood, illuminates voluntary human action. Again, briefly, the voluntary is simply "what someone does or brings about because he wants to." It implies

power to do something and an agent whose acts of will cause what is done (163-64). The willing that goes on within helps bring about the external acts and states of affairs that are willed (171). But how? What secures the connection between internal and external? What is an "elicited act of will that does not remain solely *in* the will, but extends to that upon which it acts or that which it moves" (175)? What exercises the causal power of the rational appetite? For Aquinas, and for Brock, *usus,* much neglected and at times maligned, provides the answer. It also ties together Aquinas's treatment of action across the analogical spectrum. Just as a machine is said to act only when it is used for some purpose by another, so too we speak of the external conduct of rational agents only insofar as the will uses the executive power to realize its internal choice (176-83). Similarly, just as a machine in use can be said to act, not essentially, but by dint of another, "by sharing in what is essentially conduct," so too the physical acts commanded by the will are pieces of conduct, not simply, but "by participation," by being put to use by that which is conduct *per se,* an act of will (173). Thus, it is *usus,* the inclination to perform a choice of a worthy course of action, that generates the causal continuity between those acts of will that terminate in the chooser and the external action that moves the world about (189-90). When misfortune disrupts that continuity, the internal acts of will remain, and they constitute a definite piece of conduct, voluntary and subject to moral evaluation. They are not, however, a *complete* human act, which always entails the use of oneself by oneself for the sake of success in the world outside oneself (190-91); either the use of one's physical powers upon external things, or, more properly in Thomas's scheme, the deliberate use of one's will and intellect for the sake of that friendship "in which human life finds its fulfillment" (196).

Brock directs his interpretation of Aquinas's account of action to the discontents of contemporary Anglo-American philosophy, and thus he endeavors throughout to present Thomas's thought in "a manner suitable for participation in current debates" (2). But this is not all that he has in mind as he proceeds. The theological consequences of his arguments and exegesis also matter, and in asides and in the notes he indicates how Aquinas's remarks about action bear on his treatment of other topics: creation (48n.), natural law (48, 98n., 114, 116, 182n.), grace (146n.), and beatitude (195-96). Moreover, in a final chapter, Brock explores how Aquinas's emphasis upon the will's causal efficacy might transform the lively debate among moral philosophers and theologians about the character of those things that are accidental effects of the will's agency. Here he pursues lines of argument and exegesis that many will consider controversial. In particular, he contends that the kinds of effects that Aquinas considers absolutely *praeter intentionem* are far fewer than most imagine, largely restricted to fortune's effects (129-32) and to unforeseeable things done out of invincible ignorance (225-42). Unintended effects that are foreseen precisely because they accompany the pursuit and achievement of the intended end always or for the most part cannot be considered unintentional, at least not simply. They are, rather, intended indirectly. When I take medicine that happens to cause discomfort we cannot say that I want the discomfort, that

I intend it directly. But nor can we say that I suffer discomfort unwillingly, for I know that this medicine involves discomfort and I know that I must take it. Thus my intention to take the medicine "spills over, or extends indirectly, to the discomfort" (203).

Brock is on to something here: surely the evil that unavoidably accompanies the good elicits a response from the will. But why describe this response, this resignation, by analogy with intention? Indeed, how could we say that I intend discomfort, whether directly or indirectly, when intention regards the good, which discomfort is not? Instead, why not say that I intend a good that is accompanied by an evil, that I am resigned to the evil that accompanies the good, *praeter intentionem?* This would enable us to say that I suffer the discomfort knowingly, but not willingly. I intend the good without "accepting" (211) the evil that naturally or normally accompanies it, and without tending toward that evil or forming a disposition to bring it about.

Brock resists this approach, in part because he thinks all of the effects of an action upon a patient belong to that action according to its species (203-7), in part because he accepts Chisholm's treatment of the diffusiveness of intention (208-16), and in part because he finds support for his own view in Aquinas's discussion of these matters in his commentary on book 2 of Aristotle's *Physics.* Each of these warrants deserves critical attention. For now, consider the last. In his commentary Thomas does in fact seem to defend Brock's view. He argues that unexpected, unforeseen, and thus fortuitous effects fall outside an agent's intention; what always or frequently accompanies the intended effect does not. "For it is foolish to say that someone intends something and does not want that which is adjoined to it frequently or always" (II *Phys.,* lect. 8). Yet each of the examples that Aquinas uses to clarify this conclusion regards good effects. If a man always or frequently receives money from debtors when he goes to the forum, then we would not say that he receives money by accident when he goes there for some other purpose and nevertheless collects a debt. Although he did not go to the forum intending to receive money, it makes little sense to say that he does not want the money that he did receive, in part because he had good reason to suspect that he would receive it, and in part because he received something good, something that can be wanted (II *Phys.,* lect. 8). Note the difference that divides this example from the one we considered earlier. Although I have good reason to think that discomfort will accompany the medicine I intend to take, it nevertheless makes little sense to say that I want the discomfort, if only because discomfort, regarded as an evil, cannot be wanted. This difference, if genuine and sound, warrants at least two conclusions. First, Brock's talk of indirect intention applies asymmetrically across the divide between good and evil effects. The good effects that naturally or normally accompany the directly intended end are themselves indirectly intended; the evil effects are not. Second, we must concede that among the kinds of things that Aquinas considers absolutely *praeter intentionem* are included those evil effects that always or frequently accompany the good that is directly intended.

Others may find reason to dissent from Brock's conclusions in other ways, but few will come to doubt the importance of his achievement. His treatment of Aquinas's account of action exhibits a rare combination of rigor and learning. It is, no doubt, the best we have.

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Aquinas on Matter and Form and the Elements: A Translation and Interpretation of the De Principiis Naturae *and the* De Mixtione Elementorum *of* St. *Thomas Aquinas.* By JOSEPH BOBIK. Notre Dame: University of Notre Dame Press, 1998. Pp. 325 + xviii. $39.00 (cloth), $19.00 (paper). ISBN 0-268-00653-9(cloth), 0-268-02000-0 (paper).

Congratulations and thanks to Joseph Bobik for having provided a translation that is both accurate and readable of Thomas's *De principiis naturae* and *De mixtione elementorum.* There exist in print three other English translations of the *De principiis naturae* (Robert Goodwin, 1965; Timothy McDermott, 1993; and Ralph Mcinerny, 1999) and one on the Internet (www.niagara.edu/-loughlin/Nature.html), but Bobik's translation is excellent, and there is no other translation, of which I am aware, of the *De mixtione elementorum.* Bobik's work also includes two long and very helpful philosophical essays, one on the problem of how it is that elements exist in physical substances and one on the differences and similarities between Thomas's understanding and the contemporary understanding of elements. This book provides an excellent introduction to Thomistic natural philosophy, especially for undergraduates and for nonspecialists in Thomistic thought, but it will also reward the study of more advanced Thomists.

The *De principiis naturae,* although a short work (eight pages in the Leonine edition) is traditionally divided into six chapters, and these chapters into paragraphs. Likewise the *De mixtione elementorum,* an even shorter work (just two full pages), is divided into paragraphs. Bobik's commentary, accordingly, is given paragraph by paragraph, in the following manner: first he gives the Latin text, next his English translation, and last his commentary, which is usually about a page or two but is occasionally as long as eight pages. One finds here a thorough, accurate, and clear presentation of the important topics: actuality and potentiality, substance and accident, matter, prime matter, form, privation, the causes, the modes of the causes, elements, how principles and causes are predicated, how elements are present in compounds.

I do, however, have three complaints about the format of Bobik's translation and commentary. First, it is better pedagogically, I believe, to present Thomas's

texts without interruption, particularly as the texts here translated are so short. Most students will skip over the Latin, but will read a little of St. Thomas and then a great deal of Professor Bobik. The reader, thus, becomes a student in Bobik's classroom -surely a profitable activity-but he does not in the first instance become a student in Thomas's classroom-arguably a more profitable activity.

A second pedagogical quibble is that Bobik will occasionally discuss crucial points in Thomas's text by using untranslated Latin sentences and phrases. As I understand the audience of Bobik's work to be primarily Thomistic beginners, who are typically without Latin, the use of untranslated Latin is a hindrance to the student.

Third, there is a lack of scholarly apparatus and discussion in this work. There is no bibliography, even though a bibliography would be very useful to the more advanced student who might know some Latin and be interested in scholarship, and there is almost no discussion of contemporary scholars. John Searle, surprisingly but happily, is treated in a discussion of the relation of micro realities to the macro properties of a physical substance, and there is a refutation of C. J. F. Williams's atomistic interpretation of chemistry, but contemporary Thomists who have written much on natural philosophy (such as William Wallace, Benedict Ashley, James Weisheipl, Mario Sacchi, Leo Elders, and others) and historians (such as Anneliese Maier) are absent. The beginner should not be burdened with the details of scholarly debate, but as Bobik does give rather long commentaries and, in addition, almost two hundred pages of philosophical essays, we have a right to expect some treatment of contemporary scholarship. Further on the matter of scholarship, Bobik is somewhat free with his use of inauthentic texts to explicate Thomas. He uses the *De natura materiae* as though it were written by Thomas, although contemporary scholars generally regard it as inauthentic, and he cites extensively (172-81) from the part of the *Commentary on De generatione et corruptione* that was not written by Thomas (after book I, lecture 17). Bobik does, however, note that this part of the *De generatione* was written by Thomas Sutton and others.

In his two philosophical essays, Bobik makes many fine points that merit our attention. He shows, for example, (131-55, 250-52) how it is that elements must be present in a compound (or "mixed body," the *mixtum* of Scholastic or Aristotelian vocabulary). Elements, he explains, must be present virtually, not merely potentially or by way of their actual substantial forms, and elements must be part of the essence of any physical body. In this the element is more essential to a living body than are the organs of the living body, for a living thing can often survive without some or even many of its organs, but it cannot be a living thing at all unless it has the right sort of matter. But to have the right sort of matter is to have elements of just the right sort and in the right proportion. Bobik would have us understand elements in compounds as "conjoined instruments," and there is a subtle but important difference between the instrumentality of the elements in the vegetative powers and that in the sensitive powers. In the vegetative powers the elements (virtually present) serve

more as agents in their own right of the vegetative activity, whereas in the sensitive powers the elements serve rather to dispose the sensitive organ to operate than to be instruments themselves. The minerals, vitamins, and enzymes are instruments of digestion, for example, by actually performing some digestive functions, whereas these same are not instruments of vision as such, for they perform none of the functions of seeing, but do serve to make the eye able to see or to see better. Bobik also gives an excellent account of the ancient and mediaeval doctrine of the four elements (167-76, 245-46), including some philosophical criticism thereof. He gives an elaborate explanation of how Thomas understood the four elements in relation to creation (183-225, 297-301) and does so with a view to showing that Thomas's account of creation and the elements is compatible with an evolutionary account of cosmology. In this regard there is a very interesting discussion of Moses ben Nahman, or Nahmanides, a Jewish contemporary of Thomas, who posited a quasi "big bang" and an evolution of the cosmos. Bobik also argues convincingly that, according to Thomas's principles, any physical reality of greater complexity than the quark, such as a proton, neutron, or electron, an atom or a molecule, must be understood to be a compound body (a *mixtum)* and not a mere arrangement of spatially distinct parts (273-84). On all of these points, Bobik makes a contribution to the understanding of Thomas's doctrine and to philosophy generally.

There is more to praise in this book, but I must turn my attention to two points raised by Bobik with which I find some difficulty: first on prime matter and then on substantial form. "Neither the heavens nor the heavenly bodies, in the view of Aquinas, have within themselves any sort of contrariety, since they are not composed out of the four elements, nor are they composed out of prime matter and substantial form, though they are composed out of matter and form" (201). It is odd to say that the heavenly bodies are not composed of prime matter and substantial form while maintaining that they are composed of form and matter. The heavenly bodies are substances, and hence their form must be substantial form, for it is by virtue of substantial form that a substance is a substance. The matter which substantial form actualizes must be matter without form, for otherwise it would already be actual. But matter that is without form is prime matter. Hence it seems obvious that heavenly bodies are composed of substantial form and prime matter. And yet Bobik can and does cite textual evidence to show that Thomas holds that the matter of the heavenly bodies is different from the matter of the sublunary bodies.

The explanation of this difficulty requires two points to be made. First, in the text that Bobik cites *(Summa Theologiae* I, q. 66, a. 2), it can be argued that Thomas is trying to show, not that there is no prime matter in the heavenly bodies or that prime matter is different above the moon from what it is below, but that the *kind* of matter that one finds in heavenly bodies is different from the *kind* of matter found in earthly bodies. The heavenly bodies have the kind of matter that is called the "fifth essence," whereas the earthly bodies have the kind of matter that is made of fire, air, water, and earth. But to talk of *kinds*

of matter is to talk of *secondary*, not *primary* matter. In this passage Thomas is trying to give an interpretation of the "unformed matter" that arose in theological discussions from the glosses on Genesis 1:2 *(terra autem erat inanis et vacua).* But this "unformed matter" is not necessarily prime matter; it is so for Augustine, but not for Basil, and it may well be that it is Basil's, not Augustine's, use of the term that Thomas is considering in this article.

Furthermore, there is evidence that Thomas changed his position on prime matter from his early writings (II *Sent.,* d. 12, q. 1, a. 1) to his late writings (I *De caelo,* lect. 6). Early, Thomas seemed to take the view that the prime matter of the heavenly bodies is different from that of the sublunary bodies. The difference seemed to Thomas to be that there is a potency for being and nonbeing in sublunary bodies that is not present in heavenly bodies. Since potency is attributable to matter, the matter of sublunary bodies and that of heavenly bodies must be of two different kinds. Later, however, Thomas seems to have recognized that differences in kinds of potency are not attributable *only* to matter. Rather, such differences are in the first instance attributable to differences in form. In the case of the heavenly bodies, the substantial forms completely fulfill the potency of prime matter such that there remains no potency (or privation) to acquire some other substantial form. In contrast, the substantial form of any earthly body always includes privation, or a potency to acquire some other substantial form. Bobik's claim that, according to Thomas, there is no prime matter in the heavenly bodies should be modified in the light of a fuller examination of texts.

The second concern, referred to above, has to do with substantial form in relation to prime matter. "Of itself ... prime matter is without dimensions, i.e., it is in this respect like a mathematical point .... A substantial form, by way of contrast, though dimensionless, is capable of physical causality, and of various sorts, including an agent causality with respect to quantity, i.e., it has the power to spread prime matter out three-dimensionally, and to keep it that way (a kind of 'small' Big Bang)" (166). It seems to me, however, that it is wrong to attribute agent or efficient causality to form, for if the form becomes the efficient cause of its own matter, then it becomes a *thing* that is separate from its matter, which also must be understood as a distinct *thing.* The substantial unity of the substance is thus destroyed and we begin to understand substantial form as a *motor coniunctus,* the dangers of which Fr. James Weisheipl has well warned us against.

The few minor concerns that I have do not prevent me from enthusiastically recommending this fine translation, commentary, and philosophical essay.

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Divine Providence: The Molinist Account. By THOMAS P. FLINf. Ithaca, N.Y.: Cornell University Press, 1998. Pp. 258. $35.00 (cloth). ISBN 0-8014-3450-5.

When one pulls too hard on one end of the cord in a parka or a windbreaker, the other will often disappear into the lining of the garment. The problem of reconciling divine providence and human freedom is much like that, for making too strong an assertion about either position will immediately bring about a problem in the other area.

In *Divine Providence: The Molinist Account* Thomas P. Flint deftly makes the case for the position taken by the sixteenth-century Jesuit Luis de Molina. Although this reviewer continues to find himself more sympathetic with the Thomistic solution than with the recourse to middle knowledge offered by his order-brother Molina, it is only fair to praise a well-reported account of the whole debate and a temperately, argued counterposition. After rehearsing the twin bases of Molinism in terms of providence and freedom, Flint spends the greater portion of the book defending the Molinist account against the classical Thomistic objections as well as a new set of objections raised by various contemporary philosophers; he then provides four applications of the Molinist account, specifically in the areas of papal infallibility, prophecy, unanswered prayers, and praying for things to *have happened.*

As Flint sets up the problem, a strong notion of divine providence necessarily involves seeing God as perfect in knowledge, love, and power and as exhibiting detailed control over creation by knowingly and lovingly directing each and every event that occurs for every creature, so that all creatures will be appropriately directed toward their divinely ordained ends. Flint explains his interest in working out the philosophical problems that emerge on this topic for believers who want to profess their Christian faith in an orthodox manner. As soon as it is clear that such an understanding of providence includes holding that God has (1) complete and certain knowledge (some might call it *foreknowledge,* but Flint explicitly refrains from any claims about God's relation to time) of what is still in the future for a human being, and (2) real sovereignty over the world (and not some deistic remove from the world once created), the gravity of the problem becomes clear. In particular, a person interested in preserving the standard and orthodox view of God (rather than, say, the imperfect but evolving God of process thought, or any view that makes God other than perfectly loving, truly omnipotent, or genuinely omniscient) will need to face the problem of human liberty. This will mean keeping in mind that God is not just "a good guesser" or the sort of knower who has to "wait and see what happens" but one who does know everything and who is deeply involved in every aspect of creation and not merely some sort of general or high-level administrator who is in charge of the big picture but leaves all the specific details for subordinates to work out.

Flint's exposition of the Molinist resolution of the problem in terms of God's middle knowledge is delineated in the context of the philosophical need

to articulate a correlative account of human freedom. Since hard determinism (the denial of any freedom in human action) is so much at odds with our ordinary views of human agency, let alone with standard views about the necessary conditions for moral responsibility held by religious faith, Flint proposes that one must accept either some version of what has come to be known as the libertarian view of freedom (the view that there are some human actions that do not have ultimate external causes) or some version of what has been called the compatibilist view (the view that there is no incompatibility between freedom and complete determination, for some of our actions are free but all of our actions are ultimately determined externally). Judging that both strategies are philosophically possible and that the evidence for neither the one nor the other is conclusive, Flint notes that the ordinary believer who is philosophically attentive will want, if at all possible, to take a libertarian position more or less along the lines that Molina tried to defend. But the problem of reconciling these parka strings comes immediately to the fore: how can God really know what is not determined and thus not in principle available to be known, or (alternatively) how are human beings really free in any of their actions if the actions must be fully determinate so as to be divinely knowable?

In the second chapter Flint provides an historical account as well as a philosophical defense (in such contemporary terminology as "the counterfactuals of creaturely freedom") of the Molinist account of God's middle knowledge as an attempt to resolve this problem. In brief, the strategy is not just to distinguish between God's "natural knowledge" (the prevolitional knowledge of necessary truths) and God's "free knowledge" (the postvolitional knowledge of contingent truths) but to identify a third kind of divine knowledge called "middle knowledge" in order to deal with the knowledge about how creatures will act if placed in various nondetermining circumstances-a knowledge that God must have in order to exercise providential care for all of creation. This interesting and creative proposal by Molina seems to have been modeled on the human experience of production cognition in an artist or craftsman who knows in advance of the actual occurrence how a given artifact will respond to a given stimulus and then makes the appropriate decisions about how to constitute that artifact. The analogue in the case of God's middle knowledge, however, is terribly more complex in proportion to the complexity of the decision-making process found in such free creatures as human beings and thus there will have to be a vast network of counterfactuals which the divine craftsman needs to know for the sake of providential care of creation.

Despite Flint's careful attempts to disclose the logic of the reasoning employed here, the Thomist with whom the Molinist is arguing will find abiding questions about the parka string (either human free choices by the will are being reduced to determinations of divine middle knowledge, or middle knowledge is not really knowledge but supremely good divine guesswork) and will continue to urge that the Thomistic solution of a somewhat less robust sense of freedom than the strong libertarian doctrine championed by the Molinists does not succeed. For the Thomist, free choice of the will presumes

the quasi-compatibilist notion that the will is necessarily attracted to what appears to a person as good, and the real location of freedom resides in the human power to consent to any such attraction or to refuse it. This is not to declare a Thomist victory in the quest to resolve the problem of reconciling providence and free will so much as to pine for a Thomist to revisit the same issue in the spirit of Garrigou-Lagrange earlier this century, whose work on this issue will repay careful study.

Perhaps the best feature of Flint's entire study is his willingness to submit the Molinist solution to the same rigorous scrutiny that he devises for the traditional Thomist and for various contemporary views on the subject. In his judgment, the Molinist view cannot claim an absolute or unchallengeable victory over its rivals, but he does feel that it can offer a better account on the controversial points. In good dialectical style he provides a careful refutation of three sets of contemporary objections: (1) the charge made by Alvin Plantinga and Alfred Freddoso that Molinism fails to identify a sufficient cause for the counterfactuals of creaturely freedom, despite the fact that contingent truths still do need to be grounded in some being's causal activity; (2) William Hasker's attack on middle knowledge by means of some extremely complicated arguments that there are no true counterfactuals of creaturely freedom; and (3) the vicious circle objections championed by Robert Adams that attempt to show that an irresolvable problem arises from the interlocking claims made for natural knowledge, free knowledge, and middle knowledge within God each to have priority in a certain respect.

The only aspects which this reviewer missed seeing in the presentation concern (1) the significance of the divine power distinction, such as has been presented in the recent work of Lawrence Moonan, and (2) the possibilities opened up by recent work on the Thomistic account of freedom by figures such as W. Norris Clarke. In *Divine Power: The Medieval Power Distinction* (Oxford: Clarendon Press, 1994), Moonan's review of the distinction between *potentia Dei absoluta* and *potentia Dei conditionata* offers an historical account from Augustine through the High Middle Ages that will provide anyone interested in this problem an extremely useful complement to Flint's study. But at least some reference to the distinction itself, whatever the source, would have aided Flint's project of sorting out the options historically available to Molina and still available to the contemporary Molinist with regard to how one should envision the nature of divine power operative as providence. In such recent books as *Person and Being* (Marquette Univ. Press, 1993) and *Explorations in Metaphysics* (Univ. of Notre Dame Press, 1994) W. Norris Clarke has attempted a creative retrieval of the thought of Aquinas on many points, including the explanation of human freedom in ways more compelling than those reported by Flint and thus offering the prospect of an even more lively debate in the chapter on the traditional Thomistic objections, which Flint is all too quick to consign to the historical record in his legitimate zeal to joust with such contemporary opponents as Hasker and Adams. But to record such wishes about what Flint *could have written* (like his fascinating chapter about

prayer for things to *have already happened)* is in no way to diminish the praise that is due for a fine book, well-researched historically and cogently argued philosophically.

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The Life and Thought of Siger of Brabant, Thirteenth-Century Parisian Philosopher: An Examination of His Views on the Relationship of Philosophy and Theology. By TONY DODD. Lewiston, N.Y.: The Edwin Mellen Press, 1998. Pp. 531. $119.95 (doth). ISBN 0-7734-8477-9.

The standard full-length studies of the foremost thirteenth-century Averroist philosopher, Siger of Brabant, have been, *faute de mieux,* those of Pierre Mandonnet, O.P. (1898; 1908, 1911) and of *le feu Chanoine* Fernand van Steenberghen (1939, 1942). Now we have a new full-length study, by Professor Tony Dodd of the University of Exeter. It is practically no less flawed, unfortunately, than its predecessors. Nevertheless, it contains extensive, nearly complete bibliographies and other useful information about Siger.

Dodd covers four well-chosen, specific subjects in Siger: the intellect, determinism and free will, divine providence, and the {past) eternity of the world. Before attacking those four, however, Dodd makes a number of general observations about Siger and his times. Some of these contain factual errors. For example, he mentions the "flatness of the world" as part of the medieval world view. In fact, medieval scientists knew very well, primarily from observation of lunar eclipses, that our earth is "round." He speaks of "Alexander of Hales' own *Summa theologiae"* as if it had been written by Alexander (it was not). In a most serious error, he confuses the Golden Age of Scholasticism (the time of Siger and Thomas Aquinas) with the baroque Scholasticism of recent centuries: he says, "All formal argument and discussion were officially undertaken in syllogistic form." The typical form of thirteenth-century philosophico-theological writing or discourse was not the syllogism but the question *(quaestio).*

A more solid knowledge of the background of medieval thought might have helped Dodd in an important respect: namely, to show how and why Siger is a thoroughly medieval man. His book fails to do that, and thereby fails to give a complete portrait of Siger as philosopher.

In general, Dodd's treatment of the intellect in Siger is accurate and helpful, drawing on many pertinent texts and providing good translations (with very infrequent errors; e.g., rendering a *"cum* clause" as causal where it must be

concessive). He provides useful information about Siger's being influenced by St. Thomas, and emphasizes, quite rightly, that Siger disagreed with Averroes on the intellect by the time he wrote what is probably his last surviving work, the *Commentary on the Liberde causis.* Nevertheless, on certain points Dodd's presentation distorts Siger's relation both to Aristotle and to Thomas.

Not far into his treatment of Siger and the human intellect Dodd writes, "Aristotle's metaphysics ... demands that, since matter is the principle of individuation, there can ... be [only] one unique intellect if it is truly spiritual." A grave problem: how has he failed to consider Aristotle's "separate movers"? According to Aristotle there are either more than forty or more than fifty of them (depending on how many celestial motions the astronomers will decide that there are). Of course they are distinct from each other, individuated. Yet they have no matter at all; they are pure intellect, or we may say, purely spiritual. Missing that last point leads implicitly to the conclusion that Aristotle must not have believed that individual humans have their own intellect. Averroes did believe that Aristotle actually taught that there is only one intellect, a separate being after the manner of the separate movers, for all mankind; however, this is not because of an idea that matter is indispensable for individuation, but because of his interpretation of a famous, difficult passage at the beginning of book 3, chapter 4 of Aristotle's *De anima* (a mysterious question on the kind of separateness of the human intellect).

Dodd speculates that Siger's change of his view on the oneness of the intellect was influenced by fear of the censors. The simpler explanation is that Siger has been convinced by Thomas, in the latter's *De unitate intellectus,* that Averroes's interpretation of Aristotle on the question is wrong. He comes to agree with Thomas that each human soul has its own faculty of intellect; there is no "oneness" of the intellect for all humans. Finally, Siger fondly wishes to be an Aristotelian. Dodd might have helped bring that out by noting that Siger accuses Thomas of attributing too much "separateness" to the human soul. To that extent he shows his Aristotelianism rather than any movement towards Thomas's own outlook or towards orthodoxy.

When Dodd moves on to questions of determinism and free will in Siger he casts his discussion in terms of theses proscribed in the famous Paris Condemnation of 1277. (In a way his entire book is built on the theme of that condemnation.) In the case of determinism and free will, he finds that the condemned theses do not fit Siger's doctrine. He shows how to correct errors of interpretation like those of Mandonnet, who did think the statements of condemnation applied to Siger. In fact Siger generally upholds the doctrines in this area that his contemporary churchmen would teach.

Something exceptional, however, in the *Commentary on the Liber de causis* should have drawn more of Dodd's attention: Siger himself recognizes his unorthodoxy on a point in his philosophy. He has just stated that the First Cause, God, cannot directly affect lower beings, not even the will or intellect of humans. He knows that is unorthodox, in light of the thinking of his contemporary churchmen and theologians. His way of making up for his

unorthodoxy, typical of him, is to say, "This ... should be understood according to common usage and natural [causality] ..., and no reference is implied to miracles and wonders of the omnipotent God immediately caused by Him" (Dodd's translation). The further implication is indeed that, for philosophy, miracles are impossible; the *Commentary on the Liber de causis* makes that point in abundance. This fact weakens Dodd's contention that Siger is close, in his doctrine, to Thomas Aquinas.

Van Steenberghen, in his major error, taught that Siger by the end of his career favored very much the thinking of contemporary theologians, especially St. Thomas. The question thus raised is much more current than that of a "double truth" in Siger, on which Dodd harps. It has been known for decades that Siger actually taught no doctrine of a double truth, one for faith and one for philosophy. For Siger the truth lies with the Christian faith.

In their time Etienne Gilson and Bruno Nardi attacked van Steenberghen for his error. Dodd does not mention that important controversy, still carried on nowadays, and does little or nothing to correct van Steenberghen's error although he frequently corrects him on minor points. He makes considerable good use of Nardi's writing on other topics, but absent from his bibliographies are Nardi's articles in *Giornale critico de/la filosofia italiana:* "II preteso tomismo di Sigieri di Brabante" (1936) and "Ancora sul preteso tomismo di Sigieri di Brabante" (1937).

In dealing with Siger's life after 1277, when he had fled Paris under the threat of condemnation for heresy, Dodd cites Dante Alighieri's praise of Siger, in the *Paradiso.* But he speaks, here and elsewhere, of St. Thomas as "Dante's hero." Now, it is curious that the author of a book on Siger should not mention that Siger himself is more of a hero for Dante than Thomas. Dodd's bibliographies list several writings on Dante, but conspicuously leave out Gilson's splendid, urbane book *Dante le philosophe,* which tells unerringly of Dante's Averroism. Nevertheless, Dodd presents interesting material on Dante; and the several items he cites regarding him show a view of his thought that is generally accurate and certainly balanced. More important, Dodd presents well the more or less concrete sources we have on Siger's life after 1277.

He does note, of course, that Dante's praise of Siger in the *Paradiso* is put in the mouth of Thomas Aquinas. He concludes, "Dante's words indicate that Thomas accepted the fundamental orthodoxy of Siger and that his death was certainly not the result of judicial condemnation." We must comment that: (1) Siger probably escaped "judicial condemnation" only by fleeing Paris; (2) it does not seem likely that Dante is speaking from factual knowledge; he was writing the *Paradiso* around 1300, many years after the condemnation, and after Thomas's death; (3) "devout personal Christianity" would suit, rather than "fundamental orthodoxy," which Thomas certainly would not attribute to Siger.

It is vital to note, furthermore, that Siger's attitude towards reason in relation to faith would never be acceptable to Thomas. In denying any justification for maintaining that Siger held a doctrine of a "double truth,"

Dodd says that one can claim "merely that [Siger] asserted there can be two different processes in investigating and discovering the truth." Perhaps so. But that gives too incomplete a view of Siger. At one point in his Munich *Metaphysics* Siger says, "Human reason leads to conclusions that must be denied" (i.e., because they contradict some teaching of the Christian faith). That statement is typical, and very revealing, of Siger's thought. Dodd neglects it, and thus misses an occasion to note that St. Thomas would abominate it. Thomas abhors the idea that reason, a natural light given to us by God, should deny truths that God himself reveals in the Christian faith.

When Dodd deals with Siger's doctrine on the past eternity of the world, he concludes that Siger is "agnostic" about the question. That disagrees with some of the very texts of Siger's that he quotes and cites, but especially with some pertinent texts that he omits. In fact Siger believes, as a matter of faith, that the world has had a beginning in time. But he teaches that philosophy of nature must conclude, "causally" *(causaliter,* i.e., correctly and validly), that the world has been eternal in the past. Again, some rational conclusions "must be denied," as they contradict doctrines of Christian faith.

On Siger's "place and significance in history" Dodd writes, "[Siger] can by no stretch of imagination [!] be legitimately described as a Latin Averroist, while even Van Steenberghen's nomenclature of him as a Radical Aristotelian fails to do him justice." In fact, however, Siger bears the two strong traits that distinguish and define an Averroist: (1) he philosophizes with little regard to the religious orthodoxy of his milieu; (2) he believes that Aristotle represents the epitome of human reason, and that the great task of the philosopher is to study the works of Aristotle and his commentators, and become as good an Aristotelian as he can be.

Despite its mistakes and faulty omissions, however, Professor Dodd's book does, as we have suggested, provide much useful information. The price of the book seems high, even by today's standards, but those who are in any way specialists in thirteenth-century philosophy or theology should want to own it. Furthermore, all academics who are interested in one of the many themes it covers (e.g., relations to modern science, relations between reason and religion, medieval anti-clericalism, the influence of Greek and Arabic philosophy on the Latin medievals) surely ought to recommend it to their libraries.

The publishers, Edwin Mellen Press, have here fashioned a book attractive in cover and text. And they have very well arranged margins and spacing. In short, they have produced a *beau volume.*

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The Doctrine of Revelation: A Na"ative Interpretation. By GABRIEL FACKRE. Edinburgh Studies in Constructive Theology. Grand Rapids, Mich.: Wm. B. Eerdmans Publishing Company, 1997. Pp. x + 230. $25.00 (paper). ISBN 0-8028-4336-0.

The Doctrine of Revelation belongs to the Edinburgh Studies in Constructive Theology series, whose professed aim is to transcend confessional differences, and to do theology as such, rather than theology according to a particular ideological slant or theology co-opted by some other discipline. Fackre's book was originally meant to be part of a multivolume work on systematic theology. The introduction argues for the virtues of a narrative interpretation of revelation. After a prologue that attempts to describe the grounding of revelation in the Trinitarian nature of God, the exposition roughly follows the course of salvation history. It begins with creation, continues through the Fall, the covenant with Noah, the covenant with Israel, Christ, the Scriptures, the Church, salvation, and final eschatological consummation. The discussion of these issues is carried on partly through a dialogue with important twentieth-century theologians in which Fackre summarizes their views on the aspect of revelation being discussed and lists the good and bad points of these views. Thus Tillich is discussed in connection with the covenant with Noah, Karl Barth with Christ, Carl Henry with the inspiration of Scripture, Karl Rabner with the Church. Fackre's intent is to give an account of revelation that draws upon and harmonizes with the broad stream of Christian tradition. He criticizes theologians like Rosemary Radford Ruether and john Hick who reject this broad stream, and looks favorably on theologians who are in agreement with it; he has good things to say about Carl Henry and his support of propositional revelation.

The purpose and to a great extent the conclusions of this book are to be applauded. However, despite numerous good features that indicate the author's talent as a theologian, the book is not a success. The level of the material is often more suited to an introductory book than to a full theological treatment of revelation. Entering into conversation with important twentieth-century figures does not lend itself to such a treatment. These figures are a heterogeneous group, and a survey of their views does not necessarily provide a natural way of approaching the issues that are important to an account of revelation, or give complete coverage of these issues. This contributes to the most serious failing of the book, which is that these important issues are often not addressed or clearly discussed. An example is Fackre's 'narrative theology'. When he talks about a narrative theology of revelation, does he mean that the content of what is revealed is a narrative, a narrative about the history of salvation? Or, that revelation consists in a narrative being given by a narrator (or narrators)? Or, that revelation is, or can be discerned from, events in history that form part of a narrative whole? Or some or all of these things together? It is very difficult to discover the answers to these questions in reading the book. The search for such answers is made more difficult by

Fackre's writing in "theologian-ese" that is often obscure and that grates upon the ear (e.g., p. 39, "God in sovereign freedom is *Free* to be Together"). The question of what is to be understood by grace is not addressed at all. Nor are the questions of why grace is needed for belief, how it enters into belief, what exactly is the belief that is involved in faith, what are the rational grounds (if any) for believing, or what is the connection between apologetics and belief.

Fackre could respond that answers to these questions depend on positions whose discussion belongs to a later stage in his systematic theology. But this legitimate point cannot efface the fact that a consideration of these questions is essential to a proper account of revelation. One is left wondering whether a discussion of revelation should be the starting point for a systematic theology. Theologians often assume that it should, perhaps because they have at the back of their mind the idea that since we have to believe that there is such a thing as revelation, and have some idea what it is, before we investigate what it tells us, it is necessary to begin a systematic theology with an analysis of revelation. The impracticability of such a procedure is an interesting lesson that emerges from Fackre's book.

There are several failings in particular features of Fackre's discussion that should be noted. He presents the covenant with Noah as a scriptural ground for holding that it is possible to attain some knowledge of God through means other than Christian revelation. One may suppose that one of his purposes here is to show that Christian theologies that deny the possibility of natural theology are self-refuting, since the revelation to which they appeal itself maintains the possibility of such theology. But his description of the covenant with Noah is not supported by the biblical text, which presents this covenant as one in which God simply undertakes not to destroy humanity on account of their sins; it makes no mention of ways of attaining knowledge of God. Fackre's discussion of the covenant with Israel is a discussion of accounts of God's relationship with Jews who reject Christianity. This again is something quite different from the biblical description of the covenant with Israel, which on a Christian view has Christ at its center as redeemer, Messiah, and fulfillment of prophecy. The issues that Fackre discusses are interesting ones, but identifying them with the covenant with Israel means ignoring the central role of the Jews and God's covenant with them in the history of salvation. Fackre's chapter on Christ's incarnate action is made up entirely of an exposition of the thought of Karl Barth on this subject. No discussion of the place of Christ in revelation can be adequate if it restricts itself to the thought of one man, even if the man in question were St. John or St. Paul.

Fackre's interesting discussion of Carl Henry does not come to grips with Henry's position on the verbal inspiration and inerrancy of Scripture. Fackre does not squarely face the questions of whether the propositions asserted in Scripture are said by God or not, and whether, if they are, they can possibly fail to be inerrant. His argument against the verbal inspiration and inerrancy of Scripture is that it ignores the persistence of sin and of its noetic effects in human life, and attributes to Scripture a perfection only attainable in the world

to come; "Scripture is held to shine now with a light reserved only for a Day yet to be" (170). But Scripture in Henry's view is produced by God, whose work will not suffer from the effects of sin. Fackre might be able to argue that we cannot fully understand Scripture because of the effects of sin, but this is a different issue from the inspiration and truth of Scripture. He also criticizes Henry's views on inspiration and inerrancy on the grounds that they imply that we attain clear knowledge from Scripture rather than seeing in a mirror darkly, a clear knowledge that is in fact only attainable in the world to come. Yet infallible truth is not the same as complete truth that tells all there is to be known, and Henry claims only the former, not the latter, for Scripture. Fackre's criticism of Henry on inspiration and inerrancy is not easily reconciled with the valuable point he makes against Thiemann's and Pannenberg's views, to the effect that "Unless the Holy Spirit is thought to be other than the Author of truth (the source of a disconfirmable hypothesis), a conviction born of the third person of the Trinity must be trustworthy knowledge" (221); how can error be compatible with trustworthy knowledge? And how do we reach "a conviction born of the third person of the Trinity" if not in reading what that person says in Scripture?

The failings of Fackre's book should be seen in the light of the extreme difficulty of his task. The questions he obscures or fails to address are not easy ones to answer; no one can confidently promise to succeed in doing so. Fackre's real failing in this book may lie in his not choosing either to discuss a narrower and more manageable range of subjects, or else to give the topic the fuller and more in-depth treatment that it demands.

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Living Jesus: Learning the Heart of the Gospel. By LUKE TIMOTHY JOHNSON. San Francisco: HarperSanFrancisco, 1999. Pp. ix + 210. $22.00 (cloth). ISBN 0-06-064282-3.

In the preface to this important new book, Luke Timothy Johnson describes it as a "less polemical and more constructive sequel" to his 1996 publication *The Real Jesus.* The title of this new work, *Living Jesus: Learning the Heart of the Gospel,* can be taken in two different senses, both of which are central to Johnson's argument. Taken in the first sense, the title indicates the foundational Christian belief that Jesus is alive. While this may appear to be a trivial point, Johnson wants to emphasize that many of those who apply historical methods to the Scriptures (i.e., the Jesus Seminar) neglect it. Taken

in the second sense, the title indicates that authentic Christian living is a participation in the mystery of Jesus. This participation is understood especially as a sharing in the pattern of his redemptive, self-sacrificial love.

For Johnson, an adequate reading of the Scriptures and a life of authentic Christian spirituality are mutually dependent. He argues, in effect, that to understand the gospel properly one must have an experiential knowledge that Jesus Christ is the resurrected and living Lord. Conversely, any reading of the Scriptures that does not help us come to know this living Jesus is deficient. Moreover, the development of an authentically Christian spirituality necessarily includes an experience of what Johnson calls "the transformation of our human freedom" by the Holy Spirit, as we come to participate more deeply in the pattern of life established by Jesus.

Living Jesus is divided into two parts, each comprised of six chapters. The first part is devoted primarily to a discussion of (1) the theological and spiritual importance of the Christian conviction that Jesus is alive, (2) the mode of his current existence, and (3) the way we can know or "learn" him. It includes a survey of the Book of Revelation and the New Testament epistles in support of his basic objectives and principles. The second part is devoted primarily to a survey of the four canonical Gospels, and the Acts of the Apostles.

Chapter 1, "He Is the Living One," is devoted to what Johnson considers the most important question for interpreting the Scriptures, and for living as a Christian: namely, whether Jesus is alive or dead (4). If he is alive, then he is the Lord and giver of life, and ruler of all creation. He is a person existing in the present and able to confront and instruct us. To consider Jesus from any other perspective is to stand "outside Christian conviction" (5). Thus, learning Jesus begins with the fundamental premise that he is alive (6).

Jesus' current mode of existence is not a continuation of his former life, as if he were merely resuscitated from clinical death; nor does he simply exist in the memory of his followers (13). Rather, he exists now as the exalted Lord who participates in God's rule and exercises transcendent personal power. The "mode" in which Jesus exercises his "resurrection presence to the world" is "the Holy Spirit" (15). In this spiritual mode of existence, Jesus is able to be personally present to his people in a way that is more "immediate than is possible to any merely mortal body" (17). The personal identity of Jesus must not be lost when considering his spiritual mode of existence. The New Testament insists that it is truly the person of Jesus who exists in this exalted fashion. While any living and embodied *person* is a mystery for us to encounter, this is even more so in the case of Jesus. Compared to his "human" life, his postresurrection existence is an infinitely more profound mystery involving both continuity and discontinuity with his previous earthly state, and also a mysterious dichotomy in which Jesus is both present and absent (18-22).

The next four chapters address various dimensions of what Johnson describes as the process of learning Jesus. Chapter 2, "Learning Jesus through Tradition," emphasizes that "Jesus is most fully and consistently learned within the context of the believing community of the church" which mediates "the

energy field that is Jesus' continuing existence in the world" (23). Johnson argues that one does not come to know the real Jesus by seeking a "historical Jesus" according to the premise that Church is wrong about him, and needs correction by "objective" scholars. Similarly, one receives only a distorted understanding of Jesus from televangelists, who typically bypass tradition in favor of personal interpretation (25). Rather, learning Jesus requires a commitment to the community of believers, and to the tradition of the Church.

Johnson discusses three essential elements that provide a framework for learning Jesus within the community of faith, each of which is contested by much of contemporary biblical scholarship. The first element is the canon of Scripture. Accepting the canon requires a "trust in God that the community meeting in the name of the resurrected Jesus through all these centuries has not fundamentally been misled" (31). The risk involved in this act of trust is no greater than that involved in believing the basic message of Jesus, as communicated by the Church. Second, Jesus is learned through the basic doctrine of the Church, which the early Christians called "the rule of faith," and which was later expressed in creedal statements (32). Johnson emphasizes that the canon and the creeds are accepted because they correspond to the experience of the Christian community, which encounters Jesus as the life-giving Spirit, mysteriously present in its midst (33-35). Third, learning Jesus through tradition requires acceptance of the institutional leadership established by the risen Lord to maintain the tradition. Along with canon and creed, the teaching authority of the Church helps to provide a framework for learning Jesus within the community (35-38).

The third chapter discusses three additional ways in which we encounter Jesus within the Church: in worship, through the saints, and in our neighbor, especially the weak, the lowly, and the poor (51-55). It is especially in the context of worship that Jesus fulfills his promise to be present when two or three gather in his name. Here, Jesus is learned through the proclamation of the Scriptures, the liturgical texts, preaching, and the experience of prayer. Given Johnson's background in Benedictine monasticism, this would have been a good place for him to discuss the important role that appropriately chosen liturgical chants and other sacred music can play in mediating aii encounter with Jesus. Johnson argues that Jesus' sacramental presence in the Eucharist "is the church's most consistent ritual witness to the reality of the resurrection" (41). This Eucharistic encounter with Christ involves both a transformation of the Christian into a member of Christ's body and a corresponding transformation of moral behavior consistent with this new mode of existence (41). Furthermore, Jesus is learned through the saints, who are important not merely as moral exemplars, but especially as "the most compelling and convincing evidence of the resurrection" (45). Johnson draws upon a variety of primarily Pauline texts to explain that those whom we recognize as saints exemplify the New Testament understanding of Christian existence (46).

Chapter 4, "The Process of Learning Jesus," proposes the process of coming to know another person as the model for learning Jesus. Building on the work

of Gabriel Marcel, Johnson suggests that human persons, who are characterized by a profound interiority and freedom, are "best learned when they are viewed as mysteries to be experienced" (58). Coming to know another person, while respecting the mystery of his being, requires various capacities including openness, acceptance or trust, respect, attentiveness, silent meditation, patience exercised over time, suffering, and creative fidelity (59-61). The process of learning the divine person of Jesus is analogous to that of learning another person. While coming to know the risen Jesus is considerably more complex than learning another person, a deep personal knowledge of him is available to every believer through the mediation of the Holy Spirit (69).

The remainder of the book is devoted primarily to a reading of the New Testament according to certain principles, which are articulated at various points throughout the remaining chapters (especially in chapters 5, 7, 8 and 12). These principles can be summarized as follows. First, Johnson brackets the usual preoccupations of historical criticism and focuses on the portrayal of Jesus given by the various inspired writings (81). This perspective is not contradictory, but rather complementary, to the knowledge of the New Testament that he has gained through his familiarity with historical-critical studies. Second, Johnson argues that the classical mode of "spiritual reading" is still the most valuable way to engage the gospels because it allows us to learn Jesus. This spiritual reading is not, primarily, some kind of analysis. Rather, it is a slow, deliberative, associative, and personal reading, which is undertaken with the hope of transforming our minds into the image of Christ (129). Third, the inspired biblical texts are recognized as having a unique capacity to mediate an encounter with Jesus, and thereby facilitate the interpersonal process of coming to know him (see 78-79). Fourth, Johnson embraces the diversity of biblical, and especially gospel, images of Jesus as uncovered by historical-critical studies. He acknowledges them as valuable and reliable witnesses, pointing (128) to the many dimensions (80) of a person who transcends conceptual knowledge. This approach is presented in contrast to those who seek to "get behind" the diversity of New Testament images of Jesus in order supposedly to reconstruct a "historical Jesus" (120-25).

As he surveys each New Testament text for its portrayal of Jesus, Johnson considers the following four areas: (1) the key literary characteristics of the writing; (2) the understanding of the present and future reality of Jesus; (3) the humanity of Jesus, particularly his character; and (4) the process of being a disciple, or a learner of Jesus (128). In chapter 5, "The Living Jesus and the Revelatory Text," Johnson considers the Book of Revelation and the New Testament epistolary literature. Chapter 6 describes "Paul's Witness to Jesus." Chapter 7 functions as an introduction to the second part of the book, and articulates some of the principles described above. Chapters 8 through 11 discuss Jesus as presented in Mark, Matthew, Luke-Acts, and John, respectively.

In each of these chapters, Johnson demonstrates how his own spiritual reading of the New Testament complements the knowledge he has gained through historical-critical research, to provide a reading that is both faithful to

the text and spiritually edifying. He argues convincingly that, according to these canonical witnesses, there is a striking consensus regarding Jesus' divinity, resurrection, present power, and future coming. These inspired texts agree further regarding Jesus' humanity, obedience to the Father, and sacrificial manner of life. They communicate a consistent message that to follow him as a disciple, and to "learn Jesus," we must live according to his words, by conforming our life to the pattern he established (see 97, 193).

The twelfth and concluding chapter summarizes the argument of the book that, according to the New Testament, Christian spirituality is a continuous and complex process of relating to the living person of Jesus. It involves a perfection of human freedom as we come to know Jesus, and live "in" him, through the Holy Spirit.

Here (196) Johnson reiterates an assertion originally made in chapter 7, that the philosophical traditions of the West, by favoring simplicity and univocal presentation, have contributed to the suppression of the complexity of both the diverse New Testament images of Jesus and the process of learning him. This broad criticism of Western philosophy needs to be more specific. In chapters 3 and 4 of his previous book, *The Real Jesus,* Johnson provides this specificity regarding some of the presuppositions underlying the Jesus Seminar. Elsewhere, he demonstrates how a phenomenological approach can contribute to a more adequate reading of the Scriptures (see his *Religious Experience in Earliest Christianity: A Missing Dimension in New Testament Studies* [Minneapolis: Fortress Press, 1998]). A more nuanced discussion would have to acknowledge the place of symbolic and analogical thought in Western philosophy and theology.

In the discussion in chapter 7, Johnson argues that the truth about Jesus is *"not* singular but plural" (125). By this he means that the four gospels function as pointers to a still richer and more complex reality (128). Rather than appearing to argue for the plurality of truth, Johnson's overall presentation lends itself to, and would benefit from, a more explicit usage of the notion of "the mystery of Christ" as a unified perspective from which to consider the various biblical images of Jesus. This approach is emphasized, for example, in John Paul H's recent encyclical *Fides et Ratio.* By considering all knowledge under the aspect of the mystery revealed in Christ, and by pointing out the perennial value of the Western philosophical tradition, the Holy Father has indicated a path that complements the basic thrust of Johnson's book, while explicitly affirming our philosophical and theological patrimony.

This important book deserves a wide readership. It reemphasizes the essential New Testament teaching, often lost beneath the mountains of information generated by historical-critical research, that Jesus is alive, and that he is mysteriously present to believers. It relegitimizes the reading of the New Testament from the standpoint of resurrection faith, and gathers the texts to support such a reading. Read alongside works like *Fides et Ratio* and Servais Pinckaers's *The Sources of Christian Ethics,* Johnson's *Living Jesus* offers an important contribution to the biblical renewal of moral theology. It demon-

strates how the spiritual reading of the New Testament can complement a reading informed by historical critical studies such that the biblical revelation can bear fruit in our moral action. By doing so, it makes a significant contribution to the recovery of the inherent unity of Jesus, the New Testament, and the life of Christian discipleship.

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