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IS THERE A "PRESUMPTION AGAINST WAR" IN AQUINAS'S ETHICS?

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I

OVER THE PAST FEW YEARS a debate has arisen among proponents of just-war thinking about the correct starting point for moral reflection on war.[1] The debate concerns how moral reasoning should proceed when the just-war criteria of legitimate authority, just cause, and right intention are made to inform decision making about resort to military force *(jus ad bellum).*

Some authors have maintained that moral reasoning about war should begin with a reflection on the obligation "do no harm." From this obligation there derives, they argue, a strong presumption against the use of force, a presumption which can be overridden only in "exceptional circumstances."[2] On this understanding, as articulated *inter alia* by the American Catholic Bishops,

[1] An early draft of this article was presented in Boston in September 2000, at the American Political Science Association annual meeting, for a special session on medieval conceptions of just war, organized by the "Politica" group in medieval political theory. I am grateful to Gerson Moreno-Riano, who commented on my paper at the conference, Henrik Syse, and an anonymous reviewer for *The Thomist,* for many useful questions and suggestions.

[2] Richard B. Miller, *Interpretations of Conflict: Ethics, Pacifism, and the Just-War Tradition* (Chicago: University of Chicago Press, 1991), 16. Cf. James F. Childress, "Just-War Criteria," in *War or Peace? The Search for New Answers,* ed. Thomas A. Shannon (Maryknoll, N.Y.: Orbis Books, 1980), 40-58.

Just war teaching has evolved … as an effort to prevent war; only if war cannot be rationally avoided does the teaching then seek to restrict and reduce its horrors. It does this by establishing a set of rigorous conditions which must be met if the decision to go to war is to be moraily permissible. Such a decision, especially today, requires extraordinarily strong reasons for overriding the presumption *in favor of peace* and against war.[3]

By contrast, other authors have argued for a more proactive conception of military force. Moral thinking about war should begin, they argue, with a reflection on the duty of civic leadership to oppose grave wrongdoing. Its starting point, in the words of James Turner Johnson, is a presumption against *injustice.*

[T]he development of Christian just-war tradition follows a line of reasoning focused on the rightness of the resort to force to combat the evil of injustice, and that development did not construe at any point the use of force to be a moral problem in itself. In classic just-war theory the use of force is morally problematical only when it is the source of injustice. But even then, wrong uses of force do not call force itself into question, but instead justify the resort to force to set matters right. What Christian just-war doctrine is about, as classically defined, is the use of the authority and force of the rightly ordered political community … to prevent, punish, and rectify injustice. There is, simply put, no presumption against war in it at all.[4]

Significantly, each of these rival versions of just-war theory appeal to Thomas Aquinas as a source for their respective views. Thus, we read in the American Catholic Bishops' pastoral letter that

in the twentieth century, papal teaching has used the logic of Augustine and Aquinas to articulate a right of self-defense for states in a decentralized international order and to state the criteria for exercising that right.[5]

From the opposing perspective, Johnson writes that

[3] National Conference of Catholic Bishops, *The Challengeof Peace: God's Promiseand Our Response*(Washington, D.C.: United States Catholic Conference, 1983), p. 27.

[4] James Turner Johnson, "The Broken Tradition," *The National Interest* (1996): 27-36, on30.

[5] NCCB, *The Challengeof Peace,* p. 27.

the pos1t1on of Thomas Aquinas looms as especially important [for the development of just war thinking along the lines of a presumption against injustice}.... What is morally condemnable in war [for Aquinas] ... is not force itself but the use of force with the wrong intention. [6]

Thus, on the one hand, we have those who view participation in war as morally suspect, and hence as standing in need of the most stringent justification if it is to have any ethical warrant at all. Recourse to military force should be restricted as much as possible, and resorted to only in the most pressing circumstances. It should not be thought of as part of the ordinary functioning of political leadership. On this understanding, pacifism and just war "share a common starting point: a moral presumption against the use of force."[7] This "point of contact" between the two moral traditions is "both substantive and heuristic" [8] Opponents of this view make the case that it underestimates the weight of injustice in human affairs, hindering the ability of moral leaders to counter it effectively.[9] Moreover, it is argued that this view unduly limits the legitimate scope of the *jus ad bellum* to self-defense; it thereby "trammels action and initiative in foreign policy."[10]

[6] Johnson, "The Broken Tradition," 29.

[7] Miller, *Interpretations of Conflict,* 16. In arguing his case that in Thomas there may be found "a bias against violence," Miller (23-27) attempts to document a "Thomistic convergence" between the pacifist and just-war traditions, "which foreshadows Childress's insight" that these traditions share a common root in the presumption against violence. Miller credits Childress ("Just-War Criteria") with first articulating the convergence thesis. Miller presents his book as an expansion (historical and systematic) on Childress's earlier statement of this thesis.

[8] Miller, *Interpretations of Conflict,* 18. Upon claiming that "that each [of these traditions] presumes a bias against violence," Miller tells us that the chief aim of his book is to show "how this presumption ought to affect the manner in which the *ad helium* and *in bello* criteria are interpreted and ordered" (13).

[9] Paul Ramsey *(The Just War* [New York: Scribner, 1968], xv) in particular is very critical of the notion that war is an activity that stands apart from the ordinary and expected tasks of political governance: "Thus, the typical Western liberal holds a tame version of the limited-war doctrine. This view concedes the use of force as an 'exception'; at all other times politics is being rightly conducted. This view has not let the constant function of force or the threat of force in the nation-state system sink deeply into consciousness.... [l]t is prone to delay, waiting for the rare 'exceptional' case which it falsely identifies with the proviso in the just-war doctrine that a use of armed force should be in the last reasonable resort."

[10] Ibid.

How might we situate Aquinas in this debate?[11] In what follows, I will examine the context for his treatment of war in the *Secunda Secundae*, wherein *bellum* is listed as one of the sins opposed to *caritas*, to see whether this indicates a preference in favor of a presumption against war. I begin with Aquinas's construal of just cause, for in this respect he shows a clear-cut preference for a presumption against injustice. Never, in effect, does Thomas restrict the legitimate scope of the *jus ad bellum* to the purely defensive posture of repelling armed attack. Unlike many "presumption against war" theorists, therefore, Aquinas thinks that occasions may arise when offensive war is justified: to regain stolen goods, to thwart and to punish organized evildoing, or to protect innocents from harm. Just war, on this understanding, is a means for setting right the violated order of justice.[12] Thomas thus writes that there is "just cause" *(iusta causa)* for war only when "those who are attacked deserve attack on account of some fault."[13]

In fact, the requirement of proper authority, the first of the famous three criteria listed in *STh* II-II, q. 40, a. 1, shows that offensive war,[14] rather than defensive protection from attack, is

[11] A useful summary of the contemporary debate on the presumption against war may be found in Tobias L Winwright, "Two Rival Versions of Just War Theory and the Presumption Against Harm in Policing," in *The Annual of the Society of Christian Ethics*, vol. 18, ed. John Kelsay and Summer B. Twiss (Chicago: The Society of Christian Ethics, 1998), 221-39.

[12] Johnson ("The Broken Tradition," 29) notes that Aquinas, in elaborating his notion of legitimate war-making authority in *STh* II-II, q. 40, a. 1, was inspired by Romans 13:4 ("The sovereign beareth not the sword in vain: for he is God's minister, an avenger to execute wrath upon him that doth evil"). This underscores the extent to which the idea of punishment (understood as a remedy for injustice), and not merely defense against actual attack, was integral to Aquinas's construal of just cause for war.

[13] "[R]equiritur causa iusta: ut scilicet illi qui impugnantur propter aliquam culpam impugnationem mereantur" (STh II-II, q. 40, a. 1). John Finnis *(Aquinas: Moral, Political, and Legal Theory* [Oxford: Oxford University Press, 1998], 284) explains that "just cause," as used in this context, means very much the same as the phrase "cause of action" in Anglo-American law, "i.e. a wrong giving ground for complaints and just claims for redress."

[14] Among the Scholastics, the term "bellum offensivum" seems to have made its first appearance in Francisco de Vitoria's *De jure belli (Relectio de iure belli;* o, *Paz dinamica*, ed. L. Pereiia, V. Abril, C. Baciero, A. Garcfa, and F. Maseda, Corpus hispanorum de pace VI [Madrid: Consejo Superior de Investigaciones Cientfficas, 1981]). See, for instance, I, 2 (p. 106) and ill, 4-5 (pp. 126-28). Earlier authors, Aquinas included, employ equivalent expressions such as *movere, inferre, indicere helium.*

most at issue in Aquinas's *Summa Theologiae* treatment of *iustum bellum.*[15] For, as he suggests in another passage of the same work *(STh* II-II, q. 64, a. 7), using enough force to ward off an (unjust) attack necessitates no special appeal to legitimate authority. This is an option open even to private individuals. Only when initiative is taken to use lethal force for the repression of wrongdoing-especially where there is a direct intent to cause serious harm or even to kill--does legitimate authority become a necessary (although not a sufficient) condition for a morally justified employment of armed force.[16] A particularly dear restatement of

[15] Cajetan interprets Thomas this way in his commentary to *SI'h* II-II, q. 40, a. 1 (Sancti Thomas Aquinatis, *Secunda secundae Summae theologiae,* in *Opera omnia* [Rome: Ex Typographia Polyglotta, 1895], 8:313): evidentiam auctoritatis requisitae ad helium, sciendum est quod non est quaestio de hello defensivo, quando scilicit aliquis helium facit defendendo se ab indicto sibi hello: hoc enim a naturae iure quilibet populus habet. Sed quaestio est de indictione belli: quae scilicet auctoritas ad hoc exigatur." Suarez likewise, interprets the just-war tradition as holding that legitimate authority is needful only for the waging of offensive, not defensive war (Francisco Suarez, *Selections from Three Works* [Oxford: Clarendon Press, 1944], vol. 2, disputation XIII "On War," p. 805).

[16] After explaining that it is lawful for private individuals to repel force by force, as long as due moderation is shown, Aquinas adds that such individuals are not allowed to intend the death of the attacking party: "illicitum est quod homo intendat occidere hominem ut seipsum defendat, nisi ei qui habet publicam auctoritatem" (SI'h II-H, q. 64, a. 7). This exclusion of intentional killing from the sphere of self-defense has been diversely understood by Aquinas's commentators. Some (e.g., Joseph M. Boyle, Jr., *"Praeter Intentionem* in Aquinas," *The Thomist* 42 [1978]: 649-65) take this to mean that, in legitimate self-defense, the death of the attacker is allowable only as a side-effect; such an effect should be never be deliberately aimed at, either as an end or as a means. For other commentators, by contrast, the restrictions placed on self-defense do not exclude all intentional killing whatsoever, but only killing that is carried out with the intent of *punishing* the assailant. This, notably, is how Grotius understands the passage in question: "It has been well said by Thomas-if he is rightly understood-that if a man in true self-defense kills his assailant the slaying is not intentional. The reason is not that, if no other means of safety is at hand, it is not sometimes permissible to do with set purpose that which will cause the death of the assailant; it is, rather, that in such a case the inflicting of death is not the primary intent, as it is in the case of procedure by process of law, but the only resource available at the time" (Hugo Grotius, *De jure belli cu pacis libri tres,* vol. 2, trans. F.W. Kelsey [Oxford: Clarendon Press, 1925], 173).

Along similar lines, Vitoria notes *(De jure belli,* II, 2 [p. 116]) that while private persons have the right to defend themselves from immediate attack ("defensio oportet ut fiat in praesenti"), they are not allowed to avenge and punish injuries. By contrast, commonwealths are entitled not only to defend themselves from attack; they may also punish wrongdoing and seek redress for offenses. To this formulation, Suarez adds that "more things are allowable to a given state or commonwealth with regard to its own defence than to a given individual;

this view may be found in Suarez. Defensive force should be distinguished from offensive force, he notes, insofar as the former seeks to counter unjust violence which is already underway (or on the verge of taking place), while the latter seeks redress for an injustice that has already been committed. Since offensive war[17] appears to be the sort of undertaking envisioned by Aquinas in *STh* II-II, q. 40, a. 1, Johnson is doubtless correct in his assessment that the recent trend in both international law and the Roman Catholic magisterium to condemn "any offensive use of force, whatever the justifying reason"[18] represents a departure from the teaching of Aquinas and other eminent representatives of the classical just-war tradition.[19]

because the good defended in the former case is common to many, and is of a higher grade, and also because the power of a state is by its very nature public and common; therefore it is not strange that more things are permissible to a state than to an (Suarez, *Selections from Three Works,* vol. 2, disputation XIII "On War," p. 808). He does not spell out in detail what broader limits on self-defense states may be held to possess. He likely has in mind quasi-offensive tactics such as preemptive strikes. And presumably, the more offensive these tactics become, the more they will require authorization from the sovereign political authority, and the less they can justifiably be carried out by the individual's-or local authority's--own initiative.

[17] Some of the later Scholastics (Cajetan and Suarez in particular) viewed offensive war as necessarily punitive in character. It is precisely because such war involves punishing wrongdoing that it can be waged only with a special mandate from legitimate authority. By contrast, other Scholastics (Vitoria and especially Molina) did not consider punishment as inherent to the very *ratio* of offensive war. This kind of warfare they define by reference to the broader idea of redressing wrong (which may or may not involve attributions of guilt and the attendant imposition of punishment). Given the extreme brevity of Aquinas's comments on just cause for war, it is uncertain how to read him on this issue. For a dose analysis of this topic, see Peter Haggenmacher, *Grotius et la doctrine de la guerre juste* (Paris: Presses Universitaires de France, 1983). In presenting scholastic views on the link between offensive war and pW1ishment (ibid., 407-25), Haggenmacher argues that for early thinkers such as Gratian and Aquinas n'est pas [!'element penal] qui fait !'object principal de la guerre; celle-ci vise avant tout a retablir le droit, a effacer *l'inuria;* la *culpa* n'a qu'une function laterale" (418).

[18] Johnson, "The Broken Tradition," 31.

[19] See James Turner Johnson, "Toward Reconstructing the *Jus ad Bellum," Monist 57* (1973): 461-88, for a more ample discussion of this trend. Further elaborations may be found in Rene Coste, *Le probleme du droit J.e guerre dans la pensee de Pie XII* (Paris: Aubier, 1962), especially pp. 272--88. Coste concludes that for Pope Pius XU (the pivotal figure in the development of contemporary Catholic just-war doctrine), offensive war, in the juridical and moral sense of the term, must be entirely excluded (ibid., 288). This represents, Coste acknowledges, divergence importante avec la doctrine traditionelle" (ibid.). Augustine

II

Although allusions to war occur throughout Aquinas's writings[20], the *Secunda Secundae* of the *Summa Theologiae* contains his sole explicit treatment of this theme (*STh* II-II, q. 40). With the exception of Alexander of Hales, whom he does not mention in this connection, Aquinas appears to have been one of the first theologians (as distinct from the canon lawyers) of the thirteenth century to have expressly thematized the topic of war. No parallel to question 40 may be found in the writings Albert the Great, Bonaventure, or Duns Scotus, for instance.[21] Yet not until the sixteenth century, when Aquinas's *Summa Theologiae* began to replace Lombard's *Sentences* as the main textbook for

Regan (*Thou Shalt Not Kill* [Dublin and Cork: The Mercier Press, 1979]), likewise emphasizes (somewhat too emphatically) this break with the earlier tradition in the following terms: "Thus, we can no longer see the soldier as one going out, armed with divine authority to kill enemy soldiers, as though they were so many criminals, an idea clearly reflected in St. Thomas. . . . In fact, the disappearance of the Augustinian concept of Christian unity, embodied in the empire, together with an even remote semblance of its actual realization, makes the idea of a punitive war completely unreal and outdated. This is more to be emphasised in view of the fact that no war can be just at the present time, except as a defense against actual aggression" (77). A similar viewpoint is expressed in J. Finnis, J. M. Boyle, Jr., and G. Grisez, *Nuclear Deterrence, Morality and Realism* (Oxford: Clarendon Press, 1987), 315-19. The idea that war, as undertaken by individual states, can no longer have a punitive character, is in keeping with the development of modern international law, at least as it is interpreted by mainstream jurists. Ian Brownlie's classic treatise (*International Law and the Use of Force by States* [Oxford: Clarendon Press, 1963]) for instance, asserts that "the appearance of a legally delimited right of self-defence in the state practice since 1928 would . . . seem to leave little scope for forcible self-help within the pale of the law" (281). "Unambiguous prohibition of forcible reprisals was finally accomplished by the Charter of the United Nations" (ibid., 223).

[20] See Edward A Synan, "St. Thomas Aquinas and the Profession of Arms," *Medieval Studies* 50 (1988): 404-37, for a survey of Thomas's comments on war and military service, especially as found in his biblical commentaries.

[21] While not as systematic as Aquinas, Albert the Great did discuss war in his commentary on Aristotle's *Politics* 7.2.1325a (*Commentarium Politicorum VIII*, in *Opera Omnia*, ed. A. Borgnet [Paris: Vives 1890-99], vol. 8, p. 636). Thomas may also have benefitted from the work of his fellow Dominican Vincent of Beauvais, who, in the *Speculum Doctrinale* (II, 36), "assembled various theological opinions to show that war was sometimes necessary to preserve liberty and territory and to increase dignity" (Frederick Russell, *The Just War in the Middle Ages* [Cambridge: Cambridge University Press, 1975], 264).

theological studies in the West, did war become a standard topic in treatises devoted to ethical questions,

Two general considerations, both relating to the basic structure of the *Secunda Secundae,* seem to have prompted Thomas to reserve an entire *quaestio* to war. First of all, he intended the exposition of the different virtues and vices to be as exhaustive as possible, The aim of course was not to say all that could be said about each of these moral dispositions, but to say just enough about each virtue and vice so that all the main categories of human acts (i.e,, acts issuing from deliberation and choice) would be identified in their moral kind, Aquinas's attempt at providing a complete topology of human acts contributed some novel developments to medieval thought, of which his treatment of war is but one instance (cf, his treatment of *studiositas* in *STh* II-II, q, 166). The project of cataloguing moral acts is particularly visible in questions 37-42, where he singles out the genus of conflict-causing behavior, and several species within it: discord, contention, schism, war, strife, and sedition.

The other reason that may have motivated Aquinas to set aside space for the ethical analysis of war was his focus upon the different "states of life" in questions 171-89 of the *Secunda Secundae.* Although that series of questions includes no express mention of the profession of arms, it is undeniable that consideration of military life as a particular calling was present to his mind

the discussion of war in question 40, especially article 2, where he compared the activity of soldiers to those of businessmen and clerics, Whether soldiering might be deemed compatible with the moral demands of the Christian life is a question implicitly raised by much of question 40. In this connection, Edward Synan has done well to remind us that military life was a vital aspect of the "human and cultural matrix within which St Thomas was born and which, in important ways he never left."[22] After all, the saint's father, and most likely all three of his full brothers, were knights. "He had come to consciousness of brothers and sisters in a feudal castle. Abundant evidence establishes that he had witnessed his

[22] Synan, Profession of 404,

brothers' exercises with their weapons, and that he absorbed their discussions of knighthood and its preocupations." "[M]ilitary life . . . dominated the Aquino clan." "In that exposure," Synan conjectures, Thomas "hardly saw knighthood at its best and, although his writings may encourage high standards for the military, his realistic evaluations of knights border on cynicism."[23] "Knights are rapacious" is a cutting phrase that escaped Thomas's lips on at least one occasion.[24]

Does Thomas's decision to locate his discussion of war within a section of the *Secunda Secundae* devoted to sins against charity manifest a skepticism toward the moral foundations of military life? Since earlier writings of the theological tradition did not dictate such a choice, this may tell us something significant about Thomas's own distinctive orientation to the ethics of war.[25]

The Dominican theologian could have linked his *ex professo* discussion of war to one or other of the virtues. He seems to have been alert to this possibility, since on at least two occasions the question of war is taken up within the context of virtue. Thus, regarding the prudence of political leadership *(prudentia regnativa),* we find an article devoted to the special conditions which attach to military command *(STh* II-II, q. 50, a. 4). Against the second objection, which maintains that there is no need to assign a distinct mode of political *prudentia* for military affairs, no more than there need be a special prudence for commerce or craftsmanship, Thomas responds that this analogy does not hold: while the latter activities are chiefly directed to the profit of private individuals, and only indirectly to the good of the political

[23] Ibid., 407.

[24] *Senno 41,* cited by Synan, "The Profession of Arms," 424 n. 83.

[25] Alexander of Hales's treatment of war in his *Summa theologU;a* (Florence: Quaracchi, 1948) is situated in a section of vol. 4 (liber III, pars 11, inq. 3, tract. 2, sect. 2, q. 1, tit. 3, dist. 2) devoted to the laws of punishment *(De legibus punitionis).* This juridical perspective *(de sententia iudiciali* is in fact the heading for the broader sequence of questions) remains much closer to the writings of the canon lawyers than the virtue-centered approach followed by Aquinas some decades later in the *Secunda Secundae.* While Thomas was not the first medieval to write a *De bello* (see the Quaracchi editor's comment in Alexander of Hales, *Summa theologU;a [Opera omnia* 4:678 n. 1]), on the anonymous treatise *De iusto* hello-several passages of which are reproduced in Alexander's *Summa* compilation), his discussion of this topic within the context of sins against charity bears the stamp of his originality.

community *(civitas),* military activity is ordered immediately to the protection of the entire common good *(totius boni communis).* Military command thus requires a distinct form of morally directive prudence.

Question 123 on courage *(fortitudo)* likewise speaks of military service from the standpoint of virtue (a. 5, "Utrum fortitudo proprie consistat circa pericula morris quae sunt in hello"). Thomas notes that courage is virtuous only when a man risks death in the pursuit of a worthy good, for *virtus* names a disposition always tending to what is good, never to what is evil. To protect the common good by a just combat *(justum helium)* is unambiguously a good. Hence moral virtue is found in "the genus of courage that regards warlike actions" (ad 1). This point is reinforced with respect to the third objection, where, in reply to the complaint that the peace of the temporal city is a good mixed with much evil, for which reason it does not merit that we should expose ourselves to death for its sake, Thomas affirms that the peace of the commonweal *(pax reipublicae)* is something inherently good, *secundum se bona.* Thus, here too, the implication is that the (lay) Christian's participation in war is not merely permissible, but, if carried out for the common good, and with due restraint, it represents an exercise of true virtue.

Another text worthy of mention in this connection is Thomas's discussion of retribution *(vindicatio)* in *STh* 11-11, q. 108. After assuring the reader that the punishment of evildoers is indeed licit, provided that certain conditions be met (in particular the avoidance of improper sentiments such as hatred [a. 1]), he then asks whether the infliction of just retribution falls within the purview of a distinct virtue (a. 2). *Vindicatio* names such a virtue, Thomas maintains, when private individuals use force to repulse harm *(iniuria propulsatur)* from themselves or others (a. 1, ad 2). By contrast, when punishment is meted out by public authorities serving as guardians of the commonweal, it falls under the virtue of commutative justice.[26] In either case, the primary root of

u SI'h II-II, q. 108, a. 2, ad 1: "[P]unitio peccatorum, secundum quod pertinet ad publicarn iustitiam, est actus commutativae iustitae; secundum autem quod pertinet ad immunitatem alicuius personae singularis, a qua iniuria propulsatur, pertinet ad virtutem vindicationis." See

virtuous retribution is a zeal *(zelus)* inspired by love: "a man avenges the wrong done to God and neighbor, because charity makes him regard them as his own" (a. 2, ad 2).[27] Although just war is not directly referred to here, we can adduce from Thomas's earlier comment *(STh* 11-11, q. 40, a. 1) on the punitive character of such fighting- "those who are attacked, should be attacked because they deserve it on account of some fault *fpropteraliquam culpam*]"-that soldiering may indeed spring from well-ordered inner dispositions of justice and charity.[28]

I have now alluded to several virtues-prudence, courage, retribution, justice, and charity-each of which could have served as the setting for Thomas's systematic elaboration on war. This shows how distant he was from the pacifism of a Tertullian or a Lactantius, for whom active participation in war could never serve as a context for positing true acts of virtue. However, the fact remains that Thomas chose vice, not virtue, as the locus for his ethical analysis of war. This is what we need to look at more closely.

The preface to question 37 *(De discordia)* outlines the sequence of *quaestiones* concerned with conflict-causing sentiments and deeds.

> We must now consider the sins contrary to peace, and first we shall consider discord *[discordia]* which arises in the heart, secondly contention *[contentio],* which arises in words, thirdly, of those [conflict-causing sins] which consist in deeds, namely schism *[schisma],* strife *[rixa],* and war *[bellum].* [29]

Haggenmacher, *Grotius,* 409-17 for a nuanced discussion of Thomas's placement of public punishment within the category of "commutative justice" and the significance of the shift (in Scotus, Cajetan, and especially Suarez) to specialized categories of "punitive justice" and "punitive war."

[27] See *Sfh* 11-11, q. 60, a. 6, ad 2, where Thomas appears to cite approvingly the famous words of Ambrose *(De Offtc.* I, 36): "whoever does not ward off a blow from a fellow man, when he can, is at much at fault as the striker."

[28] Apropos the question "whether there was anger in Christ?", Aquinas notes affirmatively that the desire to avenge wrongs may indeed spring from sinless passion: "[Q]uandoque [appetitus vindicate] est sine peccato, immo est laudabilis: puta cum aliquis appetit vindictarn secundum ordinem justitiae" *(STh* III, q. 15, a. 9).

[29] In this passage, Aquinas seems to have inadvertently omitted sedition *(seditio)* from the list of conflict-causing sins. He nevertheless clearly intends to include it in his enumeration, as is indicated by the short preface to q. 39 *(De schismate):* "We must now consider the vices

This group of *quaestiones* is organized under the rubric of sins against charity. Thus, corresponding to each of the acts or effects of charity-love *(dilectio),* joy *(gaudium),* peace *(pax),* mercy *(misericordia),* and beneficence *(beneficentia)-are* the opposing vices. Hatred is opposed to love, sloth and envy to joy, scandal to mercy and beneficence. In opposition to peace stand discord, contention in words, schism, war, strife and sedition.

Taken as an effect of charity, peace is twofold (q. 29, a. 1): first, it consists in the inner harmony of an individual's will and sensible appetites, when these are rightly ordered to the due end. Peace, secondly, consists in the union of appetites (desires and choices) among various persons; in this respect it goes by the name "concord" *(concordia).* Understood in this way, two basic forms of conflict *(dissensio)* are opposed to peace: the conflict a person experiences within himself, and the conflict that arises when one or several persons are pitted against others. The latter sort of conflict is what stands contrary to concord (q. 29, a. 1, ad 3). Thomas takes care to point out (q. 29, a. 3, ad 2) that not just any sort of conflict is opposed to the concord of charity. Nothing hinders those who have charity from holding different opinions, nor, by consequence, is charitable concord disrupted by the incompatible desires that flow from these differing opinions.[30] Only disagreement about fundamental truths, and a clash of wills regarding truly important projects, are inconsistent with the demands of charity in this life.[31]

Thus, the vices listed in opposition to peace *(de vitiis oppositis pact)* represent causes of *destructive* conflict: inner sentiments or

contrary to peace which pertain to deeds: such are schism, strife, sedition, and war."

[36] Similarly, Aquinas distinguishes *(Sfh* Il-II, q. 42, a. 2, ad 2) between "discord from what is not evidently good" and "discord from what is evidently good." The first, he says, "may be without sin," and hence is compatible with the spiritual union of those who have charity, while the second "cannot be without sin," and is thus destructive of true concord. Cf. *STh* II-II, q. 37, a. 1.

[31] Aquinas distinguishes between the "imperfect peace of the wayfarer" and the "state of perfect peace" in the next life ("wherein the truth will be known fully"). The first is consistent with a clash of opinions, the latter not *(STh* Il-II, q. 29, a. 3, ad 2). The suggestion, then, is that we should not seek to achieve a total elimination of conflict in this life. That is attainable only in the next.

deeds that divide people with respect to fundamental goods. Each of these vices is defined by reference to the specific type of concord that it vitiates. Schism is "opposed to the spiritual unity of the multitude, namely ecclesiastical unity" (q. 42, a. 1, ad 2); strife is opposed to the private good *(bonum privatum)* by which several persons are joined together (q. 42, a. 2), while sedition is "opposed to the temporal or secular unity of the multitude, for instance of a city or a kingdom" (q. 42, a. 1, ad 2), which is "a fellowship recognized by law and for the common good" (q. 42, a. 2, citing St. Augustine, *De civitate Dei* 2.21). War, finally, disrupts the bond that unites "one people to another *[quasi multitudinis ad multitudinem]"* (q. 42, a. 1), that is, the interrelationship of independent nations.

Adopting concord as the point of reference for the definition of conflict-causing vices is the methodological principle that explains why Thomas situates these vices in opposition to theological charity. A virtue that promotes friendship based on shared goods of the highest order (natural and supernatural), "charity directs many hearts together to one focal point, which is chiefly the divine good, secondarily the good of our neighbor." Hence, "concord results from charity *[concordia ex caritate causatur]"* (q. 37, a. 1). Drawing out the political implications of this view, Thomas affirms with Aristotle that civic friendship is the bond that holds political communities together.[32] Since concord (both within and among political communities) is akin to friendship, and because the chief cause of concord is charity ("secundum propriam rationem caritas pacem causat" [q. 29, a. 3, ad 3]), it follows that actions which intentionally disrupt concord are themselves opposed to charity.

The idea that peace *(qua* concord) is a positive reality that follows upon a shared sense of belonging, a union of the affections directed toward the common good, is what leads Aquinas to situate the opposing vices (war, sedition, strife, etc.) within the section of the *Summa* that deals with charity, rather

[32] Aristotle, Nicomachean Ethics 8.1.1155a23-24; Aquinas, *VIII Ethic.,* 1 (in *Opera Omnia iussu Leonis XIII,* cura et studio fratrum praedicatorum, vol. 47 [Rome: Ad Sanctae Sabinae, 1969]).

than in the section on justice.[33] "Peace," he writes, "is the 'work of justice' *indirectly,* insofar as justice removes the obstacles to peace: but it is the work of charity *directly*. ... For love is a unitive force" (q. 29, a. 3, ad 3).

Justice, focused as it is on what is due to the neighbor, hence upon the other precisely as *other,* is itself an insufficient ground for holding people together in political community. Union of the affections, an enduring commitment to a shared project, is what makes possible the maintenance of civic concord over time. Whether such a civic *communio* is possible on a scale broader than an individual polity seems not to have been a question explicitly raised by Aquinas. However, the way that he sets up the respective definitions of sedition and war-the first violating the just concord of citizens within a single political community (an independent city or kingdom), the second violating the concord of two or more independent political communities-suggests that a certain idea of international order lies behind Thomas's theory of just war. It would not be long before such an idea received ample development at the hands of Dante, author of the *Monarchia,* albeit from a perspective very different from the one adopted by Thomas.[34]

[33] Aquinas's decision to discuss war within the treatise on charity has been criticized for overlooking the "objective" character of public right in favor of an emphasis on the "subjective" dimension of intention and conscience. Monseigneur de Solages *(La theologie de la guerre juste* [Paris: Desclee de Brouwer, 1946]), writes, for instance, that Aquinas "se place au point de vue individual, subjectif, alors que le point de vue primordial est ici [le probleme moral de la guerre] le point de vue social, objectif. Probleme de droit nature! et, indirectement seulement, casuistique de peche" (18). To emphasize the overarching importance of *ius naturale,* De Solages recommends placing war within the treatise of justice, where the non-confessional (i.e., natural) and public dimension of decision making about war would be better recognized. In my judgment, however, this objection misidentifies Aquinas's reason for situating the question on *helium* within the treatise on charity. The aim is not so much to consider how war-making is a matter of personal conscience (for political leaders and soldiers), but rather to show how the highest good of the temporal order (civic communion within and among nations-a fruit of charity) is endangered by unjust resort to violence.

[34] The novelty of Aquinas's conception of international order is discussed by Haggenmacher, *Grotius,* 122-25. For a comparison between Aquinas and Dante on the question of war among nations, see Gregory Reichberg, "Just War or Perpetual Peace," *Journal of Military Ethics* 1/1(2002):16-35.

In any event, we do occasionally find Aquinas drawing out practical implications from the view that civic concord results more formally from *caritas* than from *justitia.* For instance, he approves the practice of legislators who "have greater zeal for maintaining friendship among citizens than even justice itself which is sometimes omitted, for example, in the infliction of punishment, lest dissension be stirred up."[35] In so doing the aim of course is not simply to sacrifice the requirements of justice to charity, but instead to remember how in the last analysis the first is ultimately ordained to the second: "lawmakers especially want this concord and eliminate from the citizenry the contention inimical to the well-being *[salutis]* of the *civitas""*[36]

Richard Miller finds in this teaching on the subordination of justice to civic concord evidence for a "presumption against violence" in Thomas's doctrine of the just wair. The author of *Interpretations of Conflict* explains that ..the effect of this argument is to *restore* the presumption against violence that is apparently compromised when Thomas grants the soldier the right to intentionally injure an opponent. "[37] Without doubt, Miller has good reason to point out that just punishment is not for Thomas an unconditional good, Rather, its application, this form of justice must be regulated in view of higher, more overarching goods-most especially the good of civic communion within and among nations" This would seem to be an elaboration on the standard criterion of *right intention* (already advanced by Augustine, Gratian, and Alexander of Hales). Taken alone, this does not indicate a spedal affinity between pacifist thinking and

[35] vm *Ethic.,* L Aquinas's argumentation is reminiscent of the reasoning behind the establishment of a and Reconciliation Commission" in South Africa. The stated aim of the commission was to forgo strict criminal justice against persons implicated in the violent struggle for and against the apartheid regime, precisely in the interests of furthering civic reconciliation (on this, see Charles Villa-Vicencio, "Restorative Justice: Dealing with the Past Differently," in C. Villa-Vicencio and W. Verwoerd, *Looking Back Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa* [Cape Town: University of Cape Town Press, 2000], 68-76).

[1]. vm *Ethic.,* i.

[37] Miller, *lnt,erm'etatimis of Conflict,* 26.

Miller's contention that the subordination of punishment to the broader goal of peace deserves to be called a "presumption against violence" hinges on his ancillary daim that, for Aquinas, just war is modeled on the idea of self-defense. Given the restrictions that medieval authors placed on self-defense (as opposed to offensive employments of force).[38] this interpretation has the effect of moving Aquinas toward the camp of the "presumption against war" theorists.

While conceding the disanalogy between the two ideas-the former permits intentional killing while the latter does not-Miller nevertheless maintains that just war is, on Aquinas's view, an extension of the more basic idea of legitimate defense. In support of this, he cites *STh* U-H, q. 64, a, 7, wherein it is said that self-defense may justify the intentional killing of an attacker solely when this is carried out by duly authorized representatives of the community (soldiers, for instance), acting for the benefit of the common good.[39] Miller takes Aquinas to be saying that "intentional harm must be ordered to the defense of the community, not the vindication of justice alone.""[40]

Miller, however, extracts more from Aquinas's *articulum* than the text itself warrants. The comment that soldiers alone (as opposed to private individuals) may deliberately kill in seH-defense does not of itself imply that this is the sole basis on which they may be given moral license intentionally to harm enemy combatants. As Thomas later explains in question 108 on vengeance *(De vindicatione),* force may be used by civil authorities, not only that malefactors may be restrained from disturbing the peace (legitimate defense narrowly defined), but for other purposes as well: correcting evildoers, restoring the order

[38] See Robert Regout, *La doctrine de la guerre juste de saint Augustin a nos jours d'apres les theologiens et les canonistes catholiques* (Paris: A. Pedone, 1935), 67-72, for a presentation of the thirteenth century canonists (Raymond of Peilafort and Innocent IV, in particular) on the limits of self-defense. These thinkers provided the theoretical background to Thomas's own treatment of this theme.

[39] *STh* II-II, q. 64, a. 7: a[O]ccidere hominem non licet nisi publica auctoritate propter bonum commune."

[40] Miller, *Interpretations of Conflict,* 40.

of justice, and so forth.[41] In sum, the treatment of self-defense in question 64, article 7 provides an insufficient foundation on which to build the claim that "killing another in self-defense, individual homicide, provides an analogy for evaluating the acts performed by the [legitimate] *authority-the* formal cause-in a just war."[42]

III

Having considered Aquinas's rationale for raising the question of war in the context of sins opposed to charity, we need now to consider whether taken in itself this bespeaks an ethical presumption against the use of armed force. If *helium* names a sin-and not a minor sin at that, but one standing in direct opposition to the highest and best of the virtues-then it would seem that any participation in war, even for the best of motives, would bear the stigma of moral disapprobation. This point of view seems reinforced by the title to the opening (and central) article of question 40 *(De hello),* which asks "whether waging war *[bellare]* is always *[semper]* a sin," thereby suggesting that those who engage in warlike conduct are nearly always in the wrong, and that the onus is on them to prove otherwise.

We have seen however that Aquinas does countenance the possibility of a just and even virtuous resort to arms; hence, the term *helium* cannot of itself designate sinful behavior. By the same token, we should not be misled by the rather emphatic tone of the

[41] This is the list which appears in *STh* II-II, q. 108, a. 1: "Si vero intentio vindicantis feratur principaliter ad aliquod bonum, ad quod pervenitur per poenam peccantis, puta *ad emendationem peccantis,* vel saltem *ad cohibitionem eius et quietem aliorum,* et *ad iustitiae conservationem* et *Dei honorem,* potest esse vindicatio licita, aliis debitis circumstantiis servatis." It is true that Aquinas sometimes speaks of just war in terms of *"defending* the common good," as for instance in *STh* 11-11, q. 123, a. 5: "Sed pericula morris quae est in bellicis directe imminent homini propter aliquod bonum: inquantum scilicet *defendit bonum commune per iustum helium."* Cf. *STh* II-II, q. 40, a. 1: "Ad [principes] pertinet rempublicam .•• tueri; licite *defendunt eam."* In these cases, however, *defensio* is construed broadly to include any use of force that promotes the common good, including the various motives for punishment mentioned above.

[42] Miller, *Interpretations of Conflict,* 26.

article's title, which was in fact introduced by an editor[43] simply as the interrogative form of the first line of the article's first objection: "Videtur quod bdlare semper sit peccatum." A more accurate representation of the artide's content may be gleaned from Thomas's own prologue to question 40, which tells us (less provocatively) that this article will discuss "whether any war can be permissible *[utrum aliquod bellum sit licitum]".* More specifically, from the context it is dear that the kind of war that Thomas has in mind is offensive, not defensive war. He is asking whether it is ever licit to take the initiative in recurring to the sword. Here *licitum* refers to permissibility under divine and natural law; it was the standard term used by theologians and canon lawyers in evaluating actions with negative connotations.[44] To say without further qualification that a given act is permissible would express a minimal approval, not a strong endorsement of, the act in question. The "permissible" was thereby distinguished from the "meritorious."[45]

A question raised under the heading of *licitum* usually had for its aim to determine whether the act in question should, given its unfavorable connotations, be deemed morally wrongful in kind. To perform such a wrongful act would be sinful, hence impermissible, whatever the circumstances, consequences, or good

[43] The original text of the *Summa theologiae* did not carry titles for each of the individual articles. These titles were added by an early editor who simply reformulated as a question the first objection appearing in each article.

[44] Alexander of Hales's *Summa* discussion of war begins with exactly the same question "utrum bellare sit licitum," but takes the "licitum" to cover divine and human positive law ("Bdlare iuste secumdum legem divinam licitmn est et etiam in praecepto regibus et principibus terrae" *[Summa theologiae* IH, pars II, inq. 3, tract. 2, sect. 2, q. 1, tit. 3, dist. 2, mem. HI]). This contrasts with Aquinas's subsequent discussion, which takes Scripture (divine law) and especially the natural moral law as its focus, with little or no reference to human laws. (Still, it must be admitted that Aquinas does not *expressly* refer to *ius naturale* or *ius gmtium* in connection with the moral problem of war; Vitoria appears to have been the first explicitly to establish that link.)

[45] An example would be Thomas's ethical analysis of trading for profit. In an article devoted to the question "whether it is ever permissible in trading to sell a thing for a higher price than was paid for it" *(STh* H-H, q. 77, a. 4), he points out that [lucmm-eaming a profit above costs] which is the end of trading, though not implying, by its nature, anything virtuous or necessary, does not, in itself *[in sui ratione]* connote anything sinful or contrary to virtue."

intentions of the agent. Inversely, determination that a certain act is permissible (taken abstractly in its moral species) does not bring its ethical evaluation to a close, since *concretely*, in its actual performance, such an act will be further specified as good or bad by the end for the sake of which it is done (i.e., the end intended by the agent) and the circumstances under which it is carried out.[46]

As we have seen, the acts evaluated in *STh* 11-11, qq. 38-43 (contention, schism, war, strife, and sedition) are alike in that each involves the intentional disruption of concord. Of these, three--schism, strife, and sedition-are deemed wholly impermissible and hence evil in kind *(mala in sua specie)*,because they entail direct opposition to legitimate authority, the condition *sine qua non* of concord. *Schism* violates the authority vested in St. Peter and his successors, *strife* usurps secular authority's exclusive prerogative vis-a-visthe imposition of punitive violence, while *sedition* severs the bond that unites the members of a civic multitude under their rightful rulers. Each of these three terms unequivocally names a sin; thus a negative moral appraisal is implied in their very meaning. In this sense there is a strong presumption against them. Hence, in contradistinction to the proper denotation of the term *war*, it would be oxymoronic to speak of a *just* schism, a *just* sedition, or a *just* strife. Schism divides the common spiritual good of the Church, sedition the common good of a temporal community, and in strife individuals wage a "kind of private war *[quoddamprivatum bellum]"* (q. 41, a. 1)-which, since legitimate authority is lacking, is always sinful *(semperimportatpeccatum)*. The positive counterparts recognized

[46] While Aquinas can acknowledge that certain acts are morally neutral in *kind (indifferens secundum suam speciem-see SI'h* I-II, q. 18, a. 8), he denies that any deliberate action actually instantiated in the world can be neutral with respect to its morality. On this, see *SI'h* 1-11, q. 18, a. 9, especially ad 1, where he notes that although an act may be neutral in kind ("quia non habet ex sua specie quod sit bonus vel malus") some other reason will nevertheless supervene to render it concretely good or bad ("unde per aliquid aliud potest fieri bonus vet malus"). Hence (ibid., ad 3) whenever "an end is intended by deliberate reason, it belongs either to the good of some virtue, or the evil of some vice." Cf. *De Malo*, q. 2, aa. *4-5*, for Aquinas's most detailed treatment of the technical distinctions between acll> good and evil *ex genere, in specie,* and *secundum individuum.*

by Thomas for two of these terms go by other names: the forcible removal of tyrannical rulers (just insurrection), and legitimate self-defense.[47] Significantly, he refuses to acknowledge that just revolt and sedition are contraries within the same moral genus (the one commendable, the other bad). Instead he affirms that these are generically different kinds of moral acts: "[Seditio] ex suo genere est peccatum mortale" (q. 42, a. 2). In other words, he admits of no common genus that would be the referent for the single word *insurrectio*, a genus that could be further subdivided into the distinct species of just and unjust revolt Likewise for strife.[48] Although Aquinas does not elaborate on the reasons for this semantic nuance, it would seen that this has something to do with the very exceptional character of the just revolt and private self-defense. The latter acts, whHe sometimes allowable in Thomas's eyes, still lack the sort of institutional recognition that had long been conferred upon preparedness for, and participation in, war. Moreover, in the few instances in which Aquinas acknowledges the permissibility of resort to arms against tyrannical rule,[49] he shows himself considerably more reserved than in his pronouncements on the just use of force against foreign enemies. ln this respect Miller rightly points out that "Aquinas's order of

[47] "Illi vero qui bonum commune defendunt, eis resistentes [eos qui seditionem procurant], non sunt dicendi seditiosi: sicut nee illi qui se defendunt dicuntur rixosi" *(STh* II-II, q. 42, a. 2). Thomas explains in the response to the third objection that there is no sedition in disturbing *(perturbatio)* a tyrannical government, because "it is the tyrant rather who is guilty of sedition, since he encourages discord and sedition among his subjects, that he may lord over them more securely" (ibid., ad 3).

[48] It is worth noting that Thomas presents his moral evaluation of theft along similar lines as strife and sedition. After explaining why it is that "every theft is a sin" *(Sl'h* H-U, q. 66, a. *5),* he goes on to say *(Sl'h* H-H, q. 66, a. 7) that in moments of urgent and manifest need "it is permissible for a man to succor his own need by mans of another's property; by taking it openly or secretly: nor is this properly speaking theft or robbery." In response to the third objection, Aquinas explains why 'taking' in such circumstances does not count as 'theft': "because that which a man takes for the support of his life *becomes his own property* by reason of that need." Hence 'theft', like 'sedition', denotes an inherently wrongful act of which there can be no good kind.

[49] Aquinas discusses rebellion against tyrannical rule on at least three occasions: in the *Sentences* commentary (H *Sent.,* d. 44, q. 2, a. 2), in *De regimine principum* (I, c. 6) and in *STh* n-n, q. 42, a. 2.

charity entails a greater caution about resort to force *ad intra* than *ad extra.*"[50]

Thus, unlike sedition and strife,. in the manner of its signification "waging war" *(bellare)* is not inherently evil. What determines its specific morality is the existence or non-existence of prior wrongdoing committed by another polity. War is evil in *species* when undertaken without a just warrant. In this respect the term *unjust war* functions in very much the same way as *sedition* or *strife.* Inversely, *war* is said to be good in *species* when it is undertaken with due cause as a response to manifest injustice. Nevertheless, like all other acts good in kind (e.g., exercising professions such as teaching or healing) waging *just war* may become bad concretely *(secundum individuum)* by reason either of the agent's wrongful intent, use of prohibited means, lack of due restraint, or in connection with improper circumstances.

Thus, if "presumption against" is taken to mean the recognition that an act is inherently wrongful in kind (i.e., it represents the violation of an exceptionless moral norm), then for Thomas there is no presumption against war, as there is a presumption against schism, strife, and sedition. On the other hand, if "presumption against" is taken to mean that the act in question requires justification, since it entails the deliberate infliction of pain and even death, then Thomas would acknowledge that there is a presumption against war, just as there is a presumption against the administration of any sort of penalty. Whenever punishment is meted out it must antecedently be established that it is in fact merited. In this respect war stands apart from those acts of governance-giving speeches, setting up schools and hospitals, holding elections, reaching trade agreements, etc.-that do not presuppose prior wrongdoing by another party.

The conceptualization of just cause as a *response to prior wrongdoing* appears to be the factor that prompted Thomas to treat of war-including just war-within the context of sin. War springs from sin and is itself always sinful on the part of at least

[50] Miller, *Interpretations of Conflict,* 61.

one of the belligerents involved in the conflict. Thus, if *war* is understood to signify a situation of violent conflict in which two (or more) polities contend violently against each other, then by its very meaning it connotes a sinful state of affairs. For this reason Thomas classifies war under the heading of sin or vice, and in this respect he would agree that there is a strong presumption against it.st

If, by contrast, the term *war* is no longer taken to denote the situation in which two or more belligerents direct armed force against each other *(bellum),* but instead designates one side's engagement in the war *(bellare),* then it can serve to signify a meritorious pursuit.[52] Such an activity will be justifiable only when undertaken as a response to the other party's violation of a true concord.[53] For this reason even the notion of a just war

[51] Cf. ibid., 60: "For both Aquinas and Augustine the notions of tranquillity and concord establish a presumption against conflict, for conflict is a symptom of unsatisfied ambition, contrary to the elementary inclinations of nature and the infusion of charity." Correct in the main, Miller does however overstate this point somewhat, since for Thomas it is not true that all conflicts arise from personal sin but only those conflicts in which "a man knowingly and intentionally dissents from the Divine good and his neighbor's good, to which he ought to consent" *(STh* 11-11, q. 37, a. 1) Hence, a certain amount of conflict can arise between even good and virtuous individuals: "such like discord is neither sinful nor against charity, unless it be accompanied by an error about things necessary to salvation, or by undue obstinacy" (ibid). On the other hand, Miller is correct in his assessment that for Augustine and Aquinas "[c]onflict does not structure historical change or social relations as it does for more radical thinkers in modem Catholicism" *(Interpretations of Conflict,* 60).

[52] In the course of explaining why active participation in war is not permitted of clerics, Thomas remarks that this *activity,* when undertaken by laymen may, in fact, be virtuous: "Ad quartum dicendum quod, licit *exercere bella iusta sit meritorium,* tamen illicitum redditur clericis propter hoc quod sunt ad opera magis meritoria deputati" *(STh* 11-11, q. 40, a. 2, ad 4). He goes on to compare the waging of just war to matrimony: although the latter, like the former, is meritorious, "it becomes reprehensible in those who have vowed virginity, because they are bound *[obligationem]* to a greater good" (ibid.).

[53] Thomas distinguishes between true concord and the appearance of concord: it is always wrong to disturb the first, but sometimes right to oppose the second. Thus, "those who wage war justly aim at peace; thus they are not opposed to peace, except to an evil peace" *[ita paci non contrariantur nisi malae]" (STh* 11-11, q. 40, a. 1, ad 3). Cf. *STh* 11-11, q. 29, a. 2, ad 3: "[P]ax vera non potest esse nisi in bonis et bonorum. Pax autem quae malorum et, est pax apparens et non vera." In saying that peace is "only in good men and about good things" Thomas is thereby indicating that (1) peace is a positive reality, hence much more than the simple absence of armed conflict; and (2) peace is a normative, not merely an empirical concept-it describes a state of societal agreement about goods that truly befit human dignity.

receives treatment within a set of questions devoted to sins against concord. Understanding this point defuses the seeming paradox of a *De be/lo* purportedly about sin (given its positioning in the *Summa Theologiae)* but which in fact concentrates upon the characteristics of the just war. Consequently, taken in itself, Thomas's decision to discuss military might within the context of sins against charity evinces no special presumption against the justified use of such force within the temporal sphere.

It is true that the doctrine of *raison d'etat* (present in ancient Rome and again in late-Renaissance and early-modern Europe)[54] fostered a conception of war severed from any necessary link with just cause; war was viewed as simply another way to advance the national interest, subject only to narrow prudential concerns, and thus required no special moral justification. Yet this is not a view endorsed by any just-war theorists today, certainly not Paul Ramsey or Johnson, who would agree that there is indeed a "presumption against war" if this expression is understood to mean that war is warranted only as a response to another state's wrongdoing. Much of the debate regarding whether or not there is a presumption against war accordingly centers on the question of how broadly or restrictively the notion of just cause ought to be construed. All just-war theorists, whichever side of this debate they happen to be on, concur that *in se* the use of armed force by legitimate governments is not morally wrongful.[55] This is what divides just-war thinking from the various forms of principled pacifism, just as, inversely, the moral requirement of just cause sets it apart from all forms of *realpolitik.*

s• On the similarities between ancient Roman and Renaissance political realism, see Richard Tuck, *The Rights of War and Peace* (Oxford: Oxford University Press, 1999).

ss Johnson seems to attribute to his opponents in the "presumption against war" debate the view that the current use of military force is intrinsically wrongful (and hence a tacit pacifism) when he writes that for them "war in its contemporary form is inherently suspect" ("The Broken Tradition," 30). Since none of the proponents of the presumption thesis actually embrace this view, in this regard Johnson would appear to have created a straw man. However, if by 'war' Johnson is referring most especiallyto *offensive* (not defensive) military engagements (this is suggested by the overall context of his argument) then he does appear to have given an accurate representation of the other side's position. Many "presumption against war" theorists do in fact restrict the valid use of military force to defensive operations only, thereby banning as *per se mala* all offensive operations (see ibid., 31-33).

I have now discussed two versions of the "presumption against war" thesis: first, the view that waging war is evil *per se;* second, the view that it is legitimate only when undertaken as a limited response to another regime's wrongdoing. The first is equivalent to pacifism and is rejected by Thomas. The second is accepted by all just-war theorists, including Thomas, and is not under contention in the presumption debate. A third view, according to which war is a sinful state of affairs that arises from a violation of justice and charity, may also be found in Thomas. To his mind, this is fully compatible with the idea of a just war, since it is altogether possible for the burden of guilt to rest squarely with one of the belligerents, and the cause of justice squarely with the other. However, for some recent just-war theorists, the equation of war with a sinful state of affairs has called into question any clear-cut distinction between just and unjust protagonists in war. This has led to the introduction of a criterion of "comparative justice," according to which "neither side has a monopoly on absolute justice in defense of its claims."[56] Emphasizing the distortions that result from "partisan perceptions,"[57] proponents of this criterion present it as a much needed corrective to the national self-interest of statesmen. Placed among the list of *jus ad helium* criteria, the admonition to relativize one's own claims to justice will certainly function as a presumption against war, since "if both sides in a conflict appear to have just cause, then the tradition would enjoin them not to fight; that is, it would see ambiguity itself as a restriction on *jus ad helium,* the very right to go to war."[58]

Johnson argues that the idea of simultaneous ostensible justice-the *perception* of justice at both sides at once-was never intended in classical just-war teaching to serve as a criterion to be adverted to in deliberations over the resort to force *(jus ad helium).* Rather, it was a rule to be applied within the context of an armed conflict already underway, "as a base for more attention

[56] Miller, *Interpretations of Conflict,* 105.

[57] This expression is borrowed from R. Fisher and S. Brown, *Getting Together: Building Relationships As We Negotiate* (New York: Penguin Books, 1988), 25-26.

[58] Johnson, "The Broken Tradition," 30.

to restraint in war, thus feeding the development of the *jus in bello.*"[59] Johnson accordingly finds in this doctrine no theoretical basis for a presumption against war. ·

It goes without saying that Aquinas himself never spoke in terms of "simultaneous ostensible justice." This doctrine has a more recent provenance; it appears to have been first articulated by Vitoria in his *De Indis.*[60] It is a matter of some dispute whether this innovation is consistent with Thomas's normative discussion of war.[61] At the very least, the logic of Thomas's argumentation leaves little doubt that he would have denied the possibility of simultaneous *objective* justice in war, at least within the order of (what we now call) the *jus ad bellum.* Whether or not Thomas exhibited greater optimism than his successors in the just-war tradition (who embraced the idea of simultaneous *ostensible* justice) regarding the ability of political and military leaders to make objective judgments about matters of right and wrong, especially where the well-being of their own polity is at stake, cannot be decided here.[62]

Contemporary writers who approach the ethics of war from a pacifist outlook often express a deep skepticism about the readiness of political decision-makers to pay more than lip-service to objective justice. It is taken for granted that the moral judgments of statesmen are inherently biased in favor of their

[59] In *The Challenge of Peace* the American Catholic Bishops do in fact place their discussion of comparative justice within the section of their pastoral letter entitled "Jus ad Bellum" (p. 29).

[60] See, in particular his *Relectio de Indis,* 1.3.5 (ed. L. Perefia and J.M. Perez Prendes, Corpus hispanorum de pace V [Madrid: Consejo Superior de Investigaciones Cientfficas, 1967], p. 85). Cf. James Turner Johnson, *Ideology, Reason, and the Limitation of War: Religious and Secular Concepts 1200-1740* (Princeton: Princeton University Press, 1975), 175-95.

[61] Some authors, e.g., Alfred Vanderpol (La *doctrine sco/astique du droit de guerre* [Paris: A. Pedone, 1925)) have maintained (see especially pp. 255-85) that the doctrine of simultaneous ostensible justice (which he misleadingly terms "probabilism") is at bottom incompatible with Aquinas's argumentation on the punitive character of just war. Others, e.g., Regout, *La doctrine de la guerre juste* (esp. 25-30, 91-93, 182-85), hold that this doctrine represents an organic development, not a repudiation of Aquinas's earlier views.

[62] For some indications on how such a comparison might proceed, see Reichberg, "Just War or Perpetual Peace," 32-34.

nations' interests, so that the language of just war, while perhaps abstractly meaningful, in the heat of action does little more than express self-serving views about what is right and wrong. To its opponents (e.g", Ramsey and Johnson), the addition of "comparative justice" to the list of just-war criteria, in support of an alleged presumption against war, thus smacks of a misguided compromise with a traditional plank in the padfist argumentation-the so-called venality of princes (or later, the venality of the nation-state),

Aquinas was not unaware of the dynamics of bias in human judgment, Commenting on the Aristotelian adage "such as a man is such does the good appear to him" *(qualisquidem igitur sibi unusquisque est, talis et finis videtur ei)* he recognized how interests, particularly self-interest, can distort our moral perceptions of right and wrong, particularly when those perceptions are made to inform our concrete choices"[63] His remedy to the problem of bias was not to recommend a process of moral judgment purged of aH passion, desire, and self-interest, but rather to insist on the importance of educating the passions rightly, since well-ordered passions conduce to true judgments" This obtains most especially within that exercise of practical reason which he terms *deliberation:* the process of mental reflection that terminates in a decision about what ought to be done, Deliberating well, such that the chokes one makes reflect the true order of justice, is, on his view, the combined fruit of mental skill and moral uprightness (well-ordered passions). This, in his lexicon, goes by the name *prudentia,* of which *prudentia regnativa* is the special variant for individuals holding positions of political authority,

The prudence of governance will be particularly needful whenever decisions are made concerning the resort to armed force, because in this instance statesmen encounter demands, interests, and passions of the most intense sort. It is easy for a political leader to reach the conclusion that justice is on his side;

[63] HI *Ethic.,* 13., to Aristotle, *Nicomachean Ethics* 3.13.11 Hb. Cf. *STh* H-ll, q. 60, a. 3: easily believes what he desires *[unusquisque faciliter credit quad appetit]."*

even corrupt leaders sometimes believe that, perhaps even sincerely. For this reason, Aquinas challenges politicians to cultivate the inner virtues of character from which *sound* moral judgments about war can spring.

In this connection he remarks that taking due care to judge fairly (inwardly in thought, outwardly in words) of someone else's character and actions (including, presumably, the character and actions of another polity and its leaders) is itself an obligation of justice.[64] Thomas warns against being overly suspicious, as "when a man, from slight indications, esteems another man's wickedness as certain" (*STh* 11-11, q. 60, a. 3). "Consequently, unless we have evident indications of a person's wickedness, we ought to deem him good by interpreting for the best whatever is doubtful about him" (*STh* 11-11, q. 60, a. 4). Thomas tempers this comment, however, by noting that "when we have to apply a remedy to some evil, whether our own or another's, in order for the remedy to be applied with greater certainty of a cure, it is expedient to take the worst for granted, since if a remedy be efficacious against a worse evil, much more is it efficacious against a lesser evil" (ibid., ad 3). Significant here is the importance Aquinas attributes to an ethics of judgment within his theory of prudence. Presumably this ethics obtains not just in private life but also within that part of *prudentia* which is concerned with statecraft. Although he does not necessarily recommend the cultivation of self-doubt vis-a-vis one's own claims to justice (in this respect the proponents of "comparative justice" go well beyond what he would demand), Thomas does nevertheless affirm that these claims should always be weighed by reference to the moral dictates of natural and positive right (*STh* 11-11, q. 60, a. 5). To judge otherwise would amount to an arbitrary usurpation of authority (*STh* 11-11, q. 60, a. 6). Thus, the moral virtue of

[64] Judgment *(iudicium),* which denotes a determination about what is just, is itself an act pertaining to the virtue of justice; see *SI'h* 11-11, q. 60, a. 1, ad 4. In article 2 of the same question, Thomas lays out three conditions that are requisite for a judgment to be an act of justice: "first, that it proceed from the inclination of justice *[ex inclinatione justitiae],* second, that it emanate from one who is in authority; third, that it be pronounced according to the right ruling of prudence. If any of these be lacking, the judgment will be faulty and illicit."

justice-"the perpetual and constant will to render to each one his right"-should inform political decision-making, most particularly in those heated moments when poHtical leaders formulate their grievances against other states.

We have just seen how one line of "presumption" reasoning emphasizes the inherently biased character of political dedsion-making about war. Another line of argument, by contrast, emphasizes the grave pressures that ordinary soldiers undergo in the heat of battleo It is alleged that the violent nature of military combat renders such action a poor instrument for the prosecution of justice. The point is not so much that the resort to lethal force is inherently wrongful in itself. Rather, it is held that even when its use is justified, the application of lethal force initiates a dialectic of violence that undermines the very goal of justice it purports to serve. Hence, resort to armed force is deemed illicit in all but the most egregious circumstances. Johnson objects to this kind of argumentation on grounds that '"effectively destroys the logic of just-war theory by putting *jus in hello* above *jus ad bellum"* and in so doing "it gives pride of place to judgments about contingent conditions over obligations inherent in moral duty. *n65*

What of Thomas Aquinas? Did he believe that warfare (by its very nature) bears an inherent tendency to excess-even when undertaken with the best of intentions for the sake of a just cause? In the context where one would most expect him to raise the issue of participation in wartime violence-STh II-II, q. a. 2 "Whether it is lawful for clerics and bishops to fight"-he is surprisingly silent on this score, Only tv.ro arguments are given to support the condusion that warlike pursuits are incompatible with the priestly calling. First, such pursuits "are full of unrest *[maxim.as inquietudines habent],* so that they greatly hinder the mind from the contemplation of divine things." This impediment is not proper to war, for, as he points out, commercial enterprises *(negotiationes)* are forbidden to derics for the very same reason. Secondly, since wars are directed to the shedding of blood

[65] Johnson, "The Broken Tradition," 33.

(ordinantur ad sanguinis effusionem), fighting in them is incompatible with the sacramental imitation of Christ (who freely gave himself up as a victim) incumbent upon the priestly function. Nowhere in this article does Thomas emphasize the special moral dangers attendant upon an active engagement in the violence of war. On the contrary, he makes a point of stating that "clerics are forbidden to take up arms, not as though it were a sin *[non enim interdicitur eis bellare quia peccatum sit],* but only because it is incongruent with the requirements of their profession" (ibid., ad 3). Indeed, the obligation of clerics to abstain from actual fighting does not preclude any participation whatsoever in war: prelates may utilize "spiritual weapons" *(spiritualibus armis)* to oppose the pillagers *(raptoribus)* and tyrants *(tyrannis)* who wreak bodily harm on their flock (ibid., ad 1); "as they may direct *[disponere]* and urge *[inducere]* other men to wage just wars *[ad bellandum bella iusta]"* (ibid., ad 3).

Thomas seems more worried about the spiritual dangers endemic to the life of the tradesman than about the moral risks of the military profession. While acknowledging that a profit may legitimately be earned in the exchange of goods, and hence that such trading is not inherently wrongful, he nevertheless contends that to devote one's life to this pursuit "has a certain debasement attaching thereto *[quandam turpitudinem habet]" (STh* II-II, q. 77, a. 4). Because commerce for profit lacks a virtuous or necessary end, it carries a built-in propensity to immoderation: "it satisfies the desire for gain which knows no limit and tends to infinity *[in infinitum tendit]"* (ibid.).

Responding affirmatively to the question whether trading should be forbidden to clerics (ibid., obj. 3), Thomas makes the already familiar point about this activity being an obstacle to contemplation ("engages the mind too much in worldly cares") and then provides two additional arguments: "Clerics should abstain not only from things that are evil in themselves, but even from those that have an *appearance of evil.* This happens in trading, both because it is directed to worldly gain, which clerics should despise, and because *trading is open to many vices."*

Significandy, no such reasons are advanced in his earlier *(STh* H-U, 40) treatment of the military calling. Thomas seems to exhibit much less worry about the spiritual dangers of war than does, for example, St. Augustine. [66]

IV

I began this article by asking whether support could be found in the writings of Thomas Aquinas for the idea that there is a presumption against war. This led me to analyze the different meanings this idea has come to have in the eyes of its contemporary exponents. I have been most intent on highlighting those meanings the presumption thesis that render it a distinctive trend within present-day just-war thinking. Seeking points of dialogue with the pacifist tradition, presumption theorists have come to emphasize a restrictive reading of the *jus ad bellum,* a reading that by and large limits it to defensive war; the priority of inter-state reconciliation over the punishment of injustice; (c) a skepticism regarding the ability of statesmen to make objective determinations of justice; (d) an endorsement of the criterion of justice" ; and (e) the inherent propensity violence, even when it is used for the sake of a just cause, to exceed the measure of moral virtue. Friends of the "presumption against injustice" thesis generally seek to establish points of contact with the tradition of political realism, and in so doing reject most of the points just mentioned, with the exception of

My review of Aquinas's writings has revealed numerous affinities with the "presumption against injustice" side of the contemporary debate. Proponents of this view have found in his treatment support for the idea that military preparedness, even in

[66] For an illustration of Augustine's rather somber assessment of the moral hazards of participation in war, see *Contra Faustum* XXU: "What is it about war that is to be blamed? ... The desire for harming, the cruelty of revenge, the restless and implacable mind, the savageness of revolting, the lust for dominating, and similar things-these are what are justly blamed in war" (in Augustine, *Political Writings,* ed. JE. L. Fortin and D. Kries, trans. M. W. Tkacz and D. Kries [Indianapolis: Hackett Publishing Company, 1994], 221-22).

peacetime, should be part of the normal functioning of government. Likewise, Thomas's idea that just war provides a setting for the exercise of moral virtue gives impetus to those who would view military life as an authentic profession. And finally, his allowance of offensive war, undertaken to repair the violation of justice, has provided inspiration to those who would apply military force, not only for national self-defense, but for humamtanan purposes as well.[67]

[67] The 1990s showed a resurgence of support for military initiatives ("humanitarian interventions") on behalf of third parties, of the sort undertaken in Somalia, Bosnia, and Kosovo. For an argument in favor of this mode of military action, considered precisely as a form of offensive war, see Gregory Reichberg and Henrik Syse, "Humanitarian Intervention: A Case of Offensive Force?", *Security Dialogue* 33 (2002): 219-33. An excellent review of recent ethical debate on this topic, with reference to Aquinas and other Scholastics, may be found in M. Fixdal and D. Smith, "Humanitarian Intervention and Just War," *Mershon International Studies Review* 42 (1998): 283-312.

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EPISCOPAL *MUNERA* AND THE CHARACTER OF EPISCOPAL ORDERS

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DESPITE THE universal recognition of the sacramentality of the episcopate since the Second Vatican Council, and the council's related assertion that episcopal consecration imparts the *munera* of teaching and ruling as well as the *munus* of sanctifying, there has been no great attention paid to what these two assertions mean for the character that, according to the council, episcopal consecration imparts.[1] *Lumen gentium* 21 asserts that episcopal consecration is the fullness of orders, confers the functions of teaching and ruling and sanctifying, and gives as well the Holy Spirit and a sacred character such that the bishop does these things in the person of Christ. About the relation of these things one to another the council is not wholly forthcoming.

Broadly speaking, if before the council the tendency was to conceive the character exclusively as *potestas ordinis*, not worrying about its relation to other episcopal functions and about what else episcopal ordination might confer in their regard, now the tendency is to think of it (if one thinks of it at all) simply and inclusively as the threefold power itself. Neither of these approaches is acceptable. The first, by speaking of the effects of the sacrament of orders as sacramental power and grace, does not

[1] The need for such consideration was however pointed out immediately; see John Donahue, "Sacramental Character: The State of the Question," *The Thomist* 31 (1967): 461-62.

take full account of what the liturgy of orders declares is going on. The second, which tries to do this, thinks of orders as giving the power to rule and teach in the same way as it does the power to sanctify. But this does not respect the difference between teaching and ruling, on the one hand, and sanctifying, on the other, and so does not respect the difference between the kind of capacities whence these activities spring. [2]

In fact, however, one notices that not much attention is paid to the notion of the character of orders. Herbert Vorgrimler largely ignores it. [3] Gisbert Greshake treats of it briefly in his section on the spiritual life of the priest. [4] In part, perhaps, such inattention is explained by the fact that the whole theology of sacramental. character has been attacked and the notion sidelined as much as possible. [5] In part, perhaps, it is because attention shifted first to a theology of ministry, where ministry was to be

[2] Perhaps the best representative of the first, preconciliar line, is Charles Joumet, *The Church of the Word Incarnate* (New York: Sheed and Ward, 1955), 1:21-25, 121-26; for the second, see Seamus Ryan, "Episcopal Consecration: The Fullness of the Sacrament of Order," *Irish Theological Quarterly* 32 (1965): 319-21; Raymond Vaillancourt, "Le sacerdoce et les trois pouvoirs messianiques," *Laval theologique et philosophique 21* (1966): 300; Stephen Patrick McHenry's 1983 dissertation, *Three Significant Moments in the Theological Development of the Sacramental Character of Orders* (Ann Arbor: University Microfilms, 1983), 188, 282-83; Jean Galot, *Theology of the Priesthood* (San Francisco: Ignatius Press, 1984), 209; Patrick Dunn, *Priesthood' A Re-&camination of the Roman Catholic Theology of the Presbyterate* (New York: Alba House, 1990), 148-49 (following Galot); Peter Drilling, *Trinity and Ministry* (Minneapolis: Fortress Press, 1991), 76; Avery Dulles, *The Priestly Office' A Theological Reflection* (New York: Paulist Press, 1997), 73-74; Dermot Power, *A Spiritual Theology of the Priesthood* (Washington, D.C.: The Catholic University of America Press, 1998), 82 (following Galot). At the time of the council, in 1963, Wilhelm Bertrams spoke of the *munus* of ruling as in episcopal character; see *The Papacy, The Episcopacy, and Collegiality* (Westminster, Md.: The Newman Press, 1965), 56-86.

[3] Herbert Vorgrimler, *Sacramental Theology* (Collegeville, Minn.: The Liturgical Press, 1992).

[4] Gisbert Greshake, *The Meaning of Christian Priesthood* (Westminster, Md.: Christian Classics, 1989), 108-11.

[5] See Edward Schillebeeckx, *Ministry' A Case For Change* (London: SCM Press, 1981), 60-65, 72; but already much earlier, he had reduced the character to a relation to the community in *Christ the Sacrament of the Encounter with God* (New York: Sheed and Ward, 1963), 157-58; Joseph Moingt, "Nature du sacerdoce ministeriel," *Recherches des sciences religieuses* 58 (1970): 257-58; Vorgrimler, *Sacramental Theology*, 267. See Galot's summary of Schoonenberg, Schillebeeckx, et al. in *Theology of the Priesthood*, 195-96.

undertaken by all the baptized, and next to the question of women and orders.

There is, however, a need to thfok out what we should say about the character of episcopal orders relative to the three *munera.* First, the council by no means sorted this out.[6] Second, it needs to be worked out, if (1) the assertion that orders imparts a character is true; (2) the character is not reduced to a Catholic version of Congregationalist designation of ministers; (3) teaching and ruling, if rightly united with, are importantly different from, sanctifying; and (4) we want a theology whose tradition is a matter of continuity as well as of innovation.

This paper pursues a theology in continuity with what St. Thomas taught about the character of orders. Granted his understanding of the character as a power, an instrumental power relative to Christ, the principal agent of sacramental action, how shall we think about it in relation to all the *munera?* If there are still good reasons for thinking it a power, and not a habit or relation, then it will be hard to identify it with all the *munera.* Again, how shall we think about it today when, because of the liturgical and other data, we make the episcopate the primary instance of orders, episcopal consecration the primary instance of ordination, episcopal function the primary instance of sacerdotal function, the episcopal character the primary instance of the character imparted by orders?

In what follows, the first section is an assembly of necessary materials from the liturgy, sacramental theory, and ecclesiastical practice. The second section sorts out what ordination does and does not give for the discharge of episcopal teaching and ruling. The study concludes, first, that if character be the permanent effect of ordination, it consists exclusively in sacramental power.

[6] Joseph Ucuyer, "L'Episcopato come Sacramento," in *La Chiesa del Vaticano II,* ed. G. Barailna (Florence: Vallecchi Editore, 1965), 729-30, says that beyond asserting the existence of the character, "ii Concilio non precisa altro, lasciando ai teologi la cura di dillucidare la natura di questa grazia episcopale e di questo carattere, come pure i rapporti fra l'uno e l'altro." Giuseppi Rambaldi, "Note sul sacerdozio e sul sacramento dell'Ordine nella Cost. *Lumen Gentium," Gregorianum* 47 (1966): 527-38, makes the same observation. Galot, on the other hand, *Theology of Priesthood,* 208-9, speaks as if the council did indeed understand the character as the foundation of all three *munera.*

Second, however, the power to ordain can itself be counted as part of the capacity to rule. Third, the sacrament gives grace to teach and rule, such as can be thought of after the pattern of the gifts of the Holy Spirit. And like the gifts of the Holy Spirit, the gifts for teaching and ruling are lost with the loss of charity.

I. ASSEMBLING THE ELEMENTS: MINISTRIES, POWERS, CHARACTER, *MUNERA*

The following is an assembly of materials needed for a construction of the notion of episcopal character. We begin with the witness of the ancient liturgy to what a bishop is and what the rite of ordination does before proceeding to the sacramental theology of the twelfth century and beyond.

A) The Effect of Episcopal Ordination according to the Liturgy

(1) The Second Vatican Council styles the episcopacy the fullness of the sacrament of orders *(Lumen gentium* 21). The earliest language about Church offices, as well as the first records of the liturgy, supports the teaching that episcopal consecration is the primary instance of orders, that episcopal orders are logically prior to presbyteral orders.

First, the New Testament uses *"episcopus"* and *"presbyterus"* seemingly interchangeably. This is a sign of the nondistinction of such ministries within the New Testament and argues for a later, ecclesiastical institution of the distinction.

Then, too, the facts of the postapostolic but still ancient nomenclature are important. In the first centuries, a *"sacerdos"* simply and unqualifiedly speaking was a bishop; a priest-presbyter was a "priest of the second rank." This indicates at the least that the primary instance of priesthood is to be found in bishops. That is, we see its full nature there, and so see its nature there more easily than we do in priests.[7]

[7] Ryan, "Episcopal Consecration," 315-16.

Third, and most especially, the liturgical evidence is overwhelming: bishops are ordained to be priests; presbyters are ordained to be helpers to the bishop; they are the elders of Numbers 11 relative to the bishop whom the ancient liturgies saw figured in Moses.[8] Whatever priest-presbyters do, therefore, is auxiliary to what bishops do, a sort of lesser version of what bishops do.[9]

(2) To say that the episcopacy is the fullness of orders is, among other things, to say immediately that it installs a man in an *ordo;* it aggregates a man to the episcopal order. This can be read off from the very surface of the rite, whereby from the ancient practice of the Church it is prescribed that there be at least three ordaining bishops. Episcopal consecration is signified as a collegiate act and, just so, it makes someone a member of the college of bishops.[10]

(3) Not for nothing does *Lumen gentium* speak of apostles before it speaks of bishops. The point of the rite can be expressed more fully by saying, first, that it is the act whereby the college that succeeds to the apostolic college is maintained. The rite is an instrument of apostolic succession in the Church, guaranteeing that there will be exercised in the Church those apostolic functions without which the Church cannot be the Church as it was founded by Christ. The most ancient witnesses to the Church's liturgy refer the episcopacy to apostolic power or function.[11] Apostolic functions, however, are in the first place the functions of Christ, and so we can say, second, that the rite constitutes a man as a representative of Christ, an image of Christ, a sacrament of Christ as Priest, Prophet, and King, as someone through whom Christ can continue to sanctify, instruct, and guide the People of God.[12]

[8] Antonio Santantoni, *L'OrdinazioneEpiscopate,*Analecta Liturgica 2 (Rome: Editrice AnseJmiana, 1976), 214-15.

[9] Ryan, "Episcopal Consecration," 309-12.

[10] Ibid., 306. Cf. Moingt, "Nature du sacerdoce ministfrieJ," 257-58.

[11] Canons Regular of Mondaye, "L' d'apres Jes prieres d'ordination," in *L 'Episcopat et l'Egliseuniverse/le,*ed. Yves Congar and B.-D. Dupuy (Paris: Cerf, 1962), 749-52.

[12] See here Othmar Perler, representant du Christ selon Jes documents des premiers siedes," in *L 'Episcopatet l'Egliseuniverse/le,*31-66, for a review of the patristic and liturgical evidence.

(4) According to the ancient prayers of consecration, the rite-the imposition of hands-confers the Holy Spirit, gifts of the Spirit, power, grace, authority, holiness, episcopal virtues, the episcopacy.[13] There is no point here in doing once again what has been done many times in the past decades, and undertake a comprehensive review of the liturgical data.[14] It will be enough to note material from the *Apostolic Tradition* (AT), the *Canons of Hippolytus* (CH), the *Apostolic Constitutions* (AC), the *Tfstamentum Domini* (TD), and the *Sacramentary of Sarapion* (SS).[15] Ordination gives the power of the "princely spirit" for rule (AT, AC, TD), so that tlte bishop may be shepherd (AT, CH, AC, TD, SS). It gives the spirit of high-priesthood (AT), the fellowship of the Spirit (AC), which means the power to forgive sins (AT, CH, AC), to ordain (AT, AC), to loose the bonds of Satan and to cure (AT, CH, AC, TD). It gives Christ's Spirit so that the man may keep sound doctrine (TD), as well as understanding and wisdom (TD). It gives holiness (CH) and the virtues of humility, discipline, maturity, understanding, and more (TD). It confers the wherewithal to do the things the bishop is ordained to do: sanctify, teach, rule.[16]

Of course, one text emphasizes one thing and another text another. The *Apostolic Tradition* focuses on ruling (shepherding) and priestly functions. The *Testamentum Domini* brings teaching to the fore. Nor are distinctions made between these various gifts as to their kind or quality or nature. All the things make part of "episcopacy," of the "high-priesthood."

[13] Also, ordinations to the episcopate *per saltum* attest to the sacramentality of episcopal ordination; see Ryan, "Episcopal Consecration," 313; or J. Lecuyer, "Orientations pr6sentes sur la theologie de l'episcopat," in *L'Episcopatet l'Egliseuniverse/le,*786.

[14] See notes 6 and 11; also, Joseph Lecuyer, *Le sacrement de /'ordination: Recherche historiqueet theologique* (Paris: Beauchesne, 1983); Paul Bradshaw, *Ordination Rites of the Ancient Churches of &st and West* (New York: Pueblo, 1990); and, very succinctly, Ryan, "Episcopal Consecration."

[15] All are conveniently assembled in Bradshaw, *Ordination rutes.*

[16] Santantoni, *L'Ordinazione,*216. See also *Ucuyer, Lesacrementde I'ordination,*211-24, for testimony both liturgical and patristic that the rite confers the Holy Spirit, the gifts of the Spirit, grace.

B) A Permanent Effect

In the first centuries, moreover, this charism, grace, gift, broadly understood to include whatever the bishop needs from God to be bishop, is also supposed in some way or fashion to be permanent, in spite of infidelity or sin, irregular ordination, deposition, or incapacity to function.[17]

The abiding charism of orders is recognized by St. Augustine. In the twelfth century, within a synoptic consideration of the rites of the Church, the permanent effect of orders comes to be called a "character."[18] The word St. Augustine had already used for the "abiding sacrament" of baptism is now used for the abiding sacrament of orders.[19] Furthermore, when the distinctions worked out for the sacrament of the Eucharist are applied generally to all the sacraments, the character is identified as the *res et sacramentum* of orders.[20] So, the character is a disposition to grace.[21] Further, it is a configuration to Christ the priest.[22] Saint Thomas brings a certain closure to the developing theology of priestly character by conceiving it as a power. Before St. Thomas, however, we must say a word about jurisdiction and orders.

C) "Potestas Jurisdictionis, Potestas Ordinis"

Also from the twelfth century, it has been customary to distinguish *potestas ordinis* from jurisdiction. In Gratian, there appears the distinction of the right to ordain from the power to

[17] Lecuyer, *Le sacrement,* 235-47.

[18] This was done by Sicard of Cremona; see Jean Galot, *La nature du caractere sacramentel: Etude de tbeologie medieval* (Brussels:Descll!ede Brouwer, 1957), 45 no. 2.

[19] For this felicitous terminology, see Colman E. O'Neill, *Sacramental Realism: A General Theory of the Sacraments* (Chicago: Midwest Theological Forum, 1998), 128-38.

[20] This was done by Hugh of St. Cher; see Galot, *La nature du caractere sacramentel,* 86-92.

[21] William of Auxerre takes it to be a material disposition for grace; see Galot, *La nature du caractere sacramentel,* 74-75. St. Thomas *(STh* III, q. 69, a. 10) makes it a formal disposition.

[22] This is the view of Philip the Chancellor, who will be followed by St. Albert, St. Bonaventure, and St. Thomas; see Galot, *La nature,* 115-20, 147-48, 159-61.

ordain, as well as the distinction between the exercise of a power and the bare possession of a power. [23] It is the growing prevalence of ..absolute ordinations" that fosters the awareness of a difference between sacramental power and ruling power. [24] Originally, a man was ordained bishop or priest only to a determinate office, the discharge of which meant that the man was ruler over and judge for some part of the Church. The ordination functioned also as the man's very installation in the office. When men were ordained without being destined for a determinate office (so, "absolutely"), however, such installation was arranged by juridical act and only so did the man possess "jurisdiction," the right to rule and judge. Once this arrangement was in place, the question could be asked: what does ordination all by itself do, what aU by itself does it give, prior to installation in an office? The answer to the question was *"potestas ordinis."* Raymond of Penyafort (t1271) completes the conceptual work by collecting in the power of orders all the acts that depend on the power given with the sacrament and conceiving all other hierarchical acts whatsoever as acts of ..jurisdiction. *"*[25]

This analysis can be found substantially unchanged for the next seven centuries. *Potestas ordinis* is given by sacrament, is for sacramental action, makes a man an instrument of Christ in such sacramental action, is stable and cannot be lost. Jurisdiction involves simple assignment (assignment of one's subjects) as by the instrument of the *missio canonica,* it is for ruling, it makes a man a vicar of Christ in teaching and ruling, and it is not stable in the same way *potestas ordinis* is and can be lost. [26]

[23] Lecuyer, *Le sacrement,* 248, 252

[24] Bertrams, *The Papacy,the Episcopacy,and Collegiality,*49-54; for other factors, see the more complete history in Eugenio Corecco, "L'origine de! potere di giurisdizione episcopale: Aspetti storico-giuridid e metadologico-sistematici della questione," *La scuola cattolica* 96 (1968): 3-42, 107-41, esp. 6-10.

[25] Corecco, "L'origine," 10.

[26] See the contrast in Joumet, *Church of the Word Incarnate,* 1:23-24. The coordination of episcopal activity evidently requires regularization of jurisdiction. The coordination ensured in the early Church on a provincial level by the metropolitan, a coordination provided for from the beginning by the very form of the ordination as effected by three ordaining bishops, is now formally and expressly arranged by the primate of the episcopal college. According to Bertrams, *The Papacy,* 77-78, this coordination was always a primatial right (for apart from

The subsequent separation of the powers both conceptually and in practice has been often lamented, but the fact of separation indicates a real distinction, not only of functions, but of what enables the functions to take place. Even if with Klaus Morsdorf one wants spiritual power to be something fundamentally one and only subsequently divided, the division is such that the powers can be separated.[27]

D) St. Thomas

St. Thomas makes use of both the previous theology of character and of the distinction of orders and jurisdiction in thinking about ecclesiastical order.

For St. Thomas, the character is the objective deputation of a man to the Christian cult; baptismal character enables reception of the sacraments, and sacerdotal character enables confection of the sacraments.[28] Like grace, the character is given by the rite independently of the worthiness of the minister, and it is what enables the minister, even unworthy, to be used by Christ, who sanctifies through the sacraments the minister confects. Sacerdotal character is thus an active, though instrumental, power, what is called *potestas ordinis.* Moreover, it is the primary instance of character in comparison to the character of baptism, for if both are powers, the power of baptism is more passive than the power of orders.[29] Again, character is configuration to Christ, to Christ the priest.[30] Having it, a man is a ministerial priest, fitted to be an

this right, the Pope's universal and ordinary episcopal jurisdiction cannot be asserted); now it is formally exercised as such.

[27] See Klaus Morsdorf, "Ecclesiastical Authority" in *Sacramentum Mundi* (New York: Herder, 1968), 2:135-37.

[28] *STh* III, q. 63, aa. 2-3. In addition to Galot, *La nature,* 171-197, see especially Colman O'Neill, "The Instrumentality of the Sacramental Character," *Irish Theological Quarterly* 25 (1958): 262-68.

[29] Galot, *La nature,* 179-81; see *STh* III, q. 63, a. 2.

[30] *STh* III, q. 63, a. 3. It could be said, perhaps, that the configuration of the ministerial priest is, as such, a greater participation in the priesthood of Christ insofar as priesthood bespeaks action on behalf of others.

instrument of Christ the Priest and to act in the person of Christ.[31] Lastj character is a disposition for grace.[32]

The character is a configuration to Christ, as mentioned, and this already bespeaks its quality as a sign. It is thus easy to understand that St. Thomas keeps the idea that the character is the *res et sacramentum* of the sacraments that imprint it, and so a sign of the grace that ordination gives the ordained.[33] Such grace is fittingly given so that a man may perform with subjective holiness the worship to which he is deputed by the sacrament.[34]

When in the *Commentary on the Sentences* St. Thomas discusses episcopal consecration, he denies that it imprints a character.[35] He does this, however, not because it does not have a permanent effect, but because the effect it has does not, he says, mean a new relation to the Eucharist, and "characters" are numbered and distinguished by just such a relation.[36] What is the effect of episcopal consecration in addition to that of presbyteral ordination? It is, he says, a relation to, a power with respect to, the Church. It is understandable in view of later terminology that some have identified this power with jurisdiction. The Roman Catechism of 1566 identifies jurisdiction with power relative to the mystical body of Christ, the Church.[37] The power St. Thomas is speaking of, however, is or at least indudes the power to ordain. Jurisdiction, furthermore, is given *simplice injunctione* and is revocable;[38] the power over the Church St. Thomas is speaking of is given by the sacrament of orders and cannot be

[31] For consecration of the Eucharist in the person of Christ, in common with simple priests, see *STh* III, q. 82, aa. 1 and 5. For power relative to the Church exercised by the bishop in the person of Christ and in virtue of the effect of his consecration (what we would call episcopal "character" even though St. Thomas does not), see *STh* m, q. 82, a. 1, ad 4.

[32] *STh* m, q. 63, a. 4, ad 1.

[33] *STh* m, q. 63, a. 3, ad 2.

[34] *STh* HI, q. 63, a. 4, ad 1.

[35] IV *Sent.*, d. 24, q. 3, a. 2, sol. 2, ad 2 (= *STh* suppl. q. 40, a. 5, ad 2).

[36] For discussion of this point, see H. Bouesse, "Le caractere episcopal," in *L'Evequedans l'Eglise du Christ*, ed. H. Bouesse (Brussels: Desclee de Brouwer, 1963), 363-65.

[37] *Roman Catechism*, p. 2, ch. 7, q. 6.

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

lost.[39] Moreover, it is by possession of this power that the bishop rules *in persona Christi.*[40]

One readily sees the point, however, of calling the power to ordain a power over the Church: to ordain is to make ministers; ministers are for the service of churches; one would not suitably ordain unless there were reason to ordain, therefore, and ordinarily, such reason would be the supply of suitable ministers to a determinate service, a determinate portion of a bishop's flock. This means that the one ordaining should ordinarily be expected to have administrative power over the church in question. Episcopal ordination gives this expectation; if it does not give jurisdiction according to St. Thomas, the sacramental power it does give can be thought of as itself a basic power of ruling. What is given, to be sure, as it were calls for jurisdiction and makes it suitable that one so ordained have jurisdiction. As E. Corecco says:

> This power, however, is not identified with that of jurisdiction, because jurisdiction can be taken away, while the power of the bishop to confer the priesthood and confirmation is never lost. It is a power of ruling that has as its duties those specific to the head of a society of Christians, for example that of conferring tasks and offices, of pasturing the People of God, of defending the People from errors. This kind of power is not something more or less than what priests also have; it is a power of a different kind that can be communicated to priests through delegation. [41]

[39] IV *Sent.*, d. 25, q. 1, a. 2, sol. and ad 2 (= *Sfh* suppl., q. 38, a. 2, c. and ad 2). See for this important point Joseph Lecuyer, "Les etapes de l'enseignement thomiste sur l'episcopat," *Revue thomiste* 57 (1957): 33, 51.

[40] *Sfh* III, q. 82, a. 1, ad 4. This is the broader usage of that notion in St. Thomas, which does not require quoting the very words of Jesus, as in the consecration at Mass *(Sfh* III, q. 78, a. 1). See Bernard Dominique Marliangeas, *Gies pour une theologie du ministere: In fJerSonaChristi, in fJerSonaecclesiae,* Theologie historique 51, preface de Y. M. Congar (Paris: Beauchesne, 1978).

[41] Corecco, "L'origine," 12 no. 43: "Questo potere pero non si identifica con quello di giurisdizione, perche quest'ultimo puo essere tolto, mentre ii potere del vescovo di conferire ii sacerdozio e la cresima non va mai perso. E un potere di reggenza che ha come compiti quelli specifici de! capo di una societa di fedelli, per esempio quello di conferire incariche e uffici, di pascere ii Popolo di Dio, di difenderlo dagli errori. Questo tipo di potere non e un piu or un meno di quello che hanno anchi i sacerdoti; e un potere di natura diversa che puo essere communicato ai preti per delegazione."

According to Lecuyer, for St. Thomas bishops are ordered in the first place to govern the people of God; for this reason, moreover, their chief task is to Their consecration by the imposition of hands gives them the wherewithal, not just to ordain in the narrowest sacramental sense (which it certainly does also do, and as a stable power that simple priests do not possess), but to rule. It is as if the power to ordain just is or is part of the power to rule.[43]

So interpreted, it is to be noted that St. Thomas's position is perfectly congruent with the liturgical evidence cited above, according to which episcopal ordination enables the discharge of all episcopal functions. It might also seem that this view of St. Thomas's position supports such authorities as Gallot, who wish to see in the character all the *munera.* We will see in the last part of this paper, however, that things must be more complicated.

E) Some Post-Thomist Positions and Complications

Not every position claiming the authority of St. Thomas can be said to be congruent with the liturgical evidence. The unity of the Church requires a coordinated and therefore unified jurisdiction, and the papal primacy entails the location of supreme jurisdiction in the Roman Pontiff. The Pope's primacy, moreover, could find no stronger foundation than the supposition that he is the source of all ruling authority, of all jurisdiction in the Church. That means that episcopal consecration can give no jurisdiction. Further, if there is no *potestas ordinis* that consecration gives since, after all, it imprints no character, and if there is no power of ruling not to be identified with the power of jurisdiction, then

[42] Ucuyer, "Les etapes de l'enseignement thomiste sur l'episcopat," 51.

[43] Thomas Marsh, "The Sacramental Character," in *Sacraments: Papers of the Maynooth Union Summer School 1963,* ed. Denis O'Callaghan (Dublin: Gill & Son, 1964), 126, thinks that according to the *Commentary on the Sentences* "the sacramental character confers an instrumental power *to* perform sacramental acts and also other sacred actions which pertain to the faithful," ones of the regal and prophetic order, and in this differs from the *Summa,* which restricts character to founding sacramental acts. It seems better *to* follow Ucuyer and Corecco and take the power *to* rule in question as not really distinguished from sacramental power.

the difference between bishop and priest reduces to the jurisdiction granted to the former, and the very institution of the episcopacy, as distinct from a simple priesthood, becomes an ecclesiastical, human institution. Such, roughly, is the position of John of Torquemada in the 15th century, Thomas da Vio Cardinal Cajetan in the 16th, and Diego Laynez, the Minister General of the Jesuits, at the Council of Trent.[44]

This position seems to be reinforced by the papal concession to ordain granted to certain abbots in the 15th century. Innocent VIII (1489) granted to certain Cistercian Abbots the faculty to ordain subdeacons and deacons. Even more strikingly, Boniface IX (1400) granted to the Abbot of St. Osyth in Essex the faculty to ordain priests.[45] St. Thomas did not think such a thing possible.[46] Evidently, Popes Boniface and Innocent did. Such ordinations seemed to make the bishop's sacramental difference from priests, his difference in *potestasordinis,* hang by the very slender thread that no one except bishops could ordain bishops. But if a bishop really is nothing but a priest with a diocesan jurisdiction, why could a priest not in principle ordain one destined for such an office?

If at first these concessions of the faculty to ordain meant that bishops were seen as priests with the addition of jurisdiction over a diocese, they can just as easily mean that priests are diminished bishops. And this is how Yves Congar interpreted the upshot of the data. The distinction between bishops and priests is not of divine, but only of ecclesiastical institution.[47] What is divinely instituted, dominically instituted, is the episcopacy-an office of apostolic ministry succeeding the apostles. It is this ministry,

[44] Corecco, "L'origine," 16-24. Torquemada, for his part, nevertheless holds to the divine institution of the episcopate, *Summa de &clesia* (Venice, 1561), I, c. 79. It is still possible to find authors who impute the position that bishops differ from priests only by jurisdiction to St. Thomas; Seamus Ryan suggests this in "Episcopal Consecration," 324. See to the contrary Ucuyer, "Les etapes de l'enseignement thomiste sur l'episcopat."

[45] For discussion of these concessions and their import, see Yves Congar, "Faits, problemes et reflexions apropos du pouvoir d'ordre et des rapports entre le presbyterat et l'episcopat," in *Sainte Eglise: Etudes et approches ecclesiologiques* (Paris: Cerf, 1963), 275-302.

[46] IV *Sent.*, d. 25, q. 1, a. 1, ad 3 (= *STh* suppl., q. 38, a. 1, ad 3).

[47] Congar, "Faits, problemes et reflexions," 294.

therefore, this ministry in its fullness, that we should think to be contemplating when we read the New Testament and consider the mystery of the Church. We must first make sense of the bishop before we make sense of the priest. It was precisely this kind of thinking, already in the 1930s, that helped lead to the council's assertion of the sacramentality of the episcopacy, and of the episcopacy as the fullness of orders, and so, by implication, the primary analogate, as it were, of ministerial priesthood. In order to understand priesthood, we should look at episcopacy. This means we have to start thinking of priests as diminished bishops, and not of bishops as priests with something extra added on.[48]

We are, therefore, almost at the point where all the elements constituent in the council's challenge have been marshaledo There is but one more.

F) "Munera"

From the nineteenth century, it has been customary to distinguish three *munera,* sanctifying and teaching and ruling. These functions are verified first in Christ, Priest and Prophet and King (Shepherd); they are shared in in some way by the Church as such and everyone in the Church; they were devolved authoritatively and "'officially" first to the apostles and thence to the bishops.[49]

Conforrnably to the liturgical evidence, we will say that ordination gives all three *munera.* It gives not only *potestas ordinis,* but the radical capacity to teach and rule as well. This is what *Lumen gentium* and the "Nota praevia explicativa" to

[48] For the maintenance of the old position in a new context, see George Tavard, *A Theology for Ministry* (Wilmington, Del.: Michael Glazier, 1983), 88, 132, who takes the implication the other way: priesthood is primary; bishops are inessential to the Church; presbyteral ordination is not ordination to a share in the bishop's power.

[49] For the history of the introduction of this division into Catholic theology, see Yves Congar's translation of the first chapter of Josef Fuch's dissertation, uOrigines d'une trilogie ecdesiologique a l'epoque rationaliste de la theologie," *Recherches de sciences religieuses* 53 (1969): 186-211; see also Peter J. Drilling, "The Priest, Prophet and King Trilogy: Elements of its Meaning in *Lumen Gentium* and for Today," *Eglise et Theologie* 19 (1988): 179-206; and Vaillancourt, uLe sacerdoce et Jes trois pouvoirs."

Lumen gentium both say. However, by its nature, as the "Nota" also indicates, the discharge of these *munera* involves one's relations with the rest of the college and so with the primate of the college. Therefore, if ordination confers the radical capacity to rule, then there can be no *exercise* of this power prior to the reception of the canonical mission.[50]

Remembering the liturgical evidence, and given the teaching of the council, therefore, ought we not say that the character of episcopal orders just in itself includes all three *munera?* That is, as we used to identify it with *potestas ordinis,* shall we say now that it also comprises a power of ruling and a power of teaching distinct from *potestas ordinis?* This is what Galot does, and thinks the council mandates it.[51] However, it is clear from the key sentences of *Lumen gentium* and the "Nota praevia explicativa" that no such conclusion follows. All paragraph 21 says is that from the liturgy and use of the Church it is evident that by ordination "gratiam Spiritus Sancti ita conferri et sacrum characterem ita imprimi, ut Episcopi ... ipsius Christi Magistri, Pastoris et Pontificis partes sustineant et in Eius persona agant." Thus, becoming fit to rule, teach, and sanctify in Christ's name is a function of both grace and the character, and not the character exclusively. Moreover, the "ontological share" in the *munera* given by episcopal ordination that the second paragraph of the "Nota" speaks of is not identified by that text as "character." Grace, too, is something "ontological."[52]

How then should *munus* be translated? We can say "task, function, office." Can we say "power"? The "Nota" explains that

[50] See Bertrams, *The Papacy,* 62, for whom ordination gives the "substance" of the power to govern, which power is jurisdiction and which power is inefficacious apart from the "requisite external structure" given by the mission; and Morsdorf, "Ecclesiastical Authority," 138-39, for whom ordination gives a "kernel" of sacred power as the basis of the bishop's power to govern, which kernel or *Grundbestand* is not strictly speaking jurisdiction. This position should be linked up with that of G. V. Bolgeni in the eighteenth century, for which episcopal consecration gives a sort of general and universal jurisdiction in virtue of which each bishop rightfully has active voice in a general council. See Lecuyer, "Orientations presentes," 809-10; and Corecco, "L'origine," 29-32.

[51] Galot, *Theology of Priesthood,* 208-9.

[52] Nor does the *Catechism of the Catholic Church,* nos. 1581-82, draw the relation of priestly character to the three *munera* any more tightly.

munus is used in place of *potestas* only in order to avoid the implication that we are speaking of powers *ad actum expeditis-powers* proximate to act, needing nothing more to be exercised. So, the *munus regendi* is a power; but as conferred by ordination, without the canonical mission, there is no exercise of it. Further, if one wants to say that jurisdiction just means a power *ad actum expedita*, then ordination does not give it, and the *munus regendi*, which is given by ordination, is not jurisdiction. If one wants with W. Bertrams to distinguish jurisdiction as to its substance and its exercise, one can say that ordination gives the first but not the second. To speak in the first way lets us keep the analysis of jurisdiction according as it does not exist without a relation to subordinates. [53]

So, *Lumen gentium* indicates that ordination confers the three *munera*. It associates them with the character at paragraph 21. Strictly, however, there is no identification of the *munera* of teaching and ruling with the character. The "'Nota praevia explicativa" speaks of an ontological share in the *munera*. Neither does this of itself require identification of all three *munera* with the character.

II. EPISCOPAL CHARACTER AND EPISCOPAL *MUNERA*

Supposing therefore that episcopal ordination gives an "ontological participation" in the three *munera*, and supposing at the same time that the permanent effect analogous to "character" imparted by episcopal ordination is what St. Thomas said it was-hereafter simply "'character"-and supposing as well that the character configures to Christ, as both St. Thomas and the council say, how should we think about what ordination effects relative to the *munera?*

The argument that on St. Thomas's position episcopal ordination ought to be understood to give all three *munera*, all

[53] See Torquemada, *Summa de Ecclesia*, ll, c. *56*, ratio 8. Cf. Morsdorf:, "Ecclesiastical Authority," 139: "To suppose that the power of jurisdiction is substantially conferred by ordination but still requires an essential element from outside [as with Wm. Berttams], only postpones the problem."

three powers, and that all of them are ineradicable in the same sense as the character as traditionally conceived, and that therefore for all intents and purposes the character includes them, could be made as follows.

In several places, St. Thomas gives us to understand that episcopal power for ruling, the bishop's power over the *corpus Christi mysticum,* just is his power to confirm and ordain, what we would identify as belonging to the bishop's *potestas ordinis.*[54] Further, St. Thomas says we may speak of orders as a sacrament (and so as related to the Eucharist) or as directed to hierarchical actions.[55] But just as the action of confecting the Eucharist depends on a power that cannot be lost, so the hierarchical actions of confirming and ordaining depend on a power that cannot be lost,[56] and therefore also we may conclude that the power whence the hierarchical actions of ruling proceed also abides. The actions relative to either way of speaking of orders equally derive from a capacity bestowed by consecration. Among hierarchical actions belonging to the bishop, moreover, is the action of teaching.[57]

This argument slides from the actions of confirming and ordaining to other hierarchical actions of ruling, for which jurisdiction is required. This, however, is not the main problem. For we ought indeed to say that ordination gives the bishop the ontological basis of all his ministry, on the ground above explained that the power to ordain already and of itself is ordered to ruling a church.[58] Even so, a foundation is not a house, and

[54] *N Sent.,* d. 25, q. 1, a. 1, sol.(= *SI'h* suppl., q. 38, a. l); d. 24, q. 3, a. 2, sol. 1 and ad 3 (= *SI'h* suppl., q. 40, a. 4, c. and ad 3); *STh* Ill, q. 82, a. 1, ad 4; and *De perfectione vitae* 24.

[55] *N Sent.,* d. 24, q. 3, a. 2, sol. 2 (= *SI'h* suppl., q. 40, a. 5).

[56] *N Sent.,* d. 25, q. 1, a. 2, sol. and ad 2 (= *SI'h* suppl., q. 38, a. 2, c. and ad 2).

[57] *N Sent.,* d. 24, q. 2, a. 1, sol. 2 (= *SI'h* suppl., q. 37, a. 2); cf. *STh* Ill, q. 67, a. 2, ad 1.

[58] This is the understanding of St. Thomas that Lecuyer and Corecco give. This is the understanding as to the reality that Morsdorf gives, "Ecclesiastical Authority," 138: "I consider this kernel [of sacred power given by ordination] to be his personal episcopal character and above all the inalienable power which a bishop always has to confer valid holy orders."

there are several reasons why the *munera* of teaching and ruling ought not be identified with the character *tout court.*

A) Three Arguments for the Non-Identity of Character and the .Munera"

(1) First, recaU that St. Thomas styles the character a power and not a habit because it can be used either well or badly, while a habit, if good, can be used only well.[59] The reason for saying this is very simple, a point to be read off from the experience of the Church: a bishop may ordain for either a good or bad end, a wise or foolish purpose, but in either case, he ordains, and insofar as we consider the effect of ordination just in itself, he does not ordain one man better or more perfectly than he does another. Strictly, we should say: Christ, through the bishop, does not ordain one man better or more perfectly than another. On the other hand, the bishop teaches more or less effectively, and rules more or less prudently according as the relevant virtues-habits-are weakly or strongly present. These activities, therefore, teaching and ruling, seem to spring immediately from habits and remotely from powers, while the act of ordaining just in itself and abstracting from the conditions of the act springs immediately from a power.

If the character of St. Thomas were a habit, then it would be easier to include the other *munera* in it.[60] But if it is not, then they cannot be simply tacked on, so to speak, to what he was intending when he spoke of the character imparted by orders. Again, if the character were purely relational, it would be no problem to include some other relations in the group, as it were.[61]

(2) Another but not unrelated reason for denying the identity is that it seems wise to conceive Christ's relation to episcopal function variously and not univocally. This is not to gainsay the

[59] *STh* m, q. 63, a. 2, sc.

[60] Du.lies, *Priestly Office,* 73-74, makes the character a habit, and therefore includes the other *munera* in it without conceptual problem.

[61] This is what we find in Schillebeeckx, *Christ,* 170; and Moingt, "Nature du sacerdoce ministeriel," 265, 268.

fact that the liturgical and patristic evidence Lecuyer gathers enables us to say that Christ rules and teaches and sanctifies through the bishop, and that the bishop acts in Christ's person in all these ways.[62] But if we say He preaches and sanctifies and rules through the bishop, this "'through" contains several relationships, concealing their differences, for the relation of Christ to episcopal sanctifying is not the same as his relation to episcopal teaching and ruling.

Christ is the principal agent of the sacraments. The action of baptizing is his action. The action of confecting the Eucharist is his action. The action of ordaining is his action. However, while the content of the bishop's preaching is Christ and is received from Christ, and so we can say we hear Christ in the bishop, the very action of preaching is not Christ's, but rather the bishop's. The bishop acts at the behest of and as representing Christ; he is acting vicariaHy; he is acting in the place of Christ. But in the sacraments, he is not in the place of Christ. Christ's place cannot really be taken in the same way in the sacraments as in preaching.[63]

A sign that preaching is the bishop's action, and not Christ's, is that the bishop can be mistaken as to what is to be said, and so obscure the reality to be displayed. There are no mistakes in that way in the sacramental action, however, and the reason is that the action is principally Christ's, and only instrumentally the minister's. Just so and in the extreme, a bishop can become a heretic, and yet retain the power to ordain.[64]

So also, the end to which the ruling of the bishop is directed is Christ, and he undertakes so to direct the flock at the behest of and the place of Christ. But the action of ruling (legislating,

[62] Lecuyer, "L'Episcopato," 714, 731; Drilling, "Priest, Prophet and King Trilogy," 187, reports that the 1963 schema of the Constitution on the Church spoke of Christ as the "principal agent" in all three episcopal functions; and *Lumen gentium* 21 speaks of the bishop acting in the person of Christ in all three functions without distinction.

[63] Joumet, *Church of the Word Incarnate*, 1:124-26, reaches here for the distinction of instrument and secondary principal cause, as does also Jerome Hamer, *The Church Is a Communion* (London: Geoffrey Chapman, 1964), 120. The appeal is to John of St. Thomas.

[64] IV *Sent.*, cl. 25, q. 1, a. 2, sol.(= *ST'h* suppl., q. 38, a. 2).

judging, administering) remains the bishop's in the same way as does the action of preaching.

(3) As noted above in the assembly of elements where St. Thomas was treated, there is a point to saying that the power to ordain is, or caHs for, the power to rule. Insofar as it *is* that power, then of course ordination will be said to confer it, and this is just the understanding of St. Thomas given by Lecuyer and Corecco, above, and the understanding of the reality offered by Morsdorf. There is reason to say, however, that while the power to rule may indude or depend on the power to ordain, it is not simply to be identified with it.

For one thing, ruling springs from habits and dispositions that depend on acquired knowledge, the knowledge of faith, prudence acquired and infused, and, as we shall see, the gifts of the Holy Spirit. Preaching, also, is more complexly founded than the instrumental power that makes a man an instrument of Christ in the sacraments.

Further, St Thomas was perfectly aware of this complexity. As mentioned, ruling and teaching both require knowledge. So, according to *Summa Theologiae* H-H, q. 185, a. 3, only one who is already able to instruct and govern others is to be ordained bishop. Again, while not much knowledge is required to say Mass, those who are placed over others, both in respect of hearing confessions and as episcopal rulers, are to have the requisite knowledge before ordination. [65] Earlier, St. Thomas had noted that ordination does not drive out ignorance in the one ordained, but is ordered to driving out ignorance in those the ordained minister to.[66]

And again, such knowledge, as it is installed before and independently of ordination, can be corrupted and lost after ordination, as the heresy of prelates shows. But the character, *potestas ordinis* narrowly understood, is given only with ordination and is indelible.

[65] IV *Sent.,* d. 24, q. 1, a. 3, sol. 2 and ad 1 suppl., q. 36, a. 2, c and ad 1).
[66] IV *Sent.,* d. 24, q. 1, a. 2, qla. 1, ad 1 (= *STh* suppl., q. 35, a. 1, ad 1).

B) The Root of the Difference: Doing and Displaying

The three matters just mentioned· point to a fundamental difference between orders on the one hand and teaching and ruling on the other whence all the others follow. It is the difference between *doing* something, and *displaying* something by way of saying how something is. With Morsdorf, we are founding the distinction of jurisdiction or ruling and the power of orders in the prior distinction of word and sacrament. However, these are not just two forms of "communication," or "'revelation," though they are that. The word, and notwithstanding the Biblical and "Hebrew" concept of the effective divine word, is first of all simply a matter of displaying reality. This is true even in the word of command; when God commands, he displays something as a "to be done," a "to be chosen as good."[67] Sacraments, on the other hand, while they change things by displaying something, really do change things in a way displaying reality does not. In the sacrament, God acts to forgive sins, give the Holy Spirit, give created grace, give a character, change bread and wine into the body of Christ, etc. He does this, however, through an instrument, namely, the minister of the sacrament, who is able to be a minister because he has an instrumental efficient power given him in order to make him the fit instrument of such action that in itself only God himself is competent for.[68]

On the other hand, teaching and ruling, while they are not entirely the same, are nonetheless both displays. They both show how things are. Authoritative teaching addresses the speculative intellect of one's subjects, and the exercise of jurisdiction in the sense of ruling addresses the practical intellect of one's subjects.[69] Teaching simply speaking displays something as what it is, as such and such, as distinct from another thing, and so on. Ruling, giving a command, is also a function of intellect, displaying something as "to be done."

[67] To command is an act of reason in *STh* I-H, q. 17, a. 1.

[68] *STh* HI, q. 82, a. 1.

[69] Joumet, *Church of the Word Incarnate,* 1:122, 338.

Because the main agent, the main doer, in the sacrament is the Lord, sacramental power escapes complete juridical control. Displaying, §aying how things are, on the other hand, is always simply to be measured by faithful contemplation of the Paschal Mystery, of the already given and revealed word. When the words of one prelate disagree with the words of the Church, this will be noted, and can itself be displayed so that no one be led astray.

Words can be repeated on the sole condition that they are understood, and so there is no necessary enabling of the messenger by way of giving him an instrumental efficient power to speak and repeat the word of God. A man understands the word of the Gospel so as to be able to teach given the real assent of faith and the "'charism of truth. "[70] The only other thing that is necessary for him to speak the word authoritatively, it seems, is that he be recognized as possessing that charism. This recognition constitutes him an authoritative messenger of the word, and is a matter of simple designation, of commissioning by way of the *missioo*

Something is not a instrument of efficient causality, however, unless the "'matter" of the instrument is fashioned in the right wayo Fashioning the instrument changes what is fashionedo The change remains unless the one who makes the change erases it, undoes it Here, the one making the change is the Lord, not the Church. Constitution of authoritative messengers, on the one hand, and fashioning of fit instruments, on the other, thus differ in their effects: the first is revocable; the second is not. One may not choose to use the instrument once fashioned, but it remains the instrument it has been fashioned to beo

Further, since it is the Lord who uses the man in the sacraments, the bishop always ordains or makes the Eucharist successfully. Since his teaching and ruling depend on his knowledge, his faith, his constant receptivity to the inspiration of grace, they are sometimes more and sometimes less successfoL

[70] See Louis Ligier, "Le *Charisma veritatis certum* des eveques: Ses attaches liturgiques, patristiques et bibliques," in *L'Homme devant Dieu. Melanges offerts au Pere Henri de Lubac* (Paris: Aubier, 1973), 1:247-68.

Of course, it is fitting that all three *munera* are discharged by the same man, since they call for one another: for the word of God authoritatively addressed to us is to repent, to seek baptism, to approach the table of the Lord, etc., as well as to believe in the Gospel and follow the commandments of love. One who authoritatively charges the faithful to live according to the commandments of love has the competence effectively to order, that is govern, the community so constituted by this love.

C) What Ordination Gives for Teaching and Ruling

We are now prepared to close on our question: What can ordination be thought to give relative to teaching and ruling?

First, it gives the *call* to teach and rule. That is, the charge to sanctify, the duty to sanctify, brings in its train the duty to teach those whom one is obliged to sanctify, and to provide for the good order of the community in which one does so. In other words, as William van Roo says, the character, understood as *potestas ordinis,* is a sort of deputation to ruling and teaching, even if such deputation is indeterminate (made determinate for a bishop by his integration into the college of bishops).

This answer, however, does not seem to give real force to the idea that ordination gives an "ontological share" in the three functions. Therefore, second, there is the "grace" of the sacrament. *As* William van Roo says, "The sacramental grace of orders perfects the one ordained who is suitably disposed unto the end of his whole function: sanctifying, ruling, teaching. Priestly holiness and a proper sacerdotal spirituality belong to his state and vocation, and are proportioned to his whole sacerdotal or episcopal function."[71] This sacramental grace can be understood especially as the gratuitous grace of the "word of wisdom and knowledge." It is this grace that is ordered to the public teaching

[71] William van Roo, *De Sacramentis in genere* (Rome: Gregorian University Press, 1960), 262: "Gratia sacramentalis ordinis perficit ordinatum apte dispositum ad finem totius muneris sui: sanctificandi, regendi, docendi. Sanctitas sacerdotalis, et spiritualitas sacerdotalis propria est statui et vocationi ejus, et proportionata est integro muneri ejus sacerdotali vel episcopali."

of prelates.[72] This grace, moreover, is really identical with the gifts of wisdom and knowledge, gifts of Holy Spirit, and differs from them only according as it bespeaks an especial fullness of the gifts.[73] So much for teaching. *Al>* to ruling, the gift of counsel also can be a gratuitous grace.[74] It is the gift associated with practical wisdom,[75] with prudence,[76] and so with governing. The gifts of the Holy Spirit, recall, render a man especially receptive to actual grace, to the promptings of the Holy Spirit[77]-here, the inspirations relative to teaching and instructing and being practically wise. Such gifts are better understood as habits rather than as powers,[78] and this in contrast to the character imprinted by orders.[79] Last, the gifts of the Holy Spirit can be lost, and are lost with the loss of charity.[80]

This understanding seems to indude everything we need. First, ordination gives the capacity to teach and rule in that it gives an especial and certainly fitting abundance of the relevant gifts of the Holy Spirit. Second, where we are not interested in strictly distinguishing habits from powers, we can call this capacity a power in the broad sense. Third, since the gifts are habits and bound up with charity, they can be lost; they are not as stable as is the character, where that is identified with *potestas ordinis.* Fourth, the knowledge and wisdom in question do not supply for the knowledge and wisdom acquired through study.

Note, then, what ordination supplies for ruling and teaching, and how it supplies it. For ruling, there is the power to ordain--character!-and the gift of counsel, part of the grace of the sacrament. To rule one also requires, doubtless, acquired knowledge and prudence, and the relevant infused virtues. For teaching, there are the gifts of knowledge and wisdom, which also

[72] *STh* IHI, q. 177, a. 2.
[73] *STh* I-II, q. 68, a. 5, ad 1; I-II, q. 111, a. 4, ad 4; II-ll, q. 45, a. 5, c and ad 2.
[74] *STh* U-II, q. 52, a. 1, ad 2.
[75] *STh* I-II, q. 68, a. 4.
[76] *STh* H-II, q. 52, a. 2.
[77] *!>;Th* I-II, q. 68, a. 1.
[78] *STh* I-H, q. 68, a. 3.
[79] *STh* III, q. 63, a. 2.
[80] *STh* HI, q. 68, a. 5.

do not obviate the need for acquired knowledge and the relevant infused virtues.

The above can be summarized apropos of an especially important text of St. Thomas. In *Summa Theologiae* III, q. 63, a. 3, ad 2, we read:

> The sacramental character is a *res* [thing] as regards the exterior sacrament [the *sacramentum tantum],* and a *sacramentum* in regard to the ultimate effect [grace, the *res tantum].* Consequently, something can be attributed to a character in two ways. First, if the character be considered as a sacrament: and thus it is a sign of the invisible grace which is conferred in the sacrament. Secondly, if it be considered as a character. And thus it is a sign conferring on a man a likeness to some principal person in whom is vested the authority over that to which he is assigned: thus soldiers. . . . And in this way those who are deputed to the Christian worship, of which Christ is the author, receive a character by which they are likened to Christ.

Still, the character is one reality, so we can say that the likeness to Christ is at the same time what is a sign of grace. If we begin with the idea that the character is an instrumental power, then things fall out as follows.

First, instrumentalization implies configuration to Christ, likeness to Christ. As the wood is conformed to the shape of the hand and becomes a handle, so being rendered the instrument of Christ who ordains, who blesses the bread, who forgives-this renders the man like Christ the priest. The priest's being fitted out as an instrument is what his likeness to Christ consists in.[81] It is permanent.

Second, the bishop's capacity to sanctify-his priesthood, his possession of *potestas ordinis,* and especially as this includes the power to ordain-just is a sort of competence to rule, and this means that he ought to teach those whom he rules and sanctifies. Therefore, objectively, it calls for jurisdiction, for a canonical mission.

In the third place, it also calls for grace. For if the bishop is to sanctify worthily, he must do so with the correct interior disposition that does not exist apart from grace. So also, if the

[81] Lecuyer, *Sacrement de l'ordination,* 267-68.

bishop is to teach and rule worthily, he must do so with the correct interior disposition that does not exist apart from sanctifying grace. Also and additionaJly, however, if the bishop is to teach and rule not only worthily but effectively, he must have the sure charism of truth, the relevant gifts of the Holy Spirit as detailed above. These gifts are habits; they are relatively stable, can be increased, and make a man more patient to actual grace. If sanctifying grace and charity are lost, however, then they are lost.

Is there a practical consequence of this attempt to link up the liturgy, the council, and St. Thomas? Yes. A bishop does not need to be a prayerful person in order to ordain. He needs to pray in order to ordain worthily. On the other hand, in order to rule and to teach, he needs to pray-to be open to and call for the inspiration of the Spirit to which the gifts of the Holy Spirit dispose him. He needs to pray, and to be prayed for, not just to teach and to rule worthily, but to teach and to rule at all.

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BEYOND THE JAMESIAN IMPASSE IN TRINITARIAN THEOLOGY

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WHEN ONE READS classical Trinitarian theology (East and West), one is struck by the agreement-despite differences in style, scope, and at certain points in substance-of the great doctors in adopting a metaphysical and contemplative approach to the mystery of the triune God. This shared tradition, however, has come under sustained attack in the past half-century. Metaphysical and contemplative Trinitarian theology appears to its various critics to be isolated from salvation history, from the Passion and Resurrection of Christ, and from the practical lives of Christians. Its numerous critics agree that classical Trinitarian theology has proven to be fatally detached from the fundamental realities of Christian life. The present essay addresses this claim by focusing critically upon the intellectual context in which the claim has gained credence.

The first two sections of this essay sketch the American tradition of pragmatism and its consequences for Trinitarian theology, as seen in the influential and representative work of Catherine Mowry LaCugna. LaCugna's rejection of classical Trinitarian theology frames the issue in such a way as to make clear that what is at stake is the status of speculative/contemplative ends in theology. The final section of the essay, therefore, explores Josef Pieper's *Happiness and Contemplation* and Pope John Paul II's *Fides et ratio* with the goal of identifying classical

Trinitarian theology as a viable alternative to the Jamesian understanding of theological ends.

I. THE CONTEXT IN THE UNITED STATES: A THUMBNAIL SKETCH

In different ways, Stanley Hauerwas and Cornel West have retold American intellectual history with William James at the center. In his recent Gifford Lectures, Hauerwas sees James as the key to later American moral theology, with Niebuhr as a paradigmatic example. In what follows, I will take up Hauerwas's suggestion and argue further that James has profoundly influenced the discourse of Trinitarian theology in the United States. Since James's work borrows heavily from Schleiermacher and other European thinkers, James's influence means that American theological discourse continues to find important parallels and resources in contemporary European thinkers. Nonetheless, both James's work and the alternatives within the American intellectual tradition itself are impossible to understand without some attention to James's literary antecedents. As shapers of the American theological context, the figures of Hawthorne and Emerson loom larger than theologians, accustomed to give less attention to literary figures, might expect.

In Nathaniel Hawthorne's novel about the Transcendentalist movement, aptly titled *The Blithedale* [Happy Land] *Romance,* the narrator, Miles Coverdale, has joined a utopian communal farm dominated by a monomaniacal visionary named Hollingsworth. Coverdale finds himself compelled to choose for or against Hollingsworth's "rigid and unconquerable idea; a scheme for the reformation of the wicked by methods moral, intellectual, and industrial, by the sympathy of pure, humble, and yet exalted minds, and by opening to his pupils the possibility of a worthier life than that which had become their fate."[1] Coverdale has too strong a sense of original sin, and the supernatural healing that it requires, to believe in either the utopian farm or Hollingsworth's

[1] Nathaniel Hawthorne, *The Blithedale Romance* (Oxford: Oxford University Press, 1991), 131.

plan for eradicating vice. After breaking with Hollingsworth, Coverdale makes plans to take time away from the farm. When he announces this at breakfast, the farm-manager Silas Foster-the only real farmer on the farm, and therefore angry at losing a laborer before the harvest had been brought in-begins to challenge Coverdale's commitment to the farm. The exchange, which mirrors Coverdale' s argument with Hollingsworth, is worth quoting in order to grasp Hawthorne's insight into the moral pragmatism on which Transcendentalism founders:

"Well, but, Mr. Foster," said I, "you must allow me to take a little breath."

"Breath!" retorted the old yeoman. "Your lungs have the play of a pair of blacksmith's bellows, already. What on earth do you want more? But go along! I understand the business. We shall never see your face here again. Here ends the reformation of the world, so far as Miles Coverdale has a hand in it!"

"By no means," I replied. "I am resolute to die in the last ditch, for the good of the cause."

"Die in a ditch!" muttered gruff Silas, with genuine Yankee intolerance of any intermission of toil, except on Sunday, the Fourth of July, the autumnal Cattle-show, Thanksgiving, or the annual Fast. "Die in a ditch! I believe in my conscience you would, if there were no steadier means than your own labor to keep you out of it!"[2]

In short, the plainspoken Yankee farmer Silas Foster and the visionary intellectual Hollingsworth are mirror images. Both can see nothing but human work; for both, the "harvest" depends solely upon unrelenting human effort. However much the Transcendentalist Hollingsworth thinks he has found a higher way than the Yankee farmer Foster, he is undone by the same narrowness of supernatural vision.

Compare a passage from what comes closest, in Hawthorne's corpus, to being a "Catholic" novel, despite its severe stylistic flaws: *The Marble Faun.* Donatello, a young Italian, is described romantically in the opening chapters as an Edenic figure, seemingly free from original sin and its consequences; the narrator speaks of "the law of his own simple and physically happy nature" [3] and of his being "of a nature so remarkably genial

[2] Ibid., 138.

[3] Nathaniel Hawthorne, *The Marble Faun* (New York: Penguin Books, 1990), 25.

and joyous, so simply happy."[4] His friends refer to him as a "wild Faun." In attempting to protect his friend Miriam from harm, Donatello wrestles with a stranger and willfully flings him to his death. The guilt for this murder provides the central plot of the book, as Donatello seeks at the same time to learn about his fractured soul and to learn about how it might be healed through penitence and self-surrender, in love, for the sake of others.

The novel follows Donatello, accompanied by his friend Kenyon, a sculptor, in his search for forgiveness of his sin and restoration of the original ordered beauty of his soul. At one point, the two friends view the stain-glassed interior of a church. To Kenyon, the stained-glass figures of the saints manifest divine love; to Donatello, whose sin has not yet been forgiven, the same figures manifest divine wrath. Upon leaving the church and viewing the stained glass from the outside, Kenyon ponders the meaning of the cathedral: "'And this,' thought the sculptor, 'is a most forcible emblem of the different aspect of religious truth and sacred story, as viewed from the warm interiour of Belief, or from its cold and dreary outside. Christian Faith is a grand Cathedral, with divinely pictured windows. Standing without, you see no glory, nor can possibly imagine any; standing within, every ray of light reveals a harmony of unspeakable splendours!'"[5] Only one who contemplates in faith the divinely manifested "harmony of unspeakable splendours" can receive the gift of forgiveness. Contemplation stands at the heart of Hawthorne's conception of the Christian life; it is within this (liturgical and intellectual) contemplative stance that one receives the divine gift of forgiveness of sins. Hawthorne therefore can depict in fiction the emptiness of Hollingsworth's "scheme for the reformation of the wicked by methods moral, intellectual, and industrial, by the sympathy of pure, humble, and yet exalted minds, and by opening to his pupils the possibility of a worthier life than that which had become their fate." Yet although he recognized that such transformation, or "reformation of the wicked," is possible only

[4] Ibid., 36.
[5] Ibid., 306.

when rooted in contemplation, Hawthorne, as far as we know, never embraced faith. Hawthorne is the poet of what he sees as a peculiarly American tragedy, namely, contemplation lost

Ralph Waldo Emerson joined in Hawthorne's critique of reformers like the fictional Hollingsworth. As he writes in his essay "The Transcendentalist," criticizing the prevailing utilitarian mode of thought, "The philanthropists inquire whether Transcendentalism does not mean sloth: they had as lief hear that their friend is dead, as that he is a Transcendentalist; for then is he paralyzed, and can never do anything for humanity. What right, cries the good world, has the man of genius to retreat from work, and indulge himself?"[6] The Transcendentalist movement sought to challenge American utilitarianism. Emerson reminds us that we must seek something higher than what meets our eyes: "Life is comic or pitiful as soon as the high ends of being fade out of sight, and man becomes nearsighted, and can only attend to what addresses the senses."[7] And yet Emerson cannot imagine a transcendent God as anything but a threat. He writes, "The sublime is excited in me by the great stoical doctrine, Obey thyself. That which shows God in me, fortifies me. That which shows God out of me, makes me a wart and a wen. There is no longer a necessary reason for my being. Already the long shadows of untimely oblivion creep over me, and I shall decease forever."[8] Emerson proposes that human self-transcendence is found within the "necessary" self alone. In accord with this idea, Emerson employs Schleiermachian language to depict Jesus Christ as a man who had the highest possible awareness of man's divinity:

> Jesus Christ belonged to the true race of prophets. He saw with open eye the mystery of the souL Drawn by its severe harmony, ravished with its beauty, he lived in it, and had his being there [a transposition of Acts 17:28, "For 'In him we live and move and have our being'; as even some of your poets have said"]. Alone in all history he estimated the greatness of man. One man was true to what is in you and me. He saw that God incarnates himself in man, and evermore goes

[6] Ralph Waldo Emerson, *The Essential Writings of Ralph Waldo Emerson* (New York: Random House, 2000), 90.

[7] Ibid., 67.

[8] Ibid., 69.

forth anew to take possession of his World. He said, in this jubilee of sublime emotion, "I am divine. Through me, God acts; through me, speaks. Would you see God, see me; or see thee, when thou also thinkest as I now think." [9]

When any person, inspired by Jesus, is led to Jesus' self-awareness of the divinity in man, that person's self-awareness attains the divinity that each man's self-awareness should attain. In each human being, "divinity" actualizes itself.

Emerson also uses Hegelian language of the world spirit or Soul to describe the source and goal of man's divinity. In his essay "Nature," he celebrates the movement of Universal Spirit in man. In the essay's famous conclusion, Emerson argues that this movement of spirit will result in the ultimate eradication of evil:

As when the summer comes from the south the snow-banks melt and the face of the earth becomes green before it, so shall *the advancing spirit* create its ornaments along its path, and carry with it all the beauty it visits and the song which enchants it; it shall draw beautiful faces, warm hearts, wise discourse, and heroic acts, around its way, *until evil is no more seen.*[10]

It should be dear, then, that Emerson, the great cnt1c of utilitarian solutions, arrives at the same understanding of reality as Hawthorne's reformer Hollingsworth: both believe that the problem of human sin will ultimately be--can ultimately be-solved out of human resources alone. The project of Hawthorne's Blithdale Farm, with its naive belief in the possibility of creating a land of happiness through man's own efforts, is Emerson's project; and Blithdale Farm's failure-namely an inadequate accounting of human sin and how it might be healed-is Emerson's failure.

For Emerson, contemplation belongs to man's practical activity in building his own "happy land"; for Hawthorne, contemplation belongs to man's receptivity towards divine gifts. Hawthorne depicted this receptivity in his fiction-a receptivity gained always through suffering and self-surrender out of love. William James

[9] Ibid., 67.
[10] Ibid., 39 (emphasis added).

tried to combine the positions of the two great writers.[11] Like Hawthorne, he emphasized man's receptivity in religious experience; like Emerson, he measured "religious" contemplation ultimately in terms of its practical pay-off. In James's famous Gifford Lectures, *The Varieties of Religious Experience,* he examines from a psychological perspective classic accounts of "the religion of healthy-mindedness" (still thriving today), "the sick soul," "the divided self, and the process of its unification," "conversion," "saintliness," "mysticism," and "philosophy," among other topics. For my purposes, James's account of philosophy is especially telling.

James begins by noting that philosophy, as related to religious experience, has generally been thought to have to do with the intellectual warrants of religious claims. He inquires as to whether philosophy has been able to live up to this task:

> The subject of Saintliness left us face to face with the question, Is the sense of divine presence a sense of anything true? We turned first to mysticism for an answer, and found that although mysticism is entirely willing to corroborate religion, it is too private (and also too various) in its utterances to be able to claim a universal authority, But philosophy publishes results which claim to be universally valid if they are valid at all, so we now turn with our question to philosophy, Can philosophy stamp a warrant of veracity upon the religious man's sense of the divine?[12]

James's conclusion is a firm no, The chapter reviews various attempts to demonstrate the existence of God and his attributes-from Protestant and Catholic manuals to Kant and Hegel-and finds, in light of the most contemporary (post-Kantian, post-Hegdian) philosophy, that none of the attempts succeeds, James limits the task of philosophy as regards religious expression to

[11] Corne! West's study, *The American Evasion of Philosophy: A Genealogy of Pragmatism* (Madison: University of Wisconsin Press, 1989), nicely connects Emerson with James, I am indebted to Stanley Hauerwas's analysis of James's work for bringing this insight to the fore, as well as for directing my attention to James's use of Newman (although Hauerwas mistakenly attributes to Newman a lengthy quotation culled by James from a contemporary manual on natural theology). See Stanley Hauerwas, *With the Grain of the Universe: The Church's Witness and Natural Theology* (Grand Rapids, Mich.: Brazos Press, 2001), 72-86,

[12] William James, *The Varieties of Religious Experiertce:A Study in Human Nature* (New York: Penguin Books, 1982), 430.

logical darification of doctrines and to weeding out claims that have been proven scientifically to be false.[13]

Yet, philosophy that seeks to speak about God remains of interest to James. Granting the validity of Schleiermacher's theory that "theological formulas" are at best "secondary products" attempting to express religious feelings, he adapts this theory to encompass the whole variety of religious expression: "Religious experience ... spontaneously and inevitably engenders myths, superstitions, dogmas, creeds, and metaphysical theologies, and criticisms of one set of these by the adherents of another. "[14] James then responds to a great opponent of Schleiermachian precepts, John Henry Cardinal Newman. First, James discusses Newman's argument in *The Idea of a University* that theology is indeed a science or a systematic arrangement of truths known about God ijames mistakenly summarizes Newman's view as "theology based on pure reason").[15] For James, this can be shown empirically to be false, since, unlike science, neither dogmatic theology nor "natural theology" (metaphysics) has ever led to anything but sectarian division. Second, James nonetheless admits that Newman's account of God's attributes is, as "rhetoric," magnificent.[16] James does not quote this passage of Newman's, but instead quotes at length a Thomistic manual's dry account of God's existence and attributes. James then gives Newman backhanded but real praise. Newman, says James, "gives us scholastic philosophy 'touched with emotion,' and every philosophy should be touched with emotion rightly understood. Emotionally, then, dogmatic theology is worth something to minds of the type of Newman's."[17] Thus although Newman has insisted that his theology is scientific, James finds its real value in its ability to convey and stimulate religious emotion.

James goes on to note that the manualist's account of God's existence and attributes fails precisely this test. The falsehood of

[13] Ibid., 455.
[14] Ibid., 433.
[15] Ibid., 435.
[16] Ibid., 442.
[17] Ibid.

the manualist's account can be shown not only empirically, but also by the meaninglessness of the manualist's account even were it to be true. James states:

> Take God's aseity, for example; or his necessariness; his immateriality; his 'simplicity' or superiority to the kind of inner variety and succession which we find in finite beings, his indivisibility, and lack of the inner distinctions of being and activity, substance and accident, potentiality and actuality, and the rest; his repudiation of inclusion in a genus; his actualized infinity; his 'personality,' apart from the moral qualities which it may comport; his relations to evil being permissive and not positive; his self-sufficiency, self-love, and absolute felicity in himself:---candidly speaking, how do such qualities as these make any definite connection with our life? And if they severally call for no distinctive adaptations of our conduct, what vital difference can it possibly make to a man's religion whether they be true or false?[18]

He then compares dogmatic theologians to naturalists who never get out in the fields and woods, but stay inside classifying and arranging bones. Metaphysical accounts, in this view, are nothing but meaningless words, quite cut off from anything relevant to a religious person. These abstractions, James suggests, are even demonic-"they have the trail of the serpent over them"-insofar as they serve as substitutes for anything worthy of worship and religious feeling. He concludes, "So much for the metaphysical attributes of God! From the point of view of practical religion, the metaphysical monster which they offer to our worship is an absolutely worthless invention of the scholarly mind."[19]

Even as James bids "a definitive good-by to dogmatic theology,"[20] therefore, Newman is somewhat excused on the grounds that his description of God's attributes is at least emotionally evocative. James's criticism of the "metaphysical monster," however, sweeps away Newman's claims for the intellectual seriousness of theology. Ironically, James himself never practiced any "practical religion" or offered sustained worship to a God; his claim to speak for adherents of "practical religion" in their defense against the "metaphysical monster"

[18] Ibid., 445.
[19] Ibid., 447.
[20] Ibid., 448.

constructed by actual believers such as Newman thus rings a bit hollow. Nonetheless, the gaundet thrown down by James in the United States-and by Kant and Schleiermacher in Europe-has greatly influenced how Christian theologians understand theology and in particular how they understand the place of metaphysical arguments within theology.

This influence appears largely in two tendencies: first, contemporary theologians shy away from metaphysics as overly abstract and instead seek practical, rather than contemplative, ends; second, since theology's task becomes centrally to evoke religious feelings and practical actions, contemporary theologians privilege narrative/dramatic theological approaches over contemplative/philosophical ones. This is exemplified by a recent, well-received American systematic Trinitarian theology: Catherine Mowry LaCugna's *God for Us: The Trinity and Christian Life.*[21]

[21] I have chosen LaCugna's wm-k because of its influence and representative character. Analysis of other Trinitarian theologies reveals the same Jamesian standpoint. To give just one example, in David S. Cunningham's well-received *These Three Are One: The Practice of Trinitarian Theology* (Oxford: Blackwell, 1998), he presents an outlook strikingly similar to LaCugna's, although the neo-orthodox/Radical Orthodox audience he has in view is quite different from the one LaCugna was addressing. Cunningham writes,

> Fortunately, in the twentieth century, systematic accounts of Christian belief have begun to catch up with trinitarian practice. Theologians such as Karl Barth, Vladimir Lossky, Karl Rahner, and Hans Urs von Balthasar reaffirmed the centrality of the doctrine of the Trinity. In their wake, a number of contemporary thinkers-including Eberhard Jiingel, Walter Kasper, Jurgen Moltmann, and John Zizioulas-have helped put trinitarian categories back into active circulation. More recently, the cultural, ethical, and ecumenical significance of the doctrine has been explored by Leonardo Boff, Elizabeth Johnson, and Catherine Mowry LaCugna-among many, many others .... All the same, a significant theological challenge still lies ahead. To many people, including both Christians and non-Christians, this doctrine (at least as it has traditionally been elaborated) remains esoteric and irrelevant. Too often it is expressed in cryptic formulas, or described in densely compressed philosophical prose; this does little to set the doctrine in a bright and convincing light. Furthermore, the key terms of trinitarian theology continue to be translated with little appreciation for the contemporary context of their reception. Nor is the doctrine very often shown to be of great significance for the day-to-day lives of Christian believers (ix).

II. JAMESIAN TRINITARIAN THEOLOGY

The late Catherine Mowry LaCugna's *God for Us: The Trinity and Christian Life* begins with the following proposal: "The doctrine of the Trinity is ultimately a practical doctrine with radical consequences for Christian life. That is the thesis of this book."[22] The background to this proposal appears in succinct form in the foreword to the book, and is developed in the crisp introduction that follows. Adopting the view of Karl Rahner, LaCugna argues that for several centuries-discerning how many will be the subject of the opening historical section of the book-the Church has been alienated from Trinitarianism.[23] This

Cunningham's book thus has three sections: an opening one in which he develops an account of Trinitarian beliefs (and in which he *defends* the traditional attempt to describe the immanent Trinity in terms of processions and relations [56ff.], even while seeking to translate the traditional terms into terms grounded in the insights of feminist theology); a second section where he identifies as "Trinitarian virtues" polyphony, participation, and particularity; and a final section on "Trinitarian practices," informing and embodying these Trinitarian virtues, under the headings of peacemaking, pluralizing, and persuading. The *doctrine* of the Trinity (relationality) becomes a freestanding blueprint for personal and social action. Numerous other recent theologies of the Trinity follow similar paths.

[22] Catherine Mowry LaCugna, *God for Us: The Trinity and Christian Life* (New York: HarperCollins, 1993), 1.

[23] LaCugna's book should be seen as developing the thought of Karl Rahner's *The Trinity*, published in German in 1967 and translated into English three years later. Rahner's book is famous for its opening claim that "despite their orthodox confession of the Trinity, Christians are, in their practical life, almost mere 'monotheists.' We must be willing to admit that, should the doctrine of the Trinity have to be dropped as false, the major part of religious literature could well remain virtually unchanged" (Karl Rahner, *The Trinity*, trans. Joseph Donceel [New York: Crossroad, 1997]: 10-11). LaCugna embraces his critique of the present situation, his transposition of classical Trinitarian language into a transcendental framework that attempts to work out Trinitarian categories in light of the human subject, and his concern for salvation history. She admits, however, that especially in its speculative third section, "[t]o the casual observer *The Trinity* may appear to be just more speculation on a recondite matter unrelated to Christian life and practice" (Catherine Mowry LaCugna, "Introduction," in Rahner, *The Trinity*, xxi). LaCugna therefore attempts, in her own book, to develop Rahner's claims in (what I would describe as) a more "Jamesian" fashion. For LaCugna, Rahner's book deserves continued attention because it

> launched one of the most significant theological developments of the last few decades: the restoration of the doctrine of the Trinity to its

alienation stems from the fact that theological articulations of the doctrine of the Trinity have been, or at least have been perceived as, "esoteric treatment of God's 'inner' life."[24] The attempt to describe God's inner life-the "immanent" Trinity, God in himself-necessarily falls into esotericism for two reasons, according to LaCugna. First, language about God in himself, in order not to degenerate into logical error that would impugn either God's unity or his Trinity, must be speculative or contemplative. It thus relies upon achieving the most rigorous conceptual distinctions. Such language, says LaCugna, is not "at home with the concrete languages and images of the Bible, creeds, and the liturgy. "'[25] It follows that such Trinitarian theology-when done as speculative investigation of God in himself-actually fails to provide what it promises, namely understanding of the Christian God, since it distances and even alienates the student from the triune God who reveals himself biblically, creedally, and liturgically.

Second, the attempt to describe God in himself is an esoteric project-alien to Christians' practical need to know their

> rightful place at the center of Christian faith. His thesis on the identity of "economic" and "immanent" Trinity continues to inspire scholars to articulate the implications of thinking together the doctrine of God and the doctrine of salvation. Journals and books are foll of efforts to link the doctrine of the Trinity with the nature and mission of the church, the efficacy of the sacraments, the universal presence of the Spirit, dialogue with other religions, ecwnenism, spirituality and mysticism, liberation and feminist theologies, not to mention christology and pneumatology proper .... Perhaps the greatest tribute to Rahner would be to note that because of his book and the theological discussions that continue to follow, no longer is it true that if the doctrine of the Trinity were to be "dropped as false, the major part of religious literature could well remain virtually unchanged" (Ibid.).

For a response to Rahner's critique of Thomistic Trinitarian theology, see Matthew Levering, "Wisdom and the Viability of Thomistic Trinitarian Theology," *The Thomist* 64 (2000): 593-618. This article argues that Rahner's critique of Thomistic Trinitarian theology for being abstracted from salvation history fails to grasp adequately the contemplative orientation of "salvation history" and of the biblical writings.

[24] LaCugna, *God for Us*, ix.

[25] Ibid.

God-because the God of Jesus Christ is known "in himself" only as "for us." LaCugna states the point as follows:

> If nothing else, I hope the reader will see that the doctrine of the Trinity is not above all a theory about God's "internal self-relatedness" but an effort to articulate the basic faith of Christians: In Jesus Christ, the ineffable and invisible God saves us from sin and death; by the power of the Holy Spirit, God continues to be altogether present to us, seeking everlasting communion with all creatures.[26]

The doctrine flows from the Christian experience of Trinitarian salvation, and efforts to articulate the doctrine theologically must focus upon expressing this *saving* God. Insofar as Trinitarian theology has sought, by abstract conceptual tools, to explicate-for the sake of contemplation-the internal oneness and threeness in God, the goal (contemplation of the Christian God) has been thwarted by the means (contemplation of the triune God not *qua* saving God, but *qua* God in himself). The resulting situation, as expressed paradigmatically by Rahner and echoed by LaCugna, has apparently and disastrously been "a doctrine of the Trinity that most consent to in theory but have little need for in the practice of Christian faith."[27] The Trinity as theoretical abstraction cannot be the living God whom Christians worship.

In addition to rejecting the traditional modes of speculative Trinitarian theology, LaCugna also critiques metaphysical analyses that seek to identify the attributes that belong to the unity of the triune God. Metaphysical analyses of God's unity are attempts to understand God in himself. As such, in LaCugna's view, these analyses serve to ground and justify the abstract Trinitarian speculations. They suffer from two defects. First, they produce a conception of the divine attributes that is philosophical rather than grounded in salvation history and thus belongs to the abstraction or "nonsoteriological doctrine of God" that alienates students from the living God. Second, they fail to address the concerns of both modern Christians and modern critics of

[26] Ibid.
[27] Ibid.

Christianity.[28] The latter defect is ultimately rooted in the former. LaCugna suggests that Christian theology of God-Trinitarian theology-must not only express the saving God, but must express the saving God (God for us) in language that articulates how this God answers the criticisms of those who deny that the Christian God, as biblically, creedally, and liturgically represented, could be truly "for us." Modern criticisms of the Christian God mean that it is ever more urgent that soteriology, not metaphysical investigation, be the starting point for Christian theologies of God. *As* LaCugna states,

> Theology cannot answer them [questions posed by feminists, liberationists, process theologians, Holocaust survivors, and others] by taking refuge in the classical metaphysical properties of God, such as omnipotence, omniscience, omnibenevolence, impassibility, incorporeality, and simplicity, since these are the very attributes that seem dubious. The only option is for Christian theology to start afresh from its original basis in the experience of being saved by God through Christ in the power of the Holy Spirit.[29]

LaCugna does not rule out metaphysics; instead, she seeks a metaphysics that explicates the historical revelation of God, rather than a metaphysics that provides the "ground" for understanding the historical revelation of God.[30]

LaCugna is aware of the danger that a radical pragmatism would pose to Trinitarian theology. She cautions, "Theology cannot be reduced to soteriology. Nor can trinitarian theology be purely functional; trinitarian theology is not merely a summary of our experience of God. It is this, but it is also a statement, however partial, about the mystery of God's eternal being."[31] If Trinitarian theology did not claim to describe who God actually is, she points out, then Trinitarian theology would be reduced to language that might or might not have anything to do with the

[28] Ibid.

[29] Ibid. For a discussion, informed by George Lindbeck's theory of doctrine, of the dangers of seeking to make Trinitarian theology "relevant," see Karen Kilby, "Perichoresis and Projection: Problems with Social Doctrines of the Trinity," *NewBlackfriars*81(2000):432-45.

[30] LaCugna, *God for Us*, 4.

[31] Ibid.

real God. Yet, Trinitarian theology must answer questions about "who God is" (God in himself) in historical terms: "A theology built entirely around *theologia* [God in himself] produces a nonexperiential, nonsoteriological, nonchristological, nonpneumatological metaphysics of the divine nature. "[32] Divine (relational) being is revealed by divine self-communication in Christ and the Holy Spirit. In short, the history of salvation, as the history of the self-communication of the relational God and of our relational experience of grace and redemption, must determine our "metaphysics" and our speculative Trinitarian theology.

LaCugna divides the chapters of her book into two sections: a historical section, explaining how the development of the full-fledged doctrine of the Trinity by the great orthodox theologians of the fourth century led inadvertently to the separation of *theologia* (God in himself) and *oikonomia* (God for us)-a separation that paradoxically defeated the very doctrine of the Trinity that the fourth-century theologians so painstakingly defended. The defeat, LaCugna argues, lay in the fact of the growing metaphysical abstraction of the doctrine of the Trinity from the history of salvation, and the corresponding loss of the doctrine's significance for the practical life of Christians. As she explains in her discussion of Aquinas (in which she defends his theology of the triune God against the charge of being "abstract" or "static"), Aquinas's decisive mistake was his decision to treat the triune God *(theologia)* before Christology *(oikonomia,* God for us): "This move emphasizes the priority of *theologia* over *oikonomia.* As it is worked out in the course of the *Summa,* the Trinity eclipses Christology, *theologia* is developed independently of *oikonomia.* "[33] But in her view, this defeat occurred not simply in the West-traditionally blamed by the Eastern Orthodox for rationalism-but also in the East. The second half of her book advances her constructive proposal. As a first step, with Rahner, she insists upon the radical unity of *theologia* and *oikonomia* (she

[32] Ibid.
[33] Ibid., 149-50.

goes beyond Rahner in that any attempt to describe the former distinctly from the latter is rejected).

She then develops a historical metaphysics by proposing, in accord with numerous other philosophers and theologians, a relational account of being in which the concept of "person," as relational, becomes the meaning of "being": being is communion of persons. She emphasizes that we know this meaning of "being" not from metaphysical deductions but solely within our historical experience of Christ and the Holy Spirit, that is, from within the history of salvation. Our historical experience of Christ and the Holy Spirit, she points out, is fundamentally doxological: it is within the worshiping community that the truths of Trinitarian theology-the experience of the relational, saving God-are disclosed and appropriated. Finally, she applies the doctrine of the Trinity to the lives of believers. In the introduction, she explains that "the *theological defeat* of the doctrine of the Trinity by the preoccupation with the structure of God's inner life meant also its *political defeat.* A unitarian, patriarchal, monarchical, hierarchical theism gradually replaced a Trinitarian monotheism with disastrous political results."[34] In her admittedly vague prescriptions for Trinitarian Christian ethics-that is, the ethics of believers who have finally, after centuries of neglect, appropriated the full doctrine of the Trinity-she thus emphasizes relationality, inclusivity, equality, critique of patriarchy, and respect for diversity.

The Jamesian impulse in LaCugna's Trinitarian theology is striking. This is not to say that LaCugna's work is at odds with the majority of recent European Trinitarian theologies. As we have seen, both William James and Emerson drew heavily upon European intellectual movements, largely Schleiermachian and Hegelian, in constructing their American account of religious pragmatism. Yet, LaCugna's work echoes James in profound, if not always uniquely American, ways. Like James, she finds the roots of arid Christian faith in the "metaphysical monster" (to recall James's phrase) set up by those who sought to identify

[34] Ibid., 17.

God's attributes by the steps of metaphysical reasoning. Like James, she critiques the entire tradition of Christian intellectual argumentation about the triune God. Like James, her central question is what practical import the doctrine of the triune God can be shown to have in the lives of Christians. Theological expression about the God of Jesus Christ should have for its goal exposing "God for us," the God we experience in and through salvation history, thereby impressing upon us the religious feelings and practical actions that flow from a proper encounter with the relational "God for us." As in James-a point emphasized in regard to James's work by Stanley Hauerwas in his Gifford Lectures-these feelings and practical actions bear a striking resemblance to the liberal democratic norms prevalent in mainstream Western intellectual culture today.

LaCugna's emphasis on the human subject is a well-recognized marker of the movement known as "modernity" and belongs at the heart of Emerson's and James's project (along with Kant's and Schleiermacher's). The human subject was not, of course, discovered after the Reformation. The Greek Fathers paid extraordinary attention to theological anthropology; Augustine's *Confessions* and *De Trinitate* are well known for their anthropological profundity; Aquinas's *Summa Theologiae* devotes the majority of its pages to the rational soul and the moral life. Recognizing this, LaCugna nonetheless identifies Augustine especially as the culprit in the divorce of Trinitarian theology from salvation history. While aware of her own affinity with Augustine's "anthropological starting point," LaCugna critiques Augustine's Trinitarian theology for his "focus on the individual soul. ... this can be interpreted individualistically: The soul knows itself apart from its social relations, and the soul knows God apart from God's economy of redemption. "[35] For LaCugna, Augustine's mistake consists in locating "God for us" primarily within the individual soul and its ascent, rather than primarily in the relational history in the world of the Father sending the Son and Holy Spirit.

[35] Ibid., 103.

Thus, it is not the attention to the human subject *per se*, but how LaCugna in a Jamesian way makes this turn, that should concern us. For Augustine and Aquinas; attention to the knowing and loving of the human subject is justified ultimately by its ability to fud contemplative knowledge of the triune God.[36] The Augustinian ideal is to learn about the triune God for the sake of the intellectual contemplation of the true God. Although such knowledge is transformative (ultimately deifying), and indeed the true pursuit of such knowledge itself requires spiritual ascesis and transformation, the knowledge is not sought primarily for its practical effects. Augustine seeks knowledge of the triune God because of the glory of God. As a contemplative, Augustine-like the Greek Fathers and the Scholastics-finds a helpful partner in metaphysics (largely neo-Platonic in Augustine's case), which similarly seeks knowledge of the first cause for its own sake. In contrast, when LaCugna makes the turn to the subject, her primary goal is practical knowledge. She does not of course rule

[36] For further insight (some of it focused on debating LaCugna) into Augustine's purposes in the *De Trinitate,* see, e.g., A. N. Williams, "Contemplation: Knowledge of God in Augustine's *De Trinitate,"* in *Knowing the Triune God,* ed. James J. Buckley and David S. Yeago (Grand Rapids, Mich.: Eerdmans, 2001), 121-146; Rowan Williams, "The Paradoxes of Self-Knowledge in the *De trinitate,"* in *Augustine: Presbyter Factus Sum,* ed. J. T. Lienhard, E. C. Muller, and R. J. Teske (New York: Peter Lang, 1993), 121-34; idem, *"Sapientia* and the Trinity: Reflections on the *De Trinitate,"* in *Collectanea Av.gustiniana,* vol. 1, ed. B. Bruning (Leuven: Leuven University Press, 1990), 317-32; Basil Studer, "History and Faith in *De Trinitate," Augustinian Studies* 28 (1997): 7-50; Earl Muller, S.J., "The Dynamic of Augustine's *De Trinitate:* A Response to a Recent Characterization," *Augustinian Studies* 26 (1995): 65-91; John Cavadini, "The Structure and Intention of Augustine's *De trinitate," Augustinian Studies* 23 (1992): 103-23; idem, "The Quest for Truth in Augustine's *De Trinitate," Theological Studies* 58 (1997): 429-40; Lewis Ayres, "'Remember That You Aie Catholic' (serm. 52.2): Augustine on the Unity of the Triune God," *Journal of Early Christian Studies* 8 (2000): 39-82; idem, "The Discipline of Self-knowledge in Augustine's *De trinitate* Book X," in *The Passionate Intellect,* ed. Lewis Ayres (Brunswick, N.J.: Transaction, 1995): 261-96; idem, "The Christological Context of Augustine's *De trinitate* XIH: Toward Relocating Books VIII-XV," *Augustinian Studies* 29 (1998): 111-39; J. F. Worthen, "Augustine's *De trinitate* and Anselm's *Proslogion: 'Exercere Lectorem',"* in *Augustine: Presbyter Factus Sum,* ed. J. T. Lienhard, E. C. Muller, and R. J. Teske (New York: Peter Lang, 1993), 517-29; Edward Booth, "St. Augustine's *de Trinitate* and Aiistotelian and neo-Platonist Noetic," in *Studia Patristica,* XVI, part H, Text und Untersuchungen 129, ed. E. Livingstone (Berlin: Akademie-Verlag, 1985), 487-90; G. Bonner, "Augustine's Conception of Deification," *Journal of Theological Studies* 37 (1986): 369-86.

out contemplative knowledge-she firmly intends to be speaking about the eternal triune God-but she seeks primarily, as her opening sentence indicates, to do Trinitarian theology in a way that emphasizes that "[t]he doctrine of the Trinity is ultimately a practical doctrine with radical consequences for Christian life."[37]

The difference is not, as she recognizes, that Augustine, the Greeks, or the Scholastics rejected salvation history as the starting point for theological investigation of the triune God. On the contrary, they recognized that our historically situated knowledge of God in his unity (after the Fall) and in his Trinity flows not only from the definitive revelation in Jesus Christ but also from the revelation of the divine name to Israel. Neither is the difference that Augustine, the Greeks, or the Scholastics did not intend for their Trinitarian theology to be transformative of the student-practical ends are sought, although they are not primary. Rather, the difference consists in a distinct understanding of how Trinitarian theology should accomplish this goal of transformation. For LaCugna-thoroughly Jamesian in this regard-the goal is accomplished through entering into the practical and historical knowledge of "God for us." For Augustine, the Greeks, and the medievals, the goal is accomplished through moving from the practical and historical knowledge (without discarding it) to a contemplative knowledge that rests in God solely for his own sake. In other words, human beings attain the goal of contemplative embrace when, filled with charity by graced *imitatio Christi,* we humbly seek to rest in God for his own sake rather than to rest our own selves. Thus the heart of theology is the *theologia,* not the *oikonomia,* although the latter is ordered to the former. The goal is resting in God for his own sake; in attaining this the secondary ends that LaCugna seeks (as primary ends) are wondrously achieved.[38]

[37] LaCugna, *God for Us,* 1.

[38] For an excellent discussion of the relationship of speculative and practical knowledge, see the Gifford Lectures of Ralph Mcinerny, *Characters in Search of Their Author* (Notre Dame: University of Notre Dame Press, 2001), lecture 7,

Ill. BEYOND THE JAMESIAN IMPASSE: JOSEF PIEPER AND POPE JOHN PAUL II

The fact that Josef Pieper articulated perhaps the twentieth century's most powerful philosophical alternative to Jamesian pragmatism indicates the extent of the ascendancy of James's viewpoint. Pieper's philosophy, unlike Maritain's or Gilson's, has hardly captured much sustained interest. Nonetheless, Pieper's short work *Happiness and Contemplation,* in which he outlines a contemporary understanding of happiness *as* contemplation, deserves consideration for the Thomistic philosophical resources that it offers for reclaiming metaphysical and contemplative Trinitarian theology.

As indicated by the title, Pieper's thesis is that "man's ultimate happiness consists in contemplation."[39] What does it mean for human beings to desire happiness? Following in a long line of philosophers, Pieper notes that the typical places that human beings look for happiness-pleasure, money, power, etc.-call forth profound longing for something more and therefore cannot give human beings what they desire. Second, arguing against Kantian theories of absolute self-determination (which prove impossible to square with the doctrine of creation), he gives an account of human freedom that is consistent with an intrinsic desire for happiness. He arrives at the conclusion that happiness can consist only in embracing the "whole good"-the universal good-and that for happiness truly to engage our freedom, we must receive this "whole good" actively and freely. He then asks, "If 'the whole good' alone will ultimately quench the thirst of our natures, and if we can obtain this whole good only by receiving it actively; if, in short, happiness consists in action-what kind of action must that be?"[40]

In attempting to answer this question, Pieper explores the character of human action. Action that transforms us *interiorly*-making us "happy"-must be action that has primarily *internal*

[39] Josef Pieper, *Happiness and Contemplation* (South Bend, Ind.: St. Augustine's Press, 1998), 13.

[40] Ibid., 55.

effects rather than external effects. Such action primarily perfects the person who acts, although secondarily (and importantly) it will have external effects. There are two kinds of actions that primarily perfect and transform the person who acts: knowing or the act of intellect, and loving or the act of will. Does happiness consist in knowing, loving, or a combination of both? Answering this question, Pieper directs us to Aquinas's view of the relationship between these two powers of the one human soul: "Happiness does consist in having everything that the will can possibly will... .It consists in our obtaining as a possession 'the whole good.' *But-this* having, possessing, obtaining, is something different from willing!" If possessing the whole good in our soul (being perfectly "happy") is not an act of will, it is an act of the intellect: "Possession of the beloved, St. Thomas holds, takes place in an act of cognition, in seeing, in intuition, in contemplation. "[41] The whole good is loved and possessed as known. In knowing fully, we possess fully what we love, and rejoice in this possession. The Bible, Pieper points out, speaks about "knowing" in this same intimate way, both with regard to the union of man and woman and with regard to eternal life.[42] In contemplation, which is a knowing inspired by love, human beings receive and possess "the whole good," happiness.

In showing how contemplation is non-practical or non-utilitarian, yet nonetheless is the very fulfillment of our being, Pieper identifies three elements that belong to contemplation. First, contemplation "has to do with the purely receptive approach to reality, one altogether independent of all practical aims in active life."[43] This does not mean that contemplation is purposeless; rather, it means that contemplation aims at perceiving truth *for its own sake*. Second, contemplation is not the process of reasoning by which we arrive at a truth. Instead, contemplation is the intellectual seeing of the truth-resting in and enjoying the truth. Third, contemplation of truth evokes in us amazement or wonder.

[41] Ibid., 63.
[42] Ibid., 70.
[43] Ibid., 73.

We have said enough to be able to compare Pieper's philosophical account with James's. Where James finds a "'metaphysical monster"' that has no practical relevance to human life, and therefore no religious purpose, Pieper would find the resources of the contemplative life. Whereas James measures the value of religious discourse by its ability to express and inspire religious feelings and practical actions, Pieper would measure the value of religious discourse by its ability to lead the mind to contemplation of truth for its own sake. Two radically distinct conceptions of human transformation-human happiness-are at play.

Pieper represents a mid-twentieth-century response to the Jamesian philosophical ascendancy. Pope John Paul H's recent encyclical, *Fides et ratio,* provides a more recent statement of what it might mean to move beyond Jamesian categories. The Pope recognizes that "the desire for truth is part of human nature itself"[44] and thus that the contemplation of truth-ultimately "the full and lasting joy of the contemplation of the Triune God"[45]-is itself the end or goal proper to human beings. He writes, "Whenever men and women discover a call to the absolute and transcendent, the metaphysical dimension of reality opens up before them: in truth, in beauty, in moral values, in other persons, in being itself, in God."[46] *Pace* James, philosophy cannot stop with the varieties of religious experience and mere functional analyses of the experiences; were it to do so, it would never attain the human end of contemplation of truth" The Pope warns of what happens when philosophy forgets its contemplative *telos* and instead focuses on practical ends:

> men and women are always called to direct their steps toward a truth which transcends them. Sundered from that truth, individuals are at the mercy of caprice, and their state as person ends up being judged by pragmatic criteria based essentially upon experimental data .... It has happened therefore that reason, rather than voicing the human orientation toward truth, has wilted under

[44] John Paul U, *Fides et ratio,* 3.
[45] Ibid., 15.
[46] Ibid., 83.

the weight of so much knowledge and little by little has lost the capacity to lift its gaze to the heights, not daring to rise to the truth of being. Abandoning the investigation of being, modern philosophical research has concentrated instead upon human knowing.[47]

The Pope thus intends that *Fides et ratio* recall philosophers and theologians to their vocation to seek metaphysical and contemplative truth.

Since the Bible itself contains metaphysical claims,[48] the Pope argues that the heart of theology should be contemplative: "The chief purpose of theology is to *provide an understanding of revelation and of the content of faith.* The very heart of theological enquiry will thus be the contemplation of the mystery of the Triune God."[49] However, the fact that Trinitarian theology has contemplative ends does not thereby mean that it should take as its starting-point metaphysical claims. On the contrary, the Pope affirms that Trinitarian theology must investigate the triune God as revealed in and through salvation history-that is, the covenantal God of radical *kenosis* or self-gift.

Is Trinitarian theology that primarily focuses upon the immanent processions and relations in God (God in himself) adequate to expressing the triune God revealed as radical self-gift (God for us) in history? The encyclical offers a distinction between two tasks of theology: *auditus fidei,* or hearing and receiving the content of faith, and *intellectus fidei,* or understanding and articulating the content of faith. The Pope explains, "With the first, theology makes its own the content of revelation as this has been gradually expounded in Sacred Tradition, Sacred Scripture and the Church's living Magisterium. With the second, theology seeks to respond through speculative enquiry to the specific demands of disciplined thought."[50] For this reason, dogmatic theology does not simply recapitulate the biblical narrative. Rather, the central aim of the *intellectus fidei* is to

[47] Ibid., 5.
[48] Ibid., 16ff.
[49] Ibid., 93.
[50] Ibid., 65.

investigate the truths of faith.[51] By articulating, in metaphysically sophisticated concepts and arguments, the meaning of the Church's creedal affirmations, dogmatic theology is able to present the revealed mysteries as intelligible *truth* that fulfill man's thirst for truth.

Indeed, the Pope warns that if dogmatic theology is not informed by metaphysical speculation, it will fail to achieve its task of rising above the level of practical ends to the level of contemplative truth. The Pope remarks, "The dogmatic pragmatism of the early years of this century, which viewed the truths of faith as nothing more than rules of conduct, has already been refuted and rejected; but the temptation always remains of understanding these truths in purely functional terms."[52] Understanding Christian truths in purely functional terms is dangerous because human beings are called to a higher end. Beyond practical ends, human beings seek to know truth for its own sake. We seek, as the Pope states, to transcend human limits and contemplate "reality in its ontological, causal and communicative structures," in other words ultimately to contemplate God.[53] For this reason, metaphysical probing plays a crucial part in Trinitarian theology. The Pope urges theologians "to recover and express to the full the metaphysical dimension of truth," so as to enter into critical dialogue with philosophy as a quest for truth.

In order to express the *universally salvific* character of the knowledge of the triune God, therefore, theologians are called to develop with metaphysical rigor their reflection upon what pertains to God as one and what pertains to the distinction of Persons in God. LaCugna certainly does not fall into the error, mentioned by the Pope, of interpreting the doctrines of faith simply as rules of conduct. Yet neither does she recognize that metaphysical and contemplative Trinitarian theology, with its rigorous probing into what we can know about "God in himself"

[51] Ibid., 66. The encyclical also speaks of fundamental theology, whose responsibility it is to show how truths arrived at by reason support the truths of faith (67).

[52] lbid., 97.

[53] Ibid.

in his unity and Trinity, leads to a Trinitarian confession that is ultimately more "relevant" to Christian life than a Trinitarian confession that focuses on "God for us." Articulated metaphysically and sapientially-this articulation is the task of the *intel/ectus fidei* that flows from the *auditus fidei-the* triune God of revelation stands as the ultimate truth, the source and goal of contemplation. In response to the revealed triune God who is perfect gift, human beings, in contemplation, respond with a supreme gift of our own, the act of knowing and loving the Trinity *for its own sake.*

CONCLUSION

It should now be clear that the project of moving beyond the Jamesian impasse in contemporary theology of the triune God possesses at its disposal significant philosophical and theological resources.[54] These resources should encourage the development of a new context for Trinitarian theology in which the reductive aspects of a Jamesian outlook-found also among European theologians due to the roots of James's religious thought in nineteenth-century Continental thinkers-will be grasped more consciously. To this point, systematic theologians in the United States have not reflected critically or in a sustained fashion upon the impact that Jamesian presumptions have had upon the construing of theological ends.

LaCugna's work was motivated by her concern, following the insight of Rahner and others, that the doctrine of the Trinity no longer mattered in the lives of Christians. Her solution-to elevate practical ends above contemplative ends-misses the way in which the doctrine of the Trinity truly is, or should be, relevant

[54] Exemplifying such resources, Bruce D. Marshall's "The Trinity," in *The Blackwell Companion to Theology,* ed. Gareth Jones (Oxford: Blackwell, forthcoming), offers an intriguing account of the past, present, and future of Trinitarian theology. The emerging work of the Swiss Dominican Gilles Emery deserves sustained attention for the clarity, erudition, and profundity with which Emery undertakes sapiential reflection upon the triune God. See also the splendid essay by A. N. Williams cited above (note 36), which calls for a renewal of contemplative theology.

in the lives of Christians. The doctrine of the Trinity is inscribed in the narrative of salvation history in which the Trinity draws humankind away from idolatrous self-worship into worship of the transcendent God and ultimately, in Christ, into sharing in the very life of this transcendent God, Father, Son, and Holy Spirit. The doctrine must therefore be taught in a way that enables Christians to know themselves as creatures who are not at the center of reality-who are not, as Emerson would have it, "necessary." Teaching the doctrine of the Trinity requires a metaphysical and contemplative/sapiential approach in order to accomplish this spiritual exercise, in which the student of theology learns to order aH things in light of God-in-himself. Systematic theologians thus can thank Stanley Hauerwas for demanding an account of the purposes of theology different from that advocated by James. The result should be that the Trinitarian thought of St. Thomas Aquinas experiences a renaissance.

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INTELLECTIVE APPETITE AND THE FREEDOM OF HUMAN ACTION

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IT IS A MATTER of some controversy how to interpret Thomas Aquinas's account of the freedom of human action. Some philosophers have taken him to hold a libertarian account of freedom while others interpret his account along compatibilist lines.[1] In a recent paper whose main focus is the foundations of John Duns Scotus's moral psychology, Thomas Williams evaluates

[1] The literature on Aquinas's theory of freedom is immense, with no real consensus on how his theory ought to be interpreted. For some of the more recent literature, see Scott MacDonald, "Aquinas's Libertarian Account of Free Choice," *Revue internationale de philosophie* 52 (1998): 309-28; Eleonore Stump, "Aquinas's Account of Freedom: Intellect and Will," *The Monist* 80 (1997): 576-97; Thomas J. Loughran, "Aquinas, Compatibilist," in *Human and Divine Agency: Anglican, Catholic, and Lutheran Perspectives,* ed. F. Michael McLain and W. Mark Richardson (Lanham: University Press of America, 1999), 1-39; Jeffrey Hause, "Thomas Aquinas and the Voluntarists," *Medieval Philosophy and Theology* 6 (1997): 167-82; David M. Gallagher, "Free Choice and Free Judgment in Thomas Aquinas," *Archiv fur Geschichte der Philosophie* 76 (1994): 247-77; Patrick Lee, "The Relation between Intellect and Will in Free Choice According to Aquinas and Scotus," *The Thomist* 49 (1985): 321-42; Rudi te Velde, *"Natura in seipsa recurva est:* Duns Scotus and Aquinas on the Relationship between Nature and Will," in *John Duns Scotus (126S/6-l308): Renewal of Philosophy,* ed. E. P. Bos (Amsterdam: Rodopi, 1998); Giovanni Blandino, "The Freedom of Human Will," *Aquinas* 39 (1996): 189-93; Theo Belmans and G. 0. Praem, "Le 'volontarisme' de saint Thomas d'Aquin," *Revue thomiste* 85 (1985): 181-96; Eileen C. Sweeney, "From Determined Morion to Undetermined Will and Nature to Supemature in Aquinas," *Philosophical Topics* 20 (1992): 189-214; Marc Nenberg, "La conrrainte," *Dialogue* 29 (1990): 491-522; Klaus Riesenhuber, "The Bases and Meaning of Freedom in Thomas Aquinas," *Proceedings of the American Catholic Philosophical Association* 48 (1974): 99-111.

Aquinas's theory of freedom from a Scotistic point of view.[2] He argues along Scotistic lines that Aquinas's account of freedom is viable, at best, only if Aquinas is thought of as a compatibilist. According to Williams, Aquinas's notion of the will as intellective appetite is not robust enough to capture the strong sort of contingency required for a libertarian account of freedom.

Although recent years have seen much controversy over the question of what is required for libertarian accounts of freedom, many philosophers believe that libertarianism requires a commitment to what has become known as the Principle of Alternative Possibilities. Quite briefly this principle states that an agent acts freely if and only if it is the case that at the moment that she acts she could have acted in ways other than she did. Williams puts the point in terms of what he calls synchronic contingency. He maintains that libertarian freedom requires synchronic alternatives while Aquinas's theory of the will permits him only diachronic alternatives at best.[3] Thus, Williams concludes that Aquinas's account does not capture what is necessary for libertarian freedom.

I think that Williams is correct in claiming that Aquinas's account of the will allows only for diachronic contingency. But I also think that Williams is mistaken in thinking that Aquinas is unable to hold a libertarian account of freedom. There has been some controversy in recent years over whether libertarian freedom requires synchronic contingency. However, I am willing to grant for the sake of the present discussion that libertarian freedom does require synchronic contingency. What I will argue is that such contingency need not be a function of the will. There is room elsewhere in Aquinas's theory of action for synchronic

[2] Thomas Williams, "The Libertarian Foundations of ScotllS's Moral Philosophy," *The Thomist* 62 (1998): 193-215.

[3] I discuss the notions of synchronic and diachronic contingency in more detail in section I. For more information on these notions and their development in medieval philosophy, see Simo Knuuttila, *Modalities in Medieval Philosophy* (London: Routledge, 1993), esp. vii, 31-34, 70-71, 75-96, 99, 139-49. Although in his summary article, "Modal Logic," Knuuttila does not use the terms 'synchronic' and 'diachronic,' he refers to the same basic ideas; cf. "Modal Logic," in *The Cambridge History of Later Medieval Philosophy,* ed. Norman Kretzmann et al. (Cambridge: Cambridge University Press, 1982), 342-57.

alternatives. Thus, if Aquinas is best thought of as a libertarian, he will not be the same sort of libertarian as Williams and Scotus.

Williams's treatment of Aquinas's theory in the context of his conception of libertarian freedom raises some important, far-reaching questions about the nature of libertarianism and our intuitions about freedom in general. In this paper, I shall examine several issues, beginning with Williams's treatment of Aquinas and ending with what I see as some of the implications for the larger debate over freedom. I shall argue that a number of Williams's criticisms of Aquinas fail because his picture of libertarianism is unduly narrow. Although I am addressing Williams directly, it seems to me that many of his claims are accepted at face value in the literature. Thus, an examination of Williams's project has certain important implications for the larger debate.

First, I shall discuss criteria for libertarian freedom, including the central notions of synchronic and diachronic contingency. Next I shall present Williams's criticisms of Aquinas's account. Then I shall respond to Williams's objections, defending the view that Aquinas is able to incorporate synchronic contingency into his position. Finally, I shall end with some general conclusions about the nature of human freedom that I think we should draw from this discussion.

I

In a recent paper on Augustine's theory of freedom, Eleonore Stump presents a set of criteria that she takes to be the defining characteristics of two versions of libertarianism, what she calls common libertarianism and modified libertarianism. For the purposes of this paper, I will adopt her useful and succinct criteria with a few minor alterations.[4] Common libertarianism involves a commitment to the following two principles:

[4] Stump uses the locution "acts with free will." I have modified that to "acts freely" because I think the more general locution is less confusing with respect to certain theories of freedom, including my own interpretation of Aquinas. Stump also modified the first of her original criteria, listing as LI' what I am calling LI; cf. Eleonore Stump, "Augustine on Free Will," in *The Cambridge Companion to Augustine*, ed. Eleonore Stump and Norman Kretzmann (Cambridge: Cambridge University Press, 2001), 124-47.

(L1) An agent acts freely, or is morally responsible for an act, only if the act is not ultimately causally determined by anything outside the agent.[5]

(L2) An agent acts freely, or is morally responsible for an act, only if the agent could have done otherwise.[6]

Modified libertarianism accepts (Ll) but rejects (L2). Stump argues that this is because according to modified libertarianism causal determinism does not exhaust the ways in which alternatives for action can be restricted.[7] Instead of (L2), modified libertarianism accepts the following:

(L3) An agent acts freely, or is morally responsible for an act, only if her own intellect and wiH are the sole ultimate source or first cause of her act.[8]

Common libertarianism accepts (Ll) and (L2) while modified libertarianism accepts (Ll) and (L3). Stump associates (L3) only with modified libertarianism, but it seems to me that those who support common libertarianism could accept (L3) as well, especially medieval libertarians, who characterize the cause of human action in terms of intellect and wiU.[9] Finally, although she asserts that these principles are only necessary conditions and not

[5] Ibid., 128.

[6] Ibid., 125.

[7] Ibid.

[8] Ibid.

[9] One might argue that libertarians such as Scotus who view freedom of action ultimately in terms of the will's activity would reject L3. But there is evidence that at some point in his career Scotus argued for a greater role for the intellect in endowing human action with freedom. Whether this is an early view or Scotus's mature view is a matter of some debate; for an interesting discussion of this matter, see Stephen D. Dumont, "Did Duns Scorns Change his Mind on the Will?" in *Nach der Verurteilung von 1277: Philosophie und Theologie an der Universitat von Paris im letzten Viertel des 13.Jahrhunderts,* ed. Jan A. Aertsen, Kent Emery, Jr., and Andreas Spear (Berlin-New York: Walter de Gruyter, 2001), 719-94. Regardless of which position represents Scotus's mature thought, it is true that he located freedom ultimately in the will throughout his career. But Scorns also maintained that without the intellect to present alternative courses of action to the will, the will would have nothing to choose from. There would be no action at all, let alone any free action. Therefore, I do not think that Scotus would object to L3 as long as it was dear that for him the intellect's role with respect to freedom is minimal.

sufficient conditions for the two types of libertarianism, they seem to me to capture the essential characteristics of libertarianism.

(Ll) is simply a denial of compatibilism-that is, the view that even if (for all we know) complete causal determinism is the case, human beings are able to act freely (at least on some occasions). (Ll) states that if complete causal determinism is the case, human beings do not act freely. (L2) is a statement of the principle of alternative possibilities. Common libertarianism includes a commitment to this principle. Modified libertarianism argues that it is entirely possible that one act indeterministically even if one lacks alternative possibilities.[10]

Williams describes the main feature of libertarianism in terms of a commitment to synchronic contingency. Scott MacDonald has developed useful definitions for both synchronic and diachronic contingency:

Synchronic view: X is contingent (at t) if (and only if) X occurs at *t* and it is possible (at t) that the opposite of X occurs at *t.*

Diachronic view: Xis contingent (at *ti)* if (and only if) X occurs at *ti* and it is possible (at t_{1}) that the opposite of X occurs at *ti* (where *ti* and *ti* are different).[11]

If we apply these notions to human action, a synchronic view of contingency expresses the idea that an action is contingent if and

[10] In recent years, a raging controversy has risen over whether libertarianism requires a commitment to the principle of alternative possibilities. The literature is immense, but here is a list of some of the pertinent papers: Harry Frankfurt, "Alternate Possibilities and Moral Responsibility," *journal of Philosopby* 66 (1969): 828-39; David Widerker, "Libertarian Freedom and the Avoidability of Decisions," *Faith and Philosopby* 12 (1995): 113-18; idem, "Libertarianism and Frankfurt's Attack on the Principle of Alternative Possibilities," *Philosophical Review* 104 (1995): 247-61; Stewart Goetz, "Stumping for Widerker," *Faith and Philosopby* 16 (1999): 83-89; and many papers by Eleonore Stump, including "Libertarian Freedom and the Principle of Alternative Possibilities," in *Faith, Freedom, and Rationality,* ed. Jeff Jordan and Daniel Howard-Snyder (Lanham, Md.: Rowman and Littlefield, 1996), 73-88; and "Augustine on Free Will."

[11] Scott MacDonald, "Synchronic Contingency, Instants of Nature, and Libertarian Freedom: Comments on 'The Background to Scotus's Theory of Will,'" *Modem Schoolman* 72 (1995): 169-74. These definitions are on page 170. MacDonald's definition of diachronic contingency implies that t_1 is later than t_2, but as we will see later, in section N, this need not be the case.

only if it is the case that at the moment that the action comes about, its opposite could come about. On a diachronic view, what is required for contingency is only the possibility that an action's opposite could come about at some other time-not specifically at that very moment in time. Synchronic contingency is a stronger notion than diachronic contingency. As MacDonald points out, synchronic contingency involves the concept of possible worlds; it involves alternative states of affairs that do not obtain in the actual world. Diachronic contingency, on the other hand, does not involve possible worlds; rather, it describes alternative times in the actual world. [12]

Fundamentally, a commitment to synchronic contingency entails a commitment to the principle of alternative possibilities as that principle is often understood. To say that an agent lacks alternative possibilities is simply to say that at the very moment that the agent acts, she could not have acted otherwise, and that would certainly indude doing the opposite of what she in fact does. Williams himself describes synchronic contingency using the language of the principle of alternative possibilities:

> In particular, libertarianism involves a conception of possibility as involving synchronic alternatives. When a libertarian claims that it was possible for an agent to act otherwise, he typically means that it was possible for the agent to act otherwise at that very time and in those very circumstances. [13]

Thus, Williams interprets libertarianism in terms of what Stump calls common libertarianism. Williams does not mention the key idea in (L1), but since (L1) is the incompatibilist assumption, I assume that he would accept (Ll) unconditionally.

As I mentioned earlier, for the sake of this discussion I am willing to grant the daim that libertarianism requires synchronic

[12] Ibid., 170.

[13] Williams, "The Libertarian Foundations of Scotus's Moral Philosophy," 208. Williams's association of libertarianism with synchronic contingency raises the following question: if libertarianism is associated with synchronic contingency, does that mean that diachronic contingency is a reflection of compatibilism? I suspect that compatibilists would agree that they could consistently adopt a diachronic view of contingency, but it is not dear to me that compatibilism itself requires describing contingency in terms of diachronic alternatives.

contingency. Thus, for purposes of this paper, "libertarianism" refers to common libertarianism. Since the most immediate function of this paper is a critique of Williams's interpretation of Aquinas, I shall frame the discussion using Williams's language of synchronic and diachronic possibilities.

II

In this section, I shall consider Williams's arguments for his position that Aquinas's notion of the will as intellective appetite allows Aquinas diachronic contingency at best.

Intellective appetite by definition is an appetite that is responsive to intellectual cognition.[14] On Aquinas's account, the will is an appetite for the good as the good is conceived by the intellect.[15] The will inclines toward a given object that the intellect has judged to be a good. Since the will is a purely appetitive power, it depends upon the intellect for its object. In other words, we are not inclined toward anything in particular (where 'thing' should be taken very broadly) unless, first, we are cognizant of it and, second, we recognize (or judge) it to be good. On Aquinas's account, the intellect accounts for our cognitive activities and the will accounts for our inclinations toward a given object.[16]

Williams describes four aspects of Aquinas's theory that are intended to account for freedom in the will: the human ability to desire individual objects under the description of good, the human ability to form different conceptions of a flourishing life, the human ability to choose among various means to achieve particular ends, and the will's ability to move the intellect.

[14] Ibid., 200.

[15] Aquinas makes this claim in a number of places. See for example, *STh* 1-11, q. 1, a. 1; q. 1, a. 2, ad 3, q. 1, a. 3; q. 8, aa. 1 and 2 ; q. 9, aa. 1 and 2; q. 13, a. 6. All citations of Aquinas's texts are from the Leonine edition *(Opera omnia, Issu impensaque Leonis XIII, P.M. edita* [Vatican City: Vatican Polyglot Press, 1882-]).

[16] This picture is a bit oversimplified in light of the fact that Aquinas also recognizes a sensory appetite that is responsive to sensory apprehension. I am setting aside that complication since even though sensory appetite can influence our actions, it cannot overcome a functioning intellect and will. Thus, it plays no role in the explanation of the freedom of action.

Although here I have characterized the first three in terms of human abilities, it should be kept in mind that on Aquinas's account the intellect and the will account for human abilities insofar as those abilities are distinctively human.[17] In particular, the will accounts for desire and inclination while the intellect accounts for conceptualization and other cognitive functions. With regard to each of these four elements of Aquinas's view, Williams argues that Aquinas's understanding of the will's activities is not sufficiently robust to allow for genuine synchronic alternatives, that is, for alternative possibilities in the authentic libertarian sense. As a result, Williams concludes that Aquinas's theory fails to provide support for the claim that he can be considered a libertarian.[18] Now, I will present Aquinas's four positions as characterized by Williams, followed by Williams's critique.

Williams notes that for Aquinas the will inclines toward a given object only insofar as that object is judged by the intellect to be good. The notion of the good is a purely general one, a description that many objects are able to satisfy. Thus, the will is not necessitated with respect to any particular object; rather, it is able to be directed toward any number of different objects. One could judge that bike riding or eating hot fudge sundaes or going to church is good. Thus, the will has any number of objects toward which it can be directed; it need not choose any particular one. The manner in which the will operates insofar as it is inclined toward the good is supposed to provide the will with alternative possibilities.[19]

Similarly, Williams notes that, according to Aquinas, human beings make choices in light of their conception of a flourishing

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

[18] Williams, "The Libertarian Foundations of Scotus's Moral Philosophy," 200-209. Williams formulates his arguments by comparing Aquinas's notion of intellective appetite with his conception of sensory appetite, which for Aquinas lacks freedom altogether. Williams's general strategy is to argue that, in each case, Aquinas's distinction between will and sensory appetite is not sufficient to ground libertarian freedom. I have chosen to omit William's comparisons with sensory appetite, as I believe that I can present Williams's point faithfully without that further complicating factor.

[19] Ibid., 201-2.

human life. While on Aquinas's account human beings are necessitated to will happiness, happiness is understood in this sense to be the purely general concept of a full and flourishing life. This concept need not be instantiated in any particular way; there are many different ways to live a satisfying life. Thus, the intellect is not necessitated to conceive of any particular way of life and the will in turn will not be necessitated to will any particular way of life.[20] Once again this is to allow the will alternative possibilities.

Third, according to Williams, Aquinas argues that human beings have the ability to consider alternative courses of action insofar as these alternatives are suitable means for achieving their ends. To adopt one of Williams's own examples, having concluded that the aesthetic life is the best sort of life, one can then decide among various ways to attain such a life: join a choir, take organ lessons, become an art buyer or a newspaper theatre critic.[21] Since there exists more than one way to pursue the aesthetic life, a fact that the intellect is able to recognize, the will is not necessitated to choose any particular means of achieving this end, once again giving the will alternative possibilities.

Finally, Williams grants Aquinas's claim that the will is capable of moving the intellect. More specifically, the will is able to turn the intellect's attention away from any given object. If the will is able to do so, then the will need not will any given object.[22]

Williams's responses to these four elements of Aquinas's theory can be divided into two basic approaches. The first is directed toward Aquinas's first three elements and the second against his fourth. First, Williams argues that Aquinas's maneuvers in the first three arguments give him mere multiplicity of objects. But as Williams points out, mere multiplicity of objects is not enough for genuine alternative possibilities. Animals too have a multiplicity of objects to choose from; the dog can eat the Alpo in the bowl, or the doggy treats in the bag left open in the pantry, or eat

[20] Ibid., 204-5.
[21] Ibid., 206.
[22] Ibid., 207.

nothing at all.[23] Yet Aquinas would agree that dogs and other non-rational animals are not free.

Williams also argues that simply being aware that a given object (or way of life or means to an end) falls under a particular concept (the concept of the good or the concept of happiness) does not rule out that our choices come about deterministically.[24] He thinks that the most Aquinas can show is that there is no object (where object here means individual object, or a particular conception of a flourishing life, or a particular means to an end) such that the will is necessitated to will that object. But this claim is not strong enough for the libertarian; what the libertarian wants, Williams argues, is a commitment to the daim that the will is not necessitated to will a given object even under a completely specified set of circumstances. In other words, what is required for libertarian freedom is that it be possible for the will to choose otherwise even if none of the surrounding circumstances change, including the intellect's judgment.[25] That is, what is needed is a commitment to synchronic alternatives. But according to Williams, on Aquinas's view this is not possible because Aquinas's conception of the will as intellective appetite, an appetite that follows the judgments of the intellect, presupposes that once the intellect has presented the will with an object deemed to be good or deemed to be the instantiation of the good life or deemed to be the best means to a given end, the will cannot help but will it.[26] It is not possible at the time of the will's willing that the will will otherwise; thus, the will lacks synchronic alternatives. The most that Aquinas can allow for is diachronic contingency. That is to say that on Aquinas's view, the will wills otherwise because at some other time the intellect judges otherwise.

Given the strong tie between the will and the intellect on Aquinas's account, it becomes imperative to ask about freedom in the intellect. AB Williams notes, Aquinas thinks that the will's inclinations determine actions and the intellect's judgments

[23] Ibid., 202. The example is Williams's own.

[24] Ibid., 204.

[25] Ibid., 205 and 208.

[26] Ibid., 205-6.

determine the will's inclinations.[27] Since the will is free to choose different objects only insofar as the intellect is free to make judgments about those objects, we must ask whether the intellect is in fact free to make those judgments. Williams's response is, "Of course not."[28] He goes on to say:

> The intellect, as everyone in this debate would admit, operates deterministically. To put it in more modern terms, in a given set of circumstances, we have no control over how things look to us. If in a given set of circumstances my intellect presents the life of aesthetic experience to me as the perfect and complete human life, it is not physically possible for it in that set of circumstances to present any other life to me as embodying happiness.[29]

Thus, Williams concludes that since the will's act1v1ty is determined by the judgments of the intellect, the will is free to choose otherwise only to the extent that the intellect is free to judge otherwise. Given that the intellect is determined with respect to its judgments, so too will the will be determined with respect to its choices. Aquinas's attempts to explain freedom in the will in terms of the general concept of the good, the general concept of happiness, and means-end reasoning are unable to account for libertarian freedom in Williams's view. At best he thinks they permit Aquinas only a compatibilist account.

Aquinas's fourth point, that the will is able to avert the intellect and, in doing so, avoid willing any particular object, elicits a different response from Williams. Williams argues that on Aquinas's account the will is able to turn the intellect in this manner only if the intellect has judged that doing so is the best thing to do. But this position does not solve the problem; it simply moves it up a level.[30] For the will's not willing a given object

[27] This is a controversial claim, although as will become apparent later in the paper, I agree with Williams here. I address this issue in more detail in section III, B.

[28] Williams, "The Libertarian Foundations of Scotus's Moral Philosophy," 205. Here Williams is specifically examining the intellect's freedom to judge various conceptions of the good life, but I am confident that he would extend his argument to the intellect's judgments about the goodness of various objects. On page 206, he extends his argument to the intellect's judgments about the best means to a given end.

[29] Ibid., 205.

[30] Ibid., 207.

comes about because the intellect has been averted from that object. The intellect's averting has been instigated by the will, but the will does so only in response to a judgment of the intellect that such an averring is the best course of action. Williams has already argued that the intellect's judgment is determined, and in that case the will's activity of averting the intellect will also be determined given that the will is following the judgment of the intellect in moving the intellect's attention away from the original object. What follows from this is that ultimately the will is not free in any libertarian sense to avert the intellect.

Williams concedes that Aquinas could daim that in averting the intellect's attention the will is acting not on a judgment of intellect but rather at its own discretion (to use Williams's phrase).[31] But this move resolves nothing; it only raises further questions. If the will is able to act at its own discretion in relationship to the intellect's activity, why can't it do so with respect to its own activities in willing alternatives for action?[32] It seems arbitrary to state that the will is free to avert the intellect yet must follow the intellect in choosing courses of action. In fact, I think it seems more than just arbitrary; on Aquinas's account, it seems inconsistent" On the view we are currently considering, in any particular situation the will is able either to avert the intellect or to follow the intellect's judgment" But if it is operating at its own discretion, it is not following the intellect's judgment. That is inconsistent with the idea of the will as intellective appetite, that is, an appetite that follows the intellect's judgment" Finally, as I suspect Williams would agree, it should be pointed out that in fact Aquinas never makes the daim that the will is able to avert the intellect on its own power, independently of a judgment of the intellect.[33]

[31] Ibid.

[32] Ibid.

[33] There are scholars who would disagree with my claims here, for they argue that Aquinas gives the will a stronger role in directing the intellect's activities. See for example, Gallagher, "Free Choice and Free Judgment in Thomas Aquinas"; and Stump, "Aquinas's Account of Freedom." I address this issue in more detail in section m, B.

Williams concludes that Aquinas's account of freedom is not a libertarian account. He argues further that the attempt to characterize Aquinas as a libertarian is in fact anachronistic because libertarianism involves modal concepts that Aquinas makes no attempt to adopt or develop (in particular, a synchronic view of contingency). [34] I shall now go on to consider Williams's criticisms and discuss my points of agreement and disagreement.

III

There are three interrelated parts to Williams's criticism of Aquinas's theory of free will. First, as Williams points out, Aquinas's notion of the will as intellective appetite implies a dose connection between the activities of the intellect and the activities of the will. The will responds to and follows the judgments of the intellect regarding alternatives for action. Williams takes this to mean that once the intellect has presented the will with an object deemed to be good or deemed to be the instantiation of the good life or the best means to a given end, the will wills it. I agree with Williams that the will wills what the intellect presents to it as its object. For Aquinas the will is a desire for the good and depends upon the intellect to present it with its object Even in his discussion of the wiU's ability to move the intellect, Aquinas grants that the will does so in response to a judgment of intellect that doing so is good. Although he argues that the intellect acts on the will with final causation and not with efficient causation, he never asserts that the will is able to wiH in opposition to the considered judgment of the intellect. [35] Thus, I am willing to grant that on Aquinas's view the will wills the object presented to it by the intellect and does not wiH in opposition to the intellect's final judgment.

Second, Williams argues that given the tight connection between the activities of the intellect and the activities of the will, the wiU's activities are free only insofar as the intellect's activities

[34] Williams, "The Libertarian Foundations of Scotus's Moral Philosophy," 208-9.

[35] For Aquinas's discussion on how the intellect moves the will, see *STh* I, q. 82, a. 4.

of judging come about freely. I am willing to grant this claim. But Williams goes on to say that the intellect acts deterministically, which from Aquinas's point of view would commit him to the unpalatable view that the will acts deterministically. Third, the intellect in acting deterministically cannot help but judge (rightly or wrongly) which way of life is the best or what is the best means to achieve a given end. Thus, once the intellect arrives at its judgment, the will cannot help but follow that judgment and choose the best way of life or choose the best means.

Finally we have arrived at claims that I am not willing to grant. I am not willing to grant the daim that the intellect acts deterministically in any sense detrimental to libertarian freedom. I am not willing to grant the daim that the intellect must present the best option to the wilL Here lies what in my view is the source of Williams' s mistaken critique of Aquinas's account of freedom. The rejection of these two claims paves the way for a libertarian account of freedom, albeit one of a variety different from WHHams's or Scotus's account. In the following two subsections, I shall examine both of these daims in turn, beginning with the latter. Then in the final section, I shall consider Aquinas's distinct version of libertarianism.

A) Only the Best?

In this subsection I argue for three claims: first, that Aquinas never asserts that the intellect must present the best option to the will; second, that Aquinas's other commitments do not entail that he must hold that the intellect present the best option to the will; and third, that even if his commitments do force him into this position, the position does not threaten the possibility of a libertarian account of freedom.

With regard to the first point, I find no evidence that Aquinas holds the view (often attributed to him) that the intellect must present the best option to the will. Of course one might judge that acting on the best option is good, and so one might structure one's life around always pursuing what one judges to be the best option,

whether that be the best sort of life or the best means to achieving one's goals. But nothing Aquinas says commits him to the claim that one must or always in fact does choose what one has judged to be the best.

The closest Aquinas comes to asserting anything along these lines is found in *Summa Theologiae* I-II, q. 13, a. *6* in the reply to the third objection. Here is the objection:

If two things are equal in every respect, a human being is not moved more toward one of them than toward the other. For example, if someone who is hungry has food that is equally desirable in every way and equally distant from him, he is not moved more toward one than toward the other, as Plato stated when he was explaining the reason for the quietude of the earth in the middle, as discussed in the second book of *De caelo.* But much less can what is perceived to be a lesser choice be chosen than what is perceived to be equal. Therefore if two or several things be proposed among which one appears to be better, it is impossible to choose any of the others. Therefore, that which appears to be the more prominent is chosen by necessity. But every choice involves what seems to be better in some way. Therefore, every choice comes about from necessity.[36]

Aquinas's reply is very interesting:

If two things are proposed to be equal according to one consideration, nothing prevents some other criterion from being considered by which one [alternative] appears prominent, and the will is turned more toward it than toward the other.[37]

At first glance it appears that Aquinas is skirting the issue. The most important point of the objection is precisely the one that Williams is advancing, that is, the idea that the intellect and the

[36] *SI'h* I-II, q. 13, a. 6: "Praeterea, si aliqua duo sunt penitus aequalia, non magis movetur homo ad unum quam ad aliud: sicut famelicus, si habet cibum aequaliter appetibilem in diversis partibus, et secundum aequalem distantiam, non magis movetur ad unum quam ad alterum, ut Plato dixit, assignans rationem quietis terrae in medio, sicut dicitur in II de caelo. Sed multo minus potest eligi quod accipitur ut minus, quam quod accipitur ut aequale. Ergo si proponantur duo vel plura, inter quae unum maius appareat, impossibile est aliquod aliorum eligere. Ergo ex necessitate eligitur illud quod eminentius apparet. Sed omnis electio est de omni eo quod videtur aliquo modo melius. Ergo omnis electio est ex necessitate."

[37] *STh* I-ll, q. 13, a. 6, ad 3: "Ad tertium dicendum quod nihil prohibet, si aliqua duo aequalia proponantur secundum unam considerationem, quin circa alterum consideretur aliqua conditio per quam emineat, et magis flectatur voluntas in ipsum quam in aliud."

will are necessitated to choose the alternative judged to be the best out of all the alternatives under consideration. The objection puts the point in terms of the better alternative, but this amounts to the same thing; the alternative judged to be the better of all the, alternatives under consideration is in fact the one judged to be the best of the bunch. Aquinas's response focuses on the first part of the objection: the claim that one would never choose if one judged every alternative to be equally desirable. Aquinas states that even if the alternatives appear equally attractive from one point of view, it is always possible to consider the alternatives from a different point of view and to find some aspect in virtue of which one of the alternatives stands out from the others. Once that happens, the will is moved toward that alternative and the choice is made. Not only does Aquinas answer only the first part of the objection, but one might think that his reply implies that he does in fact accept the position that human beings choose on the basis of what they judge to be the best.

But I think this conclusion is overstated. What Aquinas actually says is that nothing prevents us from doing this. He doesn't say that this is in fact what transpires in these situations. So he is making a much weaker claim. And this weaker claim fits better with what Aquinas emphasizes over and over again, that human beings choose on the basis of their judgments of the good. It is quite a leap to move from the claim that one chooses on the basis of what one sees as good to the claim that one chooses on the basis of what one sees as best. It is one thing to judge that a Hersey Special chocolate bar is a good thing to eat when I am hungry and quite another to judge that it is the best thing to eat or that it is better than all the other alternatives I am considering. Surely it makes sense to say that I could decide to eat the Hersey Special bar on the basis of my recognition of its goodness alone; I don't have to decide that it is the best alternative before I am able to munch away. Moreover, I would argue that a leap to the stronger claim is not warranted by Aquinas's texts. The will is an appetite for the good, Aquinas says over and over; he never says that it is an appetite for the better or an appetite for the best. He

is willing to grant that we can choose the best alternative; after all, the best alternative is also a good one. But nothing commits him to the stronger claim, not even what he states in his reply to this objection.[38]

Moreover, Aquinas puts the point in terms of using criteria in virtue of which one alternative becomes prominent *(emineat).* But the term 'prominent' is ambiguous; it need not be taken to imply that one alternative appears better than the other.[39] It may be that one alternative catches one's attention more than the others once one begins to consider them in a particular light. In this case, the agent is not necessarily making the judgment that one alternative is better than the other. Rather a particular alternative simply stands out or attracts his attention. The increase in focus does not necessarily mean that he sees that alternative as better. I walk into the kitchen feeling hungry. I am trying to decide between the chocolate bar and the orange. I recognize that there are reasons for choosing either of these alternatives. But I decide that something sweet sounds good; that becomes my criterion by which I will make a choice. The chocolate bar becomes prominent in light of that criterion and I choose the chocolate bar. Did I have to decide that the chocolate bar was the best choice? No: there are other things in the kitchen that satisfy the criterion that something sweet sounds good to eat, ice cream or cake, for example. Did I have to view the criterion that something sweet sounds good as the best criterion? No; it is enough on Aquinas's view to see it as a good criterion. I have simply adopted a particular criterion according to which a particular alternative becomes prominent and I choose accordingly. I could have chosen differently on the same criterion or I could have adopted a different criterion altogether. Nothing about this story commits Aquinas to the claim that a judgment about what is the best alternative plays any role in my decision-making procedure.

[38] For more on this issue, see Scott MacDonald, "Practical Reasoning and Reasons-Explanations: Aquinas's Account of Reason's Role in Action," in *Aquinas'sMoralTheory,* ed. Scott MacDonald and Eleonore Stump (Ithaca: Cornell University Press, 1999), 133-59.

[39] I wish to thank Christina Van Dyke for pointing this out to me.

Nevertheless even if I am right that Aquinas does not assert the claim that human beings must always choose what they deem to be the best, perhaps one might argue that Aquinas's other views commit him to this claim.[40] Aquinas holds that the will is necessitated by the perfect good, where the perfect good is that which has no undesirable aspects; since the will is an appetite for the good, only a good of this sort satisfies completely the agent's desires. According to Aquinas, whenever the intellect presents to the will a particular alternative it has judged to be perfectly good (whether the intellect has judged correctly or not), the will wills necessarily what the intellect has presented.[41] He argues that only one thing fulfills these conditions and that is happiness.[42] For Aquinas the general conception of happiness is whatever satisfies completely all of our desires.[43] He thinks that what will in fact satisfy completely all of our desires is the vision of the divine essence but he recognizes that what happiness consists in is a matter of great controversy.[44] Nonetheless he argues that all human beings in fact pursue happiness as their ultimate end, that is, the end for the sake of which they pursue their other ends.[45] It is unimportant for my purposes whether Aquinas has the correct account of happiness. What is worrisome for my claims is the basic idea that human beings are so constructed that they pursue out of necessity a perfect good, one that contains no undesirable aspects from any point of view. This view implies that since human beings are always on the lookout for a perfect good, so to speak, they choose necessarily things that more closely approximate the perfect good. That is to say, since the will is an appetite for the good and is necessitated by a perfect good, the

[40] I wish to thank Jeffrey Brower for raising this objection.

[41] *SI'h* I-II, q. 10, a. 2.

[42] Ibid.

[43] *SI'h* 1-11, q. 5, a. 8.

[44] For Aquinas's argument that happiness consists in the vision of the divine essence, see *ST'h* 1-11, q. 3, a. 8. For his arguments against other candidates for happiness, see *ST'h* I-II, q. 2.

[45] For a more detailed discussion of this aspect of Aquinas's theory, see Scott MacDonald, "illtimate Ends in Practical Reasoning: Aquinas's Aristotelian Moral Psychology and Anscombe's Fallacy," *Philosophical Review* 100 (1991): 31-66.

more closely a particular good approximates the perfect good, the more attractive it will be to the will. It follows from this that when confronted with two alternatives one of which is (judged to be) better than the other, the will out of necessity chooses the better alternative. Thus, Aquinas's commitment to the claim that human beings pursue their own perfection seems to entail that human beings always choose the best course of action (or at least what they judge to be the best course of action).

I think that this inference is fallacious. It presupposes that there is a linear relationship between the satisfaction of the will's inclinations and the value of the alternatives toward which the will inclines. That is, it presupposes that the greater the value of the alternative, the stronger the will's attraction to it. But Aquinas's conception of the perfect good and its role in the will's inclinations is more complex than this and is decidedly non-linear. On Aquinas's view, what human beings desire above all is a fulfilling life; to achieve a fulfilling life is to have all of one's desires satisfied. Although Aquinas has specific ideas about what constitutes a fulfilling life, I suspect that he would agree that the notion of a fulfilling life admits of a certain amount of variation from individual to individual. In other words, there can be multiple paths to the vision of the divine essence. Perhaps there will be particular means that all must adopt in pursuing and achieving this end, but whether one pursues those means as a physician or a priest or a bricklayer is up to the individual. In fact in my view, it is misleading to talk about *a* notion of a fulfilling life, even for a particular individual, because human beings seek fulfillment in a number of different respects: one's choice of career, one's choice of recreational activities, one's choice of spiritual activities, one's choice of social activities, etc. All of these aspects of one's life together play roles in one's pursuit of fulfillment and any particular aspect cannot be reduced to another. Each of them is multiply realizable, and it may not make much sense to say that one can rank every alternative as better or lesser than all the other alternatives in some sort of single-file linear arrangement. For example, it may be the case that there are

a whole host of recreational activities that I would find satisfying. There are some I would surely rule out from the start; given who I am, I am not likely to find watching Rambo movies very appealing. But I do find bike riding and gardening and visiting with friends all satisfying activities. If I chose to go bike riding on a pleasant Sunday afternoon, does that mean that at that moment I prefer bike riding to other activities I could be doing, that I judge it to be a better, more perfect alternative than any of the other activities I could have chosen? Not necessarily: it may mean simply that bike riding meets some baseline threshold of what for me contributes to a fulfilling life in the category of recreational activities. I decide that it would be fun, and I choose to do it.

Moreover, whether a given alternative is better or worse depends very much upon the standards or criteria used in evaluating the alternatives. Thus, to take another simple case, if I am trying to evaluate various alternatives for recreation, I may consider reading the latest medieval murder mystery by P. C. Doherty or going out for a run or playing a board game with my daughter. Each of these alternatives has advantages and disadvantages, depending upon how one views the activity. If I decide to read, I miss out on the benefits of exercise and the benefits of social contact with my daughter. If I decide to go running, I miss out on the excitement of the mystery. Thus, from the standpoint of exercise and from the standpoint of social activities, reading is decidedly worse than running or playing the board game. From the standpoint of quiet solitary activities, playing the board game and running are decidedly worse, and so on. Thus, virtually all my alternatives are better from some points of view and worse from others. Once again this militates against the linear picture suggested by the objection.

One might respond that while perhaps it makes no sense to say I choose the best alternative directly, still I choose the best alternative indirectly. I judge which type of activity is the best given the circumstances in which I find myself, and then I judge the alternatives open to me in light of the set of standards for that particular type of activity. If I decide to read, it is because I have

decided that quiet solitary activities are the best at this particular time; reading satisfies the criteria for quiet solitary activities while running and playing a board game do not. In other words, my judgment of what is best is one step above the level of particular alternatives for action at the level of different categories or types of alternatives for action.

I think that one could make the same sort of move at this level that I just made at the level of particular alternatives, but the responder will most likely just move the objection up another level and so on until it appears that we are headed for an infinite regress. I could deny that agents must operate at any level with a conception of what is best. But there is a third possibility and that is to explore exactly what happens if we simply grant the point that, at some level, human beings make choices in light of what they think is best. The question is whether this concession removes our freedom in any significant sense. I do not see that it does. Let us consider the situation from the level of choosing a type of activity. Suppose that I decide that some sort of quiet solitary activity is the best thing to do given my present circumstances. Such a type of activity is not the best *simpliciter.* Types can be considered from different points of view just as particular alternatives can, and depending upon the point of view they will appear better or worse. Thus, I can alter my judgment of what is best by looking at various types of activities from multiple points of view. I could change my mind that quiet solitary activities are the best thing to do in my present circumstances; I could decide that vigorous exercise is the best. As long as I am free to reconsider my judgment about what type of activity is best in these circumstances, I am free to alter my decision about what type of activity is best. I am conceding that once I decide which type of activity is best, I will choose in light of the standards that define that type of activity, but since I am free to change my mind about what type of activity is best, choosing what is best does not interfere with my freedom in any significant way: In that case, the objection loses its sting. The force of the original objection was that being compelled to choose what the agent judges to be the

best alternative removes one's freedom; one is not free to choose what one has not judged to be the best. But if I am free to alter my judgments about the types of activities open to me by reconsidering their attractive and unattractive aspects, then I need not perceive any particular type of activity as the best, and I lose none of my freedom. Aquinas would maintain that I am free to perform such operations, in virtue of my intellect. Thus, even if Aquinas's claims about happiness entail that human beings always choose the best alternative, this turns out to be an innocuous entailment.

Of course this reply is successful only in the event that I am able to resolve Williams's other objection, that is, the objection that the intellect is determined. In the next subsection, I shall address this objection after first discussing what I take to be Aquinas's view of human freedom.

B) Determinism in the Intellect

I stated above that I am willing to grant that on Aquinas's view, once the intellect presents the will with its object, the will wills that object. I also stated that as far as freedom is concerned, I am willing to grant that freedom in the will depends upon freedom in the intellect. The dearest statement of both positions is found in *De Veritate,* q. 24, a. 2:

> With respect to our actions, three things concur, namely, cognition, appetite, and the action itself. The entire ground of freedom depends upon the manner of cognition. For appetite foHows cognition, since there is no appetite except for the good that is proposed to it by the cognitive power .... But motion or action follows appetite if there is nothing impeding it. And therefore, if the judgment of the cognitive power is not in an individual's power but is determined for him by something else, then neither will the appetite be in his power and as a result neither will the motion or the action be [in his power] in an absolute sense. But judgment is in the power of the one who judges insofar as he is able to judge about his own judgment, for we are able to judge about that which is in our power. But to judge about one's own judgment belongs solely to reason, which is turned back toward its own act, and which understands the concepts of things

about which it judges and by which it judges. Thus, the root of all freedom is endowed in reason.[46]

Aquinas calls the intellect the root of human freedom because the intellect endows the agent with the capacity for self-reflection and the ability to understand the criteria by which the agent judges the adequacy of possible courses of action. He develops his description of the intellect's abilities further in the following passage from *Summa Theologiae* I-II, q. 17? a. 1:

The root of freedom is the will as its subject, but as its cause, it is reason. For the will is able to be carried to different things freely precisely because the intellect is able to have different conceptions of the good.[47]

Despite the claim that the will is the root of freedom with regard to its subject, this passage, Hke the one from *De Veritate,* traces freedom back to the intellect's activities. In *De Veritate,* Aquinas argues that the intellect is free in virtue of its capacity for self-reflection and self-evaluation. He implies by this that the human ability to reflect upon and reconsider our reasons for acting one way rather than another enables us to act freely. In the passage from *Summa Theologiae,* Aquinas traces freedom in the will to the intellect's ability to consider different conceptions of the good. Thus, I can view the Hersey Special bar from the standpoint of pleasure and judge it to be good in that regard. Or I can view the candy bar from the perspective of my health, which I also see as

[46] *De Veritate,* q. 24, a. 2: "Ad cuius evidentiam sciendum est quod cum ad operationem nosttam tria con.currant, scilicet cognitio, appetims, et ipsa operatio, tota ratio libertatis ex modo cognitionis dependet. Appetitus enim cognitionem sequitur, cum appetitus non sit nisi boni quod sibi per vim cognitivam proponitur .... Appetitum autem si non sit aliquid prohibens, sequitur motus vel operatio. Et ideo si iudicium cognitivae non sit in potestate alicuius, sed sit ei aliunde determinatum, nee appetitus erit in potestate eius, et per consequens nee motus vel operatio absolute. Iudicium autem est in potestate iudicantis secundum quod potest de suo iudicio iudicare; de eo enim quod est in nostra potestate possumus iudicare. Iudicare autem de iudicio suo est solius rationis quae super actum suum reflectitur, et quae cognoscit habitudines remm de quibus iudicat et per quas iudicat; unde totius !ibertatis radix est in rarione constituta."

[47] *STh* I-H, q. 17, a. 1, ad 2: "Ad secundum dicendum quod radix libertatis est voluntas sicut subiectum, sed sicut causa, est ratio. Ex hoc enim voluntas libere potest ad diversa ferri, quia ratio potest habere diversas conceptiones boni." See also *STh* I-H, q. 13, a. 6.

a good[9] and judge that it is not good in that regard. At this point I need to judge which conception of the good I will choose in accordance with, make my judgment, and choose accordingly. I can also rethink my judgment and reconsider my reasons for choosing one way or another. AH of these activities are ultimately functions of the intellect, not the will, on Aquinas's account. They cannot be functions of the will since Aquinas thinks that a judgment of the intellect always precedes the activity of the will. In choosing a particular conception of the good for example, the will would have to be responding to a particular judgment by the intellect that to adopt that conception is good. Thus, choice of the good by the will is tied to the intellect's judgment.[48]

On the other hand there are passages where it appears that Aquinas sees a stronger role for the will.[49] These passages have to do with an issue I mentioned briefly in section II, the idea that the will is able to direct the intellect with respect to its activities.[50] Aquinas states:

> Since every agent acts for the sake of an end (as was shown above), the principle of this motion is on the side of the end.... The good in general, which has the notion of an end, is the object of the will. And therefore from this side, the will moves all the other powers to their acts, for we use the other powers when we will. For the ends and the perfections of aH the other powers fall under the object of the will as particular goods.[51]

[48] In fact Aquinas describes choice as materially an act of the will and formally an act of the intellect; see *STh* I-ll, q. 13, a. 1. I take Aquinas to mean that while the will does the actual choosing, the intellect specifies the content of that choice.

[49] In *De Veritate,* Aquinas claims that "although judgment is a function of reason, the freedom of judging has to do immediately with the ("Ad tertiwn dicendum quod quamvis iudicium sit rationis, tamen libertas iudicandi est voluntatis immediate" [De *Verit.,* q. 24, a. 6]). He argues that the activity of judging insofar as it is judging is an activity of the intellect, but insofar as one judges freely, one does so in virtue of the will. Elsewhere I have argued that this passage can be reconciled with the earlier passage cited from *De Veritate;* see Colleen McCluskey, "Albertus Magnus and Thomas Aquinas on the Freedom of Human Action," *inAlbertus Magnus, 1200-2000,* ed. Walter Senner, O.P., et al. (Berlin: Akademie Verlag, 2001), 243-54.

[50] I am grateful to Philip Lyndon Reynolds for bringing this point and some of the relevant passages to my attention.

[51] *STh* I-H, q. 9, a. 1: "Et cum omne agens agat propter finem, ut supra ostensum est, principium huius motionis est ex fine. Et inde est quod ars ad quam pertinet finis, movet suo imperio artem ad quam pertinet id quod est ad finem: sicut gubernatoria ars imperat

Aquinas includes the intellect among those powers moved by the will, as is apparent from the following passage, where he argues that the will moves the intellect as an efficient cause:

> Something can be said to move in two ways: in one way, in the manner of an end, as it is said that the end moves the agent. The intellect moves the will in this way, because the good as understood is the object of the will and moves it as an end. It is said that something moves in another way in the manner of an agent, for example, what alters moves what is altered, and what impels moves what is impelled. The will moves the intellect (and all the other powers) in this way ... to their activities. [52]

Aquinas gives us a different story for the intellect. He argues that the intellect moves the will via final and formal causality, as we see both from the passage immediately above and from the following:

> The object moves by determining an act in the manner of a formal principle, by which the act is specified in natural things, for example warmth from heat. But the first formal principle is being and the universal truth, which is the object of the intellect. Therefore the intellect moves the will by this manner of motion by presenting it with its object. [53]

What is implied by these passages is that the will has greater autonomy than I have been willing to admit so far. The will is able to direct the intellect to its characteristic activities, including

navifactivae, ut in II Physic dictur. Bonurn autem in communi, quod habet rationem finis, est obiectum voluntatis. Et ideo ex hac parte voluntas movet alias potentias animae ad suos actus: utimur enim aliis potentiis cum volumus. Nam fines et perfectiones ornnium aliarum potentiarum comprehenduntur sub obiecto voluntatis, sicut quaedam particularia bona." See also *STh* I-H, q. 90, a. 1, ad 3.

[52] *STh* I, q. 82, a. 4: "Respondeo dicendum quod aliquid dicitur movere dupliciter. Uno modo, per modum finis; sicut dicitur quod finis movet efficientem. Et hoc modo intellectus movet voluntatem: quia bonurn intellecturn est obiectum voluntatis, et movet ipsam ut finis. Alio modo dicitur aliquid movere per modum agentis; sicut alterans movet alteratum, et impellens movet impulsum. Et hoc modo voluntas movet intellectum, et omnes animae vires ... ad suos actus."

[53] *STh* I-H, q. 9, a. 1: "Sed obiectum movet, determinando actum, ad modum principii formalis, a quo in rebus naturalibus actio specificatur, sicut calefactio a calore. Primum autem principium formale est ens et vemm universale, quod est obiectum intellectus. Et ideo isto modo motionis intellectus movet voluntatem, sicut praesentans ei obiectum suum."

deliberation and judgment. It does so by efficient causation, which is a stronger form of causation than either final or formal causation. Efficient causation implies that the will has a direct effect upon the intellect, moving it to its activities while the other two types of causation imply that the intellect has an indirect effect upon the will. That is, formal and final causation imply that although the intellect presents a particular object to the will, the impetus for motion in the will lies on the side of the will. There are many things that I could consider my end, but I need not be moved by any of them. Since I move toward a given end in virtue of the will, this implies that the will has final authority over what actually moves the agent. Thus, formal and final causation can be seen as weaker types of causation, types that don't imply the sort of determinism that efficient causation implies.

Furthermore, in Aquinas's discussion of whether the object moves the will necessarily, he also implies a more autonomous will:

> If some object is proposed to it that is not good in some respect, the will is not carried to it by necessity. Because a defect of any good whatsoever has the connotation of not being good, only that good that is perfect and is deficient in no way is the sort of good that the will is not able not to will, and that is happiness. But all other particular goods, insofar as they are deficient in some good, can be taken as not being good. In accordance with this understanding they can be rejected or approved of by the will, which is able to be carried to the same thing under different understandings. [54]

Aquinas implies here that as long as the intellect recognizes or judges that a given good is not perfectly good, the will is free either to reject or accept it. Thus, this passage can be taken to imply a will that is not determined by the judgments of the intellect.

[54] *STh* I-II, q. 10, a. 2: "Si autem proponatur sibi aliquod obiectum quod non secundum quamlibet considerationem sit bonum, non ex necessitate voluntas feretur in illud. Et quia defectus cuiuscumque boni habet rationem non boni, ideo illud solum bonum quod est perfectum et cui nihil deficit, est tale bonum quod voluntas non potest non velle: quod est beatitudo. Alia autem quaelibet particularia bona, inquantum deficiunt ab aliquo bono, possunt accipi ut non bona: et secundum hanc considerationem, possunt repudiari vel approbari a voluntate, quae potest in idem ferri secundum diversas considerationes."

There are several things to be said here. First, in the passage just cited, Aquinas ties the rejection or acceptance of a given (deficient) good to activity in the intellect. He doesn't claim that the will can reject or accept a given (deficient) good on its own; the will does this as it is brought to a given object by the understanding brought to bear by the intellect. Thus, inclinations by the will are importantly tied to the functions of the intellect. Second, I concede the idea that formal and final causation are weaker notions than efficient causation, but despite the claims that the will acts with efficient causation and the intellect with a weaker form of causation, Aquinas never makes the important assertion that the will is able to reject the objects presented to it by the intellect as dearly and as cleanly as it is made by Scotus and others who consider themselves voluntarists.[55] Even the passage I just examined, which constitutes the strongest evidence I have found in support of the claim that, on Aquinas's view, the will is able to reject the judgments of intellect, can be taken in the weaker sense I have just articulated. Finally, Aquinas's language in the following passage suggests that he holds that the will is not able to will against the judgments of intellect:

> With respect to the determination of the act, which is on the part of the object, the intellect moves the will, because the good is apprehended in accordance with a particular notion comprehended under the general concept of what is true.[56]

Aquinas says here that what determines which action is to be performed is ultimately the object. But the object is determined by the intellect through its activities of deliberation and judgment of what is to be done. Thus, Aquinas's language of determination implies that the will is not free to will against the judgment of intellect.

Finally I shall return to a point I made earlier, the point that, for Aquinas, the will is not able to will without input from the

[55] That is, those who argue that human freedom is primarily a function of the will.

[56] *SI'h* I-Il, q. *9,* a. 1, ad 3: "Sed quantum ad determinationem actus, quae est ex parte obiecti, intellectus movet voluntatem: quia et ipsum bonum apprehenditur secundum quandam specialem rationem comprehensam sub universali ratione veri."

intellect. On this matter, Aquinas writes, "It is necessary that apprehension precede every motion of the will, but a motion of the will does not precede every apprehension."[57] What this shows is that the intellect has a certain priority. Without a prior judgment from the intellect, the will does not act, and this includes its act of moving the intellect to deliberate. Yet Aquinas implies here that we can engage in deliberation and other cognitive activities without a prior act of the will.

Thus, the passages that imply a stronger, more autonomous role for the will can be taken as compatible with Aquinas's explicit endorsement of freedom in the intellect and his discussion of the relationship between intellect and will.

Part of what Aquinas's *De Veritate* discussion of freedom in the intellect makes clear is his commitment to the position that if there is no freedom in the intellect, there is no freedom in the will. Williams takes it as obvious that there is no freedom in the intellect. But is this so obvious?

There is I think a sense in which the intellect acts deterministically. Williams is correct in saying that in ordinary circumstances, we don't control how things appear to us. Moreover, in ordinary circumstances, that is exactly how we want our situation to be. We want our beliefs to be true, since true beliefs make it more likely that we will be successful in our dealings with the world. We increase the likelihood that our beliefs are true if we form those beliefs on the basis of what the world is like instead of expecting that the world will conform to our beliefs or trying to make it so conform. Ordinarily we call the latter wishful thinking or, if it is severe enough, delusional thinking. So it is true that, under ordinary circumstances, the intellect, our cognitive belief-forming mechanism, forms beliefs based on the way the world appears to us, independently of our desires and independently of our direct control.[58] Thus, in this

[57] *SI'h* l, q. 82, a. 4: "Omnem enim volutatis motum necesse est quod praecedat apprehensio: sed non omnem apprehensionem praecedit motus voluntatis."

[58] This is not to say that we can't get ourselves to acquire certain beliefs or that we can't manipulate the world in such a way that we form one belief rather than another. If I know nothing about particle physics, I can certainly get myself to the library to read up on the topic

sense, the intellect operates deterministically. Aquinas also argues that the intellect always assents to what is recognized as a necessary truth. [59] Thus, there is another set of conditions under which, for Aquinas, the intellect acts deterministically.

Williams maintains that "if in fact we are free in the libertarian sense, it will not be because we control how things appear to us, but because, however things appear to us, we control how we act on that information. "[60] I agree with him. But what is problematic about his claim is his presuppositions that freedom in the intellect requires that the intellect be able to control how things appear to us and that the only possible way to control how we act on the information we obtain from the world is by means of a free and unrestrained will. I think that first of all, on Aquinas's view, we control how we act on the information we obtain from the world largely in virtue of the intellect; this comes out very dearly in the passages that I examined above from *De Veritate* and from *STh* I-II, q. 17, a. 1. In his eyes, we are able to alter what we do by reflecting upon our reasons for acting one way rather than another. Secondly, the sort of determinism that Williams has in mind and that I have just conceded does not interfere with the activities in the intellect that enable us to control how we act on this information. I shall now go on to examine this daimo

What we recognize as alternatives available to us, how we arrive at various conceptions of the good, is a function of the world around us. What courses of action are open to us is influenced by the circumstances which we find ourselves. What things we find attractive is influenced not only by our physical natures but also by our social environment, including the values we've acquired from our culture, the opinions of our companions,

and as a result form all sorts of beliefs about particle physics. If I move the table from the room, I can then form the belief that there is no table in the room. But there is still a sense in which once we finish with our own activities, our beliefs are formed on die basis of how the world exists at that point. For an interesting discussion of these and other related issues, see Claudia Eisen Murphy, "Aquinas on Voluntary Belief," *American Catholic Philosophical Quarterly* 74 (2000): 569-970

[59] *STh* I-II, q. 10, a. 2, ad 2: "Ad secundum dicendum quod intellectus ex necessitate movetur a tali obiecto quod est simper et ex necessitate verumo" See also *STh* I, q. 82, a. 2.

[60] Williams, "The Libertarian Foundations of Scotus's Moral Philosophy," 205.

our past experiences, and many other factors. These are facts about our circumstances that we cannot alter. Thus, the fact that I find particular alternatives attractive, say, from the standpoint of pleasure and others attractive from, say, the standpoint of health, and the fact that I consider both to be good are functions of a lot of factors over which I have no direct control.[61] Moreover, I have no control over any necessary truths that play a role in my reasoning; I can't rationally deny the law of non-contradiction, for example, or make it the case that bachelors are not unmarried males. I am willing to grant these claims. But I would argue that these facts make no difference with respect to my freedom to choose. For nothing about the social or natural conditions in which I find myself determines antecedently which conception of the good I adopt at any particular moment. Nothing about the world determines what my final judgment about what to do will be. Necessary truths may place constraints upon my reasoning processes but they don't control my final conclusions. Going back to my earlier example of the candy bar, perhaps I will decide that I deserve a little treat. Perhaps I will decide that I've eaten too much chocolate lately and I should go for the orange instead. But there's nothing about the world or my past experience or my social environment that determines the final decision I make. These factors might influence my final decision, but they don't determine it.

Williams is likely to respond that if my intellect conceives of a given choice or a given way of life as the best, it is not possible to change that conception without a change in the circumstances, circumstances over which I have no control.[62] But Aquinas would disagree. As I have argued earlier, even if Aquinas must be committed to the claim that agents act on their best judgments, it

[61] Actually I do think that we have some control over what we consider to be good or what sorts of things we prefer. It makes sense to say that an individual could try to change herself into the sort of person who prefers classical music to rock, for example. But I want to maintain a weaker claim here, the idea that even if Williams is correct about determinism in the intellect, that determinism does not rule out libertarian freedom.

[62] See for example, his comments on page 205. I refer to the relevant passage above (p.431).

is in fact always open to them to reconsider their judgment, and this will be true even if nothing changes about their circumstances. At the moment that I judge that action·a is to be done, I am able to decide that I will do action b instead. Nothing about my environment rules out my being able to do so. I am willing to grant that the environment determines the content of (many of) our beliefs, but the environment is impotent in determining what sorts of judgments we make or whether we reconsider our judgments about which alternative to choose. Moreover, no choices, either of courses of action or of visions of flourishing lives, are the best or are perfect *simpliciter;* they are always advantageous or disadvantageous from a particular point of view. But nothing about the environment determines which point of view a given agent must adopt.

Finally, another familiar phenomenon supports Aquinas's view. We acknowledge many of our failures to live up to our responsibilities to be failures to consider reasons we have for performing what we (now) take to be the right action in those circumstances; if we had considered those reasons we would have in fact performed what we (now) take to be the right action.[63] For example, suppose I fail to return the video I've just shown to my class to the Instructional Media Center where I checked it out. The reason for my failure is pure forgetfulness. I get distracted and forget to return the video. But I knew perfectly well that it was my responsibility to return the video and had I called to mind this knowledge, I would have in fact returned the video. Thus, we can explain my failure to return the video as a failure to call to mind the reasons I had for returning the video. But I hold myself responsible for failing to return the video. Thus it must be the case that it was within my power to call to mind the reasons I had for returning the video; that is, I must have been free to call up reasons or not to call up reasons.

But calling to mind our reasons for doing one thing or another is a function of the intellect. It can't be a function of the will. Even though the will is able to move the intellect to perform its

[63] I wish to thank Scott MacDonald for making this suggestion.

characteristic functions, induding calling to mind reasons for acting, the will is able to do so only on the suggestion from the intellect that doing so would be good. Thus one must already be cognizant of reasons for calling to mind reasons for acting one way or another in order to be moved to call to mind reasons for acting one way or another. That cognizance must be a function of the intellect To attribute it to the will is to endow the will with cognitive capacities, to make it a "'little intellect" so to speak. Thus, we explain our culpability in these cases in terms of the intellect. But given that we don't hold people culpable unless they act freely, these cases also show that the sort of determinism I have granted is present in the intellect does not affect the intellect's freedom in any sense that threatens a libertarian account of freedom. For once again, there is nothing about the way the world is that determines antecedently whether I call to mind reasons for acting or faH to caH to mind reasons for acting. What reasons I have for acting one way or another may be constrained by conditions in the world, but there is nothing about this sort of determinism in the intellect that determines whether or not I call those reasons to mind.

Ultimately then, the activities involved in arriving at a final decision are a function of the intellect for Aquinas. Of course the will is involved in the process; we deliberate and judge in light of our desires and goals, which fall under the provenance of the will for Aquinas. *As* we saw earlier, Aquinas thinks that the will can move the intellect differing directions in the course of deliberation. But ultimately the intellect is in charge, since the will moves the intellect only insofar as the intellect judges that doing so is good.

What this discussion shows is that the determinism that Williams has identified does not interfere with freedom in the intellect any objectionable sense. And in fact, even for someone like Scotus, an analogous kind of determinism arises for the will. For the will is surely constrained by the alternatives the intellect identifies as alternatives; we cannot choose something of which we have no awareness. What Scotus will argue is that the will is

not constrained to choose any particular alternative put forth by the intellect and so this "determinism" does not constrain the will in any significant sense. What I would argue is that the intellect is likewise not constrained. Although the world shapes the alternatives the intellect considers, the world does not determine the judgment the intellect makes. Thus, this discussion shows that Aquinas can defend the view that we control how we act on the information we obtain from the world and that we do so ultimately in virtue of the intellect.

IV

Finally I consider Williams's daim that Aquinas's view permits at best diachronic alternatives in the will whereas libertarian freedom requires synchronic contingency in the will. I think that Williams is correct in maintaining that Aquinas's account of the will commits him to a diachronic view of contingency in the will. On Aquinas's account, the will is free because the intellect is able to look at things from different points of view and come up with a different judgment. Thus, the will's choosing alternative a at time t_1 is contingent only because at a different time, t_{-1}, the intellect could have judged that not doing alternative a is preferable. Although once Xanthippe's intellect judges that sitting is to be done, Xanthippe's will makes the choice to sit, Xanthippe's act of sitting is contingent because her intellect could judge that standing is to be done, and then she would stand rather than sit. Thus, at the very moment that the will chooses, it is not open to the will not to choose that alternative because of the intellect's judgment. Therefore, there is no synchronic contingency in the will. But there is nothing in Aquinas's view that prohibits him from arguing that the intellect has synchronic alternatives. For there is nothing to prevent Aquinas from saying that at the moment that the intellect judges that alternative a is to be done, it is open to the intellect to judge that the opposing alternative is to be done. This position fits nicely with Aquinas's views of the intellect as self-reflective, that is, his view that the

intellect could reconsider its judgments and judge in different directions, and it is compatible with the sort of determinism Williams appeals to in arguing that there is no indeterminism in the intellect.

Thus, Aquinas can support a synchronic view of contingency. Aquinas's views on human action are compatible with a libertarian conception of freedom. What is true is that Aquinas would locate synchronic contingency not in the will, as Williams does, but rather in the intellect. Williams might insist that in order to be considered a true libertarian, one must locate synchronic contingency the will, but that strikes me as arbitrary. If what is crucial to a libertarian conception of freedom is a synchronic view of then it does not matter if this contingency is a function of cognitive capadties or appetitive as long as one is able to show that those capacities are able to support synchronic contingency. I have been arguing that intellective capacities are able to do just that.

I would like to finish with some of the implications that I think follow from my arguments. My comments here will be brief and underdeveloped. One thing that I hope I have shown is that we need not appeal only to appetitive capacities in order to account for free action. We need not think about our situation in terms of free will, as it is often done in the literature. We have another alternative. This is important because libertarians face a particularly difficult objection, the objection that on their accounts human action appears to be mysterious and inexplicable. We ordinarily explain an individual's action by appealing to her reasons for acting one way rather than another. But on Williams's characterization of libertarianism, it is entirely possible that one could have a given set of reasons for acting one way rather than another, and yet either act on those reasons or not act on those reasons in the absence of any change in her circumstances. In other words, on Williams's view, reasons for acting one way rather than another are not necessitating. In fact, if they were necessitating, then Williams thinks we would not act freely. But there is a further complication; if our reasons are not

necessitating, then human actions become very mysterious; we can't explain why an agent acts one way rather than another. Thus, Williams's view has the unfortunate consequence that we lose a reasons-explanation for action. Williams is aware of this objection and tries to resolve it.[64] In my view, his resolution is ultimately unsuccessful, but I will not address this issue here because the objection does not arise for Aquinas's theory, at least not in its typical formulation. There is a tight connection on Aquinas's account between having a given reason for acting and acting. On Aquinas's view, the intellect's judgment that a given alternative is to be done forms the basis for an agent's reason for acting. And once the intellect makes that judgment, the will wills in accordance with that judgment, which in turn moves the agent to act, hence a strong connection between having a reason to act and acting. Thus, Aquinas is able to preserve a reasons-explanation for acting.

This is not to deny that problems arise for Aquinas's view; they surely do. Aquinas locates indeterminacy in the intellect; ultimately there is no explanation for why the intellect judges in favor of one set of reasons rather than another set. One could appeal to the notion that given the general human orientation toward the good (in virtue of the will), the intellect judges in favor of certain reasons because of its recognition that they are good in some sense. Thus, the reason why a particular agent did what he did is that he judged that alternative to be good. But in order to preserve a libertarian account of freedom, such a reason will be only a necessary condition and not a sufficient condition for judgment. Thus, the original worry remains. Nevertheless, the intellect does judge in favor of one set of reasons over another set and once the intellect does so, the will makes its choice. Hence while we might have no explanation of the intellect's activity at the higher level, we preserve an explanation at the level of action. At any rate, Aquinas's theory is no worse off than Williams's theory or Scotus's in this regard and retains an important advantage over it. Thus, Aquinas's account gives us an interesting

[64] Williams, "The Libertarian Foundations of Scotus's Moral Philosophy," 209-15.

and different way of thinking about the nature of human freedom, one that might very well have advantages over its closest competitor. [65]

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THE LAW OF NON-CONTRADICTION AND ARISTOTLE'S EPISTEMOLOGICAL REALISM

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IN HIS RECENT BOOK, *Principles and Proofs,* Richard McKirahan claims the following about the law of non-contradiction: "LEM [Law of Excluded Middle] and LNC [Law of Non-Contradiction] hold everywhere because all sciences *(epistemai)* are concerned with things-that-are, and these principles apply to all things-that-are *(Meta.* G, 3, 1005a22-28)."[1] I believe McKirahan is correct in his claim that the law of non-contradiction applies universally to things-that-are. However, McKirahan himself does not explain how or why this is so.

In this paper, I intend to offer an interpretation of how Aristotle thought the law of non-contradiction was applicable to all things-that-are in such a way as to provide a significant part of the foundation for all of the particular sciences *(epistemai),* which must assume the truth of this law. I will argue that the law of non-contradiction is a first principle that is *both* prior and most intelligible in itself *and* prior and most intelligible to us. I will then suggest one of the ways in which the law, as a law of being, relates to the *De Anima's* account of *nous* and thereby governs for Aristotle the way we must think about being.[2] I will conclude by

[1] Richard D. McKirahan, Jr., *Principles and Proofs* (Princeton: Princeton University Press, 1992), 75.

[2] On the law of non-contradiction as a law of thought, see Thomas V. Upton, "Psychological and Metaphysical Dimensions of Non-Contradiction in Aristotle," *The Review of Metapbysics* 36 (1983): 591-606; and "Aristotle on Hypothesis and the Unhypothesized First Principle," *The Review of Metapbysics* 39 (1985): 283-301. See also Jonathan Barnes,

suggesting that part of the significance of the role of the law for Aristotle is that it dearly indicates that he believed in what is traditionally called metaphysical realism, [3]

L THE CONTEXT OF ARISTOTLE'S PRESENTATION OF THE LAW OF NON-CONTRADICTION

The context of Aristotle's presentation and discussion of the law of non-contradiction in *Metaphysics* G is his discussion of the subject with which first philosophy (metaphysics) is concerned. He begins this discussion by maintaining that there is a science (ElWJTtjµTj) that examines being as being (To 0V UOV) and the essential (1mff auTo) properties of being as being. He contrasts the science of being, which examines the *whole* of being as being (£m01<011d *Ka86,fau* TIEpl Tou ovTo<; 0V *[Metaphys.* G,1.1003a23-24; emphasis added]), with the particular sciences such as mathematics, which rip away (dnon:µoµEvm) some part of being (µ£po<; m.hou n) and study only that part. Significantly, Aristotle continues this comparison/contrast between the science of being as being and the particular sciences up to, and including, his introduction of the law of non-contradiction. This suggests that the law relates both to the science of being and to the particular sciences, Aristotle notes that in his investigation of the science of being as being he is seeking the first principles (Ta(_; apxac;;) and highest causes (rac; dKpoTa1ac;;ai T(ac;;) of being, some of which we would reasonably suspect must also relate to the particular sciences, which deal with particular kinds or genera of being.

According to Aristotle, just as in the science of medicine everything discussed refers to one primary instance or concept of medicine-that is, health-so this is the case both in the other particular sciences and in first philosophy. [4] He explains further

"The Law of Contradiction," *Philosophical Quarterly* 19 (1969): 302-9.

[3] Cf. Terence H. Irwin, *Aristotle's First Principles* (Oxford: Clarendon Press, 1988), *5.*

[4] On this see G. E. L Owen, "Logic and Metaphysics in Some Earlier Works of Aristotle," in *Articles on Aristotle, 3. Metaphysics,* ed. Jonathan Barnes, M. Schofield and R. Sorabje (London: Duckworth, 1979), 13-32. What Owen calls "focal meaning" I believe is better

that the being or existence of substance *(ousia),* which is the primary instance of being, is that to which all other existing things (being) refer (and get their names and definitions). Thus, in one sense at least, to study the ultimate principles and causes of being as being is to study the ultimate principles and causes of substances. Hence, to investigate all forms (EtoT]) of being as being is to study all substances *qua* substance and the essential properties of being as such (e.g., one, same), while it is the work of the particular sciences to study the kinds of substances *qua* universal kinds and their essential properties.

Thus, when Aristotle states that being is spoken of *kath'hen* and *pros mian physin,* he is referring to the status of substances as the focal reference of being.[5] He continues this theme by noting that there are as many parts of philosophical sciences as there are types of substances, so that just as there is a first mathematics which is similar to other parts of mathematics, there must be among the philosophical sciences a first philosophy. According to Aristotle, being falls immediately (yap aj0uc; ytvT] £xov TO av *[Metaphys.* G.2.1004a4-5]) into genera (or kinds of substance), and particular sciences will correspond to these genera (ytvT]). The reason being falls immediately into genera is that natural substances for Aristotle are members of natural kinds or genera, for the proximate genus is a metaphysical component of the being of substances. For example, "man is a rational animal" means that the genus "animal" is part of the very being of man in general and of Coriscus in particular. Mathematical epistemic substances exist in dependence on sensible substances and mathematical genera are the kinds of quantity and dimension that can be separated off from sensible substance (cf. *Posterior Analytics* 1.18.8 lblff.). God as an eternally existing and separate substance constitutes a genus having only one member: itself.

Aristotle notes that some philosophers have taken numbers or lines, or fire and the like as the primary instance of being; but

regarded as "focal referent."

[5] Aristotle's comparison of philosophy with mathematical science suggests that there is a natural hierarchy of philosophies (i.e., a first philosophy, a second philosophy, etc.). However, I cannot find any place where Aristotle attempts to follow through on this suggestion.

these philosophers, claims Aristotle, have forgotten that substance is prior (on npon:pov 'f1 ouofo: *[Metaphys.* G.2.1004b9-1 O]) to these other things. The priority Aristotle has in mind, I believe, is dearly priority in being: if substance did not exist, the other things cited above would not exist either. Even elements seem to exist most fully and actually as components of substances. And mathematicals exist as mentally "separated" dimensions of substances (cf. *Post. Anal.* 1.18.81b1ff.; *Metapbys.* M), but do not actually exist separately.

Aristotle continues his investigation of first philosophy, which studies being as being, by stating that we must examine those principles called axioms in mathematics, as well as substance. He maintains that this examination of axioms seems to belong to first philosophy because the axioms hold good for "everything-that-is" and not just for some particular genus of being, like mathematicak And, he continues, all men use the axioms because these axioms are true of the whole of being as being; "and each genus has being" (EKo:OTov of. TO yf.voc, ov, i.e., exists in some way and to some degree *[Metaphys.* G.3.1005a 19-25]). Thus, the axioms apply to all (scientific genera) *qua* kinds of being, as parts of the whole of being, by having some relation to primary substance.

Aristotle emphasizes the point that it is not for the particular scientist like the physicist to study the law of non-contradiction, because this axiom applies to the whole of being, and nature is only one genus (or kind) of being (l::v yap n ylvoi; wu ovToc; *fj* <j>ucnc;). The first philosopher is said by Aristotle to be higher (avwTf.ptiJ *[Metaphys.* G.3.1005a34]) than the physicist, for the first philosopher studies the whole *(kathalou)* of being and first substance (nEpi Tfjv npWTflV oucrfov *[Metaphys.* G.3.1005a35]).

In general, the significance of the context of Aristotle's presentation of the law of non-contradiction is as follows. The context in general is the contrast between the particular sciences and the general science of being as being. Aristotle emphasizes two points in this contrast. First, the science of being as being studies the whole of being, whereas the particular sciences are restricted to the study of one, primary *genos tou ontos.* Second,

the science of being as being, which is based on the study of substance as the focal reference of being, cannot be restricted to physical, sensible substances, since the first philosopher is said to be higher than the physicist-philosopher, and his study is not restricted to *phusis,* as the physicist-philosopher's study is.

II. FORMULATIONS OF lHE LAW OF NON-CONTRADICTION

Somewhat surprisingly, in spite of the focal reference of substance, Aristotle uses somewhat different formulae for the law of non-contradiction in *Metaphysics* G.

(1) First of all, he uses the following formula: "it is impossible for the same thing both to inhere and not to inhere in the same thing at the same time and in the same respect" *(Metaphys.* G.3.1005b19-20). (2) Next, he restates the first formula in a slightly different way: "[if] it is not possible for opposites to inhere in the same thing at the same time" *(Metaphys.* G.3.1005b26-27).

This formula then leads to his (3) reformulation of the law as a law of thought. Aristotle explains that the mind cannot entertain contradictory opinions (or states of mind) at the same time. A good example of this is given at *Posterior Analytics* 1.33.89a11ff., when he contrasts the state of mind of one who opines with the state of mind of one who knows.. He points out clearly that a person cannot opine and know the same thing at the same time; for example, one cannot both claim to opine and claim to know that "man is an animal." When one *opines* that man is an animal, one believes that this fact could be otherwise, and that man could possibly exist and not be some kind of animal. On the other hand, when one *knows* that man is an animal, one believes that man cannot possibly be otherwise than animal, for the one who knows knows the cause of the necessary relation. If the same person were, at the same time, both to opine and to know that "man is an animal," then that person would both believe that man *can* possibly be otherwise than animal and that man *cannot* possibly be otherwise than animal at the same time and in the same

respect. Aristotle contends that to have these two opposite states of mind at the same time, and believe that both are correct, is a "psychological" impossibility. One may, of course, have opposing beliefs or states of mind about the same subject at different times, but one cannot possibly believe correctly at the same time that, for example, man can be and cannot be otherwise than some kind of animal.

Aristotle's next formulation of the law of non-contradiction in *Metaphysics* G seems to reflect the ontological foundation for the psychological formula. He states that (4) ..it is impossible to say that the same thing both is and is not [at the same time and in the same respect]" *(Metaphys.* G.4.1005b35-1006a2). Because, further, the law seems to be a first principle of being, of thinking about being, and of speaking about being, Aristotle next answers a possible objection: namely, that a person can say that contradictories inhere in some subject at the same time. One can verbally say that "man" and "not man" refer to the same thing; or one can say both "man can be otherwise than animal"' and «man cannot be otherwise than animal" and claim verbally that both are true at the same time. However, the real question is not whether or not we can put contradictions into words (To o' dnopouµEvov ou TOiJTo fanv, *El* lv()txnm To auTo &µa dvm Kal dvm av0pwrrov TO ovoµa, Wi.ha TO npayµa *[Metaphys.* G.4.1006b21-22]), but whether or not in actual fact contradictories can exist together in the same thing (e.g., the same thing be, at the same time, both "man" and "not man" essentially). Aristotle himself maintains that in fact some substance (e.g., an individual man) or some kind of substance (e.g., the species "man" or the genus "animal") cannot both be and not be (what it is) at the same time and in the same respect.

Aristotle goes on to answer a somewhat more sophisticated objection: namely, that in a sense something could be opposites at the same time, insofar as there is a distinction between potential being and actual being. Aristotle explains that something looked at with respect to its potentiality can be opposites at the same time. For example, those material elements (as material elements)

that come together to constitute man's body, before they constitute a living man's body, can be said to be both man and not man at the same time but in different respects; they are in the state that they actually are now but potentially they are the elements of a living man's body. However, when actualized as parts of a living body, they cannot at the same time be opposites.

III. THE UNILY OF ARISTOTLE'S FORMULATIONS

Although Aristotle presents different formulations of the law of non-contradiction, I believe that they all make a similar claim about being, knowing being, or correct speaking about being or "what is." Recall that Aristotle in the early parts of *Metaphysics* G maintained that the study of being as being, as a general science, can be viewed as the study of substance (oucr(a), which is the primary instance or focal reference of being. He noted further that being naturally falls into various kinds of being or genera, for there are many genera of substances. He further notes that each science is based on its primary intuition (or perception) (ata0T]crtt;)[6] of the focal instance of being within each particular genus studied by a particular science. And just as this is true for each of the particular sciences, so it is also true, according to Aristotle, of the general science that studies being as being.

The primary intuition upon which general metaphysics seems to rest is precisely the intuition that substance is the primary instance of being to which all other aspects, properties, categories, or kinds (genera) of being refer and from which they receive their metaphysical meaning. Furthermore, all natural substances for Aristotle have essences that determine exactly what they are (TL tcrnv). Aristotle clearly suggests that it is the relation to first substance or the primary reference of being that constitutes the principle of unification for the whole of being.

Making use of a whole-part analysis of being, Aristotle claims that there is a science of the whole of being which is not restricted

[6] Although *aisthesis* commonly refers to sense perception, it is also used to refer to intellectual perception or intuition.

to a particular part or kind *(genos)* of being *(tou ontos).* What he seems to be first focusing on in *Metaphysics* G is what constitutes the whole of being and how the first philosopher can gain a perspective on this whole. It is very significant, I believe, that Aristotle identifies the parts of being with the genera of being, which constitute collectively the subject matter of the particular sciences (physics, mathematics, etc.).

When viewing being as a whole made up of parts, Aristotle would seem to have several possible interpretations open to him as to what constitutes the whole of being.[7] One of these possibilities would be to view being as the supreme genus made up of all the lesser genera, so that a principle that applies to the whole as whole would also apply to the parts that make up the whole and manifest the whole. For example, if being were like the genus "animal," whatever prindple applies to animal as animal would apply to each kind of animal *qua* animaL However, Aristotle dearly states that being is not a genus, so this possibility is explicitly excluded (cf. *Post. Anal.* 2.6.92b12ff., esp. ou yap yf.voc, TO ov). Another possibility is that genera are parts of a whole constituted by focal reference to the primary instance of being, that is, substance. This appears to be the interpretation favored by Aristotle. Everything that can be truly said to be or exist is said to be with reference to, and in relation to, substance. Because "substances,"' that is, sensible substances at least, are prior and more intelligible to us and prior in being to genera as secondary substance, Aristotle legitimately can claim that the law of non-contradiction, which applies first to substance and then to the genera as parts of being, is both most familiar to us (yvwptµwTaTTJV*[Metaphys.* G.3.1005b13]), and necessary for us to presuppose if we are to understand anything of being (fiv yap dvayKa'tov E:xnv TOV onouv TWV OVTWV *[Metaphys.* G.3.1005b15]).

[7] It is not my intention to tty to examine all or even many of the possibilities of interpretation open to Aristotle. I only mention two. I believe Aristotle rejects the first possible interpretation I present because he is firmly convinced of the metaphysical primacy of the separately existing, individual substance as the primary referent of being.

However, sensible substance cannot be the only the notion of substance Aristotle has in mind as the focal reference of being. He explicitly states that being as being, or being as a whole *(katholou),* is broader in scope than sensible, physical substances. That is, although some physicist-philosophers hold that the whole of nature (Tij<;; 0/.11<;; cj>tfo"Ew<;;) is the whole of being (lTEpl TOU ovTo<;;), they are mistaken, for nature is only one kind of being (lv yap n yf.vo<;; Tou oVTo<;; <j>ucrt<;; *[Metaphys.* G.3.1005a34]).

Primary substance in *Metaphysics* G must be taken in a broader sense than sensible substance. Aristotle clearly states that the first philosopher, who is higher (civwTf.pw) than the physicist-philosopher, actually does study the whole *(katho/ou)* of being and its relation to "primary substance" (lTEpl lTpWTTtV oucr(av 0£wprfnKou *[Metaphys.* G.3.1005a34-35]). Moreover, the first philosopher studies all (major kinds) of substances (lTEpl Tiacr11<;; Tij<;; oucr(a<;; 0£wpouvTO<;; *[Metaphys.* G.3.1005b6ff.]). Thus, Aristotle's notion of primary substance in *Metaphysics* G, it seems to me, would have to be broad enough to include at least implicit reference to physical, sensible substances, to mathematical (epistemic) substances, and to separated substance, or God. Since substance in the broad sense seems to be the focal reference of being, and since the law of non-contradiction applies to being as being, or to substance in the broad sense as focal reference of being, Aristotle can fairly claim that the law also applies to all the particular kinds (genera) of being, studied by the particular sciences insofar as they (genera) manifest being.

Textual evidence for this interpretation of the broad sense of substance in *Metaphysics* G being the focal reference of being, which is the principle of unification of the whole of being as being, and to which the law of non-contradiction applies primarily, is provided by the following texts. In his explanation/defense of the law of non-contradiction, Aristotle explicitly mentions sensible substances (see *Metaphys.* G.4.1007a20ff.), and (separated) substance that is entirely beyond motion and change and generation and destruction *(seeMetaphys.* G.5.1009a36-38). And, although mathematical substance does not seem to be a

prominent part of Aristotle's explanation/defense of the law, Aristotle explicitly associates axioms, which would reasonably include the law of non-contradiction, with those things studied by the mathematicians (£v To1c; µa0tjµmn ... Aristotle also cites mathematics at *Metaphysics* G.2.1004a5ff. and G.1.1003a22-25.

Thus, in brief, what the differing formulations of the law have in common is that they an refer, first of an, to substance (in the broad sense), either taken in itself or in relation to one of its essential properties. Moreover, because the law can be fairly regarded as a law of being and/or of thought and/or of speech, we would expect some variation in its formulations.

IV. THE LAW OF NON-CONTRADICTION VERSUS NATURAL SCIENTIFIC HYPOTHESES

Importantly, Aristotle relates the study of substance to an examination of the syllogism. The particular scientists, as pointed out in the *Posterior Analytics,* use the syllogism to demonstrate truths about their subject genuso And in *Metaphysics* G, Aristotle reminds us that scientists must know the most certain principles concerning their subject genus *(peri hekaston genos).* At *Posterior Analytics* 1.2, Aristotle identifies the proper first principles of scientific demonstration as hypothesis and definition. These must be foreknown if one is to demonstrate truths about a particular genus of being. According to Aristotle in *Metaphysics* G, it is the first philosopher, who studies primary (first) substance and being as being, who examines the most certain principle of all, the law of non-contradiction. This first principle of being (and thought and speech) about which one cannot be deceived, is, according to Aristotle, not an hypothesis, but is unhypothetical, and must be foreknown if one is to acquire knowledge of anything of beingo Because it is not an hypothesis, the law is not restricted to one *genos* of being but extends to "everything-that-is"; that is, to all substances and all kinds of substance *qua* being"

By calling the law of non-contradiction the *anhupotheton,* Aristotle draws our attention to at least two of its principal characteristics. First, unlike scientific hypotheses, which hypothesize the being of a particular *genos tou ontos,* the law is not restricted to only one *genos.* And second, the law, which applies to the whole of being and to each of its parts, is the most certain of all principles and is a principle about which we cannot be deceived or mistaken.

The law of non-contradiction, therefore, seems to be one of those unusual first principles that are *both* prior and more intelligible absolutely (arrAw
to us. At *Topics* 6.4.141b3ff. Aristotle explains that there are two ways to take the statement that a definition has not been stated in more intelligible (yvwptµwTtpwv) terms: one, that the terms are more intelligible absolutely, or two, the terms are more intelligible to us. He goes on to state that it may happen that the same thing is both more intelligible to us and also more intelligible absolutely. He explains that not everyone knows the same kinds of definitions; for example, one may be an expert in geometry but not know the definitions of animals. Thus, as Aristotle explains at *Metaphysics* G.3.1005b13-14, "all men may be mistaken about that which they do not know" (µrf yvwpll.;ouow). However, he emphasizes that the law of non-contradiction is most knowable (I claim both *absolutely and to* us), for no one can make a mistake about it *(Metaphys.* G.3.*1OOSb11-12*). This clearly implies that the law is at least implicitly known to everyone who seeks to know anything at all about being (cf. *Metaphys.* G.3.1005b15). Thus the law governs the inquiry both of the common person and of the metaphysician.

Thomas Aquinas presents another reason why the law of non-contradiction as a *dignitas (principium per se nota)* is common to everyone *(communiteromnibus):* because *being* is the first notion in the intellect.[8] Thus, the law governs the way being first presents itself and the way the human mind first (implicitly at least)

[8] "Nam illud quod primo cadit in apprehensione, est ens" (Aquinas, *Summa Theologiae* I-II, q. 94, a. 2).

apprehends being. Particular principles, however, because they relate to particular kinds of being, cannot be affirmed as self-evidently true by those who are ignorant of those kinds of being. For example,

> just as this proposition, "man is rational," is known through itself according to its nature [i.e., in itself], because one who says "man" also says "rational," yet nevertheless to someone not knowing what is man, this proposition is not known through itself [i.e., it is not self-evident to him].[9]

I believe Aquinas's account clearly implies that the law of non-contradiction and the law of excluded middle, unlike particular principles, are both self-evident *(per se secundum sui naturam, secundum se)* in themselves, by nature, and also self-evident to us *(per se nota quoad nos).*

Since it is not restricted to any particular genus of being, the law of non-contradiction is the most general of all the first principles. Since it is both most knowable to us and in itself, it would seem to be most certain and beyond any reasonable objection or challenge. Natural scientific hypotheses, on the other hand, are the most certain principles only with respect to their appropriate genera, and their truth can be challenged to the extent that some of these particular hypotheses or *archai* may turn out to be false (see esp., ahtov 0' |JwodC,; *[Metaphys.* M.9.108 6a5-16]).[10] Moreover, since Aristotle states that our grasp of the universal truths of all sciences,

[9] "Sicut ista propositio, Homo est rationale, est per se nota secundum sui naturam, quia qui dicit hominem, dicit rationale: et tamen ignoranti quid sit homo, haec propositio non est per se nota" (my translation).

[10] On the meaning of hypothesis in the text of the *Metaphysics,* see Christopher Kirwan, *Aristotle's Metaphysics* G, D, *and E,* trans. with notes (Oxford: Clarendon Press 1971), 87-88, who holds that hypothesis should be taken as something "provable but accepted without proof," *(Post. Anal.* 1.10.76b23-34); and W. D. Ross, *Aristotle's Metaphysics,* a revised text with introduction and commentary, vol. I (Oxford: Clarendon Press, 1924), 263 n. 14, who holds that part of the meaning of hypothesis here is "merely assumed." Neither of these interpretations can reasonably satisfy Aristotle's condition that the hypotheses of the particular sciences are the *most certain* principles of science. Principles that are "merely assumed" uuo0£aewc;), or provable but accepted without proof, cannot be the proper *archai* of science (cf. *Post. Anal.* 1.3.72b13ff.) On hypothesizing the genus, see *Post. Anal.* 1.3.77bl 7ff.

including mathematical sciences, is initially based on sense perception (a'foBrim<.;)(see *Post. Anal.* 1.18), we would expect the law to be operative in sense perception. Our expectation is confirmed at *Metaphysics* G5.1010b1ff.

Because of Aristotle's connection of the law of non-contradiction with the syllogism, it is tempting to take the law as solely a law of logic or of correct speaking. However, Aristotle's various formulations of the law and his presentation of its explanation/defense seem quite inconsistent with such a limited interpretation. Two major issues must be addressed in making this claim about the larger scope of the law.

First, the law of non-contradiction can govern the *form* of the premises of demonstration; a predicate cannot be affirmed and denied of a subject in a properly formulated premise.

Second, the law can also govern our investigation of the *content* of scientific premises.[11] No scientific object initially encountered by sense perception can both be what it is and not be what it is at the same time and in the same respect. In other words, in Aristotle's world, substances, which have noncontradictory essences, are the primary referents. As Aristotle explains, someone denying the validity of the law of non-contradiction would be destroying substance and essence *(oi\wc,* ()' avmpoum v ol TOUTO Af.yovTEC, oua(av Kai T0 Tl dvm *[Metaphys.* G.4.1007a20-21]).

V0 RELATION TO *NOUS*

It is the law of non-contradiction's role in man's discovering the content of the premises of the scientific demonstration that provides the link between the LNC and the activity of the human intellect). At *PosteriorAnalytics* 2.19, Aristotle explains that our grasp of the universal by *nous* comes from a process that begins with sense perception (a'(aOricm;) and goes on to involve memory (y(yvnm µvtjµ11); a number of memories of the same

[11] On this point, see Isaac Huslik, "Aristotle on the Law of Contradiction and the Basis of the *Mind* 15 (1906): 215-22.

thing constitute experience, and out of experience comes our grasp of the universal *(katholou) (Post. Anal.* 2.19.100a3-9).

What Aristotle suggests in his somewhat cryptic account of *epagage* and *nous* in *Posterior Analytics* 2.19 is that we first encounter substance through its sensible properties and then can go on to grasp the species, genus, and definition of the substance. In *De Anima* 3.4.429a15ff., Aristotle explains that the thinking part of the soul must be capable of receiving the form of the object (e.g., substance). He goes on to point out that actual knowledge is identical with its object *(De Anima* 3.5.430a20ff.), that is, when the intellect has the form (not the matter) of a substance present in the intellective soul *(De Anima* 3JL431b25ff.). For Aristotle, in the soul, as in the whole of nature, there must be both a matter that is potentially an the individuals included in a dass and that would include opposites, and an active power. Relating the law of non-contradiction to this brief account of the active intellect, and keeping in mind what Aristotle has said about the "psychological" impossibility of entertaining contradictory opinions at the same time, we can fairly interpret him to mean the following. When the intellective soul thinks of the form of, for example, "man" it cannot at the same time think ..not-man."' Furthermore, when part of man's essence is known and predicated of man, for example, "man is an animal," we can never opine *and* know that ..man is an animal"' at the same time. Nor could we opine that "man is both an animal and not an animal" at the same time and in the same respect. Thus the way "man" exists in fact, in a non-contradictory fashion, with an essence, must be reflected for Aristotle in the way we think about man; for in the act of knowing the knower and the thing known are one and the same (cf. *De Anima* 3.6.430b20ff.).

VI. REALISM

Because for Aristode the way things are, especially the way substances exist with essences, manifesting essential and accidental properties, must be reflected in the way we must intellectually

think of things, we have, I believe, evidence for Aristotle's commitment to metaphysical realism. As T. Irwin explains,

> In so far as Aristotle claims that objective first principles must be known by nature, he commits himself to a metaphysical realist conception of knowledge and reality … [for Aristotle] the facts about the world determine the truth of statements, but the converse is not true [cf. *Categories* 12.14b11-23]. [12]

Not only do facts about the world determine the truth of statements, but the way substances present themselves in a non-contradictory fashion is reflected in the non-contradictory way the mind apprehends these same substances. We thus have a direct link, so to speak, between the way things are in nature and the way things must be apprehended by human minds.

[12] Irwin, *Aristotle's First Principles*, 5.

BOOK REVIEWS

Vices, Virtues, and Consequences: Essays in Moral and Political Philosophy. By PETER PHILLIPS SIMPSON. Washington, D.C.: The Catholic University of America Press, 2001. Pp. 283. $54.95 (cloth). ISBN 0-8132-0993-5.

The author of this volume, which is number 35 of CUA Press's *Studies in Philosophy and the History of Philosophy*, is a native of England who lectured in ethics and politics at University College Dublin before beginning his American academic career as a member of the CUA School of Philosophy faculty. He is now professor of philosophy and classics at the City University of New York. The present volume brings together fifteen of his essays on ethics and politics; nine are revisions of previously published articles, including one in this journal on "St. Thomas and the Naturalistic Fallacy" (*The Thomist* 51 [1987]: 51-69). Overall, the essays reveal the author's strong Catholic Christian convictions, although (with exceptions to be noted below) they are written in a formally philosophical perspective.

The first seven essays, constituting "Part I: Moral Philosophy," undertake an assessment of modern ethical theories-particularly in the Anglo-American world-and argue for a recovery of Aristotelian and Thomistic moral philosophy as an answer to modern dilemmas and quandaries. Essays 1 and 2 review the history of modern ethics from its originators (Macchiavelli, Hobbes, Kant) to its more recent and contemporary development in the work of G. E. Moore, R. M. Hare, and John Rawls. Simpson finds that the overall thrust of this movement has been to confine contemporary Anglo-American moral discourse within exceedingly narrow boundaries and to give up on universal moral reason. He detects this despair of universal reason also in Alasdair Macintyre, judging that the latter's emphasis on community traditions in expounding Aristotle's virtue ethics amounts to "historicism" (31).

Essays 3 and **4** are devoted to a critique of relativism and consequentialism, respectively. Essay 5 presents Simpson's interpretation of Aristotle's virtue theory, and essays 6 and 7 complete the volume's first part by expounding on Aquinas's understanding of practical reasoning.

This group of essays is engaging and, in a couple of instances, problematic. In discussing relativism, Simpson offers a cogent criticism of Hobbesian and Kantian notions of moral wrong (based on fear and duty, respectively); but his own effort to discredit relativism by a *reductio ad absurdum* is unconvincing.

Simpson would have it that relativism must ultimately exclude the notion of moral wrong altogether, for "it makes no sense to say that I think something is wrong for me but I do it anyway" (58); however, even relativists do have consciences and can act contrary to their conscientious convictions, as Simpson himself will eloquently affirm much later in a different context (262). Likewise unconvincing is Simpson's attempted refutation of consequentialism, since it seems to beg the very questions at issue: would the killing of an innocent person in an exceptional case really be an unjust act, and, first of all, on what understanding of justice should we base our response to such a case (76-86)?

The essays on Aristotle and Aquinas are more compelling. Simpson effectively challenges the efforts of some "neo-Aristotelians" to disengage Aristotle's virtue theory from his aristocratic biases; as noted below, however, some essays in the volume's second part will apply Aristotle's teaching in problematic ways. With equal effect, Simpson explains Aquinas's teaching on the interaction of thought and desire in practical reasoning. As opposed to the novel interpretations of Aquinas offered by Germain Grisez and John Finnis, Simpson's account allows for a connection between theoretical and practical reasoning without succumbing to any "naturalistic fallacy."

"Part II: Political Philosophy," comprising the remaining eight essays, reflects Simpson's most specialized philosophical interest. His previous books have included *The Politics of Aristotle* (1997), which is an annotated translation with analysis and commentary, and *A Philosophical Commentary on the Politics of Aristotle* (1998), both published by the University of North Carolina Press (Chapel Hill). In the present volume, most of part II spells out the author's understanding of Aristotle's teaching on the organic unity between "ethics" and "politics," applying this to a discussion of various issues in modern political philosophy (essays 8 through 12) as well as a couple of current political controversies, namely, abortion (essay 13) and the Northern Ireland conflict (essay 14). The final piece (essay 15), titled "Becoming Gods: The Work of Human Persons," really does not belong in this collection because it is properly theological rather than philosophical, drawing heavily on the papal encyclical *Laborem exercens* (1981) along with other material from Scripture and the ecclesiastical magisterium.

For a different reason, the abortion essay also seems out of place here. Although Simpson's premises are essentially philosophical, his essay is based on material he had supplied for legal briefs in U.S. federal courts defending the right of antiabortion protesters to block access to abortion clinics (217 n. 1). In this kind of adversarial advocacy, quite naturally, one's argumentation tends to disregard nuances and obscurities that would call for critical attention in a more formally philosophical discussion. Simpson simply asserts the personal status of the human zygote as an unquestionable certainty based on current scientific knowledge (223). This is an even stronger assertion than the Catholic magisterium is willing to make; although magisterial teaching clearly insists that the newly conceived organism must be *treated* as a person for all practical purposes, it refuses to rule out philosophical speculation as to when the human

soul (constitutive of personhood) actually becomes present. Some theologians and philosophers, including reputable Thomists Gacques Maritain, Joseph Donceel), have argued that delayed hominization is more probable even when modern genetics and embryology are taken into account. Simpson ignores this issue entirely; that omission, understandable enough as an effort to avoid cluttering a legal brief, nonetheless makes his argument unsatisfying from a strictly philosophical point of view.

Much more philosophically satisfying is the essay on the Northern Ireland conflict, even though--or, perhaps, largely because-its claims for certitude are less ambitious. Simpson acknowledges that the traditional just-war doctrine on which he bases his discussion is a legacy of Catholic theology, but proposes reasonably enough that the merits of this doctrine are philosophically defensible. Jn applying the doctrine to Northern Ireland, he is careful to notice that the pertinent material from Aquinas is not limited to the *locus classicus* of the just-war doctrine *(Summa Theologiae* II-II, q. 40) but includes also Thomas's discussion of "sedition" *(STh* II-II, q. 42). Applying traditional principles to his understanding of the relevant history, Simpson judges that Catholics in Northern Ireland may engage in moderate forcible resistance for defensive purposes against the present regime there (seen as an unjust imposition upon them) but not with the aim of expelling the British or uniting with the Irish Republic (aims seen as involving an unjust imposition on Northern Irish Protestants). Yet the fervent plea for the renunciation of violence which Pope John Paul made during his 1979 visit to Ireland prompts Simpson to suggest further that, even by way of legitimate resistance, Gandhi's strategy of non-violence might well be preferable. Ultimately, Simpson doubts that any just resolution of this conflict is achievable within the conventional "nation-state" framework; he proposes some alternative arrangement, perhaps a loose federation modeled on the present European Union, as more promising (256 n. 30; cf. 248 n. 20).

This last suggestion might indeed indicate the way toward a creative solution; similar suggestions have been heard in reference to the Israeli-Palestinian conflict. But it may also be taken as an echo of the author's general disdain for the "nation-state" framework. Jn the more theoretical essays of part II (especially essays 9 through 11), Simpson has argued that the competence of the modern state, due to its relatively large and heterogeneous population spread out over a rather extensive area, is more or less limited to the maintenance of public order and common defense (187-93). Therefore, it cannot effectively function to promote human flourishing through virtue, in the way Aristotle had envisioned as the task of political government.

The Aristotelian moral-political ideal, which Simpson embraces, requires a community small and localized enough for its citizens to know each other fairly well. In such a community, he holds, it would be the function of government to train the citizens in virtue through the exercise of its legislative and coercive powers. The community would be aristocratic in the literal sense that only the best people-that is, those of perfect virtue-would be entitled to determine the laws of the land or even to determine freely the conduct of their own lives.

.Becausethey alone appreciate the true meaning of human fulfillment, they alone are truly competent to direct their own lives as well as the lives of others; and these others, of course, benefit from being subject to their rule (176-77).

Simpson is willing to use the expression "philosopher king" to designate this ideal ruling authority, and he specifies that the power of such a ruling authority should be, in principle, absolute. Its rule would be wise and benevolent-hence, not tyrannical-but the scope of its authority to enforce virtue would be, at least theoretically, unrestricted (167). Simpson emphatically avers that all this is radically antithetical to the "liberal" tradition of modern Western political thought. Such liberalism, he maintains, is an appropriate and even necessary attribute of the modern state; but it is corruptive of true political community in Aristotle's wholesome sense (essay 11, *passim).*

Some problems in Simpson's thesis are apparent. To begin with, his argument is overly facile. He invalidly claims that by rebutting Anthony Flew's criticism of the idea of a philosopher king he has positively established the desirability of such a king (178). (It also appears that he has missed the point of Flew's argument; but even if that argument is proved unsound, Simpson's own view is not thereby proved right.) Then, Simpson's further leap to claim *absolute* power for his philosopher king lacks justification (183-84). Here, significantly, he takes no account of the teaching of Aquinas-who was certainly no "liberal"-that human legislation is inherently without competence to prohibit all acts of vice or to command all acts of virtue (see *STh* I-II, q. 96, aa. 2 and 3).

Beyond such problems in Simpson's argumentation, the more substantial difficulty with his thesis is its evident incompatibility with the developed understanding of universal human rights that are inherent in the basic dignity of each person including the majority who are not of superior virtue. This understanding, which is Western liberalism's distinctive contribution to human civilization, has also been embraced by the Catholic magisterium from the time of John XXHI. It is noteworthy that the Simpson volume's frequent citations of papal teaching in various contexts do not include any reference to the lengthy enumeration of rightful human freedoms in Pope John's *Pacem in terris,* or to the elaboration of this theme in the teachings of Vatican H and of the present pontificate. Simpson would presumably admit these various freedoms as human rights *in practice,* and would remind us that his absolutist philosopher-king is commended only as a theoretical ideal. But even with this qualification, Simpson's thesis is not in line with current Catholic teaching which now, in common with the broader modern liberal tradition of the West, affirms these freedoms as rights intrinsic to human dignity and not as mere concessions to the limitations of statecraft in concrete practice.

Religious freedom is a particularly dear illustration of this point, and also arguably the most important one. Although Simpson does not address religious freedom directly, his presentation of the philosopher-king ideal is reminiscent of the old "thesis/hypothesis" theory which had allowed the Catholic Church before Vatican II to accept religious freedom for all in practice as the most advantageous arrangement the church could realistically hope for in a pluralistic society (the

"'hypothesis"), while still holding that it would be ideally preferable for the one true religion to enjoy exclusive legitimacy in the political community wherever possible (the "thesis"). In a society where the desirable "thesis" prevailed, it would be appropriate and even obligatory for civil authority to restrict the religious freedom of those without the true faith; this would entail no injustice, for "error has no rights." This theory is now untenable according to the Vatican II teaching-in a document significantly titled *Dignitatis humanae-which* affirms religious freedom as a universal right inherent in the basic dignity of all human persons, including the many persons who are religiously in "error." It is not at all evident how Simpson's ideal thesis can accommodate this teaching.

The developed Catholic understanding of universal human rights, and the affirmation of the universal right to religious freedom in particular, would not have been possible without the influence of that same modern Western liberalism which Simpson disdains. This is an attitude he shares with Macintyre (notwithstanding their other disagreements) and several other virtue theorists of a Christian persuasion. It has become commonplace-and, for this reviewer, wearisome-to hear these thinkers cavil at liberalism for its proneness to laissez-faire individualism and moral relativism. The "recovery of virtue" program is thereby in danger of taking on a reactionary coloring. The judicious retrieval of Aristotelian insights could indeed serve as a healthy corrective for liberalism's excesses; but such a project must also more generously acknowledge liberalism's positive contributions to human civilization, and incorporate these contributions more adequately into a renewed virtue-centered moral and political philosophy.

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God's Call: Moral Realism, God's Commands, and Human Autonomy. By JOHN E. HARE. Grand Rapids, Mich.: Wm. B. Eerdmans Publishing Co., 2001. Pp. x + 122. $14.00 (doth). ISBN 0-8028-3903-7.

In *God's Call* John E. Hare is seeking "an account of God's authority in human morality" (vii). The three chapters--one on each of the topics mentioned in the subtitle- range widely over a variety of philosophical topics, both systematic and historical. *K* shall begin with a careful look at his first chapter, which is the longest and most complex, and then comment more briefly on the second and third chapters.

Hare understands moral realism as "the view that moral properties such as moral goodness are real" and moral expressivism as "the view that moral judgments are ... *orectic"*-that is, that their role is to express some act or

disposition that belongs under the general heading of *orexis,* which "cover[s] the whole family of emotion, desire, and will" (viii). Hare's approach in the first chapter is to set forth the twentieth-century debate between realists and expressivists as a gradual convergence between the two positions, beginning with a statement of each view in its most unqualified form and proceeding through a series of "concessions" on each side. Each concession brings the two sides closer together, until in the end we are left with an intermediate position that Hare calls "prescriptive realism," which is meant to preserve the insights of both expressivism and realism.

The first thing to be noted is that as Hare has defined realism and expressivism, they are not contradictories. They do not even belong to the same domain of questions. Moral realism, as he defines it, is a position in moral *ontology;* to deny it is to be, not an expressivist, but an anti-realist. It is less dear how we are to understand expressivism. It may be a claim about the *meaning* or *use* of moral judgments. In that case, it is a position in moral *semantics;* to deny it is to be, not a realist, but a descriptivist. On the other hand, it may be a claim about the causal function of moral judgments in guiding action. In that case, it is a position in moral *psychology;* to deny it is to be, not a realist, but a fool, since only a fool would deny that the making of moral judgments plays a role in guiding action. And there is a third possibility: that it is a claim about the way in which *orexis* permits or impedes access to the objects of moral judgment. In that case, it is a position in moral *epistemology;* to deny it is to be, not a realist, but a rationalist.

The whole framework of the discussion is therefore vitiated from the outset by Hare's failure to keep distinct kinds of question separate. And, inevitably, the story of the particular "concessions" that each side is said to have made to the other involves further confusion between questions of different types. One such confusion can be seen in Hare's discussion of "the first realist concession": Iris Murdoch's concession that human beings are by nature selfish. Hare writes, "It is a concession to subjectivity in that she recognizes and indeed stresses that accurate moral perception needs obedience, a selfless attention, a pure heart; but our moral thinking is in fact usually characterized by the opposite of these-by the root inclination to favor ourselves unjustly" (11). But it is no more a concession to subjectivity about morals to say that our moral perception might be obscured by perverse desire than it is a concession to subjectivity about astronomy to say that our perception of the moon might be obscured by douds. The ontological question is one thing; the epistemological question is quite another.

Similar confusions bedevil Hare's discussion of the other concessions made in the twentieth-century debate. Since prescriptive realism is presented as, roughly, the position that one is left with after all the concessions have been made, Hare's failure to preserve the distinction between different sorts of questions means that it is difficult to see dearly what prescriptive realism is supposed to *be-to* see, that is, which questions it is intended to answer, and what **that** answer is. The best hope of getting dear on the matter comes on pages

46-48, where Hare lays out prescriptive realism using an example he had already set forth in his introduction. Suppose Peter judges that his marriage is worth saving and that God wants him to try to save it. According to Hare, Peter's judgment involves at least the following aspects: (l) it involves claiming "a Kantian kind of objectivity .... He is judging that people like him should respond to this kind of situation in this kind of way" (47); (2) it also involves claiming "objectivity in a different sense, claiming that he is responding to a pull by the relationship that is really there outside his present imperfect attempts at evaluation" (ibid.); (3) in making the judgment Peter also "endorses the feeling of pull," thereby "endorsing not just his feeling on this particular occasion, but the whole set of norms that prescribe this kind of response" (ibid.).

Take (1) first. It is dearly not part of the content of Peter's judgment that "other people" ought to behave in a certain way; his judgment concerns himself, not others. Even if Hare were right that the requirement of universalizability falls right out of the logic of moral language, it would still not follow that the making of a moral judgment about one person's obligation in any way involves the making of a moral judgment about anyone else's obligation-even though the truth of any judgment of the first sort would always entail the truth of some judgment of the second sort.

Perhaps the best way to interpret (2) is as saying that the marriage really is worthwhile whether Peter feels it to be worthwhile or not. Now if Mackie is right, the commonsense understanding of evaluative language is that such language purports to represent features of the world that are independent of our representations of them. If Peter shares this commonsense understanding, his judgment that his marriage is worth saving is to be analyzed as a claim about a feature his marriage has independently of his judgment that it is worth saving. Interpreted in this way, (2) does seem plausible, if unremarkable.

(3), by contrast, is not plausible at alL I am not sure I understand what it means to endorse a pull, but it must involve some intentional state directed at the pull; and Peter's judgment about his marriage is not such a state. But I am more concerned about the claim that his judgment involves endorsing "the whole set of norms that prescribe this kind of response" (47). To judge "I ought to try to save my marriage" is not to endorse any system of norms. One may well not be thinking about more general norms at all. There need not even *be* some determinate set of norms such that one would not (occurrently) make the particular judgment unless one acknowledged (dispositionally) precisely that set of norms. The first-order judgment about the value of preserving one's marriage is one thing; a second-order judgment about the validity of the general norms that require the first-order judgment is something else altogether.

The pity here is that almost nothing of what Hare says in his first chapter is necessary for his view about the relationship between morality and the divine which he lays out in the second chapter. The view is strongly influenced the moral philosophy of John Duns Scorns. According to Scorns as Hare understands him, the ultimate end of human beings is a loving union with God. But God is not constrained to choose any particular route which we are to

reach that end. The route God in fact chose is the moral law, which is only one of a great number of possible routes to our end. Thus, "God's call to us does prescribe a reality independent of our prescribing, namely the divinely chosen route to our final end. By saying that the reality is independent of our prescribing it, I mean that the route is there whether we try to follow it or not. . . . But saying that the route has independent reality is not saying that it has necessity" (84). Rather, what makes that route the right one is simply the fact that God chose it.

In the third chapter Hare takes up a challenge to this Scotistic view. The challenge comes from Kant-or rather, Hare says, it comes from a standard but mistaken reading of Kant. Kant's argument is that morality cannot be derived from "a divine and supremely perfect will" (102). For we cannot intuit God's perfection, so we must derive our notion of God's perfection either from our moral concepts or from our nonmoral concepts. If we derive it from our moral concepts, our account of morality as stemming from God's perfect will turns out to be crudely circular; but if we derive it from our nonmoral concepts, our account of morality will be "drawn from such characteristics as lust for glory and domination and bound up with frightful ideas of power and vengefulness" (ibid.) and thus will not be an account of *morality* at all.

This argument, Hare says, "is always taken as an argument from autonomy against the idea that we can think of God as the source of our moral obligation" (89). Hare addresses the argument in two ways. First, he offers an interpretation of autonomy that takes into account "those passages found throughout Kant's writings where he describes God as the head of the kingdom of which we are mere members, and where he says we should recognize our duties as God's commands to us" (94). On Hare's interpretation, our role is that of "recapitulating in our own wills the declaration in God's will of our duties. This is how we are lawgivers; we declare a correspondence of our wills with the law (which we do not create). For me to will the law autonomously is to declare it my law" (96).

Second, Hare argues that Kant's argument can be understood properly only if we see that Kant was not arguing against divine command theory generally, but only against the particular version of it defended by Crusius. Hare seems to regard the argument as decisive against Crusius (105-8), though unsatisfactory if taken as an argument against divine command theory generally (114-15). But it seems to me that if Kant really had Crusius in his sights, he was guilty of some of the most spectacular *ignoratio elenchi* ever perpetrated in the history of philosophy. First, Crusius does not think we intuit the divine perfection. We know it either inferentially through natural theology or testimonially through scriptural revelation. And yet it does not follow that his account of morality is either crudely circular or else contrary to morality. Crusius holds that what is *good* for us depends, not on God, but on our nature. What is *morally good* or *obligatory* is that we pursue perfection, not for its own sake, or even out of love for God, but "out of obedience to [God] as our creator, sustainer, and lawfully commanding superior and lawgiver" *(Guide to Rational Living* §173). God's

perfection is in part a matter of his commanding (and *necessarily* commanding) what is-independently of his will-good for his creatures. It is not a matter of God's doing what is morally obligatory, since only dependent beings are subject to obligation. Thus Crusius's account of morality is not circular. But neither is it blatantly contrary to morality. Indeed, Crusius warns that "We should guard against the mistaken belief that divine punishments and rewards are necessary so that the law may be obligatory, in that fear of the former and hope of the latter would drive man to obedience .... For through this ... all true obedience would be destroyed" (§194). So whatever merit there may be in Kant's argument, it has no force at all as a reply to Crusius.

The great virtue of this book is that Hare consistently tries "to do philosophy through its history" (x). This is not the work of a contemporary analytic philosopher who occasionally decorates his arguments with a historical reference; nor is it the work of a historian of ideas who occasionally analyzes an argument. On the contrary, Hare works out his most engaging philosophical insights through his historical investigations, and he develops his most provocative readings of the history of philosophy by attending carefully to philosophical analysis. Although I have raised some objections to the specifics, there is no denying that Hare's approach produces distinctive and interesting results that repay dose examination.

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Participation and the Good: A Study in Boethian Metaphysics. By SIOBHAN NASH-MARSHALL. New York: Crossroad, 2000. Pp. 306. $49.95 (paper). ISBN 0-8245-1852-7.

At first sight, there is every reason to expect that Siobhan Nash-Marshall's new monograph will be a valuable addition to Boethian studies. Although Professor Nash-Marshall shows little interest in one side of Boethius' work, his writings on the liberal arts, especially logic, she dearly knows his theological treatises and the *Consolation of Philosophy* very well, and she has read a good deal of the extensive modern literature on the area, especially that concerned with the detailed interpretation of the third theological tractate. Such familiarity should, perhaps, be taken for granted in the author of a specialized study. But another excellent feature of Nash-Marshall's discussion is as rare as it is welcome. Nash-Marshall takes Boethius seriously as a philosopher in his own right. She avoids-avoids, perhaps, to a fault-the approach so common where this writer is concerned, in which such attention is paid to his sources and to his

influence that he ends by being treated as a mere conduit for ancient ideas to be transmitted to the medieval world. Yet, despite these signs of promise, *Participation and the Good* is a frustrating book which, so I shall argue, for all its good intentions and its author's obvious intelligence and learning, does little to increase our understanding of Boethius.

The problems start with the professed aim of the book. Nash-Marshall states very dearly (1) that "our main object in this book is to determine and define the Boethian doctrine of participation." But, as she does not herself dispute, participation is not a theme that Boethius himself discusses explicitly and at length, in the way that, for instance, he explicitly considers the doctrine of the Categories in his *De Trinitate* or the question of divine prescience and human free will in book 5 of the *Consolation.* Certainly, participation plays quite an important part in his metaphysics, but Boethius tends to use the notion here and there, without trying to define or analyse it. In order to overcome this difficulty, Nash-Marshall decides that she will first of all investigate Boethius's ideas about the good, since they are dosely connected with participation in his thinking. Here, at least, Nash-Marshall has a subject that will bear detailed discussion, since both the third of his theological treatises, and the whole of the *Consolation,* are explicitly about the good. The result of the strategy, however, is that only a quarter of the book's pages are given to discussing what is supposed to be its main theme.

It would be easy to forgive this imbalance, and accept the book as, primarily, a study of Boethius on the good, if Nash-Marshall's approach to that subject were itself not so circuitous and so questionable. She begins with a methodological discussion. She distinguishes three possible approaches. The "historical" approach identifies "historical antecedents" and assesses their influence "upon the formulation of the doctrine under examination" (18). The "indirect theoretical" approach examines a metaphysical doctrine in a given philosopher by looking at his positions on matters related to it. The "direct theoretical" approach looks at "the specific problems to which the particular doctrine arises as a solution" (19). Nash-Marshall then argues that she must use the direct theoretical approach because our knowledge ofBoethius's teachers and his reading is too scanty to allow the historical approach; nor can she use the indirect theoretical approach because Boethius does not make a dear statement of positions related to participation. There is a great deal to question in this argument, which justifies how the author goes about the rest of her book. First of all, it displays a form of argument of which, the reader will find, Nash-MarshaH is inordinately fond: a disjunctive syllogism (Either *p* or *q* or *r;* but not *p* and not *q;* so r), in which the major premise is faulty because it is not exhaustive. There are many more, various approaches to writing the history of philosophy than the three methods outlined here. Moreover, the methods are not exclusive (as even Nash-Marshall herself allows). And the reasons for dismissing two of the methods in the case of this project are feeble. An enormous amount is known about Boethius's sources and intellectual milieu, even though important questions still remain unresolved. If complete and certain knowledge

about a writer's education and reading were a prerequisite for an approach that takes into account his intellectual context, then there would be hardly any premodern writer on whom the historical approach could be used. Nash-Marshall is, indeed, right to say that there are no clear statements of metaphysical principle to be found in Boethius (and does this admission not cast some doubt on her whole project of writing about one of metaphysical doctrine?). But she might still have used a wider reading of Boethius to throw light on her particular problems.

The shakiness of her methodological justification would matter little if Nash-Marshall took the direct theoretical approach she adopts to mean a close, analytical reading of Boethius's text. Instead, she takes it as a warrant for departing entirely from the text so as to consider, in her own terms, what she takes to be the underlying metaphysical problem. A quarter of the book is given over to a long, speculative account of how two apparently incompatible notions of the good-the good as a property of all things, and the good as an aim--can be reconciled. Boethius certainly does use both notions: the third theological tractate *(Quomodo substantiae)* is explicitly about how all things are good in that they are, but are not substantial goods, whilst the *Consolation* presents the good as the goal for the happy life. But for 80 pages Nash-Marshall's discussion scarcely refers to Boethius. Rather, her concern is to find a 'synthesis' of the two definitions. She goes about doing so in an unduly elaborate way, proposing correlations, making deductions, raising and overcoming objections. Eventually she comes to the idea of using the Neoplatonic notions of *exitus* and *reditus* to account for the difference and yet unity of the two notions of the good. The *exitus* is the real relation whereby things exist and are good, the *reditus* is "the actualization of an existing being's potential goodness which takes place through that being's real relation with something other than itself' (111). When she turns to Boethius's texts, she rightly associates the *exitus* with *Quomodo substantiae,* and the *reditus* with the *Consolation.* But then the reader cannot help asking what purpose the long discussion about finding a synthesis between the two definitions of good was supposed to serve. Boethius himself, and others in his cultural milieu, took for granted both the notion that all existing things are good, and that the good is an ultimate aim. They (rightly) did not suppose that the two notions were incompatible, but recognized that they were different and tended to consider them separately.

The detailed studies of the good in *Quomodo substantiae* and the *Consolation* which Nash-Marshall goes on to give suffer from being forced into the metaphysical framework she has set up in the previous, speculative pages. They are very slow moving, and consider at length the individual arguments put forward by a range of scholars and the reasons for rejecting them. Where a good historian of philosophy makes a writer's arguments more accessible by explaining them in a more down-to-earth way than perhaps they are stated in the text, thinking them through and supplying concrete examples, Nash-Marshall's "Boethian metaphysics" are far more metaphysical than Boethius's own. Consider the *Consolation,* a work that has the most dramatic of settings, as

Boethius faces execution, and poses problems about the good life in a starkly personal way. Nash-Marshall, however, identifies two of the work's central problems as "how a being can become" and "how becoming can be the act of both the becomer's passive and active potency in the case of rational beings" (196). She then proceeds to draw out a series of paradoxes and to resolve them. Boethius's pressing questions, as he faces death, are all but forgotten.

In the final quarter of the book, Nash-Marshall reaches her main subject, Boethius's doctrine of participation. She proposes that, in *Quomodo substantiae,* there is a doctrine of dual participation: things other than God participate in God, thereby receiving an individual existence, and also in a universal *ante rem,* thereby becoming things of particular kinds. In the *Consolation,* the same idea is presented from a different perspective, that of already existing things which seek their perfection. There is participation in God, in order for things to acquire their actuality, and participation in his Ideas, in order to "acquire the modality of their actuality: their essences" (288). Nash-Marshall considers that this interpretation is a novel one, and she spends a good deal of time explaining why the views of other scholars, especially on the axioms in *Quomodo substantiae,* are wrong. In fact, it is rather difficult to measure Nash-Marshall's interpretation against either the text or the readings proposed by others, because so many of the terms she uses are not Boethian and do not easily fit into Boethius's scheme of thought. Boethius does not talk, as she does, about actuality, or its modality, nor about universals *ante rem;* nor does he make the Thomist distinction between essence and existence that Nash-Marshall uses to structure her discussion of interpretations of the axioms in *Quomodo substantiae.* As far as one can see, her suggestion about dual participation in the *Consolation* picks up some trains of thought really there in the text, but not at all central to it: to treat them as constituting a *doctrine* could be misleading. The reading of *Quomodo substantiae* is more immediately disputable. It eliminates Aristotelian innate forms from the picture presented by the axioms, although almost everything in Boethius's philosophical background, as weH as the most straightforward reading of the text itself, suggests that they are being discussed. Again, the most obvious reading of the axioms and, especially, the argument does not suggest that the relationship with God in virtue of which things exist is one of participation. Perhaps Nash-Marshall *could* vindicate her view about how Boethius uses the idea of participation. What is needed-and would have been a better object of her energies than this over-long volume-is a short, crisply written article, in which she explains exactly why the text is consistent only with her reading of it.

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Aquinas's Philosophical Commentary on the "Ethics": A Historical Perspective. By JAMES C. DOIG. The New Synthese Historical Library *50.* Dordrecht: Kluwer Academic Publishers, 2001. Pp. xvii+311p. $105.00 (doth). ISBN 0-7923-6954-8.

Did Aquinas ever work out a moral philosophy, or does he only conceive of a theological ethics, an ethics that considers man as ordered to a supernatural end? James Doig offers an important contribution to this ongoing debate by arguing that Aquinas's *Commentary on the Ethics* is a philosophical, not a theological,commentary. Its principal purposes, he claims, were to discover the *intentio Aristotelis* and thus to correct earlier interpretations of the *Nicomachean Ethics,* and to present Aristotle's response to the question of human happiness (xi-xvii). On this basis, Doig proposes that the *Commentary* is the principal text for Aquinas's moral philosophy (274). Two main counter positions must be addressed: first, that Aristotle's *Commentary* was only a preparatory work for the *Secunda Secundae* and therefore lacks any intrinsic philosophical value (Gauthier); second, that Aquinas's interpretation of Aristotle was distorted by his theological perspective Oaffa).

The first two chapters document some central points in Thomas's analysis of Aristotle's text and several putative corrections of earlier interpretations of the *Ethics,* the most prominent of which are for him those of Albert and Averroes. According to Doig, the most important point of disagreement between Aquinas and his Latin predecessors is that for Aquinas happiness consists chiefly in contemplation, which is the actualization of wisdom, and not in an activity guided by practical reason (26-33). In opposition to Averroes, Aquinas contends that Aristotle did not hold that contemplative happiness is obtained through a connection of the human agent with the separate agent intellect (47f.).

In chapter 3, Doig argues that it is consistent both with the philosophical practice of Aquinas's time and with the role philosophy plays in his other writings that he should have composed a *philosophical* commentary on the *Ethics.* Doig cites several witnesses to Aquinas's philosophical reputation, notably Masters of Arts, particularly Siger of Brabant (106f.). More importantly, he documents how Thomas uses philosophical arguments to discuss issues of theological relevance: the unicity of the intellect, the eternity of the world, the necessity of choice, and the unicity of substantial form (92-102). Yet Thomas's arguments with the other Masters of Paris on these points are intelligible even apart from his theological concerns. For instance, in *De unitate intellectus* he argues that the unicity of the agent intellect for all mankind contradicts philosophical principles and is contrary to the intention of Aristode (94f.).

Chapter 4 examines Jaffa's claim that Aquinas's *Commentary* "subordinates philosophical to theological principles, and interprets the data of philosophy from the viewpoint of theology," a thesis Jaffa spells out in his *Thomism and Aristotelianism* (1952) in terms of six "principles of Christian ethics." Doig responds in some detail that Aquinas did not regard these principles as particularly Christian or theological; for Thomas, in Doig's judgment, they are

thoroughly rooted in the *corpus Aristotelicum.* The principles in question regard: (1) particular providence, (2) perfect happiness as impossible in this life, (3) necessity of personal immortality to complete the happiness intended by nature, (4) personal immortality, (5) special creation of individual souls, and (6) a divinely implanted natural habit of moral virtues *(synderesis).* Concerning principles (2) and (3), Doig refers to Aquinas's reading of Aristotle's discussion in *Ethics* 1.10, where the Stagirite asks whether someone can be considered happy while still alive, given the changing fortunes of life. Aristotle concludes that during one's lifetime, one can only be considered "blessed as men," meaning that in this life only an imperfect happiness can be had. Citing this text, Aquinas argues-as a philosopher, according to Doig-that since the desire of nature is not in vain, it follows that the desire for perfect happiness will be fulfilled after this life *(Sentences Commentary, Summa contra Gentiles,* and *Ethics Commentary)* (122-35).

Doig pays particularly close attention to the sixth topic (158-92). Aquinas understood *synderesis-a* term that originates with St. Jerome-as the habitus of the first principles of practical reason, such as "Evil is not to be done." Though the term itself is not found in his *Commentary,* it is clear that Aquinas understands the *habitus* of first principles of practical reason to be contained in Aristotle's discussion of *intellectus,* that is, the power of intellectual insight into first principles *(Ethics* 6). Aquinas establishes the need for these_principles on philosophical grounds by asking how one can perform virtuous actions when one is oneself not virtuous. In such a case, reason, without virtue, regulates the appetites in the light of the first practical principles (189-90).

Chapter 5 shows "with some probability" (and convincingly so in my judgment) that much of books 2-7 of the *Commentary* are later than parallel sections of the *Secunda Secundae.* This means that the former text cannot be considered as merely a preparatory work for the latter. Doig points out how, in several cases, the *Secunda Secundae* is more dependent on Albert's *Super Ethica* than is the *Commentary.* In fact, Thomas's *Commentary* reveals a more thorough knowledge of the *Ethics* than does the *Secunda Secundae,* as is evidenced by its having successfully avoided certain erroneous interpretations of Aristotle at work in the *Secunda Secundae.* For example, while Thomas's *Sentences* and the *Secunda Secundae* explain *epikeia* (equity), following Albert, as "superior to justice," the *Ethics Commentary* more accurately describes it as "obeying the law in a higher way." It is not credible, according to Doig, that after the imprecise view in the *Sentences Commentary,* Aquinas should have corrected this understanding in the *Ethics Commentary* and then returned to Albert's description of *epikeia* in the *Secunda Secundae* (207-8). Doig explains the *Commentary's* greater accuracy as compared to the *Secunda Secundae* with the hypothesis that Aquinas undertook a detailed rereading of the *Ethics* after the composition of the *Secunda Secundae* and before writing the *Commentary* (198).

While Doig addresses numerous doctrinal questions throughout his study, only in the final chapter does he attempt a reconstruction of the moral

philosophy presented in the *Commentary* as a whole. In the introduction to the *Commentary,* Aquinas describes the subject matter of moral philosophy as "human activity ordered to the end" and "man as voluntarily acting for the end." According to Aquinas, moral philosophy aims at discovering the objective order that the agent is to put into action: the correct order of human actions to one another and to their end, which is determined by God (233). The desire for the end, which is the desire for the good ("good is that which everything desires"), is a natural desire that is imposed by the divine intellect as an effect of divine providence. Aquinas believes this doctrine to be present in the *Metaphysics* (235; cf. 110-22). The happiness spoken of by Aristotle can be enjoyed in this life; it depends principally on God, but also is the result of man's own actions insofar as they cooperate in achieving this end (237, 241)0 Happiness, on this reading, is the "activity proper to man according to virtue in a perfect life" (240). The moral virtues are understood as inclinations in accord with correct reasoning; Thomas's definition of moral virtue coincides with Aristotle's: "a habitus operating by choice, existing in the mean relative to the individual agent, where the mean is determined by reason as a wise man would determine it" (246). The moral virtues are acquired by repeatedly following reasoning that is faithful to the naturally known first principles of practical reason (247, 254). While Thomas's accounts of courage and temperance are faithful to Aristotle's text, his presentation of justice and prudence are more independent. For instance, Aquinas's notion of the naturally just goes beyond the letter of Aristotle's *Ethics:* Thomas introduces the distinction between *ius naturale* and *ius gentium* and holds them to be implicit within Aristotle's understanding of the naturally just (253). Aquinas believes that only after the discussion of the virtues as the means by which the human goal is to be reached can the moral philosopher complete the description of happiness (232). Accordingly, in book X he offers his solution to the question of happiness. Contrary to the commentaries on the *Ethics* of Grosseteste and Albert, happiness, for Aquinas, does not principally consist in the activity of moral virtue as the perfection of practical reason, but in wisdom as the perfection of speculative reason (269-72).

Doig's study is well documented, carefully reasoned, and displays a thorough knowledge of the historical context. In contrast to recent interpretations of the *Commentary,* Doig compares the issues raised in the *Commentary* with the entire corpus of Aquinas's works. proposing a key to the overall interpretation of the *Commentary* and by offering a discussion of many of its leading topics, it proves to be an indispensable introduction to Thomas's reading of Aristotle's *Ethics.*

While Doig convincingly shows that the *Commentary* should be considered a philosophical, not a theological work, some questions remain unanswered. If Thomas's *Commentary* sought principally to establish the *intentio Aristotelis,* to what extent can we regard it as a source for Aquinas's own moral reflections? Can we assume that his moral philosophy coincides with his account of .AJistotle's, as Doig seems to suggest (106, 274)? On what basis can we decide

this question? In a word, when we read the *Commentary,* how do we know whether we are presented with Aquinas's own opinion or with his understanding of Aristotle? A diachronic study of some of the themes present in the *Commentary* as they are developed in Thomas's other writings, such as the one Doig undertakes in chapter 4, seems to be a path toward answering these questions.

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Heidegger's Concept of Truth. By DANIEL O. DAHLSTROM. Cambridge: Cambridge University Press, 2001. Pp. 462. $60.00 (doth). ISBN 0-521-64317-1.

In this ambitious, learned, and highly informative contribution to the interpretation of Heidegger's philosophy, Daniel Dahlstrom's objective "is to elaborate Heidegger's early conception of truth (formulated in the Marburg lectures and in *Being and Time)* as it proceeds from his critique of a particular history of the logical prejudice" (xviii). This prejudice is the thesis "that the genuine 'locus' of truth is the judgment" or that "truth is to be understood primarily in terms of assertions and in view of the presence of what is asserted" (xvii). The role of judgments or assertions in the logical prejudice takes various related forms: "Truth has been characterized as itself a judgment, as a property of an assertion or judgment, or as a relation between a judgment and a reality, or even as the confirmation or confirmability of such a relation" (xvii). Heidegger sought to demonstrate that such conceptions of truth, central to the Western tradition of metaphysics, logic, and epistemology, conceal a more fundamental sense of truth as the "disdosedness of being-here *(Da-Sein)"* whose essence is "timeliness" (Dahlstrom's translation of *Zeitlichkeit)* or the comportment of "care" as being-here's authentic self-projection ahead of itself toward death (390).

Heidegger undertook this critique on three fronts, simultaneously engaging the accounts of truth, being, and time that anchor the logical prejudice (xviii, 392). As Dahlstrom clarifies near the end of his treatise, the true target of Heidegger's critique is not logic or logical accounts of truth, but rather "the impropriety of an unrestricted extension of ... a certain interpretation of 'being' and its cognates in the context of logic" (449). In question is the interpretation of being as "presence" or as entities "on hand," and the corresponding account of truth as the disclosure of beings, thus understood, in assertions that are

likewise "on hand" or always available for human purposes of knowing and acting. In Heidegger's analysis the traditional accounts of being and truth are inseparable. Even so, Dahlstrom's careful retelling of the genesis of Heidegger's first full statement of his thought *(Being and Time,* 1927), places the emphasis on Heidegger's exposure and critique of "decisions" about the nature of truth made by his great predecessors, especially Husserl and Aristotle. And in that retelling, it is not apparent that logic or the account of truth required by logic (the logical prejudice) is the ultimate culprit in the traditional distortions of truth. Indeed, Dahlstrom shows that Heidegger's diagnosis of the distortions always traces these back to fundamental and unexamined assumptions about being. A certain ambiguity lurks therefore in the central thesis of this study. Is the chief problem in the Western tradition the distortion of being into presence by the account of truth as the logical prejudice, or the distortion of truth into the logical prejudice by the account of being as presence?

Noting that Heidegger frequently disparages formal logic as having an ontological commitment to being as presence, Dahlstrom remarks on the oddity of Heidegger's blindness to something obvious: the primary theme of formal logic is possibility in which, to be sure, the actual (presence) is not privileged over the possible. Indeed Heidegger makes no convincing case for his daim that logic necessarily has the stated ontological commitment (447). But as Dahlstrom's own presentation makes evident, Heidegger is not truly interested in defending that view, but rather is centrally concerned with showing how Western metaphysics (in the interpretation of being as *ousia)* leads to a certain view of *logos* (assertion as "apophantic") from which emerges logical science. The science of logic did not come first, with the ontology of presence as its offspring. In fact, as Dahlstrom amply relates (175-222), Heidegger is at much pains to show that Aristotle has an awareness of truth as prejudgmental disdosedness or *aletheia* (the hermeneutical "as" of care) in his discussion of truth as the sense of being *(Metaphysics,* book Theta, ch. 10). For Aristotle truth as ontologically grounded does not reside primarily in the judgment. But Aristotle gives primacy among the senses of being to *ousia,* or being as presence, with the consequent stress on the true assertion that reveals what is present. As Dahlstrom shows, the distorting of truth has a metaphysical ground, which Heidegger uncovers through unfolding the Aristotelian explication of being as *dynamis* and *energeia.* Thus, surely, the distortion of truth does not arise in Aristotle's thought from a presupposed logical prejudice. Instead, it is the metaphysical origin of the logical prejudice that Heidegger would disclose in Aristotle.

Dahlstrom's concentration on the problematic of the logical prejudice does not, therefore, get its justification from Heidegger's ultimate diagnosis of the ills of the Western tradition, but rather from the course of Heidegger's intellectual development, and in particular his critical engagement with Husserl. The account of Heidegger's critique of Husserl in the 1920s, centering on the latter's treatment of logic, is perhaps the most impressive aspect of this volume. (The

next most impressive aspect is the detailed exegesis of the analysis of truth in *Beingand Time.)* It is precisely in the area of Husserl's philosophy of logic, with its attack on psychologism, that Heidegger found his footing in phenomenology. The young Heidegger for some time continued Husserl's program of developing a "phenomenological logic" uncovering how "thematic" or explicit logical thought rests on "pre-thematic" experiences. He acknowledged that Husserl made decisive philosophical breakthroughs (in the accounts of intentionality, categorial intuition, and the true sense of the a priori) which remained crucial for Heidegger's own account of truth. In particular Husserl pointed the way beyond "representational" thinking in his conception of the dynamic entelechy of intentions, in which a pre-thematic identity of the meant (the intended object as absent) and the intuited (the given object) precedes thematic identification in judgment (51-69). At the same time, Heidegger thought that this dynamic approach to truth was constricted by Husserl's retention of a more traditional "static" approach, indebted to Hermann Lotze: truth as ideal validity, characterized by iterability and by an actuality different from the actuality of things. Heidegger charged that Lotze and Husserl left unclarified the sense of being presumed by this notion of truth. Their logical thought was oriented toward the naturalistic sense of being in modern science, from which they sought to distinguish the mode of being of truth, even as they preserved the scientific concern with what is present or on hand in their account of that mode (21-45). Hence they retained a commitment to the logical prejudice. Yet Dahlstrom shows that for Heidegger the deepest ground of Husserl's commitment was his unquestioned devotion to the ideal of "absolute science," a particular ideal of life that Heidegger assesses as the flight from insecurity (51, 108, 116-19, 131-38). In other words, Heidegger claimed that Husserl never examined the interpretation of being (as presence) that lies behind his allegiance to the logical prejudice. Once again this prejudice, while the proximate object of Heidegger's attack, is not its ultimate object.

Dahlstrom elaborates with great expertise and subtlety on certain unfair aspects of Heidegger's critique of his teacher. He argues that Husserl, chiefly in his analyses of inner time-consciousness and of the kinaesthetic conditions of perception, took up inquiries concerning non-objectifiable aspects of consciousness, but· that Heidegger barely gave attention to these important developments in Husserl's investigations (138-174). Yet ultimately Dahlstrom sides with Heidegger's charge that Husserl insufficiently explored the mode of being of intentionality, principally the "emergence from absence to presence" constituting openness to the phenomena (70). Husserl insisted on the priority of "whatness" or essence, such that "thatness"or facticity barely came into play in his thought, and hence he ignored the manner in which the world arises as a temporal disclosure of appearances for the pre-theoretical comportment of care (120-25). Husserl's bifurcation of the human into the immanent realm of consciousness and the transcendent body betrayed that he remained the captive of Cartesian and naturalistic assumptions (125-31). Thus he failed to clarify the

relation between being as experience and being as thing (388). But even with these grave shortcomings, according to Dahlstrom, Husserl's investigation of formal and regional ontologies is compatible with Heidegger's fundamental ontology. "Complementarity, not contention, best describes the relation between their two phenomenologies" (173).

Such confidence seems questionable, however, in the light of Dahlstrom's insightful exploration of the "paradoxes of thematization" which he sees besetting Heidegger's path of thinking from start to finish. Heidegger turned against his own fundamental ontology which he had described in *Being and Time* as a phenomenological science pursuing a transcendental mode of analysis (235-55). Certainly at the time of that work, Heidegger knew what he must avoid: theoretical science as committed to truth as thematic assertion (the logical prejudice) was at odds with the effort to uncover the pre-thematic or practical comportment to the world of being-here. The world of concern to human care cannot be presented as a fact on hand, but can only be retrieved through a philosophical re-enactment or renewal of authentic experience which Heidegger calls a "formal indication." Yet Heidegger was not satisfied that the formal-indicative approach of *Being and Time* avoided the pitfalls of "theory." Responding to the pressures of this tension between the goal of analysis and the means of thematizing it, Heidegger made his "turn" to more poetic and theological forms of language. Yet Dahlstrom questions whether this turn does more than evade the difficulty (393). Indeed he concludes that the attempt of the later Heidegger to thematize being while not treating it as object does not succeed (455-56). If Heidegger's thematization of the senses of being that tend to fall into oblivion is to remain philosophic, and not solely a kind of poetry or theology, it needs to clarify its motive, or point of departure, as philosophic inquiry. Dahlstrom calls for a clarification through "mediating principles" which Heidegger never provided. In other words, Heidegger failed self-reflexively, by not accounting for his own activity. Although his "critical engagement with the logical prejudice is an unmistakable success" it is still "only a beginning."

On the other hand, one can wonder whether the flaw is not so deeply rooted in this enterprise that all efforts to advance from this beginning may prove to be futile. Dahlstrom's own formulations indicate the root of the problem. Heidegger calls for a kind of philosophizing that is carried out in a concrete historical situation from which it cannot be separated. Philosophy must not be "external" to what it retrieves (444). Even so, in all concrete historical situations it is the fundamental tendency of being-here to "lapse" into inauthentic modes of comportment, treating beings as mere entities on hand, and truth as thematic assertions on hand. Indeed this tendency is "the most elementary proof of existentiality" (389). Thus philosophy as recovery of authentic being-here must be a "counterruinous movement" against this tendency, one that calls for a radical self-transformation by the thinker, who in heeding the call of conscience exposes the prevailing fall into anonymous and irresponsible discourse, and the manifold ways in which the world lies before being-here as a realm of

unquestioned certainties (440). But does not such radical self-transforming and questioning necessarily distance the thinker from his historical situation? How can the thinker refuse to separate himself from his historical situation, if this is characterized by profound inauthenticity? One can also wonder, then, whether the language of "retrieval," with its implication that authentic being-here is more primordial than inauthentic, is tenable. On the one hand, philosophy is retrieval of ordinary being-here, on the assumption that the ordinary is at core authentic (436), but at the same time "philosophy must free itself from ordinary concepts of entities" (443). Would not a complete immersion in ordinary being-here simply be an exercize in inauthentic thinking?

Dahlstrom sheds light on the sources of this central perplexity when he points to Heidegger's early concern with the criticism of the Greek philosophical tradition, and his demand for the recovery of the original experience of revelation, uncontaminated by the objective concepts of theoretical science (173-74, 440-44). Heidegger of course abandoned theology in order to uncover this experience purely as a phenomenologist. Above all, he sought to understand this experience in terms of "historicity," or the human exposedness to historical time as fate, in which project he found assistance at various points from Dilthey, Kierkegaard, Hegel, Schelling, and Nietzsche. This preoccupation with historicity sheds indispensable light on the "turn." One can say that in the crucial years just following *Being and Time,* Heidegger had to confront the reality that the historical fate out of which he sought to philosophize authentically was the era of nihilism or total oblivion of being. The primordial experience of being could not be found in the phenomena of ordinary being-here of the early twentieth-century, whose domination by science had infected Heidegger's own transcendental mode of analysis. It was to be sought in the pre-Socratic origins of the tradition, the original experience of *aletheia* available to Parmenides and Heraclitus and in a way recovered in the modern era by Hoelderlin. This experience Heidegger understands as a relation to being that at the same time holds the possibility of relating to the divine without theology (or onto-theology). By portraying the total oblivion of being as the *eschaton* of Western history, Heidegger announces a fate that allegedly compels the preparation of a new way of thinking. Indeed, one can see clearly the ground for Heidegger's not providing a self-accounting of philosophic motives, such as Dahlstrom requests. To give such an account would compromise the philosopher's claim to speak solely in response to being's dispensation or *Diktat.*

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Destined for Liberty: The Human Person in the Philosophy of Karol Wojtyla/John Paul II. By JAROSLAW KUPCZAK, O.P., Washington, D.C.: The Catholic University of America Press, 2000. Pp. 169. $44.95 (cloth), $22.95 (paper). ISBN 0-8132-0984-6 (cloth), 0-8132-0985-4 (paper).

In *Destined for Liberty,* Fr. Jaroslaw Kupczak delivers to his readers a comprehensive study of the origins of Karol Wojtyla/John Paul II's philosophical anthropology. Kupczak accomplishes this by focusing on Wojtyla's pre-papal writings, specifically on "one of the cornerstones of his theory-the notion of the human person as the efficient cause of his own action" (2). This work as a whole is a marvelously detailed philosophical handbook of history and terminology that cuts a scenic path through the seminal thought of Pope John Paul II. It is particularly valuable to the English/non-Polish-speaking world, as most of the early works of this formidable figure are only available in Polish. Kupczak's philosophical mastery and painstaking scholarship combine to make this book an invaluable resource.

One might ask how this work measures up to the available English literature on the subject, especially George H. Williams, *The Mind of john Paul II: Origins of His Thought and Action* (1981); Rocco Buttiglione, *Karol Wojtyla: The Thought of the Man Who Became john Paul II* (1982 Italian, 1997 English), Kenneth L. Schmitz, *At the Center of the Human Drama: The Philosophical Anthropology of Karol Wojtyla/Pope John Paul II* (1993); and Peter Simpson, *On Karol Wojtyla* (2001). First, Kupczak, being a Pole, has ready access to his subject's early texts and thus no need to rely on translations. Second, this work is wholly philosophical and assumes the reader is familiar with philosophical thinkers and trends pertinent to Wojtyla's thought, from the ancient Greeks to the present. Third, Kupczak shapes his analysis of Wojtyla's intellectual formation around the question of human freedom and causality (variously termed "human efficacy," "human efficient causality," and "man as the efficient cause of his own action"). This is decidedly not an introductory work.

Despite the twentieth-century renewal of Thomism and its many accomplishments, one may wonder how effective it has been at correcting the errors resulting from the turn to the subject. In Wojtyla, and Kupzcak's illumination of him, we have an intelligent and articulate exposition of what will be perhpas the most successful response to the mid-century crisis of the understanding of the human person. Wojtyla witnessed first hand the marginalization of the human person in World War II, and recognized the war being waged by modernity against the Christian image of the person. His response was to formulate an approach to the human person using the best of the ancients and Church tradition coupled with the best of modernity. Specifically, Wojtyla presents the subjectivity of the person objectively, beginning with modern phenomenology (and, to a lesser degree, the psychological sciences), then moving into a metaphysical analysis. In his analysis, existential Thomism (as exemplified by Etienne Gilson) sheds new light on subjectivity,

moving well beyond Thomas yet relying on Thomistic methods and insights. For the practicing Thomist, Wojtyla and his appropriation of Thomism demonstrate that modern methods are not diametrically opposed to Thomism, and in fact, can lead to astonishingly successful results. That being said, Wojtyla is no easy read. We need interpreters of Kupzcak's caliber to unpack this rich body of thought.

The book contains six chapters: "Prologue," "The Early Writings," "The Methodology," "Consciousness and Efficacy,""Transcendence and Integration," and "Conclusions." The lengthiest chapter is devoted to methodology, which is one of the most controversial aspects of Karol Wojtyla/John Paul Il's anthropology. The six chapters are thematically centered around two topics: the influences and formulation of Wojtyla's method (chaps. 2 and 3), and an exposition of his method applied to anthropology, specifically the question of the reality and experience of human efficacy (chaps. 4 and 5). This general twofold partitioning of the book follows the author's view of Wojtyla's first five major works: his doctoral dissertation, *Faith According to St. John of the Cross* (1947-48); his habilitation thesis, *On the Possibility of Constructing a Christian Ethics on the Basis of the System of Max Scheler* (1951-53); the Lublin Lectures (1954-57); *Love and Responsibility* (1958-59); and *Osoba i czyn* (1967-68; translated into English as *The Acting Person).* The first three formulate the method, the fourth applies it, and the last is an exposition of the method as it relates to human efficacy (66-67, 146).

Chapter 1 sets the stage for the investigation of the human person as the cause of his own action. Chapter 2 puts a magnifying glass first to Wojtyla's habilitation thesis on Scheler, and second, to the Lublin Lectures ("Ethical Act and Ethical Experience" [1954-55], "Good and Value" [1955-56], "The Problem of Norm and Happiness" [1956-57]). (This chapter will be of particular interest to the English/non-Polish-speaking audience, as neither of these works is currently available in English.) It is after these lectures that Thomism takes a permanent place in Wojtyla's thought. The habilitation thesis examines Scheler's thought on such subjects as emotion, value, intentionality, willing, conscience, command, and love. Kupczak examines the differences between Scheler and Wojtyla, concluding with their differing concepts of the human person. Scheler describes the human person as a unity of feelings and experiences with axiology as predominantly passive. Wojtyla, on the other hand, accepts phenomenology as the appropriate starting point for an examination of human experience as well as the feelings/values experience. However, he recognizes phenomenology's limitation with respect to the study of man's response to values and the objective principles that make a human act right or wrong. Here we see the beginning of Wojtyla's call for a renewed anthropology. Kupczak also points out the various places within John Paul Il's papal documents that manifest the results of mature reflection on these topics. The first of the Lublin Lectures ("Ethical Act and Ethical Experience"), comprising an historical survey and comparison of modern

ethical theories with emphasis on the will in Scheler, Kant, and Aquinas, is the most pertinent for the topic of human efficient causality.

In chapter 3, "The Methodology," Kupczak painstakingly traces out how Wojtyla came to his philosophical method as applied to anthropology. This is the lengthiest chapter in the book. It demonstrates that the initial synthesis of Wojtyla's thought is rooted in the phenomenology of Scheler and the metaphysical and theological synthesis of Aquinas. The general point has been made by other scholars; the uniqueness of this demonstration lies in Kupczak's focus on freedom and human efficient causality within Wojtyla's anthropology.

Wojtyla's method has been the subject of considerable debate, centered around two themes: its internal unity and its philosophical character. (The most formal debate to-date on Wojtyla's method was held by the Polish Catholic Philosophical Association at the Catholic University in Lublin on *Osoba i czyn [The Acting Person]* in 1970.) Kupczak phrases the question associated with the first theme in this way, "Is it a real synthesis of different points of view or just a superficial syncretism lacking any internal principle?" (48). He responds with a detailed analysis of Wojtyla's view of the inadequacies of other anthropological methodologies and highlights Wojtyla's commitment to interrelate consciousness and being in human action for a more adequate anthropology. Kupczak claims the internal principle is robust, though perhaps stated too subtly. With regard to the second theme of debate, the criticism is aimed at Wojtyla's narrow anthropology (presenting the human person as a subject of moral action and little else) and an insufficient metaphysical analysis. Kupczak points out that though Wojtyla's anthropology does not reject a more thorough metaphysical analysis, Wojtyla does not pursue this effort directly. As for the somewhat narrow anthropology, Kupczak reminds the reader of Wojtyla's driving interest, human freedom and moral action, and how his anthropology is applied to these questions in particular. Kupczak also comments on the unpolished nature of *Osoba i czyn,* the main vehicle explaining his method, and the responsibilities that fell to Wojtyla during this time, as bishop and, later, archbishop. In defense of his own method, Wojtyla holds to his goal, to develop an anthropology true to human experience. Certainly his overarching vision is "to build a synthesis of classical metaphysical anthropology and modern phenomenology of the human person" (80). In doing so his method identifies five conditions for this type of synthesis:

1. Human experience is the proper starting point for anthropological and ethical analysis;
2. Human cognition is more than simply sensory data plus intellectual organization; rather, the human intellect participates in experience and can actually grasp essences;
3. *Contra* Husserl's phenomemological reduction *(epoche),* anthropology should begin with realistic epistemology;

4. Interior experience and consciousness are essential elememts in forming a theory of human subjectivity;

5. Only metaphysics provides appropriate categories to interpret the content of human experience (80-81).

Kupczak identifies these five conditions, but does not assess Wojtyla's method with respect to each of them. It is dear that Wojtyla himself does not address all of these conditions satisfactorily.

Chapters 4 and 5 follow the application of Wojtyla's method to human causality and action, with respect to the following topics: mirroring and reflexive consciousness, sub-consciousness, intention, two perspectives on human subjectivity, cosmological and personalistic man, *agere* and *pati,* horizontal and vertical transcendence, self-determination, self-possession, self-governance, responsibility, giftedness, freedom, the rational will, personal efficacy, induction, reduction, motivation, cognition, truth, conscience, moral norms, duty, human fulfillment, somatic reactivity, and psychical emotivity. For Wojtyla, these topics are constitutive elements of his anthropology. Kupczak walks through *Osoba i czyn,* explaining Wojtyla's method, providing definitions and showing relationships within each of these topics. The general method begins with phenomenological description then shifts to metaphysical synthesis. The concluding chapter is a summary. Kupczak says plainly, "[Wojtyla's] theory of human efficient causality is far from complete" (151).

Kupczak, a native Pole, acquired his English skills as a graduate student in the United Sates. His language skills are superb, which enables him to bridge the Polish/English worlds. This is especially important in the United States as the thought of John Paul H is often not well received (as indicated in Michael Novak's introduction [xi]). Kupczak brings to the English-speaking world his careful reading of all of Wojtyla's early works, most of which are only available in Polish: poetry, drama, and early scholarly and popular articles. Kupzcak also includes material from Polish newspapers and religious publications that responded to Wojtyla's early thought. These materials add another layer of texture to the intellectual biography being traced. He also comments on inferior translations, pointing out technical shortfalls, both philosophical and linguistic, and then supplanting them with his own translations (5). *As* it is, this work represents the first comprehensive philosophical treatment of Karol Wojtyla's early works that is focused on freedom and efficient causality for the English-speaking world with special attention to the continuity between early philosophical benchmarks and later papal encyclicals. Since one of Kupczak's overarching themes is the intellectual consistency of his subjeci:,Wojtyla' s earliest intellectual formation and rapid maturity are thus thrust into the forefront.

This present work dearly demonstrates Kupczak's breadth and depth of research. His sources include virtually every major biographical work on John Paul H, a complete collection of his poetry and drama, documented interviews in a variety of languages from his earliest years to the present, his cherished

reading list from his doctoral studies, early scholarly articles on ethics and popular articles on marriage, popular works (e.g., *Crossing the Threshold of Hope),* papal encyclicals, Wednesday audiences, and more. Kupczak also demonstrates his wide reading in the areas of Wojtyla's intellectually formative fields: three varieties of Thomism, traditional (his doctoral dissertation director was Reginald Garrigou-Lagrange}, transcendental, and existential (represented by Gilson and the dominant brand of Thomism adopted by Wojtyla after the Lublin Lectures); Scheler's phenomenology; Kant's influence on Scheler; and Scheler's modification of Husserl's phenomenology. The copious footnotes and ten-page bibliography are invaluable to the serious reader.

In addition to this formidable body of research, Kupczak brings to light nuances that shape the philosophical path carved out by Wojtyla. Examples include Aquinas's distinction between essence and existence, misunderstood by Francisco Suarez, whose error was propagated for three centuries (53 n. 10); the different, though not contradictory, approaches to ethics between Aquinas and Wojtyla (ends and means, teleology and the good for the former versus moral norms, freedom, and efficient causality for the latter [57 n. 27]); and Wojtyla's agreement with Aquinas on the application of philosophical theory in interpreting Catholic moral teaching with three modifications which go beyond Thomism (153). Not only does Kupczak bring to light relevant distinctions concerning Wojtyla and Thomism, he does so with each of the major intellectual influences on young Wojtyla.

Several shortcomings in Kupczak's work may be enumerated. In the opening chapter he identifies the purpose and method of the book as to "better understand and explain [Wojtyla's] papal pronouncements" and to "present and analyze one of the cornerstones of his theory-the notion of the human person as the efficient cause of his own action" (1, 2). To fulfill his stated purpose, a section in the concluding chapter outlining a better understanding and explanation of John Paul Il's papal pronouncements would be appropriate and illuminating. Second, the method in presenting and analyzing "one cornerstone of his theory" needs to be put into context: what does Kupczak see as the other cornerstones of his theory? Are these other cornerstones potential subject matter for Kupczak? Will his next book focus on consciousness? A third critique concerns Kupczak's omission of the effect on Wojtyla of the death and oppression experienced early in his life, specifically the deaths of his mother and brother, and his resistance to German occupation (viz., his clandestine theatrical performances). These two experiences were deeply formative for a young man who had already demonstrated poetic and dramatic skills and would soon acquire the philosophical skills to articulate what is at the center of man. A fourth critique concerns the shortcomings of Wojtyla's philosophical method as applied to anthropology. Kupczak comments on this critique twice in the concluding chapter (147, 151); however, he does not itemize, expand, or show the ramifications of these methodological shortcomings. His readers would be

better served if he had outlined the specific areas of Wojtyla's method that require additional work.

Even with these critiques, this work comes highly recommended. For all those interested in the genius of John Paul II, Jaroslaw Kupczak is a name to watch for, in Polish, English, or any other language in which he chooses to write.

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