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All submissions should be sent to: review@thomasaquinas.edu. Submissions must not have been previously published or be currently under consideration for publication elsewhere. Article submissions will normally be between 5,000 and 15,000 words long. Book review submissions should be between 1,500 and 4,000 words long. Submissions should be made in Microsoft Word. *The Aquinas Review* also follows the latest edition of *The Chicago Manual of Style*.

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"Virtue, Law, and the Common Good"
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Abbreviations of commonly cited works by St. Thomas Aquinas:

Comp. theol. = *Compendium theologiae*
De ente = *De ente et essentia*
De malo = *Quaestiones disputatae de malo*
De pot. = *Quaestiones disputatae de potentia*
De ver. = *Quaestiones disputatae de veritate*
In De anima = *Sententia libri De anima*
In De causis = *Super Liber De causis*
In De div. nom. = *In librum B. Dionysii De divinis nominibus expositio*
In De Trin. = *Super Boetium De Trinitate*
In Ethic. = *Sententia libri Ethicorum*
In Metaphys. = *Sententia libri Metaphysicae*
In Peri herm. = *Expositio libri Peri hermeneias* or *De interpretatione*
In Phys. = *In octo libros Physicorum Aristotelis expositio*
In Post. an. = *Expositio libri Posteriorum analyticorum*
In Sent. = *Scriptum super libros Sententiarum*
Q. D. de an. = *Quaestio disputata de anima*
Quodl. = *Quaestiones quodlibetales*
SCG = *Summa contra Gentiles*
ST = *Summa theologiae*

ESSE IN OPERIBUS LEGIS: AQUINAS AND THE "NEW PERSPECTIVE ON PAUL"

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The task of this essay is set by the admirably lucid questions posed by British Scripture scholar John M.G. Barclay:

> If the core of Paul's thought concerns participation in Christ, and if this represents both the means of entry into and the mode of continuation in salvation, how does this affect the tenor and shape of Paul's theology of grace? And if this union with Christ is so directly related to ethics and to the "transformation which will be completed with the coming of the Lord," how does this influence Paul's perception of human works, the deeds that will be judged at that coming? In other words, has Paul allowed his core convictions about participation in Christ to shape the framework conceptuality of grace and work?[1]

Specifically, my focus is how these questions are answered by authors who represent what is now called the "New Perspective on Paul." The argument is this: Loyalty to a Protestant reading of "justification by faith" in the form of a hypersensitivity to any hint of merit skews conclusions the New Perspective draws from its own analyses. Despite stressing the importance of participation in St. Paul's understanding of salvation, the implications of this for the relationship of grace and human agency in justified believers are left unresolved. An alternative is available in the work of St. Thomas Aquinas, who, as a *magister in sacra pagina*,

1 John M.G. Barclay, "Grace and the Transformation of Agency in Christ," in *Redefining First-Century Jewish and Christian Identities: Essays in Honor of Ed Parish Sanders*, ed. F.E. Udoh *et al.* (South Bend, IN: University of Notre Dame Press, 2008), 372–89, at 374.

plumbed the depths of Scripture to present its treasures in an orderly manner, *breviter ac dilucide*, as St. Thomas puts it,[2] and whose theology of justification moves in a direction which the logic of the New Perspective indicates—namely, the recognition of the soteriological value of human acts—but which the dread of works-righteousness does not allow.

Covenant Nomism and Justification by Faith

The current state of scholarship on Paul and Judaism is imposingly plural. Michael Bird identifies five primary camps (Roman Catholic approaches, traditional Protestant interpretations, the New Perspective on Paul, the Apocalyptic Paul, and "Paul within Judaism"), but he hastens to add, "Yes, there are other tribes and trends too."[3] The apostle is cast as a former Jew, a transformed Jew, a faithful Jew, a radical Jew, and an anomalous Jew; from these and others rise multiple "blended perspectives."[4] The quintessentially academic project of mapping these contemporary interpretations—distinguishing their methodologies, giving an account of their commonalities and peculiarities, probing

2 *Summa Theologiae* I, prol. 3. Latin text and English translations are from *Summa Theologiae*, 8 vols., trans. Laurence Shapcote, O.P., ed. John Mortensen and Enrique Alarcón (Lander, WY: Aquinas Institute for the Study of Sacred Doctrine, 2012). English translations of other works by St. Thomas are my own, based on the Latin texts available on the Corpus Thomisticum website (http://www.corpusthomisticum.org).

3 Michael Bird, *An Anomalous Jew: Paul Among Jews, Greeks, and Romans* (Grand Rapids, MI: Eerdmans, 2016), 10.

4 Michael Bird, "An Introduction to the Paul within Judaism Debate," in *Paul within Judaism: Perspectives on Paul and Jewish Identity*, ed. Michael Bird *et al.* (Tübingen: Mohr Siebeck, 2023), 1–28, at 3. *Sed contra*, Matthew Thiessen proposes "a law-observant Paul who follows Jesus the Messiah. In short, a Jewish Paul. Not an anomalous Jew, not a radical Jew, not a marginal Jew. Just one Jew living his life and following his perceived calling amid the diversity and richness of first-century Judaism." *A Jewish Paul: The Messiah's Herald to the Gentiles* (Ada, MI: Baker Academic, 2023), 35.

their genealogies, and fleshing out their implications—presents a challenge not unlike the overlapping wires of an old-fashioned telephone switchboard: Beneath such a chaotic tangle there must be principles of priority and ordered connection, if only they can be grasped.

The narrowing of interest to "Paul and the Law" produces greater chaos, not less. To the observation of the late Richard Hays—"Like the stone steps of an ancient university building, the topic of 'Paul and the Law' has been worn smooth by the passing of generations of scholars"[5]—a demurral must be registered: worn *down*, perhaps, but certainly not *smooth*. There are conflicting opinions on every aspect of Paul's thinking about the law, not least its development, consistency, and coherence.[6] Are such concerns an invasive species, like the carp, ornamental if controlled, devastating if set loose, but in either event, non-native to the Pauline ecosystem and the exigencies of epistolary exposition?

When consistency and coherence are mooted, complex questions arise. What view(s) of the law did first-century Judaism present? Within and against which views does Paul stand? Is Paul's use of *nomos* restricted to Jewish law?[7] What of

5 Richard B. Hays, "Three Dramatic Roles: The Law in Romans 3-4," in *Paul and the Mosaic Law: The Third Durham-Tübingen Research Symposium on Earliest Christianity and Judaism: Durham, September, 1994*, ed. James Dunn (Grand Rapids, MI: Eerdmans, 2001), 151–65, at 151.

6 E.P. Sanders argues that consistency and coherence do not require or imply system. He assesses Paul's thinking as "coherent, unsystematic, not notably inconsistent." "Did Paul's Theology Develop?" in *The Word Leaps the Gap: Essays on Scripture and Theology in Honor of Richard B. Hays*, ed. J. Ross Wagner *et al.* (Grand Rapids, MI: Eerdmans, 2008), 325–50, at 328. *Sed contra*, "Romans 2 remains the instance in which Paul goes beyond inconsistency or variety of argument and explanation to true self-contradiction." E.P. Sanders, *Paul, the Law, and the Jewish People* (Charlottesville, GA: Fortress Press, 1983), 147.

7 See A. Andrew Das, "Paul and the Law: Pressure Points in the Debate," in *Paul Unbound: Other Perspectives on the Apostle*, 2nd edition, ed. Mark D. Given (Atlanta: SBL Press, 2022), 133–56, here 140.

the multiple neologisms presented in Romans and Galatians: "the *nomos* of Christ (Gal 6:2), the *nomos* of sin and death (Rom 8:2), the *nomos* of faith (Rom 3:27), the *nomos* of the Spirit of life (Rom 8:2)"?[8] Can the apostle's description of the law as holy, just, and good (Rom 7:12, 16) and a gift of God (Rom 9:4) be reconciled with his assertions that the law is an enslaving power (Gal 5:1) increasing trespass (Rom 5:20), unleashing curses (Gal 3:10–14), producing wrath (Rom 4:15), and complicit in sin and death (Rom 7:5, 8:2; 1 Cor 15:56)?

These challenges are intensified when considering the exquisitely neuralgic triad of works of the law, faith, and justification. What eventually becomes the standard Protestant[9] resolution is well known: "Justification by faith" is the beating heart of the good news, the architectonic principle of Paul's theology, and the knob-end of the Cross-crafted cudgel wielded by Paul unto the destruction of Jewish works-righteousness.[10] Justification by faith is contrasted with the putatively Jewish idea that salvation is earned through meritorious performance of works of the law—a possibility Paul rejects.[11]

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8 Jouette M. Bassler, *Navigating Paul: An Introduction to Key Theological Concepts* (Louisville, KY: Westminster/John Knox, 2007), 11.

9 The extent to which this consensus accurately reflects Martin Luther's own thinking has been the subject of serious reevaluation in the last several decades. For example, see Stephen Chester, "It is No Longer I Who Live: Justification by Faith and Participation in Christ in Martin Luther's Exegesis of Galatians," *New Testament Studies* 55.3 (2009): 315–37; C.E. Braaten and R.W. Jenson, eds., *Union with Christ: The New Finnish Interpretation of Luther* (Grand Rapids, MI: Eerdmans, 1998).

10 David Fink argues that a "consensus" position among Protestants came about slowly, through the process of "confessionalization." "Was There a 'Reformation Doctrine of Justification'?" *Harvard Theological Review* 103.2 (2010): 205–35.

11 See Richard B. Hays, *The Letter to the Galatians: Introduction, Commentary, and Reflections*, in *The New Interpreter's Bible,* vol. 11, ed. Leander E. Keck (Nashville, TN: Abingdon, 2000), 238–39.

Important elements of this traditional interpretation have been placed in the dock by the New Perspective on Paul (hereafter NPP), a controversial[12] and commodious[13] approach to Paul and first-century Judaism, particularly the nature and role of τὰ ἔργα τοῦ νόμου, "the works of the law," in first-century soteriology. The doyen of this perspective, E.P. Sanders, argues that, in the Old Testament and almost all later Jewish writings, carrying out the requirements of the law sustains one's share in Israel's covenantal relationship with God but does not earn it.[14] The Judaism of Paul's day does not seek to substitute legal accomplishments for grace, but instead it stresses the necessity of *membership* in the people created by God's gracious covenant; thus, Paul's bête noire is not the legalism of works-righteousness but the exclusivism of "soteriological nationalism," that is, the arrogant ethnocentrism of "covenantal nomism"[15] that insists that Paul's Gentile converts must accept the Jewish law in order to enter the people of God.[16]

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12 One of the NPP's progenitors, N.T. Wright, calls it a "broad and now unhelpful label." *Paul and the Faithfulness of God* (Charlottesville, GA: Fortress, 2013), 925, note 426.

13 "[T]he NPP is incredibly hard to define since it is not a stringent school of thought with set boundaries as much as it is a trajectory." Michael Bird, *The Saving Righteousness of God: Studies on Paul, Justification, and the New Perspective* (Eugene, OR: Wipf and Stock Publishers, 2007), 88. "[T]he most important thing that needs saying about the new perspective: Right from the start, it has been a plurality of perspectives, an ongoing conversation, containing within itself at least as much disagreement as agreement." N.T. Wright, *Paul and His Recent Interpreters* (Charlottesville, GA: Fortress Press, 2015), 90.

14 See E.P. Sanders, *Paul and Palestinian Judaism: A Comparison of Patterns of Religion*, 40th Anniversary Edition (Charlottesville, GA: Fortress Press, 2017), 482.

15 Brian S. Rosner, "Paul in Modern Scholarship," in *A Handbook on the Jewish Roots of the Christian Faith*, ed. Craig Evans and David Mishkin (Carol Stream, IL: Hendrickson, 2019), 232–38, here 236.

16 See Sanders, *Paul, the Law, and the Jewish People*, 20.

Once Paul's target has been identified as the law in its role of "fixing a particular social identity . . . as encouraging a sense of national superiority and presumption of divine favour by virtue of membership of a particular people,"[17] a consequent remediation of justification by faith is demanded, one that no longer centers on the view that Paul was excoriating an individualistic striving for self-achievement. Instead, justification possesses a specific and limited purpose: "defending the rights of Gentile converts to be full and genuine heirs to the promises of God to Israel,"[18] without the need to adopt the social identity of a Jew via "membership works" (for example, circumcision and dietary laws) in which the Gentiles as Gentiles could have no part. While important, justification by faith is neither the frame nor the hearth of Paul's gospel; indeed, the significance of justification for the whole of Pauline theology[19] as well as its exalted role as criterion for all truly biblical theology[20] can no longer be assumed but demand exegetical and theological justification.[21]

Objections to the NPP are not in short supply. Some dispute the accuracy of Sanders's method and results;[22] others

17 James D.G. Dunn, *Jesus, Paul, and the Law: Studies in Mark and Galatians* (Louisville, KY: Westminster/John Knox Press, 1990), 224.

18 Krister Stendahl, *Paul Among Jews and Gentiles* (Charlottesville, GA: Fortress Press, 1976), 2.

19 See *Joint Declaration on the Doctrine of Justification* (Grand Rapids, MI: Eerdmans, 2000), 3.18.

20 As, for example, when aspects of Matthew's gospel are criticized for being "vorpaulinisch." Ulrich Luz, "Die Erfüllung des Gesetzes bei Matthäus (Mt 5,17–20): Eduard Schweizer zum 65. Geburtstag," *Zeitschrift für Theologie und Kirche* 75.4 (1978): 398–435, here 435.

21 See Karl-Wilhelm Niebuhr, "Die paulinische Rechtfertigungslehre in der gegenwärtigen exegetischen Diskussion," in *Worum geht es in der Rechtfertigungslehre? Das biblische Fundament der "Gemeinsamen Erklärung" von katholischer Kirche und Lutherischem Weltbund*, ed. Thomas Söding (Barcelona: Herder, 1999): 106–30, here 111–12.

22 See Jacob Neusner, *Judaic Law from Jesus to the Mishnah: A Systematic Reply to Professor E.P. Sanders* (Moldova: Scholars Press, 1993).

object to the post-Sanders interpretation of the works of the law as restricted to boundary markers, like circumcision.[23] Some have objected that the NPP has not escaped the tendency to depict Paul as an anti-Jewish figure[24] characterized by an intractable supersessionism.[25] Still others hold that the NPP operates with a Christianized Paul, whereas the apostle to the Gentiles was in reality a Torah-observant Jew who at no point expected Jewish Christ-believers to cease obeying the law.[26]

More to the point of this essay, there are those opponents to the NPP who are vexed by its "Roman" undertones. As David Farnell ominously observes, a logical result of the NPP is the move

23 "Construing the phrase 'works of the law' to mean (or to refer to) only those works that were 'badges of Jewishness' flies in the face of all probabilities. . . . Replacing 'the law' in Galatians 3:21 by 'ceremonial regulations' verges on the absurd." Henri Blocher, "Justification of the Ungodly (*Sola Fide*): Theological Reflections," in *Justification and Variegated Nomism*, vol. 2, *The Paradoxes of Paul*, ed. D. A. Carson *et al.* (Tübingen: Mohr Siebeck, 2004), 465–500, at 487. Thomas Schreiner, discussing Romans 2:17-25, observes that "Paul could have easily said that he was troubled by Jewish nationalism and ethnocentrism, but instead he complains about their failure to keep the law—their disobedience. All of this suggests that works of law refer to the entire law, and that the fundamental problem is human disobedience." *Faith Alone – The Doctrine of Justification: What the Reformers Taught . . . and Why It Still Matters* (Grand Rapids, MI: Zondervan, 2015), 101. However, Dunn agrees that Paul does not articulate his position in terms of a division between acceptable and unacceptable elements of the law: "For what he is attacking is a particular attitude to the law as such, the law as a whole in its social function as distinguishing Jew from Gentile." *Jesus, Paul, and the Law*, 224. Dunn insists, "I do not (and never did!) claim that 'works of the law' denote only circumcision, food laws, and Sabbath. A careful reading of my 'New Perspective' should have made it clear that, as in Galatians 2, these were particular focal or crisis points for (and demonstrations of) a generally nomistic attitude." *The Theology of Paul the Apostle* (Grand Rapids, MI: Eerdmans, 1998), 358, note 97.

24 See Dunn, *Jesus, Paul, and the Law*, 187.

25 See Bird, "An Introduction to the Paul within Judaism Debate," 20–21.

26 See Bird, *An Anomalous Jew*, 20.

> toward human effort as having a soteriological impact . . . [and] the opening wide of the contribution of meritorious works in salvation. . . . At the very least, the barriers to a contribution of works in salvation have been removed.[27]

Robert Gundry agrees, arguing that what covenantal nomism distinguishes—getting in and staying in—are both a matter of faith alone, and so works are evidential, not instrumental.[28] The difficulty this presents is taken up by D.A. Carson:

> covenantal nomism as a category is not really an alternative to merit theology, and therefore it is no real response to it. Over against merit theology stands grace (whether the word itself is used or not). By putting over against merit theology not grace but covenant theology, Sanders has managed to have a structure that preserves grace in the "getting in" while preserving works (and frequently some form or other of merit theology) in the "staying in." In other words, it is as if Sanders is saying, "See, we don't have merit theology here; we have covenantal nomism"—but the covenantal nomism he constructs is so flexible that it includes and baptizes a great deal of merit theology.[29]

In sum, even if one accepts the distinction between "status-achieving" grace and "status-maintaining"/"status-restoring" acts (such as repentance), why deny these acts salvific impact,

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27 F. D. Farnell, "The New Perspective on Paul: Basic Tenets, History, and Presuppositions," *The Masters Seminary Journal* 16.2 (Fall 2005): 189–243, at 226.

28 See Robert H. Gundry, "Grace, Works, and Staying Saved in Paul," *Biblica* 66 (1985): 1–38, here 12.

29 D.A. Carson, "Summaries and Conclusions," 505–48 in *Justification and Variegated Nomism*, vol. 1, *The Complexities of Second Temple Judaism*, ed. D.A. Carson *et al.* (Ada, MI: Mohr Siebeck and Baker Academic, 2001), 505–48, here 544–45.

since they (or at least the sincere desire to accomplish them) are indispensable to maintaining a place in the saving covenant?

Such objections are not surprising. There is a great deal of theological freight in the balance, and spirited defenses of traditional perspectives are to be expected and welcomed. What is odd is not the view of the critics but of the expositors of the NPP, among whom there is a nearly universal repudiation of the idea that the NPP supports or rehabilitates "merit theology." Tranches of the NPP may be distinguished from numerous angles, but there is unity in *the rejection of all soteriological merit*. Each iteration of this rejection adopts the two lines of argument mentioned above—lines that provoke significant criticism.

First, like the critics of the NPP, its partisans espouse a view of "judgment according to works" that restricts its reference to pre- and post-mortem rewards and punishments.[30]

> The theme of reward and punishment in the world to come is not a statement of justification by works, but an extension of the theory of the justice of God. Since it is the case that the righteous and wicked are not always dealt with as they deserve in this world, their reward and punishment are reserved for the world to come. What the reward or the punishment is is never specified. We are simply assured that God's justice will be maintained, if

30 Philip Melanchthon writes, "We teach that rewards have been offered and promised to the works of the faithful. We teach that good works are meritorious—not for the forgiveness of sin, grace, or justification (for we obtain these only by faith) but for other physical and spiritual rewards in this life and in that which is to come, as Paul says (1 Cor. 3:8), 'Each shall receive his wages according to his labor.' Therefore there will be different rewards for different labors." *Apology of the Augsburg Confession*, IV.194, in *The Book of Concord: The Confessions of the Evangelical Lutheran Church*, ed. Theodore G. Tappert (Charlottesville, GA: Fortress, 1959), 133.

not here then hereafter.[31]

Sanders's claim that the rabbinic tradition does not address such specifics is correct and logical motives for this reticence are conceivable;[32] but without *some* examples, how can the claim's meaning[33] and coherence[34] be evaluated? Forty years after *Paul and Palestinian Judaism*, Sanders's view remains unchanged: "in ancient Judaism and early Christianity 'punishment' does not

31 Sanders, *Paul and Palestinian Judaism*, 128

32 Philip S. Alexander suggests that the "lack of precision about the eschatological rewards and punishments is all of a piece with the Mishnah's general lack of interest in eschatology." "Torah and Salvation in Tannaitic Literature," in *Justification and Variegated Nomism*, vol. I, 262–301, here 286. Alexander underscores that the rabbinic concern is for legal obedience for its own sake, rather than only for reward, and suggests that it "would hardly have been in keeping with such a stance to have dwelt in vivid detail on the rewards that await the righteous in the world to come." Ibid.

33 Kent Yinger, who describes his own leanings as pro-NPP, interprets the distinction (like Gundry) as *constitution* versus *confirmation*: "Obedience cannot earn life or salvation, but it remains nevertheless the evidential basis or norm for the final verdict"; "It is the standard Jewish expectation that one's outward behavior (one's works or way) will correspond to, and be a visible manifestation of, inward reality. The eschatological recompense according to deeds confirms, on the basis of deeds, one's justification." *Paul, Judaism, and Judgment According to Deeds* (Cambridge: Cambridge University Press, 1999), 203 and 290, respectively.

34 Indeed, Joseph Burgess *both* upholds the distinction between justification by faith and judgment by works *and* dissolves it by defining rewards, *pace* Melanchthon, as the same as salvation and damnation: "Metaphors concerning 'reward' after death are usually in the singular: for example, commendation (1 Cor. 4:5); prize (1 Cor. 9:24; Phil. 3:14); wreath (1 Cor. 9:26); weight (2 Cor. 4:17); end (2 Cor. 11:15); fruit (Phil. 1:11); crown (Phil. 4:1). For this reason it is inappropriate to press these metaphors in order to try to demonstrate that there are degrees of reward in heaven. The reward is simply salvation, being in Christ; a person cannot be partially in Christ or more than in Christ. The same is true for being separate from Christ; in spite of apocalyptic speculation, it must be asked in what sense there can be degrees of hell." "Rewards but in a Very Different Sense," in *Justification by Faith, Lutherans and Catholics in Dialogue VII*, ed. H. George Anderson *et al*. (Minneapolis, MN: Augsburg, 1985), 94–110, at 104.

mean 'damnation' and 'reward' does not mean 'salvation.'"[35] As to the *prima facie* conflict between this view and certain Pauline texts,[36] Sanders asserts: "Salvation by grace is not incompatible with punishment and reward for deeds,"[37] because God *saves* by grace, but "*within* the framework established by grace he rewards good deeds and punishes transgression."[38] Post-mortem rewards and punishments given as a consequence of earthly actions, but which have no impact on salvation—what could these be?

Second, even if covenantal nomism eschews merit theology, it is unable to dispense with a "demerit theology." In

35 Sanders, *Comparing Judaism and Christianity: Common Judaism, Paul, and the Inner and the Outer in Ancient Religion* (Charlottesville, GA: Fortress, 2016), 75, note 49.

36 See: "All who have sinned without the law will also perish without the law, and all who have sinned under the law will be judged by the law. For it is not the hearers of the law who are righteous before God, but the doers of the law who will be justified. When Gentiles who have not the law do by nature what the law requires, they are a law to themselves, even though they do not have the law. They show that what the law requires is written on their hearts, while their conscience also bears witness and their conflicting thoughts accuse or perhaps excuse them on that day when, according to my gospel, God judges the secrets of men by Christ Jesus" (Rom 2:12–16); "no other foundation can anyone lay than that which is laid, which is Jesus Christ. Now if anyone builds on the foundation with gold, silver, precious stones, wood, hay, straw—each man's work will become manifest; for the Day will disclose it, because it will be revealed with fire, and the fire will test what sort of work each one has done. If the work which any man has built on the foundation survives, he will receive a reward" (1 Cor 3:11–14); "Whoever, therefore, eats the bread or drinks the cup of the Lord in an unworthy manner will be guilty of profaning the body and blood of the Lord. Let a man examine himself, and so eat of the bread and drink of the cup. For anyone who eats and drinks without discerning the body eats and drinks judgment upon himself. That is why many of you are weak and ill, and some have died. But if we judged ourselves truly, we should not be judged. But when we are judged by the Lord, we are chastened so that we may not be condemned along with the world" (1 Cor 11:27–32). All English texts are taken from *The Holy Bible*, Revised Standard Version, Second Catholic Edition (San Francisco: Ignatius Press, 2006).

37 Sanders, *Paul and Palestinian Judaism*, 543.

38 Ibid., 517.

reference to 1 Cor 6:9–10 and Galatians 5:19–21, Sanders claims that Paul, like the Rabbis, did not mean that avoiding the specified sins would earn salvation, "but willful or heinous disobedience would exclude one from salvation."[39] The unsurprising rejoinder: "If salvation can be lost by disobedience—that is, if obedience is necessary to 'preserve' salvation—in what sense can we say with Sanders that 'salvation *depends* on the grace of God'? How can there be sins unto death when election is the basis of salvation?"[40]

Participation in Christ

One of the chief defects of the NPP is that, while it has generated a good deal of theological reflection, it lacks integration into a developed theology of grace. As such, its metaphysical commitments are largely unexplored and its vocabulary remains imprecise,[41] with little care given to clarifying *justification*,

39 Ibid., 517–18. Indeed, "one can see already in Paul how it is that Christianity is going to become a new form of covenantal nomism, a covenantal religion which one enters by baptism, membership in which provides salvation, which has a specific set of commandments, obedience to which (or repentance for the transgression of which) keeps one in the covenantal relationship, while repeated or heinous transgression removes one from membership." Ibid., 513.

40 Peter Enns, "Expansions of Scripture," in *Justification and Variegated Nomism*, vol. I, 73–98, at 97. Timo Laato argues that it is Paul's position that "though good works are never the cause of salvation, it still can be maintained that evil works cause the loss of salvation. Even if the positive (meritorious) statement is not true, the negative one still remains true. Accordingly, they do not exclude each other." "Salvation by God's Grace, Judgment According to Our Works: Taking a Look at Matthew and Paul," *Concordia Theological Quarterly* 82 (2018): 163–78, at 174–75. However, Laato does not explain this; he simply asserts it as the teaching of Paul.

41 For example, Enns questions "whether we should equate salvation with election, as Sanders seems to do. Is salvation the best word to describe one's *initiation* into the covenant wholly apart from the final outcome? . . . It might be less confusing to say that *election* is by grace but *salvation* is by obedience." "Expansions of Scripture," 98.

sanctification, and even *salvation*. Of particular concern for this essay is *merit*.

I have already registered the widespread animus against "saving merit" in the NPP. Further, this disaffection is articulated in the face of an alternative which the NPP itself provides but does not develop: *participation in Christ*. This theme is regarded as a better candidate than justification by faith in the question of what constitutes Paul's most comprehensive and profound metaphor for salvation.[42] Sanders observes that justification by faith:

> receives very little positive working out by Paul. It does not lead to ethics, it is not employed in explaining the significance of the sacraments, it does not explain the gift of the Spirit.[43]

Instead, "the main theme of Paul's gospel was the saving action of God in Jesus Christ and how his hearers could participate in that action"[44] through faith:

42 Whatever interpretation it receives, "justification" is not an immediately obvious candidate for the crux of Paul's theology. Joseph Fitzmyer enumerates ten Pauline images for the effects of Christ's death and Resurrection: justification, salvation, reconciliation, expiation, redemption, freedom, sanctification, transformation, new creation, and glorification. See *Paul and His Theology: A Brief Sketch*, 2nd edition (Englewood Cliffs, NJ: Prentice-Hall, 1989), 59. (Note well that Fitzmyer still accords pride of place to justification; however, he does not include participation in his list.) Alister McGrath writes, "One of the defining characteristics of the Protestant Reformation is a decisive shift in both the conceptualities and the vocabulary of the Christian theological tradition. For a relatively short yet theologically significant period, the reconciliation of humanity would be discussed within the entire western theological tradition primarily in terms of 'justification by faith.'" However, "By the end of the seventeenth century, Catholicism had reverted to using a range of soteriological metaphors, moving away from what proved to have been a temporary focus on the single image of justification." Alister McGrath, *Iustitia Dei: A History of the Christian Doctrine of Justification*, 4th edition (Cambridge: Cambridge University Press, 2020), 4, 7.

43 Sanders, *Paul and Palestinian Judaism*, 492.

44 Ibid., 447.

> [T]he pattern of Paul's religious thought is this: God has sent Christ to be the saviour of all, both Jew and Gentile (and has called Paul to be the apostle to the Gentiles); one participates in salvation by becoming one person with Christ, dying with him to sin and sharing the promise of his resurrection; the transformation, however, will not be completed until the Lord returns; meanwhile one who is in Christ has been freed from the power of sin and the uncleanness of transgression, and his behaviour should be determined by his new situation; since Christ died to save all, all men must have been under the dominion of sin, "in the flesh" as opposed to being in the Spirit. It seems reasonable to call this way of thinking "participationist eschatology."[45]

Sanders is clear: Paul is not conscious of any contradiction between juristic and participationist categories; and the language of participation enjoys precedence. One is "in Christ" and *therefore* is acquitted of sinning and *thus* produces the fruit of the Spirit: "[W]e cannot understand Paul's thought the other way around: that one is forgiven for transgressions and thereby begins to participate in the life of the Spirit."[46] Comparable sentiments are expressed by Dunn ("the study of participation in Christ leads more directly into the rest of Paul's theology than justification"),[47] and Wright ("The real issue is whether the terminology of 'justification' is Paul's way of summing up conversion/salvation/gospel, or whether in fact his preferred and primary way of talking about conversion/salvation/gospel is the whole universe of discourse drawn together by 'being in Christ'").[48]

45 Ibid., 549.
46 Ibid., 507.
47 Dunn, *Theology of Paul*, 395.
48 Wright, *Paul and His Recent Interpreters*, 118.

However, when it comes time to reap the NPP, participation is left half-harvested, while justification is gathered into theological barns. Covenantal nomism is said "to preach good Protestant doctrine: that grace is always prior; that human effort is ever the response to divine initiative; that good works are the fruit and not the root of salvation."[49] Justification by faith and participation in Christ are asserted to "ultimately amount to the same thing,"[50] while few of the specific anthropological and soteriological implications of Pauline participation are developed. Some of this can be attributed to the challenge of interpreting the idea of participation,[51] which does not have centuries of sustained analysis upon which to draw. Still, one senses there is no compelling *exegetical* reason for this situation, but rather that the mixing of these grains would produce a confessionally unpalatable bread,[52] riddled with the leaven of regeneration and merit.

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49 James D.G. Dunn, "The Justice of God: A Renewed Perspective on Justification by Faith," *Journal of Theological Studies* 43.1 (1992): 1–22, at 8.

50 Sanders, *Paul and Palestinian Judaism*, 506.

51 For example, Richard Hays explores four semantic fields in which Paul develops his thinking: family membership/adoption, political/military solidarity, ecclesial participation, and narrative participation. "What Is 'Real Participation in Christ'? A Dialogue with E. P. Sanders on Pauline Soteriology," in *Redefining First-Century Jewish and Christian Identities*, 336–51. However, Hays does not draw out the implications of these models for understanding the agency of the transformed believer.

52 A noteworthy exception is John Barclay, cited at the beginning of this essay, who argues for an ontological reading of Pauline participation. Barclay looks at five Pauline texts (1 Cor 15:10, Phil 2:12-14, Gal 2:1921, Rom 15:15-19, 2 Cor 9:8-10) and discerns an "alternation" in the attribution of agency, a radically new understanding tied to participation: "The logical sequence in all five texts places divine grace anterior to human action, while affirming the continuation of that grace in human activity"; therefore, "At the very least we must speak here of a transformation of the self, a refashioning of the human agent that becomes capable of agency (with a freed will competent to obey or to 'fall from grace') and is embedded within the agency of divine grace. This suggests again the significance of the participation metaphor, so long as it is

Aquinas and Merit: Esse in operibus legis

As regards the justification of sinners, St. Thomas Aquinas's mature position is clear: "God justifies man through the mystery of Christ";[53] specifically, "The justification of the ungodly is caused by the grace of the justifying Holy Spirit."[54] The articulation of this in the *Summa theologiae*, set within the "treatise on grace" (I-II, qq. 109–114), is a model of lapidary exposition. Defined as "a movement whereby the soul is moved by God from a state of sin to a state of justice,"[55] justification involves four dimensions: the infusion of grace, the movement of the free-will towards God by faith, the movement of the free-will away from sin, and the remission of sins, from which the entire process takes it name, "for in this is the justification of the ungodly completed."[56] Grace, inasmuch as it heals and justifies the soul, or makes it pleasing to God, is called "operating"; but inasmuch as it is the principle of meritorious works, which spring from the free-will, it is called "cooperating." St. Thomas does not mince words about the result: "the infusion of grace is a kind of creation"[57]—indeed, a work much greater than *creatio ex nihilo*:

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recognized that the self who participates in Christ is not merely relocated but reconstituted by its absorption within the noncoercive power of grace." "Grace and the Transformation of Agency in Christ," 377, 384. However, in this essay Barclay draws no implications for merit.

53 *ST* I-II, q. 113, a. 4, ad 3: "Deum esse iustificatorem hominum per mysterium Christi."

54 *ST* I-II, q. 113, a. 7, s.c.: "iustificatio impii fit per gratiam spiritus sancti iustificantis."

55 *ST* I-II, q. 113, a. 6, c.: "iustificatio est quidam motus quo anima movetur a Deo a statu culpae in statum iustitiae."

56 Ibid.: "Ex parte igitur motionis divinae, accipitur gratiae infusio; ex parte vero liberi arbitrii moti, accipiuntur duo motus ipsius, secundum recessum a termino a quo, et accessum ad terminum ad quem; consummatio autem, sive perventio ad terminum huius motus, importatur per remissionem culpae, in hoc enim iustificatio consummatur."

57 *Super Epistolam secundam ad Corinthios*, c. 5, lec. 4, n. 192: "infusio gratiae est quaedam creatio."

> A work may be called great in two ways: first, on the part of the mode of action, and thus the work of creation is the greatest work, wherein something is made from nothing; second, a work may be called great on account of what is made, and thus the justification of the ungodly, which terminates at the eternal good of a participation in the Godhead, is greater than the creation of heaven and earth, which terminates at the good of mutable nature.[58]

In regard to the law, Aquinas accepts without question (yet not without careful examination) the salvation of the holy men and women who lived beneath the Mosaic dispensation:

> Although the Old Law did not suffice to save man, yet another help from God besides the Law was available for man, that is, faith in the Mediator, by which the fathers of old were justified even as we were.[59]

The Torah supplied sacraments whose observance allowed for the same *effect* as the sacraments of the New Law: the bestowal of grace and its outflowing in the forgiveness of sins and the reception of glory in eternal life. The difference between the two types is *causal*: The sacraments of the Old Testament were the *occasion* for the gracious justification of the sinner, whereas the sacraments of the Church are a true *cause* of grace.[60] Thus, "the ancient

58 *ST* I-II, q. 113, a. 9, c.: "opus aliquod potest dici magnum dupliciter. Uno modo, ex parte modi agendi. Et sic maximum est opus creationis, in quo ex nihilo fit aliquid. Alio modo potest dici opus magnum propter magnitudinem eius quod fit. Et secundum hoc, maius opus est iustificatio impii, quae terminatur ad bonum aeternum divinae participationis, quam creatio caeli et terrae, quae terminatur ad bonum naturae mutabilis."

59 *ST* I-II, q. 98, a. 2, ad 4: "[Q]uamvis lex vetus non sufficeret ad salvandum hominem, tamen aderat aliud auxilium a Deo hominibus simul cum lege, per quod salvari poterant, scilicet fides mediatoris, per quam iustificati sunt antiqui patres, sicut etiam nos iustificamur."

60 See *ST* III, q. 62, a. 6, c.: "The sacraments of the Old Law were not endowed with any power by which they conduced to the bestowal of justifying grace:

Fathers, by observing the legal sacraments, were borne to Christ by the same faith and love whereby we also are borne to Him."[61]

Granted the way of faith was open to patriarchs and prophets through legal observance, are they not still placed under the curse pronounced by Galatians? Aquinas observes that unless Paul's charge of a curse on the doers of the law is carefully parsed, it can be misunderstood as falling upon the ancient Hebrew worthies.[62] Aquinas denies this conclusion by introducing the distinction between *observing* the law and *hoping* in it.

In his commentary on the letter to the Galatians, Thomas Aquinas uses an expression found nowhere else in his works:[63] *esse in operibus legis*. His text is Galatians 3:10: "For all who rely on works of the law are under a curse; for it is written, 'Cursed be every one who does not abide by all things written in the book of the law, and do them.'"[64] Aquinas comments:

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and they merely signified faith by which men were justified."

61 *ST* III, q. 8, a. 3, ad 3: "Et ideo antiqui patres, servando legalia sacramenta, ferebantur in Christum per fidem et dilectionem eandem qua et nos in ipsum ferimur."

62 See *Ad Galatas*, c. 3, lec. 4, n. 135.

63 Nor, it seems, in any other ancient, medieval, or modern Latin work. The expression *esse in operibus legis* appears in Zwingli's commentary on Romans, but as indirect discourse ("Putabo aliquando salutem esse in operibus legis"), not as a citation of Aquinas. See Ulrich Zwingli, *Opera*, voluminis sexti tomus primus, *Latinorum Scriptorum*, pars sexta (Zurich: Schulthess, 1836), 125. Otherwise, the appearance of the phrase is always as a citation of St. Thomas, for example, Heinrich Denifle, *Luther und Luthertum in der ersten Entwickelung*, vol. 1, part 2, 2nd edition (Mainz: F. Kirchheim, 1906), 681, n. 6. The closest Luther comes is "victoria peccati et mortis est in solo Iesu Christo, ergo non est in operibus legis, nec in voluntate nostra." *Commentarium in Epistolam S. Pauli ad Galatas*, ed. J.C. Irmischer (Erlangen: Heyden, 1844), 203.

64 "Quicumque enim ex operibus legis sunt, sub maledicto sunt. Scriptum est enim: maledictus omnis qui non permanserit in omnibus quae scripta sunt in libro legis ut faciat ea." The Greek reads: "Ὅσοι γὰρ ἐξ ἔργων νόμου εἰσίν, ὑπὸ κατάραν εἰσίν. γέγραπται γὰρ ὅτι: ἐπικατάρατος πᾶς ὃς οὐκ ἐμμένει πᾶσιν τοῖς γεγραμμένοις ἐν τῷ βιβλίῳ τοῦ νόμου τοῦ ποῆσαι αὐτά."

> It is one thing *to be in the works of the law* [*esse in operibus legis*] and another thing to observe the law. The second is a matter of fulfilling the law, and the one who fulfills it is not under a curse. But *to be in the works of the law* [*esse vero in operibus legis*] is to put confidence and hope in them.[65]

This is how the holy men and women at "the time of the law" escape the curse, since it applies only to whomever places hope of justification in the works of the law.[66]

> [A]mong the Jewish people some were slaves strictly speaking, namely, those who kept the law out of fear of punishment and greed for the temporal things which the law promised. But there were others who were not slaves in the strict sense, but while living as slaves they were really sons and heirs. These, although they outwardly attended to temporal goods and avoided punishments, nevertheless did not set these as their end but received them as a figure of spiritual goods. Thus, although outwardly they seemed to differ not at all from slaves (since they observed the ceremonies and other commandments of the law), yet they were masters, because they did not use them with servile intent but used them for love of the spiritual goods they prefigured, whereas slaves used them primarily out of fear of punishment and a desire for earthly goods.[67]

65 *Super Epistolam B. Pauli ad Galatas lectura*, c. 3, lec. 4, n. 135: "Aliud enim est esse in operibus legis, et aliud est servare legem; nam hoc est legem implere, et qui eam implet, non est sub maledicto. Esse vero in operibus legis est in eis confidere et spem ponere." In the same commentary, Aquinas uses *in operibus legis* with a form of the verb "to be": "Antiqui patres fuerunt in operibus legis" (c. 3, lec. 4, n. 135); "Sancti autem patres etsi in operibus legis erant" (c. 3, lec. 4, n. 138).

66 Ibid.: "quicumque in operibus legis confidunt, et putant se iustificari per ea."

67 Ibid., c. 4, lec. 1, n. 195: "in populo Iudaico aliqui erant simpliciter servi, illi scilicet qui propter timorem poenae et cupiditatem temporalium, quae lex

It is a small matter, to be sure—*esse in operibus legis* is easily translated as "to be of the works of the law."[68] Still, it is a compelling expression, suggesting that the main difficulty posed by the works of the Mosaic law is how they are treated, as proper causes rather than as signs. As the divinely appointed means for the Hebrews to offer acceptable religion, the law is good but provisional; the curse comes down upon those who "exist" in the law, whose faith is not simply shaped by the law but is coterminous with it.

Thus, as to merit, Aquinas can conclude that "the mystery of the Incarnation is the principle of merit, because 'of his fullness we all have received' (John 1:16)."[69] The one who is in Christ has received a capacity to work out his own salvation:

> [A]lthough eternal life is in some way acquired by merits, nevertheless, because the principle of meriting in everyone is prevenient grace, eternal life is called a grace: "The grace of God is eternal life" (Rom 6:23). To be brief, whatever grace is added to prevenient grace, the whole is called "grace upon grace."[70]

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promittebat, legem servabant. Aliqui vero erant, qui non erant servi simpliciter, sed, quasi servi existentes, erant vere filii et haeredes: qui licet attenderent exterius ad temporalia et vitarent poenas, nihilominus tamen in eis finem non ponebant sed accipiebant ea, ut figuram spiritualium bonorum. Unde licet viderentur nihil exterius differre a servis, inquantum caeremonias et alia legis mandata servabant, tamen erant domini, quia non ea intentione eis utebantur, ut servi, quia illis utebantur amore spiritualium bonorum, quae praefigurabant: servi vero principaliter timore poenae et cupiditate terrenae commoditatis."

68 As does Fabian R. Larcher, O.P., in *Commentary on the Letters of Saint Paul to the Galatians and Ephesians* (Lander, WY: The Aquinas Institute for the Study of Sacred Doctrine, 2012), 66.

69 *ST* III, q. 2, a. 11, ad 2: "incarnationis mysterium est principium merendi, quia *de plenitudine Christi omnes accepimus*, ut dicitur Ioan. I."

70 *Super Evangelium S. Ioannis*, c.1, lec.10, n. 206: "quamvis aeterna vita aliquo modo meritis acquiratur, tamen quia principium merendi in omnibus est gratia praeveniens, ideo vita aeterna dicitur gratia; Rom. VI, 23: *gratia Dei vita aeterna*. Et, ut breviter concludatur, quicquid praevenienti gratiae de gratia

Borrowing a phrase from Barclay (who is not discussing Aquinas), we can say that the Angelic Doctor provides a portrait in which "human agency is entangled with divine agency from the roots up,"[71] but in which justification is always a matter of divine priority, namely, the Holy Spirit's incorporation of the sinner into Jesus Christ. Matthew Levering provides a good summary:

> Aquinas holds that all grace is mediated by Christ, the one mediator between God and human beings. When we receive the grace of the Holy Spirit, we are enabled to participate in Christ's fulfillment of the law, by which he merits bodily resurrection. Cooperating with grace, we become just through the works that grace enables us to perform. The source of our justification, ultimately, is not our own works but Christ's meritorious justice, which we share in by grace.[72]

Conclusion

Karl Barth writes,

> The problem of justification does not need artificially to be absolutised and given a monopoly. It has its own dignity and necessity to which we do more and not less justice if we do not ascribe to it a totalitarian claim which is not

additur, totum *gratia pro gratia* dicitur." In his penetrating analysis of Aquinas and Calvin, Charles Raith concludes that for the Common Doctor, "works have a value and worth as to render them condignly meritorious because of God, in that God gives the act 'worth' by enabling human nature to participate in his divinity through grace and because he is the principal mover in the meritorious act, giving the act a 'value' as a result of the Spirit's activity." "Aquinas and Calvin on Merit, Part II: Condignity and Participation," *Pro Ecclesia* 21.2 (2012): 195–210, at 199.

71 Barclay, "Grace and the Transformation of Agency in Christ," 379.

72 Matthew Levering, *Christ's Fulfillment of Torah and Temple: Salvation according to Thomas Aquinas* (South Bend, IN: University of Notre Dame Press, 2002), 120.

> proper to it, or allow all other questions to culminate or merge into it, or reject them altogether with an appeal.[73]

Many proponents of the New Perspective on Paul shy away from the soteriological value of human action because, in part, such a value appears to detract from justification's due dignity and necessity, which are best protected through the traditional Protestant reading of imputed righteousness. Sanders himself has no qualms about synonymizing "legalism," "merit theology," and "effort toward self-salvation."[74] But it is difficult, at least for me, to find the smoking Scriptural gun. Even if it be conceded that the traditional Protestant reading is one plausible option, why choose it? Where is the Pauline, indeed, biblical warrant for the choice? Is it not historical events and theological conflicts external to the texts that determine the choice? In itself this is not a problem, except for those who regard the goal of exegesis as the disinterested, scientific distillation of the unadulterated essence of Paul. The problem is the failure to acknowledge the events and conflicts at play.

St. Thomas shows us a better way, a way capable of making better sense of some of the critical results of the New Perspective on Paul than its own practicioners do. Aquinas never conceives of justification in isolation from transformative faith in Christ. To be "of the works of the law" is to do just that, to contemplate a relationship pleasing to God that bypasses faith formed by love. The habit of faith is infused by the Holy Spirit and, like all habits, becomes a principle of action. These actions—whether shaped by the Old Law or the New Law—have a soteriological value bestowed upon them by God. This is merit: the justice

73 Karl Barth, *Church Dogmatics*, vol.4, *The Doctrine of Reconciliation, §61–63*, ed. G. W. Bromiley and T. F. Torrance, trans. G. W. Bromiley (Edinburgh: T&T Clark, 2009), 15.

74 E.P. Sanders, "Comparing Judaism and Christianity: An Academic Autobiography," in *Redefining First-Century Jewish and Christian Identities*, 11–41.

established by God wherein the faithful are equipped to genuinely participate in their salvation.

WHAT EYE HAS NOT SEEN: HOW GOD IS THE COMMON GOOD OF THE CHURCH

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1. The holy prophet Isaiah declares and St. Paul confirms that "Eye has not seen nor ear heard nor has it entered man's heart what God has prepared for those who love him" (1 Cor 2:9; Is 64:4). While in this life we cannot, of course, consider our beatitude in a manner proportioned to the experience of beatitude, we can consider its nature and properties through general conceptions of happiness and the common good. In fact, we cannot conceive what Isaiah and Paul propose without some understanding of happiness and the common good. Through such conceptions, I will articulate some properties of the beatitude God has promised us; in particular, I will discuss the manner in which we will share this beatitude as it is something common.

2. My discussion has three parts. First (3–23), I will show how the common good of this promised beatitude stands between two other common goods: God as the common good of the universe according to the natures of created beings and the divine substance as the common good of the divine persons. Then (25–46), I will consider the community of this good according to its object, insofar as all enjoy a vision of the same object. Finally (47–63), I will consider the community of this good according to the condition of the subjects enjoying it, namely, as the blessed, through charity, have all goods somehow in common.

Three Common Goods

3. By sacred revelation God has promised to the faithful a beatitude that stands between the beatitude or happiness possible to man through his nature and the beatitude enjoyed by the divine

persons. This is clear from what Jesus says, while praying to his Father: "Eternal life is this, to know you, the only true God, and Jesus Christ, whom you have sent" (Jn 17:3). The knowledge that will constitute eternal life cannot be the knowledge by which the divine persons, that is, by which God himself, knows God; otherwise, knowledge of Jesus Christ would be incidental to this beatitude. Knowledge of Jesus Christ insofar as the Word has become incarnate in time adds nothing to the eternal beatitude of God enjoyed by the divine persons in one essence.

4. Again, this knowledge cannot be a foundation to natural happiness, since without grace we cannot know Jesus Christ precisely as sent by his Father; the Father himself must reveal this to us (Mt 16:17).[1] Further, the knowledge of Christ and the Father constitutes beatitude as eternal life, while human nature is properly a principle of happiness for life in the body, which, even if it were "happily ever after," would not be eternal. Only if God offers us some way, namely, Jesus Christ, can we take determinate steps in this life by which we will arrive determinately at the happiness God promises us, a happiness proportioned to the divine nature. At the same time, some happiness proportioned to human nature must be possible after death, even if original sin stands as a common impediment to this happiness.

5. To perceive that the beatitude of eternal life stands between natural happiness and the beatitude enjoyed by the divine persons, these two terms must be considered first. I will discuss the happiness attainable by human nature (4–15) before considering the divine beatitude (16–22). But I can look at this natural happiness in various ways. Since I am principally concerned with the happiness of the Church in eternity, I will not look at natural human happiness as attained immediately in this

1 I do not understand this as if the Father does this in distinction from the other persons. Most likely, Jesus appropriates this revelation to the Father insofar as the Father is not sensibly present to Peter as the Son is.

life. Rather, I will look at the happiness that would result after death from the share one attains in happiness during life in the body if God had not instituted the order of grace. First (5–11), I will consider the nature of this happiness, and then (12–15) I will comment on how this would be something common to those enjoying it. I will consider this happiness merely as Aristotle's principles allow us to surmise the sort of happiness and misery that follow after death by our possession of virtue and vice in this life. That is, this is what we would expect after death, if God had not instituted another order above our nature, an order that—according to his pleasure—includes even those human souls who did not have the opportunity to acquire virtue by natural efforts. Again, implicit in this approach to the consideration of human happiness after death is a deliberate inattention to the question, whether human death is merely an effect of the principles of human nature or an effect of the sin of our first parents.

6. I assert here without a sufficient defense that Aristotle proposes that the human soul shares in happiness and misery after death based on its share in virtue or vice before death.[2] Of course, he never asserts this explicitly. He does, however, state this implicitly. In the clarification and defense of his definition of happiness in *Nicomachean Ethics*, he raises the question whether one can call any man happy while he lives; by the authority of Solon one cannot.[3] But this leads to a further question, whether one can call any man happy even when he is dead? Since Aristotle does not propose here to investigate the activities by which the

2 This happiness or misery must follow the virtues belonging to the immaterial part of the soul. Principal here would be the formation of wisdom, perhaps even in an inchoate form. Folly and other habits of the intellect opposed to the truths of wisdom would be the foundation for misery after death. Again, the justice in the rational appetite as an immaterial power, at least as this concerns natural justice or natural law, would likewise proportion the separated soul to happiness, while its opposite, injustice, would proportion that soul to misery.

3 See Aristotle, *Nicomachean Ethics* 1.10, 1100a10–12.

definition of happiness might belong to separated souls, he proceeds by attention to honors and dishonors offered to the dead and the fortunes and misfortunes of their descendants. He proposes two reasonable, dialectical limits to this discussion. It seems strange or out of place to say that the dead might pass from happiness to misery or the reverse, and it seems strange to say that what happens to descendants has no effect upon the happiness or misery of their dead ancestors.[4]

7. Aristotle clearly proposes this question—whether one can call someone happy even after death—principally as a means of clarifying human happiness in this life. To this extent, his direct response to the question is not immediately relevant to the definition of happiness in the *Nicomachean Ethics*. But this response does touch upon the concerns of this study. Aristotle asserts that the judgment that the fortunes of one's friends and descendants in no way affects the condition of separated souls is "very unfriendly" (λίαν ἄφιλον) and opposed to the opinions of men.[5] I think he suggests here that this judgment is in fact opposed to virtue as the disposition to friendship, and thus to the estimation of life after death that corresponds to such virtue.

8. Rather, I will focus here on a truth Aristotle assumes as implicit in this one: If to judge that what happens to our descendants and friends has no effect upon the happiness or misery of those who have died is unfriendly and thus opposed to virtue, then to judge that those who have died have no share in happiness or misery must be even more unfriendly and more opposed to virtue. We can even hear this implicit judgment in the assertion that one should not think what happens to those loved by the dead could affect those souls such that those who are not happy should become happy and those who are happy should become unhappy. To think the souls of the dead could pass from

4 See ibid., 1100a27–30.

5 See ibid., 1101a21–26.

happiness to misery or the reverse is opposed to the virtues by which one is a good man and therefore apt to be a friend. This error proposes that happiness and misery belong to separated souls extrinsically, without any proportion to the order intrinsic to those souls. This is the very order that makes one good or bad and therefore a friend or an enemy. Even more unfriendly is to think those souls have utterly perished and no longer share in the happiness or misery they began to enjoy or suffer in this life.

9. Again, this understanding of happiness and misery after life in the body agrees with Aristotle's resolution of friendship to self-love rightly conceived. The good man is apt to be a friend—unlike a bad man—because he lives for the sake of excellence for his own sake, precisely as he lives for the sake of the intellectual part of his soul. I take the intellectual part here in a broad sense, as perfected by prudence as well as contemplative wisdom.

10. *Metaphysics* 12, I propose, also suggests Aristotle's teaching about the happiness enjoyed by the soul after death. In *Metaphysics* 12.7, Aristotle manifests the nature of God's beatitude by resolving human happiness to God's beatitude as subsisting happiness. First philosophy sees in the conception of God as the "principle whose substance is its activity," the foundation of a happiness that shares none of the deficiencies found in human happiness. Such activity is an eminently intellectual knowledge of the first cause of all beings and is possessed not as an attribute but as identical with the divine substance. In my reading, which I have found in none of the followers of Aristotle, this account of God's beatitude also serves in first philosophy as an argument for the immateriality and immortality of the human soul through a final cause. Human souls are immaterial and thereby immortal because, that is, so that, they are apt to share forever in some knowledge of God.

11. So, I see in Aristotle a teaching about life after death in which the human soul enjoys a form of life that it does not

share with the body but enjoys properly. This life is the life of its intellect, the life of contemplating reality and ruling its body. This life is the life by which man lives an excellent life, and the highest virtues or excellences by which man lives an excellent life while in the body dispose him to live happily after this life. These virtues dispose a man to contemplate reality through its first principles and causes, and these principles and causes are divine beings, above all God as the good itself. Since, however, the virtues we can attain by human nature only have the power to reveal God as first cause of beings as he is known by human reason, I take the happiness Aristotle discerns as possible after this life to be proportioned to these virtues. Still, the knowledge arising through these virtues would, when the soul exists in separation from the body, in some way terminate in separate substances themselves without the mediation of sensible images.

12. Above all, such knowledge in a separated soul must terminate in God as the first cause can be pursued and attained by those who sought to know him during life in the body. Such happiness—shared in more and less and possessed more or less explicitly by men in this life—must belong to separated souls according to the intellectual virtue informing these souls at the time of their death. I take this happiness as somewhat equivalent to the happiness St. Thomas proposes as belonging to the souls of unbaptized infants.[6] This happiness is proportioned to the principles of human intellect relieved of the limitations that follow the body and the vagaries of bodily life. Of course, St. Thomas includes infused knowledge as a cause of the happiness of unbaptized infants; I will not discuss here what difference this makes to the two views.

13. Aristotle also understands the divine being, in *Metaphysics* 12.10, as the cause of all good to other beings. The

6 See St. Thomas Aquinas, *De malo*, q. 5, a. 3 (also known as Appendix to *Supplement to III*, q. 2, a. 2).

goodness by which God is good and happy is the foundation for all goodness in the universe: both the goodness proper to each being through its determinate nature and the goodness through which beings are ordered to one another as a universe. I restrain myself here to two observations on how such a good is common.

14. First, since goodness exists in God as apt to be communicated to and shared with creatures,[7] we must recognize that goodness does not belong to God as something private and accidentally common. Rather, natural theology makes clear that God's essential goodness is common in precisely this sense, that goodness cannot belong to anything other than God except by participation in the good that is essentially God. So Aristotle teaches that nature is a principle in all other beings by which they share more and less in the divine goodness.[8] Note that this understanding of God's goodness as something common does not demand any understanding of the Trinity of divine persons.

15. Second, Aristotle here compares the good of the universe to a household, and again to a city in *Politics* 7.3.[9] He implies that the principal part of the good of the universe is its happiness. The universe is good principally through the intellects that constitute the principal part of the universe insofar as these enjoy the happiness that consists in knowledge of the first cause of the universe. This knowledge is also participation in the self-knowledge that is God's own happiness. In Aristotle's understanding, then, the universe is first and foremost an order of intellects that enjoy the transcendent happiness of the God, who is outside of and prior to this order. I add here that Aristotle seems only to consider the possibility that these intellects enjoying everlasting happiness know God according to the power natural to each.

7 I am abstracting here from whether Aristotle understood creation as such.

8 See Aristotle, *Metaphysics* 12.10, 1075a18–23.

9 See ibid., 1075a14–25, and *Politics* 7.3, 1325b29–31.

16. I will turn now to divine beatitude. While Aristotle rightly understood that God's beatitude consists in his eternal enjoyment of the contemplation of his own essence, he could not see the mysteries Christ has taught us about God's interior life. In that eternal act by which God gazes upon and loves his own intelligible essence, two divine persons—the divine Word and the Holy Spirit—proceed from the person of the Father. Goodness and therefore the common good do not, of course, belong to God as an intrinsic cause or end. Still, the beatific goodness of divine contemplation belongs to these three divine persons as a good so utterly common that it is the very essence identical with each of these persons.

17. In this eternal contemplation God immediately attends to his own being and goodness. But by this attention he also sees every being he can create. Of course, these beings are infinite in number, and they are infinite in many ways. I suspect most of us conceive this vision as a gaze upon all the various genera and species of creatures God can make, almost as if arranged in a kind of Porphyrian tree, perhaps a tree with infinitely many branches. This corresponds more or less to what we call the Platonic forms or ideas. Here God considers the various kinds of substance in themselves, apart from how they exist in any world or universe. God certainly sees such an order in substances. Still, our inclination to think of his view of creatures as principally an abstract view is probably anthropomorphic. Our intellectual knowledge of creatures is ordered under predicable genera or within one subject genus or another, and we conceive such a view as properly intellectual.

18. Yet we must complete our knowledge of the world conceived through these abstract ideas by sensitive knowledge. We find it difficult to understand that superior intellects can grasp everything about this world by means of intellect alone. I will not defend this here apart from noting that intellect does

not properly know ideas or species but beings. Any cognitive species—sensible or intelligible—is the principle of knowing a being that has that species as its form or nature. Only in God's self-knowledge is the species by which the intellect knows and the object known utterly identical.[10]

19. Perhaps one aspect of angelic knowledge can make this clearer. The very substance of each angel is the intelligible species by which it knows that species as its own substance. But that angel must have an additional intelligible species in the mode of a similitude or likeness to know any other angel. Likewise the intelligible species that is this angel's substance must exist in other angels as its likeness so that they can know him. Note carefully here that this is not an abstracted knowledge. When one angel turns in its intellect to the likeness of another angel, the first angel does not attend precisely to the form or species but to the existing angel.

20. So too God knows all the things that can exist precisely as they can exist. This means that he not only sees each individual he can make but he also sees the universe in which that individual might exist. He sees all the possible ways that universe might work out. Yet nothing but God's own omnipotence is the foundation to all of these possibilities. To this extent he does not see any of these beings as existing or as possible for an existing being. Rather, God sees all these beings he can create insofar as he sees his own omnipotence. But this omnipotence is nothing other than his own essence.

21. But God also loves one of these worlds—this world we live in—with that creative love by which he brought it into existence and sustains it in being. He does not love this world because it adds to his existence and thereby makes it better. He loves this world through the love of his own eternal and intelligible goodness. So his love orders this world he has chosen to

10 See St. Thomas, *ST* I, q. 4, aa. 2–4.

create to share in that eternal, intelligible goodness; this world is principally the city with which he shares his own beatitude. And since his being involves no deficiency, he is not waiting for us to arrive at this beatitude. As his eternity is present to our present and now orders us to beatitude, so his eternity is present to that beatitude that does not yet exist for us but will, as we hope, one day be present to us.

22. Note, here, that I am not yet discussing our experience of beatitude, but God's enjoyment of our beatitude. This enjoyment is not something other than his enjoyment of his own beatitude; at the same time his enjoyment of our beatitude is something unnecessary to his own. The friendship by which the three divine persons enjoy their own substance as eternal and infinite goodness needs nothing outside itself. Still, this friendship reaches out and draws a society to share in this eternal, subsisting friendship. And as God's eternity does not prevent him from bringing a temporal world into existence, so it does not prevent him from eternally enjoying the beatitude that we still hope for.

23. The beatitude of the city of God, insofar as it rests in God as in its homeland, stands between these two kinds of beatitude. It falls short of the divine beatitude because the blessed will gaze upon the divine essence though they will not fully comprehend it, and because the blessed will not gaze equally upon the divine essence. Rather, they will gaze upon that essence and the divine persons subsisting in that essence according to the order of the charity attained and merited during life in the body.[11] Yet this beatitude surpasses the happiness attainable by man through the principles of human nature whether in this life or after death, even had he not fallen. We can see how this beatitude surpasses that possible by human nature both because the saints enjoy an eternal gaze of God himself in his essence,

11 See Jn 14:2 and *ST* I, q. 12, a. 6; I-II, q. 5, a. 2.

and because they enjoy the contemplation and love of the three persons, as adopted sons (Jn 1:12–13; Eph 1:5; Gal 4:4–5). Of course, many other goods follow such beatitude, but here I am only discussing what is essential and definitive of the happiness of the city of God.[12]

24. If one understands these statements, one grasps how the beatitude of the saints is superior to the happiness afforded by mere human nature. But I am principally concerned with the manner in which the saints' beatitude is a common good. As I said earlier, I will examine this in the two ways I have already distinguished above. First (25–46), I will consider the manner in which this beatific vision is common on the side of the object, insofar as the saints all enjoy the sight of the same divine essence and divine persons. Then (47–63), I will consider how this vision is subjectively common, that is, how by charity the beatitude of each saint belongs somehow to all of them.

The Vision of One Object as a Common Good

25. To make clear how the saints enjoy the vision of one object as a common good, I will first (26–32) compare the act of understanding God in the beatific vision with the act of understanding him by our intellect's operation in this life. Then, I will argue that in the beatific vision, each saint experiences the principal object known there as something commonly known in the beatific acts of the persons of the Trinity (33–36) and of the other saints (37–46).

26. I will first (26–27) look at how we know the objects proper to our intellect through the principles of human nature and then (28–32) I will look at how God becomes an object to the human intellect. The objects proper to our intellect are sensible beings, and they are intelligible insofar as they are sensible.

12 See *ST* I-II, q. 3, a. 8; q. 4.

Insofar as they move the senses and imagination, the agent intellect illuminates the nature found there and the potential intellect receives this nature as an intelligible species. As I have argued elsewhere,[13] either one returns to the singular insofar as the singular falls under this species as its nature or one draws back from the singular as such and contemplates the nature universally, as we are apt to encounter it in indefinitely many individuals. Aristotle expresses this difference in attention with the image of a bent line and that bent line unfolded.[14]

27. This allows us two ways of attending to the sensible substances that stand to the human intellect as its proper object. We can attend to this or that individual as an individual, that is, as a supposit having a determinate nature, a *res naturae*. Or we can attend to the nature as something common to many. Since this difference in attention corresponds to the two substantial principles in sensible beings, namely, matter and form, the attention to individuals demands a return to the sensible matter by which one individual is distinct from another having the same nature. This is like a line coming to the intellect from the sensible and then bent back to the sensible particular.[15] The attention to such substances through form as the principle by which they are intelligible draws back from any determinate sensible attention to matter. So, in scientific discourse, for example, we consider the nature universally and order our concepts about the object, not as they are determined to individuals but as some nature belongs commonly to them. Here the passage from the senses to the intellect is completed in the intellect, as if one has straightened out the bent line used as a likeness of our attention to the sensible singular.

13 See John F. Nieto, "A Thomistic Rehabilitation of the Passive Intellect," *The Aquinas Review* 27 (2024): 29–54.

14 See Aristotle, *On the Soul* 3.4, 429b16–17.

15 See St. Thomas, *In III De an.,* lec. 2 (Leonine lines 181–95).

28. Clearly, we cannot know God in this way. Since God is neither material nor sensible, we cannot encounter him immediately as an object of sense or imagination nor can we abstract an intelligible species proper to him from such an object. Rather, we must fashion concepts of him, however imperfect, through the intelligible species we receive from sensible beings. As St. Thomas teaches, these concepts involve some relation to the natures we find in sensible beings, and we refine them by negating certain aspects of those natures and by recognizing that other aspects must be found in him in a more eminent manner than they are in these sensible beings.[16] Always, however, the concepts of God proper to the human intellect turn the intellect to him insofar as he is, so to speak, intelligibly on the "other side" of the sensible natures through which we form these concepts.

29. Still, one must beware of a mistake easily made here. One might think the intellect does not, in fact, reach God himself in such an act. Certainly, should we err in our conceptions of God, the act that flows from these conceptions cannot attain to him. But so long as we form conceptions proper to God and do not add clarifications opposed to his nature, our intellect does reach God or attain to God himself as he is represented by these concepts. One way of seeing this is through the fact that God is in reality closer to the intellect than the sensible natures it knows as its proper objects—closer even than the body to which that intellect is joined. So, while according to the concepts we form to think about him and creatures, he is farther from us, that is, less proportioned to the power of our intellect, insofar as the object known through such concepts is present to the intellect of the one knowing him, the intellect knows the God who even now resides intelligibly in that intellect.

30. Many will find this difficult because they assent more or less consciously to the anti-intellectual spirit of our time. So,

16 See *ST* I, q. 13, aa. 2 and 3.

for example, many think that universal knowledge stands at a distance from its object and stands farther from its object than intellectual attention to the singular. In some accidental way, perhaps in several ways, this is true. But this view arises because we imagine that bodily activity reaches bodily, sensible substances more perfectly than does immaterial, intellectual activity. On such a view, of course, we cannot really understand how God creates material substances and continues to work in them; on such a view, God's activity is more like magic, when in fact his activity is the highest form of intellect and will.

31. A closer look at bodies helps to unseat this error. Bodies only act on one another through the meeting of their surfaces and even sense knowledge depends upon such an action of one body on another. The knowledge of individuals proper to the cogitative power or passive intellect depends upon an intelligible species existing immaterially in the possible intellect. The possible or potential intellect, however, grasps the very substance of its object. This intellect can "reach into" the substance and nature of sensible substances precisely because it is immaterial, and thus the quantity by which bodies exclude one another cannot exclude the agent intellect's power to illuminate the order within these bodies—not merely within them quantitatively—within them substantially.[17]

32. So, by forming conceptions proper to God and while clarifying these conceptions in agreement with his nature, the human intellect brings forth an act in which it knows, and in this way, reaches God himself. If, through faith, the intellect forms a conception of God as Father, Son, and Holy Spirit, and he really is so, the intellect attains him yet more perfectly. Attention to

17 I do not intend by the metaphor of reaching to deny that the intellect's activity regarding sensible substances occurs within it. Rather, I intend to emphasize that the intellect can pass through accidents extrinsic to them and attain or grasp their essences.

God in this way—through his revelation of himself—reaches him not merely as he really is; this attention even reaches him as he is prior to all created things, as he exists in eternity. Still, whether the intellect turns to God and knows him by conceptions formed through natural reason or turns to him in faith as prior to all creatures, the intellect's natural power, even aided by faith and various gifts of the Holy Spirit, is not sufficient to allow us to see God but only to be aware that he exists, as I said earlier, beyond the things the intellect does see.

33. I turn now to the minds of the blessed, the saints, that do see God. Since, as I have said, the human mind cannot abstract an intelligible species from God as it does from sensible beings, and since all conceptions we form to turn to him are finite and fall short of the infinity of his being, we need, as St. Thomas teaches, a power capable of freeing us from what I call the "addiction" of the human intellect to finite, material essences that follows the finite power of our agent intellect. Another intellectual light, the light of glory, makes our intellect capable of enjoying the divine essence—already substantially present to the intellect and essentially intelligible—in the manner of an intelligible species.[18] The human intellect so united to the divine essence can bring forth an act of understanding that also terminates in that essence as the immediate object of knowledge. This intellect sees that essence, sees God himself, and sees the three divine persons subsisting in that essence.

34. For the present purpose, the first thing we should grasp when we consider the intellect knowing God in this way is that it knows God knowing and loving himself and it knows God as three persons who know and love one another. This is to say that the blessed see God as his essence and life—a subsisting act of knowledge and love—is the common good of three divine persons. When the human intellect enjoys the sight of God, it

18 See *ST* I, q. 12, aa. 2 and 5.

not only enjoys this sight as infinitely good and lovable, it also enjoys this sight as something it shares with and receives from the three persons whom it gazes upon as enjoying this vision from eternity.

35. I will approach this judgment from another principle. Even were God not a trinity of persons, any intellect that enjoyed the vision of the divine essence would necessarily experience the vision of that essence as something shared with God himself. One could not see God without seeing that from eternity God sees himself and rests in that sight of himself. Again, no intellect could experience that vision without seeing in that vision that God grants it some share in what God enjoys eternally without beginning or end.

36. In a similar, albeit a deeper way, the triune God grants the blessed to share in the eternal vision of the Son and Spirit proceeding within the divine essence as it is an eternal act of knowledge and love. The blessed see these divine persons knowing and loving one another. But, through the revelation of God in Jesus Christ, the blessed become conformed to the Son as other Christs. In this way, the blessed enjoy the sight of God from—one might say—the perspective of the Son. These intellects experience themselves drawn into the Trinitarian life, as the Father's eternal gaze upon his now incarnate Son makes them also known to him as adopted sons. They gaze together with the Son back upon the Father from whom the natural Son and the adopted sons have received all that they have. Again, the blessed see the Spirit proceed as the impetus of love by which they themselves now forever have some share in the life these three persons yet enjoy as they are altogether prior to the created world.

37. While I could dwell much more upon the communion of the blessed with the divine persons and articulate it in other ways, I will turn now (38–46) to the manner in which the blessed,

as they constitute a city, share this vision as something common. I do not mean to suggest, however, that the communion with the divine persons is something proper to the individual and something accidental to this vision as enjoyed by created persons as they constitute a city. Rather, I hope, my attention to the vision as the individual intellect shares it with the divine persons is a principle for attention to the manner in which it is common to the citizens, though, I suspect, this will be even clearer when I turn to the subjective manner in which the vision is enjoyed as something common.

38. Each intellect that sees God see God's essence and the three persons as subsisting in that essence. And, just as such an intellect sees itself as conformed to the Son in the act of gazing back at the Father, so this intellect sees God as seen by himself and by all other beatified intellects. The intellect that sees God sees him as the object understood and loved by the created city of God. Such an intellect sees that city resting forever in God as the principal purpose of creation, and it sees itself as some part of that city, a part whose love, joy, and peace is itself some part of the love, joy, and peace that perfect the city of God.

39. Let me say a little more about the order in which the blessed know one another. I am ignoring at present any knowledge other than the beatific vision, though I am not denying that the blessed know one another with other kinds of knowledge, and I will presently consider some other acts of knowledge belonging to the blessed. As I have said, each blessed intellect in its beatific vision immediately sees God, and, seeing God, it sees its own intellect through the divine essence as that intellect is known by God. But, since God knows each beatified intellect most properly as he has made it to enjoy the vision of him for all eternity, each beatified intellect sees itself in the divine essence insofar as God has from eternity predestined it for this very act of seeing him.

40. To see something through the divine essence is like knowing it from inside out. According to our natural mode of knowing, we turn to the surfaces of things, their outsides, which move our senses. The illumination by the agent intellect, however, allows the possible intellect to penetrate to their substance. In this way, by nature we know things outside in. But the divine essence is even more interior to created beings than they are to themselves.[19] One who sees the divine essence, therefore, sees what God has in fact created by seeing this essence within created things insofar as it makes them intelligible. In this way, one seeing the divine essence—however else he may see himself—sees himself as an effect of that essence, and he sees the various principles and elements of his being not according to the order in which they are naturally intelligible to us but as they arise intelligibly from God.[20]

41. So the saints also know one another. Even abstracting from other forms of knowledge they have, insofar as they see the divine essence—suppose now in the resurrection—they immediately see God in himself and as creator of the city of God. But the beatified intellect sees God immediately within each saint as God causes the union of that saint's intellect to his own divine essence, causing that intellect to arise as a power within the soul, causing the soul to inform the body, and causing the bodily parts to constitute the human body. And I have not assumed here any knowledge by which we pass from the senses to the created saint or even from infused knowledge to the soul or nature of the saint. Rather, I am considering here the manner in which we see

19 See *ST* I, q. 8, a. 1, c.

20 I do not intend to suggest a discursive passage from the knowledge of the essence to knowledge of what follows that essence. Rather, I am attempting to describe knowledge of an essence in which one grasps at once that essence, what follows the essence, and the order by which this follows.

each other in the light of the divine essence at work within us. This is what I describe here as seeing inside out.

42. To complete this consideration of the manner in which the blessed experience the vision of God as a common good—and good precisely insofar as it is common—I will make an analogy to our experience of the intellectual life while still in the body. We all experience intellectual contemplation as a good we share with others. In an obvious sense, we recognize that we see the truths of geometry together with Euclid; in another way, we see these truths together with those we study Euclid with. Again, many of us are very conscious that we have philosophized with Aristotle and that we could only do so because he philosophized with Plato and Plato philosophized with Socrates. We see many theological truths together with St. Thomas and St. Augustine. I trust that all of us have also experienced the truths in one of these disciplines or in another as something we can share with others also learning the truth from these saints and philosophers.

43. To enjoy these truths as the fulfillment of the highest part of the soul and as something one can share with others is to experience a true communion of intellects, intellects living life in common. And, while I insist that we really share this life with Euclid, Aristotle, and St. Thomas, even in this life, we do not experience the acts by which they know these truths except through sensible signs—usually ink on a page—that are not themselves alive. Perhaps we hope that we can also leave such signs behind us to share the life we now enjoy with others not yet alive or with those who live at a distance from us. When writing some account of truths I want to share with others, I feel that I am most alive. And I assume others have experienced the same. No doubt this feeling depends upon the imagination of something like what we are doing now at this conference, sharing truths in a manner that allows us to enjoy and even focus upon our common possession of these truths, however we must

qualify this possession by more and less, actually and potentially, and so on. This is of course what is essential to the highest forms of the friendship Aristotle describes as virtuous: to sense and think together and to experience in one another what one experiences as human fulfillment in oneself.[21]

44. We experience this communion in the intellectual life in so weak a manner that some conceive it as accidental to human life and imagine that the philosophical life is something wholly private and even selfish. Still, the very persons who make such a false estimation do experience the intellectual life as something common in the ways I have suggested. What matters here is that, in the vision of God, the saints see God's intelligible goodness as actually enjoyed by many others, and seeing this common enjoyment makes that intelligible good more manifest to them.

45. First and foremost, to see that God's subsisting knowledge of himself is not exhausted except as enjoyed by three divine persons in order manifests that divine knowledge is something not fully enjoyed unless communicated to others who rest in it. I suggest that in the Son the saints especially see the communication of this knowledge to another and in the Holy Spirit they especially see this knowledge as the ultimate object of rest and enjoyment.

46. The saints also see God in a secondary but by no means accidental manner as the object of the whole city of God. This is the fulfillment of something very much like the communion in truth we now experience and is not altogether distinct from this. To that extent, I dare hope that all of us now considering this question and any who may later read these contemplations, will not only share in this present effort to take part in the beatific vision by some estimation of what it will be like but will also

21 See Aristotle, *Nicomachean Ethics* 9.9, 1170a13–b19.

together enjoy it for eternity, as a community of friends and fellow-citizens in a manner not wholly possible in this life.

Beatitude as Common Through Charity

47. I will turn now to the manner in which the enjoyment of the beatific vision is common insofar as it is enjoyed subjectively by the various saints. This community arises through charity. Thus St. Thomas speaks of "the power of charity which makes all goods common"[22] and "the connection of charity which makes all the goods of the members of the church to be common."[23] Not only do the saints lack any sort of envy of those who enjoy a greater share of the sight of God, they rejoice that those who love God more see more than they do and consider that greater share in various ways as good for them. I will defend this judgment by three considerations: first (48–49), what is the distinction here between the objective and the subjective; second (50–58), how do Jesus and Mary somehow enjoy the beatitude of all the saints; and third (59–63), how do other saints experience the surpassing share in the beatific vision enjoyed by the human nature of Christ and by his mother, Mary.

48. What difference am I describing here as objective and subjective? The common good is principally some one object of desire and love, and, insofar as it is common, we cannot properly love or enjoy such a good except in community with others. Polyphonic music is a good that cannot exist unless it is good to many musicians and enjoyed by at least these musicians who make the music. Yet even common goods, as creatures possess them, must be shared by some act belonging to a subject, and the completeness or the intensity of such an act is the reason

22 *In IV Sent.*, d. 45, q. 2, a. 4, qc. 1, c.: "Valent enim uno modo ex virtute caritatis, quae facit omnia bona communia."

23 *De ver.*, q. 6, a. 3, ad 1: "in augmentum gloriae propter connexionem caritatis, quae facit omnia bona membrorum Ecclesiae communia esse."

that some share more and some share less in such goods. In God there is no subjectivity and nothing can belong to one of the divine persons more than it does to another. In the polyphonic music I just mentioned, the music as an activity does not exist apart from the acts proper to the individuals. And in these acts many differences occur that are principles by which they share in that common good more or less: Someone sings better than another or plays the eminent line or has a solo; someone directs and rules the others; someone understands and enjoys the music more than another; someone listens more intensely than another; and so on.

49. In the eternal life enjoyed by the saints, various orders of more and less clearly exist, though I suspect it is dangerous to think that this simply constitutes one line-up from first to last. After all, the least in the kingdom of heaven will have had this glory, that Christ spoke distinctly of him to the rest of the saints (Mt 11:11). So the concern with these subjective acts, especially the greatest among them, the acts of eternal life in Jesus and in Mary, is how these can be common. If the claim that charity somehow makes all things common to the members of the Church describes the life of the Church and is not a form of flattery, we must attempt to understand how the eternal life that is—so to speak—proper to the king and queen of the city of God belongs in some way to others.

50. But before turning directly to this, I will look at this from the other side, namely, how our eternal life somehow belongs to them. This will allow for some distinctions that will be helpful later. First, what is most clear, if we are speaking precisely of eternal life as the vision of God and Jesus Christ, is the fact that Jesus and Mary enjoy this more than all the saints. The head possesses the life of the body in the most eminent way and the king and queen share most in the life proper to their kingdom. But what is less clear and difficult for some to grasp is what

"more" means in this order, and that "more and less" stand here as "whole and part." I will not consider here just how Mary's vision of God's essence is less than Christ's; I will merely speak of them insofar as the vision of each is somehow most.

51. What makes it difficult to see that the beatific visions enjoyed by Jesus and Mary stand as whole to the beatific vision as enjoyed by other blessed minds is our inclination to hear the names "whole" and "part" as they signify the integral whole and its parts. This suggests that Jesus and Mary will see everything and that we will see part of what they see. This would be the way that one geometer might know all thirteen books of Euclid's geometry, while another knows only the first six. Though other reasons might also make this clear, I will assume that God's simplicity makes this kind of distinction in the beatific vision impossible. Still, the divine simplicity does not mean that more and less is not said regarding the immediate vision of the divine essence enjoyed by different angels and saints.

52. What St. Thomas describes as the potential whole seems clearly to involve the sort of more and less concerned here. To propose one way of speaking about the potential whole, what one can do by its power stands to what another can do by its power as part to whole. This is consistent with the notion that both can do the same thing in some way. In this way, for example, all human intellects sufficiently developed see the distinction of form and matter, though most cannot see this distinction under those names. Most human intellects only grasp the distinction in substantial change as its effect; they see these causes fused with their effect. Others grasp the distinction under these names through substantial change but only insofar as they attend distinctly to their certitude that substantial change exists. To be a natural philosopher, however, one must understand these principles as constituting the substance of generable beings and as the very cause of these beings.

53. I am not proposing here that any of the blessed only see the divine essence in its effects. I do, however, think that one of the measures of beatitude will be the power of the blessed to bring forth from their vision, through the natural light proper to man or angel, some created word of praise expressing in part what that intellect sees in God. Insofar as such words express a divine attribute, these words of praise correspond to what St. John of the Cross calls in this life a "living flame of love."[24] But, to make this consideration more proportioned to us, I will also consider these words insofar as they express God's effects in creatures. Those sharing less in the vision of God will praise more particular divine attributes and will praise them through more particular effects; those sharing more will praise him through more universal attributes and through more universal effects. I will focus here on the use of effects to praise the divine essence because this is clearer to us, though I do not think all such words of praise express God through effects.

54. These words of praise cannot express the divine essence as seen in the Word, but I think it is evident that such words will be proportioned to the vision of each saint. In the beatific vision all will see God as mercy itself, all will see mercy itself as identical with his wisdom, love, and being, and all will see the divine mercy as the cause of the salvation and beatitude of every saint. Some, however, will see that mercy as the cause of the salvation and beatitude of the saints together with a more distinct attention to the salvation and beatitude of some saints rather than others. Again, some will see that mercy as the cause of their salvation and beatitude together with a more distinct attention to the order in the salvation and beatitude of the saints.

55. Generally, children will see the divine love together with a distinct attention to it as a cause of all the good received

24 See St. John of the Cross, "Living Flame of Love," Stanza 3, ¶¶ 1–17, 77–78, and 83.

through their parents, even those goods arrived at by way of mistakes. Again, parents will see the divine love together with a distinct attention to it as a cause of the honor they have won in the efforts to prepare their children for adult life as Christians. All these will see the divine essence as the cause of such goods to other saints, but every intellect will see the divine essence with a more distinct attention to those saints loved more in this life in one way or another. For most of us, this means seeing God with a more distinct attention to the eternal goods arising from that essence as those goods and those possessing them were closer to us in our earthly life. We will see the divine essence with a more distinct attention to its effects in those we prayed for, just as we will see the essence with a more distinct attention to the glory of those who prayed for us.

56. Let me briefly add three things to what I have said so far. First, those who have been principles of the communication of grace to many souls by the example of their lives, by institutions they establish, by writings, and so on, will not only know the divine essence with distinct attention to all the others who have shared in grace and glory through their deeds, but they will see the essence with an distinct attention to these effects that is more unified and more simple than one who sees the divine essence with a more distinct attention to these effects in themselves. Second, all the saints will gaze immutably on the divine essence without any distraction forever in an act that constitutes created eternity. Still, those saints who see the essence and bring forth a higher and more universal word of praise will bring forth fewer and more abiding words, while those who see the divine essence and bring forth more distinct words of praise will bring forth more words and pass more from one to another. Third, any act of knowing that is in any way more and greater corresponds to an act of love that is likewise more and greater.

57. Jesus and Mary even now see the divine essence and bring forth the highest and most comprehensive words of praise. In these words they express the most profound knowledge of and love for one another. As I said earlier, I will not presently compare the beatific vision of each to the other. I will only add this, while other saints necessarily bring forth words expressing Jesus and Mary, they do so through a knowledge of more particular works or more particular attributes of Jesus and Mary. Only Jesus and Mary themselves, I suggest, see all that can be seen in the other through the simple gaze of each upon the divine essence.

58. I will briefly state the manner in which the vision of Jesus and Mary includes the knowledge and love, as well as the joy and peace, found in the beatific vision of every other saint. Insofar as Jesus and Mary bring forth a word of praise that fully expresses the other, they bring forth a word that expresses every good enjoyed by the city of God, since we receive every good from these two saints. In this way, their words of praise include in a single act of understanding every good had by every saint in the city of God.

59. Merely to begin to contemplate the beatitude of Jesus and Mary helps one to recognize three things. First, the beatitude we hope for must include the vision of their beatitude in some way. Second, we hope to rejoice in their possession of the beatific vision. Third, this joy in their good is inseparable from the good we hope to enjoy forever and will make our enjoyment of this good greater. I will focus here on the words that other saints will utter to praise them as certain effects of God in order to proceed from what is better known to us. Let me make a few observations here as defense of these four judgments.

60. First, none of us will bring forth as perfect a created word of praise for Jesus and Mary as the words they themselves bring forth. What follows is that none of us see everything that

they see about one another. All the saints will see Jesus and Mary inside out, attentive to the divine essence in each, attentive more to the intellect and soul and to the body through these spiritual principles. But however deeply any saint sees into these two blessed souls, Jesus and Mary share with one another some knowledge of the other that the rest of us do not. Some saints will see into that knowledge more and others less, but no one will penetrate that knowledge utterly in the order of explicit, distinct attention. I think this is equally evident: All of us who consider what Jesus and Mary share between themselves alone see that to enter into their secret communication with each other would be an intrusion. And this would not merely be intrusive accidentally, as if we might wish we could enter in, though we know we should not.

61. Second, we should not believe that this secret knowledge they share belongs to other saints in no way. While every other saint and angel will only see the divine essence in a manner proportioned to a gaze into the minds and souls of Jesus and Mary that has some limit, these beatified intellects will also see somehow that there is more that Jesus and Mary share into which they dare not enter. One way of making this clear is through attention to our sense knowledge in the general resurrection. When the blessed see Jesus and Mary by bodily sight, they will see the intimacy they share much more distinctly than we now see that spouses, friends, or family members share some knowledge that we do not. But the saints will also see, in a higher order of knowledge than sense, that this knowledge and love that Jesus and Mary share alone is the cause of every good they possess. They will delight in this intimacy as the foremost of God's works in formation of his city.

62. Third, the saints will see these greatest works of God as worthy of contemplation in themselves. This is most clear about Jesus. Jesus himself describes our gaze upon the union of

the Word with the created nature as some part of eternal life: "Eternal life is this, to know you, the only true God, and Jesus Christ, whom you have sent" (Jn 17:3). Of course, our vision of the Blessed Virgin cannot constitute beatitude in the way that only uncreated being can satisfy the intellect. Still, I suggest, without contention, that our admiration of her as the greatest work of God that is a mere creature might rightly be called "created beatitude."

63. Fourth, the saints will see, as we see even now to some extent, that however great the natural and gracious gifts God has given us, we are better through our relation to Jesus and Mary than we could be otherwise. I am assuming here that every other human soul falls short at least through original sin of the very highest excellence it might have possessed. Still, every saint must see that he is better as saved by Jesus Christ than he would have been, were he sinless but unrelated to Jesus. Every saint and every angel must see that he and everyone else beatified is better and enjoys more good than would have been possible, on any other condition, if he were not related to those two who enjoy the beatific vision as perfectly as possible. In this way, the vision of God as subjectively enjoyed by Jesus and Mary is inseparable from the subjective enjoyment of every other saint. As the saints love God more than they love themselves, so they rejoice in the beatific vision as enjoyed by Jesus and Mary as an element of their own enjoyment of that vision.

64. Let me conclude here by noting that the limitations of what I have said here should be kept in mind. I have only spoken of the beatific vision as a common good and have left out of focus its intrinsic nature as a good. I have considered even the community of beatitude only in certain principles, and I have not pursued attention to the principles systematically. I hope, however, that I have convinced the reader that meditation upon

the beatitude that we hope for, even in the manner proper to the theologian, is something eminently profitable for the soul.

THE MORAL WISDOM OF CHARLES DE KONINCK IN *THE PRIMACY OF THE COMMON GOOD AGAINST THE PERSONALISTS* AND *EGO SAPIENTIA*

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In his 1943 essays on the metaphysics of Marian devotion[1] and the necessity of prioritizing the common good over one's private good, the Canadian Thomist Charles De Koninck articulated a strong moral theology. In *The Primacy of the Common Good against the Personalists*, De Koninck dismantles the supposition that human fulfillment can only come about by the exaltation of one's private, personal good over any shared and seemingly "alien" common good. He locates such an exaltation at the core of the sin of the angels. In *Ego Sapientia*, De Koninck demonstrates the radical implications of the Church's reading of the Blessed Mother as the personification of Wisdom in the Old Testament. These two essays must be read together in order to understand De Koninck's point about the common good. The individual in whom the primacy of the common good is embodied is the Blessed Virgin Mary, as personified Wisdom. The answer to *Primacy*'s guiding question, "Who stands opposed to the moral devolution of Lucifer and those who imitate him?," is in fact found in *Ego Sapientia*.

The Common Good and the Fall of the Angels

In *The Primacy of the Common Good against the Personalists*, De Koninck identifies two grave errors with respect to the ordering of society towards its good, or last end: totalitarianism and personalism. Both, he argues, result from a fundamental

1 This precise language of the "metaphysics of Marian devotion" I owe to Dr. Steven A. Long.

misunderstanding of the common good as an alien good, one not intrinsically linked to the good of each particular person.[2] Rightly understood, the common good is the most intrinsic and communicable good there is. It includes such things as justice, bounty, truth, and beauty. These are goods that by their very nature are readily communicable to many. The common good is truly good for and intrinsic to the particular person because it is capable of being shared by many. As De Koninck explains, "communicability is the very reason of its perfection."[3] It is not hard to see from such a definition how and why the common good forms the basis of the eternal law, the natural law that participates in the eternal, and, in an elevated way, the *lex nova* of the grace of the Holy Spirit, the "common good" of the Father and the Son. This is the speculative framework underlying St. Thomas's subversive[4] assertion that "the common good of the whole universe . . . is God."[5]

What both totalitarians and personalists get wrong about the common good is that, because it is "larger" and presumably "other"[6] than a private and singular good, it is necessarily alien to the particular individual who possesses personal goods. The totalitarian will respond by saying that the particular individual must sacrifice his own good for the good of some collective

2 See Charles De Koninck, *The Primacy of the Common Good against the Personalists and The Principle of the New Order* (1943), in *The Writings of Charles De Koninck*, vol. 2, ed., trans. Ralph McInerny (Notre Dame, IN: University of Notre Dame Press, 2009), 73 (hereafter *Primacy*). In the original French, *De la primauté du bien commun contre les personnalistes et Le principe de l'ordre nouveau* (Québec-Montréal: Éditions de l'Université Laval, 1943).

3 Ibid., 75.

4 Subversive, that is, to every misunderstanding of the common good that misconstrues it as an alien good or reduces it to a useful socio-political concept.

5 *ST* I-II, q. 109, a. 3, c.: "propter bonum commune totius universi, quod est Deus."

6 *Primacy*, 76.

abstractly considered,[7] in a sham imitation of the common good.[8] The personalist will respond by exalting his individual good over the common good. The fallen angels, De Koninck explains, made the latter error. Lucifer and the other fallen angels completely failed to see the applicability of the common good to the particular individual. They misapprehended the common good of the divine will as an alien good, and they rejected it in preference for their personal exaltation. This resulted in their caving in upon themselves like dying stars, *inclinatus ad se*. De Koninck rightly concludes, then, that "[t]he sin of the angels was a practically personalist error."[9] He also recognizes in modern totalitarianism the diabolical hand of the Enemy at work, deceiving the masses in a misapprehension of the common good that seeks vengeance against God for having executed judgment upon Lucifer's primordial personalism.[10]

The Virgin Wisdom and the Common Good

Turning to our other essay, De Koninck opens *Ego Sapientia*[11] with a motivating question that will guide his analysis. How is it that the Church predicates[12] of the Virgin Mary the words of Sirach 24:40, *Ego sapientia*, "I, Wisdom," rather than "I am wise"?[13] In the following paragraphs, De Koninck identifies what must be meant by the statement "Mary is Wisdom" if it is not to

7 See ibid.

8 See ibid., 73.

9 Ibid.

10 See ibid.

11 Charles De Koninck, *Ego Sapientia: The Wisdom That Is Mary* (1943), in *The Writings of Charles De Koninck*, vol. 2, ed., trans. Ralph McInerny (Notre Dame: University of Notre Dame Press, 2009) (hereafter *Ego Sapientia*). In the original French, *Ego Sapientia: La sagesse qui est Marie* (Québec-Montréal: Éditions De l'Université Laval, 1943).

12 According to the mystical sense of the text of Scripture. *Ego Sapientia*, 4.

13 Or rather than 'I am the Seat of Wisdom'?

be understood heretically. To be Wisdom is to have the status of a first principle of all things. The Virgin Mary as Wisdom must be a first principle in her very being. She must be aware of her status as a first principle who participates in the "fontality" of God.[14] Further, Mary must be understood to be the principle from which God himself proceeds, "the origin and genetrix of God."[15] That last point is a hermeneutical key to De Koninck's essay.[16] Her status as *genetrix* of God, Mother of God, makes her the Mother of all things made by her Son, namely, all of creation. Here, Mary is a universal cause. Her causality begins with her divine maternity. The grace of the latter elevates her personal virtue to be the basis of a universal spiritual motherhood. Just as Christ is Wisdom made flesh, so his Mother is the Wisdom that

14 The notion of "fontality" is one that is very important to Trinitarian theology. See Gilles Emery, O.P., *The Trinity: An Introduction to Catholic Doctrine on the Triune God*, trans. Mathew Levering (Washington, DC: The Catholic University of America Press, 2011), 123. This is a fascinating point that might add much to our Christological reflections. If Mary as a mere creature must understand her status as a first principle, then how much more must Christ in his human nature have understood his own divine identity? This would stand in opposition to many contemporary deconstructive theologies that would seek to have Christ "discover" his divinity at some point in his life other than his conception.

15 *Ego Sapientia*, 7.

16 One that Curtin Hancock fundamentally misses in his review of this essay's inclusion in McInerny's edited volume of De Koninck's collected writings. Hancock fundamentally glosses over all of the provocative claims De Koninck makes about the Blessed Mother, saying accurately but insufficiently that De Koninck's method of analysis relies heavily upon the writings of the Fathers and Doctors, and especially St. Louis de Montfort. De Koninck's work is more than just a laundry list of other Marian authorities. He makes a unique contribution to Catholic moral thought by having us look at the human Mother of God not merely as a wise person, but as herself Wisdom in grace, insofar as she orders herself to the eternal Wisdom perfectly and, through her intercession, orders us to that same Incarnate Wisdom that is her Son. See Curtis Hancock, Book review, *The Writings of Charles De Koninck*, vol. 2, *International Philosophical Quarterly* 50 (2010): 509–11, especially 509.

makes flesh,[17] "'the Wisdom which engenders and incarnates.'"[18] The implications for the moral life are manifest: A Christian who wants to order his life according to the eternal pattern of the Incarnate Wisdom must look to the engendering and incarnating Wisdom who bore the Incarnate Wisdom. This engendering and incarnating Wisdom is capable of engendering and incarnating still more sons and daughters who seek to conform their lives to the divine Wisdom.

Later, De Koninck asserts that Mary's elevation in grace surpasses the elevation of any other creature,[19] actual or possible: "She exhausts, so to speak, the very possibility of a higher elevation."[20] If it is true that Mary's elevation is the greatest elevation conceivable for a mere creature, then it is consequently true that we must not only learn from Mary. We must learn Mary herself. She is the pattern of the Christian life that every Christian must learn if he wants to be perfectly conformed to Christ her Son. The moral life is a matter of the right ordering of the will and formation in the virtues. We must commit to following after an established pattern or type in the moral elevation of our nature. Christ's human nature is our primordial type. But he took his human nature from someone. He took it from her who, as a mere creature, provides for us an exemplar of elevation in grace that is, in a certain sense, even more connatural to us than the deified humanity of her Son. If there were any doubt about this, De Koninck resolutely declares that, as Wisdom, Mary sows the seed of the Christian moral life in us in an utterly singular way:

17 Directly, together with the overshadowing Spirit, with regard to her Son; indirectly, insofar as human nature is remade through her in the Incarnation and Paschal Mystery.

18 *Ego Sapientia*, 8.

19 Excepting of course the human nature of the Son, the term of the grace of union. But this exception is also not an exception, for Christ drew his human nature entirely and singularly from her.

20 *Ego Sapientia*, 11.

> To her in her quality of Wisdom it has been confided *to place in the elect the principle of their conversion to God*, to place in them the divine roots.[21]

What a profound turn of phrase. De Koninck connects this "planting" to Mary's status as *Dei genetrix*, according to which she can do the work of guiding her children in grace back to the Father, through her Son and in the Spirit who suffuses her.[22] This she does by her supremely wise prayer.

Prior to a rectification of will and the development of a *habitus* of virtue, the moral life is first and foremost a response to healing grace. Without this grace, our appetite is not rectified and no virtue in its integrity can be developed. In De Koninck's account, Mary consented to the unique grace offered her by God to become the principle of all grace. She is the principle of all grace inasmuch as Christ came to us through her, and Christ gives us all grace. Her case is compared with that of the angels. Their natural knowledge is so perfect that even in the lowest stratum of the angelic hierarchy, the angel "constitutes by himself a universe incommensurably more perfect than the cosmos and humanity combined."[23] The human being, when considering the angels, becomes intensely conscious of his own place "at the confines of being,"[24] where his cognition is discursive and imperfect, about as far as possible from the sublimity of the angels' natural knowledge. Indeed, in the hierarchy of creatures possessing a rational intellect and free will, the human being is truly of the lowest tier.[25] Furthermore, man has within his being, as a result of original sin, a "contrariety" that St. Paul familiarly describes as the rebellion of flesh against spirit, where "he is

21 Ibid., 13. Emphasis added.
22 See ibid.
23 Ibid.
24 Ibid., 24.
25 See ibid., 25.

principally drawn toward the sensible good against the good of intelligence."[26] By filling out this portrait of the human being, in his condition that is naturally inferior to the pure spirits, De Koninck makes sense of a perplexing statement in the Song of Songs, applied mystically to the Virgin: "I am black, but beautiful" (Song 1:4).[27] In De Koninck's words, "considering ourselves in our natural condition, . . . we are already black enough."[28] He points out that by humbly entering the world according to the natural rhythm of human life, God elevated his Mother's natural "blackness" such that she became a true principle of himself.[29]

God could never have assumed an angelic nature in the kenotic manner in which he chose to assume a human nature taken from the Virgin Mary. This is so for two reasons. First, because the angel has a perfection surpassing the meanness of human generation. The mission of the Son would not be as perfectly kenotic if it terminated in a created angelic nature. Second, because the angel lacks the supreme perfection of eternal generation within the Godhead. Such eternal generation would be the only worthy alternative to Incarnation by human generation.[30] So in the Virgin Mary, we find God willing to bind the sublimity of his own substance to the meagerness of human nature as a fitting term for his mercy. This accents the incomparable humility that would be required of the Virgin Mother who would bear him.

The Fall of the Angels and the Virgin Wisdom

The unfathomable mystery of the fall of the angels, in De Koninck's penetrating account, departs in counterpoint to the pattern of Mary, Principle of the Incarnate God and Queen of

26 Ibid.
27 Ibid., 21, 25.
28 Ibid., 25.
29 See ibid., 27.
30 See ibid.

Mercy. Lucifer was shown the depths of the new order of grace in which he would find himself if elevated to the direct vision of God. In his pride, he came to believe that this supremely gratuitous order of grace would usurp his natural rights as the highest of pure spirits and as a true "first principle."[31] Because he, by nature, could encompass the whole of creation in the excellence of his own being, "reach[ing] from one end of the universe to the other,"[32] Lucifer blinded himself to the wisdom of the divine providence. This is the providence that would, in the course of time, encompass the greatest possibilities of the created universe, bridging the gap between creation and Creator in the hypostatic union. In God's providence, the Mother of God would herself, by the offer of supreme grace, become that Wisdom "*which extends from one end to the other* [Wis. 8:1]."[33] In contrast, Lucifer was preoccupied with his own natural beauty as a perfect intellectual creature of the highest order, governing and ordering all the other pure spirits beneath him. When he looked at the order of grace that the Lord had promulgated and shown him, he saw in it nothing but a threat and an insult to his own beauty. For Lucifer, if elevation to the *visio* entailed subsuming his perfect natural excellence to the good of a higher order, then he did not want such elevation. His infamous *Non serviam*, reverberating down through history, followed.

So it came to pass that, at the beginning of time, the naturally most perfect and worthy creature was foiled by God's compassionate providence. The divine condescension would only find its proper human response in Mary's humility and mercy, the two principles by which she gave her *fiat* to the order of grace and became herself *Dei genetrix*. In contrast, Lucifer saw

31 Ibid., 42.

32 Ibid., 41.

33 Ibid., 29. Sirach 24:5 is practically a cognate verse: "Alone I [Wisdom] have made the circuit of the vault of heaven."

the order of grace not as a gift but as a usurpation of his inheritance. The Virgin, on the other hand, saw the order of grace and responded with active receptivity, questioning only how this should come to pass in her weak flesh. Lucifer denied the offer of serving a still higher good than his own perfect natural good. God responded to Lucifer's rebellion with the greatest self-negation possible, assuming human nature through a human mother who had denied herself, in order to foil Lucifer's devolutionary negation.[34] This is the unquenchable rivalry that exists between the fallen Morning Star and the Star of the Sea, the Queen of Mercy.

In summary, De Koninck in *Ego Sapientia* fills out two key moral models for the Catholic, one the model to flee from, the other the model to conform one's life to. If Aristotle was correct that it truly is the business of the wise man to order well,[35] then in Lucifer and the Virgin we encounter two diametrically opposed approaches to order. One ordered his private good over the divine common good—and fell. The other ordered the Incarnation of the divine common good over her own personal good—and was elevated to the Highest. She has become the supremely wise rational creature. The former became the supremely unwise rational creature.

The Incarnating Wisdom as Exemplar of the Common Good

De Koninck's argument in both essays leads us to the following conclusion: No creature has more perfectly ordered itself to the uncreated common good, that is, God, or more perfectly led its fellow creatures to him, than the Virgin Mary. The Blessed Mother is the exact opposite of Lucifer and his foil in

34 See ibid., 43.
35 See ibid., 5.

the mind of God. She orders her entire being to the will of the Most High, who had "designs of mercy" upon her like he had on no other man or angel,[36] so that, despite her lack of knowledge of the means, she consented to the beginning of the order of grace in her womb. Mary spent every moment of her life subsuming her own singular good to the good of the Son whom she bore. In contemplating Jesus's face, Mary came as close as possible to the *visio* this side of heaven. She diffused the good that was her Son and God to every human person by consenting to his Incarnation and self-immolation on the cross. It is on account of her perfect diffusion of her Son and God that she can be said to be the most perfect created being.[37] Indeed, the logical upshot of reading these two essays together ought to be the following: Just as Sirach puts on the Virgin's lips, "I, Wisdom," so De Koninck implicitly puts on her lips, "I, the Common Good." As calling Mary a "principle" was not to deny but to affirm her dependence upon the eternal, Incarnate Wisdom that is her Son, so calling her the "common good" is not to deny but to affirm that Christ her Son is that universal good most communicable to all. Indeed, it is to her that man must look if he seeks fellowship with her Son. It is at her side only that man can look up to see the Crucified One and receive his mercy. It is she whose personal good was subordinated under that peerless title "Woman" (Jn 19:26), who became the Mother not of one singular disciple only, but of all those called by the name "beloved." She intercedes for them in order that divine filiation may be communicated to them, through her supremely effectual maternal intercession. De Koninck gives us ample ground to affirm that the Virgin Mary is, for us, the created exemplar of the common good.[38] She leads us

36 Quoting the words Jesus is said to have spoken to St. Faustina.

37 *Primacy*, 77.

38 Of course, the created common good of the rational creature is, properly speaking, the *visio*, but it would not make much sense to say that the vision

to the uncreated and absolute common good, namely, her Son, whom she "most properly imitates."[39]

One could not think of a better foil to Lucifer, in the mind of God, than Our Lady. The former, by nature, ought to have been the created exemplar of the common good. But because he considered himself God's gift to men, he ceased to be a common good at all, and instead became the barricaded private good of himself alone, and thus an abomination even to himself.[40] The great irony of all history, the unexpected twist in this order of providence, is that this being was replaced by a being almost infinitely inferior by nature. Mary's only fear was to alienate herself from God, and she thus made possible the hypostatic union of God and man in her womb. Contrariwise, he who should have been most excellent became most detestable, while she who should have been nothing in the eyes of men and angels became most excellent. This was because she loved the good of her divine Son not as her private good, but as the beatific good of all men. For

> [t]he excellence of the rational creature does not consist in the ability to escape order, but in his ability to will that order in which he ought to be.[41]

By grace, in her *Fiat*, Mary willed the order in which she ought to be, the order in which we all ought to be. This is the order of grace, where we enjoy with her the face of her Son, who became bread from heaven that is communicable to all.

In these two seminal essays, De Koninck reminds us that the goal of human life is happiness with God, in the city of God. This happiness calls us up and out of ourselves, and only thus

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imitates God.

39 *Primacy*, 78.

40 See ibid., 83.

41 Ibid., 91.

truly fulfills us. The way to this happiness is the way of charity, obedience, humility, and wisdom. And it has been laid down for us by that humble handmaiden of Nazareth, whom God chose from all eternity to be made more capable than the entire created universe (1 Kg 8:27) of housing and co-working with him who orders the universe sweetly, and who thus brings about the greatest happiness of every living creature.[42] Future readers of either of these two brilliant essays should be advised to read them together. The penultimate argument of *Primacy* is a veritable signpost pointing towards *Ego Sapientia*'s Virgin Wisdom as its completion.

42 See ibid., 84–85.

VIRTUE, THE MORAL LIFE, AND THE *SPOUDAIOS* IN THE *NICOMACHEAN ETHICS*

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Throughout his ethical works, Aristotle frequently uses, sometimes at critical points, a peculiar Greek adjective to describe the one performing or interested in virtuous acts, a word choice that can easily pass unnoticed in the English translations, given the way it is typically translated. This word, *spoudaios*, along with its verbal and noun forms, appears by my count at least 80 times in the *Nicomachean Ethics* and that many times again between the *Eudemian Ethics* and the *Politics*.[1] The word's range of meanings makes finding the ideal translation difficult: One finds it translated as "good," "excellent," "virtuous," and occasionally as "serious," and even less frequently as "man of integrity" or "man of worth."[2] A similar disagreement about the word's meaning can be spotted among the Mediaevals, as William of Moerbeke settled on *studiosus* as an adequate Latin equivalent of *spoudaios* in his translation of the *Ethics*, whereas St. Thomas Aquinas, in his commentary on the same work, though consulting Moerbeke's translation, fairly consistently replaces the latter's *studiosus*

1 In summary, σπουδαῖος, σπουδάζω, and σπουδή; Aristotle also occasionally uses participial and adverbial forms.

2 Consider the following as a representative sampling: Those who render it as "good" include Roger Crisp, *NE* (2000); J.E.C. Weldon, *NE* (1987); H. Rackham, *NE* (1947); those who settle on "excellent" include Carnes Lord, *Politics* (1984/2013); C.D.C. Reeve, *Nicomachean Eithcs (NE)* and *Eudemian Ethics* (2014, 2021); Terence Irwin vacillates between "good" and "excellent," *NE* (1999); W.D. Ross and J.O. Urmson, *NE* (1984) vacillate between "good" and "virtuous"; Hippocrates Apostle goes with "virtuous" in his *NE* and *Politics* (1984/2021 and 1986, respectively) but vacillates between "virtuous" and "serious" in his *Poetics* (1975); only two translations identify "serious" as the best translation: that of Joe Sachs, *NE* (2002), and that of Robert Bartlett and Susan Collins, *NE* (2011).

with *virtuosus*, apparently thinking this was closer to Aristotle's intention.

In this essay, however, I will argue both that prima facie evidence supports giving "serious," "earnest," or something equivalent as the better translation, and that taking Aristotle this way sharpens several of his arguments.[3] While "good," "virtuous," and "excellent" are often serviceable as the translation in some contexts in the *Ethics*, they are slightly eccentric to the word's target, which (I will argue) is something like the mind-set of one awakened to and intent upon moral truth and a life that is human, and that "serious" is probably the best English approximation for what Aristotle is getting at. I will also argue, however, that one misunderstands Aristotle's *spoudaios* if he hears "serious" as meaning primarily something deeply opposed to humor, or to play more generally, each of which has its place in the moral life. Thus, although superficially this essay is only about how to translate a word, it will also illuminate how Aristotle envisions both how one progresses in the moral life and how one teaches others to do so. For the exhortatory character of ethics demands that the student be constantly asking himself how *spoudaios*, how serious, he is about seeking the good.

The Initial Plausibility of Translating Spoudaios *of "Virtuous" or "Good"*

I begin with a brief defense of the mainstream of the translations, all of which focus on virtue. Although Liddell and Scott's lexicon indicates that there is a perfectly good word for "virtuous,"

3 This thesis agrees not only with Sachs, Bartlett, and Collins but also with part of the argument of two other authors: Mathew Lu, "Getting Serious about Seriousness: On the Meaning of *Spoudaios* in Aristotle's Ethics," *Proceedings of the American Catholic Philosophical Association* 87 (2014): 285–93; and Francis Sparshott, *Taking Life Seriously: A Study of the Argument of the* Nicomachean Ethics (Toronto: University of Toronto Press, 1994), especially 50–51, and 442.

enaretos, obviously derived from the noun *aretē*, it also implies that this word did not come into use until the Hellenic period, about a century after Aristotle.[4] As early as the third century BC, one finds Chrysippus the Stoic using *enaretos*, but it seems to be absent from the fourth, either generally or in Aristotle's usage in particular. Thus, in order to express the noun *aretē* in an adjectival way, Aristotle simply had to find a different word, and *spoudaios* seems adequate, despite it having no etymological relation to *aretē*.

Aristotle himself, in fact, seems to say just this in the *Categories* when discussing the genus "quality":

> Sometimes, even though a name [for a quality] does exist, the thing said to be such in reference to it does not derive its name from it. For instance, one is *spoudaios* due to virtue, but he is not given this *name* from [the word] "virtue" [*aretē*].[5]

Aristotle appears to say that being *spoudaios* is the same thing as having the quality of soul called virtue, so it seems that he would be happy with "virtuous" as our English translation. And being good, virtuous, and excellent seem to be all about the same thing, at least in a moral context, so any of these words would be a fitting translation. Puzzle solved.

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4 See ἐναρέτος in *LSJ*, i.e., Henry George Liddell and Robert Scott, *A Greek-English Lexicon,* revised and augmented throughout by Sir Henry Stuart Jones (Oxford: Clarendon Press, 1940): http://www.perseus.tufts.edu/ hopper/morph?l=e%29na%2Fretos&la=greek&can=e%29na%2Fretoso&prior=a)nh\r#lexicon.

5 "ἐνίοτε δὲ καὶ ὀνόματος κειμένου οὐ λέγεται παρωνύμως τὸ κατ' αὐτὴν ποιὸν λεγόμενον, οἷον ἀπὸ τῆς ἀρετῆς ὁ σπουδαῖος, τῳ γὰρ ἀρετὴν ἔχειν σπουδαῖος λέγεται, ἀλλ' οὐ παρωνύμως ἀπὸ τῆς ἀρετῆς." *Categories* 8, 10b7–8. This is my own translation; italics have been added. Since my point in this paper is to make the case that "serious" is the better translation of *spoudaios*, I will refrain from translating the word when quoting Aristotle.

Sed Contra: Two Problems

There are, however, two impediments to this simple solution. The first is that there were several *other* Greek adjectives available that seem more like synonyms for "virtuous" in English, and Aristotle in fact does use these words fairly frequently in the *Ethics*; think of *agathos*, *epieikēs, kalos*, or even the compound *kalakagathos*.[6] Why would Aristotle settle on *spoudaios* to signify the virtuous, then, when he is quite comfortable with these other words?[7] Does he see them all as roughly synonymous and adds this word to the mix just to give variety of expression?

A second and more important sticking point is that "good," "virtuous," and "excellent" are at best only secondary meanings of *spoudaios*. To make this clear we have to take a brief look at the noun from which *spoudaios* derives: *spoudē*. According to Liddell and Scott, *spoudē* primarily means "haste," "speed," and "eagerness," and the overlapping senses of these words suggest that the central meaning of *spoudē* is less velocity itself than the *mental or emotional urgency for* such velocity toward some goal.[8] One can readily see that "seriousness" is close to this, especially when we speak of being serious *about* something. This is also why the verb form of the noun, *spoudazō,* contracts to just the mindset: Liddell and Scott give as translations "to be eager about," "attentive to," "serious about," or "to take seriously."[9]

6 That is, ἀγαθός ("good"), ἐπιεικής ("decent," "fair," "kind"), καλός ("noble," "fine," "beautiful"), κἄλοκἀγἄθός ("noble/beautiful and good").

7 Sparshott makes a similar point; see Sparshott, *Taking Life Seriously*, 50.

8 For the *LSJ* entry, see: http://www.perseus.tufts.edu/hopper/morph?l=spoudh%2F&la= greek&can=spoudh% 2Fo&prior=on#lexicon. Note that this sense is preserved even in Koine Greek. Thus, "Mary went with haste [μεταὰ σπουδῆς] to the hill country" (Lk 1:39[RSV]); see also Mk 6:25.

9 For the *LSJ* entry, see: http://www.perseus.tufts.edu/hopper/morph?l=spoudai%3Dos&la=greek&can=spoudai%3_Dos5&_prior=e)pieikh/s&d=Perseus:-text:1999.04.0080:book=1:chapter=5&i=6#lexicon. Again, this is preserved in Koine: St. Paul, after exhorting the Corinthians, adds, "I say this not as a command, but to prove by the earnestness [σπουδῆς] of others that your love

Thus one should expect a translation of the cognate *spoudaios* to express some hint of this aspect of the etymological root. In fact, despite the fact that Aristotle's translators do render *spoudaios* in a variety of ways, they all seem to agree that the only way to translate its *verbal* form is as "being attentive to" or "serious about" something; they do not try to adapt their preferred translations of *spoudaios* into a verb, as in "to be good about" or "to become virtuous concerning" or "excellent with regard to." Their interpretative approach is restricted to the adjective.

Likewise, as befits its origin in the cognate noun and verb, Liddell and Scott indicate that the primary meanings of *spoudaios* center on persons first of all and embrace "busy," "zealous," "in earnest," and "serious." When also used to describe inanimate objects or situations, it can mean "good," "excellent," and "worthy of one's serious attention," "weighty"—"serious" in that sense.[10] So "good," "excellent," and "virtuous" are not outside the scope of *spoudaios*, but they do not capture its primary thrust. "Good," "virtuous," and (to a lesser extent) "excellent" signify a moral or at least objective state or condition, and perhaps even an assessment, of a person or thing. "Serious," on the other hand, signifies something more like the orientation of someone's mind—and an alert or focused orientation, at that, and especially one targeting action. "Good," "virtuous," and "excellent" tend to describe a person in a more definitive way, and to do so almost from the outside, whereas "serious" gets into that person's head.[11] Similarly, then, when said of a thing, situation, or quality,

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also is genuine," and announces that he is "sending our brother whom we have often tested and found earnest [σπουδαῖον] in many matters, but who is now more earnest than ever [σπουδαιότερον] because of his great confidence in you" (2 Cor 8:8 and 22 [RSV]; see also 8:7, 16 and 17).

10 All of this renders more intelligible Moerbeke's translation as *studiosus* ("studious" or "zealous"), since it points to the mind—although in a moment I will argue, in agreement with St. Thomas, that it misses the mark. See note 15.

11 Although Sachs is one of the very few who translate *spoudaios* as "serious,"

"serious" suggests how it would be assessed *by* someone with that mental focus: A situation receives the name "serious" when it would be taken seriously by a serious person. In this regard, then, the word "serious" (or its close equivalents "zealous" or "in earnest") are closer to capturing the specific connotations of the cluster of words associated with *spoudaios*. In many ways, *spoudaios* says something more determinate than "good," "excellent," and "virtuous," even if it is the case that everyone who is serious is also good, excellent, and virtuous.

The Breadth of Aristotle's Use of Spoudaios

However, Greek lexicons are one thing, the language as it is used by a particular author is sometimes something else, and Aristotle is not afraid to use an ordinary Greek word in peculiar ways; think of how he uses *energeia* or *hulē*. So we have to ask ourselves further whether Aristotle himself uses *spoudaios* in the sense of the "serious." Again, the passage quoted from the *Categories* does seem to say outright that by *spoudaios* he just means "virtuous." Does that not suggest that any extra nuance that the word "serious" might introduce is an over-interpretation of Aristotle's idiom?

To be sure, it does often seem like Aristotle treats the word as interchangeable with "excellent," "good," and "virtuous," as he frequently pairs it with *agathos* or *kalos* without calling attention to any shades of difference in meaning.[12] Occasionally he seems

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I disagree with him about part of his motive for doing so, as he interprets, and sometimes even translates, the word as meaning someone "worthy" or "deserving of respect," a person "of serious stature" or "of serious worth"; see Aristotle, *Nicomachean Ethics*, trans. Joe Sachs (Newburyport, MA: Focus Publishing, 2002), 11 (note 16), and 210. This tilts more in the direction of an exclusively objective or external assessment of the person—as in, "I *see him as* serious"—and not the more internal and, as it were, psychological dimension that seems indicated by the root noun *spoudē*—"I am *being serious* about this."

12 See *NE* 10.6, 1176b8; *Pol.* 3.4, 1276b17; 7.13, 1332a40; *Rhetoric* 2.9, 1387b7.

to indicate that the only *spoudaios* with which he is concerned is the one who has the virtues, since the virtuous would be *spoudaios* "in an unqualified sense [ἁπλῶς]."[13] So one could argue that often one will not misunderstand Aristotle's point while taking *spoudaios* as meaning something like "morally good" or "virtuous." In fact, in some situations, translating it as "serious" might be a distraction.[14] I suspect that this is what motivates St. Thomas to reorient the reader of Moerbeke's Latin by introducing *virtuosus* as a gloss, since the meaning of *spoudaios* is not fully captured by Moerbeke's *studiosus*, which relates primarily toward learning, toward what one "studies": *Studiosus* means "eager" or "zealous," specifically *for knowledge*.[15] The Greek word *spoudaios*, on the

13 See, for example, *Pol.* 7.13, 1332a21–25.

14 For example, in some passages in the *Politics*, close attention to the connotations of "serious" as opposed to "virtuous," "excellent," or "good," may unnecessarily complicate Aristotle's argument; I am not confident that one should make much of the differing adjectives when Aristotle discusses the sameness and difference between "the virtue of the good man and the *spoudaios* citizen." *Pol.* 3.4, 1276b17, but see also 1277b31 and note 29. A close reading of this chapter suggests that the words are being used as rough synonyms. Likewise, even Bartlett and Collins, who are otherwise consistent in translating *spoudaios* as "serious," give "excellent" as the translation when Aristotle in one passage speaks of the "eye and its work" as *spoudaios* when the eye has been perfected by its own proper "virtue"; see *NE* 2.5, 106a19–21. Giving "serious" as a translation here, given the English word's mental and appetitive focus, would turn what Aristotle intends as an illustration into an obstacle to understanding.

15 While *studium* originally had the general sense of "eagerness," "zeal," "devotion," but also more specifically "study," by St. Thomas's day it appears that the word had become centered on the more specific sense. Hence he says that *studium* "chiefly indicates the vehement application of the mind to something. But the mind is not applied to something except by knowing it. Whence the mind is primarily applied to knowledge but secondarily to matters wherein a man is directed through knowledge. And this is why *studium* primarily looks to knowledge." *ST* II-II, q. 166, a. 1, c. This is why a school was called a *Studium* (and of course why it is attended by "students"). Thus, St. Thomas speaks of the virtue of *studiositas*, a measured desire for knowledge and a potential part of temperance, as opposed to the vice of *curiositas*, an unlimited desire for knowledge; see *ST* II-II, qq. 166–67.

other hand, encompasses more than this; it signifies a haste or eagerness concerning just about any substantial matter of action, including but not limited to learning. We might think a soldier is being witty or ironic if he were to describe himself and his band of brothers as "studious" about taking out the enemy on the battlefield, but in Greek *spoudaios* would be exactly the right word.

However, regardless of whether "good" or "virtuous" will sometimes serve, there are in fact many passages in the *Ethics* where giving "serious" for *spoudaios* is illuminating. In preparation for manifesting this, I will make two points: first, that sometimes Aristotle uses the word in a generic way that is clearly not meant to signify moral excellence at all; and second, that even when he is using the word in a distinctly moral sense, sometimes he indicates that, although all who are virtuous are *spoudaios*, not everyone one who is *spoudaios* is virtuous. Thus, even when it means something morally praiseworthy, the *spoudaioi* are not coextensive with the "virtuous." As a result, to translate *spoudaios* as "virtuous" or its equivalent will sometimes blur or even collapse the distinction Aristotle is making.

To illustrate the first point, we can look at any of several passages from the *Ethics*, but I will quote only two. First, in the discussion of liberality, Aristotle contrasts it with unmeasured habits called prodigality and stinginess; there he notes in passing that "we always ascribe stinginess to those who are more *spoudaios* about money than they ought to be."[16] Likewise, in

16 "καὶ τὴν μὲν ἀνελευθερίαν προσάπτομεν ἀεὶ τοῖς μᾶλλον ἢ δεῖ περὶ χρήματα σπουδάζουσι." *NE* 4.1, 1119b30. All quotations from *NE* will be taken from *Aristotle's Nicomachean Ethics*, trans. Robert C. Bartlett and Susan D. Collins (Chicago, IL: University of Chicago Press, 2011), hereafter referred to as Bartlett and Collins. Note that in the quotation given I have modified the translation, replacing "serious" with *spoudaios*; indeed, I will even transform participial and verbal forms of the word into *spoudaios,* and I do this consistently in subsequent quotations. My motive is both to call attention to the word and to allow the reader to be constantly weighing my thesis about the right way to translate it.

the discussion of self-restraint and the lack thereof, he notes that some desires can be "noble and *spoudaios*" in themselves, and yet someone might love the objects of these desires too much:

> Hence all those who, contrary to reason, are either overpowered by or pursue something by nature noble and good [are not corrupt]—for example, those who are more *spoudaios* [μᾶλλον σπουδάζοντες] than they ought to be about honor, or about their offspring and parents, for these concerns are in fact good and those who are *spoudaios* [σπουδάζοντες] about them are praised. But nevertheless there is a certain excess in these things too.[17]

Now, to be "more *spoudaios* than they ought to be" is by definition to deviate from the mean, so such actions cannot be based in virtue; after all, one can hardly be *too* virtuous. Thus, it seems more likely that Aristotle uses *spoudaios* here with an emphasis on the zeal for, perhaps even devotion to, the object of desire, even if the intensity of this zeal or devotion is not measured by the mean that reason recognizes. And "seriousness" seems like a helpful word for capturing this idea, especially since we readily speak of people as taking some things "too seriously."

17 "διὸ ὅσοι μὲν παρὰ τὸν λόγον ἢ κρατοῦνται ἢ διώκουσι τῶν φύσει τι καλῶν καὶ ἀγαθῶν, οἷον οἱ περὶ τιμὴν μᾶλλον ἢ δεῖ σπουδάζοντες, ἢ περὶ τέκνα καὶ γονεῖς—καὶ γὰρ ταῦτα τῶν ἀγαθῶν, καὶ ἐπαινοῦνται οἱ περὶ ταῦτα σπουδάζοντες, αλλ᾽ ὅμως ἔστι τις ὑπερβολὴ καὶ ἐν τούτοις." *NE* 7.4, 1148a29–33. There is a similar breadth to the way Aristotle uses *spoudaios* in the *Politics*; for instance, he speaks of those whose lives are devoted to making money, where he says that such people "are *spoudaios* about living [τὸ σπουδάζειν περὶ τὸ ζῆν], but not about living well [ἀλλὰ μὴ τὸ εὖ ζῆν]" and therefore treat money-making "as if this were the end and everything else had to march toward it." *Pol.* 1.9, 1257b40 and 1258a14. Likewise, he refers to the well-known story about Thales and the winepresses in order to show that philosophers could be wealthy if they wished, "but it is not about this that they are *spoudaios* [περὶ ὃ σπουδάζουσιν]." *Pol.* 1.11, 1259a19; both quotations are modifications of the Lord translation: *Aristotle's Politics*, trans. Carnes Lord, 2nd ed. (Chicago, IL: University of Chicago Press, 2013).

This approach is confirmed by a passage in the *Poetics,* where Aristotle uses *spoudaios* in such a way that, although it clearly has a moral load, it does not necessarily imply a characteristic one should seek. For there, over the course of working out a definition of tragedy, Aristotle identifies its genus as "an imitation of action that is *spoudaios*."[18] "Virtuous," "good," or "excellent" will not quite do here, even if we grant that Aristotle stipulates that the tragic hero is a little better than the typical person, and that he is not entirely responsible for either his actions in the drama or their denouement.[19] Regardless, the self-destructive fatal actions of Oedipus are obviously not presented as morally exemplary; Sophocles is not presenting Oedipus as a "hero" in the sense of someone one should want to be like. On the other hand, describing the tragic action as "serious" makes sense if by that one means it is a grave matter, worth taking seriously.[20] Thus, in the same passage in the *Poetics*, Aristotle seems to explain *why*

18 "μίμησις πράξεως σπουδαίας." *Poetics* 6, 1449b25; my translation.

19 See *Poetics* 2, 1448a4–18, and 13, 1453a4–8.

20 Perhaps surprisingly, Aristotle asserts that "poetry is both more philosophical and more *spoudaios* than history" (*Poetics* 9, 1451b5), which further supports the idea that "virtuous" or "morally excellent" will not do as translations, even if we restrict "philosophical" to "morally philosophical." His reason for the assertion is also significant: "For poetry speaks rather of what is universally the case, whereas history speaks of a particular event which actually occurred" (1451b6–7); by being disengaged from contingent history, poetry can speak more about human nature as such than about the way things happened to this man at this time, often as a result of dumb luck (good or bad). Historical records are to poetic tales as memory is to imagination: History might seem to be of greater weight, more serious, because it centers on things that really happened, but it always indicates something timebound and no longer real. In a way, the past is of less serious concern than is the future, and the clues to the universal that history contains do not belong to it as particular or as non-being—that is, not to it precisely as historical. Because it lacks these restrictions, poetry relates to imagination, which in turn bears more directly on the possible, the universal, and therefore (in practical affairs) on the future. Knowledge of history helps one avoid repeating history, but poetry inspires one to undertake great things, indeed, to embark upon the moral life regardless

the action is *spoudaios,* saying that "tragedy is an imitation not of men but of action, and of a way of life, and of happiness or misery."[21] The subject matter of tragedy—unlike that of comedy[22]—is *spoudaios*: It has weight, is serious, precisely because it pertains to one's life as a whole, in fact, to its blessedness or misery. There is perhaps nothing of greater weight than that.

Having Self-Restraint and Being Spoudaios

But one of the passages where it is clearest that we sometimes simply cannot translate *spoudaios* as "virtuous," "excellent," or unambiguously "good" is where Aristotle describes self-restraint and the lack thereof, also known as moral continence and incontinence (*egkrateia* and *akrasia*). Neither such quality or state of soul is quite virtue or vice—the one falls short of virtue, the other is something better than vice. For early in book 7 Aristotle writes:

> [S]elf-restraint and steadfastness seem to fall among things that are *spoudaios* and praiseworthy, lack of self-restraint as well as softness among things base and blameworthy; and the self-restrained person seems to be the same as someone who abides in his reasoning, the person lacking self-restraint to be one who stands back from his reasoning.[23]

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of one's past perfidy, and of course one cannot perform any deliberate action without recourse to imagination.

21 "ἡ γὰρ τραγῳδία μίμησίς ἐστιν οὐκ ἀνθρώπων ἀλλὰ πράξεως καὶ βίου καὶ εὐδαμονίας καὶ κακοδαιμονίας." *Poetics* 6, 1450a16; my translation.

22 Aristotle describes comedy as being about actions that are "more base" (*phauloteron*), and specifically the "ridiculous" or "laughable" (*geloion*); see *Poetics* 5, 1449a30–37.

23 "δοκεῖ δὴ ἥ τε ἐγκράτεια καὶ καρτερία τῶν σπουδαίων καὶ τῶν ἐπαινετῶν εἶναι, ἡ δ' ἀκρασία τε καὶ μαλακία τῶν φαύλων τε καὶ ψεκτῶν.––καὶ ὁ αὐτος ἐγκρατὴς καὶ ἐμμεντικὸς τῷ λογισμῷ, καὶ ἀκρατὴς καὶ

He repeats the claim that self-restraint is *spoudaios* later in the same discussion, when he explains that a lack of self-restraint or self-control is a condition of soul similar to, and therefore easily confused with, licentiousness:

> There is also a sort of person who is apt, on account of his passion, to stand back from correct reason, a person whom passion overpowers, such that he does not act in accord with correct reason. Yet the passion in question does not overpower him to the point that he becomes the sort of person who is persuaded that he ought to pursue pleasures of this kind without restraint. [The person in question] would be the person lacking self-restraint, who is better than the licentious and is not unqualifiedly base: What is best in him, the principle, is still preserved. But another sort is his contrary, [that is, the self-restrained person,] who is apt to abide by and not stand back from correct reason, at least not on account of passion. So it is manifest from these considerations that the one characteristic [, that is, self-restraint,] is *spoudaios*, the other [, that is, the lack of self-restraint,] is base.[24]

Someone who has self-restraint still falls short of virtue because, despite his upright conduct following the dictates of a rectified moral judgment—that is, he does not "stand back"

ἐκστατικὸς τοῦ λογισμοῦ." *NE* 7.1, 1145b8–12; Bartlett and Collins has been slightly modified. In his commentary, even St. Thomas, despite typically interpreting Moerbeke's *studiosus* as *virtuosus*, here sticks with *studiosus*; see *In VII Ethic*., lec. 1, n. 1306.

24 "ἔστι δέ τις διὰ πάθος ἐκστατικὸς παρὰ τὸν ὀρθὸν λόγον, ὃν ὥστε μὲν μὴ πράττειν κατὰ τὸν ὀρθὸν λόγον κρατεῖ τὸ πάθος, ὥστε δ' εἶναι τοιοῦτον οἷον πεπεῖσθαι διώκειν ἀνέδην δεῖν τὰς τοιαῦτας ἡδονὰς οὐ κρατεῖ. οὗτός ἐστιν ὁ ἀκρατής, βελτίων ὢν τοῦ ἀκολάστου, οὐδὲ φαῦλος ἁπλῶς. σῴζεται γὰρ τὸ βέλτιστον, ἡ ἀρχή. ἄλλος δ' ἐναντίος, ὁ εμμενε–τικὸς καὶ οὐκ ἐκστατικος διά γε τὸ πάθος. φανερὸν δὴ ἐκ τούτων ὅτι ἡ μὲν σπουδαία ἕξις, ἡ δὲ φαύλη." *NE* 7.8, 1151a22–29; translation modified in places.

from his reason—this rectification does not quite reach or form his passions. That is, part of his soul does not fully have the characteristic it was meant to have insofar as sub-rational desires are designed to follow reason without resistance (and to that extent, to become rational). One with self-restraint *disregards* the immoderate demands of his passions—he does not exactly tame them; he rules them with an iron fist rather than winning them over into an alliance. And yet Aristotle insists that self-restraint is itself progress toward the internal harmony of the parts of the soul that is virtue, so—while self-restraint does not by itself make a man virtuous or good without qualification—it is itself of serious weight.[25] It is worthy of aspiration, even if only as the first step to the perfection and happiness found in virtue.

Moreover, if we understand the *spoudaios* as not always one who has attained virtue, but as at least someone who is committed to doing so (and is perhaps already working at it), we can perhaps better understand what looks like a definition of the *spoudaios* that Aristotle presents near the conclusion of his treatment of friendship in book 8:

> The *spoudaios*, insofar as he is *spoudaios*, delights in actions that accord with virtue and is disgusted by those that stem from vice, just as the musical person is pleased by beautiful melodies and pained by bad ones. And a certain training in virtue would arise from living with those who are good, just as Theognis too asserts.[26]

25 An additional, albeit modest, confirmation of this interpretation is worth mentioning. Elsewhere Aristotle seems to indicate that "*spoudaios* activities" (σπουδαῖαι ἐνέργειαι) might arise from either virtue *or* "understanding" (νοῦς) (*NE* 10.6, 1176b19); the latter could be referring to the man of self-restraint, insofar as he lacks virtue because his passions are not ordered, but he has his head on straight about right conduct—that is, he grasps the principles of moral reasoning—and sufficient self-mastery to pursue it; see *NE* 7.8, 1151a15–26.

26 "ὅ γὰρ σπουδαῖος, ᾗ σπουδαῖος, ταῖς κατ᾽ ἀρετὴν πράξεσι χαίρει,

Note that this is said in the context of Aristotle's argument that a solitary life is incompatible with happiness and virtue. For although it is clear that this quasi-definition of the *spoudaios* could also be said of someone who is virtuous—he manifestly delights in actions of virtue and is disgusted by actions of vice—the text does not seem to be referring to the man of virtue delighting in *his own* virtuous actions. If so, it would also be referring to his disgust at *his own* vicious actions—which, as virtuous, he does not have. Rather, this seems to be a delight or disgust about someone *else's* actions, those of someone with whom one shares his life—the actions of a friend.

Thus, this definition of the *spoudaios* could also be said of someone who is serious about *becoming* virtuous as well, and the example of music also suggests that this is part of Aristotle's meaning: Although I can be musical merely to the extent of loving great music and hating bad music, I also might be unable to perform or compose anything like it, though I would love to be able to do so and presumably would take modest steps toward this goal.[27] So it is with virtue: I might be inchoately "virtuous"

ταῖς δ' ἀπὸ κακίας δυσχεραίνει, καθάπερ ὁ μουσικὸς τοῖς καλοίς μέλεσιν ἥδεται, ἐπὶ δὲ τοῖς φαύλοις λυπεῖται, γίνοιτο δ' ἂν καὶ ἄσκησίς τις τῆς ἀρετης ἐκ τοῦ συζῆν τοῖς ἀγαθοῖς, καθάπερ καὶ Θέογνις φησιν." *NE* 9.9, 1170a9–13.

27 In the *Politics*, Aristotle insists that "it is an impossible or a difficult thing for [the citizens educated in a well-ordered city] to become *spoudaios* judges without sharing [in music] in this way," i.e., through learning to sing and play an instrument; *Pol.* 8.6, 1340b25. But, he continues, they "should take part in performing [music] for the sake of judging," so there is no necessity that they become so proficient in music that they can compete in "contests involving professional expertise, . . . [but only] up to the point where they are capable of enjoying noble tunes and rhythms." *Pol.* 8.6, 1340b36, 1341a11, 14. That is, although it is commonly pointed out that "musical" in Greek might be translatable as "cultured," this should not be misunderstood: Aristotle does not consider a man musical who has not to any degree studied and practiced music; he would consider an avid listener to be, strictly speaking, a mere dabbler. Notice, however, that here the analogy between being musical and being virtuous

merely to the extent of being able to recognize, admire, and want to be like unqualifiedly virtuous men and women, and so too to be disgusted by the vicious, even by my own past vicious conduct. As a result, I would long to live with the virtuous both to witness the beauty of such lives and to receive "a certain training" in such lives, as Aristotle puts it. Thus, insofar as I am *spoudaios*—serious about things and people that are themselves serious (and maybe more perfectly so)[28]—I have an earnest desire for virtue, rejoicing even to behold it up close, and therefore longing for friendship with the virtuous, with the hope that I become what I behold.[29]

This quasi-definition also shows how distinguishing the *spoudaios* from the virtuous is compatible with the superficially problematic line from the *Categories* quoted earlier.[30] For I am claiming that the *spoudaios* is either virtuous or on a trajectory toward virtue, and in the latter situation, one would still be called *spoudaios* "in reference to [κατὰ]" virtue and "due

breaks down, since Aristotle would presumably encourage us to become virtuous to the point of having "professional expertise."

28 Aristotle continues the above-mentioned passage by saying that "the *spoudaios* friend seems to be choice-worthy by nature to the *spoudaios*, for what is good by nature was said to be good and pleasant in itself to the *spoudaios*." *NE* 9.9, 1170a14–15; translation slightly modified. I will return to this aspect of the *spoudaios* shortly.

29 Note that if this reading is correct, it sheds light on Aristotle's claim in the *Politics* that the citizens of a *spoudaios* polity, especially one in which citizens are truly citizens (that is, they participate in rule), must be *spoudaios*; see *Pol.* 7.13, 1332a34–39, and 3.4, 1276b38–1277a5, and 1277b14–31. For this interpretation would not set the extremely high bar of requiring that all the citizens have the virtues; rather, they need only have self-restraint. They must do as the virtuous do—they must act from "knowledge and intentional choice" (1332a33; see also 1332a40–b11), but, Aristotle also adds, they must *strive* for courage, moderation, and justice, since "a city that is going to exist happily and be *spoudaios* should partake of these virtues." *Pol.* 7.15, 1334a35; that is, virtue should be the aim of the city, not its prerequisite.

30 See note 5.

to [ἀπὸ] virtue," as he says there. The *spoudaios* might still be defined as having his eye on this prize, but not necessarily as having it in hand, as having attained the perfection of virtue, just as we might call someone musical, at least in a qualified sense, if he has a deep love for music, and is therefore trying to learn it, even though such a person is not fully musical, insofar as he does not (yet) have the art whereby he can bring it forth in his own actions.[31]

Happiness, Being Human, and the Spoudaios

The *spoudaios*, then, is the person who has at least the rudimentary sort of moral uprightness that renders him serious about his life. As we have noted earlier, Aristotle thinks one can be *spoudaios* about a variety of things—in the *Poetics*, he claims that comedy was slow to develop as an art form because his fellow Greeks were insufficiently *spoudaios* about it.[32] Yet when Aristotle speaks about one who is *spoudaios* not as regards a particular matter but in an absolute sense, he is speaking about someone serious or ready to get to work about being human, about living a human life. This point is made in the central move of the argument about the human good in book 1. There, he explains:

> And if the work of a human being is an activity of soul

31 A somewhat circumstantial piece of evidence that Aristotle does not assume that the *spoudaios* and the virtuous person are always the same person can be gleaned from the *Politics* where he asserts that "the *spoudaios* ruler is good and prudent, while the *spoudaios* citizen is not necessarily prudent" (*Pol.* 3.4, 1277a16); this suggests at least that being *spoudaios* does not automatically entail having all of the virtues. In this respect also I disagree with Sachs's claim that Aristotle restricts *spoudaios* to someone "of the highest human excellence"; see Sachs's *NE,* 210.

32 Unlike tragedy, "comedy has gone unnoticed from the beginning because it was not taken seriously"; "ἡ δὲ κωμῳδία διὰ τὸ μὴ σπουδάζεσθαι ἐξ ἀρχῆς ἔλαθεν"; *Poetics* 5, 1449b1–2. I assume that a comedy written by someone who takes his craft seriously is more likely to be funny.

> in accord with reason (or not without reason), and we assert that the work of a given person is the same in kind as that of a *spoudaios* (just as it would be in the case of a cithara player and a *spoudaios* cithara player, and this would be so in all cases simply when the superiority in accord with the virtue is added to the work; for it belongs to a cithara player to play the cithara, but to a *spoudaios* one to do so well)—if this is so and we posit the work of a human being as a certain life, and this is an activity of soul and actions accompanied by reason, the work of a *spoudaios* human being is to do these things well and nobly, and each thing is brought to completion well in accord with the virtue proper to it—if this is so, then the human good becomes an activity of soul in accord with its virtue, and if there are several virtues, then in accord with the best and most complete one.[33]

Although this passage, being one of the key insights in the *Nicomachean Ethics*, deserves more attention than I will give it here, I note two aspects in which it is particularly relevant to my thesis.

First, notice the repeated use of *spoudaios*; it appears four times. It clearly functions as a middle term in the argument for the conclusion that the human good is activity in accord with virtue. In fact, he seems to be indicating that one who is

33 "εἰ δὴ ἐστὶν ἔργον ἀνθρώπου ψυχῆς ἐνέργεια κατὰ λόγον ἢ μὴ ἄνευ λόγου, τὸ δ' αὐτό φαμεν ἔργον εἶναι τῷ γένει τοῦδε καὶ τοῦδε σπουδαίου (ὥσπερ κιθαριστοῦ καὶ σπουδαίου κιθαριστοῦ, καὶ ἁπλῶς δὴ τοῦτ' ἐπὶ πάντων) προστιθεμένης τῆς κατ' ἀρετὴν ὑπεροχῆς πρὸς τὸ ἔργον (κιθαριστοῦ μὲν γὰρ τὸ κιθαρίζειν, σπουδαίου δὲ το εὖ), εἰ δὴ οὕτως, ἀνθρώπου δὲ τίθεμεν ἔργον ζωήν τινα, ταύτην δὲ ψυχῆς ἐνέργειαν καὶ πράξεις μετὰ λόγου, σπουδαίου δ' ἀνδρὸς εὖ ταῦτα καὶ καλῶς, ἕκαστον δ' εὖ κατὰ τὴν οἰκείαν ἀρετὴν ἀποτελεῖται, εἰ δὴ οὕτω, τὸ ἀθρώπινον ἀγαθὸν ψυχῆς ἐνέργεια γίνεται κατ' ἀρετήν, εἰ δὲ πλείους αἱ ἀρεταί, κατὰ τὴν ἀρίστην καὶ τελειοτάτην." *NE* 1.7, 1098a7–18; Bartlett and Collins has been slightly modified.

spoudaios about an activity does it well (or perhaps is on his way toward doing it well)—that is, he performs the activity in the full sense of the word, just as we might say that an expert or rapidly progressing pianist is *really* a pianist, whereas we might say that someone only beginning to pick at piano keys, even if they can play a few tunes, does not yet deserve the name "pianist." He has not been focused on piano long enough to be called *spoudaios*, much less a "virtuoso," and the reason for this is that he does not have, or is not yet on his way toward having, the virtue through which this activity is done well.

Second, note the way Aristotle describes the unqualifiedly *spoudaios* human being. Just as the *spoudaios* (or serious) cithara player is devoted to being a cithara player with the full force of the word, by already giving it or being about to give it the time and focus necessary to play the instrument well, so too the *spoudaios* (or serious) human being is devoted to *being human* in the fullest sense of the word, by giving his humanity the attention and energy necessary to perfect himself in distinctively human undertakings. This means being more fully, more actively, the rational animal, the animal living a life measured by reason.

Aristotle seems to make this point in more abstract terms a little later in the *Ethics* when explaining the will as ultimately ordered toward one's end:

> To the *spoudaios*, then, the object of wish is to be in a true sense [τὸ κατ' ἀλήθειαν εἶναι], whereas to the base person, it is whatever chances to appear good, just as is the case also with bodies: To those who are in good condition, things that are truly healthy appear to be such, whereas to those who are sick, the healthy things appear to be different from these, as is similarly the case with what is bitter, sweet, hot, cold, and each of the rest. For the *spoudaios* discerns each thing correctly, and in each case what is true appears so to him. For with respect to

> each characteristic, there are noble and pleasant things peculiar to it; and the *spoudaios* is distinguished perhaps most of all by his seeing what is true in each case, just as if he were a rule and measure of them. But in the case of most people, a deception appears to occur on account of the pleasure involved . . . .[34]

Someone who has as his end "living seriously" wishes, as Aristotle says here, "to be in a true sense"—literally, "to exist in accordance with truth"; his end is to conform himself in mind and action to reality, and especially to the reality that is human nature—to be all he can be, as the old Army slogan went. Thus, as Aristotle reiterates in these passages, the *spoudaios* will succeed in grasping reality as it is precisely because of his seriousness—because of his effort to keep himself receptive to reality and on guard against misperceptions that spontaneously arise from our sub-rational desire for pleasure and ease. He leans into this distinctively human work so that his judgment may be fair—as fair as he can make it if he has not yet acquired the virtues. For again we can see that the name *spoudaios* would apply to the virtuous man most perfectly; for him it is perhaps easy to see the human good as it is. But this basically accurate judgment about the good seems, to Aristotle, also to be available more generally to those

34 "τῷ μὲν οὖν σπουδαίῳ τὸ κατ᾽ ἀλήθειαν εἶναι, τῷ δὲ φαύλῳ τὸ τυχόν (ὥσπερ καὶ ἐπὶ τῶν σωμάτων τοῖς μὲν εὖ διακειμένοις ὑγιεινά ἐστι τὰ κατ᾽ ἀλήθειαν τοιαῦτα ὄντα, τοῖς δ᾽ ἐπινόσοις ἕτερα, ὁμοίως δὲ καὶ πικρὰ καὶ γλυκέα καὶ θερμὰ καὶ βαρέα καὶ τῶν ἄλλων ἕκαστα); ὁ σπουδαῖος γὰρ ἕκαστα κρίνει ὀρθῶς, καὶ ἐν ἑκάστοις τἀληθὲς αὐτῷ φαίνεται. καθ᾽ ἑκάστην γὰρ ἕξιν ἴδια ἐστι καλὰ καὶ ἡδέα, καὶ διαφέρει πλεῖστον ἴσως ὁ σπουδαῖος τῷ τἀληθές ἐν ἑκάστοις ὁρᾶν, ὥσπερ κανὼν καὶ μέτρον αὐτῶν ὤν. τοῖς πολλοῖς δὲ ἡ ἀπάτη διὰ τὴν ἡδονὴν ἔοικε γίνεσθαι." *NE* 3.4, 1113a25–34; the translation has been slightly modified. On this occasion, St. Thomas refrains from replacing *studiosus* with *virtuosus*: "And in this, the studious man most differs from others, that in the individual actions he sees what is truly good." *In III Ethic.*, lec. 10, n. 494 ("Et in hoc plurimum differt studiosus ab aliis, quod in singulis operabilibus videt quid vere sit bonum").

sufficiently upright so as to be serious about their lives, with the ultimate goal of being fully human, and therefore virtuous.[35]

Wit and the Spoudaios

Now, if this all sounds exhausting or my description overwrought, let me open what might be a pressure relief valve by pointing out that the *spoudaios*, the serious man, is not (in Aristotle's estimation) an enemy to humor.[36] Although I am

35 One might reasonably ask at this point how to classify *spoudē*, "seriousness": Is it something like a personality trait or inborn temperament, like being introverted or sanguine? We do seem to use this word this way sometimes, but that does not align with "seriousness" as we have been considering it, since a personality trait seems too morally indifferent and too restricted to the passions, and at any rate seriousness seems like something one might even acquire, like a *hexis*. Without quite settling the question, Aristotle himself seems to acknowledge the difficulty when he claims that "men become good and *spoudaios* through . . . nature, habituation, and reason" (*Pol.* 7.13, 1332a40), but he seems to stress that being *spoudaious* is primarily something that comes from education, which involves both habituation and instruction (1332b6–12; see also 7.15, 1334b7–28, and 8.3, 1338b4–6). Yet seriousness itself is clearly not a virtue according to the argument of this paper; since it is oriented toward and always underlies virtue, perhaps one should say that it is rudimentary virtue; without using the word *spoudaios*, in another passage Aristotle might be saying as much when he says that "the soul of the student must be prepared beforehand by means of habits [ἔθεσι] so as to feel delight and hatred in a noble way. . . . So there must first be an underlying character [τὸ ἦθος προυπάρχειν] that is somehow appropriate for virtue [πως οἰκεῖον τῆς ἀρετῆς], one that feels affection for the noble and disgust at the shameful." *NE* 10.9, 1179b26–27, a30–32. Nonetheless, being *spoudaios* has clearly both cognitive and appetite components: It bears on both the practical intellect and the will, the latter primarily in its reference to the end and the consequent readiness to find and seize the means toward it, and the former insofar as the *spoudaios* has right judgment. Thus, inasmuch as even someone with self-restraint is serious, albeit imperfectly so, perhaps one should describe him as possessing the root or rudiments of prudence, inchoate *phronēsis*.

36 This is how one critic of Aristotle understands being *spoudaios* when she says that Aristotle's emphasis on seriousness reveals his "bias away from humor," which "results from a personality trait of his [own]"; see Paula Reiner, "Aristotle on Personality and Some Implications for Friendship," *Ancient*

arguing that the best translation for *spoudaios* is probably "serious," we should not take this word in such a way as to conjure an image of someone who is stuffy, grim, or severe, the opposite of the "life of the party"; and this is admittedly one of the meanings of the word in English. A contemporary philosopher stressing the seriousness of philosophy, and outside a consideration of Aristotle's *spoudaios*, summarizes the two distinct trajectories of the English "serious":

> Etymologically, "serious" derives from the Latin, *serius*, "weighty," "heavy"; and, in line with this, some of its many meanings point in the direction of "matters of significance, issues of real import" ("weighty"), and others in the direction of "grave, burdensome" ("heavy"). Hence . . . [we should not confuse] two distinct strands in the complex mesh of meanings of "serious," two distinct sides of seriousness.[37]

That is, in "serious" one can hear both a positive and a negative connotation: the substantial itself and a consequence of bearing or facing the substantial—the former a fact of reality, the latter almost an effect of original sin. I am arguing, however, that *spoudaios* bears little of the second connotation but much of the first: To be *spoudaios* is not to be solemn or a killjoy.

I see two signs of this. For one, Aristotle consistently presents as the contrary of the *spoudaios* not the amusing or funny or mirthful, but rather the *phaulos* (φαύλος), the base or

Philosophy 11 (1991): 67–84, especially 77. Aside from the presumption that Aristotle would only stress seriousness because he was himself a bit of a stick in the mud, this inference also errs in assuming that *spoudaios* in Greek and "serious" in English have only the second of the two valences to which Susan Haack refers (see note 37). Indeed, it is not at all clear that *spoudaios* bears this secondary meaning at all.

37 Susan Haack, "Serious Philosophy," *Spazio filosophico* 18 (2016): 395–407, especially 396.

qualitative inferior; the reader may have already spotted this in several passages already quoted.[38] And like *spoudaios*, *phaulos* has a scope that is broader than do words he frequently uses that always carry a negative moral load, like *kakos*, "vicious" or "ugly," or *ponēros*, "wicked" or "vile"; *phaulos* includes them but is not limited to them, for Aristotle will also call children and beasts *phaulos*, as they are incapable (in different ways) of being morally good or bad.[39] A second, more decisive sign that Aristotle does not imagine the serious person as a wet-blanket is his proposal that *eutrapeleia*, wit, is itself one of the moral virtues;[40] if so, being *spoudaios* is not only compatible with having a sense of humor, it in fact calls for it. Likewise, then, he never contrasts being witty with being *spoudaios*; rather, he contrasts it with the vice of boorishness or dourness (which falls short of wit), and the opposite vice of buffoonery or crudity (which overshoots wit). Rather, the exercise of wit is somehow a part of the serious life. Man is, after all, the risible animal as well as the rational animal: Delight in what is funny is not at the heart of human nature, but it is in its vicinity.

In fact, one of the places in which the *spoudaios* comes up the most often in the *Ethics* is near the end of the work, in the consideration of the relation between happiness and play (παιδιά), the latter being the natural context for the practice of wit. Here in book 10, Aristotle seems close to opposing seriousness to play, but a careful reading reveals that he takes play as capable of integration within the serious life, not as merely a necessary evil but as an important but subordinate good. Thus, he concludes the discussion by saying:

38 See the quotations accompanying notes 23, 24, and 34; see also *NE* 2.5, 1105b30, and *Poetics* 2, 1448a1.

39 See *NE* 7.6, 1150a4–6, and 7.14, 1154a32–b2.

40 On εὐτραπελεία and related social virtues, see *NE* 4.8, 1128a4–b9; see also St. Thomas, *ST* II-II, q. 168, a. 2, on *ludus*, playfulness.

> [I]t appears that to be *spoudaios* [σπουδάζειν] and to labor for the sake of play is foolish and excessively childish. But to play so that one may be *spoudaios* [σπουδάζῃ], as Anacharsis has it, seems to be correct. For play resembles relaxation, and because people are incapable of laboring continuously, they need relaxation. Relaxation, then, is not an end, for it arises for the sake of activity. The happy life also seems to be in accord with virtue, and this is the life that seems to be accompanied by seriousness [μετὰ σπουδῆς] but not to be play. We also say that *spoudaios* things are better than those that prompt laughter and are accompanied by play, and that the activity of the better part or better human being is always the more *spoudaios* one [σπουδαιοτέραν].[41]

Thus, although wit *is* a virtue, a life devoted to or organized around it—*serious* about it, in Aristotle's sense—will fall short of

41 "σπουδάζειν δὲ καὶ πονεῖν παιδιᾶς χάριν ἠλίθιον φαίνεται καὶ λίαν παιδικόν. παίζειν δ' ὅπως σπουδάζῃ, κατ' Ἀνάχαρσιν ὀρθῶς ἔχειν δοκεῖ. ἀναπαύσει γὰρ ἔοικεν ἡ παιδιά. ἀδυνατοῦντες δὲ συνεχῶς πονεῖν ἀναπαύσεως δέονται. οὐ δὴ τέλος ἡ ἀνάπαυσις, γίνεται γὰρ ἕνεκα τῆς ἐνεργείας. δοκεῖ δ' εὐμδαίμων βίος ὁ κατ' ἀρετὴν εἶναι. οὗτος δὲ μετὰ σπουδῆς, ἀλλ' οὐκ ἐν παιδιᾷ. βελτίω τε λέγομεν τὰ σπουδαῖα τῶν γελοίων καὶ τῶν μετὰ παιδιᾶς, καὶ τοῦ βελτίονος ἀεὶ καὶ μορίου καὶ ἀνθρώπου σπουδαιοτέραν τὴν ἐνέργειαν." *NE* 10.6, 1176b32–77a6; translation slightly modified. St. Thomas notes that the saying of Anacharsis to which Aristotle alludes in the passage quoted above is "let someone play for an hour so that later he might study more diligently." *In X Ethic.*, lec. 9, n. 2077 ("Aliquis ludat ad horam et ad hoc quod postea diligentius studeat."). On the relation between play and the serious matters of leisure, see also *Pol.* 8.3, 1337b35–38a30; 8.5, 1339b11–41. There in the *Politics*, Aristotle also specifies that, for the young, "the sorts of play, too, should not be illiberal . . . . For all such things should prepare the road for their later pursuits. Hence most sorts of play should be imitations of later *spoudaios* matters [σπουδαζομένων]." *Pol.* 7.17, 1336a29, 32–33 (Lord translation modified). Here we see one way in which play can be integrated into the *spoudaios* life: by being a preparation for it. See also *ST* II-II, q. 168, aa. 2–4.

human happiness.[42] One who wishes his existence were just play is one who, as the Greek word for "play" (*paidia*) itself implies, wishes to be ever a child (*pais*), to be stunted—he wishes never to be completely what he in fact is, a *rational* animal, the animal that can see the reasons behind things and model its life according to the order of reality implied in those reasons. However, Aristotle also seems to say that being playful or child-*like* under the right circumstances in an "adult" way—by which I just mean, for example, wordplay, clever irony, or quick-witted banter—is compatible with seriousness.[43]

Often in the *Ethics*, Aristotle will illustrate the kind of person he is in the process of describing in universal terms, drawing usually from Greek fiction (e.g., Odysseus, Hector, and Helen) but also from history (e.g., Milo and Pericles).[44] I will do both at once: Think for a moment about Oscar Wilde or, if this assessment of Wilde seems too harsh, one of his more amusing creations, characters widely regarded as having been inserted by Wilde as his representatives in some sense, for example, Algie

42 On this point, St. Thomas speaks of "those who establish their end in the delight of play, like those of whom it is said in Wisdom 15:12, 'they decided that our life is a game.'" *ST* II-II, q. 168, a. 2, ad 2 ("qui finem in delectatione ludi consituunt, sicut de quibusdam dicitur Sap. XV, 'aestimaverunt esse ludum vitam nostrum").

43 The virtue of wit always is measured by reason; whence, St. Thomas says, the practice of wit should never be "entirely free from the soul's gravity" [*gravitas animae*]," and, quoting Cicero, "in this way within the joke itself a certain light of the upright mind might shine forth." *ST* II-II, q. 168, a. 2, c. ("sic in ipso ioco aliquod probi ingenii lumen eluceat"). It is not a coincidence that "wit" and "wisdom" have the same origin; although nearly moribund in English, "wit" originally referred to one's knowledge or knowing faculties; vestiges of this can be heard in "half-wit," "losing your wits," and "relying on your wits," none of which refer to one's sense of humor. Thus, wit is an adult or mature sort of humor; we would not call the scatological humor of children "wit"—unless we were being ironic, and therefore practicing wit ourselves.

44 On this matter, recall note 20 concerning the greater relevance of poetry over history for moral philosophy.

or Jack in *The Importance of Being Earnest,* or Lord Goring in *An Ideal Husband,* or even Lord Henry in *The Picture of Dorian Gray.* In one instance, when one of Wilde's fictitious surrogates suddenly and uncharacteristically pours his heart out to a dear friend, she responds:

> Lady Chiltern (*looking at him in surprise*): Lord Goring, you are talking quite seriously. I don't think I ever heard you talk seriously before.
>
> Lord Goring (*laughing*): You must excuse me, Lady Chiltern. It won't occur again, if I can help it.[45]

In another play, in its closing lines, playboy Jack, after lying for the duration of the plot about his name being "Ernest" so as to please his beloved, who is smitten by the name, has just discovered that his christened name was in fact "Ernest." At this point the rather severe Lady Bracknell accuses him of "displaying signs of frivolity" in his declaration of joy. Jack responds in one of Wilde's greatest puns: "On the contrary, Aunt Augusta, I've now realized for the first time in my life the vital Importance of Being Earnest."[46]

Both of these ironic repartees about being serious or earnest are wonderfully brilliant. But if, when savoring them later, one suspects that they might reflect Wilde's lack of seriousness about seriousness, they can leave one with a bittersweet aftertaste. For Wilde's own life seems to manifest an all-encompassing attention to *bon mots*; he seems to have been excessively "serious" about wit, and sometimes to find seriousness simply something to poke fun at.[47] But, in Aristotle's estimation at least,

45 Oscar Wilde, *An Ideal Husband,* Act 2.

46 Idem, *The Importance of Being Earnest*, Act 3.

47 I am speaking primarily about Wilde's public life, and I am not denying that Wilde had serious moments of self-criticism: In his own commentary on

a man who monomaniacally channels all his thoughts, words, and deeds toward even "highbrow" humor is not *spoudaios* in any unqualified sense. The reason for this is that the focus of such a life is not of weight in any unqualified sense, especially when it trivializes the serious.[48]

In fact, treating with levity things of deep gravity is often a sign of an underlying, perhaps only half-conscious nihilism—that is, unless these matters are being considered from a transcendent perspective. Troubles here below are of course rightly recognized as light, as *nihil*, in comparison to the eternal, which is far more serious in itself.[49] Thus, only saints can have gallows

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The Picture of Dorian Grey, he describes Lord Henry (arguably modeled on Wilde himself) as trying "to be merely the spectator of life, . . . [he does not] take part in it" (quoted in Joseph Pearce, *The Unmasking of Oscar Wilde* [San Francisco, CA: Ignatius Press, 2004], 237); in the novel, another character accuses Lord Henry of "cut[ting] life to pieces with your epigrams," and of being willing to "sacrifice anybody for the sake of an epigram." Note that, in his final years of poverty and abandonment, Wilde seems to have faced serious things with a serious attitude. At least one biographer believes that he was baptized on his deathbed; see *The Unmasking of Oscar Wilde*, especially 387–98.

48 St. Thomas is careful not to draw from this the conclusion that one may not in some sense devote his life to play, as being, for example, a professional comedian (*histrio*), even saying that the "occupation of comedians . . . is ordered to the providing of a comfort to human beings"; as long as their own moral house is in order, even if "they do not practice any other occupation in their interactions with other people, still in reference to their very selves and to God, they have other activities that are serious and virtuous [*seriis et virtuosas*]." *ST* II-II, q. 168, a. 3, ad 3. St. Thomas says something similar as regards lovers of comedy, provided that they do not, "on account of the vehemence of their affection for play, prefer its delights over the love of God." *ST* II-II, q. 168, a. 3, c.; see also ad 3.

49 The duality of the word "vanity" seems now to mirror the abovementioned duality of "serious": We tend to hear "vanity" as a word indicating the vice of excessive self-love and self-importance, but its primary meaning focuses on the pointless, the empty, the trivial, "a striving after wind" (Eccl 1:14). Those who are nihilistic about things that are not in fact nothing often also seem vain about themselves, whereas the Preacher can say rightly that "all is vanity" because he is referring only to things "under the sun" (1:2–3, 9, 14); there

humor that is not a mask for despair; only a St. Lawrence can ask to be turned over because he was already adequately cooked on one side. But Christ himself spoke with no trivializing bravado from the cross, and that is because there has never been a weightier event in history than Calvary.[50] Wit and play, then, can be elements of a fully serious life, the life in earnest about serious matters, but only by being subordinated and ordered to it; even though serious subjects are no laughing matter, there is a way to joke about them.

The Spoudaios *and Embarking on the Moral Life*

Given the importance of taking seriously serious matters, then, it should be no surprise that two significant places where Aristotle speaks about being serious turn up in discussions about the very pursuit of moral philosophy. I will conclude with a brief look at these two passages. The first is in book one, chapter seven, the aforementioned chapter wherein Aristotle settles what he thinks human happiness is. As he describes the order of the *Ethics*, he concludes the chapter by saying:

> One ought to try to go in search of each [principle] in the manner natural to it and to be serious about [σπουδασ–τέον] its being nobly defined. For they are of great weight in what follows from them, for the principle seems to be more than half of the whole, and many of the points

is something, or Someone, *above* the sun as well and in light of which the Preacher is expressing his contempt for all things passing (12:13–14).

50 St. Thomas notes, following St. Ambrose, that because of the dignity of its subject matter, humor should not be a part of sacred doctrine, and adds that this is also why it is absent from Scripture; see *ST* II-II, q. 168, a. 2, ad 1. (Although one might have doubts about this latter point in an absolute sense; consider St. Paul before the Sanhedrin in Acts 23:6–10 or the sarcasm of the man born blind in John 9:27. Although there may be no jokes in Scripture, some scenes are pretty funny.)

> being sought seem to become manifest on account of it.[51]

The impersonal "one" about whom Aristotle is speaking is both the student and the teacher, and the principles he is speaking about are what happiness and the paths to finding it are. But these are not merely the words of a teacher who wants his students to pay attention and do their homework well. This is clear in the second passage, in book two, chapter four, immediately before he begins to work out the definition of virtue:

> It is well said, then, that as a result of doing just things, the just person comes into being, and as a result of doing moderate things, the moderate person; without performing the actions, nobody would become good. Yet most people do not do them; and, seeking refuge in argument, they suppose that they are philosophizing and that they will in this way be serious [σπουδαῖοι], thereby doing something similar to the sick who listen attentively to their physicians but do nothing prescribed. Just as these latter, then, will not have a body in good condition by caring for it in this way, so too the former will not have a soul in good condition by philosophizing in this way.[52]

In the first passage, Aristotle seems to say that we who are generally *spoudaios* or serious about our lives, lives that in their

51 "μετιέναι δὴ πειρατέον ἑκάστας ᾗ πεφύκασιν, καὶ σπουδαστέον ὅπως διορισθῶσι καλῶς. μεγάλην γὰρ ἔχουσι ροπὴν πρὸς τὰ ἑπόμενα, δοκεῖ γὰρ πλεῖον ἢ ἥμισυ παντὸς εἶναι ἡ ἀρχή, καὶ πολλὰ συμφανῆ γίνεσθαι δι᾽ αὐτῆς τῶν ζητουμένων." *NE* 1.7, 1098b5–8.

52 "εὖ οὖν λέγεται καὶ ἐκ τοῦ τὰ δίκαια πράττειν ὁ δίκαιος γίνεται καὶ ἐκ τοῦ τὰ σώφρονα ὁ σώφρων, ἐκ δὲ τοῦ μὴ πράττειν ταῦτα οὐδεὶς ἂν οὐδὲ μελλήσειε γίνεσθαι ἀγαθός. ἀλλ᾽ οἱ πολλοὶ ταῦτα μὲν οὐ πράττουσιν, ἐπὶ δὲ τὸν λόγον καταφεύγοντες οἴονται φιλοσοφεῖν καὶ οὕτως ἔσεσθαι σπουδαῖοι, ὅμοιον τι ποιοῦντες τοῖς κάμνουσιν, οἳ τῶν ἰατρῶν ἀκούουσι μὲν ἐπιμελῶς, ποιοῦσι δ᾽ οὐθὲν τῶν προσταττομένων. ὥσπερ οὖν οὐδ᾽ ἐκεῖνοι εὖ ἕξουσι τὸ σῶμα οὕτω θεραπευόμενοι, οὐδ᾽ οὗτοι τὴν ψυχὴν οὕτω φιλοσοφοῦντες." *NE* 2.4, 1105b9–18.

very constitution are crowned with the ability to think things through and to understand, must first be *spoudaios*—busy, zealous, in earnest, serious—about discerning the truth about the human end and the path to it. And by implication, he is saying that if you, gentle reader, are not serious about yourself, or are not serious about coming to understand the principles of this science, *put the book down*. Aristotle is looking his student in the eye, as if to say, "Are we gonna do this?" In other words, Aristotle here indicates that the *spoudaioi* are the target audience of the *Ethics*.[53] They are the students who are ready to begin.[54]

As the second passage makes clear, though, being serious about the moral life does not consist merely in listening carefully to discussions or lectures about how to define happiness or virtue. It is not to be studious for "book knowledge," much less to become a dilettante about ethics. Thus, this passage is reminiscent of the passage from the beginning of the *Ethics* where Aristotle insists that "a young person is not an appropriate student," first because one who is physically young lacks adequate experience of life, but even more so because the passions tend to dominate the young, and therefore:

> [H]e will listen pointlessly and unprofitably [to these lectures, or to ethical discussions more broadly], since the end involved is not knowledge by action. And it makes no difference at all whether he is young in age or immature in character: The deficiency is not related to time but instead arises on account of living in accord with passion and pursuing each passion in turn. For to people of that sort, just as to those lacking self-restraint, knowledge is without benefit. But to those who fashion their longings

53 Serendipitously, Bartlett and Collin, in the interpretive essay published with their translation, reach this same conclusion but by a different argument; see Bartlett and Collins, 243.

54 For a parallel thought in Plato, see *Republic* 7, 535a–d.

> in accord with reason and act accordingly, knowing about these things would be of great profit.[55]

Notice the reference to one lacking self-restraint being unreachable by ethical studies; by implication he is indicating that one who does have self-restraint *can* learn from this book. Such an apt student, even if his passions are yet unruly, must have "been educated with a view" to being a "good judge" of the political and moral.[56] His initial moral formation, whether in his education as it has been brought about by his upbringing or as perfected by his city, has rendered him morally mature enough go deeper; it has made him *spoudaios*.

The serious student of the *Nicomachean Ethics*, then, is not quite like the student of the *Physics, De anima*, or *Metaphysics*; the beginning of ethics is not quite the wonder that begins contemplative philosophy, the appetite for understanding what is eternally so about being and the highest things and the First Cause of those things. There in contemplative philosophy, satisfying that wonder—beholding the truth—is the end.[57] Here, however, the *spoudaios* comes to moral philosophy with something different, something more self-aware and personally invested. The serious person does of course read the *Ethics* carefully, but he does so with an actualized existence that will be inseparable from action as his purpose: The serious man does not simply want to *know*, he wants to *become*. He approaches the possibility of the moral life with a burning sense that everything

55 "οὐκ ἔστιν οἰκεῖος ἀκροατὴς ὁ νέος. . . . ἀκολουθητικὸς ὢν ματαίως ἀκούσεται καὶ ἀνωφελῶς, ἐπειδὴ τὸ τέλος ἐστὶν οὐ γνῶσις ἀλλὰ πρᾶξις. διαφέρει δ' οὐδὲν νέος τὴν ἡλικίαν ἢ τὸ ἦθος νεαρός, οὐ γὰρ παρὰ τὸν χρόνον ἡ ἔλλειψις, ἀλλὰ διὰ τὸ κατὰ πάθος ζῆν καὶ διώκειν ἕκαστα. τοῖς γὰρ τοιούτοις ἀνόνητος ἡ γνῶσις γίνεται, καθάπερ τοῖς ἀκρατέσιν. τοῖς δὲ κατὰ λόγον τὰς ὀρέξις ποιουμένοις καὶ πράττουσι πολυωφελὲς ἂν εἴη τὸ περὶ τούτων εἰδέναι." *NE* 1.3, 1095a2, a5–12.

56 See *NE* 1.3, 1095a1.

57 *Metaphysics* 1.2, 982b12–27.

is at stake. The *spoudaios* has an almost urgent desire to rightly orient himself toward embodying within his own soul, to the extent humanly possible, the deep order among the very goods that the contemplative philosopher simply beholds, the things worth pursuing, the serious goods.

Being Spoudaios *Here and Now*

As a final comment, let me add that Aristotle's emphasis on seriousness can be particularly relevant in places and times where creature comforts are widely available and the possibility of amusing yourself to death is always at hand. The temptation to make the play of the weekend the *summum bonum*, and thereby to trivialize one's own life, can be overwhelming when life is easy; this is especially so when we recognize that such things are in themselves "harmless fun." Pusillanimity, smallness of soul, even among adults, is hard to avoid in a first world country, and an ethics teacher here and now perhaps more than ever has a Herculean task just in getting the young to *care*. We ourselves are periodically struck, in moments of self-criticism, by the essentially finite and inferior goodness of the amusements and play that dominate our leisure time, and this recognition can lead to the despair and nihilism mentioned.

But this dissatisfaction can also lead to the suspicion that we are fish out of water, creatures meant for something better. For a believer, of course, the ultimate target for our seriousness is God, friendship with and service to him. But the pagan who has a sense for the superhuman goodness of the First Cause—the Good that we cannot really befriend, serve, or do anything about but can only contemplate and love—can still be serious about something more than a private good.[58] One can be busy, zealous,

58 I note that Plato does speak explicitly, if briefly, about being intellectually *spoudaios* about God; see *Laws* VII, 803b–c.

in earnest, serious about—strain his wits and nerves toward—actively living the life proper to the rational animal, a life that is inevitably communal and thereby divine.[59] This is what Aristotle is implicitly calling his reader toward by provoking him to ask himself whether he is *spoudaios*.[60]

59 See *NE* 1.2, 1094b11: "To secure the good of the city appears to be something greater and more complete, for the good of the individual by himself is certainly desirable, but that of a nation and of cities is nobler and more divine [θειότερον]."

60 I would like to thank John Nieto for his comments on an early version of this essay, and those who participated in the question-and-answer period after I presented it at the Thomistic Summer Conference at Thomas Aquinas College, California, in June 2024; the fact that this essay is more developed than that presentation is thanks to their provocative questions and comments.

PRUDENTIA MILITARIS: VIRTUOUS MILITARY LEADERSHIP AND THE COMMON GOOD

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There is a debate among theorists of war regarding two conceptions of war, each with differing consequences for understanding the role of the military officers who lead in war. Some argue that war is a "realm of necessity" wherein strategic imperatives and operational goals determine actions necessary to achieve those outcomes.[1] On this view, morality is often a secondary consideration at best, a hindrance to success at worst. The aims of war can be expansive, including anything in the interest of the belligerent. The good officer in the realm of necessity is a pragmatist who accomplishes the operational objectives. This view is called "realism."[2] Others argue that war is not merely a realm of necessity, but war includes a moral dimension wherein actions are both pragmatic and morally qualified. On this view, morality is central to making decisions about going to war and acting in war. The good officer is the officer who above all acts justly in defense of the community. This view is called the "just war tradition."[3]

My aim in this essay is show that the second view is correct; war is a moral reality and when we call an officer "good" we refer both to his tactical excellence and his moral rectitude in the

1 Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 5th ed. (New York: Basic Books, 2015), 4.

2 See Walzer, *Just and Unjust Wars*, 4; Brian Orend, *The Morality of War*, 2nd ed. (Buffalo, NY: Broadview Press, 2013), 251–52. I will use the term "realism" in this political science sense henceforth; it should not be confused with epistemological realism.

3 For arguments for the preference of "just war tradition" over "just war theory," see David D. Corey and J. Daryl Charles, *The Just War Tradition: An Introduction* (Wilmington, DE: ISI Books, 2012), 1–21.

conduct of war. In other words, the just war view is the account of war that is true to the experience of war. The key notion distinguishing the two views is that of the common good. Both realists and just war thinkers have notions of common good that order their positions. In the first part of this essay, I will present the realist notion of common good and the nature of war. I hope to show that the realist holds a low notion of common good defined by security interests that distorts his view of war and leads to a philosophy of military leadership that struggles to justify acting morally in war. Second, I will propose that a Thomistic just war tradition grounded in natural law holds a high notion of the common good defined by peace and the flourishing of the political community. War for the high common good provides an account of the final cause of war that makes the actions of soldiers just and meaningful. I will show that the experience of soldiers serves as evidence for the Thomistic view of war insofar as the Thomistic view accounts for what combat veterans recognize as the *honorable* soldier.

St. Thomas Aquinas will be my guide. I will rely on his examination of military prudence in the *Summa theologiae* II-II, question 50, article 4: Whether military prudence should be reckoned a part of prudence? The first objection that St. Thomas raises to the question of a military prudence is that military leadership is a matter of art and not a species of prudence.[4] Recall St. Thomas's teaching on prudence: It is the virtue of applying right reason to action.[5] Prudence is a special virtue that is both intellectual and moral. Prudence is intellective insofar as it resides in practical reason and, as such, is related to some end.[6] Prudence is moral insofar as it desires the human good; prudence concerns

4 See *Summa theologiae* II-II, q. 50, a. 4, obj. 1.

5 See *ST* II-II, q. 47, a. 4.

6 See *ST* II-II, q. 47, a. 2.

the rectitude of the appetite.[7] Now, unlike other intellectual virtues, prudence is concerned not with necessary things but with contingent things to be done. In that way, it is like art. But it is unlike art insofar as prudence ends in the perfection of the human actor, not just the perfection of the thing done.[8] The distinction between art and prudence in hand, I will now turn to the realist concept of war that takes miliary affairs to be a matter principally of art.

Realism

Military art is the making of strategy, operations, and tactics that result in victory that in turn is defined by the policy of the state. Realism defines the policy aims of the state according to "self-regarding considerations of power, security, and national interest, and not at all by . . . morality or justice."[9] On this view, necessity determines action. Actions are necessary insofar as they serve the interests of the political community. Is an interest at all like a common good? Yes, in the sense that the common good is certainly an interest of a political community. For example, peace is an interest and a common good. But it is also true that by "interest" realists have in mind a more elastic notion to capture any possible aim of the state that plausibly contributes to its power, wealth, or prestige. Thus, interests of the state might exceed the ethical, such as securing foreign resources or coercing the regime change of an adversarial state. *Prima facie,* the immediate relationship between the interest in the common good and such errands is not apparent. By contrast, consider the clearly achieved common good of a state's self-defense against an aggressor that has violated territorial integrity. The government of the beleaguered state need not convince its people that

7 See *ST* II-II, q. 47, a. 4.
8 See *ST* II-II, q. 47, a. 5.
9 Orend, *The Morality of War*, 253.

defence of the homeland is a good, whereas the government of a state launching a foreign military expedition labors under the burden of providing abstract arguments for the expedition.

The Thomist and the realist can agree that the existence and security of the state are goods held in common. However, the realist will hold for an impoverished or "low" view of the common good because realism is informed by modernist anthropology, which takes persons to be foremost autonomous bearers of rights.[10] Contrast this anthropology with the Aristotelian view whereby the person is a member of integrated communities beginning with the family and culminating in the city and wherein the person seeks flourishing in complete—that is, virtuous—friendships. We might call this classical view a "high" common good wherein the peace achieved by war is important for growth in virtue. Such a view differs from the realist anthropology. For the realist, there is an analogy between the state and persons in this sense: To be a good state is to pursue interests; likewise, to be a good person is to pursue one's own interests. What this amounts to for the soldier is a widening gap between the purposes of the state and the intentions of the soldier. The state may seek regime change, but the soldier experiences little existential force of that purpose. He will search for other purposes: perhaps personal survival. In contrast, the soldier in just defense of the survival and flourishing of his political community knows the gravity of his duty because the soldier recognizes his necessary relationship to the community. He is, as Aristotle said, a political animal. His happiness is bound up with the flourishing of the community. A soldier fighting for the high common good must win; the soldier fighting in a war of the low common good

10 It is worth noting that many contemporary just war theorists—avoiding a natural law grounding—make this same assumption. See Walzer, *Just and Unjust Wars*, 253.

can afford to lose.[11] It is always rational for a soldier fighting in a just war (of the high common good) to make the ultimate sacrifice, whereas it is rational for a soldier fighting in an unjust war (of the low common good) to make the ultimate sacrifice only if losing the war would somehow be worse for the soldier.

Let me say more about the genealogy of the realist position to shed light on its characteristics. Thucydides proposed in *The History of the Peloponnesian War* that all men (and consequently political communities) act out of fear, honor, and interest.[12] He did not say that the state acts for the common good, or justice, or virtue, or anything of that sort. Even his notion of honor here is more akin to recognition than, say, the U.S. Army's notion of acting with moral integrity.[13] Moreover, Thucydides's power-based view of war sharpens in the Athenian rebuke of the Melians: "the strong do what they can and the weak suffer what they must."[14] This principle, though morally repugnant, is central to the realist vision of politics and war.

Much later, Machiavelli adopted this view and proposed an ethic wherein virtue was subordinated to political success. He counseled that one should only be virtuous insofar as the appearance of being so was advantageous but that one should be ready

11 I am grateful to my colleague, Tony Lupo, for this formulation and subsequent explication.

12 See Thucydides, "The Peloponnesian War," in *The Landmark Thucydides: A Comprehensive Guide to the Peloponnesian War*, ed. Robert B. Strassler, trans. Richard Crawley (New York: Free Press, 1996), I.76.

13 See Army Doctrine Publication No. 6–22 (Washington, D.C.: Department of the Army, 2019), para. 2–10. Here honor is defined as living up to the Army Values: loyalty, duty, respect, selfless service, honor, integrity, and personal courage.

14 Thucydides, *The Peloponnesian War*, V.89. I should add that I am open to the criticism that my reading of Thucydides is too narrow. The funeral oration of Pericles (II.38) is evidence of a concern for virtue in war and peace. In any case, Thucydides is a core text at war colleges, where he is taught to field grade officers as a proto-realist.

to throw off virtue if the situation demanded it.[15] Moreover, Machiavelli saw no connection between the study of philosophy and wise leadership. Rather, he counsels that war should be the sole preoccupation of the prince. Here is Machiavelli at length:

> A prince, therefore, should have no other object, no other thought, no other subject of study, than war; its rules and disciplines; this is the only art for a man who commands, and it is of such value [virtù] that [it] not only keeps born princes in place, but often raises men from private citizens to princely fortune. On the other hand, it is clear that when princes have thought more about the refinements of life than about war, they have lost their positions.[16]

From these two streams, Thucydides and Machiavelli, the military leader gathers that he stands not in need of wisdom but in need of skill and insight into war as a means of maintaining the throne. The final development in this thought comes from Hobbes, who completes the realist link between ethics and anthropology by proposing that virtues are not only superficial (as in Machiavelli) but contrary to human nature. Power is necessary to keep cruel humans in order.[17] As modern Western political philosophy began to emerge after Locke, the common good was reduced from the happiness of the community to interests of states as the bulwark against natural violence and chaos. The personal actor was reduced from the relating moral being in friendship to the autonomous self with interests and rights in need of skills to secure those rights.

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15 See Niccolò Machiavelli, *The Prince*, trans. Robert M. Adams (New York: Norton, 1977), 49: "To preserve the state, [the prince] often has to do things against his word, against charity, against humanity, against religion."

16 Machiavelli, *The Prince*, 40.

17 See Thomas Hobbes, *Leviathan* (Indianapolis: Hackett Publishing Company, Inc., 1994), 106–7.

What is the upshot for military leadership? Against the virtuous notion of command, the realists adopt a view of military leadership that accentuates craft or procedure and places virtue alongside—not in the center—of this craft. While advocates of realism say they are only being pragmatic and efficient and that virtue is still important, the cost of this view, in my estimation, is an all-too utilitarian openness to vice, even *atrocity*, if it should promote victory or simply basic survival. But perhaps this is too harsh a view. Some would rightly claim that such evils delegitimize a war effort. Still, this is less of an argument for morality as it is a realist claim about *what works* and what is counterproductive. Others would argue that no American officer would say that he is willing to commit atrocities to win. Here the realist anthropology introduces a fundamental contradiction into the soldiers' conceptions of self. On the one hand, soldiers hold a basic belief in the natural goodness of man. On the other hand, Hobbesian cynicism animates the anthropology that undergirds the realist concept of war. The result is that these soldiers face an inner conflict—they ground their philosophy of military leadership in an anthropology that claims the basic cruelty of man while also holding for the basic goodness of man. This contradiction typically ends up being solved by believing in the badness of one's enemies and the goodness of one's comrades. They then struggle to account for vice among their own ranks. Here I might only mention the 2020 Congressionally-ordered investigations into vicious acts of United States Special Forces—extrajudicial killings, drug smuggling, and domestic violence—which concluded that this premier force was mostly overworked and needed a break.[18]

In the final analysis, the realist in the Machiavellian tradition has a difficult time justifying why one should choose to

18 United States Special Operations Command Comprehensive Review, 23 January 2020, 4–8.

be morally good in combat—why one should respect his enemy and his soldiers and honor his country when the more expedient methods are available to exercise the *libido dominandi,* which in turn will preserve his existence and position and may even advance him in rank and recognition.

Thomistic Just War

So much for the realist position. We will now consider a Thomistic approach to the question of military leadership. Is it true that military leadership is an art? Yes, insofar as military leadership involves the application of practical expertise on the battlefield to achieve the military objective. Yet, military art is not the whole of it, because the actions of the officer aim at both the military objective and the common good. By aiming at the common good, the officer shows himself to act prudently.[19] To show the reality of military prudence, I will first present a natural law concept of defensive war. Then I will explain the relationship between the common good and the officer. Finally, I hope to show that the good military officer is one who acts virtuously in carrying out his duties.

First, unlike the realist conception of war, which imagines war as a violent expression of will, the natural law concept of war begins by recognizing defense as a natural tendency. Consider the following analogy between animals and the political community. Animals have both concupiscible faculties for growth and procreation and irascible faculties to defend themselves from predators. Analogously, political communities are equipped with a political prudence to govern themselves and a military prudence to defend themselves.[20] But is it lawful to kill a man in self-defense? St. Thomas answers that killing in self-defense

19 See *ST* II-II, q. 50, a. 4, ad 1.
20 See *ST* II-II, q. 50, a. 4.

is moral when the killing is under public authority and referred to the common good, "as in the case of a solider fighting against the foe."[21] In other words, the relationship between the common good and the acts of war are crucial for the moral intelligibility of war.

St. Thomas explains that three conditions must be met for war to be just.[22] The first condition is that soldiers wage war by the authority of the sovereign. This means that war is never a private affair but must be the effort of the political community authorized by the sovereign responsible for the common good of the political community. The common good and the responsible sovereign make war different than strife that obtains between private persons. Whereas an individual's slapping of his neighbor in strife is an unreasonable act, the sovereign's violent repulsion of a hostile force in war is a reasonable act. It is reasonable to defend against external enemies because they threaten the peace that is essential for the flourishing of the community. The first thing to say about a just war, then, is that it is a reasonable responsibility of the sovereign to commit to war. Such a commitment follows from deliberation, which in turn demands counsel; prudence is a virtue that takes counsel.[23] Already in the first condition of the just war we can see a connection between virtue and the nature of war. Let us postpone examining this connection while we consider the remaining conditions of the just war.

Just cause is the second condition of the just war. St. Thomas offers a limited description of just cause: "namely, that those who are attacked, should be attacked because they deserve it on account of some fault."[24] There is scholarly debate

21 *ST* II-II, q. 64, a. 7, c.: "ut patet in milite pugnante contra hostes."

22 See *ST* II-II, q. 40, a. 1.

23 See *ST* II-II, q. 50, a. 4, s.c.

24 *ST* II-II, q. 40, a. 1, c.: "scilicet illi qui impugnantur propter aliquam culpam impugnationem mereantur."

about what strategic situations, for St. Thomas, precisely constitute a just cause.[25] It is not my intention to consider this question, but it is sufficient to show that St. Thomas understands the end of war to be commensurate with the restoration of the equality of justice. For example, he cites St. Augustine's claim that restoration of territory unjustly seized by an aggressor is just cause.[26] An aggressive seizure of territory is a moral fault committed by the belligerent and demands justice that comes in the form of the defensive war of restoration. Unlike the realist notion of war, which permits wars for natural resources, strategic positioning, or expansion of ideals, St. Thomas thinks just war is about rectifying an initial fault and restoring the equality of justice.[27]

The third condition for a just war is rightful intention. Right intention is a matter of personal interior disposition in the waging of war. The persons include both sovereign and soldier.[28] St. Thomas explains that rightfully intended wars are "waged not for motives of aggrandizement, or cruelty, but with the object of securing peace, of punishing evil-doers, and of uplifting the good."[29] This counsel is not just for the sovereign deliberating commitment to war, but St. Thomas commends right intention to the soldiers fighting the war. Concern for

25 See Gregory M. Reichberg, *Thomas Aquinas on War and Peace* (Cambridge: Cambridge University Press, 2017), 146–48.

26 See *ST* II-II, q. 40, a. 1. St. Thomas cites St. Augustine's *Questions on the Heptateuch*, Bk. VI, c. 10.

27 See *ST* II-II, q. 79, a. 1; q. 62, aa. 1 and 6.

28 See Reichberg, *Thomas Aquinas on War and Peace*, 113.

29 *ST* II-II, q. 40, a. 1, c.: "non cupiditate aut crudelitate, sed pacis studio geruntur, ut mali coerceantur et boni subleventur." Though St. Thomas attributes this description to St. Augustine, it is not found in the Doctor of Grace's works. Rather, Gratian records the quote—and attributes it to St. Augustine—in his 12th century *Decretum Gratiani*, Pt. II, causa 23, q. 1, canon 4. See Gratian, "War and Coercion in the *Decretum*," in *The Ethics of War: Classic and Contemporary Readings*, ed. Gregory M. Reichberg, Henrik Syse, and Endre Begby (Malden, MA: Blackwell Publishing, 2006), 112.

the personal disposition of soldiers is also found, perhaps preeminently, in St. Augustine. Consider his counsel to his friend Boniface, a Roman commander:

> Peace ought to be what you want, war only what necessity demands. Then God may free you from necessity and preserve you in peace. For you don't seek peace in order to stir up war; no—war is waged in order to obtain peace. *Be a peacemaker, therefore, even in war*, so that by conquering them you bring the benefit of peace even to those you defeat. For, says the Lord, *Blessed are the peacemakers, for they shall be called the sons of God*.[30]

What is remarkable in St. Thomas's third condition for just war is the personal ordering of those acting in war. Not only must the political community only engage in war under the authority of a rightful sovereign acting for a well-counseled just cause, but all the actors of the war should be ordered to peace.

With the three conditions of a just war in hand, we are now in a position to understand how it can be reasonable and just for a political community to engage in warfare. Unlike the realists, this natural law conception of war is limited in its aims and includes the important element of the personal moral rectitude of the actors. In other words, war is a human enterprise fought by morally responsible persons and not merely by the impersonal machinery of state. We next must look more closely at the role of the common good in relationship to the soldiers in war.

Military leadership is an exercise of the virtue of prudence when officers direct their actions toward the common good. Prudence resides in practical reason as it is concerned

30 Augustine, "Letter 189," in *Augustine Political Writings*, ed. E.M. Atkins and R.J. Dodaro (Cambridge: Cambridge University Press, 2001), 217. Italics added.

with things done.[31] St. Thomas says prudence applies right reason to action with a right appetite.[32] Whereas art perfects the thing made—for example, the effective defensive operation—prudence perfects the appetitive power of the actor, so it has the character of a moral virtue.[33] Now, prudence does not establish the human good of acting in accordance with reason, but it does regulate the means to achieve the good.[34] So prudence is a virtue that guides the acting person with right reason to both his own good and the common good, which is greater.[35] St. Thomas considers four species of prudence concerned with the common good. There is a *regnative* prudence concerned with governance, a *political* prudence concerned with citizens' participation in the common good, a *domestic* prudence concerned with the good of the family, and finally, a *military* prudence concerned with defense.[36] What, then, is the common good with which the military is concerned?

I have already discussed above the idea of an Aristotelian notion of a high common good: the flourishing of persons in community. In the light of the just war criteria above, let us look more closely at two parts of the high common good: peace and the moral quality of the community. Peace is the most manifest common good sought by a military defense. We can follow St. Augustine and define peace as the "tranquility of order."[37] Peace after war restores the just order that the aggressor violated with his hostile attack and is the shared condition that allows persons to turn their attention to friendship and the needs of daily life. The second common good that I propose is the moral character

31 See *ST* II-II, q. 47, a. 2.
32 See *ST* II-II, q. 47, a. 4.
33 See *ST* II-II, q. 47, a. 5.
34 See *ST* II-II, q. 47, a. 6.
35 See *ST* II-II, q. 47, a. 10.
36 See *ST* II-II, q. 50, aa. 1–4.
37 Augustine, *De civitate Dei*, Bk. XIX, c. 13: "tranquilitas ordinis."

of the political community. Military action is communal; soldiers fight under the authority of their governments and on behalf of their nation. This relationship means that the political community participates in the moral quality of the military actions to some degree. Consider here the grave moral damage done to the reputation of the United States by the grave scandal of Abu Ghraib in the Iraq War. The humiliation and degradation of prisoners of war by American soldiers damaged the moral quality of the U.S. Army and, by extension, the United States. These soldiers were acting on behalf of the United States and under its authority, therefore their vicious acts damaged the moral quality of the political community; their vices stained the flag of their nation.

The Virtuous Soldier

We are now in a position to describe the soldier who exercises military prudence. Unlike the Machiavellian soldier, who subordinates the ethical to the strategically necessary, the virtuous officer orders means to the ends of peace and the honor of his nation. Restraint comes to characterize his actions in the light of these ends. Two forms of restraint found in the just war tradition are noncombatant immunity and the principle of proportionality. Noncombatant immunity prohibits civilians from becoming legitimate targets in combat, and proportionality demands the application of minimal force to targets to limit unnecessary harms. In both cases, force is understood as subordinated to moral imperatives. Some scholars ground these imperatives in human rights, but we can also say that these imperatives are grounded in the final cause of the military action: just peace.[38] If peace is what the solder desires, then as St. Augustine counseled, the soldier will limit violent actions to what is necessary

38 See *ST* II-II, q. 29, a. 3.

according to the demands of justice. Consider the Korean War as a historical illustration of this point. The original American war aim was to restore South Korea at the thirty-eighth parallel, a classic case of repelling a hostile foe to restore lost territory. In General MacArthur's hubris, he sought to go beyond the limits of just restoration and attack deep into North Korea. The result was an enduring tension between North and South Korea: a strategic and moral crisis.[39]

In addition to the traditional restraints of noncombatant immunity and proportionality, I think there are still three other ways in which the virtuous officer acts that are not typically treated by just war thinkers. First, following St. Thomas's first criteria for a just war, I propose that the virtuous officer recognizes that he acts under the authority of his sovereign and therefore exhibits the virtue of obedience.[40] Military obedience brings the actions of the lowest ranking soldier into relation with the overall military effort toward the common good. Without obedience, military actions become incoherent at best and vicious at worst; obedience brings order and stability to the army. Here I also presume that an army is ordered to the common good and seeks to act honorably. Soldiers no doubt must disobey unlawful orders or, as St. Thomas says, commands that go against God.[41] Unlawful orders aside, the virtuous soldier recognizes that his authority is not his own and acts according to the intentions of the commander.

A second way that the virtuous soldier acts is according to right intention, a disposition of the soldier to act to advance good and avoid evil. The wicked intentions that St. Thomas

39 See Alistair Horne, *Hubris: The Tragedy of War in the Twentieth Century* (New York: Harper Collins Publishers, 2015), 267–311.

40 For a recent correction to the neglect of military obedience, see Pauline Shanks Kaurin, *On Obedience: Contrasting Philosophies for the Military, Citizenry, and Community* (Annapolis, MD: Naval Institute Press, 2020).

41 See *ST* II-II, q. 104, a. 5.

warns against include: "the passion for inflicting harm, the cruel thirst for vengeance, an unpacific and relentless spirit, the fever of revolt, the lust of power, and such like things."[42] St. Thomas's counsel is a high demand in the passionate environment of war where it seems better to inflict maximum harm to establish one's dominance and security. Indeed, war ethicist Martin Cook has questioned this Augustinian-Thomistic view, charging that such peaceful intentions are not psychologically possible in the heat of battle.[43] Responding to Cook would exceed the scope of this paper, but suffice it to say that the Thomistic view holds that virtuous acts in combat come about because they are manifestations of the character of the soldier. The virtuous officer will act virtuously under pressure because he has formed a character for doing so in his everyday actions that accord with the natural law. In other words, the virtuous intention for the good is not a matter of the passions but of the habit of the intellect directing the will towards the good. For the soldier, this is the intention of peace, even if his passions are more or less present in the act of violence.

A third trait of the virtuous soldier is his propensity to seek counsel. The nature of war is complex. The early nineteenth century war theorist Carl von Clausewitz described war thus:

> War is the realm of uncertainty; three quarters of the factors on which action in war is based are wrapped in a fog of greater or lesser certainty. A sensitive and

42 *ST* II-II, q. 40, a. 1, c.: "Dicit enim Augustinus, in libro *contra Faust*., 'nocendi cupiditas, ulciscendi crudelitas, implacatus et implacabilis animus, feritas rebellandi, libido dominandi, et si qua sunt similia, haec sunt quae in bellis iure culpantur.'" St. Thomas is citing St. Augustine, *Contra Faustus*, Bk. XXII, 74.

43 Cook presented this argument during a seminar for field grade military officers at the Naval War College in the fall of 2015. Cook's position is informed by the experience of Vietnam War veteran Karl Marlantes, who recounts his story in his autobiographical study of war: *What It Is Like to Go To War* (New York: Grove Press, 2011).

> discriminating judgement is called for; a skilled intelligence to scent out the truth.[44]

Clausewitz argued that a skilled commander must have a dogged intellect to engage in "relentless struggle with the unforeseen."[45] Crucial for penetrating through the fog of war is seeking counsel. St. Thomas clearly says what the history of command in war has shown to be true:

> It is written (Proverbs 24:6): *War is managed by due ordering, and there shall be safety where there are many counsels*. Now, it belongs to prudence to take counsel. Therefore, there is great need in warfare for that species of prudence which is called *military*.[46]

By contrast, the soldier who insists on his own understanding of the battle and the actions to be taken shows himself to be irresponsible in the face of the complexity and gravity of the situation. Other soldiers recognize the mortal foolishness of the arrogant commander and disdain him for the sake of their lives. Moreover, the arrogant commander shows a lack of recognition of his place under authority, for counsel includes above all the direction of his superior. In taking counsel, the prudent soldier shows his humility in the face of what exceeds his ability to master (the fog of war), and he also shows his recognition of authority—both that of his superiors and the authority he has over his subordinates.

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44 Carl von Clausewitz, *On War*, ed. and trans. Michael Howerd and Peter Paret (Princeton: Princeton University Press, 1976), 101.

45 Clausewitz, *On War*, 102.

46 *ST* II-II, q. 50, a. 4, s.c.: "quod dicitur Prov. XXIV, 'cum dispositione initur bellum, et erit salus ubi sunt multa consilia.' Sed consiliari pertinet ad prudentiam. Ergo in rebus bellicis maxime necessaria est aliqua species prudentiae quae militaris dicitur."

Conclusion

What shall we make of these two competing views? First, we might wonder whether the realist position is not, in fact, true in some sense because it is difficult to see the community of friends presupposed by a Thomistic-Aristotelian political philosophy in Western political communities today. Even so, while the realists no doubt describe the decay of politics, I still think their philosophy rests on a faulty anthropology. Since prudence is concerned with practical matters, it is possible for there to be a true and a false prudence according to the end at which each aims.[47] False prudence takes an apparent good for the real good. The apparent good that the realist seeks is above all security, and this in turn relies on a Hobbesian anthropology whereby humans are antagonists who will act according to what their power makes feasible. The realists are seeking the apparent and not the true good. Evidence for the truth of the natural law position against the realist position is found in the actual soldier's experience of war as a moral reality. The soldiers see the virtuous leader and detest the vicious leader with clear eyes. Why is this? I think it is because war is, as Admiral James Stockdale called it, a "pressure cooker."[48] The trustworthy, courageous, and wise rise to the top. The selfish, cowardly, and stupid shrink away. No doubt the cunning Machiavellian may be admired by others for his efficiency, but he is not *honored* as the virtuous officer is. That is, the honorable soldier is one whom others *look up to* because of his moral integrity and not simply because he gets the job done. There is a splendor in his valor in combat and, indeed, a simple splendor in his honest, mundane dealings. We might consider here that Plato ends his examination of the beautiful in the *Symposium* with Alcibiades recounting the virtues of Socrates, among which

47 See *ST* II-II, q. 47, a. 13.

48 James Bond Stockdale, *Thoughts of a Philosophical Fighter Pilot* (Stanford, CA: Hoover Institution Press, 1995), 13.

he includes Socrates's valorous courage in battle.[49] It is Socrates's virtue that shines forth in battle and his virtue which is honorable. This distinction between the honorable and the dishonorable is evident today in things like the Medal of Honor and other awards for high valor. Honor thus understood is, I think, strong evidence for the moral reality of war and the claim that military command is best understood as a thoroughly moral endeavor with its own peculiar virtue.

Finally, I have described the traits of the virtuous soldier: recognition of authority, right intention, and the humility to seek counsel. These dispositions and actions are rightly ordered to the final cause of military action: the common good. But to this point we have considered only an imperfect common good, that of the earthly city. The perfect common good is God. This means that the Christian soldier under grace recognizes that even the enemy shares in the Ultimate Common Good, for all persons find their fulfilment in God. The ethical consequence is profound. It means that the prudent soldier must treat his foe with due justice. Above all, he must recognize the enemy's humanity as like his own and will the enemy's good; he must not act from passion but be a peacemaker; the good soldier must love his enemy.

49 See Plato, *The Symposium*, trans. Christopher Gill (New York: Penguin Books, 1999), 219e–221b.

IS THE JUST WAR TRADITION EVOLVING TOWARDS COMPREHENSIVE NON-VIOLENCE?

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On Wednesday, March 1, 2023, Cardinal Robert McElroy gave an address at the University of Notre Dame entitled, "Our New Moment: Renewing Catholic Teaching on War and Peace."[1] In this talk, he presents perhaps the most high-profile advocacy for the Catholic Church to move away from the just war tradition and towards pacifism, comprehensive non-violence.[2] I would like to examine Cardinal McElroy's argument by considering two fundamental questions. First, does he provide sound reasons for rejecting just war theory? Second, if not, how can just war doctrine be developed?

The just war teaching has found various expressions in Augustine and Thomas Aquinas,[3] and later, in the *Catechism of the Catholic Church*. Cardinal McElroy explicitly mentions the formulation of just war theory as found in the *Catechism*, namely:

> The strict conditions for *legitimate defense by military force* require rigorous consideration. The gravity of such a decision makes it subject to rigorous conditions of moral legitimacy. At one and the same time:
>
> – the damage inflicted by the aggressor on the nation or com-

1 Robert W. McElroy, "Our New Moment: Renewing Catholic Teaching on War and Peace," *The Journal of Social Encounters* 7 (2023): 266–71.

2 McElroy does not speak of "pacificism" but rather "comprehensive non-violence." He never makes clear what exactly, if anything, is the difference between them.

3 See Augustine, *City of God* II.17; IV.15; *ST* II-II, q. 40, a. 1. See the commentary in Christopher Kaczor, *Thomas Aquinas on Faith, Hope, and Love* (Washington, DC: The Catholic University of America Press, 2008), 227–31.

> munity of nations must be lasting, grave, and certain;
>
> – all other means of putting an end to it must have been shown to be impractical or ineffective;
>
> – there must be serious prospects of success;
>
> – the use of arms must not produce evils and disorders graver than the evil to be eliminated. The power of modern means of destruction weighs very heavily in evaluating this condition.
>
> These are the traditional elements enumerated in what is called the "just war" doctrine.
>
> The evaluation of these conditions for moral legitimacy belongs to the prudential judgment of those who have responsibility for the common good. (CCC 2309)[4]

With this understanding of just war in mind, let us now consider the questions framing this paper.

I – Are We Now in a New Moment?

The title of Cardinal McElroy's talk points to the central thrust of his argument that we are now in a "new moment" in which we should revise Catholic just war teaching with an emphasis on non-violence. It was, he notes, forty years ago when the U.S. Bishops published "The Challenge of Peace," but we are now in a new moment. Why is this a new moment? The archbishop of Washington DC points to what he views as three major shifts.

The first is this:

4 *Catechism of the Catholic Church*, 2nd edition (Vatican: Libreria Editrice Vaticana, 1997), 556.

> The continuation of wars among nations and within societies, enlisting devastating weapons and resulting in countless deaths, have pointed to the need to fundamentally renew and prioritize the claim of non-violent action as the central tenet of Catholic teaching on war and peace.[5]

This claim is puzzling. If it is true that there is a continuation of warfare among people and in societies, this continuation would suggest not a "new moment" but rather business as usual. There is no change—there is nothing novel—if conflicts among peoples are continuing as they have since the dawn of history.

Moreover, at least some scholars argue, there has been a change, but in a direction that puts pressure on McElroy's claim. Rather than a continuation of war as common as ever, war and violence overall is less common today than in previous centuries. In his book *The Better Angels of Our Nature: Why Violence Has Declined*, Harvard psychologist Steven Pinker argues: "Believe it or not, violence has been in decline for long stretches of time. And today we are probably living in the most peaceful time in our species's existence."[6] As an author in *Scientific American* put it,

> Most scholars agree [that] the percentage of people who die violent war-related deaths has plummeted through history; and that proportionally violent deaths decline as populations become increasingly large and organized, or move from "nonstate" status—such as hunter-gatherer societies—to fully fledged "states."[7]

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5 McElroy, "Our New Moment," 267.

6 Transcript of *Scientific American* podcast entitled "Steven Pinker: Violence is Lower Than Ever," summarized by Steve Mirsky: https://www.scientificamerican.com/podcast/episode/steven-pinker-violence-is-lower-tha-11-10-18/.

7 Bret Stetka, "Steven Pinker: This is History's Most Peaceful Time—New Study: 'Not So Fast' ": https://www.scientificamerican.com/article/steven-pinker-this-is-historys-most-peaceful-time-new-study-not-so-fast/.

So, if it is true that violence, including war-related death, is decreasing, then why would a move towards non-violence today be more needed than ever, as McElroy claims?

But let us assume for the sake of argument the view that warfare is *more* widespread and *more* lethally violent today. Is the solution to this problem to make just war theory even more strict? Would tightening the teaching make war less common? I'm skeptical that the empirical results of increased rigor would actually result in fewer or less violent wars.

In terms of doctrine, what is at issue is what is in fact morally right. If we are trying to come to a correct ethical judgment about what is the case, then it is hard to see how the percentages of those who violate the moral norm make any difference for the rightness of the moral norm. There are no people now on planet earth who perfectly love God with their whole heart and who love their neighbor as themselves. Yet this norm is true despite the fact that there is 100% violation of the norm. Sociological data can certainly inform pastoral practice, but it is hard to see how a greater or lesser number of people following a norm leads necessarily to the need of a more strict or a less strict norm (or moral framework), whether the norm is about sexual activity or about just war.

What is the second reason for thinking that now is a "new moment" that calls for fundamental revision of traditional just war theory? The Cardinal writes,

> The atrophying of the just war framework as an effective constraint on war or pathway to peace calls the Church to redesign its moral framework for permitting war in dire circumstances.[8]

In other words, the just war framework needs to be revised because it is no longer an effective constraint on war. This claim

8 McElroy, "Our New Moment," 267.

seems to presuppose that the just war theory was once an effective constraint but now no longer is an effective constraint.

Let us suppose for the sake of argument that this supposition is true. Questions arise. *Why* was just war theory once an effective constraint on war? Why is it now no longer an effective constraint on war as it once was? It seems plausible to think that, among world leaders, a vibrant Christian faith informing their decisions about war has been less common in recent times than, say, in the Middle Ages. So, if it is true that just war theory does not hold contemporary rulers back from war, this is most plausibly explained by the weak or non-existent faith commitments of contemporary rulers in comparison to rulers in ages past. Also relevant would be the vibrancy of faith of the communities of these leaders. A leader who expects to be called out for acting inconsistently with his professed Christian faith has an incentive to act differently than the leader who makes no such profession and so is immune from charges of Christian hypocrisy. That is, the weakening of just war theory in constraining war has nothing to do with the *doctrine* of just war. Rather, it has everything to do with rulers and the ruled who do not view the Church's just war teaching as binding their decision-making about war. Changing the teaching does nothing to address the real source of the problem: lack of successful evangelization of society. How would making the teaching *more* strict do anything to curb rulers who reject even the current teaching?

The third major shift that Cardinal McElroy notes is described as follows:

> the failure of nuclear deterrence as a "step on the way to nuclear disarmament" has produced a situation where we are facing the breakdown of the arms control regime and the possibility of the use of tactical nuclear weapons.[9]

9 Ibid.

He is right that nuclear deterrence has failed as a step on the way to nuclear disarmament. More nations have nuclear weapons now than in 1983 when the U.S. Bishops published "The Challenge of Peace." Unfortunately, still more nations are likely to develop nuclear weapons in the future.

But why should we assume that the goal of nuclear deterrence is to move towards nuclear disarmament? It seems much more plausible to think of the goal of nuclear deterrence as prevention of nuclear war. On this score, nuclear deterrence has been tremendously successful. The last time such a weapon was used in war was August 9th, 1945. It would seem that nuclear deterrence has in fact been tremendously successful as a deterrent. Nuclear deterrence has failed as a step towards many valuable things (including disarmament), but none of those failures makes deterrence a failure in the one thing it is intended to do, deter the use in warfare of nuclear weapons.

In sum, all three of the shifts to which the Cardinal appeals fail to indicate a "new moment" in which we should revise Catholic just war teaching in favor of comprehensive non-violence.

II – Does the Archbishop of Washington DC Provide Sound Reasons for Rejecting Just War Theory?

Much of Cardinal McElroy's address summarizes and praises papal teaching about war. The Archbishop of Washington DC notes:

> Pope John proclaimed that "it is hardly possible to imagine that in an atomic era, war could be used as an instrument of justice." Pope Paul VI journeyed to the United Nations to plead with the world: "No more war. War never again." Pope John Paul II taught that war is never an appropriate way to settle disputes among peoples: "It

> has never been and it will never be." Joseph Ratzinger chose the name Benedict to tie his entire pontificate to that of Pope Benedict XV, who tried to end all war.[10]

Here another inconsistency arises. I have not seen the Cardinal show a similar difference to the teaching of John XXIII, Paul VI, John Paul II, and Benedict XVI when they speak about sexual ethics, but let us put his selective invocation of papal authority aside.

It is also important to note that none of these papal statements calls into question, let alone rejects, just war doctrine in favor of "comprehensive non-violence." We can all hope with Pope St. Paul VI that we will have "war never again." We can wish for a non-violent world. But given human realities since the time of Cain and Abel, it is highly unlikely that this wish will be granted. War is never an appropriate way to settle mere disputes among peoples, which is why just war theory does not list "settling disputes" as a just cause for war.

But history shows us that appeasement of evil men does not prevent war. As Winston Churchill said:

> Virtuous motives, trammeled by inertia and timidity, are no match for armed and resolute wickedness. A sincere love of peace is no excuse for muddling hundreds of millions of humble folk into total war. The cheers of the weak, well-meaning assemblies soon cease to count. Doom marches on.[11]

To avoid war, we must be prepared to stop people intent on doing evil, and nothing in papal teaching contradicts this hard won but

10 Ibid.

11 Quoted in Larry Azar, *Twentieth Century in Crisis: Foundations of Totalitarianism* (Thousand Oaks, CA: Kendall Hunt Pub. Co., 1990), 253.

easily forgotten wisdom. As St. Augustine of Hippo pointed out centuries ago, the purpose of all wars is peace.[12]

Nevertheless, the Cardinal appeals especially to the teaching of Pope Francis:

> It is Pope Francis who has utilized the trajectory of all of these statements to construct a framework for Catholic teaching on war and peace that places non-violence rather than the just war-ethic as the dominant prism through which to evaluate decisions in situations of deep conflict. In *Fratelli Tutti,* he writes: "We can no longer think of war as a solution, because its risks will probably always be greater than its supposed benefits. In view of this, it is very difficult nowadays to invoke the rational criteria elaborated in earlier centuries to speak of the possibility of a just war."[13]

But Pope Francis is just not saying what the Cardinal wishes he would say. When Pope Francis says, "We can no longer think of war as a solution," this is not a condemnation of just war theory in favor of comprehensive non-violence. First, the grounds given for this statement is that the risks of war "will *probably* always be greater than its supposed benefits." The Pope did not say, the risks will *necessarily* always be greater than its supposed benefits. War does have great risks, which is exactly why traditional just war doctrine limited war as only justified in specific circumstances. What Pope Francis says is that it is very difficult to justify war, not that it is impossible. But this statement is perfectly compatible with just war doctrine. Indeed, elsewhere Pope Francis has said, "A war may be just; there is the right to defend oneself."[14]

12 See *ST* II-II, q. 40, a. 1, ad 3, where Aquinas quotes Augustine.

13 McElroy, "Our New Moment," 267.

14 Quoted in Inés San Martín, "Pope Francis confirms right to defense, but insists on 'rethink' of just war doctrine": https://cruxnow.com/vatican/2022/07/

I think it is fair to say that it is more difficult to justify war today than it was in ages past, in part because the power of even conventional weapons makes even the foreseen side-effects of military intervention more burdensome for non-combatants than did the wars of the Middle Ages. The formulation of the *Catechism* already makes this clear.

But is the decisive factor that modern warfare harms civilians? One might think that war in the time of Augustine and Aquinas (when traditional just war theory was formulated) did not kill civilian non-combatants. But we should not be naïve and think of war in the Middle Ages as simply a struggle among knights with swords in an open field with women and children safely out of the way of harm. In the Middle Ages, wars often involved shooting burning arrows into castles, and there was no way to know whom those arrows would hit, nor was the fire confined to burning combatants. Moreover, in the Middle Ages, sieges of castles would starve knights as well as women and children into submission. It is fair to say that today's weapons bring significantly more danger to non-combatants than the weapons available in the Middle Ages. Yet, because the weapons of today can be aimed more accurately, they also bring less danger to non-combatants than did weapons during World War II. Laser guided precision drone strikes limit "collateral damage" better than massive bombs dropped from thousands of feet above ground.

The archbishop of Washington DC cites Pope Francis again, when the Pope says:

> Every war leaves our world worse than it was before. War is a failure of politics and of humanity, a shameful capitulation, a stinging defeat before the forces of evil. Let us

pope-francis-confirms-right-to-defense-but-insists-on-rethink-of-just-war-doctrine.

> not remain mired in theoretical discussions, but touch the wounded flesh of the victims. Let us look once more to those civilians whose killing was considered collateral damage. Let us ask the victims themselves. Let us think of the refugees and the displaced, those who suffered the effects of atomic radiation or chemical attacks, the mothers who lost their children, and the boys and girls maimed or deprived of their childhood.[15]

This passage is moving in its focus on the victims of war. Indeed, it is precisely concern for actual and potential victims that justifies military action. A "just cause" for military action is defense of one's own homeland from invasion or humanitarian intervention to stop crimes against humanity. A just war is waged precisely in order to prevent *more* victims of an invading army or of those subject to genocide in their own countries. In a just war, it is the victims and potential victims that prompt the military intervention. While it is true that even a just war causes vast suffering for numerous victims, in some cases *not* going to war can cause even more vast suffering for even more victims.

Imagine, for example, if the Allies had refused to fight the Axis in World War II. The concentration camps would have continued running until the holocaust claimed millions of more lives. An enormous part of the world would have remained under totalitarian dictatorship, causing still more suffering for countless more innocent victims. Just as some school shootings are only stopped by the police killing the shooter, some aggressive nations only stop their aggression when confronted by military action or the plausible threat of military action. As Churchill noted of Joseph Stalin, "His sympathies cold and wide as the Arctic Ocean; his hatreds tight as the hangman's noose.

15 McElroy, "Our New Moment," 267.

His purpose to save the world: his method to blow it up."[16] Nothing less than a cold war could stop such a man.

III – Does Misuse of Just War Theory Require Rejecting it?

Cardinal McElroy argues that "in the modern day" the just war framework has operated as "a source of justification for those inclined to go to war rather than as a constraint on war."[17] Just war theory fails because it can be used as a rationalization by those committed to going to war.

But, of course, any moral theory can be misused, and any ethical rule can be bent to suit someone's desires. But misuse does not take away legitimate use. In fact, the *Catechism of the Catholic Church* does what can be done to mitigate against a lax or easy-going application of just war criteria to rationalize military intervention. As was quoted above, the *Catechism* teaches,

> The strict conditions for *legitimate defense by military force* require rigorous consideration. The gravity of such a decision makes it subject to rigorous conditions of moral legitimacy.[18]

A ruler wishing to rationalize a rush to war may wish the *Catechism* taught something like, "The malleable conditions for *legitimate defense by military force* require flexible consideration. The levity of such a decision makes it subject to easily met conditions of moral legitimacy." But the *Catechism* does not. In fact, just war doctrine is, as such, always a constraint on war. The default is that war is unjust. War is *only* justified if various conditions are met.

Cardinal McElroy writes,

16 Quoted in Andrew Roberts, *Churchill: Walking with Destiny* (NY: Viking Publishing Co., 2018), 276.

17 McElroy, "Our New Moment," 268.

18 *CCC* 2309, italics in original, underlining added.

> One accelerant for this trend [of the just war framework operating as a source of justification for those inclined to go to war rather than as a constraint on war] was the unfortunate statement in the *Catechism* that the evaluation of the just war criteria belongs to those who have responsibility for the common good. It is objective moral reality which determines whether the *ius ad bellum* has been met, not the views of political leaders.[19]

I do not agree that *Catechism*'s formulation is unfortunate. St. Thomas Aquinas taught that in a just war, "it is the authority of the sovereign by whose command the war is to be waged."[20] This condition *limits* what counts as a just war tremendously. If the sovereign and the sovereign alone may licitly do some action, then no one else may licitly do that action. It is political leaders who have a special responsibility for the common good, and so it is political leaders who have a special responsibility for *defending* the common good. These leaders also typically have the most up-to-date and comprehensive information both about the "prospects of success" of a military response and about whether "all other means of putting an end to it must have been shown to be impractical or ineffective." Of course, anyone can make a judgment about whether a particular war is just. We all have some share in responsibility for the common good. But it makes sense to highlight the special role played by those who have political authority. Needless to say, the judgment of such leaders about whether a war is in fact justified can be mistaken. But it is their call to make.

Summing up his argument thus far, the Cardinal writes,

> If one were asked in 1983 to state what framework stood as the central point of reference for the Church on armed

19 McElroy, "Our New Moment," 268.

20 *ST* II-II, q. 40, a. 1, c.

> conflict, they would have correctly answered: the just war theory. If we are asked today to answer that question, we must answer: comprehensive non-violence.[21]

It would seem the Cardinal is abandoning the just war theory in favor of comprehensive non-violence.

But in the very next sentence of his address, McElroy walks back his commitment to comprehensive non-violence. He writes,

> Even in recognizing the Gospel exhortations to reject warfare in all of its forms, and even in recognizing the manifest frequent superiority of outcomes through non-violent resistance, there are instances which call out for military action against profoundly barbaric aggression. We are witnessing just such a moment in Ukraine. . . . [T]he moral claim for the defense of Ukraine is clear and compelling. A sovereign nation with a historic culture and identity were invaded with the goal of dismembering their homeland. Thus, the fundamental moral justification for military action is unassailable.[22]

Is this not an application of just war doctrine? How is this justification of military action compatible with comprehensive non-violence? McElroy appears to advocate both pacifism in principle and just war in Ukraine. How does he square this circle? In this address, he does not. I am skeptical anyone can.

IV – How Can Just War Doctrine Be Developed?

In the final section of my paper, let me point out that although Cardinal McElroy's critique of just war doctrine is, in my view, not persuasive, his suggestions for augmenting just war theory

21 McElroy, "A New Moment," 268.
22 Ibid.

are a different matter. He holds that we should emphasize the need to seek peace actively and strenuously. This requirement is not spelled out in the traditional just war criteria, but it is part of striving to love all human beings. Not only is war an evil to be avoided (albeit, in some cases, a necessary evil like personal self-defense), peace is a good to be sought and cultivated.

H. L. Mencken once said, "love is like war, in that it's easy to begin but very hard to stop."[23] The Archbishop of Washington DC points out that, "The just war tradition does not include a realistic set of moral criteria for seeking war termination."[24] This lacuna is significant, but it does not require a jettisoning of all prior just war doctrine. We can hope for the development of more helpful criteria for seeking the termination of war once a war has begun. To develop such a theory, it may be helpful to consider Fred Charles Iklé's book, *Every War Must End*.[25] In examining better and worse ways wars have ended, we might be able to intuit principles to better guide conflicts towards less bitter conclusions. As a proverb advises, "Build your opponent a gold bridge to retreat across." Political leaders and military strategists need to think through how to better build such golden bridges before the first shot is fired.

Cardinal McElroy also suggests, "Another major deficiency in the just war framework is its lack of attention to the moral obligations of other nations in minimizing a military conflict."[26] How can nations not directly involved help nations heading towards war avert going to war? An answer to that important question does not require—contra McElroy—a replacement

23 Quoted in Isaac Goldberg, *The Man Mencken: A Bibliographical and Critical Survey* (New York: Simon & Schuster, 1925), 245.

24 McElroy, "A New Moment," 269.

25 Fred Charles Iklé, *Every War Must End* (New York: Columbia University Press, 2005).

26 McElroy, "A New Moment," 269.

of just war theory with comprehensive non-violence. We can develop just war doctrine, rather than replace it entirely.

In sum, Cardinal McElroy gives no good reason to think that we are now in a "new moment" that grounds giving up just war theory in favor of comprehensive non-violence. Second, he does not provide sound reasons for rejecting just war theory. Indeed, he himself holds the military response by Ukraine is just. Finally, while he is right that just war theory could be augmented, he is wrong in holding that the abuse of just war theory takes away its legitimate use. Someone looking for good reason to jettison just war theory, then, will not find it in McElroy's address. But someone looking to augment just war theory may have been given an opportunity to think through how traditional just war doctrine could find a legitimate development.[27]

27 On this topic, see St. John Henry Newman, *Essay on Development of Christian Doctrine* (Notre Dame, IN: University of Notre Dame Press, 2016), and Christopher Kaczor, "John Paul II on the Development of Doctrine," *Nova et Vetera* 11.4 (2013): 1173–92; "Moral Theology, Development of Doctrine and Human Experience," *Josephinum Journal of Theology* 10 (2003): 194–209; and "Thomas Aquinas on the Development of Doctrine," *Theological Studies* 62 (2001): 283–302.

"AN ORDINANCE OF REASON FOR THE COMMON GOOD"—TODAY

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If we were to use St. Thomas's definition of law to understand politics today, there would be several concepts we would find difficult, but not impossible, to apply. We would need to know some facts about real life politics beyond the theoretical arguments in order to do it. I propose in this paper to recount some of those facts.

St. Thomas says in *Summa theologiae* I-II that a law is

> nothing else than an ordinance of reason for the common good, made by him who has care of the community, and promulgated.[1]

Two immediate questions raise themselves: What does an ordinance of reason for the common good look like for us? What authority has care of our community? In this essay I will argue, first, that the "ordinance of reason" part of Aquinas's definition entails that lawmaking should not be made on the basis of arbitrary whim. There ought to be reasoning about the merits of the public policies we adopt. Second, I will argue that reference to "him who has the care of the community" entails that "we the people" in this republic, a complete community, should participate in the formation of those laws. In some way participation by the American people must be incorporated, either directly or indirectly through representatives. Taken together, we might call these two entailments *deliberative democracy*—which, I shall

1 *STh* I-II, q. 90, a. 4, c.: "quae nihil est aliud quam quaedam rationis ordinatio ad bonum commune, ab eo qui curam communitatis habet, promulgata." See *Summa Theologiae Prima Secundae, 71–114*, trans. Laurence Shapcote, O.P. (Lander, WY: The Aquinas Institute for the Study of Sacred Doctrine, 2012).

argue in the first part of this essay, was the original design of the American Constitutional system.

Not all political scientists today think deliberative democracy is the best aim for a government. Ian Shapiro, in a 2017 essay titled "Collusion in Restraint of Democracy: Against Political Deliberation,"[2] claims that deliberation takes away from beneficial competition between interest groups. Shapiro's argument borrows explicitly from economist Joseph Schumpeter's critique of the common good in his 1942 book, *Capitalism, Socialism, and Democracy*.[3] However, this critique of deliberative democracy fails, as I shall show in the second part. Both Shapiro and Schumpeter misunderstand a key point about the common good—that it is not simply an accidental product of individual desires but a conclusion of practical reasoning about the good for the whole community.

Deliberative Democracy in 2025

I would contend that the American regime was built to produce laws for the common good—but does not always do so today. In 1787 the Framers wrote a Constitution geared toward deliberation about the common good. The "ends" of this government were stated in the Preamble to the Constitution and earlier in organic laws such as the Declaration of Independence.[4] According to the Preamble, the new government was:

2 Ian Shapiro, "Collusion in Restraint of Democracy: Against Political Deliberation," *Daedalus* 146 (2017): 77–84.

3 Joseph Schumpeter, *Capitalism, Socialism, and Democracy* (New York: Harper and Brothers, 1942).

4 "Organic laws" are those that establish a government. See the U.S. Government's official list of organic laws at the beginning of the U.S. Code: https://uscode.house.gov/browse/frontmatter/organiclaws&edition=prelim. (accessed December 20, 2024).

> to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.[5]

To achieve these ends, the Framers created a strong but limited national government. The main limitation on national government was the "enumerated powers" doctrine, which was explicitly recognized in the 10th amendment. The powers were enumerated in Article I, Section 8, of the Constitution; they included truly national goals, such as maintaining a navy.[6] These powers were interpreted in an expansive way; the "necessary and proper clause" required that activities of government connected with the enumerated powers were also Constitutional exercises of the national government.[7] Many aspects of the common good are left out of the list of enumerated powers, including education, the regulation of morality, and encouragement of religion.[8] These aspects of the common good were to be handled largely at

5 https://uscode.house.gov/view.xhtml?path=/frontmatter/organiclaws/constitution&edition=prelim. (accessed December 20, 2024).

6 Ibid. "The Congress shall have power . . . [t]o provide and maintain a navy."

7 The conclusion of Article I, Section 8, reads: "[Congress shall have the power] to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof." See Chief Justice Marshall's interpretation of the "necessary and proper" clause in *McCulloch v. Maryland*, 17 U.S. 316 (1819): "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are Constitutional."

8 Christian natural theology and classical natural law were core tenants of the American Founding. See Kody Cooper and Justin Buckley Dyer's *The Classical and Christian Origins of American Politics: Political Theology, Natural Law, and the American Founding* (Cambridge: Cambridge University Press, 2022).

a more local level through the state governments.[9] To this day, states retain the police powers to regulate health, welfare, safety, and morals—as long as those regulations do not contradict regulations from the national government.[10]

The laws produced by the national legislature were intended to be "ordinances of reason"—or as James Madison called it in *Federalist* No. 42, "the mild voice of reason, pleading the cause of an enlarged and permanent interest."[11] In the famous *Federalist* No. 10, Madison mentions two ways of controlling the effects of factions: first, to have a large republic in which a multiplicity of factions will counteract each other, and second:

> to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose.[12]

Unlike Anti-Federalist writer Brutus, who expected representatives simply to mirror what their constituents demanded,[13] Madison wanted representatives elected who would deliberate at a distance from the people. Just as blacksmiths refine metal by

9 See Thomas G. West, *The Political Theory of the American Founding: Natural Rights, Public Policy, and the Moral Conditions of Freedom* (Cambridge: Cambridge University Press, 2017).

10 See *Mugler v. Kansas*, 123 U.S. 623 (1887).

11 *The Federalist Papers*, ed. Clinton Rossiter (New York: Penguin Putnam, 1999), 264.

12 Ibid., 76–77.

13 "Brutus 1." October 18, 1787. https://teachingamericanhistory.org/document/brutus-i/ (accessed December 20, 2024).

hammering it out, congressmen are to refine policies by hammering out ideas in debate. They are to enlarge policies desired by their constituents in order to help all the citizens of the United States, not just their particular part of the country. The fact that these deliberators are popularly elected on a regular basis makes Madison's solution different than the highly detached "trustee model" of Edmund Burke;[14] a delicate balance is to be maintained between the representative's views and the constituents' views. This is why Joseph Bessette coined the phrase "deliberative democracy" to describe the proper aim of the American representation.[15] Both of those words matter: We the people in this "democracy" are ultimately the ones with "the care of the community," and "deliberation" should be expected from representatives chosen from among the people in order to produce "ordinances of reason for the common good." As Alexander Hamilton said in *Federalist* No. 70, the legislative branch is "best adapted to deliberation and wisdom, and best calculated to conciliate the confidence of the people and to secure their privileges and interests."[16]

What kind of activity is deliberation, exactly? Bessette defines it as "reasoning on the merits of public policy."[17] Contrast this definition of deliberation with bargaining. Legislators who participate in bargaining may not care at all about whether a law is a good public policy, based on what economics or public

14 Burke described his model of representation in his 1774 Speech to the Electors of Bristol: "Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion." https://press-pubs.uchicago.edu/founders/documents/v1ch13s7.html (accessed December 20, 2024).

15 Joseph Bessette, "Deliberative Democracy: The Majority Principle in Republican Government," in *How Democratic is the Constitution?* ed. Robert A. Goldwin and William A. Schambra (Washington, DC: AEI Press, 1980).

16 *The Federalist Papers*, 422.

17 Joseph Bessette, *The Mild Voice of Reason: Deliberative Democracy and American National Government* (Chicago: University of Chicago Press, 1994), 46.

policy would show. The "merits" of a policy do not matter in bargaining, just the side-benefits—such as when Democratic senators bargained with Abraham Lincoln for government jobs in exchange for voting in favor of the 13th amendment, which ended slavery.[18] To give an example of deliberation, consider how the 1986 tax reform bill came together. There was a strong argument based on the merits for closing loopholes in the tax code, a common good that would lower the tax rate for all Americans at the expense of special interests who had gotten special deals in the past. Democrats and Republicans debated the best means to achieve that end, such as raising tax rates for the rich to make up for the lost revenue or eliminating the State and Local Tax deduction (SALT), which overwhelmingly benefited "blue states." Information, arguments, and persuasion were mustered by the various congressmen, leading to a reform that was highly deliberative and benefited all Americans.[19] The multiple stages of the bill involved different agents, broadening the constituencies involved—from the Treasury Department and the Office of Management and the Budget (OMB), to the committee work, to the full-chamber debate, to the other chamber, and the President's signature. The Tax Reform Act of 1986 fits well the definition of "reasoning on the merits of public policy" in meeting Bessette's criteria for deliberation. He writes:

18 See Doris Kearns Goodwin, *Team of Rivals: The Political Genius of Abraham Lincoln* (New York: Simon and Shuster, 2005), 687. As philosopher Brian Barry pointed out, some bargaining "is quite consistent with publicly-oriented attitudes," and that method of argument may be used to serve the common good. "To say that a man is a tough bargainer is not necessarily to say that he uses his bargaining skills for selfish purposes (either his or anyone else's)." Brian Barry, *Political Argument* (London: Routledge and Kegan Paul, 1965), 88.

19 See Jeffrey Birnbaum and Alan Murray, *Showdown at Gucci Gulch: Lawmakers, Lobbyists, and the Unlikely Triumph of Tax Reform* (New York: Vintage Press, 1987).

> In any genuine deliberative process the participants must be open to the facts, arguments, and proposals that come to their attention and must share a genuine willingness to learn from their colleagues and others.[20]

A change of mind based on the introduction of facts and information is especially what empirical scholars on deliberation look for. Deliberation need not include a change of mind, however; deliberation might help a legislator "make up his mind" that an initial proposal was sound.[21] In the most systematic empirical study of deliberation in Congress, Paul Quirk and Gary Mucciaroni found that floor debate of the House and Senate in the early 2000s did qualify as deliberative. They found that:

> For audience members who are attentive and clever enough to filter out misleading claims, Congressional debate usually exposes the central information needed to make informed decisions. There are very few instances in which an effect-issue debate, taken as a whole stream of conversation, completely ignores the best available evidence.[22]

But even more deliberative than the floor debates are the earlier stages of legislation—the initial drafting and markup sessions of the standing committees. By conducting hearings and bringing in experts, committee work can be well informed and deliberative. Item by item, line by line, committees allow issues to be discussed at greater length and in a smaller group than

20 Bessette, *The Mild Voice of Reason*, 46. See also Giandomenico Majone, *Evidence, Argument, and Persuasion in the Policy Process* (New Haven, CT: Yale University Press, 1992).

21 See Bessette, *The Mild Voice of Reason*, 53.

22 Paul Quirk and Gary Mucciaroni, *Deliberative Choices: Debating Public Policy in Congress* (Chicago, IL: University of Chicago Press, 2006), 201.

the committee of the whole.[23] Of course, bargaining and other non-deliberative activities are always involved in legislation—but we should see deliberation as a defining characteristic of American legislation. Quite often deliberation is not recognized in the studies of legislatures because it is not looked for. Bessette points out that while the Pluralist Congressional scholars of the 1960s claimed that logrolling or vote trading was the defining characteristic, they almost always pointed to deals cut at the end of the floor debates, and ignored all the work that went into writing the bills in the first place.[24]

One advantage of bargaining is that the participants do not have to agree on ends. Just as St. Thomas and Aristotle repeatedly claim, deliberation can only happen about the means to agreed-upon ends.[25] A paradigm example of political deliberation is the planning for the invasion of Normandy during the Second World War; the end was a given—driving the Nazis out of France—but the multiplicity of means involved make it "a contender for the most complex event in human history."[26] But what happens when the ends are not agreed on? Jane Mansbridge has shown in her research on town hall meetings that their deliberation is based on a "unitary democracy" of shared goals, as opposed to the bargaining of "adversary democracy."[27]

However, it should be kept in mind that deliberation can still occur in democracies with deep divides and polarization. Bessette has pointed out that Lincoln polarized the nation by

23 Recall that key parts of the United States Constitution in 1787 were worked out in a select committee—the committee of detail.

24 Bessette, *The Mild Voice of Reason*, 68.

25 See T.H. Irwin, "The Scope of Deliberation: A Conflict in Aquinas," *The Review of Metaphysics* 44 (1990): 21–42.

26 Jonathan Rogers, "The Iconic Status of D-Day." Blog post: https://gruntled-historyteacher.substack.com/p/the-iconic-status-of-d-day.

27 See Jane Mansbridge, *Beyond Adversary Democracy* (Chicago, IL: University of Chicago Press, 1980).

refusing to accept Stephen Douglas's "compromise" on the spread of slavery, in order to shift the debate to a higher level.[28] Madison approved of periodic polarization and party formation for similar reasons in his *National Gazette* essays.[29] Such "ideological polarization" on an issue may actually be good for a democracy, while "affective polarization" and tribalism are usually not.[30] One might think that the two-party system is a recipe for gridlock and the death of deliberation, but that assumption is mistaken.[31] A political party connects members of Congress and

28 Bessette says that "Lincoln was, indeed, a polarizer, doing everything in his power to sharpen the moral distinctions and to preserve principled opposition to slavery. But Lincoln understood that the nation could not survive permanently polarized over the morality of slavery." Bessette, "In Defense of Polarization," in *Parchment Barriers: Political Polarization and the Limits of Constitutional Order*, ed. Kenneth Miller, Eric Helland, and Zachary Courser (Lawrence, KS: University of Kansas Press, 2018), 187. See also my essay "When is it Prudent to Polarize?" *Perspectives on Political Science* 50 (2021): 62–66.

29 See James Madison, "A Candid State of the Parties," September 26, 1792, in *James Madison: Writings*, ed. Jack Rackove (New York: Library of America, 1999), 531.

30 As one set of scholars defines these terms: "*affective* refers to the way one feels about something—in this case, the opposing party. Unlike the case of ideological polarization among the public, scholars agree that affective polarization—the gap between individuals' positive feelings toward their own political party and negative feelings toward the opposing party—has grown over time." James Druckman, Samara Klar, Yanna Krupnikov, Matthew Levendusky, and John Barry Ryan, *Partisan Hostility and American Democracy: Explaining Political Divisions and When They Matter* (Chicago, IL: University of Chicago Press, 2024), 7.

31 Consider David Mayhew's research on divided government when the President is of one party and a chamber of Congress is the opposite party; David R. Mayhew, *Divided We Govern: Party Control, Lawmaking, and Investigations, 1946–1990* (Newhaven, CT: Yale University Press, 1991). Sarah Binder writes that "no rigorous test of the impact of divided government occurred until David Mayhew's 1991 work, *Divided We Govern*. Mayhew asked a seemingly simple question: Does more get done in Congress during periods of unified or divided control? . . . *Divided We Govern* absolved divided government of blame for legislative deadlock. In a striking finding, Mayhew found that unified party

even the branches of government, facilitating the legislative process since parties first emerged in the early 1800s. Prior to that point, President Washington and his Secretary of the Treasury Hamilton dominated the budget process and much else in Congress. Henry Clay, who first organized the permanent committee structure of the House of Representatives, helped make Congress a power unto itself and better able to do its job of representation and legislation.[32] With the seniority system and power in the hands of the committee chairs, a buildup of institutional knowledge was facilitated. The locus of power was the locus of deliberation—behind the closed doors of the committee rooms. The great progressive Woodrow Wilson famously critiqued the behind-closed-doors nature of that deliberation in his 1885 book *Congressional Government*.[33] Debate should be out in the open, leadership in the hands of a strong speaker (rather than those of committee chairs), party-line voting should be more consistent, and regulatory power delegated to non-political administrative agencies, argued Wilson.[34] You might say that he and other progressives had "Parliament envy": They wanted a full abandonment of the Constitutional separation of powers.[35] All of those Wilsonian recommendations have ultimately been

control of Congress and the president failed to boost legislative productivity in Washington." Sarah Binder, "Elections, Parties, and Governance," in *The Legislative Branch*, ed. Paul Quirk and Sarah Binder (New York: Oxford University Press, 2005), 151.

32 See Sam Postell's soon to be published dissertation at the University of Dallas on Henry Clay, especially the chapter "Building Legislative Coalitions and Renovating the House of Representatives."

33 Woodrow Wilson, *Congressional Government: A Study in American Politics* (New York: Routledge, 2017).

34 See R. J. Pestritto, *Woodrow Wilson and the Roots of Modern Liberalism* (Lanham, MD: Rowman and Littlefield, 2005), Chapter 4, "Congress as Parliament?"

35 See ibid., Chapter 3, "Beyond the Separation of Powers: The New Constitutionalism and the Growth of the American National State."

adopted—"reforms" that I would argue are not really reforms, because they have done *damage* to the regime.[36]

What has resulted is a breakdown in the regular order of Congress, with representatives focusing far less on the work of deliberation. Fewer bills are passed, and those that are, are of lesser importance. Unelected bureaucrats keep the government going by crafting thousands of legally binding regulations each year, with powers delegated to them by Congress.[37] Committees such as the Ways and Means committee and Appropriations neglect their job of passing budgets to fund the government. Now the staffs of the Speaker of the House and Senate Majority Leader put together massive omnibus bills at the last minute, and the only input of the other congressmen is an up or down vote. When did this start happening? When were these legislative procedures put in place? At a surprisingly recent date: during the 1970s. As the senior members of the 1960s Democratic Congress were replaced, junior members wanted power from the committee chairs, which was facilitated by the Speaker and Majority leaders who also wanted power. And after the Watergate scandal of the early 1970s, a "sunshine" movement in government

36 See William Connolly, John J. Pitney, and Gary Schmitt, eds., *Is Congress Broken?: The Virtues and Defects of Partisanship and Gridlock* (Washington, DC: Brookings Institution, 2017). On the topic of secrecy in Congress specifically, see James D'Angelo, "The Dark Side of Sunlight: How Transparency Helps Lobbyists and Hurts the Public," *Foreign Affairs* (June 2019). Consider what Bessette writes: "[I]f lawmakers are properly to carry out their deliberative responsibilities for the citizenry, they must to some extent be protected against the intrusions of unreflective public opinion. The institutional environment in which they work must allow, and even encourage, legislators to proceed wherever reasoning on the merits leads, even if this is some distance from initial public sentiments. The results, though at times inconsistent with unreflective public attitudes, may be the best approximation of the 'cool and deliberate sense of the community'." Bessette, *The Mild Voice of Reason*, 226–27.

37 "Ten Thousand Commandments: An Annual Snapshot of the Federal Regulatory State, 2023 Edition." Competitive Enterprise Institute. https://cei.org/wp-content/uploads/2023/11/10K_Commandments.pdf.

opened the doors of the committee rooms and by 1979 had installed C-SPAN cameras. Since then, discussion within committees has become much less candid and serious than it once was, since misspeaking can be turned into a five-second soundbite.[38] There is much more to say about the effect of new media technology on Congress. The benefit in terms of democratic participation is significant, write Gary Malecha and Daniel Reagan in *The Public Congress*:

> The contemporary media expand the number of citizens whose "opinions, passions, and interests" have the chance to influence politically relevant conversations and so shape the laws under which they live.[39]

A better-informed public, of course, is good for a democracy at some level. But we must remember that in order to articulate the public's wishes into law, representatives are needed; even ancients like Aristotle knew this point about the dangers of mob democracy.[40] The tradeoff involved in a more "public Congress" is that congressmen are listening much more to their constituents and are doing less thinking about the policies themselves. Mansbridge puts it well when she says that the locus of deliberation in Congress has moved

> from the assembly floor to the committees, from the committees to the subcommittees, from the subcommittees

38 Bessette, *The Mild Voice of Reason*, 226.

39 Gary Malecha and Daniel Reagan, *The Public Congress: Congressional Deliberation in a New Media Age* (New York: Routledge, 2012), 149.

40 See Aristotle's *Politics* 3.7 for the distinction between a republic and a democracy. Some recent deliberative democracy scholars have conducted experiments with "deliberative polling" to test how well the public can deliberate without representatives. The results are promising in today's circumstances, but so far deliberative polling has not been tried as a mode of governance. See, among other works, James Fishkin, *When the People Speak: Deliberative Democracy and Public Consultation* (Oxford, Oxford University Press, 2009).

> to the staffs, and out the door to the executive branch, party policy groups, and most recently, to ad hoc meetings of interest groups, foundations, academic subspecialties, and the press.[41]

Since these changes have come so late, historically speaking, and were inspired by the Progressive critique, we should not consider the current failures of the system to originate from the Founders' design. Rather, the Founders' design has been consciously rejected by later Americans.

Some might take the recent failures of Congress to be evidence that representatives are *incapable* of deliberating about the common good, because they have other motives—namely, their own self-interests. If any scholar of Congress could be saying "I told you so" right now, it is David Mayhew, who used a rational choice approach to explain all congressional behavior in terms of their reelection incentive.[42] Advertising one's face on television, taking positions on social media controversies, and offering constituency services, like signing elderly voters up for Medicare D, have nothing to do with the writing of and deliberation about bills—but they have everything to do with getting reelected. Morris Fiorina goes one step further with the motive of self-interest, pointing out that getting elected to Congress is financially rewarding, especially if one becomes a lobbyist afterward.[43] These dismal economistic views of Congress are enough to make one a cynic. But quite surprisingly, Mayhew as recently as 2018 has claimed Congress, from the standpoint of history,

41 Jane Mansbridge, "Motivating Deliberation in Congress," in *Constitutionalism in America, Vol. 2, E Pluribus Unum: Constitutional Principles and the Institutions of Government*, ed. Sarah Baumgartner-Thurow (New York: University Press of America, 1988), 63.

42 See David Mayhew, *Congress: The Electoral Connection* (New Haven, CT: Yale University Press, 1974).

43 See Morris Fiorina, *Congress: Keystone of the Washington Establishment* (New Haven, CT: Yale University Press, 1989).

is still a very good legislature, despite the recent problems.[44] Bessette, following Richard Fenno,[45] points out two incentives besides reelection that drive congressmen: advancement in the chamber and making good public policy. We forget that deliberation and writing good laws can actually help one get reelected. Self-interest well-understood can contribute to the common good, as Tocqueville might say.

So Congress is not without hope. Phillip Wallach's recent book *Why Congress* argues that there are three realistic futures for the institution: decrepitude, rubber stamp, or revival.[46] A future of *decrepitude* would mean: "Congress's current dysfunctions worsen and reforms only marginally affect the system."[47] Second, a *rubber stamp* future would mean:

> Reformers frustrated with congressional inaction break through and make major changes, eliminating the filibuster, restricting amendments, and providing for automatic continuing resolutions whenever Congress fails to pass spending laws. . . . Congress would, in this scenario of Wilsonian reform, become less of a nuisance to those who resent its ability to obstruct the president's program. But it would become little more than a venue for cheap talk, much like the legislature of an authoritarian country.[48]

And third, a *revival* future would mean:

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44 See David Mayhew, "Congress in the Light of History," *Starting Points* (March 27, 2018); https://startingpointsjournal.com/congress-light-history/. See also Mayhew's *Imprint of Congress* (New Haven, CT: Yale University Press, 2017).

45 See Bessette, *The Mild Voice of Reason,* Preface. See also Richard Fenno, *Congressmen in Committees* (Boston: Little, Brown and Company, 1966).

46 See Phillip A. Wallach, *Why Congress* (New York: Oxford University Press, 2023).

47 Ibid., 11.

48 Ibid., 12.

> Congress rediscovers and recommits its constitutional role as a pluralist, decentralized representative body responsible for major questions facing the country. Committees are restored to primacy though rule changes that ensure they can set the agenda, members put their constituents' policy needs ahead of their party leaders' calls for lockstep unity (perhaps in response to changes in candidate selection procedures), and floor debate is recovered as a means of actual persuasion.[49]

Note that Wallach does not mention "deliberation" as the main constitutional role of Congress; following James Burnham, Wallach's interpretation of the Founders stresses the "democratic" aspect of representatives embodying the peoples' views instead.[50] But for all intents and purposes here, the Burnham interpretation of the Founders is close enough to the deliberative democracy approach. Wallach writes that:

> effective representative government reveals to us which of our interests can be joined together to support shared public endeavors and which cannot.[51]

Revealing the common good and its demands is part of the activity of deliberation as well. We might say the Burnham approach stresses who has "care of the community," while the deliberative democracy approach stresses that laws be "ordinances of reason for the common good." Which of Wallach's three futures would be best for deliberation? The *revival* future, in which committees are restored to primacy, would be best for it too. Recall that the most deliberative part of the legislative process takes place in the committees. These changes to the legislative branch would be

49 Ibid.

50 See James Burnham, *Congress and the American Tradition* (New York: Henry Regnery Company, 1959).

51 Wallach, *Why Congress*, 263.

key steps to restore the American Constitutional system to what it was—and what St. Thomas would expect of a decent country.[52]

Let us conclude this section by noting that although the American Constitutional system is an instantiation of deliberation for the common good, it is not the *only* system that instantiates that function. As Bessette writes:

> The framing of the U.S. Constitution in 1787 . . . represents one particular design for conjoining deliberation and democracy. Others were and are possible.[53]

The real question is where and how do deliberative majorities do their job? I shall argue in the next section that the American Constitution stays close to St. Thomas's definition of law, while another alternative fails to do so—in part because it misconceives the common good, and in part because it proposes a faulty idea of reasoning about it.

Sed Contra: Shapiro and Schumpeter Against Deliberating With An Eye Toward the Common Good

In this section, I will respond to Ian Shapiro's essay, "Collusion in Restraint of Democracy: Against Political Deliberation," which appeared in the journal *Daedalus* in 2017.[54] I reply to this objection to the idea of deliberative democracy for several reasons:

52 Some have argued that deliberation on the common good is better suited to another branch of government, the judiciary, rather than the legislature. I think this wrongheaded, because in some sense the Founders were "legislative supremacists," not in the sense that the legislature is the supreme Constitutional interpreter, but by the fact that it produces the law a legislature is sovereign. See Walter F. Murphy, "Who Shall Interpret? The Quest for the Ultimate Constitutional Interpreter," *The Review of Politics* 48 (1986): 401–23.

53 Bessette, *The Mild Voice of Reason,* 40.

54 Ian Shapiro, "Collusion in Restraint of Democracy: Against Political Deliberation," *Daedalus* 146 (2017): 77–84.

first, because Shapiro's essay received great publicity—his negative view was reprinted in the *Norton Anthology of American Political Thought*, even though no positive view of deliberative democracy can be found in that volume—and second, because Shapiro explicitly bases his arguments on Joseph Schumpeter's critique of the common good.[55] By considering Shapiro's objections, we will highlight what is and is not a democratic approach compatible with St. Thomas's views.

Shapiro's essay is not just a negative critique of deliberative democracy; he provides an alternative conception of what democracy ought to aim for. He puts forward two main arguments against deliberative democracy: first, that deliberative democracy forces agreement between interests when a compromise is not truly achievable, and second, that deliberation in legislative settings devolves into bargaining, with the individuals who have a superior position winning out even if their reasons cannot gain acceptance. In other words, Shapiro offers the old pluralist view of Congress that pays attention to bargaining but not to the benefits of deliberation. Attention to deliberation is merely "hype," and "debating what deliberation can add to politics is little more than a waste of time."[56] Shapiro, like many political scientists and economists, has little time for the idea of reasoning about the common good that St. Thomas thinks is important.[57] The laws that would result from his proposed bar-

55 See Isaac Kramnick and Theodore J. Lowi, ed., *American Political Thought: A Norton Anthology, 2nd Edition* (New York: W. W. Norton & Company, 2018).

56 Shapiro, "Collusion in Restraint of Democracy," 83.

57 As the Darwinian philosopher Larry Arnhart says: "Deliberative rhetoric presupposes a normative principle that most political scientists would disparage—the idea of the public interest. Private interests are empirically observable, the reasoning goes, but the public interest is not observable except as a symbolic fiction to rationalize the use of public power for private ends. For the Marxist this is the starting point in a radical critique of American politics. For some social scientists this must be accepted as an ugly but unavoidable reality. But for many others this is the ground for the success of the American political

gaining process lack a grounding in the information, arguments, and persuasion of "ordinances of reason."[58] Shapiro argues that a better goal than deliberation is to manage power relations in such a way that encourages competition and accountability. Shapiro puts his cards on the table and explains why the Schumpeter approach appeals to him:

> Schumpeter's competitive model of democracy trades on analogies between the political marketplace of ideas and the economy. Political parties are the analogues of firms; voters mirror consumers. Schumpeter treats the policies that parties propose to enact if they become governments as the political analogues of the goods and services that firms sell, and the votes that politicians seek as analogues of the revenues that firms try to earn. Democratic accountability is the political equivalent of consumer sovereignty: the party that does best at satisfying voters wins their support.[59]

process." Larry Arnhart, "The Deliberative Rhetoric of *The Federalist*," *Political Science Reviewer* 19 (1990), 50. An abundantly clear example of economists disparaging the idea of the public interest is the "Chicago Credo," discussed by George Stigler: "Economists and Public Policy," *Regulation 6.3* (May/June 1982): 13–17.

58 Some commentators on parliamentary systems have recognized the problem of a lack of deliberation. Edward Lascher writes: "In parliamentary systems, particularly majoritarian systems such as those operating in Canada and Great Britain, floor outcomes are likely to be foregone conclusions once the governing party has announced support for the bill, and legislative committees (should they exist) are likely to have only a minor role in shaping laws. Researchers wishing to assess deliberation in parliamentary systems would need to focus on other forums for policy discussions such as cabinet and party caucus meetings. These forums may be difficult to monitor, especially given norms of secrecy." Edward Lascher Jr., "Assessing Legislative Deliberation: A Preface to Empirical Analysis," *Legislative Studies Quarterly* 21 (1996): 501–19.

59 Shapiro, "Collusion in Restraint of Democracy," 80.

In other words, good public policy will result if the voting market is a free one. But is it true that "the customer is always right"? What if the customer does not know the best means to his end, and has not deliberated about what he wants? Reasoning about the merits is missing—indeed, not even looked for.

Shapiro summarizes the overall conclusions of his approach this way:

> It is hard, if not impossible, to create institutions that will foster deliberation in politics, and institutions designed to do so are all too easily hijacked for other purposes. But deliberation is in any case the wrong goal. Competition is the life blood of democratic politics, and not just because it is the mechanism by which governments that lose elections give up power. Institutions that foster competition also structure politics around argument, which Mill was right to identify as vital to the advancement of knowledge and good public policy.[60]

Who has care of the community, St. Thomas might ask Shapiro? No one—such care is the responsibility of "the invisible hand." The market rather than the deliberation of legislators is the locus of rationality. Or perhaps the real ones with care of the community are the career bureaucrats in the parliamentary system for which Shapiro advocates, the neutral experts who say, "Yes, Minister," but really run things. I would suggest that in the scheme Shapiro advocates, the people will have ceased to be their own rulers, as Lincoln once said.[61] We can also make these critiques of Schumpeter, Shapiro's intellectual authority.

In his 1942 classic *Capitalism, Socialism, and Democracy*, Schumpeter elucidates his idea of "creative destruction" in

60 Ibid., 82.

61 Abraham Lincoln, "First Inaugural Address of Abraham Lincoln," https://avalon.law.yale.edu/19th_century/lincoln1.asp.

economics and "competitive leadership" in politics. Competitive leadership here is nothing more than Westminster parliamentary government, with a new economic justification. Like Wilson before him, Schumpeter eschews the American model for the British, but they do so for different reasons. Wilson, in his Hegelian mode of thinking, believed in an evolving human nature and therefore an evolving common good. Wilson believed interests and public opinion become more rational all the time with the molding help of charismatic leaders. By contrast, Schumpeter thinks interests are static and public opinion is totally irrational.[62] In his reductivist, economistic mode of thinking, Schumpeter denies the existence of a common good:

> There is, first, no such thing as a uniquely determined good that all people could agree on or be made to agree on by force of rational argument. . . . [T]o different individuals and groups the common good is bound to mean different things.[63]

Schumpeter's "competitive leadership" contrasts with the "classical doctrine of democracy," which is

> that constitutional arrangement for arriving at political decisions which realizes the common good by making the people itself decide issues through the election of individuals who are to assemble to carry out its will.[64]

62 Thank you to Charles Kesler for explaining this point about Wilson versus Schumpeter. The Founders, by contrast with Schumpeter and Wilson, would distinguish between the "true interest" of the public and their "inclination," to use the language of Alexander Hamilton. Thank you to Joseph Bessette for that point.

63 Joseph Schumpeter, *Capitalism, Socialism, and Democracy* (New York: Harper and Brothers, 1942), 251.

64 Ibid., 250. It is unclear how "classical" the doctrine of the common good as Schumpeter expresses it really is. At times he discusses the common good as Aristotle might; at other times he says this is the American model; still at

The problem with that classical doctrine, says Schumpeter, is that there is "no such thing as a uniquely determined common good," because "to different individuals and groups the common good is bound to mean different things."[65] Put that way, St. Thomas would have a ready response: Some individuals are wrong about the common good, but reason helps us find the true common good. But Schumpeter has a more nihilistic reason for his rejection of the common good:

> [U]ltimate values—our conceptions of what life and what society ought to be—are beyond the realm of mere logic.[66]

Schumpeter owes a great deal to the thought of Max Weber, and it is clear in this passage that he accepts his fact/value distinction. On the level of theory, such skepticism is self-refuting: How can Schumpeter recommend *anything* if we are cut off from judgments of value? As for the practicality of Schumpeter's arguments in favor of competitive leadership, the job of drafting good legislation is almost an afterthought in his discussion. Like a good Machiavellian, Schumpeter advises that the "first and foremost aim of each party is to prevail over the others in order to get into power or to stay in it."[67] The "social function" of legislation comes about "incidentally—in the same sense as production is incidental to the making of profits."[68] As for the relation of these elected representatives to the unelected civil servants that constitute the bureaucracy, Schumpeter has this to say:

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other times he says its main justification was utilitarian; and finally, he includes Rousseau's "general will" as part of the theory.

65 Ibid.

66 Ibid.

67 Ibid., 279.

68 Ibid., 282.

> It is not enough that the bureaucracy should be efficient in our current administration and competent to give advice. It must also be strong enough to guide, and, if need be, to instruct the politicians who head the ministries.[69]

Later Schumpeter tells us this about the elected politician's relation to the people:

> The voters outside of parliament must respect the division of labor between themselves and the politicians they elect . . . . [T]his means that they must refrain from instructing him about what he is to do—a principle that has indeed been universally recognized by constitutions and theory ever since Edmund Burke's time.[70]

In other words: Politicians should listen to the bureaucrats but not to voters; the people should shut up and know their betters. What Schumpeter offers is a recipe for junk laws, and laws arbitrarily enforced by unaccountable bureaucrats—which will surely produce injustices.

Conclusion

It is theoretically and practically the case that a country that does not try to deliberate well about the common good is defective—just like a country that does not provide an education. Leaving law or education to chance, maybe to the "invisible hand," is foolish. In his commentary on Aristotle's *On Interpretation*, St. Thomas rejects determinism about human affairs, and points out that we deliberate about future actions.

69 Ibid., 293.

70 Ibid. Note that the "deliberative democracy" theory of the American Founders specifically rejected the virtual representation or trustee model of Edmund Burke.

He says:

> to reject this principle would be to do away with the whole order of human association and all the principles of moral philosophy. For men are attracted to good and withdrawn from evil by persuasion and threat, and by punishment and reward; but rejection of this principle would make these useless and thus nullify the whole of civil science.[71]

Our conclusions about the common good can be true or false, and they can produce happiness or disaster for a people. We can and should pass laws to improve our culture.[72] Laws that improve our culture will in turn produce better deliberation about the common good—a virtuous cycle.[73] The first step into that cycle, toward fully justified laws, must be the intention to legislate ordinances of reason for the common good in its fullness.

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71 *In I Peri hermeneias*, lec. 14, n. 5: "Hoc enim sublato non erit aliqua utilitas persuasionis nec comminationis, nec punitionis aut remunerationis, quibus homines alliciuntur ad bona et retrahuntur a malis, et sic evacuator tota civilis scientia." See *Peri Hermeneias: Aristotle On Interpretation. Commentary by Thomas Aquinas finished by Cardinal Cajetan*, trans. Jean T. Oesterle (Milwaukee: Marquette University Press, 1962).

72 Consider also this passage from Aristotle's *Politics* 7.13, 1332b7–8, which St. Thomas did not get the chance to comment on: "For [men] act in many ways contrary to their habituation and their nature through reason, if they are persuaded that some other condition is better." *Aristotle: The Politics*, trans. Carnes Lord (Chicago: University of Chicago Press, 1984), 218.

73 I wish to thank Joseph Bessette and Charles Kesler for teaching me about "Deliberative Democracy" and Joseph Schumpeter, respectively, in their courses at Claremont Graduate University. Who knew that including Schumpeter in the syllabus for a course on Tocqueville would prove so helpful one day?!

BOOK REVIEWS

Aquinas at Prayer: The Bible, Mysticism, and Poetry. By PAUL MURRAY, O.P. London: Bloomsbury, 2013. Pp. x + 275.

Father Paul Murray has a bone to pick with those who criticize St. Thomas Aquinas for being a cold intellectual who must have lacked a rich interior life. Murray accomplishes most admirably the task of exploding this misunderstanding. This he does, as St. Thomas himself might say, in two ways. He presents a critical examination of some of the arguments and criticisms posed against St. Thomas as a poet or mystic. He addresses both churchmen such as Hans Urs von Balthasar who are unimpressed, it seems, by any indications of St. Thomas's interior life, and scholars such as Lydia Maidl, who casts doubt on the attribution of certain prayers and hymns to the saint. He draws on various resources to expand our understanding of Aquinas's life as a contemplative. He argues convincingly that the Eucharistic poetry and hymns and at least some of the prayers attributed to St. Thomas are authentic.

Murray's second accomplishment is to give the reader examples of St. Thomas's exegetical and devotional writing. It is fair to say that most Thomists, both lay and professional, are not familiar with the works that reflect the day-to-day concerns of Thomas in his role as Master of the Sacred Page. Although his Commentaries on the Epistles of St. Paul have long been available in Latin,[1] only relatively recently have they been translated into English. St. Thomas's commentary on the Psalms is even more difficult to find in either language.[2] By discussing

1 *Super Epistolas S. Pauli lectura*, 2 volumes (Marietti, 1953). I managed to obtain a copy by good fortune, at the time when many seminaries were selling off their libraries.

2 Only recently has an English translation of this been published: *Commentary on the Psalms*, trans. Sr. Albert Marie Surmanski, O.P., Sr. Maria Veritas Marks, O.P., *et al.* (Lander, WY: The Aquinas Institute for the Study of Sacred Doctrine, 2022).

and giving samples of St. Thomas's writings as a Biblical scholar, Murray gives us a glimpse at texts not familiar to most readers of St. Thomas and he shows how these are relevant to our understanding of his interior life.

St. Thomas's devotional writings are better known, especially the chants still used in the liturgy of Corpus Christi and on Holy Thursday and the hymns associated with Eucharistic Adoration. Even with regard to these well-known texts, Murray does the reader a great service by gathering them together, both in Latin and in English. Some of these translations are new,[3] but others, such as Gerard Manly Hopkins's rendering of *Adoro te devote*, probably cannot be improved upon. By supplying commentary on each of St. Thomas's compositions, Murray adds to the reader's appreciation of them as works of art.

Murray divides his book into three main sections, the first devoted to St. Thomas's published prayers, the second to his Biblical exegesis as it relates to prayer, and the third to his poetry. Although these are different kinds of composition, it would be a mistake to see them as unrelated. Murray believes that we can see the same mind and heart at work in each, a mind and heart formed by the charism of the Order of Preachers.[4] In all of St. Thomas's works we find a man whose vision was molded by his immersion in Sacred Scripture. For his discussion of St. Thomas's prayers, Murray draws upon the work known as the *Piae preces*.[5] He chooses four of these prayers to discuss, chosen because they draw upon an important Dominican text, the *Epistola* of Blessed Humbert of

3 For the most part, Murray draws upon the existing translations he considers best, but he composes his own version based upon them.

4 St. Thomas expresses this charism when he describes the most excellent work of the religious as to contemplate and hand on the fruits of contemplation to others: "ita maius est contemplata aliis tradere quam solum contemplari" (*ST* II-II, q. 188, a. 6, c.).

5 See *Opuscula theologica*, vol. 2 (Marietti edition), p. 288.

Romans.[6] Some scholars have doubted whether these prayers were written by St. Thomas. Murray argues convincingly that the "Prayer for the Wise Ordering of One's Life" was composed by the saint, and he gives probable arguments that the others were as well.[7] Murray gives us a new translation of each prayer and a commentary on it, as well as the original Latin texts. Although St. Thomas's prayers are prose compositions, Murray writes that

> in the original Latin, there is, at times, beneath the surface bareness of the language, such a clear bronze-like pattern of thought and image . . . that the overall effect is not unlike that of good verse. (34)

Because he supplies the original text, those skilled in Latin can judge for themselves the value of Murray's judgment.

After a brief treatment of St. Thomas as an exegete, Murray uses Aquinas's commentaries on the Letters of St. Paul and on the Psalms to show that St. Thomas had a very practical understanding of prayer. His emphasis on the prayer of petition was somewhat unusual in his day, when spiritual writers tended to regard it as an inferior sort of prayer.[8] St. Thomas drew heavily upon St. Paul for his understanding of petitionary prayer. He used the Apostle's Epistles to show both the importance of such prayer and the characteristics it should have. Similarly, he emphasized the role of the Holy Spirit in prayer, another Pauline theme. The reader may find this part of the book to be valuable not only as giving insight into the mind and heart of St. Thomas but as inspiration for one's own prayer life.

6 Humbert was Master of the Order of Preachers in St. Thomas's day.

7 The first prayer is the *Concede michi*; the other prayers considered by Fr. Murray are "Prayer to Obtain the Virtues" (*O Deus omnipotens*), "Prayer for Praise and Thanksgiving" (*Laudo, glorifico*), and "Prayer for the Attainment of Heaven" (*Te Deum totius*).

8 See 101.

St. Thomas's *Super Psalmos Davidis expositio* is likewise related to petitionary prayer, especially as the prayer of the poor man, the man in need of God's mercy. This section is interesting and valuable because of the difficulty of finding a copy of the text.[9] Not surprisingly, Thomas reads the Psalms on different levels, but most of all as containing the hidden presence of Christ. In this way he is in line with both Patristic and medieval thought. It is true that the modern reader may well be put off by the absence of the kind of Biblical commentary that is customary today as well as by the dry scholastic manner of writing. Despite these difficulties, buried in the rather rigid framework of his exegesis we find some lovely metaphors and occasional outbursts of joyful piety. Murray gives examples of poetic images that delight and move the reader, regardless of their value as historically accurate interpretations of the text, as when St. Thomas interprets the image of a leaping stag as suggestive of Christ's resurrection.[10]

Our author goes so far as to make a rather surprising comparison between Thomas's commentaries and the writings of St. John of the Cross:

> The juxtaposition of urgent statements of human longing and human passion [in the Psalms] alongside dry scholastic commentary creates an effect not unlike that achieved by St. John of the Cross in the placing of his own mystical verse alongside a surprisingly dogged and detailed scholastic commentary. (127)

Of course, in the case of the Carmelite mystic, both the poetry and the commentary was his own. Nevertheless, Murray goes

9 See note 2. Murray thinks that the two "modern" editions, both dating from the 19th century, are unsatisfactory, but he gives references to a modern French translation and to some recent studies of the work.

10 See 126–27. The occasion of this image is Aquinas's commentary on Psalm 21(22), which the saint interprets as primarily about Christ's Passion.

on to develop the comparison by showing striking similarities in the way the two saints interpret Biblical imagery, night and fire in particular. Like St. John, St. Thomas has a "sharp, contemplative grasp of the inner workings of grace in the life of prayer" (129). With a bit of irony, Murray points out that

> instead of imposing on the poetic text, in the manner of the Carmelite, an ordered structure of ideas ('active night of the senses,' 'passive night of the spirit' etc.), St. Thomas simply takes up and develops whatever ideas or themes are suggested by the individual psalms. (130)[11]

Finally, Murray turns to St Thomas the poet. It is clear that St. Thomas received the typical literary schooling of a Benedictine oblate at Montecassino, where he had been sent by his parents at the tender age of five. He would have studied grammar and the rules of composition both in prose and in music. When sent to the university of Naples, he continued his studies in the faculty of Arts. Murray suggests that the young St. Thomas may have been the author of a sonnet written in Italian, which he gives us both in the original and in translation.[12] Whether or not this composition is genuine, the more important question concerns the authorship of the Eucharistic poetry attributed to the saint. Murray examines the most recent research into the question and

11 The difference in style between the Dominicans and the spiritual writers of the 16th century and beyond is cleverly portrayed in fiction in *Brother Petroc's Return* by "a Dominican Sister," Mary Catherine Anderson, O.P. (Summit, NJ: DNS Publications, 2012, originally published by Little Brown in 1937). A bewildered monk from a backwater monastery at the time of the Dissolution was thought dead and buried, only to be miraculously awakened in twentieth century England. When confronted first with a young Dominican friar ("We are thirteenth century") and a Jesuit priest, it is with the former that the Benedictine oblate feels some connection.

12 See 163–64.

concludes that the Corpus Christi hymns and the other canticles attributed to St. Thomas were written by him.

After a brief consideration of the relation of poetry to truth and the way that it is related to theology according to the thought of St. Thomas, Murray concludes his book by presenting and commenting on the hymns for the Feast of Corpus Christi and the prayer *Adoro te devote*. This section of the book is useful for bringing together in one place the Latin texts, literary renderings and literal translations. By giving us the originals, the two kinds of translation, and his brief but thoughtful commentaries, Fr. Murray allows the reader without much understanding of Latin to appreciate the way in which St. Thomas's poetry weaves together sound and meaning into one fabric.

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Seeing Things as They Are: A Theory of Perception. By JOHN R. SEARLE. Oxford: Oxford University Press, 2015. Pp. 240. $46.99 (hardcover). ISBN: 978-0199385157.

Although probably best known in the 1980s for his "Chinese room" thought-experiment undermining the existence of intelligence in artificial intelligence, long-retired Berkeley philosophy professor John Searle has returned to the philosophy of mind in his latest and possibly last book, *Seeing Things as They Are: A Theory of Perception.* This time not focusing on computers or AI, here Searle presents his understanding of the intentionality

of perception, refining and amplifying the account he had presented in previous books.[1] While an analytic philosopher by training, Searle in this work has a great deal to offer traditional Thomists and Aristotelians, and not merely because his writing style is largely conversational, occasionally even humorous or irascible, largely avoiding the arid, symbol-laden explanations typical of analytics.

The unifying theme of *Seeing Things as They Are* is a critique of what he calls "the greatest disaster in epistemology over the past four centuries" (79), a set of "mistakes that [have] defined the field . . . right up to the present time" (4): namely, the rejection of "Direct Realism" about sensation, which is the thesis that when you perceive,

> you are *directly* seeing objects and states of affairs, and these have an existence totally *independent* of your perception of them. . . . [Y]ou do not perceive something else by way of which you perceive the scene. It is not like watching television of looking at a reflection in a mirror. (11–12)[2]

Searle's adversary in the book, the opposite thesis—that we directly perceive only our internal acts of perception themselves—is defended or assumed "by just about every famous

1 See especially his *Intentionality: An Essay in the Philosophy of Mind* (Cambridge: Cambridge University Press, 1983); *The Rediscovery of Mind* (Bradford, PA: Bradford Books, 1992); and *The Mystery of Consciousness* (New York: New York Review of Books, 1997).

2 All italics in Searle quotations are in the original. A Thomist might detect here St. Thomas's distinction between the *quod* and the *quo* of cognition, the former being the object known and the latter the formal means whereby a knower is united to the object, in sensation, the sensible species, in understanding, the intelligible species or concept. Searle, however, is unaware of or uninterested in noting this precursor to his distinction. But Searle says the same things as St. Thomas: "you do not have to first perceive something else by way of which, or by means of which, it is perceived" (17).

philosopher who writes on the subject . . . since the seventeenth century" (20); to show that he is serious about the sweep of this claim, Searle names Descartes, Bacon, Locke, Berkeley, Hume, Spinoza, Leibniz, Kant, and Hegel as committed to this view, although (perhaps out of professional courtesy) he mostly refrains from naming contemporary philosophers of mind.

Moreover, Searle argues that all these philosophers make the same fallacious argument for their view, an argument that he dubs "the Bad Argument," "the central mistake of modern epistemology" (20). Streamlining Searle's first presentation of it, "the Argument from Illusion,"[3] we can summarize it as follows:

> 1. I could in theory experience an illusion or hallucination that is indistinguishable from a non-illusory experience.
> 2. By definition, experiencing an illusion is experiencing *something*, just not a material object.
> 3. Therefore, even when I have a non-illusory experience I experience *something*, just not a material object (on account of its indistinguishability from the illusion).[4]

That "something" I experience has been referred to by many names—an impression, a sensation, a sense-datum, an idea, an appearance, etc.—but regardless, the upshot of the argument is that that these somethings (and only they) are what we directly perceive. Some philosophers will say that we might thereby

3 See 20–23. Searle adds that there is a modern version of the Bad Argument via contemporary neuroscience; see 22 and 28–29.

4 The astute reader of Descartes, the British Empiricists, and Kant will recognize this line of thinking. In Locke and Berkeley, it takes the following form: I experience only perceptions; perceptions exist only in the mind; so, what I experience is not outside my mind. The same equivocation to which Searle draws attention is at work.

logically infer something about material objects outside perception, others that we can make educated guesses about them, and others that we have, and can have, simply no idea what those material objects are like, if they exist at all. But they all agree that "we never directly perceive objects and states of affairs in the world, but directly perceive only our subjective experiences" (11), a claim that, strictly speaking, "makes it impossible to solve the skeptical problem: How, on the basis of perception, can we ever know facts about the real world? The problem is insoluble" (23).

Searle explains that the Bad Argument is based on a "simple fallacy of ambiguity" (25) or equivocation in how we speak of "awareness" or "experiencing" or "perceiving," and this is spotted if one understands the intentionality of perception and pays attention to how we use the words. To illustrate, take me now sitting at the desk, tapping at my computer. I am aware of the smooth, relatively hard keys, but I am also aware of the mildly pleasant feeling that comes with touching those keys. (Likewise and more vividly, were the keys sharp or hot, I would be aware both of the sharp/hot objects *and* of my discomfort or pain upon tapping them.) Searle notes that both claims about awareness "are true and though they look similarly, they are radically different" (24). The reason for this, Searle argues, is that the tactile (or even visual) awareness of the keys is "an intentional relation between me and the object" (24), whereas in the awareness of pleasure or pain, I am aware of nothing else: "The object I am aware of and the sensation are identical" (25). Likewise, in the case of the first premise of the Bad Argument, we are equivocating on "awareness" or "experience," since when you experience a hallucination, "you are not aware *of* anything" (25), your awareness is not "intentional," meaning not "directed *at* or *about* or *of* objects and states of affairs in the world" (13); there is "intentional content but no intentional object" (25).

Searle illustrates this semantically by the fact that our language "allows us to make this mistake because we can always invent an internal accusative for the verb phrase" (26), since we can say that we perceive the computer keys but we can also say that we perceive *our perception* of the computer keys, thereby duping ourselves into thinking that the sensory experience itself is an—and therefore the only real or immediate—object of sensation.[5]

Note, however, that after showing that the Bad Argument is invalid, Searle himself sometimes implies that the alternative (Direct Realism) is not strictly speaking provable, or at least is in no need of proof. He asserts that most readers not formed in contemporary philosophy already believe it "before you ever start theorizing about perception" (12), and he hopes that it "seems obvious to the point that you wonder why I am boring you with these platitudes" (20). He admits that in a sense he is not providing a satisfactory answer to skepticism,

> because [my approach] does not provide us any way to tell whether or not we are in an actual perceptual situation or whether we are having an indiscriminable hallucination. But . . . it is not a question of never having enough evidence in principle; the question of evidence is removed altogether. I do not need any *evidence* that there is a table there, I can *see* it. (220)

That is, if you grasp what perception is, you see that in its nature it shows you the character and of course existence of the sensible reality; this is a principle. But Searle also deploys several (what an Aristotelian might call dialectical) arguments in its favor, both reductions to the absurd and arguments via an articulation and defense of the phenomenology and implicit intentionality of

5 Searle notes that "[o]nce you are aware of the fallacy, you see it every time you turn around" (87), giving examples from contemporary philosophy of mind.

sensation, and by taking on some of the favorite skeptical bogey men, like the "Brain in a Vat" thought-experiment. But near the end of the book, Searle admits that he does not take arguments in favor of skepticism

> as seriously as many philosophers do. . . . I find it difficult to take skepticism seriously in any of its traditional forms. And once you have exposed the fallacy behind the Bad Argument and accepted an account of the intentionality of perception that justifies Direct Realism . . . , then many of the traditional disputes simply lose their interest. (218)

Aside from the critique of the Bad Argument, much of *Seeing Things as They Are* is devoted to presenting such an account of the intentionality of perception, something he notes has been ignored by most analytic philosophers. And here too Searle is both persuasive and instructive, especially as regards distinctions we Thomists are not in the habit of making, but which have the ring of truth. I will give two instances where Searle's treatment might provide food for thought to a disciple of St. Thomas (and where the latter may be able to offer Searle some help).

The first concerns Searle's insistence that sensation is "causally self-referential" or "self-reflexive" (58), meaning that sensation is fundamentally a state of being-acted-upon by the object one is sensing; a reader familiar with *De anima* 2.5 will hear echoes of Aristotle's basic understanding of sensation here, but Searle's articulation of it is fresh: "There is no way I can have these visual experiences without having them as experiences of the thing causing the experiences themselves" (109), which is the essence of what he calls "intentional causation"; thus,

> The internal connection between the experience and its object is guaranteed by the fact that the object essentially,

> so to speak, by definition consists in, at least in part, the ability to cause that type of experience. (127)

Moreover, Searle takes the widespread blindness to the basic nature of intentional causation to be due to the fact that "[t]here is a woefully inadequate conception of causation widespread in philosophy, and as far as I can tell it is due to Hume" (43), where cause and effect are always discretely separated in time and the necessary connection between them is never itself experienced. This is mistaken on both grounds, according to Searle, since "[e]very time you consciously perceive anything or do anything intentionally, you are experiencing causation" (162). Indeed, he argues that "the primary experience of causation is where our own conscious mental states function as either a cause or an effect and do so in virtue of their intentional content" (44); that is, we probably first got the idea of cause and effect from sensation itself, since "you experience the object as causing your experience of it" (61). Thus, the case he makes against Humean causality would be welcome in both a epistemological and even in a physical context, and while one might wonder whether he is right that intentional causation first originated the notion of causality, he is surely correct that perception and our own agency offer some of our most certain instances of it.

Yet there are places where it looks like Searle himself labors under a still-too-Humean concept of causality. Thus he repeatedly insists that "by itself causation has no explanatory power. . . . [For] anything can cause anything" (119; see also 131), for the latter of which, note, he gives no evidence; at minimum, this suggests that Searle does not see the role of form in agent causality, or the distinction between per se and per accidens causality. Moreover, in the same context Searle maintains that any attempt at explaining how the sensible likeness effected within the sense power explains how the latter gives us contact

with reality is also a non-starter, since "the fact that there are two resembling entities does not make one a representation of the other, . . . Resemblance by itself explains nothing" (119). Searle has a point here—as St. Augustine famously said, one egg is not the image of the other—but oddly, he does not entertain the possibility that the combination of (agent) causation and (formal) resemblance might offer a more complete explanation. Causality as merely triggering something is not causality as communication of being to another, so we can see that Searle's sober assessment of Hume's minimalist notion of causality has not entirely protected him from its lingering effect.

The second illustration superficially looks like the converse of the first, and it concerns the fact that sensation seems automatically to synthesize what it perceives with a "Network of [other] intentional states" (36). Searle takes as an example the fact when I see a California Coastal Redwood, "I literally see that it is such a tree" via the Network of "collateral information" (37, 137); in summary, "all seeing is 'seeing as'" (74). Now, St. Thomas here might suggest that what Searle seems to be taking as a pure sensation is really a complex of external sensations collated and integrated by the *vis cogitativa*—the sort of thing that we are unconsciously doing at all times, but which is not sensation by itself, if by that we mean what the senses can receive per se.[6] However, although I find it difficult to articulate why, Searle seems right when he says that my immediate seeing of the tree as a California Redwood is somewhat different from the way I can see someone as drunk or someone else as intelligent—since the latter "I do not literally see" (137)—though I suspect that

6 I note that Searle and his contemporaries tend to prefer the word "perception" over "sensation," the former of which does lean in the direction of the more synthetic aspect of the inner senses. The same is true of "consciousness." How many mistakes are made due to not paying close attention to the ambiguities of our words, despite equivocation being the most obvious sort of fallacy?

this way of seeing-as would *also* be effected through the cogitative power. Although both are based on a multitude of previous sensations, and both could be mistaken, Searle suggests that the former is settled by sight or at least sensation alone, whereas the latter takes more than that, maybe a breathalyzer or an IQ test. I would add that a sign that there is such a difference is the fact that someone with the extensive experience required to make an almost entirely automatic identification of the kind of tree this is—a judgment that does not even feel like a judgment—would also be more confident than would be one who "sees" that someone is drunk, an act that is more like an intuitive hunch relying on sensible clues. If that is correct, then the cogitative power would be operative in different ways in the two cases.

Searle, perhaps out of a desire to be universal and inclusive, instead treats all these acts and objects as univocally sensation and the sensible; indeed, like many others in contemporary philosophy of mind, he makes a point of painting with a broad brush when describing the different objects of consciousness, saying that they "have exactly the same subjective ontology, because they are all parts of a single conscious field" (194). Like others also,[7] Searle refuses to give a serious definition of consciousness, instead opting for what he calls a "common-sense definition," something like Meno's "swarm" definition of virtue, as a surrogate: "consciousness consists of all our states (processes, events, etc.) of feeling or sentience or awareness" (46), though he attempts something like a definition when he says that

> the essential feature of consciousness is that for any conscious state, there is something that it feels like to be in that state. The essence of consciousness is that it

7 A striking instance is Daniel C. Dennett's classic, *Consciousness Explained* (Boston: Little, Brown and Company, 1991). In this enormous and important book, Dennett never quite gets around to offering a definition of consciousness, again taking the swarm-approach.

> is *qualitative* in the sense that there is some experiential quality to any conscious state. (47)

Yet the use of "feel" and "experiential," which he says are synonymous with or at least species of consciousness implies that this account is circular. Aristotle or St. Thomas, I imagine, would suggest that distinguishing and ordering these various cognitive and appetitive acts would allow one to pinpoint both the primary use and meaning of "consciousness" and to see how the word is analogous in its various applications.

Searle does, however, make a first step in this direction when, in other contexts, he notes that "perceptual experiences are typically hierarchically structured" (111), and tentatively distinguishes "lower" and "basic perceptual features" (111, 113), such as color, from "higher" and non-basic ones, such as the tree—both of which, note, he grants are ontologically objective. But I suspect Searle would have found thought-provoking Aristotle's distinction between per se and per accidens sensibles, and the subdivision of the former between proper and common sensibles, along with St. Thomas's division and explanation of the interior senses; there's no sign that Searle is aware of these notions.[8] These parts of the book also reveal ways in which Searle (and perhaps analytics more generally) could afford to learn from St. Thomas, in terms of both clarifying Searle's suspicions and making distinctions that would shed light. For instance, one wonders whether Searle might go too far when he insists that we never experience our subjective acts, that is, that these are in no way objects of consciousness.

8 It seems significant that the most ancient "Great Philosopher" Searle names is Bacon; there is no mention in the book of Aristotle, much less of St. Thomas, the two greatest proponents of Searle's Direct Realism. Is this omission strategic, to strengthen an image of Searle *contra mundum*, or is it because Searle thinks his colleagues and/or readership would not take seriously a view associated with an ancient Greek or a medieval monk?

Aristotle would note that we do have some such awareness, a sign of which is that we are also aware of the very absence of sensation (say, when your hand is numb or when something has deafened or blinded you); thus he concludes that there must be a power that has these very acts as its objects, the "common sense" (*De anima* 3.1). Admitting such a distinction of "senses" would not jeopardize Searle's point about the primary meaning of sensation/perception—that our direct objects of sensation are independent of us—nor make one stumble into the Bad Argument, since it is a contradiction in terms for the common sense to function without a prior and more fundamental activation of an external sense.

Despite these strengths and their potential for provoking philosophical cross-fertilization, some of Searle's secondary points in the book, while directionally convincing, sometimes seem to overshoot the truth. For instance, Searle rightly stresses that "intentionality is, above all, a biological phenomenon" (33), not something foreign to the natural world in such a way that it implies some sort of dualism, and therefore "it enters into causal relations with other parts of the physical world" (48); one might even say that this mirrors the definition of color and sensation more generally in *De anima* 2.5 and 2.7. Thus, arguing via something like final causality and hypothetical necessity, Searle can conclude that

> When vision is correctly doing its biological job, [you know something about the real world] . . . because a main biological function of perceptual experience is to give you knowledge about the real world. (13)

But Searle seems to go too far when he infers from this that there is no "deep mystery about how anything in the brain can be *about* anything in the world outside the brain" (34). Indeed, he says,

> It is like other philosophical questions we have abandoned. How is life possible in a world of nonliving matter? How is consciousness possible in a world of unconscious matter? How is intentionality possible in a world of unrepresenting matter? These are not philosophical questions. (118)

Rather, Searle asserts, these puzzles are all currently in the process of being resolved by various branches of biology, and philosophy has no role to play even in interpreting these nascent explanations—especially if they seem to explain-away the thing they are trying to explain.

Yet, although it is true that what contemporary neuroscientists sometimes call "the Hard Problem" or the "Mind-Body Problem" is amplified by their unconscious dependence on the Bad Argument, I cannot see why Searle would think that there is not something spectacularly different about sensation, and animal life generally, when compared to rocks, planets, and machines—if Searle is indeed denying this. Searle says that his position is decisive if we attend to the feelings of hunger and thirst; there we see that intentionality is "no more mysterious than the fact that the animal digests what it has eaten" (43). Insofar as this is an argument against something like an immaterial soul being needed to explain hunger and sensation—in passing he declares that "vitalism . . . [and] metaphysical dualism [are] out of the question" (34)—Searle is on firm enough grounds. But if he thinks this entails a *strict* materialism, where life (especially animal life) is really just non-life viewed from a distance, his argument does not conclude. And whatever is the case about sensing, it does it does not follow that an act of understanding (which Searle would refer to as just a higher-order of consciousness) "must have a lower-level description in which it is a biological process" (49).

These are not the only matters of interest in *Seeing Things as They Are*. In addition, Searle's book provides a realist perspective on many other topics frequently treated in contemporary philosophy of mind, ranging from traditional puzzles about illusions and reflex action to more novel difficulties about unconscious perception (like blindsight), color constancy, and the readiness potential connected to the famous Libet experiments in the 1970s and 80s. Throughout the book, but especially in this section, Searle accompanies his arguments with sometimes biting remarks and he is refreshingly frank. For instance, while claiming agnosticism about whether we have free will, Searle says that those who have taken the Libet experiments to settle the question in the negative "should have known better," and shows that their conclusion reveals "not only bad philosophy but bad experimental design" (211), adding that "[i]t is clear that in our intellectual environment, a lot of people want to believe that free will does not exist and that consciousness does not matter much" (214).

All of these discussions are helpful, although some of them are more abbreviated than I would have expected, given their salience in contemporary philosophy. Searle's focus on the Bad Argument and its consequences forces him to push most of these matters to the final brief chapters of the book; indeed, the book lacks a conclusion, and the final remarks seem to be in tension with the rest of the book, so one wonders whether the writing of the final chapters was rushed.[9] That said, this is a book on a topic and from a perspective that a disciple of Aristotle and St. Thomas would find congenial. At minimum, it is a consolation to see that there is at least one non-Thomist out there who sees through and is struck by the Bad Argument,

9 Searle's repetitive style also suggests this. As the reader of this review might gather from the page references, every major point Searle makes he periodically reiterates.

even if he is reinventing a wheel at least as old as the fourth century BC. But Searle's work does in some respects take us farther into the particulars than did Aristotle, and for that reason alone it is worth reading.

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