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Mark J. Cherry
Editor

The Death of Metaphysics; The Death of Culture

Epistemology, Metaphysics and Morality

Springer

THE DEATH OF METAPHYSICS; THE DEATH OF CULTURE

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THE DEATH OF METAPHYSICS; THE DEATH OF CULTURE

Epistemology, Metaphysics, and Morality

Edited by

Mark J. Cherry

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Springer

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The volume is dedicated to Thomas J. Bole, III—a man who has died to the world and a splendid friend. God grant you many years!

MARK J. CHERRY

THE DEATH OF METAPHYSICS; THE DEATH OF CULTURE

1. INTRODUCTION

Without an adequate theology, humans are, as Walker Percy appreciated, lost in the cosmos (1983). They know neither where the cosmos and humans come from, nor where they are going. They are ignorant of the large-scale character of cosmic and human history. The universe appears more-or-less random without underlying meaning or ultimate direction. Theology connects cosmic history and human achievement with God and the deep nature of reality. Appropriately appreciated, theology orients the why and wherefore of existence. Similarly, without an adequate theology rightly to direct culture, civilization is no more than the sum total of human achievement: a listing of activities without compass to guide or evaluate technological, social, and moral choice. Importantly, the Latin root of the English word culture ties together both worship and the tilling of the soil.[1] In each case, the focus is the same: a rightly-directed culture produces a bountiful harvest; without such direction our labors fall short of the mark, materially or spiritually.

As others have also noted, even at the beginning of the twentieth century, U.S. courts could refer without embarrassment to America as a Christian nation and affirm an underlying set of Christian (i.e., Protestant) moral assumptions as integral to the background common law of the country (Engelhardt, 2003, p. xviii). This circumstance has changed. Through a number of key Supreme Court holdings legal and public policy expectations have shifted from that of a Christian to that of a secular polity (p. xviii). As the authors in this volume illustrate, such secularization has left the U.S. adrift without a common morality to guide social and political decision-making engendering an ever-growing cleft between the prior Christian

assumptions of western culture, which had guided medical practice, scientific exploration and social mores, and the emerging liberal secular cosmopolitan ethics.

This volume critically explores the nature and depth of this core cultural shift. The central challenge is that given varying background ontological, epistemological, and axiological presuppositions, different moral positions and political objections will appear as not merely morally permissible but as socially and politically obligatory. Prime among the issues at stake are understandings of the meaning and significance of birth, copulation, suffering, and death, expressed in debates regarding human embryo-experimentation and stem cell research, abortion and assisted suicide, the role of gender, and the appropriate character of moral and scientific norms.

Consider human embryo research as a heuristic. The often acrimonious embryonic stem cell research debates are caught up with deliberation regarding the moral status of the embryo. Such deliberation regarding the status of the embryo typically concerns at what moment the child possesses a soul; or, perhaps, at what point the embryo crosses the developmental and moral threshold to become a person (Waters, 2003; Cole-Turner, 2003). Some, such as James Peterson, have considered insights from both biblical texts (e.g., psalm 139:13; Jeremiah 1:5; Exodus 21:22-23; Job 10: 10-11) and western Christian tradition, claiming that such sources are ambiguous regarding the moral status of embryonic life. It has become commonplace to hold that biological development is gradual with no clear moment between conception and birth to draw a moral line between person and non-person. As a result, they urge that it is not possible to determine when moral responsibility for killing embryonic life begins, and thus that it is impossible to conclude that it is always wrong to utilize embryos for experimentation. Given this purported moral ambiguity coupled with hoped-for medical benefits, many scientists and bioethicists argue in favor of research on human embryos (see, e.g., Cole-Turner, 2003; Waters, 2003; Peters and Bennet, 2003).

Compare such spare empirical consequentialist reasoning with a statement from the Synod of Bishops of the Orthodox Church in America, which affirms that the traditional appreciation of the spiritual implications of destroying human embryos is unambiguous: it possesses a moral and spiritual impact equivalent to murder. The *Didache*, which dates from the first century A.D. states: “Do not murder a child by abortion, nor kill it at birth” (Sparks, 1978a, p. 309). Likewise, the *Epistle of Barnabas*, dated to the first or second century A.D.: “Do not murder a child by abortion, nor, again, destroy that which is born” (Sparks, 1978b, p. 298). Canon 91 of the Quinisext Council (A.D. 691) states: “Those who give drugs for procuring

abortion, and those who receive poisons to kill the fetus, are subjected to the penalty of murder" (Schaff and Wace 1995, second series, vol. XIV, p. 404). Moreover, as St. Basil the Great (A.D. 329-379) made clear, the ensoulment, or state of formation of the fetus, is not relevant to this traditional Christian judgment: "The woman who purposely destroys her unborn child is guilty of murder. With us there is no nice enquiry as to its being formed or unformed" (Letter 188, 1995, vol. VIII, p. 225). St. Basil recognized that even early embryocide possesses the same spiritual effects as murder, without ever committing himself to understanding the embryo as already possessing a soul or as being a small person. As the Synod notes, to appreciate the destruction of embryos rightly, one must understand this practice in terms of its full spiritual implications.

As this example illustrates, as the underlying metaphysical, theological, and epistemological assumptions change, so too do our understandings of the basic structure of reality, the orientation and direction of the cosmos—or lack thereof—thereby shifting the background moral culture and our perception of permissible action. Whose conception of the deep nature of reality should be taken as definitive? Whose understanding of moral anthropology ought to be appreciated as morally normative: the fully secular or the traditionally Christian, among many other possibilities? The decision is not neutral. Such choices will guide the crafting of public policy and the direction of science, and thereby affirm one out of the many possible cultural and moral realities. Such are the challenges the essays in this volume explore.

2. METAPHYSICS AND EPISTEMOLOGY: THE FOUNDATIONS OF CULTURE AND MORALITY

Prior to Immanuel Kant and the Enlightenment, God's perspective provided the epistemological gold standard: knowledge of reality as it is in itself. Kant disengaged human knowledge from this cardinal reference point, domesticating scientific, epistemological, and metaphysical investigation within the bounds of possible intersubjective human experience. On this side of the Enlightenment, how should one discern the foundations of Christian epistemology, rightly coming to know the will of God and appropriate moral choice? The first brace of essays address this significant challenge, considering in turn the role of right reason (Patrick Lee and Kevin Wm. Wildes, S.J.), scriptural interpretation (Randall Zachman and James R. Thobaben), and the development of personal Christian virtue (W. Jay Wood).

In western Christianity generally, and Roman Catholicism in particular, reason has played a pivotal role in understanding faith and moral theology: from the founding of the University of Paris in A.D. 1208, which recast theology away from the prayer life of the monastery, directing it into an academic discipline, to the eventual development of the natural law intellectual tradition. As Kevin Wildes documents: "The tradition embodies the belief that human reason can discover the moral law embedded in human nature which transcends time and culture. The common assumption of natural law theories is that moral duties can be known by reflection on human nature" (p. 29). It defends the ability of persons generally to understand the objective good for human beings, which reason is able to articulate, thus justifying the general canons of moral behavior. As Wildes notes, natural law approaches to morality have been attractive, in part, because if universal moral principles can be apprehended by reason itself, the natural law would provide a way to bind together persons from diverse cultures, societies, and religions.

Patrick Lee urges, for example, that while natural reason has been clouded and corrupted by sin, it retains the capacity to comprehend religious and moral truth. As a result, reason still plays an important role within our understanding of faith and morality. He argues that natural reason can apprehend that God exists, that He is immutable and perfect. Other truths, such as "that God is three persons in one substance, that the second Person of the Trinity became man, that God does offer to us personal communion with Him, that Christ is really present in the Eucharist…" (p. 2) can only be known through supernatural revelation. He argues that faith does not negate reason, but rather adds to it and provides what he terms an "illumining horizon for it" (p. 23). Thus, rightly-directed philosophy plays a central role within Christian epistemology and moral theology to sustain a Christian culture.

Others, however, have much less confidence in reason's ability to illuminate cosmic reality and moral norms. Consider Randall Zachman, who argues that whereas God manifests Himself in His works, in creating, governing, and redeeming the world, yet, "the works of God cannot be known by sinful humanity without the testimony of the Word of God and the inner illumination of the Holy Spirit" (p. 69). Similarly, James Thobaben urges that while one can understand the natural world utilizing one's natural capacities, absent the infilling of the Holy Spirit, one cannot have a genuine knowledge of the spiritual nature of reality. As he notes, "The moral capacities, likewise, arise from and are continually dependent on the grace of God. The moral capacities of persons are those most marred by the Fall and those which are most strongly tied to willful rejection of, or willful engagement with, God through the Holy Spirit" (p. 104). Our moral choices

have direct and immediate spiritual impact. That is, a direct and personal relationship with God is necessary for appreciating what is primarily a spiritual, rather than physical, reality.

W. Jay Wood rightly notes that Christians are not limited to the stark resources of secular philosophy and natural science for drawing insights into appropriate cultural and moral life. He argues that if we are to come to know God fully, then we must develop the intellectual and spiritual virtues. Like Thobaben, Wood indicates that our cognitive powers are subject to abuse and, therefore, that we miss important truths about the world: "Arrogance, dishonesty, pride, pugnacity, laziness, and many other vices undermine our ability to think well and to pursue the truth" (p. 58). Wood argues for what he terms a "virtue epistemology" in which we resituate our knowing within the larger context of a flourishing Christian life. There is an important connection, he concludes, between living a rightly oriented life and properly understanding moral choices. "A vicious character can undermine good thinking just as effectively as some physical debility" (pp. 58-59). Those who have darkened their hearts to God, find themselves in the ignorance of a deceitful soul.

Reconsider the heuristic contrast between Christian and secular understandings of human embryo research. Such divergent moral viewpoints do not appear to be simply the result of an intellectual mistake. The intrinsic value of embryonic life is not understandable through general secular reason. Leon Kass, chairman of the President's Council on Bioethics concluded:

> Granting that a human life begins at fertilization and develops via a continuous process thereafter, surely,—one might say—the blastocyst itself can hardly be considered a human being. I myself would agree that a blastocyst is not, in a *full* sense, a human being—or what the current fashion calls, rather arbitrarily and without clear definition, a person. It does not look like a human being nor can it do very much of what human beings do. Yet, at the same time, I must acknowledge that the human blastocyst is (1) human in origin and (2) *potentially* a mature human being, if all goes well. This, too, is beyond dispute; indeed it is precisely because of its peculiarly human potentialities that people propose to study it rather than the embryos of mammals (Kass, 2002, p. 88).

Moreover in their report on reproductive technologies, the President's Council announced that definitively determining the moral status of human embryos presented intractable differences: "Like the nation at large, our members hold differing views about certain foundational questions, especially the moral standing of human embryos" (2004, p. xvii). They concluded that

> …there is deep disagreement in our society about the degree of respect owed to in vitro embryonic human life and the weight that respect should carry in

> relation to other moral considerations, such as helping infertile couples to have children, helping couples to have healthy children, and advancing biomedical knowledge that could well lead to cures for dread diseases (2004, p. 8).

For Kass, many members of the President's Council on Bioethics, and much of the American public, the status of the embryo and its permissible use in medical research just appear different than its ancient traditional understanding. They straightforwardly begin with the assumption of a secular, rather than traditionally Christian, metaphysics and moral epistemology, and thus affirm a non-Christian moral and scientific culture.

3. CULTURAL VARIATION AND MORAL CASUISTRY

A central challenge, as Wildes rightly notes, is the articulation of a particular background moral anthropology to guide judgments regarding the nature of the good and the flourishing of human life. For example, if one understands the cardinal element of Christian anthropology to be that humans are created to worship God, then human morality must be supportive of this principal ontological characteristic. As a result, moral analysis that only inquired after human goods, such as medical advancement, or that focused on equality, rights, justice, or fairness, would be seen as failing to plumb the depths of Christian understandings. On such an account, the moral life would depend on a systematic reorientation of human goods in terms of Divine reality and the struggle towards salvation. Alternatively, insofar as one affirms reason as the cardinal human characteristic, one may establish a significant expectation that it is possible to disclose a communality of all persons, justified not in faith but in reason itself.

As Wildes argues, the stumbling block for natural law is that it assumes a very particular, rather than universal, account of moral rationality. Consequently, it must honestly face the empirical fact of moral and cultural diversity. As William Zanardi frames the point: "If there is such a common or universal moral law, why is there so much diversity in moral beliefs and practices?" (p. 165). There apparently even exists a plurality of standards for rationally debating the merits of different formulations of moral rationality (see MacIntryre's *Whose Justice? Which Rationality?*). In this next section, the authors critically assess this significant question of reconciling the idea of a universal moral law with the empirical reality of diversity in moral belief and practice.

Consider Thomas Hibbs, who begins his exploration of the intriguing intellectual points of connection between Alasdair MacIntyre and African American thought, by reminding readers that Thomas Aquinas did not

construe human law as simply mapping the precepts of the natural law onto existing societies. Aquinas prudently noted that attempting to forbid all vice would likely engender unanticipated outbreaks of greater evils. Rather than strictly forbidding all vice, "Human law seeks to lead human beings gradually from the imperfect to the perfect…But, human excellence consists chiefly in the practice of virtue involving an internal appropriation and intentional habituation" (p. 133). The role of law is to aim citizens at virtue and to promote the public good. Yet, since the law covers only external acts, it can be conducive to virtue only indirectly and thus the attempt to reform the character of persons should work with the customs of the particular society rightly to orient citizens. Given different cultural and social circumstances, some diversity in practice is to be expected. However, as Hibbs notes, our own modern liberal society seems to have lost any appreciation for the common good as something more than the mere summing up of individual goods. Through his careful exploration of MacIntyre's political thought, together with the moral reflections of such eminent thinkers as W.E.B. DuBois and Frederick Douglass, Hibbs seeks insights into the ways in which a culture might internalize a common moral language and set of practices, which would over time remove bad habits and social customs that are the "proximate cause of the erosion of the natural law from the human heart" (p. 145).

To illustrate, once again consider the human embryo. In modern secular culture, it has become impossible to appreciate the embryo as possessing the same moral significance as a person. The at-will creation and destruction of human embryos has become more-or-less routine. Practices, such as in vitro fertilization with embryo wastage and abortion, enjoy legal protection as a part of a secular understanding of procreative liberty and no longer appear outside of the social norm (Rae, 2003). Human life is only appreciated as instrumentally valuable. As a consequence, much of medical research and healthcare decisionmaking has been divorced from traditional Christian commitments. From a traditional Christian perspective, one cannot adequately judge medical interventions if one regards only the amelioration of physiological collapse brought on by age, injury, and disease, without direct and immediate reference to one's relationship to others and to God. Our cultural habits embody a very secular metaphysics that darkens the heart to God.

Further delving into the impact of particular cultures, Griffin Trotter investigates whether there is a distinctive version of the natural law at work in American history and political philosophy. His question is whether classical American political thought and American pragmatism captured an American version of natural law that emerged out of particularly American

reflections on the natural order. Consider James Madison who, Trotter argues, believed that public deliberation, legislation, and government in general produced a workable *modus vivendi*. As a result, the business of government is not to create deep or widespread moral consensus about the particularities of day-to-day life, he argues, but rather to aim at consensus only about such natural rights as "life, liberty, and the pursuit of happiness." "Beyond these foundations, most of the work is done by negotiation and compromise. Just as moral visions supervene on complicated social processes, political decisions and structures supervene on interactions between diverse and divergent agents who are unlikely to agree about deeper things" (p. 159). The role of the government is primarily to ensure that such interactions do not directly harm citizens or infringe on their liberties. This is the grounding of a much more limited set of moral and legal strictures; namely, the basic natural rights that lead to a stable collection of social habits within a political system, even while belief systems and other cultural practices shift: "Like physical laws, natural moral and political laws emerge from natural processes, as ordered complexity gradually supervenes, then rolls on its chaotic underbelly" (p. 160). Here moral precepts emerge as the best approximates of the characteristics needed to maintain the stability of human flourishing—predominately forbearance rights; i.e., rights to be left alone to pursue basic human goods with free and consenting others.

Similarly, James DuBois argues that traditional natural law theory has been overly abstract; i.e., that by attaching moral relevance to abstract human goods rather than to real human goods, and by failing to appreciate that instantiations of basic human goods are not always good for particular individuals, it has not adequately understood central aspects of human flourishing. Or, as Mary Ann Gardell Cutter and Anthony Giampietro consider, perhaps natural law moral casuistry has failed adequately to appreciate the role that gender plays in human nature and human norms. Each notes that casuistic moral decision-making requires a framing context, a background moral narrative, or set of moral rules, otherwise it cannot operate at all. As a result, Cutter argues, it is only by appropriately accommodating gender—the real differences between men and women—into clinical nosology and nosography, that we will be able to engage in adequate medical and moral casuistry.

As Zanardi reminds the reader, the conclusion that there are no universal moral laws does not follow from the experience of moral pluralism. Expressions of moral content may vary from time and place, depending on the particular questions that arise and the local circumstances, but the basic role of inquiry into the embodiment of full human flourishing continues. It may be that our current moral principles and expressions are not yet

finalized. To illustrate, he considers the history of the principle of double effect, which, he argues, arose in Roman Catholic moral reflection as an attempt to help make decisions in difficult circumstances without the necessity of conceding the existence of a strict moral dilemma. Acknowledging the existence of such a dilemma within moral theology, might indicate a less than fully understandable universe. Zanardi's suggestion, therefore, is that instead of focusing on cardinal principles and moral rules, we should focus on the operations and inquiries that precede such formulations. Appropriate understandings of morality and human flourishing may be the result of discussions that are not yet completed.

4. A MORAL CULTURE WITHOUT METAPHYSICS IS EMPTY

Articulating a particular answer to a moral question requires an actual determination of facts as well as specification of the criteria and standards of rational choice employed. One must specify standards of evidence and inference, content-full accounts of basic human goods, virtues, justice, fairness, cardinal moral principles, and right conduct. As a result, securing a particular account of human nature and its core goods, much less of the deep nature of reality, requires a specification of metaphysics and moral content that will not be acknowledged as authoritative among those who do not already share a common set of theological, anthropological, and epistemological standards. Each will make similar, equally strongly held, but contradictory claims regarding objective truth. A standard must be assumed so as to make an authoritative decision among the various possibilities; but it is the very existence of a standard that is in question.

Nicholas Capaldi notes similarly that attempting to guide public morality through claims to universal moral theory is doomed to failure: "There is no theory on how to apply theory to practice" (p. 235). All theory must be supplemented with elaborate casuistry that applies the theory to practical applications. The challenge is whose or what rules should guide such casuistry. His concern is that abstract debate about theory itself will also undermine our appropriate habitual practices: e.g., in many circles literary criticism has replaced the writing of literature, and theological speculation has replaced praying and day-to-day piety. Perhaps the very living practice of human flourishing will be replaced by theoretical exploration of human goods and moral norms. Morality is, Capaldi argues, a way of life, a living expression of human flourishing. Here Peter Wake's Hegelian diagnosis is helpful: it is clear that one must fulfill one's duty, but the precise content of that duty requires specification within a particular content-full morality, which is, of course, precisely what is at issue. A focus on empty formulas

will fail adequately to capture the underlying meaningful practices of moral life. As Capaldi is aware, all do not hear the same god, much less hear the one true God the same way, and as a result all do not find the same truth deep in their hearts. This is not a challenge that can be solved through more detailed theoretical investigation.

Set over against the ancient traditional Christian synthesis of metaphysics, morality, and culture, contemporary western society's account of the truly flourishing human life frequently appears distorted and fragmented. Such fragmentation has set the stage for the emergence of deep-seated religious and moral differences within western culture. As the essays in this volume explore, divergent understandings of the basic structure of reality (i.e., metaphysics), of how one knows truly (i.e., epistemology), and of how one knows God and His will (i.e., ecclesiology), as well as of the nature of exemplar knowers (i.e., theology), and who is understood as being an authority of God's will (i.e., the sociology of knowing) characterize some of the distinctions that divide Christian from secular culture, as well as the various Christian religions from one another.

To return one last time to our heuristic example: from a traditional Christian standpoint, both the President's commission as well as many other secular and Christian scholars have simply muddled the moral understanding of the embryo. Researchers routinely remind the public that embryonic stem cell research may lead to significant new treatments for diabetes, Parkinson's disease, immunodeficiencies, cancer, metabolic and genetic disorders, a wide variety of birth defects, as well as potentially for generating new organs or tissues (see, e.g., Okama, 2001; Thomson, 2001). Even commentators who claim to write from a Christian perspective conclude in much the same fashion. Margaret Farley argues, for example, that Roman Catholic tradition does not definitively rule out the willful destruction of embryos, because, she claims, before development of the primitive streak or implantation, human embryos do not have the inherent potential to become a human being (2001, p. 115). Catholic theologian Michael Mendiola concludes similarly since, he states, people of good will differ regarding the moral status of the embryo and its therapeutic potential seems great (2001, p. 121). Ted Peters urges us to see stem cell research and cloning in terms of "the larger enterprise of dedicated scientific research serving the dignity of persons who will tomorrow benefit…" (2001, p. 138), and Karen Lebacqz claims that researchers can simultaneously respect embryonic tissue and set moral limits on its use (2001). Unfortunately, little is ever said regarding the nature of those "moral limits". A single message seems to dominate the intellectual literature and popular media alike: since such basic science may save lives, reduce suffering, and cure disease, it appears immoral to fail to engage in

this research. Such desires to ameliorate the human condition generate strong passions indeed.

Still, from a traditional Christian perspective, medical advances must be appreciated in terms of a fully Christian life. As do many of the fathers of the Church, St. Basil affirms that medicine is a good to be used to relieve sickness and suffering: "Each of the arts is God's gift to us, remedying the deficiencies of nature … the medical art was given to us to relieve the sick, in some degree at least" (The Long Rules, 1962, pp. 330-331). As already noted, however, as with all human goods, medicine must be appreciated in terms of a reorienting of one's heart towards God. One must not treat materialistically what is essentially a spiritual reality. Properly appreciated and directed, medicine's role can be both physically and spiritually therapeutic. For traditional Christians, sickness and debilitation can be positive goods, if used as a means of communion with Christ. This does not mean that suffering is sought after for its own sake. Indeed St. Basil affirms the appropriateness of analgesics for pain management: "…with mandrake doctors give us sleep; with opium they lull violent pain" (Homily V, 1994, p.78). However, if appropriately addressed, so that it does not lead to despair, suffering reminds one to seek forgiveness, to love others unselfishly, and to turn to God. We must not permit medicine and medical technology to temp us into forgoing our struggle towards salvation by making an idol of this life.

Perhaps unintentionally, the chapters in this volume diagnose a profound shift in moral commitments within the dominant intellectual culture of the United States and Western Europe. As many of the authors note, an inadequately developed conscience, guided by human passion and perverse desire, and habituated through an empty secular culture, will affirm one's own passionate will, over against God's, as good. In this vein, one can appreciate Milton's Satan in *Paradise Lost*, who proclaims "Evil be Thou my Good" (*Paradise Lost*, Book 4). Set adrift in the cosmos without adequate theological compass, human culture becomes at best empty and at worst perverse. What precisely is to come is unclear (Erickson, 1999); but, as this volume pays witness, the death of traditional Christian metaphysics and epistemology directly signals the death of traditional Christian culture and morality.

NOTE

[1] As the Oxford English Dictionary documents, the Latin root of the word 'culture' means both "worship; reverential homage", and the "action or practice of cultivating the soil; tillage, husbandry" (1989, volume IV, p. 121).

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Section I

Metaphysics and Epistemology: The Foundations of Culture and Morality

CHAPTER 1

PATRICK LEE

ACCEPTING GOD'S OFFER OF PERSONAL COMMUNION IN THE WORDS AND DEEDS OF CHRIST, HANDED ON IN THE BODY OF CHRIST, HIS CHURCH

The Roman Catholic Church's teaching on faith and reason insists on both the superiority of faith over reason and the basic harmony between faith and reason. Against rationalism (the idea that reason is superior to faith) the Catholic Church has insisted that faith is above reason, that by divine faith we are aware of things we could not have been aware of through natural reason (that is, reason unaided by divine faith), and that we cannot, in this life, fully understand the mysteries revealed to us by God in the words and deeds of the prophets and of Jesus Christ. Yet, against fideism (the idea that reason is unnecessary in the life of faith, and perhaps even essentially untrustworthy), the Catholic Church has insisted that human reason has not been completely corrupted by original sin, that it retains a basic capacity to apprehend truth, although seriously wounded by original sin, it has an important role to play within the act of faith, and that philosophy (a work of reason) has an important role within theology (the developed understanding of faith). In other words, while faith and reason are distinct, and faith is superior to reason, there remains a need for both (see John Paul II, 1998, chapter V, especially #49-56). This position can be understood more fully only by examining the Catholic positions on revelation, faith, and reason.

1. WHAT REVELATION IS

The Catholic faith centers on Jesus Christ. Catholics believe and confess that Jesus of Nazareth is God, that He is the second Person of the Trinity, that He became man, died on the cross to redeem us from our sins, and rose again

Mark J. Cherry (ed.), The Death of Metaphysics; The Death of Culture: Epistemology, Metaphysics, and Morality, 3—29.

from the dead, that this redemptive act (His death and resurrection) is made present in the sacraments, such as Baptism, Eucharist, and Penance, that by being joined to Christ in those sacraments, Christians are brought into a personal communion with God, the Father, Son, and Holy Spirit, and that Christians are called to cooperate with God's grace in building up the kingdom of God, a community of divine and created persons.

Catholics believe that God himself has freely chosen to invite us to a friendship or personal communion with him. To have a friendship with someone (if one is an adult), one must know that person, know his offer (explicit or implicit) of friendship, and freely accept it. So, God has communicated to us who He is and His offer of personal friendship or communion, and interiorly moves us, by grace, to accept His offer (while we remain free to resist this grace).[1]

This revelation includes truths which we could not have reached by our own powers operating without revelation. That is, some truths about God can be known by the use of our natural intellects reasoning from the visible things in this world (see, e.g., Rom. 1:20; Vatican I, DS 3004/1785-3010/1791). That God exists, for example, can be known by our reasoning powers unaided by revelation from God (ibid.). And perhaps other truths about God can be inferred in this way, such as, that God is immutable, that He is not in time, that He is perfect, and so on: the Church has not defined that these truths can be known by natural reason unaided by faith, but many Catholic theologians and philosophers have claimed this. Other truths about God—for example, that God is three persons in one substance, that the second Person of the Trinity became man, that God does offer to us personal communion with him, that Christ is really present in the Eucharist—cannot be known by inference from the visible things in the universe, but can be known only through a supernatural revelation, that is, only through God's freely communicating them to us by special acts in addition to or beyond the act of creation. Because God has called us to a supernatural end or purpose—personal communion with God—God gives us a supernatural revelation (DS 3005/1786).

God could have chosen to communicate with us in various ways. He could, perhaps, have communicated directly with each of us in a purely spiritual way, by a direct mystical infusion of what He wanted us to know or believe. Instead, God chose to communicate with us through tangible words and deeds, first of the prophets in the Old Testament, and then of His son, Jesus Christ become man (Vatican Council II, *Dogmatic Constitution on Divine revelation (Dei Verbum),* #2).

Revelation, then, is not God Himself, but an understandable communication from God, manifesting something about who He is and His

will. Thus, revelation is not ineffable, nor is it grasped in a non-conceptual intuition or experience. During the twentieth century the Magisterium (the teaching authority of the Church) has several times distinguished the Catholic position on revelation from the Modernist view.[2] According to the Modernist view, revelation is an ineffable experience or intuition, while dogmas, or propositions, are viewed as secondary, merely functioning as reflecting back on the primordial ineffable experience.[3] A consequence of the Modernist view is that contradictory dogmas may be equally acceptable, since their only function is to point back to a more primordial experience. The Church teaches, however, that revelation includes a set of created entities—the words and deeds of prophets and of Jesus. The sum total of revelation is Jesus himself, but Jesus manifests Himself and His decrees in His words and deeds. Revelation is a communication; its purpose is to make known God Himself and His will. If God has not done that, then revelation has not occurred. So, to think of revelation—as distinct from God's inner life—as totally ineffable, is implicitly to deny that revelation has occurred.

It is true that revelation includes more than propositions, to which intellectual assent is given. Revelation also includes deeds, especially the deeds of Jesus. Moreover, in accepting revelation one is accepting God himself, since to accept a personal communication and an invitation of communion is to accept the person or persons communicating.[4] Still, just as it would be nonsense for a woman to claim she believed her husband, but did not believe him when he said he loved her, so it is seriously mistaken to say that one can believe God, but deliberately reject any of the dogmas or propositions proposed for our belief, such as that God loves us, has died on the cross for our sins, has formed a Church, and so on.[5] Revelation includes more than propositions—not less.

But what about mystical experience? How is revelation related to this? Do not some saints have a direct vision of God's essence, for example, St. John of the Cross or St. Teresa of Avila, not to mention Moses or St. Paul? Which is prior and normative: mystical experience or what is communicated about God in the form of public revelation (the words and deeds of the prophets and of Christ)?[6] The Church has not directly pronounced on this question. However, if we look at what the Church teaches, especially in dealing with the Modernist crisis, I believe we must say that public revelation is prior and normative for mystical experience, not vice versa.

Suppose one has an experience which he thinks may be an experience of the divine.[7] First of all, what one thinks about this experience presupposes that one has some concept of the divine. If one says that it is an experience of the one God, then that presupposes that one has some type of concept of what is meant by "God." Secondly, although it might be logically possible

for God to grant an immediate vision of Himself to someone who does not freely accept an offer of communion with him, still, God seems usually to have granted an immediate vision of himself, that is, a genuine mystical experience of him, only to those who have opened themselves (with God's grace) to such an intimate communion. That is, having such an intimate communion seems to presuppose, in an adult at least, a conscious acceptance of that personal communion. But a conscious acceptance of a personal communion is possible only on the basis of faith. And so the openness presupposed by mystical experience presupposes faith, and faith presupposes revelation. So, genuine mystical experience (at least usually) presupposes the acceptance of the public revelation given to us especially in Jesus Christ and handed on to us by the Apostles and their successors.

However, even if that point were doubtful, it would still be true that what is handed on in the Church to be accepted by faith, in other words, public revelation, is not the content of a mystical experience, but rather words and deeds which can be readily understood by all, even if they can always be returned to and understood more deeply. Moses and Paul at the call to their missions, Peter, James, and John at the transfiguration, had mystical experiences. However, what they handed on to us for our acceptance in faith and for the guidance of our lives, is the publicly intelligible words and deeds intended by God as a communication from him, not the inner content of those mystical experiences.

While revelation is intelligible, still, it remains mysterious, that is, it is not fully understood. We have some understanding about what is revealed—God himself, his Incarnation, Redemptive death and Resurrection—but we do not completely understand, or comprehend, these mysteries. We can always return to them to understand them more fully. "In short, the knowledge proper to faith does not destroy the mystery; it only reveals it the more, showing how necessary it is for people's lives . . . ." (*Fides et Ratio*, #13).The same Holy Spirit who moves the Christian interiorly to accept revelation, "constantly perfects faith by his gifts, so that revelation may be more and more profoundly understood" (*Dei Verbum*, #6).

2. ANALOGICAL LANGUAGE ABOUT GOD

But since revelation is about who God is, how can it be intelligible, since who God is clearly transcends the capacity of the human intellect to understand? Perhaps, one might argue, the Catholic Church is too optimistic about the abilities of the human intellect, given that God is infinite and incomprehensible.

The Church does not take a position on a philosophical issue except insofar as it impinges on revelation. Revelation is a personal communication from God, a revelation of who God is and an invitation to us to set up with him a personal communion. It is a free offer of personal communion, which can be freely accepted or freely rejected. So, any philosophical doctrine which implies that a free acceptance of revelation is impossible is incompatible with Catholic Faith.[8] Any philosophical position which implies that God cannot communicate some understanding about who He is to us, or that He cannot communicate an invitation of personal communion to us, or that we cannot freely accept or reject that offer, is incompatible with Catholic faith. For this reason the Church teaches that the language used about God must be intelligible. We must understand, to some degree, what we are choosing; we must understand something about the person with whom we are freely accepting an offer of personal communion. If not, the act of faith, indeed the whole Christian life, would be devoid of sense. Our faith, our obedience, our prayers—these are meaningful, reasonable, morally responsible acts, only if we can understand that we are having faith in the right god, obeying the right god, and praying to the right god (see Geach, 1969, pp. 100-116; Grisez, 1975, pp. 84-91). And our faith, obedience, and prayers, can be addressed to the right god, only if our language is somehow in contact with God, and our concepts in some way constitute a real cognitive union with God. And for such concepts to be possible, we must be able to form concepts which really apply to the invisible and transcendent God, even though they do not adequately represent His nature or essence. And finally, for this to be possible, there must be in some way a real likeness of creatures to God, since our concepts are first drawn from creatures. As the Catechism of the Catholic Church teaches:

> All creatures have a certain resemblance to God, most especially man, created in the image and likeness of God. The manifold perfections of creatures—their truth, their goodness, their beauty—all reflect the infinite perfection of God (*Catechism of the Catholic Church*, #41).

The Church also insists, however, that our understanding and language fall far short of adequately representing God. Thus, the Catechism of the Catholic Church reiterates the teaching of the Fourth Lateran Council that, "between Creator and creature no similitude can be expressed without implying an even greater dissimilitude" (*Catechism of the Catholic Church*, #43).[9] The Catechism quotes St. John Chrysostem, referring to God as, "the inexpressible, the incomprehensible, the invisible, the ungraspable" (*Catechism of the Catholic Church*, #43).[10] And, significantly, the Catechism also quotes St. Thomas, to say that, concerning God, we cannot grasp what he is, but only what he is not, and how other beings stand in relation to him" (ibid.).[11]

These points can be interpreted and defended in various ways. Again, the Church addresses philosophical issues only to the extent that what is contained in revelation bears on them. Traditionally, theologians of different schools, for example, Augustinians, Thomists of various types, Scotists,[12] Suarezians,[13] analytic philosophers, and so on, have proposed different approaches to understanding how our knowledge and language can really apply to God, and yet falls short of being adequate of him. What follows is one way of understanding and defending these points.

In the first line of the Creed we profess our belief in "God the Father almighty, Creator of heaven and earth." This doctrine is foundational, for by it we fix the reference of our religious language, that is, we establish to what entity we are referring by our creeds and prayers. Some words have a referring or "pointing to" function, while others have a describing function. To assert anything as true, that is, to depict any description as being really the case, we must point to or single out in some way the thing or things we are describing. We must know to which entity or entities we are applying our descriptions. For example, to assert anything of pulsars or quasars, we must have some way of referring to them, even if we have not directly seen them. The creed establishes the reference of our language and prayer, then, by first of all declaring that we believe in God, the Father almighty, who created all things, visible and invisible. The dependence of finite beings on God enables us to refer to the being to which our religious language applies. When we say that God is almighty, holy, perfect, and so on, the word "God" refers to that entity who causes the existence of heaven and earth (all things visible and invisible).

Still, while we can speak about God, know something about Him (since we truly say He is almighty, is three persons in one being, and so on), we cannot apprehend His essence. In fact, we cannot apprehend any intrinsic characteristics of His essence. In other words, while we do know many things about God, nevertheless, He transcends our understanding and language. We do not know what God is, but that He is, and how other things are related to Him.

This point can be clarified by the following analogy. In the late 1960's astronomers began to detect the reception of regular radio waves from outside our galaxy. The waves came with such an amazing regularity that some astronomers suspected that perhaps their source was some extra-galactic intelligent life. Years later it was discovered what the source of these waves was, namely, neutron stars, whose rapid spinning caused the radio waves. Before this, however, astronomers coined the term "pulsar" to refer to the source of these radio waves. For years, then, astronomers referred to pulsars, could speak about them, and theorize about them, but did

not know what they were in themselves, referring to them only through the relations which other things have to them.

This case is similar to our knowledge and language about God. We do not grasp what God is in himself; we do not know what God is. Still, we can refer to him through the relationships that creatures have to Him. He is that being Who is the ultimate source of the existence, perfection, and order in the universe. He is the creator of heaven and earth—this dependency relation of creatures to Him is the vehicle through which our language points to Him, even if this relation does not enable us to grasp His inner essence. Nothing other is understood or grasped about God than what can be understood by analogy through the relationships we have to Him.[14]

Is the language we use of God univocal, equivocal, or analogical with language used of creatures? For example, when we say that God is good, does the word "good" have the same meaning as it does when we say that George is good? To say that some words have the same meaning when said of creatures and God would be to say that some words are predicated univocally of creatures and God. To say that the words predicated of God have completely different meanings from what they have when predicated of creatures would be to say that the words are predicated equivocally of creatures and God. And to say that the meanings of the words predicated of creatures and God are partly similar and partly dissimilar is to say that the words are predicated analogically.

The Church does not actually define which of these positions is correct. Followers of John Duns Scotus (Scotists) say that some words are predicated univocally of God and creatures. Followers of St. Thomas Aquinas (Thomists) have argued that none of the words predicated of God are predicated univocally of God and creatures. The Church has not explicitly ruled out a position (Tillich's, for example) which would hold that all of our language about God is merely metaphorical—neither univocal nor analogical with the matching language about creatures. However, given especially what the Church has said about the resemblance of creatures to God, it would seem difficult to reconcile such a position with what the Church has taught.

A Thomistic approach could be explained as follows. With creatures we often understand something intrinsic to a thing's nature even if we have not directly seen one ourselves. For example, never having directly seen a polar bear, we still do understand something of what the polar bear is intrinsically. The polar bear shares the same nature (to a certain extent) with horses and dogs: each is a mammal, each is of the genus mammal. So, understanding what a mammal is directly from horses or dogs, we come to understand something of the intrinsic nature of the unobserved polar bear. However, God does not have the same nature or feature as any creature, since the

nature of any creature is only contingently existing[15] while God's nature exists necessarily. We do not know what God's essence is; but whatever God's essence is, it is such as to exist necessarily. But no other essence is of that sort. So, God and creature do not share the same essence. Moreover, as St. Thomas expresses it: God cannot be in any genus (and so cannot share the same nature as anything else) since two beings can share the same nature only if while having the same nature or essence, they differ in existence (*Summa Theologiae,* Pt. I, q. 3, a. 4). But in God essence and existence do not differ (since if God's essence and existence differed, He would depend on others).

So, one cannot know what God is through understanding some other thing of the same essence, specifically or generically. One cannot understand what God is the way in which one might understand what a polar bear is—by first understanding what creatures are, and then inferring that God shares the nature to certain extent with those creatures. Since creatures are effects of God they are like God in some respect. But their likeness to God as creatures cannot consist in possessing the same nature or in being of the same genus.

Still, we derive our understanding, our concepts, in the normal course of things (that is, short of an extraordinary miracle), from intellectually apprehending what is intelligible in sense experience.[16] It follows that what we can understand about God must be based on: a) knowing what God is not, and b) the likenesses that creatures have to God. But these likenesses can only be indirect—they cannot consist in sharing the same nature, even to a small extent. St. Thomas Aquinas expresses this point clearly. After pointing out that in this life our knowledge is derived from sense experience, he says the following:

> Hence from the knowledge of sensible things the whole power of God cannot be known; nor therefore can His essence be seen. But because they are His effects and depend on their cause, we can be led from them so far as to know of God "whether He exists," and to know of Him what must necessarily belong to Him, as the first cause of all things, exceeding all things caused by Him (*Summa Theologiae,* Pt. I, q. 12, a. 12).

What applies to our natural knowledge of God applies as well to our knowledge of God after revelation. With grace and revelation more things are known about God than what can be inferred through natural reason. Still, except for extraordinary instances (such as mystical experiences), our manner of understanding what is said of God remains indirect and analogical, proportioned to our finite manner, indeed, our body-soul manner, of existing. As St. Thomas explains: "God cannot be seen in His essence by a mere human being, unless he is separated from this mortal life. The reason is because, as was said above, the mode of knowledge follows the mode of

the nature of the knower" (*Summa Theologiae*, Pt. I, q. 12, a. 11). Two extraordinary exceptions to this point mentioned by Aquinas, but not confined to them, are Moses and St. Paul (*Summa Theologiae*, Pt. I, q 12, a. 11, reply to objection 2).

The limitations of our knowledge about God are summed up well by Aquinas in the following passage:

> Now it was shown above that in this life we cannot see the essence of God; but we know God from creatures as their principle, and also by way of excellence and remotion. In this way He can be named by us from creatures, yet not so that the name which signifies Him expresses the divine essence itself (*Summa Theologiae*, Pt. I, q. 13, a. 1).

In other words, the words we apply to God do signify Him, do cognitively connect us to God. But these words do not express the essence itself of God. They signify God, point to God, as it were, but they do not convey to our minds a presentation of what God is in Himself. For example, when we say that God is good and perfect the intrinsic goodness and perfection of God is not presented to our mind, but what we mean (and understand) is that whatever perfection there is in the created universe is but an imperfect reflection of what exists in the Creator in a manner far above what we can understand. When we say that God understands, or loves, we mean (and understand) that there exists in the Creator, in a manner we cannot understand, a perfection which is similar (in a manner we cannot specify with precision) to the perfections we call "understanding" and "love" in creatures.[17]

Even our understanding of other spiritual beings, though they are not infinite and supernatural, is similarly limited. For example, we understand intellectual knowledge by analogy with the more easily understood sense knowledge.[18] Thus we say that an explanation threw light upon an issue or question. The word "light" primarily signifies what enables one to see material objects with one's eyes, and is applied to the sun, fire, and light bulbs. But then we notice that the sun and light bulbs are related to material objects as an explanation is related to an issue or situation; there is an indirect similarity, a similarity of relationships. The relation between the sun and material objects is similar to the relation between an explanation and an issue. Noticing this makes us understand something about explanations, and we extend the term "light" to signify explanations, because of this similarity of relations of other things to them.[19] A similar process occurs in our understanding and speaking of God. We do not grasp what God is in Himself. Rather, we understand that contingent beings are related to Him as effects are related to causes.

Revelation now teaches us that God is our Father. This is a very significant new truth, even if it is still indirect. It tells us that we should relate to God as to a father, and that God is in Himself whatever is necessary for this relationship to be an appropriate one. Thus on the basis of different relationships (creation in one case, personal communion in the other case) the terms "Creator" and "Father" are rightly predicated of God.

In this way, we can understand how it is possible to understand something about God and speak about God, without understanding what God is, that is, without apprehending any perfection intrinsic to God's essence. All of our understanding and language about God remains indirect and analogical.

3. TRANSMISSION OF REVELATION

Revelation is intended for all people, not just for those who lived in Palestine during the days Jesus lived in a visible manner there. Hence the communication received from Christ must somehow be transmitted to later generations. So, Jesus formed a visible community and commissioned it to hand on His teaching: "He said to them [the Apostles], 'Go into the whole world and proclaim the gospel to every creature. Whoever believes and is baptized will be saved; whoever does not believe will be condemned.'" (Mk 16:15-16). Christ promised to remain with His Church to the end of the world (Mt 28:20), to lead her into all truth (Jn. 16:13; 14:26), and to guard her from the forces of evil (Mt 16:16-18). The community Christ formed, the Church, is the body of Christ, for it is the extension of Christ into the whole world (1 Cor. 12). Christ remains present in the world through the Church, for the Church hands on His words and His deeds.

In the sacraments the redemptive act of Christ, His obedience unto death, is made present. It is Christ Himself Who baptizes, Who forgives sins, Who joins spouses (in the sacrament of Matrimony), through the human ministers of the Church. When Jesus appeared to the Apostles after His Resurrection, He said: "Peace be with you. As the Father has sent me, so I send you." John reports further, "And when He had said this, He breathed on them and said to them, "Receive the Holy Spirit. Whose sins you forgive are forgiven them, and whose sins you retain are retained." (Jn. 20:19-23) Earlier in the Gospel of John Jesus had made it clear that the Father sends Him in a special way, that although the Father sends Him out, the Father remains in Him, or is present in Him (Jn. 8:29; 14:1-14; 17:16-26). So, Jesus sends the Apostles, but He remains in them. Thus, Jesus remains present in the world in a special manner in the Apostles and their successors, the bishops and priests of the Church. Note also that Jesus does not tell them to announce that their sins have been forgiven, but to forgive them. This they do only in virtue of Jesus being active in them (Council of Trent, DS 1601/8441630/870).

The words and deeds of Christ handed on to us in the Church are the communication from God, God's revelation, to which we give an obedience of faith, a commitment of ourselves (Vatican II, *Dei Verbum,* #5). Thus, revelation is handed on not just by the Bible, nor just by the bishops and the pope, but by the whole community, the Church, founded by Jesus. For example, when a mother teachers her children their prayers, or their catechism she is handing on divine revelation.

But this process of transmitting revelation is not a mere human process. Jesus promised that he would remain with the Church, that he would guide it into all truth, that is, that he would ensure that revelation, the gospel, would remain available in the world in its integrity (see Mt 28:18-20; Jn 14:15-21; 16:12-15) Thus, Jesus promised a divine gift that would ensure that the Gospel would remain available in the world in its entirety. That divine gift ensuring the Gospel's integrity must exist in the world today. Individuals participate in handing on revelation, but they may also lose parts of it, and confuse revelation with cultural accretions and mistakes. The same is true of parts of the Church just as such (that is, insofar as their actions are not the actions of the whole Church). Therefore, the divine gift ensuring that the Gospel remain in its integrity belongs neither to individuals nor to parts of the Church, but to the Church as a social whole (Grisez, 1983, volume 2, p.17).

While the Bible belongs to the Church as a whole, it cannot be the sole means by which the Gospel remains in the Church in its integrity. Revelation is personal communication, but communication is not complete until what is said is heard and rightly understood. It follows that the Bible is only a component in that larger process, and that the Bible belongs to revelation only in the sense in which it is understood or interpreted by the Church.[20]

There are other reasons why the Bible alone could not be the sole gift ensuring the integrity of the Gospel. The Church reveres the Bible, and clearly teaches that it is inspired and inerrant (Vatican II, *DeiVerbum* #11). However, the Bible is subject to various interpretations, as history has proved. Several important passages of the Bible are not clear on their face, but are interpreted by reasonable people of good will in different ways. There are several examples: the presence of Christ in the Eucharist, infant Baptism, sacramental Confession, divorce and remarriage.[21]

Also, the Bible does not contain a table of contents, and so there is need of an extrabiblical, living authority to determine what belongs to the Bible (inspired written teaching) and what does not.

Further, new questions arise that one could not expect the Bible to have addressed explicitly (for example, abortion, euthanasia, liturgical norms for

the sacraments, controversies on how to understand the relation between Christ's humanity and His divinity). The divine gift belonging to the Church ensuring the integrity of the Gospel, then, is not the Bible alone, but the divine assistance preventing the faith or teaching of the Church from erring.

No large community can act as whole without certain members having the function or office of acting for the community. For example, a company cannot hire a person without someone's word or signature counting as the act of the company as a whole. It is the same with the Church. Jesus appointed leaders for His Church, and, since their office is indispensable, evidently intended that leadership role or office to continue. The leadership role of the Apostles is continued by their successors, the bishops, and the leadership role of St. Peter is continued by the successor of St. Peter, the pope.[22] The role of the bishops in communion with the pope is to teach in the name of the Church as a whole. Their official teachings are the acts of the Church and are, for that reason, infallibly proposed. That is, if they are teaching precisely as leaders of the Church, and with their full authority, then—but only then—their teachings are the teachings of the Church, the Body of Christ, and therefore infallibly proposed.[23]

In short, the Church hands on the revelation from Christ, first received by the Apostles. But this handing-on process must be discernible. That is, so that the revelation will not be lost or become indiscernible from cultural accretions and corruption, there must be some way of telling when the Church as a whole is teaching. This is possible only if there are official leaders and their judgment on what belongs to revelation counts as the judgment of the Church herself. The bishops acting individually can disagree (and often have), and so their judgments are not those of the Church as a whole. Rather, the bishops in communion with the pope constitute the teaching office of the Church: their official teachings count as teachings of the Body of Christ. Revelation can be discerned in their teaching.

4. FAITH AND REASON

An important objection to Christian faith in modern times has been the rationalist position. The rationalist rejects Christian faith because of his understanding of faith itself. He argues that one should always follow reason, but that in Christian faith the Christian goes beyond reason and therefore violates it. That is, the rationalist holds that one should always proportion one's belief to the amount of evidence available: positions with strong evidence for them should be believed strongly, positions with less evidence for them less strongly, and so on. Now, there is not sufficient evidence for the truth of the Christian religion to merit absolute certainty, otherwise, we would not be asked to have faith.[24]

The Church rejects rationalism; but the Church also teaches that the act of faith is reasonable, and that reason has a definite role to play within the act of faith. To understand this, we should first compare faith in God with human faith. Suppose my colleague tells me that while I was away from my office a student came to visit and that I should call him. If I believe my colleague then I accept what he says, not because of evidence (through my senses or understanding), but on the basis of my colleague's trustworthiness. Faith or belief is distinct from knowledge,[25] or the deliverances of reason, in that in knowledge one accepts something because of evidence. In knowledge the evidence moves one to accept the proposition as true. For example, one accepts the proposition that grass is green because of one's sense experience. One accepts that the earth is spheroid because of proof. One accepts that equals added to equals are equal because one intellectually apprehends it as self-evident.[26] But in belief (or faith) there is not sufficient evidence to move one to accept with certainty the proposition believed. If I accept the proposition that a student came to my office, I do so not on evidence, but on the trustworthiness of a witness. Thus, to believe is to assent to (accept as true) certain propositions, not on the basis of evidence (direct or indirect), but on the basis of trust in a witness.

Some significant points about belief in general should be noted. First, it involves in some way a choice. True, one may find oneself spontaneously believing someone (that is, without a choice), but even then, one has at least an indirect voluntary control over one's acts of belief: one could choose to try not to rely on others for information. Moreover, by developing a habit of independence, one could diminish one's readiness to believe other people.[27]

Second, beliefs or acts of faith can be absolutely certain. In popular parlance the word "belief" often connotes a lack of certainty, as when one says, "I believe that is so, but I can't be sure." But that is not the sense of the word "belief" used here. People are often more certain of beliefs—what they accept on the word of a witness—than of things known through proof.

Third, some beliefs are reasonable and others are unreasonable. Believing a trustworthy person who can know what he testifies to is reasonable. Believing an untrustworthy person or an ignorant person (or one ignorant about the area testified to) is unreasonable. Thus, human beliefs are not private matters one cannot discuss. Even though one cannot prove what one is asked to believe—otherwise belief would be unnecessary—still, one can examine the situation and the witness to try to determine whether one's belief is reasonable. Human beliefs need not be blind leaps.

Fourth, since one has some voluntary control (direct or indirect) over one's beliefs, and since only some beliefs are reasonable, it follows that in

some situations one ought to believe, and in other situations one ought not. For example, in most cases a child ought to believe his parents and in most cases a husband ought to believe his wife; whereas often (evidently) one ought not to believe politicians.[28]

Christian faith has many of the same characteristics as human belief, or belief in general. However, instead of believing a human witness, Christians believe God Himself, Who speaks to us in revelation. God speaks through the words and deeds of the prophets of Israel, and of His Son, Jesus. These words and deeds are handed on to us in the Church. We accept these words and deeds as true, not because we can prove them, but because of God's trustworthiness. Moreover, like the human faith we just spoke of, the Christian faith of an adult is free, certain, reasonable, and a morally responsible act.

However, one must avoid having an over-intellectualized view of faith. Writing in a theological and university context, Catholic theologians have sometimes given the impression that they viewed the act of faith as a purely intellectual act, an assent to impersonal information of essentially scientific interest. Catholic theologians sometimes gave this impression when, between the times of the Council of Trent (the Council which met between 1545 and 1563, and replied to Luther) and Vatican II (1962-1965), they often emphasized the differences between Catholicism and Protestantism. Protestants sometimes emphasized the aspect of trust in the act of faith to the point that the intellectual component seemed unimportant. In reaction, Catholic theologians sometimes over-emphasized the intellectual component. Vatican II signaled the importance of a balanced approach by teaching that, "By faith man freely commits his entire self to God who reveals…" (Vatican II, *Dei Verbum*, #5). Faith is a response not just to impersonal, scientific information, but to a personal communication from God, an invitation from God to set up with him a personal communion. So, one's act of faith (in adults) is the beginning and foundation of this personal communion with God. It is, as the letter to the Hebrews says, "the substance of things to be hoped for" (Heb. 11:1).

Scripture frequently compares our relationship with God to a marriage relationship. Suppose John proposes marriage to Susan. John's proposal is an invitation to her to set up with him a common life. Thus, his communication is not mere impersonal information. Rather, by what he says, and equally importantly, by what he does, he communicates to her who he is. He reveals himself to her. He will no doubt have revealed to her his origins, his family, his basic beliefs, and, very importantly, his plans and his commitments. These things constitute (in part) who a person is. And so her acceptance of this communication is not just a purely intellectual assent to

his assertions as being true, although it will include that. Her acceptance of his proposal is also an acceptance of him, and the beginning of the type of personal communion they will form in the rest of their married life.

Similarly, God's revelation is not just impersonal information about the nature or structure of the universe (although it includes truths about the nature of the universe). It is a communication about who God is, and of His invitation to us to set up with Him a personal communion as intimate as a marriage. "By divine revelation God wished to manifest and communicate both Himself and the eternal decrees of this will concerning the salvation of mankind" (Vatican II, *Dei Verbum*, #6; *Fides et Ratio*, p. 22, #13). And just as John's communication to Susan is in deeds as well as words, so God's revelation is by deeds as well as words. The words and deeds of the prophets and of Jesus, handed on to us by the Church (in the Church's teachings and sacraments), constitute the personal communication from God.

Finally, Susan's acceptance of John's marriage proposal is the beginning of their marital communion. Normally this act of acceptance also involves a commitment by her to do her part in building up that commitment (love), and a trust that John will do his part in sustaining the communion (hope). In one act she accepts the proposal as sincere (faith), trusts that John will do his part (hope), and commits to do her part (love). Similarly, the Christian's act of faith, his acceptance of God's proposal of personal communion, is the beginning of the Christian's personal communion with the Father, Son and Holy Spirit (the "substance of things to be hoped for"). And in one act the Christian accepts the proposal as true (faith), trusts that God will fulfill His promises (hope), and commits to do his part in building up the Kingdom of God (an act of love or charity) (Grisez, vol. 1, chapter 19). This obedience of faith remains as part of who the Christian is, and is implemented by hundreds of choices and actions throughout the Christian's life, as, with God's grace, he seeks to integrate every aspect of himself, and his society and culture, with that living faith.

How, then, can the act of faith be reasonable? How should a Catholic answer the rationalist objection? The rationalist rejects religious faith, as we saw above, arguing that the evidence for Christianity is not sufficient to warrant absolute certainty, since one is asked to believe, not know. And yet Christians teach that one should have absolute certainty, that one should believe firmly. How, in other words, can Christian faith be: a) distinct from knowledge, b) absolutely certain, and yet c) also reasonable?

The first Vatican Council taught the following:

> Nevertheless, in order that the obedience of our faith might be in harmony with reason [consentaneum rationi], God willed that to the interior graces of the Holy Spirit there should be joined exterior evidences (argumenta) of His

> revelation, namely, divine facts, and especially miracles and prophecies, which, as they manifestly display the omnipotence and infinite knowledge of God, are most certain signs of his divine revelation, adapted to the intelligence of all human beings (DS 3009/1790).

Thus, two things insure the reasonableness of divine revelation: the interior graces of the Holy Spirit (illumination of the intellect and movement of the will), and exterior signs (such as miracles, prophecies, the sublimity of Christian teaching, or the holiness of the Church). That is, there is both an internal light of faith, by which one perceives that what is revealed is of divine origin, and external signs, which indicate the revelation's divine origin. How should these two factors be understood?

Regarding the external signs of credibility, consider this analogy. I receive what purports to be an important communication from my human father: how could I determine that the message was indeed from my father? Clearly, the message would need to be accompanied by signs or marks indicating that it really was my father speaking. This might be my father's signature, his characteristic way of speaking, or an indication that the author knows things that only my father could know, or a combination of all these things. The case of divine revelation is similar: God causes certain effects to accompany His revelation, effects related to His revelation just as a signature or a characteristic turn of phrase is related to my human father's message. Miracles and prophecies, but also the sublimity and luminosity of the divine revelation, and the holiness of the Church, are like a divine signature, indicating to us that here God is indeed speaking. Just as it would not be unreasonable to accept a message from my father, given external signs of his authorship, so it does not violate reason to accept God's revelation, partly because of external signs of divine authorship. The signs of credibility dispose us to believe, and insure that the act of belief does not violate reason, although the primary cause of the act of faith is God's interior illumination and movement.

The Church in the first Vatican Council mentions miracles and prophecies, but she does not limit signs of credibility to those. Thus a sign of credibility might be the sublimity of Divine revelation, the character of Christ, the holiness of the Church, the stability of the Church, or combinations of these.[29] One may grasp signs of credibility by reasoning, by reflecting on the characteristics of Christ or of the Church which are explained in apologetics books. Or one may apprehend signs of credibility by a simple act of perception, discerning the divine character of the Gospel, of the Liturgy, or of the Church.[30]

Vatican I emphasizes that the act of Christian faith is done only with "the illumination and inspiration" of the Holy Spirit, "who gives to all people

sweetness in assenting to and believing in truth"(DS 3009).[31] Thus, the Holy Spirit working within us enables us to recognize the divine origin of the Gospel proposed to us exteriorly.

Consider how one recognizes the work of a favorite artist. First, there are definite marks or signs in the painting that one might be able to indicate, which are clear signs of the master's work. Second, one might be aware of such signs without being able to articulate them the way an art historian or even a reader of books on art is able to. Third, many people are able to perceive the chief characteristics of a master artist without any reasoning at all, either explicit or implicit.

Similarly, one need not have read apologetics books in order to be aware of signs of credibility in God's revelation, signs which attest to its divine origin. Second, many people perceive the sublimity of revelation or the holiness of the Church—the holiness produced by living the Gospel—without being able to articulate or defend this point. Third, many people may go through a reasoning process that is implicit and that they cannot articulate (see, e.g., Newman, 1985; du Broglie, 1963, especially pp. 20-66). Finally, people may immediately perceive the divine origin of the revelation. In any of these cases their faith is reasonable and a responsible act.[32]

Another point of comparison with appreciation of art is significant here. To recognize the artist, or say, the beauty of a painting, there is required an "artistic sense" on the part of the subject. Some people (and not only art critics) have a developed artistic sense, while others seem to lack an artistic sense altogether. While what one recognizes—the origin of a particular piece of art, or its beauty—is objective, still, there is needed a sense or openness on the part of the subject to apprehend it. Similarly, the Holy Spirit works interiorly, moving the Christian to perceive the divinity in the revelation that is exteriorly preached to him (du Broglie, 1963, especially pp. 20-66). God working interiorly in the soul of the Christian gives him a "sense of divinity," a capacity to recognize the divine origin of the revelation handed on from the Apostles.[33] Thus, of the Good Shepherd, Our Lord says that he calls his own sheep by name and the sheep hear his voice, "and the sheep follow him because they hear his voice. But a stranger they will not follow, but will flee from him because they do not know the voice of strangers" Jn.10:4-6).[34]

Hence the interior light of faith, together with the external signs of credibility, show that the act of faith does not violate reason, that it is "consonant with reason." One might distinguish between "epistemic" justification and "moral" justification. Epistemic justification involves the norms for an intellectual act, where those norms concern the relation of one's intellectual acts to the goal of attaining knowledge of truth. Moral

justification involves the norms for choices, and these norms concern the relation between these acts of will and all of the intrinsic goods of persons. Roughly, the epistemic domain concerns truth, the moral domain concerns goodness of will. Some Catholic thinkers have argued that rationalism is mistaken because, although the act of faith may lack epistemic justification or warrant (sine the evidence by itself may not warrant absolute certainty), still, it has moral justification. The light of faith and the signs of credibility render the act of faith a morally responsible act, because it is morally responsible in some cases to go beyond the evidence. Other Catholic thinkers have argued that the rationalist is mistaken because there is sufficient evidence, even for epistemic justification for the act of faith. The evidence is of a distinctive sort, not the same as in scientific matters, but the sort involved in interpersonal relationships. By the light of faith, and confirmed by external signs of credibility, one perceives that revelation is of divine origin. In either case, the act of faith is a reasonable and morally upright act.

5. REASON AND ORIGINAL SIN

Someone may object to what seems an overly optimistic view of reason: "Given the reality of original sin (one might argue) how can one have such a high evaluation of reason's natural capacities, as the Catholic Church does? After all, because of original sin, human nature has been radically corrupted, and it would therefore be a dangerous folly to trust it at all. In these circumstances, we should forsake reason and abandon ourselves to faith and God's grace." How, then, does the Catholic Church's position on faith and reason relate to the reality of original sin?

The Church certainly does recognize that human reason has been seriously wounded or damaged by original sin. The Church rejects, however, the conclusion that some draw from this, that therefore reason is now fundamentally derailed or unable to arrive at any certainty. The damage done by original sin could be understood in two ways. First, one might think that original sin causes human reason now to be fundamentally untrustworthy. Perhaps reason is like a broken clock—it cannot be trusted at all, its readings being perhaps completely out of touch with real time.

Or, secondly, the damage caused by original sin might be understood as a weakening of reason, making it more liable to error—especially on matters bearing on moral questions—but not rendering it incapable of arriving at any legitimate certainties. The analogy here might be an injured leg, say a leg with an arthritic knee: although one cannot walk as well or securely with an arthritic knee, still, one can limp or hobble with it; the leg can still function

(move one to a new place), though not as efficaciously as a healthy leg. Moreover, if one adds a sturdy knee-brace—analogous to faith and grace—one might walk and even run quite well. The Catholic Church understands the effect of original sin in this second way, not the first.

I cannot give a full defense of that position here, but perhaps it would not be out of place to present two considerations which may at least clarify it in part. The first way of understanding the damage of original sin would appear to be self-referentially inconsistent. It is one thing, as we have said, to hold that one's reason is weakened, but quite another to hold that one's reason is fundamentally unreliable. But holding that reason is fundamentally unreliable would annul every act of reason, including this very act in which one holds that it is untrustworthy. Put otherwise, the act of believing that reason is fundamentally untrustworthy is itself an act of reason (even if other powers, in ourselves or in others, God perhaps, are held to be involved). So, to hold that reason is radically untrustworthy is at the same time, implicitly, to hold that it is not (at least in this instance) radically untrustworthy.

Secondly, to hold that reason is totally corrupted by original sin, rather than wounded or weakened by it, seems to be based on thinking of evil and corruption as positive realities, rather than as privations or distortions of what still must retain some good in them. How can we conceive of the intellect, a spiritual power, being damaged? We might think of evil as a certain type of nature, to which, after original sin, we are drawn and which somehow enters us and twists our capacity to reason, rendering it fundamentally unreliable. However, such a view is mistaken. Evil is not a nature or positive something that competes with goodness. Rather, evil is a privation, a lack of what is due a thing.[35] While there are things and acts which are evil, what makes them evil is a lack of what ought to be in them, a lack of order or of some fullness of being due those things.

Original sin—that is, the original sin transmitted to babies when they are conceived—is the privation of the communion with God (sanctifying grace) which should have been there had Adam not sinned (Council of Trent, DS 1510/787-1516/791). Other effects of original sin are death—for if Adam had not sinned we would not have died, because of the preternatural gift[36] of immortality—and concupiscence (e.g., Rom. 5:12, and 5:19). Concupiscence is the lack of the preternatural gift called "integrity," the subjection or ordering of our emotions to the judgment of reason. After original sin our emotions tend to go off on their own, as it were, preceding the direction of our reason.

Original sin itself is removed by Baptism, which is to say that the baptized person receives sanctifying grace, a share in the divine nature, the Holy Spirit poured forth in his heart (*Fides et Ratio,* #22 and 28). But the effects

of original sin remain, namely, concupiscence and a certain darkness of the intellect and weakness of the will. How should the darkness of the intellect be understood? The intellect and will are spiritual powers of the human soul. How can they be damaged by the lack of sanctifying grace?

The darkening or weakening of the intellect is not a contrary tendency in it. (Since evil is not a positive nature, evil as such cannot be the direct object of a tendency.) Moreover, since the intellect is a simple, spiritual power, it cannot be thought of as composed of various cells some of which lose their capacity or size, as muscular tissue becomes weaker, or totally incapacitated. Rather, the intellect seems to be damaged by sin insofar as its attention is modified—directed in the wrong way. We all have experienced times where because of selfishness, pride, or envy, we slighted or ignored clear evidence, and exaggerated other apparent evidence or arguments. Selfishness, pride, envy, and so on, incline us to concentrate on certain facts and ignore others. A simple example will illustrate the point. Those who smoke cigarettes sometimes find it difficult to be objective about the massive research showing that cigarette smoking is deadly to one's health. Clearly, a bias can impede the functioning of the intellect, suppressing its operation in certain cases, tempting one to rationalize in other cases, and thus darkening the intellect.[37]

Two important conclusions can be drawn from these points. First, the human intellect is weakened by original sin, not totally corrupted. It is not paralyzed, even if it now walks with a limp.

Second, the intellect can be healed by grace and faith. If selfishness, pride, envy, lust and so on bias the operations of the intellect, then charity, humility, chastity, and, above all, faith, heal that bias. Of course, there remain aspects of ourselves not yet integrated with faith and charity, and so the bias more or less remains, more with some of us than with others. But the Catholic view is that the practical conclusion to be drawn from this is, not to abandon reason, in a blind leap of faith, but to struggle with one's selfishness, pride, and so on, and, above all, to reason within the context of faith. In that way, we can counteract the biases we have because of the effects of original sin: "Seen in this light, reason is valued without being overvalued. The results of reasoning may in fact be true, but these results acquire their meaning only if they are set within the larger horizon of faith" (*Fides et Ratio,* #20).

6. FAITH, REASON, AND RESPECT FOR GOD'S CREATION

At times some people have tended to view creatures and creator, the temporal and the eternal, human action and divine action, as in fundamental

competition, rather than in harmony. They thought that to give credit to creatures was to detract from God's glory. And so they tended to give as little credit to creatures as possible, in order to leave room for giving credit to God. Given these ideas some people tended to exalt faith, but denigrate reason, attribute almost all to grace and almost nothing to nature, and view the temporal as nothing but a mere means or testing ground in relation to the eternal. We could call this view "fideistic supernaturalism" (Grisez, 1983, vol. 1, p. 311). This view seems to have lent support to the "sola gratia" doctrine during Reformation times—the doctrine that we are saved by grace alone, that free will has no role at all in justification or salvation. It also seems to have lent support to the "sola scriptura" doctrine—the doctrine that revelation is by Scripture alone, and not by tradition at all.

Taken to its logical conclusion, fideistic supernaturalism (that is, the tendency to detract from creatures in order to exalt divine power) led certain Islamic theologians in the Middle Ages, called the "Mutakallimin," to teach that only God actually causes effects, and that creatures are nothing but occasions for God's activity. Thus, according to the Mutakallimin, the sun does not warm the river or the fields, but God does so alone, on the occasion of the river or the fields being under the sun. In the last few centuries, this same view of the divine and the human as exclusive or dichotomous has continued on, except that many thinkers have denied the significance of the divine in order to leave room for seeing significance in the human. This view, secularism, is just the flip-side of fideistic supernaturalism, but it is of the same coin. Both make the same basic mistake: the assumption of a fundamental dichotomy between the human and the divine.

Responding to this idea as it was found in the Mutakallimin's position, St. Thomas Aquinas in the thirteenth century expressed well the basic Catholic position. Aquinas's reply to this position was that God's action and creatures' actions are not in competition at all, but in a fundamental harmony. In fact, he argued, to detract from creatures' action does not glorify God, but on the contrary, detracts from His power:

> [T]he perfection of the effect demonstrates the perfection of the cause, for a greater power brings about a more perfect effect. But God is the most perfect agent. Therefore, things created by him obtain perfection from him. So, to detract from the perfection of creatures is to detract from the perfection of divine power (*Summa Contra Gentiles*, Bk. III, Ch. 69, #15).

Just as to praise an artist's work in no way detracts from the artist, but just the reverse is true, so to see efficacy and significance in God's art, God's creation, does not detract from God. On the contrary, to detract from the perfection of an artist's work is to detract from the talents of the artist. And it is similar with God and His creatures, who are His art.

God elicits our active cooperation, not because He needs our actions; He does not depend on us in any way. Rather, He elicits our active cooperation to ennoble us, because, as St. Thomas again expressed it, He wishes us to be like Him not only in being but also in action (ibid., #16).[38] An analogy may clarify. A mother may give her two pre-school children a good gift by giving them some cookies. But, an even better gift would be to get them to help her bake the cookies, with her constant supervision and guidance. Then the gift is even better. Part of the gift is their active participation in making the cookies. Likewise, our active cooperation in redemption and salvation in no way competes with divine grace; rather, it is part of the divine gift. This point applies to the relationship between grace and nature, but also faith and reason, Scripture and tradition, human goods and divine life.[39] To see some efficacy and significance in the human in no way detracts from the divine.

The Catholic Church clearly teaches that the kingdom of God is a gift that we cannot earn. We are freely called into communion with the Lord; the Holy Spirit is poured forth into our hearts, purely out of God's generosity. The Church also insists, however, that it is possible by our free will to fall away from that communion (Eph 5:1-6), and that we are called actively to cooperate with God in preparing the materials, as it were, for the eternal banquet. Our own active cooperation is not in competition with God's grace, but is itself part of the gift God has prepared for us (First Vatican Council, DS 3008/1789-3010/1791; *Catechism of the Catholic Church*, #153-154). "For we are His handiwork, created in Christ Jesus for the good works that God has prepared in advance, that we should live in them." (Eph. 2:8-9) And so the Church teaches the centrality of grace and faith, but also the dignity and importance of reason and all of the goods of human nature. Indeed, the eternal kingdom will include not only supernatural communion with the Father, Son and Holy Spirit, but also the fulfillment of our human nature, both body and soul, and all of the fruits of our human action, purged of imperfection.

> When we have spread on earth the fruits of our nature and our enterprise—human dignity, brotherly communion, and freedom—according to the command of the Lord and in His Spirit, we will find them once again, cleansed this time from the stain of sin, illuminated and transfigured, when Christ Jesus presents to His Father an eternal and universal kingdom, 'of truth and life, a kingdom of holiness and grace, a kingdom of justice, love and peace.' (reference to Preface for the Feast of Christ the King) Here on earth the kingdom is mysteriously present; when the Lord comes it will enter into its perfection (Vatican Council II, *Gaudium et Spes*, #39).

Thus, the Church teaches, against both secularism and fideistic supernaturalism, that grace is central, and that grace does not supplant nature, but perfects and builds on it. Similarly, faith does not negate reason,

but adds to it and provides an illumining horizon for it. "Redeemed by Christ and made a new creature by the Holy Spirit, man can, indeed he must, love the things of God's creation: it is from God that he has received them, and it is as flowing from God's hand that he looks upon them and reveres them" (Vatican Council II, *Gaudium et Spes*, #37).

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NOTES

[1] Council of Trent (which met in the years 1545-1563), DS 1525/797; 1532/801. I will refer in the standard way to Church councils by citing a work edited by Henricus Denzinger and Adolfus Schönmetzer, *Enchridion Symbolorum Definitionum et Declarationem de Rebus Fidei et Morum*, hereafter abbreviated as DS, with their enumeration. There will be two numbers; the lower one is found in an earlier edition of the handbook and in many publications using it. Much of Denzinger-Schönmetzer is translated in *The Church Teaches, Documents of the Church in English Translation* (1973).

[2] "Modernism" is the name of a set of views on revelation and the Christian life rejected by the Catholic Church early this century during the papacy of Pope Pius X. See Pope Pius X, "On the Doctrine of the Modernists" (*Pascendi Domenici Gregis*), #8-10, in DS 3477/2072.

[3] Ibid.

[4] In the text the case of living, healthy faith is discussed. It also is possible to have the supernatural virtue of faith without the virtues of charity and hope. Following St. James, the Church has traditionally referred to that as "dead faith." See Jas. 2:14-17; Council of Trent, DS 1544/808.

[5] Propositions are not the same as the verbal or written sentences one uses to express or signify them. Rather, propositions are the objects of thought signified by the outward expressions. Thus, two different sentences, one English and one French, say, can signify or express the same proposition.

Nor should propositions be thought of as intermediaries somehow blocking our grasp upon reality. Propositions are the content of what we understand of a reality with which we are in cognitive union; they *constitute* that union. Even though their complexity and limitations are not properties of what is understood, but of our manner of understanding, their content is identical with some aspect of the thing understood, or, in the case of analogical predications, their content is a likeness of the thing understood.

[6] On the analogical meaning of our understanding and language about God in revelation, see below.

[7] Of course, not every alleged mystical experience is genuine.

[8] Cf. *Fides et Ratio*, #13. The authority of the Church is not based on scholarly expertise but her mission with respect to revelation. The Church does not take positions on the philosophical issues as such. But various philosophical positions do impinge on her mission, which is to hand on, guard, and develop the deposit of Faith received from the Apostles. First, some of the truths of revelation do answer, inadvertently, philosophical questions, for example, philosophical issues regarding the existence of God, free will,

other minds. Second, some philosophical positions, while not directly contradicting any specific doctrine of revelation, would imply, if true, that the basic relationship which revelation is meant to establish is impossible.

[9] The teaching is from the Fourth Lateran Council, DS, 806/432.

[10] The quote is from *The Liturgy of St. John Chrysostem*, *Anaphora*.

[11] The quote is from St. Thomas, *Summa Contra Gentiles,* Bk. I, Ch. 30.

[12] Followers of John Duns Scotus, a Franciscan theologian-philosopher who lived between 1265 or 1266 and 1308, who is famous for defending, against the Thomists, the position that some of our words are predicated *univocally* of God and creatures. For a brief introduction to his life and thought, see Frederick Copleston, *History of Philosophy, Volume 2: Medieval Philosophy* (1962, Chapters 45-50).

[13] Followers of Francisco Suarez (died in 1617), a seventeenth century Jesuit theologian. See Frederick Copleston, *History of Philosophy, Volume 3: Ockham to Suarez* (1953, Chapters 22-23).

[14] An important disanalogy with pulsars is that God is not distant—although He is understood only indirectly, He is intimately present, and is loved and worshipped as present. See St. Thomas Aquinas, *Summa Theologiae,* I, q. 8.

[15] Shown by the fact that our understanding of the feature does not tell us thereby that it exists.

[16] This is because we are body-soul composites, not pure spirits, and our natural manner of understanding follows our natural manner of being. For a good explanation of this point see Bernard J. F. Lonergan, *Insight* (1970, pp. 3-33).

[17] Things understood and chosen are related to God in ways somewhat similar to the ways things understood and chosen are related to human agents. On the basis of that similarity of relationships, we rightly extend the terms "knows" and "wills" to God, even though we do not apprehend what God's understanding or willing is in Himself.

[18] Indeed, even sense *knowledge* is probably understood by analogy, and contrast, with other types of actions, such as swallowing or grabbing—cf. the terms, "gullible," "apprehend," and "grasp."

[19] This type of analogy is technically called an analogy of proportionality.

[20] What is denied here is the *formal* sufficiency of the Bible—sufficiency not for salvation (since even one who does not know of Christ can be saved by God's grace if he wills to do God's will), but sufficiency for understanding what God has revealed. Perhaps all of the basic truths of public revelation are contained, implicitly or explicitly, in the Bible (the Catholic Church has not taken a position on that question). That would be *material* sufficiency. The Church's teaching is that the Bible is not *formally* sufficient: to understand properly what is revealed, and how what is revealed in the Bible applies to issues that arise later in history, a living authoritative interpreter is needed.

[21] The issue of divorce and remarriage is particularly instructive. On a first reading, the Gospel of Matthew appears to contradict the teaching on divorce and remarriage in Mark, Luke and Paul (Cf. Mt. 5:31-32, Mt. 19:1ff, with Lk. 16:18, Mk. 10: 1-12 and Paul's 1 Cor. 7: 10-11). In Mark, Luke and Paul it is taught that no one can divorce and remarry, that the attempt to do so is adultery, and no exceptions are made. In Matthew there appears, on first reading, to be an exception. In both places Matthew says that Our Lord said that if a man puts away his wife, *except on account of porneia* (often translated as "fornication"), and marries another, then he commits adultery. (In Mt. 19:1ff the phrase is, "except for" [*epi me*] *porneia*) The context of Mt. 19, however, indicates fairly clearly that an exception could not actually be meant, for if a true exception were envisaged it would be hard to see how the refrain, "You have heard it said, … but now I say to you…"

would apply. If Jesus were merely affirming the stricter of the two predominant interpretations of the time (those of Shammai and Hillel) then he would not be going beyond what was generally taught. Also, it is hard to explain how one or more evangelists (depending on which gospel is earliest) could feel justified in contradicting what other evangelists and/or Paul had taught (note also that Paul makes a point of indicating that he is reporting Our Lord's teaching, not just his own). Further, if a true exception were allowed the ground would probably be referred to as "*adultery"* (*moicheia*), instead of "fornication" (*porneia*). So it is clear that what appears to be an exception really is not. The most probable explanation of the apparent discrepancy is that "*porneia*" in this context means, not fornication or adultery, but an *illicit union*. Thus, the meaning seems to be this: "Whoever puts away his wife, except where the marriage is unlawful, that is, not a real marriage, and marries another, commits adultery." Two points are important for our purposes: first, the passage is not on its face perspicuous, but requires interpretation. Second, the most probable explanation for the apparent discrepancy supports the Catholic Church's authoritative teaching on the issue.

[22] The leadership role is just one of the functions of the Apostles. The function of being the original foundation is unique to eye-witnesses, and is not passed on.

[23] So, day to day teachings are not infallibly proposed. On this issue, see Germain Grisez, 1983, volume 2, pp. 19-20. Notice that the pope's teachings are teachings of the Church herself, and thus infallible, only if the pope teaches to the whole Church, using his full authority, and defines that a teaching is part of revelation. The cases cited as counterexamples by critics of the Church—the Galileo case, or Honorius in the seventh century, for example—are clearly not cases of the pope teaching to the whole Church, nor defining that a doctrine belongs to revelation, nor teaching with his full authority. On these objections, see B.C. Butler, *The Church and Infallibility* (1954).

[24] Cf. Bertrand Russell's "Liberal Decalogue." His "first commandment" is: "Do not feel absolutely certain of anything." His fifth commandment is: "Have no respect for the authority of others, for there always are contrary authorities to be found." *The Autobiography of Bertrand Russell*, pp. 71-72, cited on the internet at the *Bertrand Russell Society Home Page*.

[25] The word "knowledge" is sometimes used as a contrast with belief or faith, where it means, being rightly certain of something on the basis of evidence, direct or indirect. At other times "knowledge" means being rightly certain of something, whether by evidence or by faith. In this second sense, one can *know* something either by evidence or by faith. The context suffices to indicate which sense is used.

[26] Hence there are three broad types of evidence: sense evidence (including memory), proof (deductive or inductive), and intellectual self-evidence.

[27] That the will is involved in belief is clear from the fact that faith is meritorious. Abraham's faith was "credited to him as righteousness" (Gen. 15:6; Rom. 4:3; Gal. 3:6).

[28] The *ought* in question here is a *moral* ought (as opposed, say, to a logical or technical ought).

[29] There are several good works on Catholic Apologetics. See, for example, Benedict Ashley, *Choosing a World-View and Value-System, An Ecumenical Apologetics* (2000); Michael J. Miller, *Life's Greatest Grace: Why I Belong to the Catholic Church* (1993); James Cardinal Gibbons, *The Faith of Our Fathers* (1917); Arnold Lunn, *And Yet So New* (1958). On documented miracles, the best instance, because of the meticulous documentation by physicians of various faiths or no faith at all, is Lourdes. On this see: Louis Monden, S.J., *Signs and Wonders: A Study of the Miraculous Element in Religion* (1966, pp. 194-250). Patrick Marnham, *Lourdes: A Modern Pilgrimage* (1981). On

several incorrupt bodies of saints: Joan Carrol Cruz, *The Incorruptibles: A Study of the Incorruption of the Bodies of Various Catholic Saints and Beati* (1977).

[30] This is expressed quite well by Guy de Broglie, S.J., *Reason and Revelation* (1963, pp. 20-66).

[31] Vatican I is quoting there Canon 7 of the Second Council of Orange.

[32] For a defense of the position that the "judgment of credibility" is based on an immediate perception, rather than a reasoning process, see Germain Grisez, *The Way of the Lord Jesus,* Vol. 2, *Living a Christian Life,* Chapter 1.

[33] Something analogous also happens with respect to moral attributes even on the natural level. All of us know of characters (at least from movies or books) who are completely selfish, and as a consequence expect everyone else to be. Everyone, they believe, must always have an angle, a selfish motive behind his actions. It seems that there must be some generosity within a person as a prerequisite to recognizing the real generosity in others. Analogously, the divinity within the Christian's heart enables him to recognize the divine origin of revelation.

[34] Note that the ability to accept is from within, but the intelligible content of what is accepted is from without.

[35] At the Council of Florence, the Church defined that: "there is no nature of evil, since every nature, insofar as it is a nature, is good [*nullamque mali asserit esse naturam, quia omnis natura, in quantum natura est, bona est*] (DS 1333). See, for example, Charles Journet, *The Meaning of Evil* (1963); Patrick Lee (2000, pp. 239-269).

[36] A "preternatural gift" is something which was given to Adam and Eve and would have been given to their offspring if Adam had not sinned, a gift that is beyond the capacities that are due a human nature, but is not the same as a sharing in the divine life, this last being called "*super*natural."

[37] "The search for truth, of course, is not always so transparent nor does it always produce such results. The limitation of reason and the inconstancy of the heart often obscure and distort a person's search. Truth can also drown in a welter of other concerns. People can even run from the truth as soon as they glimpse it because they are afraid of its demands" (*Fides et Ratio*, #28).

[38] "For it is not a result of the inadequacy of divine power, but of the immensity of His goodness, whereby He has willed to communicate His likeness to things, not only so that they might exist, but also that they might be causes for other things. Indeed, all creatures generally attain the divine likeness in these two ways, as we showed above. By this, in fact, the beauty of order in created things is evident" (*Summa Contra Gentiles*, Bk. III, Ch. 70, #7).

[39] Thus, the completed eternal kingdom, heaven, will include both divine life—the beatific vision—and human goods such as health, human friendship, play, and so on. One must not view heaven as purely spiritual and thus reduce the material order to a mere means.

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CHAPTER 2

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WHOSE NATURE? NATURAL LAW IN A PLURALISTIC WORLD

1. INTRODUCTION

The natural law tradition has a long, influential history in Western moral thought rooted in Aristotle and the Stoics and continuing to the present.[1] It has had a profound influence in Western culture less for its content and more in terms of its presuppositions about reason and morality. It has been a tradition that has anchored a positive view about the relationship of reason and morality. Because of its assumptions about the ability of reason to know moral truth, natural law theory has inspired many of the hopes of modern moral philosophy which has sought to establish a moral framework by an appeal to reason alone. The tradition embodies the belief that human reason can discover the moral law embedded in human nature which transcends time and culture. The common assumption of natural law theories is that moral duties can be known by reflection on human nature. However, there are many interpretations of the natural law tradition in ethics, political philosophy, and bioethics (see Hoffe, 1995). Natural law formulations have differed significantly in their views about which interpretation of nature should be normative and, as a result, they differ about the content of the moral theory derived from reflection on human nature. They also differ on the normative level and function of the theory.

Natural law approaches have at least two elements which make them attractive. First, they assume that moral knowledge (principles) can be apprehended by reason. If the project succeeds it would provide a way by which moral agents, from different cultures, would be bound together. A second appealing element of natural law approaches is that they take seriously the pluralism of moral reason by trying to include a variety of arguments (deontological, consequentialist). Traditional natural law methods

Mark J. Cherry (ed.), The Death of Metaphysics; The Death of Culture: Epistemology, Metaphysics, and Morality, 31—39.

have brought together teleological and consequentialist thought within deontological boundaries. Again, if successful a natural law theory would circumvent some of the foundational issues about the nature of moral reason.

However, there are also two significant conceptual issues that confront any theory of the natural law. Such a theory must address the difficulty of arguing that an appeal to "nature" should take priority over other moral appeals. When nature is understood by some people as the product of chance, mutation, genetic drift, and evolution, it is not clear why it should be considered morally normative. A normal starting point for natural law theory is to assume that there is a "design" to nature. This starting point will need argument.

A second conceptual issue is that any natural law account will have to specify what it means by nature. Some approaches to natural law have emphasized the physical structure of nature (e.g., the framing of the traditional Roman Catholic position on birth control). Such accounts often assume a teleology which articulates the ends of physical functions. Other approaches to "nature" focus more on the nature of practical reason rather than the teleology of natural physical structures (see, for example, Finnis, Grisez, and Boyle or Gomez-Lobo).

In addition to the problem of how "nature" is to be interpreted there is the question of why we should focus on human nature. Peter Singer, for example, would be critical of a natural law theory's appeal to *human* nature as the basis of morality. Even those who appeal to the natural law differ in what is regarded as morally normative. Some appeal to biological structures while others appeal to rational structures. The fact that there are numerous theories of natural law, some at great variance with one another, indicates that moral truth may not be as easily apprehended as proponents have asserted. Like other deductive moral theories, natural law theory needs content. The first principle of the natural law must be specified if it is to guide subsequent moral judgments. Thomas Aquinas, for example, argued that the first principle (Do good and avoid evil) was specified in secondary principles (Aquinas, I-II, Q. 94, a. 2). As one explores the natural law tradition it becomes clear that it is built on several key assumptions. One assumption is about the nature of moral reason. A second assumption is the normative philosophical anthropology that is central to natural law thought. A third assumption is the existence of a *jus gentium* that forms a common morality. Each assumption needs examination.

2. WHICH NATURE? CONTEMPORARY NATURAL LAW THEORY

I think it is helpful to focus the discussion of the natural law by examining a contemporary example of natural law reasoning. One contemporary example

of natural law reasoning is found in the work of Finnis, Boyle and Grisez (see Finnis, Boyle, Grisez).[2] Finnis, Boyle, and Grisez's discussion of the natural law is set out in the context of their examination of the justification for nuclear deterrence . The theory they propose differs from consequentialism and other teleological, goal-directed theories, as well as from Kantian, deontological, duty-oriented theories which seek to ground moral norms in the *nature* of morality (Finnis, Boyle, Grisez, p. 276). They hold that their theory possesses the strength of a teleological account through a theory of human flourishing, while avoiding the weakness of teleological accounts which cannot support any deontological constraints that can protect individuals. Natural law has the strength of deontology in that moral judgments are grounded in the rational nature of the moral subject. Yet it avoids deontology's overemphasis on universalizability which Finnis, Boyle, and Grisez take to be but one aspect of common morality. They understand the natural law theory as combining the strengths of both and avoiding the weakness of both.

Finnis, Boyle, and Grisez hold that morality can be derived from the human good, that is, "the goods of real people living in the world of experience" (Finnis, Boyle, Grisez, p. 276). A "good" is any object of interest while a basic human good is something essential or necessary full-being as a human. Out of these reflections they formulate the first principle of the natural law system: "One ought to choose and otherwise will those and only those possibilities whose willing is compatible with integral human fulfillment" (Finnis, Boyle, Grisez, p. 283). In speaking of human fulfillment they go to great lengths to point out that they are speaking of the good of all persons and communities. They are not deploying a contemporary view of "self-fulfillment" as the satisfaction of desires. This latter view of self-fulfillment is characteristic of MacIntyre's "cosmopolitan"—the rootless modern who has no commitments to a parochial community and its vision (MacIntyre, 1988, p. 396). While the cosmopolitan carries no commitment to others, the Finnis, Boyle, and Grisez notion of human fulfillment is tied to the fulfillment and good of others. Finnis, Boyle, and Grisez hold that there are five basic human goods: life, knowledge aesthetic experience, excellence in work and play, relations. These are different aspects of full human flourishing and each constitutes a principle of practical reasoning.

The natural law authors have to make their general principle less abstract in order to address day to day moral issues. They propose three intermediate principles to help shape the interpretation and implementation of the first principle. The three are: 1) the Golden Rule, 2) a principle which excludes hostile feelings, and 3) the principle that one should not do evil that good

may come of it (Finnis, Boyle, Grisez, p. 287). These intermediate principles shape the rational prescription of the first principle into definite responsibilities (Finnis, Boyle, Grisez, p. 287).

From these intermediate principles, which outline prohibitions of actions and the way actions may be done, specific norms can and are deduced (Finnis, Boyle, Grisez, p. 288). In this tradition there is a strong emphasis on both actions which are prohibited (*mala in se*) and the intentions and decisions of the agent. The agent's relationship to action is a central part of their theory. In his account of the natural law Alfonso Gomez-Lobo takes a similar approach focusing on the requirements of reason (Gomez-Lobo).

However, within the framework of natural law thought there are at least two different descriptions of nature. On the one hand "nature" is often "read" from the physical structures of the world. That is, the moral norms are inferred from claims about physical or biological characteristics of human beings. This physicalist tradition has framed many of the moral rules about sexual conduct (e.g., teachings on artificial contraception, in vitro fertilization, and masturbation). This reading of the natural law is perhaps best exemplified by Pius XI's teaching on procreation in *Casti conubii* in which he says that "any use of matrimony which deliberately frustrates the natural power of matrimony to generate life is an offense against the law of God and of nature."[3] The moral norms of sexual intercourse in marriage are determined by the biological functions of the act. There is, however, a "person" centered natural law tradition which focuses on the rational nature of the human person as the moral norm of nature. It takes into account the psychological aspects of human behavior.[4] Finnis, Boyle, and Grisez offer a third alternative for understanding human nature within this tradition. They deny that their system of basic goods is inferred from empirical or metaphysical claims about the biological or psychological composition of human nature. Rather, these basic goods are "self-evident" though not innate. Still, others have criticized Finnis, Boyle, and Grisez for offering a "Kantian" account of the natural law and failing to situate the duties of the moral life within a proper teleological understanding.

If one surveys the different approaches to natural law one begins to understand that even if the normativity of nature is assumed, the natural law theorists still face the second conceptual problem of determining which description of nature should be held as normative. "Nature" is subject to many different descriptions. The multiplicity of descriptions is problematic for a natural law theory since the description is taken to be morally normative. In reflecting on human nature, for example, Thomas Hobbes believed human beings to be motivated by their desire for pleasure and the aversion to pain. David Hume held that there was a common human nature

centered on moral sentiments. Kant, in contrast, held the view that human beings were moral agents in their rationality. The force of morality is not at all connected with human desires. The contrast of these philosophers illustrates how difficult it is to determine what constitutes human nature.

3. PLURALISM OF FOUNDATIONS AND VALUES

As with the other theories of morality, we encounter two crucial conceptual difficulties confronting any moral theory. Their interpretation of the natural law is centered on an understanding of basic human goods. The theory does try to offset some of the foundational problems by incorporating different moral appeals (e.g., ends, duties, intentions). However, it does rely, most heavily, on a deontological structure; i.e., one can never act directly against the basic human goods. In this account, the structure of the natural law is founded on the basic human goods of nature. These goods are to be protected and promoted.

There is a crucial foundational question of why someone should take nature to be normative. There are those who would argue that nature is not the uniform, law governed reality the natural law tradition presupposes. Rather, nature may be seen as the outcome of impersonal forces and chance. However, even if nature is the law governed moral reality portrayed by the theory, one may still ask why nature should be morally normative. A crucial issue raised by many philosophers is the question of why nature should be regarded as morally normative. Simply because nature *is* a certain way does not mean that we *ought* to act in certain ways.

A key problem, illustrated in these different interpretations, is the assumption of a particular philosophical anthropology. Different anthropologies will lead to different interpretations of the natural law. The contrast of these different accounts illustrates the difficulty of defining "nature" in a common, content-full way. These are important conceptual problems since the description of nature that is used is, of course, crucial to the judgments that are made. The description provides the ranking of values that enables the theory to resolve moral controversies. For even if one could establish the foundation of the theoretical appeal to be morally normative, the first principle of the theory will be empty without a description of nature which articulated a set of values like the basic human goods.

Natural law theory then faces at least two basic questions. First, while attempting to incorporate a number of moral appeals it is not clear why the appeal to nature should be adopted. Second, there is the problem of moral content; that is, one needs a moral point of view in order to interpret nature. Any account of "nature" is a particular account which builds in certain views

of moral reason and certain rankings of moral values. There is also a third issue that confronts this foundational tradition. It is the question of the *function* of the natural law. That is, some natural law theorists understand it to function on a meta-theoretical level or to be supra-critical of moral norms (Hoffe, p. 50 ff.), while others understand the natural law to have a much more practical, normative function. The issue for bioethics is that when a natural law methodology is used to assess at which level of the foundational is being built.

4. MORAL REASON

Many of the contemporary discussions of the natural law tradition have focused on the nature of moral (practical) reason as a crucial starting point for its arguments and conclusions. The assumption about the nature of practical reason is important for the contemporary developments of the natural law. But these very crucial assumptions about moral reason are open to dispute. Indeed one can see the intellectual problems with assumptions about ethical reason if one surveys the field of contemporary ethics. There are numerous disputes about the nature of moral reason. In his book *Whose Justice? Which Rationality* Alasdair MacIntyre masterfully argues that the case that our understanding of morality and moral reason are intimately tied together and that they are tied to the context of communal traditions. His diagnosis is born out in the history of modern moral philosophy. Different philosophical methodologies begin with differing views of moral reason and they often lead to very different conclusions about what is or is not morally appropriate. Utilitarianism, for example, uses a model of instrumental reason and calculation of the best possible consequences in moral choice. There are no choices that are intrinsically wrong except choices that do not maximize outcomes. This model of reason stands in sharp contrast to deontological models that argue that certain actions are intrinsically wrong and irrational. Other methods of ethics such as virtue theories or the ethics of care deploy still very different models of moral reason.

Louis Dupre has argued that the emergence of "modernity" relied on assumptions about "reason". For the modern age reason was no longer understood, as it had been from the ancient Greeks, as an ordering principle inherent in reality but rather that reason "submitted all reality to the structures of the mind" (Dupre, p. 16). As a consequence of this view or reason, the subject became the sole source of meaning and reason has been understood as an instrument of the subject (Dupre, p. 17). This instrumentalist view of reason challenges the basic assumptions needed for a natural law approach to ethics.

Since reason plays such a central role in the natural law traditions, the assumptions made about moral reason are crucial to the success of the method. The issues raised by the difficulties with reason are powerful. Elsewhere I have argued that reason, by itself, cannot resolve moral dilemmas. Reason needs a context and a content. However, it becomes clear that one cannot separate reason and content in ethics. Rather, one's view of morality will influence one's fundamental model of reason. As I have argued elsewhere, the choice of method in ethics is directed by the content of one's moral views.

5. JUS GENTIUM

Traditional national law methods have made the assumption that there are customary norms found in different communities. These are the *jus gentium* or the customary common moral norms for men and women. Gratian, a canonist of the 12th century, describes the *jus gentium*:

> The law of nations deals with the occupation of habitations, with building, fortification, war, captivity, servitude, postliminy, treaties, armistices, truces, the obligation of not harming ambassadors, and the prohibition of marriage with aliens. This law is called the law of nations because all nations make use of it (Gratian, p.7).

One of the difficulties for a natural law approach in the contemporary world is the apparent lack of customary moral norms—a *jus gentium*.

One can argue that a natural law approach worked insofar as there was a moral consensus that embodied a moral culture. From the middle ages through much of the modern age there was a consensus in the west about major moral issues. The consensus not only embodied moral concerns, but anthropological ones and was reinforced by common moral customs and practices. What happens when the moral culture is broken and no longer exists? One way to help think about the problem is to look at particular moral issues, such as assisted suicide. Any number of natural law thinkers would argue that the practice is wrong. Yet there are others, notably the Stoics, who thought that the practice was morally acceptable.

In this modern age of globalization one might expect that with communication and wide spread availability of knowledge that it is reasonable to expect some set of norms that could form a contemporary *jus gentium* I would argue that the increasing spread and democratization of knowledge and technology has led to greater and greater diversity in the moral life. I would also argue that there has often been an undermining of traditional moral communities and the development of the "rootless cosmopolitan" that MacIntyre described in *After Virtue*. If there is any sense

of a *jus gentium* in the contemporary world it turns on the notion of the individual, the importance of consent, and the limits of government authority to impose a particular moral view on people.

6. CONCLUSIONS

How does one make sense of these problems given the importance of natural law theory in the west? Here I would like to make a suggestion, which I hope will bring my analysis into focus. The natural law method relies on the element of the *jus gentium.* The existence of a common morality and common moral customs was essential to the method. The appeal to reason and natural law worked because there was a moral culture which bound many people together. It was not only western, but Christian. The Christian faith gave content to the theory, however, this is often missed and it was thought to be by appeal to reason.

The cultural reality has now shifted dramatically and this shift led to a change in the deep assumptions that are necessary for the natural law to work. The culture of a Christian west provided the *jus gentium* that the natural law could build upon. The content of the Christian faith became a part of the fabric of the culture. The faith shaped the context of moral reason. There was an understanding of the world, the human person, as purposeful and teleological. There was a culture which shared a broad understanding of anthropology (a Christian anthropology) and the rightness/wrongness of certain actions. It was a culture that possessed an anthropology that supported the generation of a view of the moral and human virtues. These deep cultural assumptions shaped an understanding of moral reason and what it could discover. Without this shared cultural context it is impossible to develop such a particular sense of moral reason or the natural law.

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NOTES

[1] One finds, for example, in Gaius, an appeal to the "law that natural reason establishes among all mankind and which is followed by all people alike, and is called ius gentium [law of nations or law of the world] as being the law observed by all mankind. ("Quod uero naturalis ratio inter omnes homines constituit, id apud, omnes populos peraeque custodituruocaturque ius gentium, quasi quo jure omnes gestes utuntur.") *Institutes of Gaius* (1976, vol. 1, p. 3).

[2] Grisez and Boyle wrote an earlier book addressing the euthanasia debate from a natural law tradition. I use the more recent book in this essay because I think it gives a clearer and more recent presentation of the theory (see, Grisez and Boyle, 1979).

[3] "...quemlibet matrimonii usum, in quo exercendo, actus, de industria hominum, naturali sua vitae procreandae vi destituatur, Dei et naturae legem infringere.." in *Enchiridion Symbolorum* (1963, #3717).

[4] See, for example, Joseph Fuchs, S.J., "The Absoluteness of Moral Terms" (1979, pp. 94-137).

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CHAPTER 3

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INTELLECTUAL VIRTUES AND THE PROSPECTS OF A CHRISTIAN EPISTEMOLOGY

Epistemology, or the theory of knowledge, is the branch of philosophy devoted to the study of human knowledge and related epistemic goods. Epistemologists seek to define the nature and scope of human knowledge, to inquire into the nature of such intellectual goods as understanding and justified belief, the range and proper function of our cognitive powers, the conceptual and linguistic prerequisites for knowledge, how intellectual virtues promote intellectual flourishing, and related topics. "What constitutes a well lived intellectual life?", "What conditions must I satisfy in order to have knowledge?", "What are the boundaries of human knowing?", "What are the requirements for rational belief?" are questions typically posed by its practitioners. Presently the discipline of epistemology is in a time of transition, some might say upheaval, making these difficult yet exciting times to be working in the field. Many of epistemology's traditional ways of addressing its concerns, its dominant methods and models, have recently been called into serious question, with the result that there is considerable openness to new ways of addressing traditional concerns, though little consensus about what new shape epistemology should take. In this paper, I hope to accomplish the following: first, to acquaint readers with the contours of the traditional epistemological project that dominated the discipline for the last 350 years, and which still influences certain segments of academia; second, to explain why this paradigm is now considered to be untenable; third, I will propose an alternative model that I believe is more compatible with a Christian world view.

1. THE FOUNDATIONALIST PARADIGM: IT'S UNDERLYING MOTIVATION

Foundationalism is an overarching account of the human knowing enterprise that offers an ideal way well ordered minds pursue knowledge and arrange

Mark J. Cherry (ed.), The Death of Metaphysics; The Death of Culture: Epistemology, Metaphysics, and Morality, 41—69.

their beliefs. To appreciate the foundationalist agenda, however, one must understand something of the underlying motivation for the program. Modern philosophy, and the versions of foundationalism that emerged in it, was born amidst cultural and social crisis. Let us begin with the cases of Rene Descartes, often called the father of modern classical foundationalism (indeed, the father of modern Western philosophy), and John Locke, who offered considerable refinements and subtlety to Descartes' model.

One noticeable feature of our mature intellectual lives is becoming aware of our liability to make mistakes in our believings. Descartes observed in his famous *Meditations* not only that he had made errors of judgment in accepting some of his beliefs, but that he had in consequence compounded the problem by building on those errors (Descartes, 1955, p. 144). The discovery that one's set of beliefs contains a few "bad apples" might then prompt one to consider taking thorough inventory of what one believes to see how much of it passes muster. Imagine the kind of reshuffling of your beliefs that would ensue were you to discover as an adult that you were the biological child of someone other than the parents who raised you. Suppose that in taking stock of your thinking about religion or politics you became convinced you had made serious errors of judgment. Would this not result in some significant reordering of one's system of beliefs (one's "noetic structure," as epistemologists sometimes call it)?

Descartes was, I think, motivated to embark on his program of rational reconstruction by something more troubling than occasional error; namely, pervasive and seemingly intractable disagreement about fundamental intellectual, religious, moral, and political matters. Descartes was educated in Europe at a time when the scholastic paradigm that had dominated the university curriculum for centuries was in disarray. The Christian scriptures, along with the tradition comprised by popes, councils and a common reading of the Church Fathers no longer constituted the court of final appeal for resolving disputes about matters of religion and morals. The burgeoning disciplines of science were revolutionizing the way we think about the earth and its place in the universe. Various social and political events such as the religious wars following the Reformation jointly contributed to an atmosphere of intellectual uncertainty, whose disturbing effects were keenly felt by Descartes. The rediscovery of the ancient Greek texts of Carneades and Sextus Empiricus, as championed by Descartes' contemporary Montaigne, made skepticism about knowledge a serious option. He complains in his *Discourse on Method* that his professors would argue earnestly and convincingly in support of diametrically opposite conclusions, an experience all too familiar, perhaps, to college students today. The

discovery that trusted authorities whose judgments you are not competent to question disagree with one another on very fundamental intellectual matters can induce in one tremendous cognitive dissonance.

Matters grew worse for Descartes. He opted to skip graduate studies and see the world, courtesy of a stint in the army. But to his dismay he found that the fundamental disagreements over matters moral, religious, and political, were not limited to academia, but arose between different cultures. Not only is what we believe in large measure due to geographical and historical accident, observes Descartes, but persons from other cultures often have reasons in support of their convictions every bit as good or better than the reasons we have for our own.

> … I further recognized in the course of my travels that all those whose sentiments are very contrary to ours are yet not necessarily barbarians or savages, but may be possessed of reason in as great or even a greater degree than ourselves. I also considered how very different the self-same man, identical in mind and spirit, may become, according as he is brought up from childhood amongst the French or Germans, or has passed his whole life amongst the Chinese or cannibals … I could not, however, put my finger on a single person whose opinions seemed preferable to those of others, and I found that I was so to speak, constrained myself to undertake the direction of my procedure (*Discourse on Method*, 1955, p. 90).

John Locke's epistemology also arose out of efforts to counteract a society wracked by fragmentation and the effects of prolonged disagreement on what were once matters of general consensus. The religious wars that waged in Europe between Catholics and Protestants following the Reformation spilled over into England, erupting into civil war, with members of some Protestant groups killing other Protestants. Instead of seeking to resolve their disputes by appealing to common authorities, the disputants became intensely partisan, justifying their various positions by appeals to favorite "local authorities" (Wolterstoff, 1996, pp. 4-12). Locke writes: that "by which men most commonly regulate their assent, and upon which they pin their faith more than anything else … is, the opinion of others; though there cannot be a more dangerous thing to rely on, nor more likely to mislead one; since there is much more falsehood and errour amongst men, than truth and knowledge. And if the opinions and persuasion of others, whom we know and think well of, be a ground of assent, men have reason to be heathens in Japan, Mahumetans in Turkey, Papists in Spain, Protestants in England, and Lutherans in Sweden" (Locke, 1961, Book IV, XV, §6, p. 252).

There appears, then, a rather impressive list of reasons for thinking that our intellectual lives are in need of every bit of order and structure we can provide. We are liable to error in our various judgments, and prone to build hastily upon what we had little reason to think was true in the first place.

Many of our convictions about a wide range of subjects are due to the accidents of birth and history and geography. Moreover, even the beliefs bequeathed to us by our culture and the intellectual traditions within it are the subjects of discord among those we trust as authorities. It is enough to produce a mild crisis in even the stoutest of intellects. The social fragmentation and disagreement to which Descartes and Locke responded was but a symptom, however, of a deeper underlying malady: the misuse of reason itself, to which the proper antidote, they claimed, must be a prescription for properly conducting our intellectual activities. The best hope for securing truth amidst the babble of competing claims lay not in the Church, the deliverances of tradition or holy writ, which no longer spoke with definitive finality, but within the properly ordered mind of the knowing subject.

It is important to note that Descartes' and Locke's response to the intellectual crises of their day was not unique, but fits into a pattern of responses to the challenges of skepticism and pluralism dating back to the presocratic philosophers of ancient Greece. Hundreds of years of speculation about the nature of the universe by the earliest Greek thinkers yielded a plurality of opposing doctrines: "all is air," "all is water," "all is mind," "motion is impossible," "motion is possible," which in turn bred distrust among the Sophists in the power of reason to discern the truth about such matters. Moreover, Greek conquests of foreign peoples brought them into contact with foreign cultures whose customs, laws, and ways of thinking differed from their longstanding Athenian ideals. This not only engendered doubts about the alleged divine origin of the laws, but actually prompted Hippias and others to claim that moral law was nothing but the creation of convention (see Zellar, 1955, p. 93). Disagreement, pluralism, and a form of genealogical study into the origins of Greek thought and customs fostered a skepticism about reason's ability to secure the truth that found terse expression in the immortal line of Protagoras: "man is the measure of all things, of those that are, that they are, of those that are not, that they are not" (Zellar, p. 98) In other words, humans do not discover the truths about the world they live in, they invent them.

In response to the skepticism of the Sophists arose Socrates and Plato. When the Academy founded by Plato became home to a new breed of skeptics, we see Augustine's response in *Contra Academicos*, *Against the Academic Skeptics*. Michel Montaigne, the significant 16th century French thinker, underwent a skeptical crisis while reading the newly discovered works of ancient Greek skeptic Sextus Empiricus. He adopted the motto "Que sais-je?" ("What do I know?") and had the motto carved into the beams of his study. The response?: Descartes' *Meditations*. Hume, called by

Thomas Reid "that hero of skepticism," is in turn opposed by the philosophies of Reid and Kant. And the historical relativism of segments of 19th century German thought following Kant (most notably Dilthey) was in turn opposed by Husserl's "Philosophy as Rigorous Science," where he offers his phenomenological method of achieving unimpeachable rationality.[1] And so it goes throughout the history of philosophy. The skeptical challenges of one generation are opposed by the next generation's claims to have at last achieved the true insight and infallible method that eluded their predecessors. The postmodern pluralism characteristic of today's intellectual scene, then, is nothing new under the sun. What this scant history suggests, I believe, is that we have good inductive reasons for thinking that the perpetual see-saw between skepticism and anti-skepticism is likely to remain a permanent fixture of the human intellectual landscape. We should, therefore, give up as quixotic efforts to achieve some transcendental standpoint from which we will decisively refute skepticism once and for all. This does not mean that we ought to be skeptics. Nor does it follow, as I will argue below, that we should be any less serious about our academic pursuits, nor that we should cease making claims to have discovered the truth, nor that we should avoid claims about one philosophical position being superior to another. Chastened by the lessons of history, however, we will tell a somewhat different story about the accomplishments of reason and its power to persuade all people.

2. FOUNDATIONALISM: THE PRESCRIPTION

Unchastened by the lessons of history, Descartes sat alone in a stove-heated room and devised his foundationalist answer to an age of troubled reason. He resolved to "raze everything in my life, down to the very bottom, so as to begin again from the very foundations," treating as positively false any claim that was susceptible of even the slightest tincture of doubt (a most extreme cognitive restructuring). After applying himself to the "destruction" of his former opinions he arrived at last at that one indubitable truth for which he will forever be remembered: "cogito ergo sum;" "I think, therefore I am." And from this meager deposit of foundational truth, Descartes struggled to secure all that he had formerly believed, with this important difference: he was no longer content to have knowledge accidentally or unwittingly. He judged that if anyone genuinely knows a claim, then they are self-reflectively aware of the fact that they know it (mere hunches or surmises that one knows a claim will not suffice); there is no way a person might confuse a genuine article of knowledge with some lesser grade of belief. Moreover, he was prepared to demonstrate to anyone who might inquire that

all his beliefs were firmly rooted in an unshakable foundation. That we ought to be prepared "to show that we know" is hardly a surprising demand given Descartes' consternation over protracted disagreements. After all, what kind of solace can one take from certainty one is not even aware one has? And amidst the clamor of competing voices can be heard many *assertions* that one has certainty, but how many can demonstrate it? [2]

The rudiments of Cartesian foundationalism resemble those of a geometric system (which is hardly surprising given Descartes pioneering work in mathematics).[3] In geometry one begins with invincibly secure axioms whose truth is self-evidently obvious to reason. Not only is the truth of the axioms evident to reason, but they are supposedly incorrigible as well; it is impossible to believe them and be mistaken as to their truth. Locke, though not Descartes, added to the list of properly basic beliefs, the immediate deliverance of sense experience, which he believed gave one the pure and unvarnished truth about the objects of sensation. Next one specifies the rules of inference whereby the certainty of the axioms is imparted to theorems (or non basic beliefs), those beliefs whose truth is not self-evident to reason. By proceeding in this way, one begins with certainty and communicates the certainty to the rest of the system. The metaphor of a building is perhaps more apt given the term "foundationalism." If one can lay an unshakeable foundation and successfully communicate its strength to the rest of the building, one has a solid edifice indeed. If one's entire "noetic structure" can rest on so assured a foundation, one will have the wherewithal not only to claim that one possesses certainty with respect to a certain body of knowledge, but one has the tools for showing opponents the error of their ways: just the sort of theory of knowledge called for amidst a culture fraught with pluralism and disagreement. Very nice in theory but, as the saying goes, the devil is in the details.

Basic beliefs along with procedures for communicating their epistemic merits to non-basic beliefs constitute the essential core of all foundational systems. But, the barrage of criticism to which foundationalism has been subjected in the last forty or so years often touches upon less central aspects of the theory. Again, Descartes' version of foundationalism allows us to highlight some of these peripheral elements found in many foundational theories. First, Descartes' foundationalism requires that certifiable claims to knowledge must satisfy some very high "access requirements." That is, one cannot claim to have knowledge simply by asserting that one knows (any unreflective person of puny mind can do this); one must be inwardly cognizant that one's claims to knowledge are genuine, and one must be prepared to show that this is the case. Put briefly, in order to know, one must know that one knows, and be able to show that one knows.[4] Descartes

believed that knowing agents could gain complete and infallible self-reflective clarity of the contents of their own minds. "… I see clearly," writes Descartes, "that there is nothing which is easier for me to know than my own mind," and the many clear and distinct ideas that guide his reasoning supposedly stem from his having clear and easy access to his own thoughts.

Second, a strong element of individualism marks Descartes' program. He does not feel obliged to seek wise counsel from fellow academics, clerics, friends, or a broader intellectual and cultural tradition to quell his doubts about whether we have knowledge of a mind independent world. Indeed, tradition, with its conflicting signals, was part of the problem, an obstacle to be overcome, not a voice to be indulged. Instead, Descartes believed he had to free his thoughts from history's influence, endeavoring to accomplish his philosophical tasks alone. A solitary mind of sufficient acumen and penetration could accomplish the task of cognitive restructuring, thought Descartes.

Third, his was an epistemology of "pure reason," one which, as he put it, has "… no need of any place, does not depend on any material thing . . . [and] is entirely distinct from the body…" The notion that the body is an impediment to reason is at least as old as Plato, and is a recurring theme in Western philosophy. Consider the following quotation from the *Phaedo* (Plato, 1997, p. 57, §66a) in which Socrates questions Simmias about the ideal conditions of knowing:

> Don't you think that the person who is likely to succeed in this attempt most perfectly is the one who approaches each object, as far as possible, with the unaided intellect, without taking account of any sense of sight in his thinking, or dragging any other sense into his reckoning—the man who pursues the truth by applying his pure and unadulterated thought to the pure and unadulterated object, cutting himself off as much as possible from his eyes and ears and virtually all the rest of his body, as an impediment which by its presence prevents the soul from attaining to truth and clear thinking?

Not only does Descartes think that ideal reasoning is independent of a body, it is allegedly independent of all emotions as well. He begins his *Meditations* claiming to have "liberated his mind from all cares," and to be "happily agitated by no passions." By contrast, I will argue below that the well trained mind is not one that has been emptied of all passions but one that has been suitably trained to care about the right things.

Fourth, and perhaps ironically, Descartes also held that his a priori account of the foundations of human knowledge was universal, a rational reconstruction of human knowledge fit for all people, at all times, and for all places. He never intimates that his foundationalism is fit only for local consumption. In fact, it was precisely reasoning of a partisan and pluralistic

nature he was trying to combat. The right use of reason championed by Descartes was supposed to overcome the limitations of particular contingent historical circumstances.

Essential to the right use of reason was making use of the proper methods of inquiry. Scattered throughout the history of Western philosophy are a variety of methods—Socratic methods, Baconian methods, Descartes' *Rules for the Proper Ordering of the Mind* and *Discourse on Method*, Locke's "historical plain method," Mill's methods, Husserl's phenomenological method, and more—each of which offered rules or procedures which, if followed faithfully, would infallibly bring the mind into possession of the truth about some matter. Now if methods are viewed simply as rules of thumb, as techniques for transmitting an already established craft or science, and which the person of practical wisdom knows when to set aside, then one ought not have any quarrel. Obviously, the empirical methods of the sciences have been fabulously successful in enlarging our knowledge of medicine, astronomy, our genetic composition, and innumerable other matters. To suppose, however, that the methods that are appropriate to one domain of inquiry are adequate for every domain of inquiry, or that any method, however assiduously pursued, infallibly leads to right answers, is where reliance on method runs amok. This was Descartes' error, an error that until recently exercised influence over a number of academic disciplines. For instance, the Logical positivists' uncritical enthusiasm for the methods of science, relegated to nonsense whole realms of discourse (religion and metaphysics among them) because they could not be proved by strict empirical methods.[5]

Finally, Descartes believed that a noetic structure, properly ordered, reflects a mind-independent reality. There is thus an isomorphism between the things we believe, between thoughts clearly and distinctly discerned, and the very structure of the universe. One could undoubtedly add to the list of ingredients deemed constitutive of foundationalism. Whether these are the most important, or whether they are intrinsic to foundationalism at all, are themselves subjects of great debate in the literature of epistemology.

3. CLASSICAL FOUNDATIONALISM'S FATAL FLAWS

Virtually every element of Cartesian foundationalist theory, those central as well as peripheral, has been the target of criticisms whose numbers are legion these days. These criticisms divide into three main classes: those attacking the notion of a basic belief, and those attacking the way in which non-basic beliefs receive their support from the foundations, and those attacking the peripheral elements of the theory. Some criticisms are meant to

undermine any version of the theory whatsoever, while others apply only to strong and not weak foundationalism. I shall rehearse only a few of the most commonly leveled objections against Cartesian-type foundationalism, concentrating my attention on problems surrounding the notion of basic beliefs and the peripheral elements associated with Descartes' program. Whether these objections undermine the prospects of any form of foundationalism is a matter which we will have to set to one side.

The notion of basic beliefs is the heart and soul of foundationalism; as it goes, so goes the theory. Consequently, critics have posed what they deem to be devastating objections against human knowledge being grounded in beliefs that are epistemically basic as described by the strong foundationalist. Why, critics ask, should we think that only beliefs that are self-evident, or incorrigible, or evident to the senses are properly basic? True, any belief meeting one or more of these standards is an ideal candidate for proper basicality, but is it necessary that a basic belief meet these standards? Should this list of criteria be considered exhaustive? These criteria alone appear much too restrictive, for they fail to countenance obvious examples of beliefs we hold without the benefit of argumentative support. Consider one's beliefs in the reliability of one's senses, or memory, or consciousness; none of these beliefs is either self-evident or incorrigible or evident to the senses, yet they are held as properly basic by virtually everyone.

Alvin Plantinga has argued that the criteria offered for identifying genuine basic beliefs introduces a deeply self-destructive feature into the foundationalist account. If, as foundationalists claim, only beliefs that are self-evident, or incorrigible, or evident to the senses are properly basic, then it behooves us to ask about the epistemic status of this belief itself, viz., that "only beliefs that are self-evident, or incorrigible, or evident to the senses are properly basic." Is this belief itself self-evident, or incorrigible, or evident to the senses? No. Is it logically rooted in basic beliefs that meet these conditions? Again, the answer seems to be no. The strong foundationalist's acceptance of the criteria for proper basicality thus runs afoul of its own standards.[6]

One of foundationalism's vaunted benefits is its ability to halt the regress of reason giving. If called upon to explain why we accept a certain conclusion, we might produce the premises. And if asked why we accept these premises, we might be able to produce premises for the premises. But since this process cannot continue indefinitely (and arguing in circles is frowned upon) we must halt the regress in beliefs that are epistemically basic. A major objection to strong foundationalism, however, is that it fails at precisely this point of alleged strength.

What the objection boils down to is this: any acceptance of supposedly pure and certain basic beliefs in fact makes use of various background assumptions or information that compromise their certainty and undermine their "basicality." Even so primitive a claim as "I think, therefore I am," turns out on closer inspection to rely on yet more fundamental beliefs. What is the "I" who thinks? Descartes tacitly assumes that he is a unified center of consciousness that perdures through time, a substantial self, and not a series of discrete disconnected states of consciousness, as Buddhists believe, or an episode in the mind of some cosmic Absolute. There is also an implicit underlying commitment to the reliability of memory, for he must at least accept that the "I" who begins this simple argument, is the same "I" who finishes it. Bertrand Russell once quipped that all Descartes was entitled to say is that "thoughts are being thunk!"

A similar fate befalls self-presenting states of one's perceptual consciousness: states such as "I seem to see a door" or "I seem to see a red patch," whose job is to undergird all our empirical knowledge. The belief that an epistemic regress can be halted in these self-authenticating non-verbal episodes of perceptual consciousness is what Wilfred Sellars calls "The Myth of the Given." The myth consists in thinking that perceptual states, such as "this is red," and our powers of sensory discrimination in general, are pure and incorrigible, completely independent of any theoretical contribution or background beliefs. On the contrary, our perceptual beliefs depend for their being intelligible on our being able to apply to them a classificatory scheme and to connect them correctly with past experiences of redness. Being cognizant of my visual field as red tacitly makes a comparison to previous occasions of my having been appeared to in this way. Behind "this is red," then, lies the logically prior reliance on our recollection of previous red experiences as well as an awareness that one's present state of perceptual consciousness betokens standard conditions for visual perceptions of a red sort.[7]

The non-basicality of immediate perceptual reports can be argued for, not only by the way they depend on reliable memory, but by considering the role that concepts play in perception. Philosophers of science, such as Stephen Toulmin, Thomas Kuhn, N.R. Hanson, and others in the tradition of Kant, have shown us that perceptual reports, even of so primitive a sort as "I see red," are embedded in larger theoretical, and linguistic frameworks (language games, as Wittgenstein calls them) invest them with the meaning they have for us; "all perception is theory-laden," as the old dictum states. Our cognitive experiences of color sensations (and other deliverances of the senses), are due in part to a contribution from a conceptual scheme whose status is anything but incorrigible, but is itself the subject of revisions over time (see Lehrer, 1973, pp. 47-58).

To the extent basic beliefs are embedded in larger frameworks of belief, their status as invincibly certain will remain open to question. This will remain a problem so long as foundationalists maintain high access requirements. It is not enough to have basic beliefs, urge strong foundationalists (anybody could potentially claim anything is basic for them); one must somehow also know that these stopping points are not arbitrary and that beginning with them will indeed confer the certainty one seeks. "A report must not only have authority, this authority must in some sense be recognized by the person whose report it is" (Sellars, 1980, pp. 99-100). For Descartes, or anyone else, to declare that they, and not their intellectual competitors, have the right foundations for knowledge, they must not only be reflectively aware of their foundational beliefs, but aware also of the properties or features in virtue of which these and not some other foundational beliefs are the ones by which certain knowledge is gained. Moreover, one must also justifiably believe oneself to be a competent judge of whether a belief possesses those features that make it basic. So accepting a certain claim B as basic requires that I also accept another claim K as basic, to wit, that B has whatever features are required to make it and not some alternative the proper foundation for knowledge. Thus, the regress is not halted.[8]

So far, then, I have considered objections against just one aspect of the foundationalist program: the nature and status of basic beliefs. The claim by strong foundationalists to base all knowledge on beliefs about which it is logically impossible to be mistaken is excessive in the extreme. Not only is it logically possible that we might be in error (a point capable of being illustrated by any number of "science-fictiony" examples—e.g., brains in a vat, evil demons, electroencephalograph scanners, etc.), but there are actual reasons for thinking that the likelihood of error with respect to foundational beliefs exceeds zero.

Even if the problems associated with the alleged purity and invincibility of basic beliefs could somehow be surmounted, we would be left with the preposterous task of founding the vast quantity of beliefs we hold on such meager foundations as the *cogito*. We face what is called a security vs. content problem. The strict demands for unimpeachable certainty leave one with so small a set of basic beliefs that they cannot possibly bear the heavy weight of all that we believe. A moment's reflection shows that the thousands of beliefs we hold about matters aesthetic, moral, religious, political, economic, historical, scientific, philosophical, and so on, cannot all be derived from the very small set of basic beliefs insisted upon by strong foundationalists.

Finally, we must consider some objections that speak to some of the peripheral elements so often associated with classical foundationalism: the individualism, the access requirements, the exaggerated claims for method, the alleged universality, and the metaphysical realism. Critics have been especially scathing in their attack on foundationalism's individualism. There is, of course, something ironic about someone who embarks on an intellectual endeavor that begins by divesting himself of all his former beliefs (as if this were possible), not to mention the very beliefs that led to the conclusion that such a project should be undertaken in the first place. In fact, quite a bit escaped Descartes' chopping block: his trust in the reliability of consciousness, such beliefs as were necessary for fashioning the criteria for a new foundation, as well as beliefs directly attributable to the traditions from which he sought to extricate himself, notably his moral beliefs. At no point does Descartes propose that we start anew with respect to them.

The hermeneutical philosopher Hans Georg Gadamer argues that it is exceedingly hasty to abandon all of reason's starting points (he calls them "prejudices") simply because they are bequeathed to us from a tradition; after all, they may very well be true. Moreover, we never think in a vacuum; our reasoning begins and develops within the context of a learning community of some sort or other. To rely on authorities other than oneself, however, does not require that we abandon our own reason, but just the reverse; acknowledging another's legitimate authority on intellectual and other matters represents a judgment of one's reason. According to Gadamer:

> … the authority of persons is ultimately based not on the subjection and abdication of reason but in an act of acknowledgment and knowledge—the knowledge, namely, that the other is superior to oneself in judgment and insight and that for this reason his judgment takes precedence—i.e., it has authority over one's own. …It rests in acknowledgment and hence on an act of reason itself which, aware of its own limitations, trusts to the better insight of others. Authority in this sense, properly understood, has nothing to do with blind obedience to commands. Indeed, authority has to do not with obedience but rather with knowledge (Gadamer, 1993, p. 279).

How about strong foundationalism's high access requirements; must one know the second-order belief that one knows, and be able to demonstrate that one knows, before one has knowledge? Descartes sought to rise above the competing claims of knowledge by using a method that would, as it were, allow him to climb outside his own skull, there achieving a kind of Archimedean standpoint (a God's eye perspective if you will) from which to conduct an internal audit of all that he believed, ostensibly to settle once and for all the true relation between his claims and a mind independent reality. In retrospect, we think that efforts to achieve a kind of transcendence over one's knowledge are hopelessly naïve, a vain effort to adopt what Thomas Nagel has called "the view from nowhere."

The thinking of philosophers from diverse points of view has coalesced in the judgment that Descartes' efforts to ground philosophy in the thoughts of a solitary transcendental thinking subject is the result of an unnatural surgery separating body and mind. His artificially cerebral starting point belies the inescapable fact that we engage the world not as disembodied minds, but as flesh and blood persons *with* minds, as whole persons enmeshed in life circumstances that mediate our experience of the world.[9] It is a modern day gnosticism that attempts to deny the fundamental fact that all of our thinking is situated socially, historically, and linguistically. When we think about matters of knowledge and justification, we do so as denizens of a particular time and place, with concrete aims and obstacles uppermost in mind. Kuhn's discussion of "paradigms," Wittgenstein's talk of "language games," Dilthey's "life categories," as well as Gadamer's discussion of "horizons" all underscore the essential embeddedness of our thinking in concrete historical/cultural situations, from which it is plain fancy to suppose we can extricate ourselves. What this means is that strong foundationalists are wrong to suppose that they have demonstrated the norms on the basis of which all justified thinking takes place. And with the loss of a transcendental point of view, there is no way to secure an ironclad guarantee that the rational standards one does invoke precisely mirror a mind independent world.

Philosophers before, after, and including Descartes have tried their hand at distilling into a single formula or method what is essential to all instances of knowledge, and at constructing a universal theory of rationality that is grounded in the method. Doubts about the prospects of this traditional epistemological project are finding expression even among those who devoted considerable time and effort to it. After arguing that the search in recent epistemology for the single correct concept of epistemic justification has been a mistake, William Alston comments:

> It will, I hope, have become clear by now that the thesis of this paper is an iconoclastic and revolutionary one, a bold departure from the well trodden pathways of the discipline. It implies that a large proportion of contemporary epistemologists, including myself, have been misguided in their researches, fighting under a false banner, engaged in a quixotic tilting at windmills (1993, pp. 541-542).

The merits of good thinking ("epistemic desiderata" as he calls them) are many, argues Alston, and resist reduction to a one-sized fits all formula.

Finally, we must consider that in addition to the philosophical lessons, there is a moral or theological lesson to be learned from foundationalism's failed program of self-transcendent noetic cleansing. Merold Westphal claims that not all of foundationalism's failings are philosophical; it evinces

an attitude he deems morally vicious. For it depreciates, if not altogether ignores, he says, the Bible's doctrine of sin and, in particular, St. Paul's teaching about the noetic effects of sin on our intellectual endeavors. As sinful humans, we are prone to various kinds of self-deception, including, as we saw in the last chapter, the tendency to subordinate concerns for truth and rationality to personal gain, power, wealth, and other passions. But, would not efforts at self-purification of the sort recommended by Descartes be a perfect antidote against unbridled appetite; where is the problem?

> But the foundationalist attempt to remedy our transcendental depravity can only be problematic unless we are Pelagians. For it is, in effect, the claim that sin can be cured by our own unaided efforts, that epistemological sanctification requires nothing more that the epistemological asceticism of sound method, whether that method be syllogistic, Euclidean, experimental, transcendental, or whatever … foundationalism itself is partly to be understood as a sinfully arrogant attempt at methodological self-purification, void of contrition, confession, or dependence upon divine grace (Westphal, 1990, pp. 209 and 218).

Westphal's objection is as much against the hubris evident in foundationalism's pursuit of self-reflective purity, as it is that such efforts have failed. Gadamer says that "philosophy is the way not to forget, that man is never God" (Pyke, 1993). Westphal's point is that this is a lesson we must continue to recite.

I conclude this section echoing the judgment of Nicholas Wolterstorff: "On all fronts foundationalism is in bad shape. It seems to me there is nothing to do but give it up for mortally ill and learn to live in its absence" (Wolterstorff, 1976, p. 52). Learning to live in its absence requires that we acknowledge with St. Paul that "now we know in part" and "see through a glass darkly." Notice: we do know and we do see, but not in such a fashion that allows us to demonstrate with invincible clarity and distinctness, the truth of our basic beliefs and all that is supposed to follow from them.

What are the alternatives to foundationalism? Many postmodern writers have succumbed to the false dichotomy of supposing that since we cannot have metaphysical certainty, conceptual relativism of one sort or another is our only recourse. So Richard Rorty says that we must "… treat everything—our language, our conscience, our community—as a product of time and chance" (Rorty, 1989, p. 21). Jack Caputo recommends that we pursue his vision of a "post metaphysical rationality," one which favors free play, emancipation, decentering and deconstruction. Michel Foucault concentrated his energies on showing the ways in which claims to knowledge subserve various political agendas as instruments of power. But if we look to Christian thinkers of a premodern period, before the time of Descartes and Locke, we find a vision for the knowing enterprise that succumbs to neither extreme.

4. EPISTEMOLOGY AS IF INTELLECTUAL VIRTUE MATTERED: BIBLICAL BACKGROUND

Christians are not limited to the resources of secular philosophy to draw insight about a well lived intellectual life any more than they are limited to such sources in the moral life. In our moral lives, we are guided by Christ's explicit ethical teachings, His example, the deliberations of the Church, and by reflecting on the life that is made available to us through His Holy Spirit. We receive from these sources direct normative commands, such as "to love our neighbors as ourselves." But we also receive insight into how to think about the moral life in less directly normative, more theoretical terms, so much so, that a student of moral philosophy can study ethics from a distinctively Christian perspective. According to this perspective, Christ's life and teachings are rich enough to support our thinking about the moral life, its concepts, ends, and notions of human flourishing in a way that makes Christian ethics unlike secular ethics or ethics grounded in any other religious point of view. Analogously, I wish to argue that the philosophical subject of epistemology, and not just ethics, can be given distinctively Christian contours.

My own account of intellectual excellence invokes the notion of intellectual virtues. I take intellectual virtues to be deeply anchored, abiding habits of mind whereby we are able to negotiate gracefully and successfully the various cognitive tasks we face, and to overcome such obstacles as may stand in the way of our intellectual tasks. Briefly, we display cognitive excellence when we believe virtuously, that is, in accordance with traits such as wisdom, prudence, understanding, creativity, discernment, discretion, foresight, love of truth, hermeneutic sensitivity, and related traits. The prescription for the excellent intellectual life, then, is that we should cultivate within ourselves intellectual virtues and shun intellectual vices. An epistemology rooted in the intellectual virtues offers a promising alternative to the widely acknowledged limitations of Descartes' epistemology of "pure reason." Before turning to this proposal with more specificity, I want to sketch how the Bible in general and the life of Jesus in particular bear on epistemological concerns.

How does the life and work of Christ impart lessons for our intellectual lives and contribute to the work of a Christian epistemologist? Christ Himself, of course, commands that we love God with all our hearts, soul, strength and mind (Luke 10:27). We may infer from Christ's command, that we cannot love God fully without making our intellectual powers a part of

our love. Christ's early followers, most notably St. Paul, also said things that can reasonably be construed as bearing on the intellectual life. He enjoins us, for example, to be "renewed by the transformation of our minds" (Rom. 12:2) and to put on a new nature which is being renewed in knowledge after the image of the creator" (Col. 3:10). "Let the same mind be in you that was in Christ Jesus" (I Tim. 2:5). In what ways, if at all, do these injunction bear on the work or belief policies of a Christian epistemologist?

The word "mind" or "minds" is crucially ambiguous. Sometimes it signals an intention, such as "I made up my mind not to make you another painful visit" (II Cor. 2:1). Or the term might designate some specific propositional content, as in "let those of us who are mature be of the same mind; and if you think differently about anything, this too God will reveal to you" (Phil. 3:15). But the two senses of chief concern here are as follows: "mind" can refer to a set of cognitive capacities as well as to a "mindset" or outlook consequent upon one's having deployed these capacities aright. So when Peter directs us to "prepare your minds for action and discipline yourselves…" (I Pet. 1:13)," or when Paul urges that we "set our minds on things that are above" (Col. 3:2) we should construe these as referring to a repertoire of cognitive abilities that, to varying degrees, are subject to our voluntary control. Properly cultivated, these capacities can contribute to our forming intellectual virtues of various sorts; so, John writes "this calls for a mind that has wisdom…" (Rev. 17:9). We may reasonably suppose that a mind suitably developed and renewed in knowledge is better able to follow the command "to love God with all of our minds."

Unfortunately, persons sometimes fail to exercise due care over their moral and intellectual formation, resulting in what Paul calls persons of "corrupt" or "depraved" mind—minds that are "bereft of truth" or which "suppress the truth in unrighteousness." Such persons are described as having "… a veil that lies over their minds…" (II Cor 3:15), to the effect that their minds are not set upon the things of God, but upon the things of the flesh (Rom. 8:6-7). Our cognitive powers are, therefore, subject to disuse and abuse, with the result that we not only miss important truths, but undermine our chances of successfully arriving at the truth.

Let us now reflect on the intellectual life of our Lord. Jesus was the Logos enfleshed, the rationality of God in human form. This staggering fact informs us, first of all, that human nature was a fit receptacle for the wisdom of God. By becoming flesh, God vindicates the capacity of the human frame and faculties to bear and apprehend truth. Contrary to some Greek philosophy and Gnostic teachings, our creaturely capacities by themselves pose no barrier to our being able to know truth or to know him in whom the fullness of deity was pleased to dwell. We should also note that Jesus'

intellectual life was a "situated" life, one embedded not just in flesh, but in a culture with its distinctive history, language, intellectual traditions, not to mention prominent political and religious concerns. Obviously, our thought lives are not deficient simply in virtue of being context-laden.

Intellectual traits connected to a virtuous mind are either directly ascribed to Jesus, or may be inferred from information given about Him. First, Jesus "increased in wisdom" and He "learned obedience through the things that He suffered." Moreover, we may infer that he learned many other things as well: carpentry, for example. He did not emerge from the womb with muscles readily developed to wield a hammer, nor a human mind innately knowledgeable in the workings of a lathe. And in as much as He did not suffer any moral failings that made learning such subjects difficult, we could say that He possessed the virtue medieval philosophers called docility, or teachableness. He displayed various pedagogic virtues, prompting the gospel writers to record that the crowds were "amazed at His teaching" and "spellbound by His teaching." He not only was able to discern the minds of His audience, but able to convey His points with powerful examples and illustrations. He honored Thomas's and our need for evidence to buttress our beliefs by underscoring the probative force of the miracles He worked. His dialectical skills were felt by the Pharisees bent on entrapping Him, as Jesus adroitly turned their traps back upon them. ("Whose inscription is on this coin?") And it goes without saying that Jesus was utterly truthful and honest in all His teachings and interactions with others. So we see that Jesus displayed intellectual honesty, wisdom, understanding, discernment, docility, dialectical skill, and more besides. He was both a virtuous moral and intellectual agent.

I believe it is no accident that Jesus was described in terms of moral and intellectual virtues, for this was part and parcel of the Hebrew wisdom tradition that informed his culture. Note the language of the intellectual virtues from the opening lines of Proverbs:

> That men may know *wisdom* and *instruction*, *understand* words of *insight*, receive instruction in wise dealing, righteousness, justice and equity; that *prudence* may be given to the simple, *knowledge* and *discretion* to the youth—the wise man also my hear and increase in learning, and the man of understanding acquire skill, to understand a proverb and a figure, the words of the wise and their riddles. The fear of the Lord is the beginning of knowledge; fools despise wisdom and instruction.

Inter-testamental apocryphal books show that this wisdom tradition continued into Jesus' time. The book of Wisdom, most likely penned by a Hellenistic Jew sometime toward the end of the first century B.C., elegantly expresses the author's desire to embody a full measure of intellectual virtue.

> May God grant that I speak with judgment and have thoughts worthy of what I have received, for he is the guide even of wisdom and the corrector of the wise. For both we and our words are in his hand, as are all understanding and skill in crafts. For it is he who gave me unerring knowledge of what exists, to know the structure of the world and the activity of the elements; the beginning and end and middle of times, the alternations of the solstices and the changes of the seasons, the cycles of the year the constellation of the stars, the natures of animals and the tempers of wild beasts, the powers of sprits, the reasonings of men, the varieties of plants and the virtues of roots; I learned both what is secret and what is manifest, for wisdom, the fashioner of all things, taught me (Wis. 7:15-22).

The fourth Book of the Maccabees, thought by scholars to have been composed in Jerusalem or Antioch approximately 30 years before the first gospel, also titled *On the Supremacy of Reason*, is a panegyric on religious reason and its power over the body and emotions. Note the explicit use of virtue language in the following passage from Chapter 1, verses 1-4:

> The subject I am about to discuss is most philosophical, that is, whether devout reason is sovereign over the emotions. So it is right for me to advise you to pay earnest attention to philosophy. For the subject is essential to everyone who is seeking knowledge, and in addition it includes the praise of the highest virtue—I mean, of course, rational judgment. If, then, it is evident that reason rules over those emotions that hinder self-control, namely gluttony and lust, it is also clear that it masters emotions that hinder one from justice, such as malice, and those that stand in the way of courage, namely anger, fear, and pain.

Interestingly, we see in the notions of intellectual and moral virtue that the Hebrew and Greek traditions coincide, and that the language of intellectual and moral virtue saturated the ancient middle-east when the Church was in its infancy. This is not to deny the evident contrasts separating divine wisdom and wisdom purely "in the tradition of men," yet in their general structure they were thought by many to be compatible.

The epistles are replete with the language of the wisdom tradition, where we are urged on several occasions not to be children in our thinking, but mature (I Cor 14: 20). The language of moral and intellectual virtue appears among the requirements mentioned for bishops; they must hold to the truth as taught, be sensible, apt teachers, and able to confute those who oppose sound doctrine (I Tim. 3:2 and Titus 1:9). We are also enjoined in the epistles to avoid intellectual vices, including credulity, crippling doubt, gullibility, folly, obtuseness, disputatiousness, and unteachableness, to name but a few.

Since the Bible demands that we grow in the intellectual virtues, you would expect it to offer guidance on how to develop these traits. And so it does. First, Scripture teaches that cultivating the virtues is a developmental

process, that extends through a lifetime. As was mentioned, even Jesus grew in wisdom, and St. Paul had to learn not to think as a child. The writer of Hebrews laments not being able to share deep theological matters with his readers because they are still babies in their thinking, fit only for milk and not solid food (Heb. 5:14). Second, growth in the virtues is not automatic, but requires effort. To secure wisdom one must conscientiously seek it out. The writer of Proverbs likens wisdom and other intellectual virtues to buried treasure; they must be hunted and dug for. The book of Wisdom says we should "wear down the doorstep of the wise person." Third, we are not alone in our efforts to become virtuous persons; our careers as moral and intellectual persons develop within the context of a community. "As iron sharpens iron, so one man sharpens another," says Proverbs (27:17). "Him we proclaim, warning every man and teaching every man in all wisdom, that we may present every man mature in Christ" (Col. 1:28). Virtue epistemology is, in several respects, a "situated epistemology;" it recognizes that prescriptions for the well-lived intellectual life, as well as the analyses we offer of the virtues themselves, reflect of the goals and purposes of a particular intellectual tradition. It is within a community that we learn what intellectual goals are worth pursuing, what goals should be subordinated to others, what practices ought to be avoided, and what resources are available to assist one in moral and intellectual growth. Fourth, we must work to sustain our gains in the moral and intellectual life, since regression is a real possibility. Again the writer of Hebrews accuses those to whom the letter is directed of having "*become* dull in understanding," of needing to be "taught *again*" the basic teachings of God. The life of Solomon stands as a warning that if one forsakes careful oversight of the intellectual and moral life, one can lose one's hold on the virtues. Finally, intellectual virtues are not fostered in isolation from other human excellences. Scripture presents a holistic picture of persons, so we should not be surprised to find that it links up in intimate ways a virtuous mind with the whole person. Virtue epistemology acknowledges our full humanity as knowers by placing our knowing in the larger context of human life; this is not epistemology done only from the neck up. It recognizes the indispensable contribution to cognitive flourishing made by our emotions, our bodies, and our moral character. Surely, if we are persons marked by traits such as compassion, empathy, and justice, we are more likely to achieve insight and understanding in matters of social justice, interpersonal relations, and interpretation (among other areas). Virtue epistemology thus corrects the prevailing idea that the passions are but a barrier to good judgment.[10]

The two-way causal connection between right thinking and right morality is an important motif that runs throughout scripture and is attested to by

common sense. Arrogance, dishonesty, pride, pugnacity, laziness, and many other vices undermine our ability to think well and to pursue the truth.

A vicious character can undermine good thinking just as effectively as some physical debility. Thus, St. Paul, in his letter to the Ephesians, commands that "we no longer live as the Gentiles do, in the futility of their minds; they are darkened in their understanding, alienated from the life of God because of the ignorance that is in them, due to their hardness of heart." Thomas Aquinas quotes the Vulgate saying: "Perverse thoughts separate men from God, and when his power is tested, it convicts the foolish; because wisdom will not enter a deceitful soul, nor dwell in a body enslaved to sin" (Wis. 1:3-4). And Ephesians says: "They are darkened in their understanding and separated from God because of the ignorance that is in them due to the hardening of their hearts" (Eph. 4:18).

5. EPISTEMOLOGY AS IF VIRTUE MATTERED: DEVELOPMENT AND APPLICATION

Though the Scriptures have much to say about the importance of cultivating virtues within ourselves and the training to virtue of those over whom we have charge, they say little of a precise nature on the subject of moral or cognitive psychology and epistemology. The logical analysis of the virtues and their various interrelations are left unspecified. If we examine the structure of the virtues more closely, however, we can nevertheless note further connections with some important Scriptural themes. In particular, I wish to emphasize how my virtue account of epistemology reflects three Biblical themes: personal responsibility, responsibility for each other, and the uniqueness of Christian wisdom.

A virtue, as I will use the term, is a well anchored, abiding disposition persons acquire over time enabling them to think and feel and act in ways that contribute to their fulfillment as persons. Vices, by contrast, are settled traits of character we have acquired that undermine human flourishing. Let us first consider moral virtue and vice since its language and concepts are fairly familiar. Generous persons, for example, will *ipso facto* embody three qualities constitutive of that virtue. First, they must have powers of moral perception and judgment that reliably indicate to them persons to whom it would be appropriate to give and, as I mentioned earlier, allow them to negotiate successfully and gracefully the various impediments that oppose our virtuous activities. Moreover, their judgments will be accompanied by a disposition to a range of corresponding emotions; they will typically take delight in being able to confer a gift on another, and will feel frustration or sadness if their efforts fail or are thwarted. Thirdly, generous persons act

appropriately in their giving, such action often requiring careful deliberation. An indulgent parent or a co-dependent spouse may give lavishly, but do not give appropriately, and hence not virtuously. This way of analyzing the virtues shows just how easily one can go awry in the moral life. To perceive need and act to alleviate need, but inwardly to resent doing so is not to act virtuously. The right sort of emotional state must accompany the action. An obtuse person who simply fails to notice occasions for generosity, even if he would respond appropriately upon detecting them, is likewise not virtuous. All three elements must be present, and present in the right degree.

Of course, it does not follow from the fact that a person is not maximally virtuous that he or she is automatically vicious in the worst possible way. Classical Greek philosophers distinguished between moral virtue, moral strength, moral weakness, and moral viciousness, and plain moral immaturity such as that characterizing a small child. A morally vicious person is flawed in thought, word, and deed; not only do they not judge correctly about moral matters but, as a result, do not act or feel appropriately either. Morally weak persons suffer from what the ancients called *akrasia* (weakness of will). Morally weak persons may correctly identify the path of virtue, but lack a motivational structure of sufficient strength and development to move them to act virtuously. Morally strong persons judge aright with respect to moral matters, but must nevertheless struggle with temptation and contrary inclination. Morally virtuous persons not only judge and feel appropriately, but move effortlessly to act in morally appropriate ways. Perhaps Mother Theresa's nature was so transformed that she not only readily identified and empathized with the poor and sick, but reached out to them effortlessly and without having to struggle with any contrary inclinations. She never thought to herself "oh, let the damn sick kid fend for himself, I'm going off to play golf." Here too, we can note a contrast between Greek and Christian concepts of the virtue. According to the Greek conception, I must act relatively flawlessly, say, with respect to my giving, to have the virtue of generosity. Medieval Christian thinkers (perhaps owing to the influence of the model of the adult convert as opposed to the aristocratically bred Athenian gentleman), claimed that this side of heaven we never escape contrary inclination in all areas of life.[11]

The concept of a virtue on the above analysis is rooted in the notion of human flourishing, from which it follows that contrasting notions of human flourishing will correspondingly give rise to differing accounts of the virtues and their various interrelations. Traditionally, theories of virtue and vice and the concepts they employ are embedded if not in an account of human ends and purposes, at least in some broader notion of human flourishing or happiness. Whether a trait is virtuous or vicious hinges on our beliefs about

where our lives as a whole ought to be headed. Thus, what we regard as intellectually virtuous and vicious behavior will vary as we are committed to one or another account of human flourishing.

Consider how notions of human flourishing and the goals of cognition corresponding to them change as we alternatively embrace the ideals of Aristotelian Eudaemonia, Stoic apatheia, the Christian beatific vision, or Buddhist annihilation. Our analyses of intellectual virtue and vice, as well as what we take to be the distinctive features that make certain traits good or bad, are situated in larger philosophical commitments that impart to them their own distinctive grammar. This was no less true in Augustine's day, when his version of Christian virtue competed in a pluralistic world against rival accounts of virtues and vices.

Let me illustrate: We in philosophy prize analytical rigor; we work to cultivate that skill whereby we can dissect concepts into their component parts, and note their various logical interrelations. Sometimes the full truth about the world is revealed only after logical dissection. Zen Buddhists, however, condemn such thinking as intellectually vicious, as symptomatic of an underlying spiritual defect that keeps us bound to the wheel of rebirth. "For the attainment of incomparable satori, one has to cast away his discriminating mind. Those who have not passed the barrier and have not cast away the discriminating mind are all phantoms haunting trees and plants" (Shibayama, 1991, p. 361). Ironically, though Buddhists defend my general thesis about the connection between intellectual and personal vice, they reject the Christian account of persons and flourishing on which I have tried to build my account and, as a consequence, will reject at points the specific grammar of Christian virtues. But this result is precisely what we should expect, for the New Testament contrasts, for example, wisdoms grounded in different root concerns, those grounded in purely human precepts and those grounded in God.

Virtue epistemology resists the theme prominent in so much modern epistemology that there is a generic, one-size-fits-all formula for the well-lived intellectual life. A virtue approach claims instead, that the parameters of a successful intellectual life are set against the backdrop of much broader historical, cultural, and philosophical contexts, which pose for us certain overriding goals and purposes. A Christian's views about an excellent life (intellectual, moral, social, etc.) are embedded within a religious framework specifying God's desires for us and the world. My success as a cognitive being will therefore be determined, in part, by how well I am achieving the goals my tradition sets for me (whether, say, I am closer to the beatific vision). Significant differences will no doubt mark the accounts of intellectual excellence given by Christians from those accounts of excellence

depicted by, say, Theravadan Buddhists, who teach the illusory nature of a unified mental life, and who seek the dissolution of the self. We ought to pause, therefore, before we accept the adequacy of an "epistemological everyman" as the proper subject of our epistemological investigations. Whether or not someone is judged as a virtuous knower will depend upon the cultural and historical context of which the person is a part, the roles that the person plays in those contexts, how the person's beliefs are related to other aspects of his or her interior life, and so on. Just as we cannot do epistemology from the neck up, we cannot do epistemology in a vacuum.

A mature intellectual virtue, on the other hand, arises out of a concern for human wholeness and, in their Christian form, union with God. A part of practical wisdom consists in an agent's ability to survey the shape of his life, to monitor his strengths and weaknesses, and to undertake strategies of self-improvement where possible. Viewed this way, intellectual and moral virtues have an integrating function; they draw together the threads of a person's life and weave them together in a coherent and vital whole. Epistemology rooted in the virtues is an epistemology in the service of life. Insofar as one has some sense of the kind of self one wishes to become, one must cultivate habits of mind that both cultivate and are constitutive of that self.

Now let us look more carefully at intellectual virtues. Following the model of a moral virtue, we can analyze an intellectual virtue as an abiding, reliable trait we have acquired that allows us to orient our intellectual lives—our believings, reasoning habits, and cognitive powers—in ways that contribute to human flourishing, most notably to acquiring truth and avoiding falsehood.[12] An epistemic vice, by contrast, is a trait (an attitude, affection, or disposition) that bears unfavorably on some aspect of our doxastic life. I have mentioned traits such as wisdom, understanding, and foresight as examples of intellectual virtues. Intellectual vices include traits such as gullibility, superstitiousness, gullibility, closed-mindedness, and being prone to self-serving beliefs.[13]

Intellectual virtues range over a variety of intellectual activities, centrally perhaps, that of gaining truth and avoiding falsehood about important matters. But our intellectual lives are not devoted exclusively to acquiring beliefs; we also are concerned to maintain, communicate and apply our beliefs to practical affairs, and intellectual virtues pertain to the entire range of our intellectual endeavors. For example, after we acquire a belief, we are sometimes called upon to defend it against objection and, perhaps, to modify it in the light of criticism. Whether and to what extent we should modify the belief, or whether we should abandon the belief altogether is a judgment requiring the virtue of proper tenacity of belief. In communicating our knowledge, a range of dialectical and pedagogic virtues are called into play.

It might appear at first glance that intellectual virtues do not follow the same structure as moral virtues. For when I display the virtue of understanding or discernment does some emotion or action necessarily accompany it? This leads to complicated issues regarding differences between judgments, emotions, and feelings, which I must set to one side. Briefly, however, I think it is correct to say that intellectual virtues often come accompanied by a corresponding emotion. Do we not "rejoice" in the truth, "delight" in wisdom, and feel "gratification" upon understanding some complicated matter? Do we not feel relief when we turn back a pointed objection to one of our beliefs, and feel satisfaction when our students master the lessons we impart to them? And while it is true that not every display of intellectual virtue is automatically action guiding, neither is every moral virtue. For instance, I might be virtuously hopeful or humble without those virtues leading automatically to some specific action. For that matter, not every moral virtue comes accompanied by an occurrent emotion. Rather we should say that the virtues, moral and intellectual, dispose us, as appropriate, to various emotions and courses of action.

By saying that the virtues are acquired traits I mean to underscore the fact that whether the virtues or the vices take deep root within us is in some measure owing to the deliberative will of the agent; I am not compassionate or patient or self controlled accidentally. No doubt I could have taken steps to thwart the growth of these traits, and have made choices contributing to their development. Similarly, there are belief forming practices of a positive and negative sort over which the agent has a measure of voluntary control. And it is for this reason that we are proper objects of praise and blame insofar as we are virtuous or vicious persons. If, for example, I believe myself to be gullible, I can resolve not to accept any testimony that is not corroborated.

To require that cognitive agents attend to the processes of belief formation, maintenance, and revision, might make it sound as if we are wholly at liberty with respect to what we believe, that what we believe is under our direct voluntary control. But surely this is false. Which of us can, by sheer effort, reject the belief that the earth is round or accept the belief that our bank account contains millions more dollars than its actual balance? Beliefs are not subject to our direct control in this way. Typically, we do not decide what to believe, but rather find ourselves believing as we do as a result of various life experiences, early training, the testimony of authorities, other forms of social conditioning, and so forth, long before we come to think critically about the sources of our beliefs. If most of our beliefs come to us unbidden, how, then, can I say that we should preside over our accepting and rejecting beliefs?

While it is true that we do not exercise *direct* voluntary control over what we believe, we can influence the processes of belief formation, maintenance, and revision *indirectly*. We can for instance, voluntarily commit ourselves to a course of study which will eventuate in our coming to accept new beliefs. We can note tendencies we might have to believe with undue readiness unflattering statements about people we do not like, or to discount unfairly the criticisms of those who disagree with our preferred ways of thinking about a subject, and undertake disciplines that will loosen the power these tendencies have to affect the way we believe. We can, as behavioral psychologists often recommend, voluntarily commit ourselves to courses of action—volunteer work in the inner city, for instance—which will change the way we think about, say, matters of race and interpersonal relations. In these and may other ways, we can bring it about indirectly that we acquire, modify, or reject beliefs.

Since, however, the level of complicity in our intellectual shortcomings varies, so will the consequent degree of culpability. There is no single degree to which we bear responsibility for our moral and intellectual traits; rather the responsibility we bear should be thought to fall somewhere along a continuum. We should resist the idea that individual cognitive and moral agents are all equally responsible for their intellectual and moral states. Being raised and taught in a moral environment by morally astute people will assuredly make it easier for me to acquire virtues than were I to have been raised in a thieves' den. My genetic endowment and the training I receive undoubtedly contribute to whatever degree of mental acuity I may possess. So while I may bear some personal responsibility for being morally and intellectually virtuous, it may also be due, in varying degrees, to accidents of history, geography, and the natural lottery. We find multiple causes and varying degrees of culpability for our coming to possess traits of mind that hinder our cognitive goals.

I have stressed the importance of intellectual virtues and vices for any thorough approach to epistemology, and I have contrasted a "virtues approach" to epistemological matters with orientations that ignore virtues and vices. But, I wish to guard against the mistake of supposing that all of the questions and concerns raised by epistemologists are reducible to the business of acquiring intellectual virtues and eschewing intellectual vices. As William Alston has taught us, there are many "epistemological desiderata," many epistemic merits that we as knowers are better off having than lacking; intellectual virtues comprise a part—albeit a very important part—of these desiderata. But, it is also good that cognitive agents be warranted and justified in their beliefs. Even here, though, our being

intellectually virtuous can contribute significantly to our being warranted and justified, and our achieving other epistemic merits.

6. CONCLUSION

Virtue epistemology avoids the pitfalls that befell foundationalism. It does not suppose that all rational agents must follow in slavish devotion a single supreme methodology, nor that every discipline should adopt the methodology that works so well in a particular discipline. As Aristotle reminds us, "… it is the mark of an educated man to look for precision in each class of things just so far as the nature of the subject admits; it is evidently equally foolish to accept probable reasoning from a mathematician and to demand from a rhetorician scientific proofs" (*Nichomachean Ethics*, Bk. I, Chap. 2, 25). Each subject matter will vary as to the methods deemed most appropriate to yield understanding. Philosophers and historians are not deficient because they do not make use of the methods that work so well in the empirical sciences, nor are economists and psychologists sub-par intellectually for neglecting the means of exploration and understanding common to the arts. No single royal road paves the way toward intellectual virtues.

Virtue epistemologists do not lament what could in fact never be had, so they feel no regret that not all our beliefs are invincibly certain or demonstrable. Of course it in no way follows that virtue epistemologists cease being interested in truthfulness and argumentative rigor. Consider St. Thomas Aquinas, as ardent a proponent of truth and argument as was ever likely to be found. He never ceased reminding us, however, that what truths we uncover are always held in a manner that befits humans, not gods. So while he wrote more, defended more vigorously, and argued at greater length than any other single Christian thinker about matters pertaining to the Christian faith, he also reminded us of the limitations of human language and thought to capture fully such sublime truths. Now we do not see God face to face, nor does our language capture with utter precision the religious claims we demand that it convey. That is why our language about God, though truthful, is analogical only, taught Thomas. Not only should we expect no more precision than the subject matter allows, as Aristotle admonishes, but we should demand no more from our creaturely intellects, earthen vessels that they are, than can rightfully be expected of them.

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NOTES

[1] See Edmund Husserl, *Phenomenology and the Crisis of Philosophy*, translated with an introduction by Quentin Lauer (1965). Lauer writes in his introduction: "This sort of philosophy will refuse to accept any conclusion that has not been verified as absolutely valid for all men and for all times; thus it wants to be a science in direct contact with absolute being."

[2] Nicholas Wolterstorff holds the controversial view that Descartes was not concerned with knowledge in our contemporary sense, but with *scientia*, an intuitively apprehended knowledge of nature. Wolterstorff discusses the differences between Descartes' and Locke's project in *John Locke and the Ethics of Belief* (1996. See especially chapter 3).

[3] I characterize Cartesian foundationalism because it has become the special target of attack among many postmodern thinkers. A helpful survey of these attacks is found in Charles Taylor's "Overcoming Epistemology" (1987, pp. 464-488). Locke's version of foundationalism is more nuanced than Descartes', and the "modest" foundationalism of thinkers such as Thomas Reid is more tenable still. In truth there are dozens of permutations of the foundationalist program, many of which were formulated to evade the difficulties of earlier formulations. Anyone interested in acquainting themselves with the dizzying array of foundationalist programs can consult Timm Triplett's "Recent Work in Foundationalism" (1990).

[4] Being self-reflectively aware that one possesses knowledge, justifiably believing this to be the case, knowing this to be the case, and showing that this is the case are all distinctive requirements, many or all of which do not appear in some versions of foundationalism. Failure to keep these separated leads to what William Alston calls "levels confusions in epistemology." See his article by the same title (1980, pp. 135-150).

[5] Jack Caputo states that "The real obstacle to understanding in human affairs lies in the tendency to believe that what we do—whether in building scientific theories or in concrete ethical life—admits of hard and irrevocable rules. It is precisely this claim that human life is rule-governed which brings hermeneutics . . . out of its corner and into the fight. Hermeneutics pits itself against the notion that human affairs can finally be formalized into explicit rules which can or should function as a decision-procedure" (1987, pp. 212-213). Other well known attacks of method in the Cartesian sense can be found in Paul Feyerabend's *Against Method* (1975), and Hans Georg Gadamer's *Truth and Method* (1975).

[6] This line of argumentation can be explored in greater detail in Alvin Plantinga's "Reason and Belief in God" (1982, pp. 59-63). Also interesting is the series of exchanges on this and related points between Plantinga and Phillip Quinn, beginning with Quinn's "In Search of the Foundations of Theism" (1985).

[7] Wilfred Sellars writes: "For the point is specifically that observational knowledge of any particular fact, e.g., that this is green, presupposes that one knows general facts of the form X is a reliable symptom of Y. And to admit this requires an abandonment of the traditional empiricist idea that observational knowledge "stands on its own feet." "Empiricism and the Philosophy of Mind" (1980, p. 100). While it may be the case that even my most primitive beliefs depend on prior concepts, it will not follow that my primitive beliefs are *based on* those concepts. Sellars' argument is thus best construed as an attack against the incorrigibility of basic beliefs.

A similar argument is made by Frederick Will in his *Induction and Justification* (1974, p. 203). He writes:

> . . . if knowing any truth about a sensation, if indeed *having* a sensation of the kind that is specified in that truth, involves the employment and sound working of a vast array of equipment and resource extending far beyond any individual and what can be conceived private to him, then the possibility that this equipment and resource is not in place and working soundly cannot be discounted in the philosophical understanding of the knowledge of such truth. If the sound discrimination of the sensation of X, in its character *as* X, can be made only by correctly utilizing something further, say Y, and if, in a case like this, discrimination of a sensation as X can be made while yet, for some reason, Y is not being used correctly, then a discrimination of X need not be a sound discrimination.

Roderick Chisholm defends the possibility of a non-comparative use of "this is red" in *Theory of Knowledge* (1977, pp. 22-25).

[8] Arguments similar to this are given by Laurence Bonjour in "Can Empirical Knowledge have a Foundation?" in *American Philosophical Quarterly* (1978, pp. 1-13) and in Keith Lehrer's *Theory of Knowledge* (1990, pp. 73-75).

[9] The notion that the body is an impediment to reason is at least as old as Plato, and is a recurring theme in Western philosophy. Consider the following quotation from the *Phaedo* (1997, 66) in which Socrates questions Simmias about the ideal conditions of knowing: "Don't you think that the person who is likely to succeed in this attempt most perfectly is the one who approaches each object, as far as possible, with the unaided intellect, without taking account of any sense of sight in his thinking, or dragging any other sense into his reckoning−the man who pursues the truth by applying his pure and unadulterated thought to the pure and unadulterated object, cutting himself off as much as possible from his eyes and ears and virtually all the rest of his body, as an impediment which by its presence prevents the soul from attaining to truth and clear thinking?"

[10] Interestingly, this conclusion is supported by the recent work of neurobiologists and cognitive psychologists. For examples, see Oliver Sacks' *An Anthropologist On Mars*, Antonio D'Amasio's *Descartes' Error*, and Daniel Goleman's *Emotional Intelligence*.

[11] "For I do not do the good I want, but the evil I do not want is what I do. Now if I do what I do not want, it is no longer I that do it, but sin which dwells within me. So I find it to be law that when I want to do right, evil lies close at hand. For I delight in the law of God, in my inmost self, but I see in my members another law at war with the law of my mind and making me captive to the law of sin which dwells in my members" (Romans 7: 19-23).

[12] The notion of flourishing or failing is evident in the words of a personified Wisdom in Proverbs: "For he who finds me finds life and obtains favor from the Lord, but he who misses me injures himself; all who hate me love death" (Proverbs 8: 35-36).

[13] Let me distinguish between purely natural intellectual abilities, intellectual skills, and intellectual virtues. Someone born with perfect pitch or a photographic memory will obviously excel in discovering a certain range of truth. Though such abilities are admirable on some level, they are not virtues, indeed, they may be found in some *idiot savants*. Consider next someone with an acquired skill in doing proofs in deductive logic: here too the agent will be adept at discovering a certain range of truth and of avoiding falsehood. He or she will know, for example, the correct procedures for running a *reductio ad absurdum* argument. Though such skill requires effort to acquire, and granted that such skill is better off to have than to lack, it still does not constitute an intellectual virtue in a robust sense of term. For such skills can be cultivated and deployed in ways relatively disconnected from human flourishing. (This is one of the lamentable features of the Unabomber's life.)

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CHAPTER 4

RANDALL C. ZACHMAN

GOD MANIFESTED IN GOD'S WORKS

The Knowledge of God in the Reformed Tradition

The Reformed tradition arose in response to the conviction that the Roman Church was no longer the Catholic Church. Hence the Reformed tradition attempted to reestablish continuity with the prophets, apostles, fathers, and councils of the Church. The Reformed tradition claims that God freely manifests Godself by the works that God does, both in creating and governing the world, and in redeeming sinners in Christ. However, the works of God cannot be known by sinful humanity without the testimony of the Word of God and the inner illumination of the Holy Spirit. Christ himself is known in his self-manifestation in the Law and the Gospel, through the Holy Spirit. The knowledge of God is also both analogical and anagogical, lifting us from the world that we see to the spiritual reality of God that we do not see. The knowledge of God is both cognitive and affective, with a strong emphasis placed on the knowledge of God in the heart, leading to the experience of piety. The knowledge of God has its source in God alone, affirmed most directly by the doctrine of election, which attests the free self-revealing of God. The ultimate goal of the knowledge of God is not human salvation, but the glory of God.

1. INTRODUCTION: THE REFORMED TRADITION AND THE CHURCH CATHOLIC

To understand the understanding of the knowledge of God in the Reformed tradition, it is necessary to locate the Reformed tradition within the context of the wider Christian tradition. The Reformed tradition arose in the sixteenth century, as part of the wider criticism of the Roman Church that we call the Reformation. Although the theologians who are now identified as the "fathers" of the Reformed tradition, i.e., Zwingli, Oecolampadius, Bullinger,

Mark J. Cherry (ed.), The Death of Metaphysics; The Death of Culture: Epistemology, Metaphysics, and Morality, 71—97.

Bucer, Calvin, Beza, Knox, Ursinus, and Olivean, had much in common with other critics of the Roman Church, most notably Luther and Melanchthon, they also had a distinct set of concerns that over time began to separate them from the concerns of the reformers in Wittenberg. However, this separation happened in many ways against their will, as they saw themselves first and foremost as evangelical Catholics, in league with their colleagues to the north. Hence, to understand the Reformed tradition, it is necessary to set it in the context of the Roman and Lutheran traditions to which it was responding.

The fathers of the Reformed tradition shared with Luther and Melanchthon an unshakable sense that the Roman Church, especially under the papacy, had taken the Catholic Church captive, and had brought it to almost total ruin. Hence the main metaphor suggested by Luther's pivotal work of 1520, *The Babylonian Captivity of the Christian Church*, became the central metaphor for the Reformed understanding of the history of the Church in their day. They did not see themselves as splitting off from the Catholic Church to form a new sect—such a thought or intention would have been anathema to all of them. Rather, they thought that the papacy and all its supporters had split off from the Catholic Church, and had both taken it captive and led it into ruin. Hence, they understood their task as freeing the Catholic Church from its captivity under the papacy, and restoring the Catholic Church by reconnecting it with its previous tradition in the prophets, apostles, and fathers.

This desire to see themselves in continuity with the Catholic Church, while also claiming that the Catholic Church had disappeared from view under the papacy, presented the fathers of the Reformed tradition with a very pressing problem; namely, how to demonstrate that they, and not Rome, were in continuity with the one, holy, catholic, and apostolic church. There was no doubt in any of their minds about the need to show continuity with the ecumenical creeds and fathers, all the way through to Augustine and the Council of Chalcedon. Thus, for instance, Bullinger affirms his adherence to the Creeds of Nicea, Constantinople, Ephesus, and Chalcedon, to demonstrate his catholicity: "And in this way we retain the Christian, orthodox, and catholic faith whole and unimpaired; knowing that nothing is contained in the aforesaid symbols which is not agreeable to the Word of God, and does not altogether make for a sincere exposition of the faith" (Bullinger, 1970, *Second Helvetic Confession*, XI). But how was the history of the Church after 451 to be understood? Some, like Calvin, sought to trace the Catholic Church all the way to teachers like Bernard of Clairvaux, who would represent the legacy of Augustinian doctrine into the time of Peter the Lombard. Others, like Martin Bucer, sought to trace the Catholic tradition

even further, through figures such as Thomas Aquinas and Jean Gerson (whom even Calvin acknowledged to be among the saner schoolmen). Be that as it may, all of the Reformed thought that at some point the Catholic Church had disappeared from view under the papacy, much the way the church had disappeared from view during the time of Elijah, being known only to God. Hence they all thought that their own day represented the reemergence of the Catholic Church from its time of captivity under the papacy, being restored through the ministry of such figures as Luther, Melanchthon, Zwingli, Bucer, and Oecolampadius.

The fathers of the Reformed tradition were all convinced that the Roman Church had broken continuity with the Catholic Church by replacing the doctrine and law of God in Scripture with doctrines and laws invented by human ingenuity. They, therefore, thought that the primary way to restore the Catholic Church was by restoring the teaching of God in the Scriptures to the Church. As opposed to the statement attributed to Gregory the Great, that "images are the books of the unlearned," the Reformed fathers thought that Scripture was the book of the unlearned, being the means by which the Holy Spirit wills to teach the faithful all that was necessary for them to know concerning the knowledge of God that leads to eternal life. They saw the Church as the school of Christ, in which all are to be taught by God, and are in turn to teach and learn from one another, under the guidance of the Holy Spirit. Moreover, the Reformed fathers were aware that it was not enough for Scripture to be restored to the Church, if godly interpreters of Scripture were not also restored to the Church. Such interpreters would be learned in the languages and doctrines of Scripture, in order to guide their unlearned brothers and sisters into the right meaning of Scripture. They saw the fathers of the Church, such as Ambrose, Chrysostom, and Augustine, as godly and learned interpreters and teachers of this kind, and wanted to restore this office to the Church of their day.

The very Church order of the Reformed communities, made up of teachers, pastors, elders, and deacons, was meant to institutionalize the presence of godly and learned interpreters in every congregation. Teachers were to teach the pastors both in their initial training and throughout their ministry, by teaching the sum of doctrine to be sought in Scripture (such as Calvin's *Institutes*), and by drawing godly doctrine from a contextual reading of Scripture, verse by verse, and book by book. Pastors were to teach the young in their congregations the sum of doctrine to be sought in Scripture in the Catechism, and were then to teach doctrine drawn from a contextual preaching of Scripture, both in sermons and in household visitations, in order to apply that doctrine to the lives of the members of their congregation. Pastors and elders were to encourage an increasing

correspondence between the doctrine preached and the lives lived in the congregation, and were to discipline those whose lives contradicted the doctrine of Scripture. Calvin and Bullinger were also willing to accept bishops, priests, and deacons as an acceptable order of the Church (as in England and Scotland), so long as bishops and priests saw themselves as teachers of the doctrine of Scripture, and practiced discipline in concert with an elected senate of elders. The teaching, preaching, and application to life of the doctrine of Scripture is one of the hallmarks of the Reformed tradition, and accounts for the prominence that both Scripture and preaching have in Reformed confessions.

If all knowledge of God is to be sought from Scripture, through the guidance of the Holy Spirit and godly and learned interpreters, what is the nature of the knowledge of God to be found in Scripture according to the Reformed tradition? In concert with their fellow evangelicals in Germany, the Reformed turned to the teaching of Paul, especially in the Epistle to the Romans, to find the guide to the meaning of Scripture. Hence they, along with Luther and Melanchthon, thought that the turning point of the disagreement with Rome hinged on Rome's denial of the justification of sinners by the free grace of God in the Gospel of Jesus Christ, to be apprehended by faith alone apart from works. However, unlike the Wittenberg reformation, the gospel for the Reformed tradition was not heard primarily in the context of private confession and absolution, but rather in terms of the restoration of the glory that they thought had been stolen from God by the Roman Church. Along with Paul in Romans 1, the Reformed saw the glory of God being contradicted by the worship of creatures in place of the Creator. Hence the Reformed viewed the attempt to justify ourselves by our own works as part of the larger phenomenon of human idolatry and superstition, which glorifies creatures over and above the Creator. Such idolatry was seen by them not only in justification by works, but also in the use of images in worship, the invocation of the saints as mediators between God and humanity, the adoration of the reserved eucharistic host as though it were the eternal Son of God Himself, the claim of Rome that the body and blood of Christ are contained in the bread and wine of the Eucharist, and the offering of the Mass as a propitiatory sacrifice to God on behalf of the living and dead in whose name it is offered. More importantly, the concern for the glory of God transcends even the concern for human salvation for the Reformed tradition. Our salvation is annexed to, but is also subordinate to, the glory of God. The Reformed emphasize that those who are saved by God's mercy should seek above all else the glory of God, and not their own salvation, for as Calvin says, "it is not very sound theology to confine a man's thoughts so much to himself, and not to set before him, as the prime

motive of his existence, zeal to illustrate the glory of God. For we are born first of all for God, and not for ourselves" (Calvin, 1979, p. 58). Those who are saved by God should glorify God not because God has saved them, for that would still be selfish, but rather because God is God, whose glory and goodness vastly transcends their own personal salvation. As Jonathan Edwards says, the true saints "first rejoice in God as glorious and excellent in himself, and then secondarily rejoice in the fact that so glorious a God is theirs" (Edwards, 1997, p. 176).

2. SCRIPTURAL THEMES IN THE REFORMED TRADITION

The alleged perversion of the worship of God by the carnality and idolatry of the Roman Church meant that the Reformed theologians turned as much to the Gospel of John and the Epistle to the Hebrews as they did to the letters of Paul in the formulation of their thinking about the knowledge of God. The Reformed appealed to the teaching of Jesus in the Gospel of John that God is Spirit and must, therefore, be worshipped in spirit and in truth, not in external ceremonies and images. Since God is Spirit, God is free from all earthly constraints, for the Spirit blows where it wills, and cannot be manipulated by creaturely means. Since God is Spirit, even though we begin our encounter with God in Christ by means of worldly phenomena like bread, wine, and water, we must elevate our minds and hearts to the spiritual realities these phenomena represent, and should not foolishly confine God within the limits of this world. The Reformed were especially critical of the doctrine of transubstantiation, because it confined the minds of worshippers to the appearance of bread and wine, and did not elevate their minds anagogically from the bread and wine, which they see, to the body and blood of Christ in heaven, which they do not see.

The Epistle to the Hebrews reinforces the Reformed concentration on the relationship between earthly types and heavenly, spiritual antitypes, as it represents all the earthly types of worship that God had instituted in Israel as setting forth in a temporal and visible way the spiritual and invisible grace of God in Jesus Christ. The Reformed accused the Roman Church of ignoring the fulfillment of all visible types in Israel in the spiritual work of Jesus Christ, thereby acting as though Christ had not yet come. This was especially true for them by the way the Roman Church ordained priests whose primary task it was to offer the sacrifice of the Mass daily on the altar to God the Father. This repeated sacrifice was for the Reformed a direct denial of the once-for-all sacrifice of Christ for our sins on the cross. The use of the Epistle to the Hebrews also led the Reformed fathers to use the Hebrew Bible extensively to think through the presence of God in the Church,

especially in light of the presence of God in the Temple. On the one hand, they insisted that God was truly present in the Temple, to be sought there, and no where else. On the other hand, they reminded their fellow Christians that God repeatedly called the Temple God's footstool, so that the Israelites might lift up their minds from the Temple in Jerusalem to heaven. They also repeated the warning given by the prophets, especially Jeremiah, that the Babylonian Captivity resulted in large part from the sense the Jews had that the presence of God in the Temple meant that God was contained in the Temple, and would never leave, no matter what they did. This strong sense of the real but elusive spiritual presence of God in the Church is one of the most distinctive aspects of Reformed thought about God, and leads to its distinctive way of thinking through both Christology and the sacraments, over against both the Roman and the Lutheran traditions, though in alleged continuity with the previous Catholic tradition. Both the teaching that Christ's divinity is not contained in His humanity, but fills heaven and earth even during the Incarnation (the so-called *extra Calvinisticum*), and the teaching that the body and blood of Christ, though represented in the Supper, are truly present in heaven, grow out of the Reformed concern not to confine Christ to the symbols that truly represent him.

The concern to unite but distinguish the signs of Christ from Christ himself shows the decisive influence of Augustine on the Reformed tradition, especially *The Tractates on John*, Chapter 6. The Reformed appreciated and embraced Augustine's distinction between the sign and the reality it signifies, and used it in order to distinguish between eating the sacrament of the body and blood of Christ and true communion with the body and blood of Christ, the former being something done with the teeth and tongue, the latter by the Spirit in our souls. They also appreciated Augustine's distinction between Christ's spiritual presence and his bodily presence, as exemplified in his *Epistle to Dardanus*. The Reformed fathers were convinced that the patristic Church as a whole thought in a symbolic and representational way about the presence of God in Christ. The work of Oecolampadius on patristic views on the Supper was undertaken to establish this point, but all of the Reformed fathers were scholars of patristic theology—especially Bullinger, Bucer, and Calvin—and thought that their own way of symbolic thinking was more in continuity with the fathers, and hence more truly Catholic, than was the position of Rome, which tended to think in terms of substances, not symbols.

However, the reading of the fathers, and the influence of John and Hebrews, created an unresolved tension at the heart of the Reformed tradition. On the one hand, theologians like Zwingli so emphasized the difference between earthly symbols and the heavenly realities they

symbolize that they denied that the former could be instruments offering the latter. For Zwingli, only God communicates the Holy Spirit to our spirits, in a way free of all earthly means and instruments, including preaching. On the other hand, theologians like Bucer and Calvin emphasized the need for God to not only represent, but also to present, spiritual realities to us by means of earthly instruments accessible to human experience, in order to elevate our minds and hearts to God by these means, as by ladders or vehicles. Calvin recovered Chrysostom's category of accommodation in order to describe the need for the infinite, spiritual, exalted God to lower Godself to our level by means of finite, temporal, and earthly signs, so that we might be led to know God by means of these signs. These two currents continually emerge in the Reformed tradition, most recently in the theology of Karl Barth, who began his *Church Dogmatics* with Calvin's understanding of the relationship between symbols and reality, and ended the *Dogmatics* with a recovery of Zwingli's emphasis on the freedom of the Holy Spirit and the lack of any creaturely mediation for the Spirit's work.

3. PLATONIC PHILOSOPHY AND REFORMED THEOLOGY

Given the prominent role of the Gospel of John and the Epistle to the Hebrews in Reformed interpretation and teaching, it is not surprising that the Reformed tradition has always evinced a preference for the Platonic tradition of philosophy, and for the fathers who were most influenced by Platonic thought. It is noteworthy that Calvin, Schleiermacher, and Barth were all avid students of Plato's writings. In particular, the Reformed tradition has since the time of Zwingli emphasized an understanding of God as the free, self-giving fountain and author of every good thing. As it is God the Father who is primarily seen as being this fountain, author, and source, the Reformed tradition manifests a strong theocentric dynamic, with a clear subordination of the Son and Holy Spirit to the Father in terms of the order of persons in the Trinity, though not with regard to the divine essence of the persons. This theocentric subordination of persons has the advantage of emphasizing that the Trinity has to do with the self-giving of God to humanity, as the Father gives Himself entirely to humanity in the Son by means of the Holy Spirit, and not with the relation of God to God from all eternity. Even those Reformed theologians who do want to speak of the relation of God to God, such as Edwards and Barth, do so by beginning with the way God gives Godself to humanity through the Son in the Holy Spirit, thereby revealing the eternal nature of God to humanity. Reformed theologians use the doctrine of the Trinity to show the utter gratuity of God's self-giving love in creation and in Christ, as God is the fullness of all good

things in Godself, and has no need of any creature to be brought to completion. This concern for the self-sufficiency of God is seen in the way that both Friedrich Schleiermacher and Karl Barth were quite critical of Hegel's attempt to show the necessity of both creation and redemption on the basis of his concept of spirit: Schleiermacher by means of the feeling of absolute dependence; Barth by way of the essence of God as the triune One Who loves in freedom.

The influence of Platonic thought on the Reformed tradition is also disclosed in the interest Reformed theologians have in the manifestation of the goodness of God in the beauty of God. According to the Reformed tradition, all the works that God does in the world, both in creating and governing the world, and in saving sinners from condemnation, manifest the beauty of the goodness of God. The human apprehension of the beauty of the goodness of God is the way by which God sweetly allures and gently invites us to Godself. Since beauty is something we behold, our knowledge of God comes primarily from our vision of the works of God in creation and redemption, making contemplation essential to the lives of the saints. And since it is the beauty of the goodness of God we behold, our vision of the beauty of God leads directly to our feeling and enjoyment of the goodness of God in the inmost affections of our hearts, in what Reformed theologians call the experience of piety. For the Reformed tradition, true knowledge of God is not primarily cognitive, coming through the apprehension of the meaning of words and concepts, though this may be involved in the proper apprehension of the beauty of God, as we shall see below. Rather, the knowledge of God is primarily affective, taking root in the heart more than in the mind. This concern for the experience of piety, made possible by the affective experience of the goodness of God in the heart, manifests itself not only in the fathers of the Reformed tradition, such as Zwingli and Calvin, but also in later theologians of the tradition, such as Edwards and Schleiermacher. Once again, however, there is a tension in the tradition between those who insist on a more direct, unmediated apprehension of the goodness of God in the heart, as in Zwingli and Schleiermacher, and those who insist that the goodness we experience in the heart must first be manifested to us in the beauty of the works of God we behold and contemplate, such as Calvin and Edwards. It is true, as Von Balthasar points out, that Barth recovers the beauty of God as one of the perfections of God, but Barth's deep suspicions of Pietism kept him from emphasizing the experience of piety in a way that distinguishes him from his predecessors, and may create a discontinuity between his theology and previous Reformed understandings of the knowledge of God.

4. GOD MANIFESTED IN GOD'S WORKS

The focus on the contemplation of the beauty of God means that for the Reformed God is primarily manifested to us in the works that God does, and not primarily proclaimed to us in the Word which God speaks. The Lutheran emphasis on the truth of the Word of absolution that is spoken to me in confession, the sermon, and the Supper is not as prominent in the Reformed tradition, which emphasizes instead the manifestation of the glory of the goodness of God in all the works of God. The hidden, invisible, infinite, spiritual God becomes somewhat visible in the works that God does in the world, making these works "living images of God" (Calvin), in which God's eternal nature is manifested to us, in accommodation to our existence as finite creatures who know things by what we see. This understanding of the self-revelation of God trades very heavily on notions of visual self-representation, in spite of the fact that the Reformed tradition is also known for its rejection of the use of human images in the worship of God. One could say that the Reformed wish to remove all human images from the Church so that the Church might concentrate instead on the living images that God places before us for our consideration and contemplation. The self-representation of God takes place by means of two living images set before us: the works of God in creating and governing the universe, and the works of God in Jesus Christ, first set forth in a symbolic way in the worship of Israel, and then fully revealed in the gospel.

The self-revelation of God in creation and providence is one of the hallmarks of the Reformed tradition. Following Paul in Romans 1, the Reformed claim that the first manifestation of God to humanity takes place in the works of God set before all people in the universe. These works portray as in a painting the powers (Calvin) or perfections (Edwards) of God, which manifest the nature of God. By beholding these powers, and feeling their force within us, we should be lead by the enjoyment of these powers to seek their source in God alone. This understanding of the manifestation of God by God's powers and perfections, understood in a realistic way, is reminiscent of the Greek theological tradition, especially Gregory of Nyssa, who speaks of the manifestation of God by means of the energies of God, although there is no clear evidence of a direct influence of Gregory on the Reformed.

Since the fall of Adam, human beings have been kept from properly beholding and enjoying these benefits by their own blindness and ingratitude. Human blindness keeps us from judging the works of God aright, so that we do not see in them the living image of the Creator, but are rather led to the worship of false gods devised by the human imagination. Human ingratitude means that even when we do enjoy the powers of God,

we do not seek their source in God, and glorify God in our gratitude, but rather enjoy them without ever lifting our hearts and minds to their source in God. Consequently, unless God sends forth God's Word, rightly to portray the powers of God set forth in God's works, and to reveal God as the source of these powers, we do not benefit from the living image of God in the universe, but are rather held to be without excuse for not knowing the one true God. Because of human sin, the Reformed will always add hearing the Word of God to our contemplation of the works of God. Nonetheless, it is significant to note that the self-disclosure of God in the Word is subordinate to the self-manifestation of God in the universe by making the proper contemplation of God in God's works possible. Thus Calvin calls Scripture the "spectacles" through which we rightly view the living image of God in the universe.

The Reformed insist that we do not rightly know God the Creator unless we include within that knowledge the providence of God. The knowledge of God's providence leads the pious to trust in God's protection and care even in the most threatening of circumstances, for they believe that God cares for them even when they appear to be abandoned. Such knowledge has the added benefit of leading the pious to acknowledge the direct and tender care God has for everything God has made, including creatures about whom we may know little or nothing. The Reformed interest in God's providential care leads them to appreciate those aspects of Scripture, such as the ending of the Book of Job and the wisdom psalms, that emphasize God's care for all creatures, and not just for humanity in general, or for the members of the Church in particular. By placing God's care of humanity within the context of God's care for every creature, the Reformed humble the human self-centeredness that so often mars our proper appreciation of the glory of God shining throughout the universe. In this sense, James Gustafson's criticism of the anthropocentrism that marks so much post-Enlightenment theology, including such Reformed theologians as Karl Barth, is a legitimate recovery of the Reformed emphasis on God's providence in light of its eclipse by the modern interest in human history.

The knowledge of the self-manifestation of God in creation and providence precedes the knowledge of the self-revelation of God as Redeemer in Jesus Christ, at least in the order of teaching. The priority of the knowledge of God the Creator to the knowledge of God the Redeemer reveals again the influence of the Gospel of John, especially John 17:3, "And this is eternal life, to know you, the one true God, and Jesus Christ whom you have sent," as well as the order of teaching in the Apostles' Creed. The one true God must be known through the proper appreciation of God's works of creation and providence to appreciate the full meaning of the

sending of his Son Jesus Christ. One sees this order of teaching in the two foundational handbooks of theology in the Reformed tradition, Zwingli's *Commentary on True and False Religion* and the 1559 edition of Calvin's *Institutes*. Schleiermacher makes a similar move in *The Christian Faith*, when he claims that faith in God is given to all people through their immediate consciousness of absolute dependence, before faith in Christ is given by the experience of redemption in the Church. The Reformed emphasize that God has always revealed Godself to be the self-giving fountain of every good thing, and hence as Father, since the creation of the world, through the ordering wisdom of the Word and the life-giving power of the Holy Spirit. The sending of the Son to become human in Jesus Christ is, therefore, clearly in response to the calamity introduced into the universe by human sin, and not in response to some prior deficiency in God or creation. Because God is already revealed in the universe to be the self-giving fountain of all good things, the sending of the Son reinforces the generosity of God's goodness, as God wills to give Godself not only to those creatures that did not previously exist, but also to those creatures who have through their own fault become the enemies of God.

As is widely known, Karl Barth raised a categorical objection to this Reformed way of proceeding by claiming that the only image of God is Jesus Christ crucified. Barth denied that the universe is a living image of God that represents the nature of God to us, although he did acknowledge that the self-revelation of God in Christ may in part be disclosed in and to the world outside the Church. Barth has had a very significant impact on Reformed thinking about the knowledge of God the Creator, and has directly contributed to the loss of one of the most distinctive elements of the Reformed understanding of God; namely, the beauty and glory of God's works in creation and God's care for everything God has made. John Calvin and Jonathan Edwards in particular delighted in the study of the works of God in the universe, and thought their appreciation of the beauty of the universe was directly related to their experience of piety and their faith in God. They also thought that the care of God for every creature reinforced their confidence in the care of God for humanity, and especially for the faithful. The proper recovery of the self-manifestation of God the Creator in the universe remains one of the major tasks of the Reformed tradition as it looks to the future.

Given the fall into human sin, the self-manifestation of God in the universe, even with the aid of the spectacles of Scripture and the inner illumination of the Spirit, would not bring us to the true knowledge of God. Our sin changes the self-manifestation of God in the universe, so that the universe now reveals God's curse against sin as well as God's goodness and

care for all creation. Hence God must reveal Godself to sinful humanity as the author and fountain of every good thing, in a way not only accommodated to the finite capacities of human beings, but also accommodated to their state as enemies of God. The Incarnation of the Son of God is God's accommodation to our finite capacities, in light of Irenaeus's dictum that in Christ the infinite and invisible God becomes finite and visible. The death and resurrection of the Incarnate Son is God's way of addressing the animosity created between humanity and God by sin, as Christ in his death takes away our sin and the wrath of God against us, and in his resurrection restores to us all we had lost in Adam, by God's bestowal of the Holy Spirit on the risen Christ. Thus Jesus Christ is the Second Adam, who reveals the one true God to us yet again, and who restores to us all we had lost in Adam, while taking away all the sin and wrath we inherit from Adam. The relation of Adam to Christ is a central theme in Reformed theology. Schleiermacher's insight that Christ is most properly described as the fulfillment and completion of creation, to which even his work of redemption is subordinated, is a reflection of this Reformed attention to the relationship between Adam and Christ in light of the original creation of humanity. Barth's insight that Christ is before Adam, and replaces Adam even before Adam falls into sin, is also a reflection of the way the Reformed insist that in Christ God restores to sinful humanity all it had forfeited in its sin, mainly eternal life in fellowship with God.

5. CHRIST MANIFESTED THROUGH THE SPIRIT

Even though Jesus Christ is the self-manifestation of God to sinners, accommodated both to their finite capacities and to their state of sin, Christ must nonetheless represent himself and his saving work to us if we are to have faith in him, and to know the fountain of every good thing set forth in him by the Father. Without such self-representation on the part of Christ, the self-manifestation of God in him would not be effective. This attention to the self-manifestation and self-representation of Christ and his saving work is another distinctive theme in the Reformed tradition, being found in the theological vision of John Calvin, Jonathan Edwards, Friedrich Schleiermacher, and Karl Barth. The Reformed have a complex understanding of the self-revelation of God in Christ, all directed by God's self-accommodation to the capacities of fallen human beings. For the Reformed, both the Law and the Gospel are the self-representation of Christ, Who Himself, in His own person and work, manifests the invisible Father to us in his humanity. The clearest manifestation of Christ takes place in the Gospel, which was revealed after Christ had ascended to heaven, when

Christ bestowed the promised Holy Spirit on His followers. However, even the Gospel does not reveal Christ and His benefits to us unless we are inwardly illumined by the Holy Spirit to see Christ in the Gospel, and to see the Father in Christ. Hence it is ultimately the Spirit that discloses Christ to us as the image of God, even as Christ Himself discloses God the Father to us. The emphasis on the Holy Spirit as the one Who discloses the Son to us creates another tension in Reformed thought, between those who follow Zwingli by emphasizing the Spirit alone as the one who reveals Christ, making the Gospel itself a sign of the prior revelation of the Spirit, and those who follow Calvin by emphasizing the mediating role of the self-representation of Christ in the Gospel for the bestowal of the Holy Spirit. The Reformed confessions all tend to follow Calvin's lead on this issue, viewing the bestowal of the Holy Spirit in light of the preaching of the Gospel and the administration of the sacraments. However, the Reformed always evince a nervousness about associating the giving of the Holy Spirit too closely to the ministry of the Church, lest the Spirit appear to be bound to it. Christ freely manifests himself from heaven by the Spirit. Even though the self-manifestation of Christ by the Spirit normally takes place through the image of Christ in the Gospel, Christ is also free to manifest himself to those who have not heard the Gospel, as noted by Zwingli and Barth, among others.

5.1 The Self-Manifestation of Christ in the Law.

One of the most distinctive aspects of the Reformed tradition is the way it frames the self-representation of Christ in the Gospel by means of the prior self-manifestation of Christ in the Law. The self-manifestation of Christ in the Gospel fulfills and brings to vivid completion the self-representation of Christ to the people of Israel in the Law. Calvin used painting imagery to speak of this phenomenon, echoing Chrysostom's homilies on Hebrews: the self-representation of Christ in the Gospel fills out in living color the self-representation of Christ in the Law, which revealed Christ to the people of Israel in a shadow outline. Following the Epistle to the Hebrews, the Reformed claim that every ceremony and symbol used in Israel's worship, from the altars built by Abraham to the Second Temple restored under Herod, manifests and offers the saving work that Christ was to perform. This means that one learns as much about Christ from contemplating the ways He represented Himself to the Israelites before He came as one does by contemplating the Gospel representing his fulfilled and completed work. The study of the Hebrew Scriptures, and the knowledge of the whole history of Israel, therefore, becomes essential to the true knowledge of Jesus Christ,

Who Himself is the self-revelation of God. The Law and the Gospel thus both reveal Christ to us, and even after the Gospel has been revealed, the Law is necessary to reveal to us the fullness of blessings God has offered us in Christ. The Gospel shows the fulfillment of the Law, while the Law shows the fullness of the Gospel.

But why did God manifest Christ to Israel in such a great variety of promises, ceremonies, and symbols, across such a long expanse of time? Here the Reformed tradition has turned to the understanding of God's developmental self-revelation worked out by Irenaeus, under the influence of Paul's comparison between children and adults in Galatians 3. Christ always accommodates His self-revelation to the capacities of those to whom He is disclosing Himself. According to Reformed theologians like Calvin, at the beginning of its history, Israel was rude, untaught, and infantile in spiritual matters; hence Christ had to reveal Himself to them according to their very limited capacities. However, as the people grew stronger in their faith, God could use increasingly spiritual means of teaching them, although always in the context of earthly promises and symbols, to elevate their minds step by step to God's self-disclosure in Christ. Thus the Reformed have an historical and developmental understanding of the self-revelation of God in Christ that takes into account the whole history of God's relationship with Israel. One sees the centrality of this self-disclosure to Israel in the *Scots Confession*, which passes directly from the sin of Adam to the promise made by God to Adam and Eve, that the seed of Eve would crush the head of the serpent, and describes the clarification of that promise from Adam to Noah to Abraham to David to Christ (Knox, 1970, Chapter IV). The Scots Confession then narrates the history of the Church from Adam to Christ, all the way through to the return from the Babylonian exile and the restoration of the Temple in Jerusalem.

The Reformed used this notion of the self-presentation of Christ to Israel in two ways against their Roman opponents. On the one hand, they claimed that all that was presented to Israel in a shadowy way was fulfilled completely in Christ. Thus the sum total of prophecy is fulfilled in the Gospel Christ reveals from heaven by the Spirit after his ascension, leaving no new prophecy to be taught except the same Gospel. All of the sacrifices made by priests in Israel represented and offered the one true sacrifice for sin made by Christ on the cross for the sins of the whole world, bringing to an end all priestly sacrifices on altars in temples. The Reformed accused the Roman Church of ignoring the fulfillment of Israel's traditions in Christ. By teaching allegedly apostolic tradition not revealed in the Gospel, Rome acts as though the Gospel did not fulfill all prophecy. More importantly, the Reformed fathers claimed that the whole Roman order of priests, ordained

with the sole purpose of daily offering the sacrifice of the Mass for the sins of the faithful, denied that the death of Christ was the once for all sacrifice for sin. No tradition could be brought directly from Israel to the Church after Christ, for Christ had fulfilled the whole of Israel's worship of God.

On the other hand, since the whole history of Israel is really the history of the Church, the history of Israel *before* Christ provides a useful paradigm for understanding the history of the Church *after* Christ, especially in light of the Reformed claim that the Roman Church was no longer the Catholic Church. God promised never to depart from the Temple and always to protect the city of Jerusalem. However, when the sins of the Jews became unbearable, God in fact departed from the Temple and handed Jerusalem over to its enemies to be destroyed. So in their own day, even though Christ has promised never to leave the Church destitute of His presence and guidance by the Holy Spirit, because of the sins of the Roman Church the Holy Spirit did in fact abandon the Roman Church. Moreover, the appeal to the history of Israel also had the effect of emphasizing the way God always spares and delivers a remnant of His people, thereby reinforcing the Reformed concentration on the doctrine of election: for even though God abandoned the Roman Church, God did not abandon the remnant hidden and captive within the Roman Church. The analogical application of the history of Israel before Christ to the history of the Church after Christ is one of the hallmarks of the Reformed understanding of the Church, in distinction from both the Roman and Eastern Christian traditions, who do not claim that God departed from the Church at any point in history.

The modern period has seen rather dramatic instability in the understanding of the meaning of the history of Israel in the Reformed tradition. As has been noted above, Schleiermacher thought of the self-revelation of Christ in terms of his self-representation in the Gospel. However, Schleiermacher claimed that this self-representation was of Christ's own sinlessly perfect consciousness of God, which was dramatically different than the God-consciousness of Moses handed on in the traditions of Israel. Schleiermacher therefore did not see any self-manifestation of Christ in the Hebrew Scriptures, and argued against their inclusion in the Christian canon. Karl Barth rejected this proposal of Schleiermacher's, on the basis of the Reformed emphasis on Christ as the fulfillment of the whole history of Israel. However, Barth described the history of Israel very narrowly and negatively, as a ceaseless repetition of the ways the faithlessness and ingratitude of Israel contradicted the faithfulness and grace of God, leading to God's contradiction of Israel in wrath. Barth united this history of Israel before Christ with the history of the Jews after Christ, and said that the whole of Jewish history reveals the way all humans contradict their election

by God, and subject themselves to a life of suffering under the wrath of God's rejected love. Barth's proposal has the advantage of reestablishing the unity of the Hebrew Bible and the New Testament, and of giving theological meaning to the history of the Jews after Christ. However, his claim that the history of the Jews only manifests the sin that Christ wills to take upon himself is unnecessarily negative, especially in light of the Shoah. What is needed in the present is a Reformed theology that recovers the positive meaning ascribed by Calvin, Bucer, Oecolampadius, Knox, and others to the whole history of Israel, which can improve on their position by finding a positive meaning in the history of the Jews *after* Christ. Such an attempt is being made by theologians such as Moltmann, and it very much deserves attention and commendation.

5.2 The Self-Manifestation of Christ in the Gospel

Christ Himself fulfills all of the promises made to Israel, and gives solidity and stability to all the ceremonies and symbols, in his life, death, and resurrection. The self-manifestation of Christ in the Gospel, therefore, only takes place after the work of redemption is complete, when Christ ascends to heaven. Indeed, the glory of Christ is hidden under the appearance of its opposite on the cross, and only emerges from that concealment in the Gospel. The focus on the ascended Christ as the source of the Gospel gives to the Reformed understanding of the knowledge of God its characteristic upward sweep. As the Gospel comes from the ascended Christ in heaven, we only properly respond to the Gospel by raising or eyes, minds, and hearts on high to heaven, where Christ is, echoing the understanding of Christ found in Ephesians and Colossians. Christ does offer Himself and all His benefits to us in the Gospel, according to the Reformed, but this is done so that we might be lifted up to Christ and united to God in eternal life. The Gospel is therefore the way Christ reaches His hand to us from heaven, to lift us up to Him there.

The upward sweep of the Gospel does not eliminate the need for Christ to accommodate himself to our human, earthly capacities, but rather makes such accommodation all the more necessary. This accommodation takes place first of all by Christ's use of other human beings as the ministers of His gospel, by the power of the Holy Spirit. The voice of Christ does not sound directly from heaven, but from the voices of our brothers (and later, our sisters), so that it is accessible to us. However, this accommodation also raises a very real and persistent danger: namely, that the ministers of the Gospel may begin to preach their own ideas, rather than the Gospel revealed by Christ from heaven. This is why the Reformed have always placed a very

high value on the right and necessity of all Christians to read the Scriptures even as they listen to their ministers, so that they might test the veracity of what they hear, and be confirmed in their faith, as well as protected from error. The continued attention of Reformed churches to adult education, which is exemplary among all churches, is a direct outgrowth of this concern. Christ, therefore, speaks to us in two essentially related but distinct ways: by what we hear from the ministers of Christ and by what we read in the Scriptures. The Reformed insist that all healthy churches never have one without the other. Reading without hearing leads to the fanaticism of private interpretations of Scripture, whereas hearing without reading leads to the blind obedience, which allegedly led the church to ruin under Roman dominion.

The accommodation of Christ to our capacities goes beyond hearing and reading and extends to what we can see and feel. What we hear in the Gospel and read in Scripture is spiritual in nature, and tells us of things Christ has done that we cannot see or feel. To confirm and strengthen our faith in what we hear and read, Christ seals the message of the Gospel by signs and symbols which represent Himself and His spiritual benefits, namely the sacraments of Baptism and the Holy Supper. The Gospel proclaims to us our renewal and forgiveness by Christ, and baptism both portrays and offers such renewal and forgiveness by washing our bodies with water. The Gospel proclaims the flesh and blood of Christ to be the food that feeds us unto eternal life, and the Holy Supper both portrays and offers the life-giving flesh of Christ to us as we eat and drink bread and wine. The Reformed insist, however, that the reality portrayed in these sacraments can only be offered by Christ through the Holy Spirit, and not through the performance of the sacrament per se. They also insist that the purpose of the sacraments is to raise us on high to the ascended Christ, Who is the source of all blessing, and not to confine Christ to the earthly symbols that represent Him. These emphases lead to three distinct trajectories in the Reformed tradition concerning the self-representation of Christ in the sacraments (Gerrish, 1982, pp. 118-130). The first trajectory comes from Zwingli, who emphasized the Spirit as the sole means by which Christ comes to us, and who saw the sacraments as signs in which we might contemplate all the benefits already conveyed to us by Christ through the Spirit. The second trajectory comes from Bullinger, who developed what might be called a sacramental parallelism: as we celebrate the sacraments outwardly, the Spirit performs inwardly what the sacraments represent. The third trajectory comes from Calvin, who claimed that the sacraments both represent and present Christ and His benefits, and insisted that Christ uses the sacraments as instruments to convey Himself to us by the Holy Spirit. The Reformed Confessions

represent the positions of both Bullinger and Calvin, although many would claim that at the level of actual sacramental practice the position of Zwingli is dominant. In the contemporary situation, the position of Calvin is coming again to prominence, both in ecumenical discussions in which the Reformed are involved, and in liturgical renewal in Reformed worship. This is a very promising development, as it is clear that Calvin's view of the sacraments, as symbols offering the reality they represent, is the most catholic of the three trajectories.

The self-manifestation of God in Christ is, therefore, portrayed and offered to us in three distinct but related ways: by the preaching of the Gospel by Christ's chosen ministers, by the reading of Scripture, and by the sacraments, which visibly portray the Gospel that we hear and read. For the Reformed, the sacraments represent the Gospel to us, while the Gospel represents Christ to us, and Christ represents the Father to us. All of these manifestations of God and Christ are accommodated to our finite and fallen human capacities, as creatures who come to know all things by means of what we see, hear, and touch. However, in spite of the elaborate self-accommodation of God, such is the extent of our blindness that none of these means of revealing God in Christ to us will profit us unless the Holy Spirit reveals Christ to our minds and seals Christ on our hearts by the power of its illumination. Although the Reformed place an emphasis on the blindness of the mind to spiritual truth, they concentrate especially on the heart as the proper locus of the knowledge of Christ. Calvin repeatedly insisted that the Gospel is not doctrine that is to flit about speculatively in our brains, but is rather to take root in the inmost affection of the heart, where it can bear fruit and transform our lives. God is only known in Christ when the heart seeks to praise, glorify, thank, pray to, and sincerely obey God. For this to happen, Christ Himself and all His benefits must be experienced and enjoyed in the heart, by the power of the Holy Spirit.

The spiritual experience of the power of Christ is the goal of the self-representation of Christ in the Law and the Gospel and is, therefore, more important to the Reformed than the proclamation of the Gospel or the reading of Scripture per se, for our union with God in Christ through the Spirit transcends the power of language to convey or describe it. One sees this focus on the spiritual experience of Christ in the heart in both Zwingli and Calvin, and it is one of the legacies the Reformed hand on both to their own tradition and to the Lutherans, in the development of Lutheran pietism, which clearly had Reformed roots. The priority the Reformed place on experience over language is reflected in the theology of Schleiermacher, for whom the language of the Church both represents and conveys the spiritual power of Christ. However, the reaction against the experience of piety in the

theology of Karl Barth marks a major departure from this important aspect of the Reformed tradition. Barth's rejection of any "point of contact" for the self-revelation of God in Christ does in fact reflect the Reformed claim that the possibility of knowing God comes from God, not from humanity. However, his lack of interest in the heart, and his extreme discomfort with any role for the experience of piety in our knowledge of God, places him at odds not only with Schleiermacher, but also with Bullinger, Calvin, and Zwingli. By the time he wrote the fourth volume of his *Dogmatics*, Barth recognized the problem his theological position had created, but by then there was little if any time left to correct it, although his concentration on the theme of invocation at the end of his life did hold considerable promise in this direction. Ironically, it may be that the Roman Catholic theology of Hans Urs von Balthasar, with its emphasis on contemplation leading to the spiritual experience of the power of Christ, that may have more in common with the Reformed tradition than does much of Barth's theology, which does not focus on these themes.

The Reformed need to embrace this aspect of their own tradition once again, and reintroduce the experience of God in Christ in the inmost affections of the heart, through the power of the Holy Spirit. The experience of piety does not give us knowledge apart from what we hear in preaching, read in Scripture, or contemplate in the sacraments, as Barth feared. Rather, it reveals that the truth of the Gospel is not a collection of ideas or propositions, but is rather the manifestation of the spiritual of power of God in Christ through the Holy Spirit, freeing us from the destructive power of sin and uniting us to God in eternal life. Such spiritual power transcends the power of linguistic and earthly symbols to convey it, even as it can only be offered and presented to us by language and symbols.

6. ELECTION AND THE KNOWLEDGE OF GOD

We have seen throughout our discussion that the Reformed are especially concerned to protect the freedom of God from being confined to earthly means or human manipulation or self-interest. Every aspect of the self-manifestation of God, from the living image of God in the universe, to the image of God in Jesus Christ, to the self-representation of Christ in the Gospel, Scripture, and the sacraments, depends on the freely given Spirit for its efficacy. The final guarantee that the freely self-giving God not under our control, or subject to our interests, is found in the doctrine of election. All of the major fathers of the Reformed tradition, especially Zwingli, Bullinger, and Calvin, emphasized that the Holy Spirit is given to those whom God chooses, and is not subject to the will or decisions of humans. Calvin insisted

that the freedom of God in giving the Spirit would only be ensured if one also stated that God freely gives to some what God freely denies to others, meaning that the doctrine of election unto eternal life must be counterpoised with the reprobation of God unto eternal damnation. Bullinger did not agree with Calvin about reprobation, and the doctrine of election in the *Second Helvetic Confession* only stresses free election unto salvation, and urges its readers not to engage in any speculation about reprobation. However, both the *French Confession* and the *Belgic Confession* teach Calvin's position on election and reprobation. The Arminian controversy at the beginning of the seventeenth century, provoked by Arminius's objections to this aspect of the *Belgic Confession*, had the effect of strengthening Calvin's influence in the Reformed tradition, so that by the time of the *Westminster Confession* a very strong doctrine of election and reprobation is taught, as the very plan of God from before the foundation of the universe. "By the decree of God, for the manifestation of his glory, some men and angels are predestined unto everlasting life, and others foreordained to everlasting death" (Chapter III.3). The confession stresses that God's grace is glorified by the election of some unto eternal life, while the justice of God is glorified by the ordination of the rest of humanity and angels to eternal wrath.

Much has been made of the centrality of the doctrine of limited election to the Reformed tradition, which allegedly makes it unique in all Christian traditions, Western as well as Eastern. It is in fact true that no other tradition makes the doctrine of election into a primary confessional locus the way the Reformed confessions do. Given the confessional division of Europe at the end of the sixteenth century, this meant that the Lutheran and Roman Catholic traditions would define themselves over against the Reformed by ceding this doctrine to them, and in a sense vilifying them for the horrifying vision of God this presents to the faithful. However, the Reformed insisted all along that they were simply representing faithfully the teaching of Scripture, as echoed in the Catholic tradition, especially Romans 9 as interpreted by Augustine. I would argue that the Reformed were correct in their self-defense: Augustine did develop a strong notion of limited and free election against the later Pelagians like Julian, and also insisted that God's justice is manifested and glorified by the passing over of the rest of humanity unto destruction. The same kind of teaching can be found in Anselm of Canterbury and Thomas Aquinas, among many others. The East has not manifested a similar trajectory, due primarily to its insistence on the infinite goodness of God (Gregory of Nyssa) and the freedom of the human response to that goodness (Origen), over against the Gnostics, Marcion, and the Manichaeans. However, the doctrine of limited election, based solely upon the good pleasure of God, has been central to the teaching of grace in the

West since the time of Augustine, and the Reformed doctrine fits squarely within that tradition, in spite of the attempts of Lutherans and Roman Catholics to deny this fact. And it is the doctrine of limited election, and not Calvin's doctrine of election and reprobation, that has made its way to the center of the Reformed tradition, both in the *Second Helvetic Confession* and in the *Decrees of the Synod of Dort*.

The Scriptural basis of this doctrine—Romans 9—is not an accident, as the doctrine arose for the Reformed in light of the same question Paul confronted in that chapter, namely: Why is the Gospel preached here and not there? And why do not all believe when they hear the Gospel? The Reformed only saw two possible answers to this question: the will of human beings, or the will of God. However, the first answer undermines the free self-giving love of God central to the Reformed understanding of God: hence the only possible answer is that this reflects the eternal election and good pleasure of God. The consequence of this must be that God is glorified as much by the just destruction of most of the enemies of God as by the gracious salvation of some of the enemies of God. Such a position not only echoes the teaching of Paul as interpreted by Augustine, but also stands in considerable continuity with the way the glory of God is revealed throughout the whole history of Israel. After all, the election of Abraham and his descendents clearly implies the passing over the of the countless hosts of people and nations around the descendents of Abraham. Moreover, God's glory was celebrated by Israel as much for the destruction of Pharaoh and his armies in the waters of the Red Sea as for the liberation of the Hebrews through the same waters. The doctrine of limited election reveals quite clearly the scandal of particularity that is central to God's relationship with Israel throughout its history, which Paul saw continuing even after the preaching of the Gospel. Any revulsion with the Reformed understanding of the glory of God's justice and mercy immediately redounds to the history of God's relationship with Israel.

Hence, according to the Reformed tradition, one does not fully know God until one moves beyond the knowledge of the mercy of God revealed in Christ, through the power of the Holy Spirit working through the Gospel and sacraments, and sees the glory of God's justice revealed in the eternal destruction of those angels and humans passed over by the justice of God. However, the doctrine of limited election, and the symmetrical balance of God's mercy and justice, grace and wrath, has struck many within the Reformed tradition as being out of keeping with the overwhelming power of God's grace in Jesus Christ, which is revealed to be stronger than all the opposition to it human beings can muster. There have consequently been two majors efforts to rethink the Reformed doctrine of election from within the

parameters of the Reformed tradition itself (unlike the similar efforts of Arminius). The first such effort was made by Schleiermacher, on the basis of his insight that Christ is the completion of the creation begun in Adam. Because Christ brings to sinless perfection the power of the God-consciousness in human nature, Christ's God-consciousness must be stronger than any hindrance to the God-consciousness by sin. Hence there is no limit in principle to the saving efficacy of Christ in the human community, meaning that all humans are destined for fellowship with Christ in the Christian community. Moreover, since it is the God-consciousness found in every human being, as their original perfection, that makes the saving influence of Christ possible, then all human beings, both before and after Christ, must be essentially related to the redemption effected in him, whether or not that redemption comes to explicit consciousness though the mediation of the Christian fellowship. Hence the completion of humanity by the perfection of Christ is the one decree of God lying behind creation, even though the effects of Christ's redemption work themselves out within history under the appearance of particularity. Human sin is posited by God as that which will be overcome by Christ, and hence it has no independent status with regard to the will of God, as though God willed to be glorified as much by the destruction of sinners as by the salvation of the elect. It is not surprising, therefore, that Schleiermacher also started to preach against the preaching of the wrath of God, so that only the eternal love of God revealed in the Redeemer would be preached by the Church to the world, so as to draw all into the fellowship of Christ, which is their eternal destiny.

The other criticism of the doctrine of election as represented by the Reformed Confessions is found in the theology of Karl Barth. Like Schleiermacher, Barth objected to the way the Reformed doctrine of election made salvation by grace and rejection by wrath symmetrical and complementary. Also like Schleiermacher, Barth thought that such symmetry contradicted the saving power of God at work in Christ. However, Barth wished to think through the relation of grace and wrath not by rejecting wrath, but by thinking through how God deals with sin and wrath in Christ. Moreover, Barth did not want to determine the extent of the saving efficacy of Christ's work on the basis of an anthropology, such as Schleiermacher's understanding of the God-consciousness in all human beings, but rather by examining what exactly God elected and rejected in Christ himself, in fulfillment of the covenant made with Israel. The advantage of Barth's position is that it can take with full seriousness the scandal of particularity not only of the covenant made with Abraham and his descendants, but also of the covenant fulfilled in the one descendant of Abraham, Jesus of Nazareth. Barth can also show continuity with the

Reformed insistence on election and reprobation, grace and wrath, without explaining one of the terms away, as did Schleiermacher, but also without making them symmetrical, as does much of the Reformed tradition, especially Calvin. What Barth discovers is that God elects for Himself human sin and all its consequences, culminating in eternal annihilation, in order to elect for humanity eternal life in full fellowship with the glory of God. Hence, like the previous Reformed tradition, Barth insists that we do not rightly know God without acknowledging the wrath of God that hands sinners over to destruction, as confirmed by the entirety of the history of the covenant made with Israel. However, unlike the previous tradition, Barth insists that God in Christ has elected both sin and wrath for the eternal Son of God, Who has been handed over to annihilation in our place, once for all. Hence the wrath of God must be acknowledged, but only as it is taken up into and conquered by the surpassing love of God for humanity. For Barth, Christ has not only completed Adam, as he had for Schleiermacher, but Christ has taken Adam's place, and has replaced him. Hence all humans must be seen not in Adam, separated from God, but in Christ, destined for union with God in spite of the future they choose for themselves. Thus Barth says that Augustine and the following Latin tradition misread Romans: the emphasis should not be placed on Romans 9, but on Romans 11, where Paul claims that in spite of Israel's attempt to choose another future for itself besides Christ, God has destined all Israel for salvation in Christ.

We have already spoken about the view of the people of Israel that is revealed in this position. Our focus now is on what Barth's doctrine of election says about the knowledge of God, within the context of the Reformed tradition. The advantage of Barth's position is that it links very clearly the Reformed tradition with the radiant universalism of the Eastern tradition, not by rejecting the Latin doctrine of election, but by thinking it through in light of the Chalcedonian doctrine of the two natures of Christ and the history of the covenant in Scripture. Barth also makes it clear that God can only be for us in love by being radically against us in wrath, consigning sin and sinners to annihilation, but in the person of the eternal Son of God, not in themselves, or in that part of humanity that is not elect. Consequently, Barth's understanding of election is the only one to have arisen which meets the Reformed criteria of Scripture in light of catholic creeds and tradition, and stands to this day as a viable interpretation within the Reformed tradition, although it has been unable to displace either Schleiermacher or the Synod of Dort in terms of theological consensus within that tradition.

The danger of Barth's position arises not from within itself, but from its current context in a culture of entitlement. Most Christians today object to

the Reformed doctrine of election as represented by Calvin and the *Westminster Confession* not because it stands in too much tension to the grace of God revealed in Christ, but because they refuse to consider the idea that God could possibly be against anyone. We live in an age in which it is entirely customary to hold God accountable to the satisfaction of all human dreams, ideals, aspirations and needs, as though God were in our debt and owed us these things as our entitlements. Any alleged knowledge of God that does not correspond to my needs, aspirations, and dreams will simply be rejected, no matter how strongly that knowledge of God is rooted in Scripture and in the catholic tradition. The advantage of saying that God is as glorified by the destruction of sinners as by their salvation is that it shows that God is not in our debt, and does not owe us anything other than the destruction to which God is said to consign most of humanity. In this sense, the doctrine of limited election is part and parcel of the Reformed emphasis on the priority of the glory of God above the question of human salvation. After all, it was only after Jonathan Edwards was able to see the beauty of the doctrine of limited election as taught in the *Westminster Confession* that he was able to see the glory of God shining forth in the universe and in Christ. Hence it is a good thing that Barth has not been able to displace the older Reformed doctrine of limited election, as the dynamic of his position is best revealed in dialogue with that older doctrine, and not in replacing it. Only when the possibility that God's glory could be revealed in destruction and salvation is both confronted and accepted without protest (Romans 9) can one accept with genuine gratitude and humility the proclamation that God has consigned all to disobedience in order to have mercy upon all (Romans 11).

7. CONCLUSION: FUTURE TRAJECTORIES FOR REFORMED THEOLOGY

The knowledge of God in the Reformed tradition is radically theocentric in nature, although this theocentrism is also squarely within the catholic doctrines of the Trinity and the person of Christ. God is seen as the free, self-sufficient, and self-giving fountain and source of every good thing, the One who loves in freedom. God would be this even if God had not created the world. Such a position needs to be reiterated and proclaimed anew today, to counter the collapse of God into the human community, where even the Trinity is seen as the model for ideal human relationships, fulfilling the vision of Ludwig Feuerbach. For the Reformed, the creation of the world manifests the extraordinary generosity and selflessness of God, in that God brought to existence things that are not in order to manifest God's glory in

and through them. The whole universe manifests God's glory for the Reformed, not just humanity, and God cares for and governs everything God has made, even those creatures that have nothing to do with the well being of humans. Such a position needs to be reiterated, reaffirmed, and preached anew today, in order to counter the self-centered preoccupation of Christians with human needs and aspirations. If God's glory is manifested in all creation, then all creation needs to be contemplated and venerated as the living image of God, in which God's nature is made known to us. If God cares for everything that God has made, then we should mirror that care by caring for all creation, even when it does not serve any interest on our part, and even when it may cost us, as Gustafson has rightly pointed out.

According to the Reformed, human sin has altered both human nature and the universe itself, so that God's curse is as apparent in the world as is God's blessing, and we cannot infer from contemplating the universe that God is truly the fountain of every good thing. Such a view needs to be reaffirmed in our day, when the signs of God's wrath against human sin clearly manifested in creation and human history are explained away on the basis of the assertion that God could never be against anyone, although such signs should lead us not to condemn others, but to repent ourselves, not only of sins against God and other humans, but also of sins against other creatures.

According to the Reformed, God responded to the calamity of human sin by becoming human, in order to accommodate God's self-disclosure to our capacity, to take away sin and its consequences, and to restore us to eternal life. However, the self-manifestation of God in Christ will not benefit us until we encounter the self-manifestation of God in the Law and the Gospel. The Reformed emphasis on the Law, and the whole history of Israel, as disclosive of God's nature, is very much needed in our day, in light of the eclipse of Israel and the Jews in most Christian communities, and especially in light of the Holocaust. However, the Reformed need to think through the history of the Jews after Jesus in light of the triumphant love of God, and not, as in Barth, in light of the continual rejection of that love by the Jews. The clearest self-manifestation of Christ is in the Gospel, which includes both the preaching we hear and the Scriptures we read. However, Christ also reveals Himself to us in what we see, feel, and taste, in the sacraments of baptism and the Supper, which offer and present the same Christ whom they represent. This vision of the self-manifestation of Christ is in fact being affirmed today, in the attempt to form an ecumenical union with other Protestant and catholic traditions, and this dynamic needs to continue.

Finally, the Reformed claim that all of these forms of the self-manifestation of God and of Christ do not reach their target, and do not bear fruit, until God freely sends the Holy Spirit to open our eyes to see the God

who is somewhat visible in these living images, and in order to feel the power of God therein represented in our hearts. The freedom of the Spirit of God, given solely by God when and where God wills, needs to be affirmed in our day, over against a religious culture of entitlement, in which God is seen to be ontologically in our debt, obligated by nature to fulfill every human wish and aspiration. Moreover, the Reformed emphasis on contemplation leading to the experience of piety, in which the powers of God represented in the world and in Christ are truly felt and enjoyed in the inmost affection of the heart, needs to be recovered by the Reformed themselves, over against the rejection of "pietism" by Barth and Brunner, among others. Such emphases also provide valuable points of contact with other Christian communities, especially the catholic traditions of Rome and the East, in which contemplation and spiritual experience have a much more central role than in most Protestant traditions.

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CHAPTER 5

JAMES R. THOBABEN

HOLY KNOWING: A WESLEYAN EPISTEMOLOGY

> The desire of knowledge is an universal principle in man, fixed in his inmost nature. It is not variable, but constant in every rational creature, unless while it is suspended by some stronger desire. And it is insatiable: "The eye is not satisfied with seeing, nor the ear with hearing"; neither the mind with any degree of knowledge which can be conveyed into it. And it is planted in every human soul for excellent purposes. It is intended to hinder our taking up our rest in anything here below; to raise our thoughts to higher and higher objects, more and more worthy our consideration, till we ascend to the Source of all knowledge and all excellence, the all-wise and all-gracious Creator.
>
> But although our desire of knowledge has no bounds, yet our knowledge itself has. It is, indeed, confined within very narrow bounds; abundantly narrower than common people imagine, or men of learning are willing to acknowledge: A strong intimation, (since the great Creator doeth nothing in vain,) that there will be some future state of being, wherein that now insatiable desire will be satisfied, and there will be no longer so immense a distance between the appetite and the object of it…
>
> Therefore it is, that by the very constitution of their nature, the wisest of men "know" but "in part." And how amazingly small a part do they know, either of the Creator, or of His works! This is a very needful, but a very unpleasing theme; for "vain man would be wise." Let us reflect upon it for awhile. And may the God of wisdom and love open our eyes to discern our own ignorance! (J. Wesley, "Imperfection of Human Knowledge," pp. 337-338).

1. INTRODUCTION

A fire raged through the parsonage in the Anglican parish of Epworth. The pastor had escaped with most of his family, but in the darkness of night and smoke, the young Jack could not be found. Then, a neighbor saw the child waving frantically from an upper story window. Someone proposed getting a ladder, but the limits of time required that the neighbor stand on the shoulders of another man and the boy was pulled to safety just as the

Mark J. Cherry (ed.), The Death of Metaphysics; The Death of Culture: Epistemology, Metaphysics, and Morality, 99—132.

building was completely engulfed in flames. Later in life, John Wesley would identify himself as *a brand plucked* from the fire (Wesley, "Some Remarks on Article X. Of Maty's New Review, For December, 1784," p. 409).[1] Indeed, he asked while quite sick (some 30 years prior to his actual death) that his grave marker be so inscribed:

> *Here Lieth*
> THE BODY OF JOHN WESLEY
> A BRAND PLUCKED OUT OF THE BURNING;
> WHO DIED OF A CONSUMPTION IN THE FIFTY-FIRST
> YEAR OF HIS AGE,
> NOT LEAVING, AFTER HIS DEBTS ARE PAID,
> TEN POUNDS BEHIND HIM:
> PRAYING,
> *God be merciful to me an unprofitable servant!*
> (Jackson, "Life of John Wesley," 1978, p. 309).

Perhaps Wesley adopted the language of the burning brand because it was suggested by his mother, the educator of all the many Wesley children and the Biblically-focused daughter of non-conformists. Perhaps he simply picked the only image of being drawn out of fire that was readily available in 18th century English culture, without distinctly focusing on its Biblical origin. Or, perhaps, he intentionally went to the Scripture and sought a reference that could serve as a metaphor for his experience, even if the hermeneutical assumptions in his use of Amos 4:11-12 far exceeded exegetical warrant. Regardless, John Wesley had an experience, he had knowledge of the experience, and later he chose to "name" the experience with a Biblical metaphor as a means of encapsulating a spiritual awareness, a gracious knowing.

John Wesley came to interpret his "knowing" of and about the Epworth fire in three different, but not unrelated ways. First, he knew of fire as any moderately informed, scientifically aware, educated Englishman of the 18th century. This specific fire was objectively identifiable as fire. Heat, oxygen, and fuel combined to produce an inferno. The family's possessions and, had they not escaped, the family itself, were or could have been, to use the prophet's language, "fuel for the fire." This was knowing about the natural world using natural capacities that had been freed from some of the consequences of original sin through prevenient grace.

Second, the fire was also an expression of God's grace in that it became an opportunity for the power of God to be manifest. Rather than the fire destroying evil, as the Isaiah quote of the previous paragraph might suggest, this could produce good. Indeed, to know the real fire meant to know at a level beyond its physical nature. The fire was a call from God (though Wesley, at one point, claims to have not been conscious of such knowledge

until much later). The flames made Wesley know God's care and served as a warning that such a God should not be denied, even though he was yet to be in a justified relationship. This, too, was knowing through prevenient grace since it preceded justification.[2]

Third, Wesley later would come to know the depths of God's love. He, then, could look back on the parsonage fire and understand it in a way that only those who had experienced a calling to salvation *and* had responded to such a call could know. Only those who had a justifying experience and were infilled with the sanctifying power of the Holy Spirit could know in this sense of knowing. Only those going on to perfection (a condition limited to those who were in a vital relationship with God through Jesus Christ) could genuinely understand what God had done in allowing the rescue of little Jack from the Epworth fire.

For Wesley, these three types of knowing are real knowing. However, since what is known is different and depends on different types of relationships to the object or entity known, the methods of knowing vary. Still, all three are sufficient explanations at their given levels, levels dependent upon relationship.

One can differentiate spiritual knowing from natural knowing, and then further divide spiritual knowing into that occurring before and after justification. This does not mean that any knowing is not ultimately dependent on God, for it is in Wesleyan thought. All knowing arises from the grace of God: first in allowing an understanding of creation as an object of knowing and, then, in preventing the consequences of sin from completely smothering human understanding about God, and finally, from the infilling of the Holy Spirit which allows a genuine knowing of spiritual truth.[3]

2. DIVINE GRACE AS THE SOURCE OF ALL TRUTH GIVING RISE TO THE CREATURE'S KNOWING

The following is a short outline of Wesley's distinctions:

I. Knowing the created order by prevenient (presalvific) grace
   - A. Knowing the laws of nature
   - B. Knowing the human social order

II. Knowing the spiritual/moral order by prevenient (presalvific) grace
   - A. Knowing one is pursued by something (conviction leading to the acceptance of justifying grace)
   - B. Knowing there is a higher moral good through conscience
   - C. Knowing the moral good through natural law (this is only very rarely present in Wesley and is most often found in broader social discussions)

III. Knowing the spiritual/moral order by sanctifying grace
   A. Knowing truly the love of God as the end of human existence
   B. Knowing truly the will of God as moral demand on character and action
   C. Knowing the character of God

3. EXPERIENCE & EMPIRICISM

Grace is dispensed to all persons and this allows all kinds of knowing.[4] Prevenient grace epistemologically functions in a two-fold manner: 1) it allows the original (prelapsarian) capacities of humans (especially reason and conscience) to operate, and 2) it calls all persons to faith in God through Jesus Christ. In other words, prevenient grace makes possible the process of reasonable empiricism for proximate, pragmatic purposes and for a decision about salvation (when pricked by conscience).

For Wesley, both scientific knowledge and common morality, through prevenient grace, become matters of "common sense."[5] Common sense is, basically, the operation of reason given the experiences generally available to all persons (with reason understood as "an intellectual activity rather than a faculty of innate ideas" [Wood, 1975]). Common sense is reasonable empiricism. The result of this position is that Wesley can assert that objective scientific knowledge is available to all through reasonable empirical investigation. Also, this knowledge can be shared through trustworthy relationships. Further, moral knowledge is available to all, though not with the purity of that held by the faithful, through empirical observation and a process of reason (though, again, this is not Reason with a capital 'R' as in Thomistic natural law thought, but as a mental process). Though Wesley in the later periods of his ministry emphasizes the role of the senses, early on he also allows that knowing assumes there is something to know, specifically a moral law "engraved" by the finger of God upon the human heart (Wesley, "The Original Nature, Property, And Use of the Law," p. 433). It is important to note that Wesley thought the senses, especially the spiritual senses, were a reliable way of knowing a "real" reality.

Wesley endorses empiricism in his review of Locke's "Essay on Human Understanding."

> For some days I have employed myself on the road in reading Mr. Locke's "Essay on Human Understanding:" And I do not now wonder at its having gone through so many editions in so short a time. For what comparison is there between this deep, solid, weighty treatise, and the lively, glittering trifle of Baron Montesquieu? As much as between tinsel and gold; between glass-beads and diamonds. A deep fear of God, and reverence for his word, are discernible throughout the whole: And though there are some mistakes, yet these are abundantly compensated by many curious and useful reflections…

> I think that point, "that we have no innate principles," is abundantly proved, and cleared from all objections that have any shadow of strength. And it was highly needful to prove the point at large, as all that follows rests on this foundation; and as it was at that time an utter paradox both in the philosophical and the religious world.
>
> That all our ideas come from sensation or reflection, is fully proved…
>
> The operations of the mind are more accurately divided by Aristotle than by Mr. Locke. They are three, and no more: Simple apprehension, judgment, and discourse (Wesley, "Remarks upon Mr. Locke's 'Essay on Human Understanding,'" pp. 455-456).

Indeed, for Wesley, the empirical method was also the means of gaining spiritual knowledge. As surely as Augustine was influenced by the sociopolitical turmoil of the decaying Roman Empire and Calvin by the rise of the state and proto-capitalism, Wesley was influenced by his milieu—one in which the scientific and the philosophical use of empiricism was assumed to be valid. Outler notes:

> Wesley followed Locke in the denial of 'innate ideas' and appears never to have taken seriously the traditional 'arguments' for the existence of God … This awareness of God's gracious 'presence' is what Wesley meant by 'experience,' and it was, for him, as real and unmistakable a perception as any sensory awareness might be. This doctrine has often been construed as a subjective theory of experience in general. In Wesley's view, however, it is a theory of *religious* knowledge, a corollary of his view of revelation … as indubitable a perception as sight, sound or self-consciousness (Outler, 1964, p. 29).

Following on Locke, Hutcheson had expanded the idea of the internal sense (Lambert, 1995). Wesley accepted the expanded empirical argument. He stated:

> [I]t is absolutely necessary that you have a clear apprehension of the things of God, and that your ideas thereof be all fixed, distinct, and determinate. And seeing our ideas are not innate, but must all originally come from our senses, it is certainly necessary that you have senses capable of discerning objects of this kind: Not those only which are called natural senses, which in this respect profit nothing, as being altogether incapable of discerning objects of a spiritual kind; but spiritual senses, exercised to discern spiritual good and evil. It is necessary that you have *the hearing ear,* and the *seeing eye,* emphatically so called; that you have a new class of senses opened in your soul, not depending on organs of flesh and blood, to be "the evidence of things not seen," as your bodily senses are of visible things; to be the avenues to the invisible world, to discern spiritual objects, and to furnish you with ideas of what the outward "eye hath not seen, neither the ear heard."
>
> And till you have these internal senses, till the eyes of your understanding are opened, you can have no apprehension of divine things, no idea of them at all. Nor, consequently, till then, can you either judge truly, or reason justly, concerning them; seeing your reason has no ground whereon to stand, no

> materials to work upon (Wesley, "An Earnest Appeal to Men Of Reason and Religion," p. 13).

Empiricism does not mean autonomous subjectivity. That which is correctly observed by a subject, whether it was an inanimate object or a being, has objective reality. Yet, only those in an appropriate relationship can make a genuine, initial observation (though, such observations can be reasonably interpreted and taught to others at a secondary level). With knowing God and truths about God, genuine experience means being in a justified relationship. Certainly, general truths (imperfect) are mediated by and available through prevenient grace (Collins, personal conversation). Still, although, secondary knowledge of nature is often acceptable in other matters, it is not and cannot be so in reference to knowing God.

What is known prior to justification is only known to the extent that the grace of God unclouds the mind.

> For what can be more undeniable than this, that our preaching also is vain, unless it be attended with the power of that Spirit who alone pierceth the heart? And that your hearing is vain, unless the same power be present to heal your soul, and to give you a faith which 'standeth not in the wisdom of men, but in the power of God?' (Wesley, "A Farther Appeal to Men of Reason and Religion," p. 90).

Wesley favors a form of empiricism, but an empiricism that could perceive physical reality and something more real than physical reality. As Lambert has stated, "Wesley was one among a number of prominent empiricists of his age to extend the meaning of experience beyond the limits of sensory knowledge" (Lambert, 1995). He did know fire in a way that persons who only speculate about fire could not; he knew what the heat felt like and the fear of dying in the flames. He also knew that the fire had implications beyond being a threat of physical death because death itself is more than the cessation of the physiological processes. For Wesley, to know genuinely the Epworth parsonage fire means knowing, too, the significance of being saved from the flames for something greater. To observe empirically in the full "sense" requires, then, more than seeing flames, smelling smoke, hearing crackling, tasting soot, and feeling heat.

Everyone must have a personal experience of God to know God and to confirm what is known about God. One may be taught truths observed by others and that may be sufficient in non-spiritual matters, but not so in that having to do directly with our souls. As Wesley states in a letter, "Revelation is complete, yet we cannot be saved unless Christ be *revealed* in our hearts, neither unless God cleanse the thoughts of our hearts by the *inspiration* of the Holy Spirit" (Wesley, "Letters," p. 28). One enters this relationship by accepting what is preveniently offered.

The grace of God does not exist in the abstract and it cannot be truly understood in the abstract. In other words, religious knowledge can only be truly obtained by the person who is genuinely religious, or more precisely, genuinely Christian.[6] And, a person is a genuine Christian only when embedded in a real relationship with God through Jesus Christ, a relationship made possible by the grace of the Holy Spirit. Religiously, this means, as Staples states, that:

> … for Wesley the main point of … scriptural teachings is not merely that the Spirit is a person in relation to the Father and to the Son, but that the Spirit is a person *in relation to us*! When the Spirit deals with us, it is not some impersonal "influence" with which we have to do. It is none other than the personal God himself in His outgoing relational activity (Staples, 1986).

It is in this relationship that we come to know God.

Wesley would not say everything must be known only by personal experience. He would claim that the initial knowing that is then taught to others does come through the senses. One knows through experiencing objects or persons in relationship to ourselves and, if properly disciplined, one can reasonably explain to others what is known.[7] Still, knowledge of God cannot be confirmed in a manner that matters eternally except in a personal relationship with that same God.

4. WESLEYAN CONCEPTS OF GRACE AND THE POSSIBILITY OF KNOWING

In Wesleyanism, nothing is possible except by grace, a grace that is offered generally and takes different forms. Prevenient grace is also preventing grace, a common offering which removes some of the consequences of the Fall. Prevenient grace restores some of the reasoning capacities and allows observation of the world, especially the natural world. Also, grace, as prevenient grace, is the Holy Spirit wooing the unbeliever by creating an awareness (knowledge) of sin and the possibility of redemption.[8] When the believer accepts this grace as a gift and, thereby, enters into a relationship with God through this grace, then he or she is justified (justifying grace).

The genuine Christian life is initiated through this experience of justifying grace (again, this comes only in establishing a relationship with God through Jesus Christ). Such acceptance, however, is only a beginning, for this same grace is now manifest in the believer's life as sanctifying grace. In fact, there is a strong emphasis in Wesleyan thought on the initiation of the Christian life being just that, an initiation into a new life. Certainly, justification has forensic implications, but it is also seen as genuinely transforming.[9] The new relationship with God is familial and the believer is expected to grow as a

child grows. The transformation is a matter of maturing into the fullness of the Christian life. Wesley believed that Christians could be perfected in love in this life and that entry into God's presence for eternity came only after such sanctification (though, for many believers, this is understood as occurring just prior to the moment of death).[10]

In Wesley's anthropology, human beings are natural, political, and moral beings (Wesley, "The New Birth").[11] The natural world provides truths of nature and, even, about the God of nature, after the natural faculties are renewed through prevenient grace.[12] Similarly, the political world and its various organizations (including the state church) can (though not necessarily will) serve the divine purpose and, in doing so, reveal matters of the divine nature. The moral capacities, likewise, arise from and are continually dependent on the grace of God. The moral capacities of persons are those most marred by the Fall and those which are most strongly tied to willful rejection of, or willful engagement with, God through the Holy Spirit. What Runyon states about the natural capacities is true for all, that they "derive their character from the quality of the relationships in which they are employed" (Runyon, 1998, p. 16).

Wesley states:

> And, first, Why must we be born again? What is the foundation of this doctrine? The foundation of it lies near as deep as the creation of the world; in the scriptural account whereof we read, "And God," the three-one God, "said, Let us make man in our image, after our likeness. So God created man in his own image, in the image of God created he him" (Genesis 1:26, 27) — Not barely in his *natural image,* a picture of his own immortality; a spiritual being, endued with understanding, freedom of will, and various affections; — nor merely in his *political image,* the governor of this lower world having "dominion over the fishes of the sea, and over all the earth;" — but chiefly in his *moral image*; which, according to the Apostle, is "righteousness and true holiness" (Ephesians 4:24). In this image of God was man made. "God is love:" Accordingly, man at his creation was full of love; which was the sole principle of all his tempers, thoughts, words, and actions. God is full of justice, mercy, and truth; so was man as he came from the hands of his Creator….
>
> But, although man was made in the image of God, yet he was not made immutable. This would have been inconsistent with that state of trial in which God was pleased to place him. He was therefore created able to stand, and yet liable to fall… [H]e openly declared that he would no longer have God to rule over him; that he would be governed by his own will, and not the will of Him that created him; and that he would not seek his happiness in God, but in the world, in the works of his hands….[H]e was now under the power of servile fear, so that he fled from the presence of the Lord. Yea, so little did he retain even of the knowledge of Him who filleth heaven and earth, that he endeavored to "hide himself from the Lord God among the trees of the garden" (Genesis 3:8). *So had he lost both the knowledge and the love of God, without which the image of God could not subsist. Of this, therefore, he was*

> *deprived at the same time, and became unholy as well as unhappy.* In the room of this, he had, sunk into pride and self-will, the very image of the devil; and into sensual appetites and desires, the image of the beasts that perish. [latter italics is added] (Wesley, "The New Birth," pp. 66-67).

Those persons who relate to God only through prevenient grace may have stronger or weaker relationships with God through the natural and political characteristics (via prevenient grace), but will not obtain a higher degree of moral living unless they are in a personal relationship with God through Jesus Christ (through justifying, then sanctifying grace).[13] Natural characteristics, including reason and freedom of the will, will function but in a limited manner relative to the prelapsarian (original intention) capabilities. Only those in a genuine relationship with Jesus Christ can even know the fullness of the moral life. Again, though the correspondence is not exact and is more a matter of degrees, the natural characteristics have less variation on the basis of the sanctifying relationship than the political and less still than the moral. Though, it should be noted, the "matter of degrees" becomes a matter of actual qualitative difference in moral living.

As Runyon puts it, for Wesley the disobedience of original sin goes far beyond "simply disobeying a rule [to a] turning away from that relationship for which humans were created [which is, subsequently] replaced by a corrupted relationship" (Runyon, 1998, p. 20). The corrupted relationship would not allow the genuine seeking of God, but the freedom God protects through grace following the Fall would allow a response to God because the Creator continues to seek such a relationship. As Langford states, prevenient grace can either be interpreted as an allowance for "[r]esponse, rather than initiative" or as the offering of a relationship that persons can enter when they "cease to resist" (Langford, 1983, p. 33).

Original sin, for Wesley, was empirically verifiable (even by those not yet saved). Its effects were devastating and, for all intents and purposes, complete. Yet, it was also true that some possibility for re-establishing a right relationship with God existed. This, too, was empirically verifiable. People did desire that which they were not; they did desire a holiness that was their original *telos.* The completeness of the Fall and the presence of the desire for something "other" than a condition of sin, means that God must be attempting this re-establishment. God is calling. Prevenient grace allows people to know it. This is the primary, but not only, epistemological function of prevenient grace.

The spiritual knowledge of prevenient grace can be compared to that of a child in the womb. Birth allows an entirely different kind of knowing about the world. Spiritual rebirth, likewise, makes possible a different kind of knowing. Sanctifying grace allows more knowledge, specifically about our moral responsibilities and about the nature of God.

This religious knowing is not unrelated to natural knowing, though they are of different genres. All knowledge, not just that which is specifically spiritual, is dependent upon the relationship of the Divine with the creature. As Wood has stated, "Truth is more than a formulation of ideas, but rather it is an active involvement of the whole person in reality itself" (Wood, 1975). Again Staples notes, "Revelation, as an event of divine-human encounter, can never be described only as an *objective* or a *subjective* happening. It always involves two parties" (Staples, 1986).

Knowing is also limited by the extent of the relationship of the knower to the known, to other persons (including God) or to the observed object. All knowing depends on active sense involvement. Wesley understood that fire was hot because his body reacted to the flames (a relationship to a natural object or, in this case, a form of energy). He knew at the time of the fire that he had been physically saved, though he did not know to what end prior to Aldersgate. After his experience at the Aldersgate Street study group, because he could now "know" in a different way thanks to a new relationship to reality (due to a new relationship with God), he knew how to correctly interpret the significance of the Epworth fire event.[14]

5. CURRENT UNDERSTANDINGS OF WESLEY'S EPISTEMOLOGY

Over the past several decades there has been a great deal of discussion within the Wesleyan family on what was John Wesley's epistemological method. To earlier Anglican descriptions of the methods of knowing, Wesley added experience, which is extremely significant according to Runyon and others (Runyon, 1998).

By far the most popular interpretation of Wesley's epistemology is that associated with Albert Outler and called the Wesleyan quadrilateral: Scripture, reason, tradition, and experience. A very strong critique of this model, especially as it has been appropriated by the United Methodist Church, has been offered by Abraham. One of his strongest criticisms is that the quadrilateral does not work well as it is generally (and uncritically) applied; nor is it true to the Wesleyan tradition (Abraham, 1995, p. 55). His analysis of the general misunderstanding or intentional misrepresentation of Wesley among church leaders is accurate.

Outler's understanding, of course, is not the only one.[15] Along with others, Gunter correctly critiques the tendency to turn this into an institutional mantra (Gunter, 1997). Further, his description is not always presented as precisely as it might be. Wood offers a slightly different interpretation that provides some clarification to what is meant by

"experience." He calls Wesley's epistemological mechanisms: tradition, reason, faith, and the senses (Wood, 1975). Hamilton, though not disagreeing entirely, emphasizes some of Wesley's disagreements with Locke's empiricism, while highlighting the Wesleyan assertion of common sense and realistic, non-abstract thinking (Hamilton, 1975). There is near unanimity that Wesley was strongly influenced by Locke and the general 18th century English inclination toward empiricism.

Most Wesley scholars note that reason is not to be understood as Reason in the sense of an internal/intrinsic logical knowledge. Reason is a method of analyzing that which the senses have provided. Reason should be understood as the capacity for gathering and ordering empirical data, not Reason in the sense of Thomistic scholastics, the French revolutionaries, or Kantians offering metaethics as moral guidance.[16] Miles correctly describes the difference for Wesley:

> Wesley's perspective on reason as a "tool" was a by-product of the intellectual climate of his day, for he was influenced by the British empiricists, who claimed that all human knowledge springs from the data of the senses…
>
> When we say that reason is a "tool," we are asserting that for Wesley reason is an authority in a very different way from Scripture, experience, or tradition. The other three authorities are all similar. Though they each carry different weight, all three are resources from which to draw data; reason *alone*, on the other hand, yields no data… (1997, p. 78).

Reason is necessary for religion because it is the means of processing sensory data correctly. Common sense is reasonable empiricism and Christianity is a common sense religion. It is that and much more. Christianity is a religion of relationship. The faithful should not stray toward "enthusiasm" (unreasonable religion) nor toward philosophical rationalism (reason as religion). As Wesley preached:

> Among them that despise and vilify reason, you may always expect to find those enthusiasts who suppose the dreams of their own imagination to be revelations from God. We cannot expect that men of this turn will pay much regard to reason. Having an infallible guide, they are very little moved by the reasonings of fallible men. In the foremost of these we commonly find the whole herd of Antinomians … all arguments are lost upon them …
>
> … How natural is it for those who observe this extreme, to run into the contrary! While they are strongly impressed with the absurdity of undervaluing reason, how apt are they to over value it! So much easier it is to run from east to west, than to stop at the middle point! Accordingly, we are surrounded with those (we find them on every side) who lay it down as an undoubted principle, that reason is the highest gift of God. … They are wont to describe it as very near, if not quite, infallible. They look upon it as the all-sufficient director of all the children of men; able, by its native light, to guide them into all truth, and lead them into all virtue (Wesley, "The Case of Reason Impartially Considered," p. 351).

Some want to fine tune the institutional use of the quadrilateral model, others along with Abraham assert it is inadequate. Though correct at one level, the current use of the model actually masks what Wesley is really saying about religious knowledge. For instance, Staples says, "Instead of using the 'quadrilateral' model, either pro or con, a more fruitful way to examines [sic] Wesley's structure of authority might be along the lines of the double operation of Word and Spirit" (Staples, 1986). In making this claim, Staples is arguing that, for Wesley, the Scripture and the relationship of the Spirit are the most significant factors in spiritual knowing.

In fact, there may well be legitimacy to all these arguments. This is partially true because Wesley is not always clear. Further, he sometimes emphasizes a particular epistemological factor (say, reason) because he is responding to a particular friend or antagonist (say, those who accused the Methodists of being "Enthusiasts"). But, even more importantly, Wesley is describing knowledge of three different, but related kinds, that are accessed with slightly different methods of knowing.

6. THE LIMITS OF PRESALVIFIC MEANS OF KNOWING AND THE SPHERE OF SPIRITUAL CONCERN

First, knowing the natural world is made possible by prevenient grace and depends predominantly on the natural empirical method. Wesley was quite enamoured with science and the growing availability of verifiably useful technologies. In one sense, this depends on a relationship of the knower to the object known in that the senses must be aware of the object. The emphasis is on what one can experience via the five senses. The senses provide the material for a truthful understanding of components of the created world.

While this kind of knowledge is of some value, that value is only proximate. Early Methodist theologian Adam Clarke states:

> … we shall find that all men die in a state of comparative ignorance. With all our boasted science and arts how little do we know! Do we know any thing to perfection that belongs either to the material or spiritual world? Do we understand even what matter is? What is its essence? Do we understand what spirit is? Then, what is its essence? …Alas! we die without wisdom; and must die to know these and ten thousand other matters equally unknown and equally important. To be safe, in reference to eternity, we must know the only true God and Jesus Christ whom he hath sent; whom to know is life eternal. This knowledge, obtained and retained, will entitle us to all the rest in the eternal world (Clarke, 1835, pp. 389-390).

Second, when one is not in a justified relationship with God, there is still the possibility of an awareness of one's need for God. This is not, however, a

"natural" ability in the sense of functioning in a prelapsarian manner; it is a consequence of grace (or, to use the language in a slightly different sense, it is a created ability that had been marred by the Fall and is now restored). Collins cites Wesley's work on original sin when he explains:

> [M]en and women are born into the world as *atheists*, [Wesley] claims: "We [have] by nature no knowledge of God … no acquaintance with him." Our natural understanding, in other words, apart from grace, does not lead to the knowledge of God. "And having no knowledge," he continues, "we can have no love of God, [for] we cannot love him we know not" (Collins, 1997, pp. 34-35; Wesley quotes from "Original Sin").

People in this prejustified state can know they have a need for God. This they can acquire through experiencing the Creation with graciously reactivated senses and reasoning about what they have sensed/observed. They may even speculate on certain "truths" about God, given the personal and Scriptural accounts of those who have been justified. This latter kind of speculation, however, cannot be conclusive and is not genuine knowledge about the reality of God. It can only draw one toward the experience of a relationship. Richard Watson, a very important early theologian, states:

> The opinion, that sufficient notices of the will and purposes of God with respect to man, may be collected by rational induction from his works and government, attributes too much to the power of human reason and the circumstances under which, in that case, it must necessarily commence its exercise.
>
> Human reason must be taken, as it is in fact, a weak and erring faculty …
>
> It is another consideration of importance that the exercise of reason is limited by our knowledge …
>
> The reason of man, though it should assent to them [simple philosophical and moral truths], though the demonstration of them should be now easy*, may be indebted even for them to the revelation of a superior mind, and that mind the mind of God* (Watson, 1856, pp. 18-19; italics added).

Those who have yet to be justified know at a personal level only through what they experience and they cannot truly know God or truly know about Him without this relationship. John Fletcher, sometimes called Wesley's "coadjutor," expresses hope for a person in need of the gracious relationship by saying, "May reason and Scripture draw your soul with equal speed…. to the smiling plains of primitive Christianity!" (Fletcher, 1948, p. 173). Adam Clarke, another very important, early Methodist theologian said:

> [T]hat God sends his Holy Spirit into the hearts and consciences of all men [prevenient grace], to convince them of sin, righteousness, and judgment; and that his light is to be found, even where his word has not yet been revealed (Clarke, 1875, p. 85).

In other words, while in the presalvific condition, one can learn of the need for the relationship. Nathan Bangs, an early American Methodist, in a letter to Laban Clark, another pastor, wrote:

> … but I am sorry I cannot assede [sic] to all you say concerning reason … You see that reason taught him [Socrates] to believe in one supreme God, but it did not make him consistant [sic]. What he principally lacked, I conclude, was revelation, which would have led him to that Grace which would have influenced his will to have acted consistant [sic] …reason, step by step, dictates to us the necessity of revelation … scripture, not reason, must be our guide, and reason become its handmaid (Bangs, 1982, p. 302).

Third is post-justification knowing. The best way to understand Wesley's epistemology after justification is as an empiricism invigorated in a relationship with Jesus Christ, but validated by the relationship of the believer with the Church (in its sectarian form of the small group). The group checked the validity of reported individual experience using the Scripture as interpreted by the tradition and read with reason (understood primarily as common sense). In fact, if there has been a consistent error in understanding Wesley's epistemology, it lay in the near absence of a recognition of the significance of the community of faith *after* salvation.

As with group accountability, Scripture becomes extraordinarily significant for the believer seeking knowledge. Wesley declared himself to be a "man of one book" with that one book being, of course, the Bible. He sometimes, for rhetorical purposes, would declare that no knowledge except that pertaining to salvation was needed. The theme was echoed in a hymn used among the 18th century Methodists:

> Other knowledge I disdain,
> 'Tis all but vanity;
> Christ, the Lamb of God, was slain,
> He tasted death for me!
> Me to save from endless woe,
> The sin-atoning victim dy'd!
> Only Jesus will I know,
> And Jesus crucify'd!
> (*Pocket Hymn-Book*, 1992 [1793], pp. 137-138).

Though both John and Charles very much valued other kinds of learning, in an eternal sense, this is the only ultimately significant knowledge.

For Wesley, the Scripture texts are objectively true. Still, the Holy Text, though accurately portraying spiritual reality, is genuinely accessible only to those with a genuine relationship with God. Through the indwelling Holy Spirit, they can know the Scripture and, therefore, know true things about God. While the Scripture can be a means of grace, a way in which the Holy Spirit speaks preveniently to those who do not yet have such a relationship, this is not knowing at the same level.[17] Still, as important as the Scripture

texts are, they take epistemological priority over other ways of knowing only for those who can truly know them following entry into a genuine relationship with God (only those having fully awakened spiritual senses).

Indeed, the Scripture can be misinterpreted by those without a strong relationship to God. Such strength can be found only in the community of faith. Consequently, Wesley requires accountability to others (a sectarian-like argument). Discernment cannot take place without reliance on the living community, both through reliance on the saints breathing and on those who have gone before (through tradition).

The Scripture (along with a fellowship of accountability) does rise to prominence as a means of knowing following justification, but it certainly does not displace the prior necessity of a personal experience of God. Further, other means of knowing (especially reason and scientific empiricism), while lowered in relative significance gain in absolute significance since they now point toward the Ultimate.

Adam Clarke in his "Letter to a Preacher," tells the Methodist minister that "while you read the Bible as the revelation of God, and the fountain of divine knowledge, don't let your reading end there…" (Clarke, 1875, p. 153). Instead, Clarke counsels, "acquaint yourself as much as possible with every branch of science. No man can fully explain the Bible, who has not a general acquaintance with the most important sciences and arts" (Clarke, 1875, p. 153). Still, this knowledge was not knowledge for its own sake.

To reiterate, any capacity we have is a result of restoration through prevenient grace. For knowledge about non-spiritual matters, one relies primarily on experience of the world through the five senses, but reasonably ordered (a position favoring 18th century empiricism). Spiritual knowledge for the prejustified is obtained through spiritual senses partially awakened by prevenient grace and, it too, needs to be reasonably ordered. Spiritual knowledge by those infilled with sanctifying grace is obtained through experiencing a direct relationship with God. This is checked, too, by reason, but that diminishes in relative significance. Priority after justification, then, belongs to the Scriptures (which now can be truthfully understood and become the authoritative record of humanity's relationship with God) and to the community of faith (through accountability in interpreting one's experience with the Lord).

The quadrilateral (to use a term that is of limited value) "shifts." Prior to justification there is an emphasis on experience (through the senses) reasonably interpreted. The Scripture and the traditions of the faith community offer only minimal guidance. After conversion, the Scripture rises to dominance as the means of knowing. It is coupled with participation in and accountability to the community, an epistemological means not

generally included in discussions of the quadrilateral, which includes saints in the cloud of witnesses (represented in legitimate tradition) and living members of the Body of Christ.

7. THE CIRCUMSTANCES OF EARLY WESLEYAN THOUGHT

It would be a mistake to believe that Wesley constructed elaborate philosophical works to address lofty matters such as epistemology. Though he was very capable of such, he had other priorities in his writing. Put another way, "John Wesley had little interest in a purely speculative theology" (Staples, 1986). Practical Christian growth depended upon practical theology and that was worked out in the societies. To understand Wesley's epistemological assumptions, then, requires consideration of that earthly thing which did matter more to him than obtaining prestige in the academy, the Methodist societies.

The Methodists began as a reform movement of the Anglican Church. Indeed, John Wesley, and his equally influential brother Charles, never left the Church of England. It would be inaccurate, however, to suggest that their reform efforts were not truly radical, and seen as such by themselves and their status quo opponents. The Wesleys wanted to change the Church and they wanted to replace the theologies current at the time (deism, dead orthodoxy, and "enthusiasm"). Their argument, as is true of all reform movements, was that there was a need to return to the roots. In this case, the Church needed to return to the pure truth of the early Church and to have integrity in living out this truth in accordance with the real meaning of Church of England doctrine and order. For the Wesleys, this had theological and organizational implications. Theologically, it meant reasserting the validity of the Articles of Religion. Organizationally, it meant establishing societies and guiding them by rules that would lead persons to justification and, then, to sanctification.[18]

The organization of the Methodists can be understood using Troeltsch's ecclesiological model, with modifications provided by H. Richard Niebuhr (Troeltsch, 1931; H. Richard Niebuhr, 1929, 1957). Troeltsch argued, to simplify the matter, that two major forms of religious organization existed in Europe. One was the state church and the other the sect.[19]

The state church is the religious organization that, through formal or, in the case of the Roman Catholic Church in some countries, informal relationships with the government is deemed the official and authoritative expression of religion in the society. This relationship is mutually supportive. The state supports and protects the church; the church provides legitimation for the state. Membership in the state church is assumed. All

persons who are citizens, generally speaking, are members of the state church unless they opt out. The requirements for continued membership are very low, certainly far lower than what Wesley expected of the Methodists.

The sect, on the other hand, has voluntary membership and very high membership expectations. The sect members self-identify as other than the broader culture. Membership in a sect often involves experiencing a powerful religious transformation that is defined using the sectarian construct. Both the state church and the sect have high levels of organizational affiliation, but for very different reasons: the sect because it is a costly choice; the state church just because "that's the way it is."

Two other organizational possibilities exist. Troeltsch suggested that some people are mystics, that is persons who have no organizational affiliation, but who do describe their lives in terms of religious experience (usually a highly individualized, very personal, religious experience). The other possibility is the denomination, so-called by H. Richard Neibuhr. The denomination, which Niebuhr added for explaining the American situation, has voluntary membership (like the sect) and low membership expectations (like the state church).

		Strength of Organizational Affiliation	
Personal		LOW	HIGH
Religious	LOW	Denomination	State Church
Experience	HIGH	Mystic	Sect

Figure 1: CHURCH / SECT MODEL
(based on Troeltsch & Niebuhr)

Wesley did not want to leave the Anglican Church; he wanted to reform it. However, such a reformation could not occur without personal change. Individual transformation could not wait for the transformation of the state church because individuals needed a refuge as they began to "flee from the wrath to come." There were far too many people standing in need of the simple Gospel to not create a tool, to not develop the organization that could serve them. Consequently, Wesley established "societies," groups that looked a lot like small congregations, except the sacraments were not administered (though they did have "love feasts").[20] These societies were further divided into bands, select bands, and classes in order to help persons move on toward perfection in love. In other words, Wesley established a sectarian movement within a state church, what is called *ecclesiolae in ecclesia* .[21]

The Methodist societies were essentially sectarian cells within the state church. Wesley describes them as an association of accountability, in a defense against those who suggest that the movement is, what would now popularly be called, "cultic."

> Thus arose, without any previous design on either side what was afterwards called *a Society;* a very innocent name, and very common in London, for any number of people associating themselves together. The thing proposed in their associating themselves together was obvious to every one. They wanted to "flee from the wrath to come," and to assist each other in so doing. They therefore united themselves "in order to pray together, to receive the word of exhortation, and to watch over one another in love, that they might help each other to work out their salvation (J. Wesley, "A Plain Account of the People Called Methodists: In A Letter To The Reverend Mr. Perronet, Vicar Of Shoreham, In Kent," 1748, p. 250).

Wesley combined a call to personal holiness with a small-group accountability model. The result is a Protestantism that not only asserts the priesthood of all believers, but the "monasticising" of all believers. All, not a select few, are called to the counsels of perfection. The sectarian tendency is obvious. There is, however, no risk of "gnostic" elitism in that the content of what is known is made public (again, one can convey, to a limited extent, truths about God) and the offer of a relationship through which one can genuinely know God is made to all.[22]

Though it is not a perfect correspondence, the organizational form of the Methodist movement under Wesley did roughly parallel his epistemology. To begin, it is imperative that one recognize that Wesley was simultaneously a sectarian and a good "churchman" of the state church. Though it would be an error to suggest that Wesley made such a distinction, practically his epistemological understanding took two forms on spiritual matters, depending upon the setting in which he found himself. When dealing with the society at large, and the state church was generally seen as simply one with the broader society, Wesley emphasized the role of prevenient grace, primarily in calling persons to Christ. Prevenient grace could "prick the conscience" of persons who were not in a genuine relationship with Jesus Christ. When dealing with members of the broader society, he would use the language of "common sense" (reasonable empiricism). On rare occasions, he would even use the language of natural law (which works well within a state church), but this was exceptional.

Within the sectarian Methodist subgroup, Wesley focused on the power of sanctifying grace and the epistemological emphasis associated with such grace. God is known through a personal relationship. After such has been established, the Scripture and the community help the believers know more about the Lord and allow them to follow Christ's pattern more and more. An assurance that what one knows about the Divine as a subject within a loving relationship is also objectively true.

To clarify his position, Wesley wrote *A Plain Account of Christian Perfection*, which has been very influential in Methodism, especially among those in the holiness branch. In this piece, he makes clear that one is not prepared for heaven until one is made holy, that is "perfected in love." He also makes clear there are limits to this perfection, including limits on knowledge.

> They are not perfect in knowledge. They are not free from ignorance, no, nor from mistake. We are no more to expect any living man to be infallible, than to be omniscient. They are not free from infirmities, such as weakness or slowness of understanding, irregular quickness or heaviness of imagination. Such in another kind are impropriety of language, ungracefulness of pronunciation; to which one might add a thousand nameless defects, either in conversation or behavior. From such infirmities as these none are perfectly freed till their spirits return to God; neither can we expect till then to be wholly freed from temptation; for 'the servant is not above his master.' But neither in this sense is there any absolute perfection on earth. There is no perfection of degrees, none which does not admit of a continual increase (Wesley, "A Plain Account of Christian Perfection, as Believed and Taught by The Reverend Mr. John Wesley, from The Year 1725, to The Year 1777," p. 374).

Even so, there is a qualitative difference in what one knows about God after salvation. Even prior to his experience at the Aldersgate Street small group meeting, Wesley seems to have held this view. He appears to have believed that only those in a saving relationship with God can know God. Certainly, by restored reason one might know some things about God, but these could not be confirmed outside of a vital relationship.[23]

> If it be said, that I have faith, (for many such things have I heard, from many miserable comforters,) I answer, So have the devils — a sort of faith; but still they are strangers to the covenant of promise. So the apostles had even at Cana in Galilee, when Jesus first "manifested forth his glory;" even then they, in a sort, "believed on him;" but they had not then "the faith that overcometh the world." The faith I want is, "a sure trust and confidence in God, that, through the merits of Christ, my sins are forgiven, and I reconciled to the favour of God." … I want that faith which none can have without knowing that he hath it; (though many imagine they have it, who have it not;) … (Wesley, *Journal,* January 29, 1738, p. 77).

If, then, the mind of Christ is increasingly ours as we give ourselves over further and further to His grace, certainly the mind of Christ has something to do with how we know what we know. And, certainly, knowing as Christ knows (even though to a lesser degree) is more accurate than how those of the world (including ourselves before justification) know. This is an exclusivist understanding of spiritual knowledge and reflects the sectarian side of Wesley.

Wesley had little patience for mystic thinking in the Troeltschian sense. Certainly, Wesley was open to ecstatic experiences of the Divine, but not unchecked by the community of faith and by the story of God's loving relationship recorded in the Scripture. He dismissed those without accountability as enthusiasts and antinomians.

Denominations, as they currently exist in the U.S., were not present in Wesley's England. So, it may be somewhat speculative, but is nonetheless fairly safe to say that Wesley would have found the feeble commitment of contemporary denominationalism despicable. Most mainline/oldline denominations have virtually no spiritual and nearly no moral expectations. This is, to a large degree, reflected in the lack of epistemological confidence. For instance, in the United Methodist Church, the Wesleyan quadrilateral is used to justify everything from sexual promiscuity to capital punishment, from universalism to fundamentalism. No doubt, Wesley would say that this high variation is indicative of an appalling lack of genuine relationships with God through Jesus. Some of the more conservative Wesleyan denominations have erred in the other direction, adopting a Wesleyan version of fundamentalism (to use an oxymoron).

Perhaps these failures were inevitable.[24] Entry into the early societies required an individual experience of God and a commitment to corporate life. In a sense, one is a part of the community of the lost and, then, makes an individual decision (often at a moment of existential crisis) which provides entry into the community of the justified. With this entry comes the requirement of accountability to that community.

As the societies became a denomination (in the Troeltschian sense), accountability diminished. Individuals still claimed access to spiritual truth, but with no check on the validity of their claims. They still asserted a genuine experience of the revealed, objective (though partial) truth about God. Yet, they assumed the authority to judge the validity of the experience without any accountability to the living Body or the standards of the Christian tradition. Those angered by this move tended to cling to sectarian claims without recognizing Wesley's location in the state church.

According to Lambert, both "sides" of the Great Awakening, the Edwardsian Calvinism and the popular Methodism (perhaps seen blended together in the Calvinist Methodist Whitefield) made strong empirical assumptions.

> The test of the genuineness of one's Christianity became one's experience of the Holy Spirit either in conversion (if predestinarian, then in the confirmation that one was of the "elect") or in full sanctification. … How beautifully this predisposition to the inner, the psychological, the superiority of the mental attaches itself to the Scriptural teachings about the Spirit witnessing to spirit …. Indeed, one can almost see empiricism as a kind of *preparatio evangelica* (prevenient grace?) for the Wesleyan revival (Lambert, 1995).

Unfortunately, the inner easily becomes the psychological (in the modern sense of the word), especially without checks upon the legitimacy of such experiences of knowing God. It may well be that the current condition of United Methodism can be traced, not to some cultural decline in the 1960's (after all, 1950's mainline denominationalism was not exactly New Testament Christianity), but to the decline of accountability in antebellum America which was inevitably followed by the diminishing of respect for the Scripture in the late 19th and early 20th centuries. Without these checks, empiricism became subjectivism.

8. CONDITION OF MODERN METHODISM

Of course, ultimately, the question of religious epistemology is a question for the Church, not just individuals interested in philosophical speculation. It may center on how the Church will interact with the world on social moral problems. It may be focused on how evangelism will be done, or how missions will be offered in non-Christian or post-Christian societies.

In the United Methodist Church (and to a lesser degree in other North American Wesleyan denominations) it is all of these, but much more fundamentally the question of epistemology has become the question of identity. How we "know" has become a question of whether we know anything and, if not, then are we anything? Different threads have been pulled from Wesley in an effort to create an answer. In most of the cases, these partial and inadequate epistemologies have been woven into shallow "Christian" (to use the term very broadly) justifications of particular cultural identifications and secular socio-political positions.

The so-called liberals have drawn heavily on empiricism, but have abandoned the checks on individualism that Wesley thought essential for both common sense and sectarian diligence. They proclaim the validity of individual religious experience, but without accountability. The only determinative checks on doctrine and behavior are imposed by persons and groups who share social values founded on sources outside the tradition. The Scripture has become nearly meaningless as a primary authority for verifying personal knowledge of God. In other words, they fail to make the Wesleyan shift from how the worldly know to how the justified know.

This liberal thread has been split so that some assert that the (more or less) empirically verified findings of social science take precedence over the Scripture. The Church has little or no authoritative knowledge relative to that available from non-Church "experts."[25] Other so-called liberals emphasize a hyper-individualistic empiricism that deems all personal religious

experiences valid. The Bible, the tradition, and the Body of Believers are immaterial or, at most, of secondary importance (this is, essentially, mysticism as defined by Troeltsch; close to what Wesley, referring to the ancient heresy, called antinomianism).

Conservatives have pulled on other threads. Some have adopted a form of Fundamentalism. The objective truth of the Bible is believed to be readily evident, regardless of whether one first is or is not filled with the Spirit. This is more neo-Calvinist than Wesleyan. These conservatives are also making the mistake of blurring Wesley's categories, imposing the sectarian way of knowing (Scripture and accountability) upon the worldly.

Other conservatives have continued emphasizing the role of experience in religious knowing. One group, which is not very strong in the United Methodist Church but elsewhere is spreading like wildfire (to return to an incendiary metaphor), is the neo-Pentecostals or Charismatics. This group is very similar epistemologically to the early Wesleyan groups in that participants emphasize experience. They are often defined as sectarian outsiders by others in the United Methodist Church and in traditional Wesleyan denominations. The parallel with early Methodist practical epistemology is very strong when the charismatic experience is coupled with small group accountability, an increasingly common model. Unfortunately, the ecstatic "knowing" of these persons tends to focus on the personal relationship with God, but without a balance of high moral expectations (for instance, in service to the socially marginalized, which Wesley required of society members, and personal purity, which was also expected).

Along side this group are those conservatives who are not actually "charismatic" but are part of the traditional holiness movement. These call for an individual experience of conversion and a second experience of sanctification. The two stages provide greater access to knowledge about God. The difficulty for this group lies in the rigidity of interpretation. Sometimes it is so strict that the language used to describe the experience of God is more important than the experience. There is less emphasis on knowing God than knowing about God (and, that in a very particular way).

One more group, which might be called conservative (though actually, this group moves beyond the dichotomy), is made up of those that emphasize the role of the story and the tradition of the community.[26] Their epistemology is similar to Wesley's, but offered in a culture very different from 18th century England, and therefore without the assumptions of a common experience of nominal Christianity (which in Wesley's day came through the state church). The views of this group are varied, being mostly expressed in the work of theologians and leaders. It is beginning to have an impact, though few, if any, local congregations identify themselves as part of

this movement specifically. It has positively informed congregations of the importance of Scripture and of the need to see oneself as "embedded." It has helped put individualistic experiences of God into a social context.

What will happen to the worldwide Wesleyan movement generally and its largest body, the United Methodist Church, specifically is not clear. If there is to be any ultimate hope, then there needs to be a reclamation of the basics of Wesley's original epistemology—one that is experience based, but not based on just any experience. True knowledge of God comes by a gracious communing with God through Jesus Christ and the consequent filling of the Spirit. This knowing, while personal, can be (and needs to be) verified by the accurate portrayal of God's relationship with humanity in the Scripture and by accountability to the Church (both through the small group and through tradition). The threads need to be woven together again.

When I first entered the ministry a joke was circulating about the steeple architecture of different denominations. Some churches had stone crosses. Some had weathervanes. Some had electric signs declaring that "Jesus Saves." It was said you could always tell a United Methodist Church because it had a lightening rod. They got struck once and caught fire, and they sure do not want that to happen again.[27]

Wesley used the image of the brand being plucked from the fire as a symbol of his being pulled out of perdition. He also, on the other hand, used fire as a symbol for the heart that was warmed by a relationship with Christ and, enlightened through the mind of Christ. The United Methodist Church needs to take down the lightening rods. The only hope for United Methodism specifically and the Wesleyan movement more broadly is a renewed understanding of how we know God. It is imperative that the experiential religion of Wesley that was conditioned by accountability based on Scripture and the small group be re-established or Methodism will simply burn out. Perhaps, as Wesley suggested, if there is no fire that would be best after all. Still, given what can be known about God, it would seem that such would not be the Lord's desire.

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NOTES

[1] In "Some Remarks On Article X. Of Mr. Maty's New Review, For December, 1784," Wesley describes his experience as a child:

> I was born in June, 1703, and was between six and seven years old, when I was left alone in my father's house, being then all in flames; till I was taken out of the nursery window, by a man strangely standing on the shoulders of another. Those words in the picture, "Is not this a brand plucked out of the burning?" chiefly allude to this.
>
> He had early a very strong impression of his designation to some extraordinary work." Indeed not I: I never said so; I never thought so; I am guiltless in this matter the strangest impression I had till I was three or four and twenty was, *Inter sylvas Academi quaerer verum*; and afterwards, (while I was my father's Curate,) to save my own soul and those that heard me. (Wesley, volume XIII, p. 409)

The metaphor of brand-plucking must have been a popular one for the Wesley family. Charles Wesley, who was as influential on the early Methodist movement through his hymns as his brother John through his organizational leadership, wrote the following celebration hymn immediately after his own experience of justifying grace (or so, the event defined claimed by most Wesleyans) which was only three days before his brother's Aldersgate experience.

> *Where shall my wandering soul begin?*
> *How shall I all to heaven aspire?*
> *A slave redeemed from death and sin,*
> *A brand plucked from eternal fire.*
> *How shall I equal triumphs raise,*
> *Or sing my Great Deliverer's praise?* (C. Wesley, #29).

In addition, J. Wesley admired the image when used to describe religious conversions in others. For instance, in "The Life And Death Of Mr. Fletcher," he favorably quotes Fletcher in saying:

> I went on sinning and repenting, and sinning again; but still calling on God's mercy through Christ. I was now beat out of all my strongholds. I felt my helplessness, and lay at the feet of Christ. I cried, 'Save me, Lord, as a brand plucked out of the fire! Give me justifying faith; for the devil will surely reign over me, till thou takest me into thy hand. I shall only be an instrument in his hand to work wickedness, till thou stretch out thy almighty hand, and save thy lost creature by free, unmerited grace (Wesley, volume XI, p. 283).

John Wesley in a preface to an extract from the *Journal of Mr. G— C—* (Volume 5) said:

> I do not remember ever to have met with a more remarkable account than is contained in the following Journal. What an amazing instance of divine mercy

> does it set before us; especially considering all the difficulties he had to grapple with in his infancy, his childhood, and his youth! Was not this indeed a brand plucked out of the burning! And who then can despair? For, "May not every sinner find The grace that found out thee?" (Wesley, volume XIV, p. 289).

And in his *Journal*, Wesley writes:

> *Sat.* NOVEMBER 1. — I dined at J—— E——'s. Is not this a brand plucked out of the burning? Has there been one in our memory that so signalized himself as an enemy to all serious, inward religion? But it is past. He was going out on pleasure as usual; his foot slipped, and, as he was falling, a thought came, "What if, instead of falling to the earth, thou hadst now died and fallen into hell?" He heard and acknowledged the voice of God, and began to seek his face (Wesley, volume II, p. 34).

The manner in which Wesley deals with the past is revealing of his epistemological assumptions. Note that he does not claim to having a conscious awareness of calling in his being a "brand plucked from the fire," but does clearly imply that such an event is the beginning of some claim upon one's life by God. In other words, the person, through prevenient grace may know a calling even while not being aware of such knowing. Later in his ministry, Wesley places less emphasis on the image of the brand.

[2] If we take this in its utmost extent, it will include all that is brought in the soul by what is frequently termed natural conscience, but more properly, preventing grace; — all the drawings of the Father; the desires after God, which, if we yield to them, increase more and more; — all that light wherewith the Son of God "enlighteneth everyone that cometh into the world;" showing every man "to do justly, to love mercy, and to walk humbly with his God;" — all the convictions which his Spirit, from time to time, works in every child of man; although, it is true, the generality of men stifle them as soon as possible, and after a while forget, or at least deny, that they ever had them at all (Wesley "The Scriptural Way of Salvation," p. 44).

[3] This last stage is, in part, a restoration of the prelapsarian condition.

[4] This can be compared with Calvin's common grace, but the concepts are clearly not identical (see Wynkoop, 1967, p. 95).

[5] In responding to a popular theological deviation, Wesley states:

> In all this jumble of dissonant notions, there is not one that is supported by any scripture, taken in its plain, obvious meaning. And most of them are as contrary to Scripture as to common sense.
>
> Who is able to reconcile this either with Scripture, philosophy, or common sense? (Wesley, "Thoughts on the Writings of Baron Swedenborg," pp. 432 & 439)

In response to comments made about Wesley's sermon at the famous Calvinist Methodist, G. Whitefield's funeral (a service he joined a sign of Christian reconciliation in spite of remaining theological differences):

> But this I must aver, that the excluding all from salvation who do not believe the horrible decree, is a most shocking insult on all mankind, on common sense, and common humanity. ("A Letter to the Editor of Lloyd's "Evening Post," p. 402)

Of course, common sense meant, for Wesley, that which was common sensical. And, it applied in every area of life, though in different forms. Even in the philosophical realm, common sense, as empirical observation reasonably understood, was compelling for Wesley.

> You first give a short history of Montanism, and innocently say, "It would fill a volume to draw a parallel between Montanism and Methodism." According as it was drawn: But if it contained nothing but truth, it would not fill a nutshell. You add, "Such a crude composition is this Methodism, that there is scarce any one pestilent heresy that has infested the Church, but what is an actual part of their doctrine." This is easily said; but till you can prove it, it will pass for nothing. … [You say that I have] "Notions repugnant to common sense, and to the first principles of truth and equity." My fundamental notions are, that true religion is love, the love of God and our neighbor; the doing all things to the glory of God, and doing to all men as we would be done to. Are these notions repugnant to common sense, or to the first principles of truth and equity? (J. Wesley, "A Letter to Mr. G. R., *alias* R. A., *alias* M. H., *alias* R. W," pp. 392-393).

> [Locke states:] "Though the word 'man' signifies nothing but a complete idea of properties united in a substance; yet we commonly suppose it to stand for a thing having a real essence on which those properties depend." I do suppose it; and so does everyone that has common sense (Wesley, "Remarks upon Mr. Locke's 'Essay on Human Understanding,'" p. 462).

[6] Wesley republished some of the works of his American contemporary, Jonathan Edwards. Though they, obviously, disagreed on many points, they both shared: 1) a strong admiration for the natural sciences and empiricism as a method of knowing the natural world, 2) a strong belief in the power of grace to provide 'knowledge', and 3) that only genuine Christians could be truly virtuous. At times Wesley seems somewhat inconsistent on the final point, such as when he uses a natural law argument against slavery (see "Thoughts on Slavery").

J. Wesley draws on Thomas Cranmer in describing living and dead faith: "Of justifying, true faith three things are specially to be noted. First, that it bringeth forth good works; Secondly, that without it can no good works be done; Thirdly, what good works this faith doth bring forth….without faith no good work be done, accepted, and pleasant unto God" (Wesley, "A Farther Appeal to Men of Reason and Religion," p. 55; also Outler, 1964, notes pp. 129ff.).

[7] Knowing that we know is always a secondary reflection that assumes such relationships. Such epistemological reflection is worthwhile, but only if it leads one to personally know at a deeper level.

A continuing concern for the early Wesleyans was how they could be assured of their relationship with Christ. Wesley claimed that such assurance was available, but secondary. In other words, one could "know" God, but not be confident of one's knowing that one knew. Wesley, himself, had a bout with such on the night of the Aldersgate conversion, though it gave way to a confidence that Jesus had died for him. The operating assumption of the Methodists was that such assurance was available to those who genuinely sought such from God, though they provided some theological leeway on the need for assurance as proof of conversion.

[8] There is only one "grace" (since there is only one Holy Spirit), though it can take different forms relative to the need of the recipient. Some have suggested that prevenient grace includes, as a specific manifestation, convicting grace. Others give different names to prevenient, justifying, and sanctifying grace in accordance with a different emphasis on function; for instance, David McKenna has used the terms "[l]eading grace, assuring grace, and hallowing grace" (McKenna, 1988). While such designations are appropriate when referring to the function of grace in leading persons to the primary relationship with God through Jesus, they do not account for the function of prevenient grace in moral instruction of the unbeliever. This is especially evident when one moves from personal ethics to social ethics (in fact, even such a distinction would finally be incorrect for Wesleyan thought).

[9] The Wesleyan understanding of the Atonement is explained well (given all Wesley was trying to claim) by Randy L. Maddox (1994):

> It is no accident that the Penalty Satisfaction motif [that Jesus' death is sufficient penalty for our sins] was prominent in Wesley. It had emerged as a dominant theme in the Anglican standards upon which he drew and to which he appealed to defend his preaching of 'free grace.' And yet—in comparison with those standards—over time Wesley appears to have refined the focus on the Penalty Satisfaction account of the Atonement even further … Any actual righteousness that we might display is a result of our response to the Holy Spirit's present work in our lives, not an imputation of Christ's obedience… (p.104).
>
> … Wesley understood Christ's role in his sacrificial death to be much more that the Representative of humanity; he was most fundamentally the Representative of *God*. In particular, he was the representative of God's pardoning and restoring love … If we will respond to this pardoning love of God and allow God's presence deeper access to our lives, then we will be liberated from our captivity to sin and the process of our transformation into the fullness that God has always intended for us can begin. One is tempted to describe this as a Penalty Satisfaction *explanation* of the Atonement which has a Moral Influence *purpose*, and a Ransom *effect*" (p. 109).

[10] This doctrine was a cause of much admonishment from Calvinists and traditional Anglicans during Wesley's life. There remains a debate as to exactly what he meant by the phrase. He wanted to use the term because it was Biblical (an important epistemological point). Basically, perfection in love, also called entire sanctification and holiness, is a condition of maturity in which one does not sin intentionally. It does not mean one is free of error or, even of sin.

Wesley apparently found justification for his argument in early Eastern fathers, but did not always agree with early Eastern arguments anymore than he did with any other thinkers. Maddox states:

> By contrast with later Western theology, early Greek theologians and the continuing Eastern Orthodox tradition have rejected such polarization. They make no absolute separation between general and Christian revelation, but see both based in God's grace… [Wesley] too wanted to affirm that there is an initial universal knowledge of God available to those who have not heard of Christ, while insisting that this knowledge was itself an expression of God's gracious activity epitomized in the revelation of Christ.

> To be sure, Wesley achieved this result in a different manner than was typical of early Greek theologians. They usually assumed that there was a continuing (weakened) influence of the grace of *creation* even after the Fall. Through his distinctive wedding of total depravity with universal Prevenient Grace, Wesley grounded the knowledge of God available to those who have not heard of Christ in an initial expression of the grace of *restoration.* (Maddox, 1994, pp. 28-29).

For more on the connection with early Eastern traditions see the recently discovered work of Wesley's "coadjutor" John Fletcher, "An Essay on the Doctrine of the The New Birth," (1998a). He favorably cites Macarius and John Crysostom. Also, see Wesley's "Plain Account of Genuine Christianity."

Having said that Wesley did not believe one could be free of sin in this life, it should be noted that some offshoot Holiness groups [which, contrary to the popular media, should not be usually understood as a reference to mountain snake-handling sectarians] have asserted that he did indeed mean such was possible.

An historically more important argument occurred over whether this 'perfection' comes in an instantaneous second work of grace or gradually over time. Wesley apparently thought both were possible. Either way, the high level of accountability in the Wesleyan bands and classes was meant to keep persons headed toward such perfection or to strengthen them in it once given.

[11] Wesley states:

> "So God created man in his own image, in the image of God created he him:" (Genesis 1:26, 27) — Not barely in his *natural image,* a picture of his own immortality; a spiritual being, endued with under standing, freedom of will, and various affections; — nor merely in his *political image,* the governor of this lower world having "dominion over the fishes of the sea, and over all the earth;" — but chiefly in his *moral image;* which, according to the Apostle, is righteousness and true holiness" (Ephesians 4:24). In this image of God was man made. "God is love:" Accordingly, man at his creation was full of love; which was the sole principle of all his tempers, thoughts, words, and actions. … But, although man was made in the image of God, yet he was not made immutable. This would have been inconsistent with that state of trial in which God was pleased to place him. He was therefore created able to stand, and yet liable to fall (Wesley "New Birth," VI, pp. 66-67).

[12] John Wesley preached:

> The present knowledge of man is exactly adapted to his present wants. It is sufficient to warn us of, and to preserve us from, most of the evils to which we are now exposed; and to procure us whatever is necessary for us in this our infant state of existence. We know enough of the nature and sensible qualities of the things that are round about us, so far as they are subservient to the health and strength of our bodies; we know how to procure and prepare our food; we know what raiment is fit to cover us; we know how to build our houses, and to furnish them with all necessaries and conveniences; we know just as much as is conducive to our living comfortably in this world… (Wesley, "Imperfection of Human Knowledge," pp. 337-338).

[13] Wesley seems to be, to a limited degree, in agreement with Jonathan Edwards. Wesley admired Wesley's work and republished pieces with the stronger Calvinist assertions expunged.

Some Wesley scholars would argue that Wesley does allow for genuine and truly good moral living by non-Christians. This certainly seems to be true of those followers of God who were living in Christ's will prior to his coming (significant Hebrew figures, for instance).

I am asserting that Wesley, as Edwards, limits how good moral actions can be without the sanctifying Spirit (see note 7). As with Edwards, it seems that Wesley is referring to two levels of 'good' morality, both having their foundation in God's grace. The one, according to Edwards, is natural and is manifest through the conscience and a sense of justice (by prevenient grace, to use Wesley's language). This is what Augustine calls a splendid vice. The other is spiritual morality or true virtue (by sanctifying grace, to use Wesley's language). Edwards asserts that "no affection whatsoever to any creature, or any system of created beings, which is not dependent on, nor subordinate to a propensity or union of the heart to God, the supreme and infinite Being can be of the nature of true virtue" (Edwards, 1960, pp. 22-23). This bears a similarity also to Wesley's epistemological assertions in that a "sense" of the Divine makes possible a proper relationship. (For more, see: William K. Frankena's introduction to the University of Michigan Press version of *The Nature of True Virtue*, from which some of these arguments have been drawn.)

[14] The interpretations of Wesley's Aldersgate experience vary. Some, perhaps most now, believe that this was Wesley's justifying experience. However, a traditionally strong alternative interpretation is that this was a distinct, second work of grace that would be best understood as the experience of sanctifying grace. This seems to have been the understanding of John Fletcher, the extremely influential early Methodist theologian and confidant of Wesley. L. Wood has stated that Fletcher "does identify Wesley as a justified believer before he ever went to Georgia [a missionary trip that was spiritually traumatic and preceded the Aldersgate experience]. The clear implication of Fletcher's view is that Wesley's sanctifying experience was his Aldersgate experience…" (1998)

One of the best discussions of the significance of the Aldersgate experience is to be found in Kenneth J. Collins, *Wesley on Salvation: A Study in the Standard Sermons* (1989, pp. 55-68).

[15] A fine (and brief) discussion of the controversy over Outler's quadrilateral may be found in Gunter's introduction to W. Stephen Gunter, Scott J. Jones, Ted A. Campbell, Rebekah L. Miles, and Randy L. Maddox *Wesley and the Quadrilateral: Renewing the Conversation* (1997).

[16] Wesley's use of reason in this sense can be seen in his work entitle, "A Farther Appeal to Men of Reason and Religion."

[17] "Luther held Word and Spirit together in a creative balance. Calvin maintained the balance, although by teaching that the Word is the *object* as well as the *instrument* of the Spirit's witness, he opened the way for Protestant orthodoxy to place most of the weight on the former, so that the authority and power of the written Word lay altogether in the inspiration of its writers rather than its hearers…"

> Wesley had, like Calvin, a strong doctrine of the inspiration of the written Scriptures… Before Scripture can do its saving work, the same Spirit who inspired its writers must now inspire its readers and hearers…. There is no power or profit in reading or hearing the Scriptures apart from the accompanying witness of the Spirit of God" (Staples, 1986).

[18] The Articles of Religion and the General Rules are still included in *The Discipline*, published quadrennially, following the General Conference (the only truly authoritative body in United Methodism). Still, one would be hard pressed to find a United Methodist Church in which these were cited or the rules lived out. Some churches in other denominations in the tradition have adhered more strictly to these (sometimes with integrity, sometimes legalistically).

[19] Troeltsch actually uses the term 'church' for state church, but in this paper the more specific term will be used to avoid confusion with the catholic/universal Church and with individual fellowships.

This model is used with the recognition that it is not applicable in many settings. It does suit, however, the situation in Europe in America in the 18th century and the United States in the 19th. Its applicability is diminished in 21st century Europe given the lost of cultural homogeneity (or, the assumption that the culture was more or less homogenous, even if it was not).

[20] While Methodism did start in England, it became a distinct church denominational organization in the United States. The American Revolution was reducing the number of Anglican priests (due to emigration) and Wesley agreed with his American followers that the Sacraments were too important to be neglected. He ordained several to presbyter status and they transformed the superitendency into the episcopacy. Thus was born the Methodist Episcopal Church (forerunner of the United Methodist Church, the African Methodist Episcopal Church, the AME Zion Church, the Christian Methodist Episcopal Church, the Wesleyan Church, the Free Methodist Church, the holiness churches, and, arguably, the Nazarenes and most Pentecostal denominations.

[21] On the idea of a sect within state church, see: W. Paul Jones "Our Search for Identity" (1985); Frederick Norwood, *Church Membership in the Methodist Tradition* (1958); James R. Thobaben, "Ecclesiology and Covenant: Christian Social Institutions in a Pluralistic Society" (1997).

[22] Wesleyan doctrine includes "universal atonement" (Christ died for all), but not universal salvation (since all may not accept).

[23] At times, Wesley calls this "having the mind of Christ" (which one can assume includes wisdom and knowledge).

Geoffery Wainwright correctly notes that the beginning of salvation is the beginning of our minds conforming with mind of Christ.

> According to Wesley, the continuing "'royal work" of Christ as the "federal head of all mankind" consists in "restoring those to the image of God, whom he had first reinstated in His favour; reigning in all believing hearts until he has subdued all things to himself, until he hath utterly cast our all sin, and bought in everlasting righteousness" (*Works* XI, 417). Already in 1734, he defined religion as a "renewal of our minds in the image of God, a recovery of the divine likeness, a still-increasing conformity of heart and life to the pattern of our most holy Redeemer" (*Letters* [Ed. Telford] I, 152). Wesley often equates the image with "the mind of Christ," and that is expressed in "walking as He also walked" (*Letters* II, 266) (Wainwright, 1988).

[24] Wesley and the other leaders of the early Methodist movement were well aware of the risks of organizational success. They wanted standards by which religious experience could be tested, and these inevitably took the form of Scripture and accountability groups. A marvelous example of the merging of 18th century scientific empiricism with the rise of evangelicalism is to be found in a recently discovered incomplete manuscript of John Fletcher's:

> If many people will have both a *Thermometer* and a *Barometer*, it is probable that (unconcern'd as men generally are about their souls) some will be glad to see a *Charimeter*: for it concerns us as much to know whether we shall go to *heaven* or *hell* as it does to know if we shall have *fair* or *foul* weather; and we should be more careful to enquire into the *degree of glory* we may scripturally hope for, than to know what *degree of heat* will ripen grapes or pine-apples…. The *Bible*, when it is read in the light of the *Spirit* of truth, is the *grand Charimeter* … (Fletcher, 1998).

[25] Wesley did not reject "real" science. His interest in science and the empirical method was demonstrated in his popular book, *The Primitive Physik*. The book suggested traditional and very "modern" cures (like electric shock) on the basis of empirical study. The one offering that was certainly empirically verifiable was the suggestion that physicians be avoided (generally, good advice in the 18th century).

Also, early Methodist theologian, Adam Clarke, commended the botanical knowledge of Rev. Mason, an early Methodist preacher, who was "inferior to few in the British empire" and had a collection that "would do credit to the first museum in Europe" (Clarke, 1875, p. 149)

[26] For instance, Hauerwas and Willimon.

[27] The Episcopal churches have beautifully carved stone crosses because inside are hearts as cold as stone, but with exquisite taste.

The Disciples of Christ have nothing on top of the steeple since all unessentials have been stripped away, which for most of them anymore means there is nothing left.

The United Church of Christ church has an attractive weathervane because they move whichever way the wind is blowing.

The Pentecostal church has an electric cross because they are lit up and they want everyone to know it.

The Presbyterian Church in America members don't really know what's up there but their pastor says it's always been there and it's always going to be.

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Section II

Cultural Variations and Moral Casuistry

CHAPTER 6

THOMAS S. HIBBS

SUBVERSIVE NATURAL LAW

MacIntyre and African-American Thought

For those committed to the understanding of the human good at home in the tradition of classical natural law, especially in the form espoused by Thomas Aquinas, the relationship between natural law and public morality or public policy will of necessity be a complex one, not easily captured in the sound-bite discourse that now reigns in American popular culture. For Aquinas, the relationship is complex of its very nature, since Aquinas does not construe human law as mapping the precepts of the natural law onto existing societies. The limits to human law derive from prudential principles concerning moral education. The attempt to forbid all vice frequently engenders unanticipated outbreaks of greater evils. Human law seeks to lead human beings gradually from the imperfect to the perfect. As Alasdair MacIntyre writes,

> Aquinas disagrees with both later puritans and later liberals. Like those puritans and unlike those liberals he understands law as an instrument for our moral education. But, like those liberals and unlike those puritans, he is against making law by itself an attempt to repress all vice (1996, p. 66).

MacIntyre is right to insist that Aquinas is no liberal; he would not advocate the privatization of the good. Aquinas does, however, have an acute sense of the limitations to human law and while it should not settle for the low aims of modern liberal regimes, it need not, indeed cannot, enforce the entirety of the natural law. The unimpeachable reasoning here is that the natural law commands all that is to the good of human perfection and flourishing. But, human excellence consists chiefly in the practice of virtue involving an internal appropriation and intentional habituation. The law covers only external acts and thus it conduces to virtue only indirectly. Hence, much of what falls under the natural law exceeds the power of human law.

Mark J. Cherry (ed.), The Death of Metaphysics; The Death of Culture: Epistemology, Metaphysics, and Morality, 135—150.

Sometimes Aquinas writes that human law forbids only the most heinous vices, such as murder and theft, vices that involve grave harm to others (*ST*, I-II, 96, 2).[1] Any attempt to reform the character of a people by the enactment of law must take its cue from the existing customs of the society. Custom itself, Aquinas writes, has the force of law, abolishes law, and is the interpreter of law (*ST*, I-II, 97, 3). In regimes where the people makes its own law, custom "has greater authority than the sovereign" (*ST*, I-II, 97, 3, ad 3).

For some, the accentuation of the role of custom in Aquinas means that natural law can do little or nothing in the way of influencing custom. But, such an inference finds no basis in Aquinas's texts. There is no guarantee that Aquinas, who both stated that a positive law that contravenes the natural law is not a law and was moderately skeptical of the impulse to revolution, would always countenance conservatism in response to moral evils. That is to say, there is no guarantee in Aquinas that natural law could not perform a decidedly subversive function with regard to existing political regimes or cultural practices. As Josef Pieper notes, it is a misunderstanding of prudence to construe it as a virtue of calculative self-preservation and as never involving bold and unconventional action (see Pieper, 1966, p. 21).

Instead, Aquinas would impose upon us a more demanding task than that advocated either by those who want to use natural law as a ready-made yardstick for measuring just and unjust laws or those who wish to leave customs to go their own way. Aquinas lays upon us the obligation of finding multiple paths of dialectical engagement of our culture and our laws. Both the quick fix model and the quick exclusion model risk leaving us with severely truncated conceptions of the natural law. Those who aim, not just to make instant political capital out of natural law, but for a genuine recovery of natural law must engage in many tasks, one of which undoubtedly is the direct engagement of our law on specific issues. But there are other and more arduous tasks. We must recover a conception of normative nature no longer explicitly at home in the sciences, in our popular culture or even in many of our churches. We also need to recover a sense of law as something more and other than the rules resulting from rational choice theory or from utilitarian calculations or from abstract, Kantian conceptions of dignity. To bring both these needs together, we might say that what we most need to recover is an appreciation of the common good as something more than the mere summing of individual goods. But how to begin to do this?

This will require that we do some hard thinking about the nature of justice. In fact, this is one of the tasks in which contemporary natural law theorists can join together with contemporary virtues theorists. Both groups have been critical of liberal procedural accounts of justice; yet neither has been very ambitious in its attempt to articulate a rich alternative vision of

justice, both as an account of precepts or laws and as an account of the virtue that Aquinas, following Cicero, praises for its splendor above all other natural virtues (*ST*, I-II, 53, 3).

Among many viable points of departure, we might take our cue from Aquinas's remarks about the importance of culture; that is to say, we might begin with a dialectical engagement of our culture, pointing the way in which the core assumption of the natural law are operative at least implicitly in our customs and in moments of our history what we want to retain in memory. Of course, there is no guarantee that these memories will be entirely comforting memories or that they will not challenge deeply held conventional assumptions in the present. In that sense, the most dramatic invocations of natural law in our history may continue to exercise a subversive role. In what follows, I want to suggest that certain core teachings of the natural law tradition are operative in key and cherished moments in the African-American struggles for full inclusion in, and recognition by, American law and culture. I am not thinking so much of Martin Luther King, Jr., whose "Letter from a Birmingham Jail" makes explicit reference to Aquinas and his teaching on natural law, but rather of his predecessors, Frederick Douglass and W.E.B. DuBois. As a way of establishing a bridge between these authors and Aquinas, I want first to dwell upon what I take to be the most ambitious, recent, Thomistic attempt to articulate the natural law in relation to the common good, that of Alasdair MacIntyre.

In recent years, MacIntyre has moved beyond his long-standing critique of modern liberalism and the nation-state to an affirmation, not just of an Aristotelian ethics of virtue, but also a Thomistic account of natural law and the common good. Of course, none of these additions have blunted MacIntyre's vituperative attack on modern liberal politics. The most concise formulation of this continuing opposition can be had in a passage from an essay entitled, "Politics, Philosophy, and the Common Good":

> We now inhabit a social order whose institutional heterogeneity and diversity of interests is such that no place is left any longer for a politics of the common good. What we have instead is a politics from whose agendas enquiry concerning the nature of that politics has been excluded, a politics thereby protected from perceptions of its own exclusions and limitations. Enquiry into the nature of the common good of political society has become therefore crucial for understanding contemporary politics. For until we know how to think about the common good, we will not know how to evaluate the significance of those exclusions and limitations (1998, p. 239).

Of course, cooperative endeavors pervade the modern nation-state. MacIntyre worries, however, that the justification of political authority is merely instrumental, "in so far as it provides a secure social order within which individuals may pursue their own particular ends, whatever they are"

1998, p. 241). The common good here is "at once individualist and minimalist," indistinguishable from a mere summing of individual goods (p. 242). No longer the architectonic practice organizing all other practices in light of the common good, politics becomes one specialized sphere among many (p. 241).[2]

MacIntyre's polemical recovery of the common good is helpful in at least two ways. First, his distinctively pre-modern formulation casts into sharp relief the modern distortions, even among Thomists, of the common good. MacIntyre's position is perhaps closest, among Thomists, to that of Charles DeKonninck who distinguishes Aquinas's account from both individualist and totalitarian positions. The unity of the political order or city is not an organic unity or the unity of a person, but a unity of order. He explains,

> The totalitarian solution is that the individual person is ordered and subjected to society. We are inclined, in rejecting this doctrine, to swing in the opposite extreme; but if we prescind from the common good of the persons which is the final, therefore first cause of society, we are left with a mere aggregate of individuals (1957, pp. 133-196).[3]

Second, the account of the common good performs the function in MacIntyre's political thought of the best regime in classical political theory; it provides a framework or background in light of which we can appraise a variety of political orders and perceive their "limitations and exclusions."

MacIntyere's alternative to liberalism, his conception of communal, tradition-constituted inquiry, has itself come under fire. Hilary Putnam voices the common objection that, by "its attitude to alternative ways of life," MacIntyre's politics "immunize[s] institutional oppression from criticism." But, Putnam's objection fails to take into consideration MacIntyre's account of the rationality of traditions, his repudiation of a Burkean conception of tradition, and his emphasis on the necessity of, and conditions for, debate between rival traditions of inquiry.[4] In "Politics, Philosophy and the Common Good," for example, MacIntyre favors, not a *volk* but a *polis*, the latter of which is "always potentially or actually a society of rational inquiry and self-scrutiny." MacIntyre welcomes Putnam's objection and then turns it against liberalism. Whereas MacIntyre advocates an active and engaged toleration that would take seriously the possibility of learning the truth from a rival, modern politics fosters passive tolerance, that is, public indifference to the good. MacIntyre readily concedes that inequality may involve oppression, but he adds that the chief form of oppression consists in the deprivation of the possibility of learning about the good in and through inquiry with others. As MacIntyre sees it, modern politics systematically frustrates this type of inquiry.[5] It fosters oppression by deprivation.

MacIntyre suggests that "the revolutionary struggles" regarding slavery, suffrage, and organized labor "involved degrees and kinds of political participation that are quite as alien to the democratic forms of the politics of the contemporary state as they are to nondemocratic forms" (1999, p. 142). MacIntyre's thesis is that rich, practice-based conceptions of the common good, which embody in a variety of ways the precepts of the natural law, are most dramatically operative in moments of practical resistance to the dominant political culture. For MacIntyre as for Aquinas, any account of ethics or politics is incomplete if it focuses exclusively on law, which is in need of a complementary account of the virtues. Indeed, any particular depiction of the virtues will have to combat rival accounts, particularly simulacra of the virtues, the false images of virtue that can tend to predominate in a culture and substitute for true virtue. Precisely such an activity of unmasking simulacra, especially of the allegedly Christian virtues of white slaveholders, is at work in many African-American authors.

Although much more would have to be said about these matters, there are grounds for thinking that MacIntyre's account of oppression as a deprivation of opportunities for communal education about the good could help us to recover features of American history that we are increasingly in danger of forgetting. The tendency, for example, to depict African-American struggles exclusively as a civil rights struggle is reductionistic, presenting a version of American history that is suspiciously comforting to procedural liberalism.[6]

Many of the central and abiding themes of MacIntyre's political thought figure prominently in the writings of Frederick Douglass and W.E.B. DuBois. As Henry Louis Gates, Jr. notes in his introduction to Douglass's *Narrative of the Life of Frederick Douglass, An American Slave,* the pervasive themes of his autobiography are: the tensions between nature and nurture, the unnaturalness of slavery and especially its incompatibility with education (Douglass, 1977). In the very opening, where Douglass relates what little he knows of his origins, he states that one of the strategies of the masters is to deny slaves the possibility of coming to know who and what they are. Slaves are kept ignorant of their exact dates of birth, even of precise knowledge of their parents and siblings.

> By far the larger part of the slaves know as little of their ages as horses know of theirs, and it is the wish of most masters within my knowledge to keep their slaves thus ignorant…. The white children could tell of their ages. I could not tell why I ought to be deprived of the same privilege. I was not allowed to make any inquiries of my master concerning it. He deemed all such inquiries on the part of a slave improper and impertinent, and evidence of a restless spirit (1977, p. 1).

Douglass's opening observations fit rather nicely with MacIntyre's thesis that modern politics can be an instrument of oppression precisely by its

tendency to deprive individuals of the possibility of gaining self-knowledge through communal life and inquiry.

Throughout the *Narrative*, Douglass turns repeatedly to the issue of education, access to which is systematically denied to slaves. When Douglass is moved from the Eastern Shore of Maryland to the city of Baltimore, he encounters a woman of the "kindest heart and finest feelings," the mistress of the house, who begins teaching him to read. Her husband discovers the instruction and immediately cuts it off, saying

> A nigger should know nothing but to obey his master—to do as he is told to do. Learning would spoil the best nigger in the world…. It would forever unfit him to be a slave. He would at once become unmanageable…. As to himself, it could do him no good, but a great deal of harm. It would make him discontented and unhappy (1977, p. 33).

This lesson had the influence on Douglass of a "special revelation" concerning the "white man's power to enslave the black man." Douglass's insight that "education and slavery were incompatible with one another" constitutes the central thesis of his autobiography (1977, p. 38).

It is important to note that Douglass avoids demonizing the white race. He notes that the same mistress who had treated him so gently and aided his education turned coldly against any such prospect once she had been persuaded by her husband's words. "She at first lacked the depravity indispensable to shutting me up in mental darkness. It was at least necessary for her to have some training in the exercise of irresponsible power, to make her equal to the task of treating me as though I were a brute" (1977, p. 37). The practice of slavery frustrates the natural telos not just of the slave but also of the master; in this, Douglass implicitly affirms a teaching central to the classical natural law tradition and of virtue ethics, namely, that vice harms the perpetrator, darkening his intellect, corrupting his experience of happiness, and blocking his access to the good.

Despite his masters' attempts at foreclosing any prospect for education, Douglass is fortunate and clever. Occasional free time on the city streets of Baltimore afforded him opportunities to engage in spelling competitions with white boys from the neighborhood. Douglass would spell a word he knew and challenge the other boys to spell different words. Thus, he would expand his vocabulary.

Douglass' cleverness and gamesmanship enters, according to Henry Louis Gates, into the very literary structure of his biography. Gates calls Douglass a "trickster" (1991, pp. 79-83). According to Gates, Douglass entertains, in order to subvert, a series of binary oppositions, for example, between aristocratic and base, rational and irrational, and civilized and barbaric. From this, Gates concludes that Douglass's strategy illustrates the sheer

arbitrariness of any system of signs. But that is perhaps a bit too strong a conclusion. Indeed, Douglass, as Gates notes, shows that the inherited code of slavery "stands in defiance of the natural and moral order" (1991, p. 89). One might willingly embrace Gates' reading of Douglass subversive strategy without reaching the conclusion that all signs are utterly arbitrary. To what, one wonders, could Douglass be appealing in his audience? One might instead say Douglass is practicing of form of subversive natural law.

At this point, Douglass was twelve and by chance came upon a book, *The Columbian Orator*, which contained a dialogue between a master and a slave, a dialogue that results in the slave persuading the master of the injustice of slavery and the voluntary liberation of the slave. "The moral," Douglass asserts, concerns the "power of truth over even the conscience of the slaveholder." The dialogue permanently fixed in Douglass's intellect the judgment that slavery is irrational or unnatural. Far from being comforting, such knowledge is deeply disturbing. It implies not only that Douglass himself is subject to a thoroughly unjust practice. It also implies that the light of conscience itself can be darkened, that at the level of intermediate and concrete application, as Aquinas starkly puts it, "the natural law can be deleted from the hearts of men, by evil persuasions…or by depraved customs and corrupt habits" (*ST*, I-II, 90, 4).[7]

Douglass recounts that this knowledge was not initially pleasant; it placed upon him enormous burdens and an unyielding and bitter awareness of the contradiction between nature or reason and the convention to which he was subject. Thus the initial consequence of his education is precisely what his cynical, Baltimore master had predicted: "to torment and sting my soul to unutterable anguish" (1977, p. 40). Douglass's return to the Eastern Shore only exacerbates the conflict between truth recognized internally and denied, even mocked and reviled, externally. Douglass is subject to new and even more brutal treatment by a man who undergoes an external religious conversion that serves only to increase his depravity. He now has religious sanction for his "slaveholding cruelty." Here we find Douglass deploying what we know by nature to be vicious as the basis of a criticism of a certain understanding and practice of the Christian faith.

By now it should be clear that Douglass's conception of education involves much more than the mere acquisition of technical skills. It is the opportunity to inquire with others about the good, to deliberate about the just and the unjust, the natural and the unnatural, as Aristotle describes the political order in the opening of his *Politics* (1253a10-18). Above all, Douglass notes, the masters forbid slaves to speak together about weighty matters. Better to let them indulge in drunken orgies on holidays, thereby reinforcing the notion that they are not "intellectual, moral and accountable."

Douglass detects a cynical strategy, "The holidays are part and parcel of the gross fraud, wrong, and inhumanity of slavery…. When the slave asks for virtuous freedom, the cunning slaveholder, knowing his ignorance, cheats him with a dose of vicious dissipation, artfully labeled with the name of liberty" (1977, p. 74).

Once again, thereare instructive points of convergence between Douglass's account of moral education and MacIntyre's conception of the common good. MacIntyre himself deploys Aristotelian language to articulate Marx's contrast between civil society and objective activity:

> In activities governed by the norms of civil society there are no ends except those which are understood to be the goals of some particular individual or individuals, directed by the desires of those individuals … By contrast, the ends of any type of practice involving what Marx calls objective activity are characterizable antecedently to … the desires of particular individuals … Individuals discover in the ends of any such practice goods common to all who engage in it, goods internal to and specific to that particular type of practice, which they can make their own only by allowing their participation in the activity to effect a transformation in the desires which they initially brought with them to the activity (1998, p. 280).

In Aquinas's doctrine of natural law, MacIntyre finds a set of precepts specifying the "preconditions of rational inquiry," for a communal life organized around the pursuit of goods held in common. In this way, Aquinas's natural law doctrine becomes the basis for MacIntyre's politics. The most explicit statement of the political character of the natural law occurs in the essay, "Natural Law as Subversive: The Case of Aquinas," an essay devoted to showing that natural law is equally at odds with local prejudice and centralizing power. MacIntyre writes,

> The exceptionless precepts of the natural law are those which, insofar as we are rational, we recognize as indispensable in every society and in every situation for the achievement of our goods and of our final good, because they direct us toward and partially define our common good (1996, p. 68).

MacIntyre repeatedly describes the precepts of the natural law as constitutive of practical, communal deliberation. Aquinas famously argues that the precepts are underived, first principles. MacIntyre construes this claim in the following way. The precepts are underived in the sense that they are presuppositions of the very activities in which we must engage if we are to make progress in the life of virtue. MacIntyre highlights the communal and pedagogical character of law. To enact the precepts of the natural law, one must be a member of a community "whose members... recognize that obedience to those standards that Aquinas identified as the precepts of the natural law is necessary, if they are to learn from and with each other what their individual and common goods are" (1998, p. 247).

Conformity to the precepts provides an initial formation of the passions, whose education is crucial to the cultivation of virtue (1996, p. 80). Aquinas himself responds in pedagogical terms to the question whether it is useful for human beings to frame laws (*ST*, I-II, 95, 1). Human beings, he states, attain the "perfection of virtue by training" and law supplies a crucial part of that training. For example, whenever Aquinas addresses the issue of private property, he justifies it not in terms of rights antecedent to civil government, but in light of the common good. The role of laws regarding property is to "accustom men to give of their own readily" (*ST*, I-II, 105, 2). Yet, it is not clear that Aquinas would countenance anything like a Lockean account of private property; indeed, as MacIntyre has urged, Thomas's subordination of private property to the common good provides a basis for critique of contemporary practices.[8]

We should also notice that, while Aquinas assumes some sort of private property will be extant in any large-scale regime, he does not specify precisely how this practice is to be shaped or regulated. Indeed, while his conception of natural law may rule out certain types of activities as always destructive of the communal good, he is also aware that the positive embodiment of the goods recognized in the natural law is subject to nearly infinite variation. The astute observer may be able to detect analogies between the specific ways in which the good is embodied in an array of social and political conditions, but he will avoid formulaic accounts of the good.

Although they are not in a position to formulate laws for themselves, the slaves do indeed have experience of common deliberation and communal education in the virtues. It is precisely this sort of unified participation in the common good that most frightens the slaveholders. In Douglass's *Narrative*, slaveholders do everything in their power, in the name of the Gospel of course, to destroy a Sabbath school in which Douglass studies scripture with fellow slaves and in which many learn to read. "I had at one time over forty scholars, and those of the right sort, ardently desiring to learn. They were of all ages…. They were great days to my soul. The work of instructing my dear fellow-slaves was the sweetest engagement with which I was ever blessed" (1977, pp. 79-80). He describes the "society of fellow slaves" as "noble, brave souls." We were, he writes, "linked and interlinked with each other"; Douglass's fellow inquirers constitute a community of souls jointly sharing and recognizing goods held in common.

Douglass's writings also illustrate another thesis of MacIntyre's, one which he previously resisted but has lately come to insist upon, namely, that it is in the right sort of practice-based relationships that we begin to understand and enact our telos as rational animals.[9] The language of nature,

particularly of its horrifying violation in the practice of modern slavery, is a staple of much of 19th century literature. The contradictions between slavery and the order of nature call to mind Alexis de Tocqueville's examination of slavery at the end of the first volume of Democracy in America, in a chapter entitled, "On the Three Races." Tocqueville detects greater evils and more insidious forms of tyranny in modern oppression of peoples than in the ancient forms. The Indian and the Negro races, both of which suffer tyranny, endure their subjection in very different ways. The Indian, captivated by the "alleged nobility of his origins," resists conformity to the point of self-destruction and thus exhibits an "extreme of liberty" (1955, volume 1, p. 346). By contrast, the Negro, who has been systematically deprived of the memory of his country, his language, and his mores, has been so debased by the "habit of servitude" that he "peacefully enjoys the privileges of his servility" and "barely feels his misfortune." He thus embodies an "extreme of servitude" (p. 346).

Tocqueville reserves his strongest language of moral approbation for the practice of slavery in the American South, a practice in which "the order of nature is overturned" (pp. 396-397). This is one of the rare instances in *Democracy in America* where "nature" carries normative, moral force. To his moral critique, Tocqueville adds an economic one. In the long run, slavery involves fiscal failure. In the inevitable elimination of slavery, "interest and morality are in accord" (p. 380). Yet, Tocqueville was not optimistic about prospects for the elimination of slavery through the pedagogy of self-interest rightly understood. The perversion of slavery is perhaps nowhere more evident that in its resistance to reform through rational persuasion. As Lincoln would come to realize, the spread of slavery in America presents a glaring example of the limitations to enlightened self-interest.

Tocqueville's rhetoric here is bitterly ironic. Not long after he comments on the superiority in "enlightenment, power, and happiness" of the white man to the other races inhabiting America, Tocqueville states bluntly of the white treatment of the Indian, that it is "not possible to destroy men while better respecting the laws of humanity." But the insidiousness of modern slavery is even more dramatically evident in the white treatment of the Negro. Tocqueville notes that ancient slavery was not peculiarly connected to racial difference and did not exclude the education of the slave. Modern slavery, however, is linked in a "lethal manner with the permanent fact of racial difference." Even more telling is the way modern politics has "spiritualized despotism and violence," by enchaining not just the body but the mind as well (pp. 371-372 and 395).

One might be inclined to speak, not just of the limitations of the enlightenment but also of its distortions and deceptions. Douglass, DuBois, and Tocqueville engage the enlightenment but end up deeply suspicious of its rhetoric. All three might welcome MacIntyre's quasi-Marxist critique of liberalism:

> Even if the Marxist characterizations of advanced capitalism are inadequate, the Marxist understanding of liberalism as ideological, as a deceiving and self-deceiving mask for certain social interests, remains compelling. Liberalism in the name of freedom imposes a certain kind of unacknowledged domination, …which in the long run tends to dissolve traditional ties and to impoverish social and cultural relationships. Liberalism, while imposing through state power regimes that declare everyone free to pursue whatever they take to be their own good, deprives most people of the possibility of understanding their lives as a quest for the discovery and achievement of the good (1998, p. 258).

In order to confirm its own lies, the self-deceiving mask, as MacIntyre calls it, must enforce ignorance in those whom it deems inferior.[10]

On this issue, Tocqueville anticipates Douglass. A distinctive element of slavery in the American South is its refusal, on pain of grave penalty, to allow slaves "to be taught to read and write" (1955, volume 1, p. 395). So contrary to nature is slavery, Douglass holds, that to make a contented slave, it is necessary to make a thoughtless one. It is necessary to darken his moral and mental vision, and, as far as possible, to annihilate the power of reason. He must be able to detect no inconsistencies in slavery; he must be made to feel that slavery is right; and he can be brought to that only when he ceases to be a man (Douglass, 1977, p. 95).

In this case, a divided will, the anguish of seemingly insoluble conflict, is to be preferred to a simple unity that would result from the hollowing out of human desire and self-understanding.

The theme of doubleness or twoness is central to the writings of W.E.B. DuBois, whose book, *The Souls of Black Folk* is perhaps the most beautiful book ever written by an African-American and among the best ever written by any American (DuBois, 1989). At various junctures in his book, DuBois describes the veil separating black from white America. The color line, is not, however, a neat division between the white and black worlds; especially for black America, the attempt, coerced or voluntary, to live in the white world creates a fissure in the soul, the twoness underscored in the use of the plural "souls" in the title: *The Souls of Black Folk*. "Such a double life, with double thoughts, double duties, and double social classes, must give rise to double words and double ideals, and tempt the mind to pretense or revolt, to hypocrisy or radicalism" (1989, p. 142).[11] Although it is a source of anguish and temptation toward irrational violence against others and against the self, the divided state of twoness is superior to a precipitate unity that can take one of two, equally desperate forms: pretense or revolt, hypocrisy or

radicalism. DuBois lays out the possible paths for an imprisoned group in response to a dominant and oppressive culture: the subjugated people can adopt three possible attitudes: revolt and revenge, conformity, or a determined effort at self-realization (1989, p. 34). In contrast to conformity's passive acquiescence in enslavement, vengeful revolt seems active and productive. But it cannot see its way beyond its current enemy, whom it allows to set the terms of debate and battle. Against these two extremes, Douglass argues for a third way, a determined effort at self-realization.

The third way bears some resemblance to MacIntyre's conception of the resolution of a conflict of traditions. It is important to see that for MacIntyre a tradition is a site of ongoing rational debate over both means and ends, debate that is triggered by internal disputes over how to best articulate and achieve its internal goods and external challenges from rival traditions. Thus, every working tradition will confront questions both about its own perceived inadequacies and about its ability to respond to rival conceptions. Along the way, it will produce a "set of reformulations, reevaluations, and new formulations and evaluations, designed to remedy inadequacies and overcome limitations" (1988, p. 354). As has been noted by some commentators, DuBois aims in the *Souls of Black Folk* to make the large portions of the western canon his own. His goal is to overcome the chief contemporary conflict in the tradition, the battle over the color line, by exhibiting the full humanity of the Negro race. DuBois's voice pointedly yet gracefully exhibits the weaknesses and limitations, the blindness and the vice, of each race. He is particularly intent on showing the way the vices of the dominant, white culture have paralyzed or even reversed the human progress of both races. Lack of awareness of doubleness applies as much to the white as to the black race.

DuBois attempts to overcome a conflict of tradition not simply by exhibiting his mastery of the authoritative texts and voices of the western tradition, but also by establishing his own voice within the tradition, a voice that extends the tradition in unanticipated ways. His claim is that in so far as others follow his reinterpretation of tradition in light of contemporary dilemmas, they will see that the tradition is, as MacIntyre puts it, "less vulnerable to dialectical questioning and objection" (1988, p. 359).[12]

Although he engages classical and American texts and themes, DuBois is arguing that contemporary America is deeply at odds with the great animating truths taught by Socrates and St. Francis and that the west can be saved from its own current self-destructive tendencies only by learning from what MacIntyre calls "an alien tradition." In this case, the alien tradition "both explains why...the crisis had to happen as it did and does not itself suffer from the same defects of incoherence or resourcelessness" (p. 365).

That alien tradition is most evident in the culminating chapter of *Souls*, "The Sorrow Songs," DuBois' plaintive and elegant examination of "the Negro folk-song—the rhythmic cry of the slave." The content and location of the chapter constitutes a response in advance to a common objection to the thought of DuBois. Precisely because he has such a penetrating understanding of the major themes of western thought and because he values the sort of education he himself had, DuBois is sometimes accused of elitism or of subordinating the distinctive voice of black America to that of the mainstream western tradition. But *Souls* ends with an appeal to the tragic artistry and transcendent spiritual appeal of the songs of the slaves, "a message naturally veiled and half articulate." The paradox could not be more striking or the indictment more palpable.[13] America's highest longings, indeed the noblest aspirations of human nature itself, reside in that portion of American humanity most reviled by mainstream America.[14] An artistic and spiritual accomplishment "has been neglected,…has been, and is, half despised, and above all…persistently mistaken and misunderstood." DuBois does not celebrate this alien voice simply because it has been unduly neglected and unjustly oppressed. The sorrowful songs of the slaves embody the supreme virtues of the human creature:

> Through all the sorrow of the Sorrow Songs there breathes a hope—a faith in the ultimate justice of things. The minor cadences of despair change often to triumph and calm confidence. Sometimes it is faith in life, sometimes a faith in death, sometimes assurance of boundless justice in some fair world beyond. But whichever it is, the meaning is always clear: that sometime, somewhere, men will judge men by their souls and not by their skins. Is such a hope justified? Do the Sorrow Songs sing true? (1989, p. 186).

For the songs to sing truly, they must to some extent sing for all of us. Thus, DuBois engages for himself and others in the task of translation, in the appropriation of an alien discourse as at once other and yet as becoming one's own. The goal, as MacIntyre notes, is to come to possess a second first language. In this language, we find, according to DuBois, a strange confirmation of the universality of human nature and of the link between the highest and the least longings of the human heart. The confirmation serves as much to unsettle as to buttress contemporary assumptions. In this way, the songs put before us the task of remembering, a task central to the natural law tradition of Aquinas. Indeed, a kind of forgetfulness, whose source is bad habits and corrupt customs, is the proximate cause of the erosion of the natural law from the human heart (*ST*, I-II, 94, 6). Such memories are radical in the etymological sense that they take us back to the roots of culture and politics. Their affirmative thrust, however, is always tenuous and, given our

penchant for vice, the songs will in some measure cultivate a subversive and disruptive memory.

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NOTES

1 All references to Aquinas are from the *Summa Theologiae*, parenthetically referred to as *ST*; translations are my own.

2 MacIntyre is quire clearly aligning himself with those Thomists, such as Charles DeKonninck, who advocated a strong sense of the priority of the common good. For a discussion of a variety of Thomistic conceptions of the common good and for helpful clarification of the meanings of "common good" in Aquinas's own thought, see Greg Froelich (1989, pp. 38-57).

3 "In Defense of St. Thomas: A Reply to Fr. Eschmann's Attack on the Primacy of the Common Good" (1957, pp. 133-196) and 16 (1960, pp. 53-69 and 169-188). For a recent examination of the debate among Thomists over the common good, see Mary M. Keys, "Personal Dignity and the Common Good: A Twentieth-Century Thomistic Dialogue" (1995, 173-196). For an argument that Aquinas's political theory avoids the "shallow individualism of liberal theory and the social determinism of communitarian theory," see E.A. Goerner and W.J. Thompson "Politics and Coercion" (1966, pp. 1-28).

4 See, for example, *Whose Justice? Which Rationality?* (1988, pp. 349-369). For a response to the charge that MacIntyre is a political conservative, see Kelvin Knight's "Revolutionary Aristotelianism" (1996).

5 In this, modernity fails on its own terms. "Instead of the ever widening educated public of the democratic intellect," which Enlightenment theorists had predicted would be the result of liberalism, "we have the mass semiliteracy of the television audience" "An Interview for Cogito," (1998, p. 272).

6 Indeed, contemporary liberalism may itself be at odds with important features of the African-American struggle. In "Rawls and Liberty of Conscience," Andrew Murphy cogently argues that underlying Rawls's liberalism "is, at best, a belief-action split that has historically worked against liberty of conscience; at worst, a scheme of repression and self-censorship which renders comprehensive doctrines meaningless" (p. 250). Of course, that history is not congruent with MacIntyre's dogged antipathy to human rights, since African-American struggles were indisputably about rights and greater inclusion within the nation-state.

7 This does not of course entail for Aquinas that the entirety of the natural law is abolished. Indeed, a system such as slavery could not flourish in the way it did in the American South without doing so under the guise of morality. Thus, the general precepts, the approval of notions such as justice and the protection of the innocent, remain operative. But they are abolished in application to this group, to whose unjust oppression the dominant community is blind. This conflict between general and intermediate or particular is the precise source of the terrifying perversion of the natural, moral order.

8 See the preface to the re-release of *Marxism and Christianity* (1984).

9 The argument of *Dependent Rational Animals* is that philosophical biases, rooted in a distinctively western celebration of rational autonomy and a Lockean conception of the person, have led certain strains of contemporary liberalism to defend policies of unjust

exclusion. In this book, MacIntyre retracts his earlier rejection of natural teleology and depicts the virtues as constituting the "form of life" appropriate "for beings biologically constituted as we are." The book seeks to recover a greater sense of the "animal conditions" of human agency and of the "nature and extent of human vulnerability and disability" (p. x). If the turn to natural teleology seems a novelty to readers accustomed to MacIntyre's defense of an historicist, social teleology, it is nonetheless something of a return. In "Notes from the Moral Wilderness," first published in *The New Reasoner* in 1958, MacIntyre argued that the bridge between morality and desire, severed in a variety of ways on modern thought and life, is the Marxist conception of human nature. He writes, "Capitalism provides a form of life in which men rediscover desire in a number of ways…One meets the anarchic individualist desires which a competitive society breeds in us with a rediscovery of the deeper desire to share what is common in humanity, to be divided neither from them nor from oneself, to be a man" ("Notes from the Moral Wilderness," reprinted in *The MacIntyre Reader*, pp. 46-47).

[10] For a reading of Tocqueville that contains striking parallels to MacIntyre's analysis of liberalism, see Sheldon Wolin, *Tocqueville Between Two Worlds* (2001).

[11] Tocqueville, it is instructive to note, spoke of the African as "suspended between two societies" and "isolated from both peoples" (1955, p. 344). See Wolin, 2001, p. 270 and following.

[12] Indeed, on many counts, for example, his understanding of liberal education, DuBois displays a superior understanding to that of his contemporary Americans. See not only "On the Wings of Atalanta" in *Souls* but also the collection of writings in *DuBois on Education*, edited by Eugene Provenzo (2002).

[13] The paradox and the indictment, as David Levering Lewis notes, are woven into the entire structure of *Souls*. The pairing throughout of Negro spirituals with European verse advances the "then-unprecedented notion of creative parity and complementarity" of whites and blacks. DuBois not so subtle point was that "until his readers appreciated the message of the songs sung in bondage by black people…the words written in freedom by white people would remain hollow and counterfeit" (1993, p. 278).

[14] As Shamoon Zamir notes in his book, *Dark Voices: W.E.B. DuBois and American Thought, 1888-1903*, the "historical knowledge" embodied in the spirituals "reverses the flow of knowledge and power" from any kind of elite and "the black masses" (1995, p. 171).

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CHAPTER 7

GRIFFIN TROTTER

IS THERE A DISTINCTIVE AMERICAN VERSION OF NATURAL LAW?[1]

Throughout its heyday, natural law thinking was always synchronized with the reigning science of nature. Classical natural law theory—from Aristotle to Cicero—reflected the teleological worldview of Greeks and Romans. Roman Catholic natural law adjusted itself to a science of nature self-consciously founded on the Christian moral order sanctioned by a personal God. And enlightenment natural law reflected empirical, mechanical and mathematical turns in natural science. But the enlightenment naturalism of Bacon, Newton, Leibniz and Darwin is being overturned by a bewildering non-linear naturalism in which chaos, complexity and emergence have become dominant concepts. Is there a likely candidate for a natural law theory that embodies this new naturalism? And, if so, what are its tenants and its points of contact with the older versions of natural law?

These questions constitute the focus for my paper. I will argue that classical American political thought and the philosophy of American pragmatism—especially as it appears in the work of Charles Sanders Peirce—contribute to an American version of natural law that provides such a likely candidate. American natural law, as here conceived, is characterized by the same bottom-up concepts—chaos, complexity, and emergence—that occupy the cutting edge in contemporary naturalism. In this respect, the American version is distinct from earlier, top-down (classical and Roman Catholic) or mechanistic (Enlightenment) accounts of natural law. Especially prominent in the new thinking is a shift from viewing physical and ethical laws as trans-historical absolutes. American natural law views them as dynamic, emergent habits or regularities.

On the other hand, distinctive continuities with older versions remain. Like most of its predecessors, American natural law holds that moral principles are founded in a natural order, and hence denies the existence of a

Mark J. Cherry (ed.), The Death of Metaphysics; The Death of Culture: Epistemology, Metaphysics, and Morality, 151—165.

"naturalistic fallacy." It mediates the tension between Enlightenment mechanics and Roman Catholic/classical teleology by introducing an account of emergence that affirms bi-directional causality between things simple and things complex. That is, on this view complex things—like communities, moral systems and economies—are as distinct and real, and potentially as efficacious in the regulatory order (i.e., as efficient and final causes) as the simpler interactions upon which they depend.

In the first and lengthiest section, I will introduce the concepts of chaos, complexity and emergence, and relate them to Charles Peirce's account of the natural emergence of physical and ethical laws. Next, I will characterize salient features of James Madison's political vision and relate them to the notion of emergent complexity we have fashioned from Peirce. In the concluding section, I will partially flesh out the American version of natural law by observing two of its prominent features: the church/state division and deliberation as *modus vivendi*.

1. CHARLES PEIRCE AND THE EMERGENCE OF NATURAL LAWS

"Where chaos begins, classical science stops." Or, so claims James Gleick in his best-selling book *Chaos*, published in 1987. Gleick refers here to the power of chaos theory to explain phenomena that classical science had previously ignored or shoved aside because they seemed too random or diffuse to yield to scientists' careful analytic methods. The problem with classical science, most chaos theorists agree, resides largely in the linear,[2] reductive[3] character of these "analytic methods"; i.e., their tendency to round off the fuzzy connections between what they choose to study and the rest of reality (which they bracket), and their (often implicit) assumption that "the whole" can be derived simply by explaining the behavior of its individual parts.

Chaos, we all know, implies the privation of order. Order consists in the conditionalization of phenomena to yield stable and recognizable entities, parameters, series, types, patterns and so forth. Two varieties of order seem to be at odds in chaos theory. On the one hand, there is order as rule governance (this form of order being at the core of all natural law theory). On the other hand, there is order as derivability. Generally these two species of order are regarded as mutually reinforcing or even inter-convertible. One can derive the weight capacity of bridges, for instance, because bridges obey the rules of mechanics, and these rules allow us to perform the necessary computations. In the face of this neat alliance between rule following and derivability, chaos theory defiantly describes processes in which simple rules of progression beget immense and un-derivable complexities. The

explanatory power of chaos theory has been exhibited in logic, computer science, physics, and elsewhere. In essence, chaos theory tells us that simplicity and rule governance beget complexity and bring us, at least sometimes, to the brink of chaos.

As I understand it, "the brink" is an important qualifier. As long as rule governance pertains in some way—despite the futility in trying directly to perceive it—then we are not plummeted completely into chaos.[4] Another important feature of recent chaos theory is the suggestion that things begin in chaos, and that order gradually or episodically supervenes. Hence, we have a double movement: from chaos to order, then, at least in some instances, back to the edge of chaos.

The transition from early versions of chaos theory, which were deficient in explaining the emergence of order from chaos, to contemporary versions that emphasize it, was catalyzed by the study of self-organizing complex adaptive systems. In his book *Complexity*, particle physicist M. Mitchell Waldrop relates the thought of complexity theorist Doyne Farmer on this transition:

> "After a while, though, I got pretty bored with chaos," says Farmer. "I felt 'So what?' The basic theory had already been fleshed out. So there wasn't that excitement of being on the frontier, where things *aren't* understood." Besides, he says, chaos theory by itself didn't go far enough. It told you a lot about how certain simple rules of behavior could give rise to astonishingly complicated dynamics. But despite all the beautiful pictures of fractals and such, chaos theory actually had very little to say about the fundamental principles of living systems or of evolution. It didn't explain how systems starting out in a state of random nothingness could then organize themselves into complex wholes. Most important, it didn't answer his old question about the inexorable growth of order and structure in the universe (1992, pp. 287-288).

The explanatory quest required an account of the emergence of complexity through self-organization. I will briefly outline features of such an account that are salient for my purposes in this chapter.

A "self-organizing" regulatory system is a system that generates an increase, or maximization of certain processes or parameters through non-linear interactions and a shifting regulatory structure. The enhanced processes and parameters are its ends. In "adaptive" systems, such as biological organisms, societies and economies, ends are both constituted and promoted through the response (adaptation) or the inclination to respond (adaptability) to environmental perturbations by adjusting decisions, actions, system structures and regulatory order to achieve a kind of dynamic stability.[5] Hence, self-organizing complex adaptive systems can be regarded as richly instrumental; i.e., differentiated by processes that serve simultaneously as both means and ends.

The term "complexity" denotes the intricate labyrinth of elements, functional domains and patterns that characterize many self-organizing systems. "Emergence" denotes the manner in which complex, ordered systems evolve from simple, non-orderly beginnings. Examples of emergent complexity include the evolution of species from the pre-biotic soup, the occurrence of neighborhoods and specialized trade centers in cities, the rise of sociopolitical movements that decimate, then rebuild cities and states, and the lives of simple organisms like slime molds.

Studies of the emergence of complexity from simplicity are difficult to undertake, since they are predicated on the retention, rather than the elimination or control, of the various connected elements, forces and chances that operate together in real-world phenomena. Traditional linear methods shave off these connections through various methods of generalization, approximation, aggregation, abstraction and experimental control. Complexity research focuses on the connections. Its fundamental postulate is that we can never understand or predict complex phenomena by deduction from the shaved-off formulas. No matter how we combine, enhance, or imaginatively project them, we will always fall short.

Despite all the headaches, computers have had at least one salutary effect. They have unleashed the study of complexity and emergence.[6] As a rather typical representative of my generation, I maintain a studied ignorance of the inner workings of computers. But what is significant for the current discussion (and what even I can understand) is that computers offer a non-linear method of making predictions.[7] We can program in simple characters and rules of behavior, then let the computer show us the consequences—not by deduction, but by *behaving* in accordance with our instructions.[8] Simple programs often produce an elaborate series of abruptly shifting complex states, sometimes ostensibly stable, but never reaching a final equilibrium (for instance, weather and non-equilibrium economic simulations). Other programs (for instance, certain ecosystem simulations) bring us to the edge of chaos, where they slide along in a subtle series of shifting states that beget the illusion of a stable equilibrium—right up until the time of a major shift. And there are programs (for instance, simulations of slime mold coalescence) where order emerges quickly and remains stable until input changes. In each case, beginning with a simple set of programmed habits, we are able to explain, and potentially predict, immense complexities that have been opaque to traditional, linear analysis.

Charles Peirce, I submit, would have hated annoying advertisements, meandering chat groups and software incompatibilities even more than most of us do. But he would have loved the simulations. One of the most

outstanding and dominant features of Peirce's pragmatism—and of the thought of related thinkers such as William James—is the insistence on maintaining connections. Peirce expressed this in his cosmology as synechism—the doctrine that everything is connected. By characterizing "radical empriricism" as the doctrine that connective elements in experience are as real as the "resting places," James expressed much the same idea (1977, p. 136). The pragmatists' synechism and radical empiricism anticipated chaos theorists by almost a hundred years.

Complementary to Peirce's synechism is his doctrine of tychism or "absolute chance," which consists essentially in the hypothesis that order and regularity have proceeded (or can proceed) from a non-ordered milieu—that is, from chaos. "Absolute chance" is equated with "chaos" because both denote the privation of order. In Peirce's cosmology, chaos can be nothing other than pure Firstness, or totally unstructured wild psychic being (Peirce is a panpsychist)[9]—without space, time, agency or (in Peirce's technical sense) existence.

Complexity emerges, on Peirce's account, from the one primordial law of the cosmos—that, amidst chaos, things coalesce and take on habits. The occurence of ideas, objects, things, or, in systems terminology, levels, is coextensive with the emergence of experience and of space and time, and is denoted by the term "Secondness." Habits are regularities that govern the connections and interactions between things, a feature that Peirce terms "Thirdness." Because everything is connected, habits interact, compete and grow. In well-established, stable habits—such as the laws of physics—the psychic quality deadens. In dynamic, shifting, actively growing habits, it tends to be accentuated. Considering ideas as protoypical Seconds, Peirce writes:

> Logical analysis applied to mental phenomena shows that there is but one law of mind, namely, that ideas tend to spread continuously and to affect certain others which stand to them in a peculiar relation of affectability. In this spreading they lose their intensity, and especially the power of affecting others, but gain generality and become welded with other ideas (1992, p. 313).

In key respects, this analysis anticipates current accounts of chaos, connectedness, emergence and self-organizing complex adaptive systems. Basic parallels are too obvious to warrant explication. But several deeper similarities bear notice. First, just as systems theorists have recognized the emergence of levels—or complex isolatable components—as a primary problem for the development of their theories, so Peirce proceeds in his account of the "Law of Mind" directly from the fundamental law to the problem of individuation. Second, Peirce and successful systems theorists—especially those such as John Holland who work in artificial intelligence—have

recognized that learning and growth require bottom-up grappling rather than central control. Hence, they reverse many of the usual ethical, economic and political formulas by emphasizing the emergence of cooperation from competition, and of spontaneity from chance. Most importantly, Peirce and contemporary complexity theorists both understand that dynamic continuity implies the possibility of fluctuation and, ultimately, adaptation in the habits, or regulatory orders, that govern minds and systems. Consequently, as Peirce observes, the doctrine of continuity is of a piece with fallibilism—the idea that no truth claim is epistemically certain. Peirce writes:

> The principle of continuity is the idea of fallibilism objectified. For fallibilism is the doctrine that our knowledge is never absolute, but always swims, as it were, in a continuum of uncertainty and of indeterminacy. Now the doctrine of continuity is that *all things* so swim in continua (1955, p. 356).

Should we wish to construct a Peircean account of natural law, it would begin with notions of tychism (chaos), synechism (continuity), and growth (emergent complexity), and proceed by principles of fallibilism, adaptivity, and the strife of ideas and habits. Natural law ethical theory would on this account concern the shifting array of concepts and habits that govern human behavior insofar as behavior is related to interpretations of right and wrong or what is good in itself. This bottom-up account would not forsake teleology. After all, to be adaptive, minds and systems need some end, reward or goal toward which they adapt. For Peirce, the germ of this *telos* resides in the "Law of Mind"—but the full reality comes to fruition only in the final, existentially unobtainable end of inquiry. The tenets of Peirce's complexity theory (in common with the tenets of most contemporary complexity theorists) entail that we cannot accurately characterize this *telos*, or predict its occurrence. Though Peirce hypothesizes a reconstructed Lamarckian account of the evolution of the *telos*, involving a personal God, it is beyond our scope to quibble about the content of an evolutionary epistemology. Perhaps the *telos* is divinely ordained. Perhaps not. Natural science cannot decide the issue. For our purposes it is enough to establish that a Peircean account of natural law is plausibly consistent with prominent versions of contemporary naturalism, and that a *telos* is part of that account.

The specifically American quality of this account is evinced not so much by the fact that Peirce was an American, but by the way similar ideas operated—before Peirce—in the American founding. Just as Peirce was not the first thinker to muse on the concepts he systematized, so most of the ethical and political ideas in American natural law did not originate in American thought. But Americans were the first to implement them systematically. To explain, I turn to the thought of James Madison.

2. JAMES MADISON AND THE FOUNDATIONS OF AMERICAN NATURAL LAW

In *The Nature of Economics*, Jane Jacobs observes that—despite the absence of a concept of "feedback" in the terminology of his day—Adam Smith discovered and advanced this crucial feature of complex adaptive systems. Jacobs writes: "In his sober way, Smith was clearly excited about the marvelous form of order he'd discovered, as well he should have been. He was far ahead of naturalists in grasping the principle of negative feedback control" (2000, p. 104).

Without question, James Madison was influenced by Smith—and largely accepted his "invisible hand" account of adaptive regulatory order, even while resisting many of the socioeconomic implications of Smith's program.[10] Another of Madison's intellectual forerunners—Baron Montesquieu—had an even more profound influence. From Montesquieu, Madison adapted the notion of countervailing powers that functioned so prominently in his vision of constitutional government.

The theory of countervailing powers is predicated on a notion that has become a staple for contemporary naturalists and system theorists: that salient forms of emergent behavior can be produced by non-linear interaction of agents who have no explicit concern for the salient ends. Cooperation and mutual benefit can arise from rivalry and competition; needed goods and services can be supplied by processes undertaken for other purposes. Viewed broadly, Madison's three-level system of government is an attempt to meet social needs by creating simple rules of political interaction that function neither to transform moral agents nor directly to fulfill needs, but rather to create salient forms of emergent behavior. No doubt, Madison felt that some degree of virtue was necessary for the sustenance of the republic. But he was a realist who recognized that politics tends to produce self-interested factions. And he was prescient enough to understand that needs are always shifting. Hence, politics as character maintenance, or as a non-adaptive system of fulfilling static needs, can never succeed.

As for virtue, Madison viewed it in the same manner that he viewed the system of laws enacted by legislators—as an emergent ordering device that operated at different levels in society. Virtue is enacted at levels of individual morality, interpersonal relations and civil society. Optimally it will be present in our leaders. But laws are not formulated for the inculcation of virtue. They operate in the political sphere, and aim at fulfilling social needs—especially the need for protection from external malefactors—

through the production of cooperative alliances between mutually contending parties. Hence, Madison writes in *The Federalist Papers*:

> It is in vain to say that enlightened statesmen will be able to adjust these clashing interests and render them all subservient to the public good. Enlightened statesmen will not always be at the helm. Nor, in many cases, can such an adjustment be made at all without taking into view indirect and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another or the good of the whole (Federalist #10, p. 60).

> Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature that such devices should be necessary to control the abuses of the government. But what is government itself but the greatest of all reflections on human nature? (Federalist #51, p. 349).

> In the extended republic of the United States, and among the great variety of interests, parties, and sects which it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good (Federalist #51, pp. 352-353).

For Madison, the primary difficulty in good government is the challenge of establishing a relatively simple system of political rules that will produce desirable forms of emergent social behavior. He well knew that emergent behavior is difficult to predict. Hence, he believed that the political system, just as the directives it produced, must be adaptive, and somehow pre-designed to promote its peculiar political ends. Among these ends, Madison ranked the protection from aggression, freedom from arbitrary government interference, and the prerogative to believe and act in accordance with one's own, distinctive moral vision, at the top of the heap. That was the meaning of "life, liberty, and the pursuit of happiness" as Madison understood them.

These ends were important for Madison—and for political descendents like Henry Clay and Abraham Lincoln—because they constitute conditions for higher forms of human flourishing; that is, for realizing a human *telos* that can be understood and grasped only at a higher, supra-political level of natural organization. Madison understood that visions of this *telos* vary immensely, and will continue to vary. That is the meaning of moral pluralism (or "sects" and "factions" in his terminology). So Madison stuck with the basic conditions.

His thinking coheres deeply with contemporary naturalism, as I have described it; not merely because of the obvious parallel between conceptions of complexity and emergence, but also because Madison understood the radical contingency of all systems, and of the levels and ordering devices that characterize them. The ends of government, for Madison, were just such ordering devices—and hence he regarded them as historically contingent

and potentially revisable (though such radical revisions might require a transformation to new forms of government). This attitude appears to be distinctly American, at least with regard to its prominence in American origins. And it is ensconced in the most prominent lines of the Declaration of Independence: "we hold these truths to be self-evident."

No one ever used that phrase before 1776. In fact, it must have been regarded by its international audience as almost laughable. If truths are self-evident, any competent philosopher of the day would have recognized, then there is no need to announce that "we hold" them to be such. But Madison and his compatriots viewed even self-evident truths as fallible, historically situated propositions. As Michael Zuckert has so elegantly argued:

> The language, the logic, and the historic connections of the Declaration all point to the same conclusion: the truths announced in the Declaration are not self-evident, nor are they pronounced to be. They are rather to be held as if self-evident within the political community dedicated to making them effective. The truths must serve as the bedrock or first principles of all political reasoning in that regime. While they stand as the conclusion of a chain of philosophical or scientific reasoning, they must stand at the beginning of all chains of political reasoning (1996, p. 49).

Despite brilliant insight, Zuckert misses on one point in this passage. America's first principles are not the result of a chain of philosophical or scientific reasoning, or even of a multiplicity of distinct chains. They are emergent ordering devices. But he is right about the rest—including his conception that these truths found "chains of political reasoning." For purposes of completeness, he could have added: "these chains of political reasoning are part of a complex regulatory order, in which they interact with other regulatory devices, such as moral visions, cosmologies, instincts, acquired prejudices, and manifold other precipitants of organization, to produce emergent social behavior. Linear political analysis, it seems, supervenes on non-linear historical processes. And it helps beget them.

3. AMERICAN NATURAL LAW: PAST, PRESENT AND FUTURE

As a political theorist, one of Madison's most sustained and well-worked-out positions is his doctrine of the separation of church and state. His thinking on this topic stands in stark contrast to many contemporary American theorists, Madison's being far more consistent with the features of American natural law I have elaborated thus far.

In a nutshell, his position is that churches and governments occupy distinctly different levels in the regulatory order of an efficient and effective constitutional democracy. There should not be an official, state-sanctioned church. That does not mean, for Madison, that religious concepts have no

place in public or political dialogue, or that political movements should be severed from religious ones. To be sure, Madison's own brand of Protestantism inclined him to believe that religious beliefs were largely a private affair—concerned with matters of personal morality that hinged on a dyadic relationship with between the believer and God. These private matters were not for the state to dictate.

But Madison also recognized that political visions emerge from moral visions, and that whichever forces combine in the emergence of the latter are relevant, at least indirectly, to the former. Politics and morality are connected. Though they function at relatively discrete levels in democratic systems, the concepts, images and terminology that characterize one will always flow steadily into the other. Hence, for Madison, the language of public discourse was not envisioned as a neutral *lingua franca*, utilizing terms that neatly and concisely reflect citizens' overlapping, common commitments and beliefs. To the contrary, the language of public discourse, like the ends and means it is utilized to debate, was viewed by Madison as an object of contention—messy, dynamic, and constantly up for grabs. The state sanctioned no particular church, and no particular content-full moral vision. That disjunction was necessary not because it was possible or desirable to sever government from morality and religion, but because there are inevitably many moral systems and many churches. Madison thought that they should be able to compete—not merely for their favored political agendas, but also for citizens' hearts and minds. When certain religiously-grounded ideas gain prominence, it was inevitable and uncontroversial for Madison that they would seep into the political landscape. How else could he remain sanguine about the frequency of their appearance in the political discourse of his own day?

Now contrast the ideas of contemporary theorists such as Amy Gutmann and Dennis Thompson. On their view, public discourse requires strict limitations on language and terminology. No one should be allowed to argue in terms that others could not accept in principle. Religious terminology and ideas are usually distilled out of the mix, on this view, because they often hinge on particular, content-full moral visions that are not accessible to discourse partners, who will not adopt the disputed moral vision (Gutmann and Thompson, 1996, pp. 55-57). The obvious elephant in the living room is that it would be impossible to construct the neutral public vocabulary that Gutmann and Thompson propose, since moral concepts are too vague and shifting, and too intricately connected to an effusion of divergent moral visions, to ever stabilize into discrete, neutral, public-ready concepts. They fail to recognize this obvious social reality because they fail to recognize (or fail to acknowledge) the manner in which they have imported precepts

of their own egalitarian, secular humanist moral vision into the proposed vocabulary.

Part of the problem is that Gutmann and Thompson believe that when "citizens deliberate, they seek agreement on substantive moral principles that can be justified on the basis of mutually acceptable reasons" (1996, p. 55). This may be the case for some citizens, some of the time. But such content-rich agreement is certainly not the primary aim of public discourse. As Madison understood, public discourse aims, above all else, to make decisions about what to do. As long as citizens can agree that certain speed limits should be imposed, or certain trade barriers eliminated, they generally do not care whether or not fellow citizens share the same inventory of reasons.

This consideration leads us to a second important feature of Madison's natural law thinking: he believes that public deliberation, legislation, and government in general are concerned with the production of a workable *modus vivendi*. While deliberativists like Gutmann and Thompson, discourse ethicists like Jürgen Habermas, and process bioethicists like Jonathan Moreno, insist continually on the centrality of forging a moral consensus, Madison was skeptical about the prospects for deep and widespread moral consensus, and frightened by the thought that a small collection of political elites might try to inflict their own particular moral consensus on the rest of the republic. Without doubt, he thought that governments are founded on moral consensus about general ends—manifested in the case of the United States by agreement, even to the point of apparent self-evidence, about natural rights to "life, liberty and the pursuit of happiness." However, beyond these foundations, most of the work is done by negotiation and compromise. Just as moral visions supervene on complicated social processes, political decisions and structures supervene on interactions between diverse and divergent agents who are unlikely to agree about deeper things. It is the business of government to ensure that these interactions do not directly harm citizens or infringe on their liberties, and to structure a system that facilitates the emergence of adaptive public institutions.

The complex, bottom-up social order that results is more like an emergent biological system or an advanced artificial intelligence than it is like the static, command-and-control structures that dominate failed economic, political, neuropsychological and social theories. "Natural rights" are distinguished from other habits of social order, not because they occupy some privileged, trans-systemic realm of moral truth, but because of their relative stability within a given social system. "Natural law," as a realm of moral and/or political order, is a similarly stable collection of social habits—and similarly revisable as needs, belief systems, and resources shift amidst

the gradual but relentless processes of human growth. Like physical laws, natural moral and political laws emerge from natural processes, as ordered complexity gradually supervenes, then rolls on its chaotic underbelly.

American natural law diverges from prior versions of natural law primarily in its insistence that moral precepts, as natural laws, are emergent sociobiological habits or natural ordering devices. The stability of such natural laws at best approximates the stability of biological characteristics such as omnivorous feeding habits and familial bonding. They are less stable than characteristics such as sexual reproduction, and far less stable than the laws of physics. But they share with these more stable analogues the same natural origin in emergent complexity and its most fundamental principles: that things are connected, that things and connections become complex, that certain connections naturally reinforce themselves, and that every thing and every connection is susceptible to change.

Every previous version of natural law insisted on permanence. Thomas Aquinas opined (*Summa Theologica*, 1947, 1-2, Q. 94, A2, p. 1009) that "the precepts of the natural law are to the practical reason what the first principles of demonstration are to the speculative reason, because both are self-evident principles." For Aquinas, these precepts were universal and permanent features of human nature. Cicero agreed, and so did Locke.[11] But, for American natural law, as for the contemporary naturalism that it reflects, laws are never permanent, even when we regard them as self-evident or use them as first principles. The apparent exception—fundamental principles of emergent complexity—operate at a deeper level, but presumably are also subject to change. Our conception of these fundamental principles can be regarded only as a theoretical formulation, and hence fallible and revisable.

A consequence of this doctrine of contingency and impermanence is that American natural law thinkers are less likely—or should be less likely—to globalize their moral intuitions. From this standpoint, international human rights, global rules of trade, and such, are liable to be regarded suspiciously (though not necessarily ruled out). The new natural law is also less likely to ensconce particular moral visions into top-down political systems, planned economies, or other bastions of central control. It will be humble in its predictions, and hesitant to coerce. And it will inevitably generate more controversy, more incongruent theories, and more abrupt departures than earlier natural law theorists could ever abide.

But, with their predecessors in classical, Roman Catholic, and Enlightenment natural law, proponents of American natural law are confident in the authority of nature, hopeful that—despite its elusiveness in space and

time—there may be an ultimate, finest sense of nature, and open to the suggestion that nature is, in the end, God's handiwork.

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NOTES

[1] Portions of this paper are adapted from the evolving manuscript of my book, *Clutches of Security: A Pragmatic, Regulatory Systems Approach to the Justification of Coercion in Mass Casualty Medicine*.

[2] The rationale for the linear versus non-linear metaphor, and its connection to chaos theory, is evinced in the study of fractal geometry, which refuses, for instance, to measure the length of certain species of curves (e.g., those such as coastlines with a fractal dimension of greater than one) by summing a series of line segments pre-designated at a certain scale. For a classic overview, see Benoit B. Mandelbrot, *The Fractal Geometry of Nature* (1982). For our purposes, the essence of "linear" reasoning consists in: (1) the tendency to construct discrete entities and abstractions by severing connections, and (2) the endeavor of explaining or predicting phenomena by deductions based on theorems and formulas that incorporate such entities and abstractions. In the measurement of coastlines, arbitrary segmentation imposes a man-made order that distills little sub-curves, juttings and peninsulas out of the picture.

[3] From a philosophical vantage point, one of the most interesting reductionist projects was the effort of Russell, Whitehead and others, near the turn of the century, to show that mathematics could be completely derived from simple rules of formulation and inference. Kurt Gödel repudiated this idea by proving that some simple mathematical systems are irremediably incomplete (i.e., they contain theorems or statements that cannot be assigned truth values within the system). As M. Mitchell Waldrop observes, Alan Turing used much the same argument to show that some simple computer programs are undecidable (i.e., "you can't tell in advance if the program will reach an answer or not"). See M. Mitchell Waldrop, *Complexity* (1992, pp. 328-329).

[4] Observing that living organisms (especially adaptive ones like humans) "are not deeply entrenched in the ordered regime," Stuart Kaufmann suggests that biological systems tend to evolve to the edge of chaos. See Waldrop, 1992, pp. 302-303. For now this suggestion is merely an intriguing but unproved hypothesis.

[5] This account is strongly influenced by C.A. Hooker, *Reason, Regulation, and Realism: Toward a Regulatory Systems Theory of Reason and Evolutionary Epistemology* (1995). See especially pp. 12-14.

[6] The internet itself is not a good model of complexity, as it is essentially non-ordered. However, attempts to order all or part of it—such as Google's search engines and Barnes and Noble's suggested readings programs—are fascinating applications of systems theory.

[7] Often the predictions are rather tentative—telling us, for instance, that certain things will inevitably happen when the circumstances are right, but not giving us precise probabilities for its occurrence in our own world of complex and incompletely inventoried circumstances. Weather models are an example.

[8] Sometimes the instructions we give to computers are formulated as conditionals, applied as deductions—as, for instance, in Newell and Simon's general-purpose computer model of human cognition. The forms of complexity that result in the simulations, however, are not necessarily achieved simply by a linear series of deductions. They represent the interaction of deductions (e.g., as they influence one another in quasi-neural feedback loops). In the effort to approximate sophisticated biological processes such as learning,

John Holland improved on the Newell-Simon model by: (1) eliminating static symbols (for this he replaced Newell-Simon symbols with strings of characters), (2) eliminating the "central control" assumption that dominated earlier thinking in artificial intelligence, (3) increasing behavioral adaptability by eliminating the emphasis on consistency—manifested in earlier artificial intelligence models by elaborate "conflict resolution" rules—and introducing competition between rules, and (4) introducing an element of spontaneity and chance. (See Waldrop, 1992, pp. 181-18.)

[9] Though Peirce did not employ a consistent, technical usage of "being" (as he did for "existence" and "reality"), my usage here is consistent with his. For instance, Peirce writes: "In the idea of being, Firstness is predominant, not necessarily on account of the abstractness of that idea, but on account of its self-containedness… The first is predominant in feeling, as distinct from objective perception, will, and thought" (1955, p. 79). In the same passage, Peirce relates Firstness to Kant's sense manifold and to ideas of "uncontrolled variety and multiplicity." It is important to understand that Peirce's panpsychism does not imply pan-thought-ism.

[10] See Lance Banning's discussion of Madison's resistance to intensive economic change in *The Sacred Fire of Libery: James Madison & the Founding of the Federal Republic* (1995, pp. 61-63). Banning here cites Madison's use of natural law arguments, as well as agreements and contrasts with Adam Smith. Also noteworthy on the relation of Adam Smith's thought to contemporary systems theory, is the use of Smith's metaphor—the "invisible hand"—by contemporary complexity theorists dealing with non-economic issues. See, for instance, Waldrop, 1992, p. 313.

[11] Locke wrote that "the obligation of the law of nature holds its force undiminished and unshaken throughout all ages and over the entire globe," and further that it "is not a private or positive enactment [jus] which has arisen to meet a particular circumstance and a present advantage, but a fixed and eternal rule of conduct, dictated by reason itself, and for this reason something fixed and inherent in human nature" (1990, p. 227).

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CHAPTER 8

WILLIAM J. ZANARDI

WHY DID THE PRINCIPLE OF DOUBLE EFFECT APPEAR IN THE WEST?

Writers within the natural law tradition share at least two basic assumptions: (1) there is a common humanity (or human nature) which (2) makes possible universally valid moral principles. Among the formulated norms of this tradition is the principle of double effect (hereafter PDE). The following essay responds to three questions about this principle: (1) As it emerged historically, what ties did PDE have to a particular religious tradition? (2) Can it have had such historical roots and still be reflective of a "common humanity"?[1] (3) If PDE has such parochial roots, how can it be part of what is said to be a set of universally valid moral principles?

These questions provide a specific instance of the more general question that bedevils most discussions of the natural law: If there is such a common or universal moral law, why is there so much diversity in moral beliefs and practices? Perhaps, if PDE is shown to be defensible independently of the assumptions of a particular religious tradition, the same analysis may be useful in answering the more general question.

What follows is, first, a speculative genealogy offering a plausible reconstruction of the reasons for the emergence of PDE in Christian moral theology. Then the question is how this historically emergent principle may reflect common moral experiences and insights beyond those of any particular religious tradition. Next is the response to the question of how "locally" formulated principles may have a universal validity. This response is followed by remarks that qualify the usual way of talking about the natural law in terms of "principles." These qualifying remarks address the broad question of reconciling talk of a universal moral law with the fact of diversity in moral beliefs and practices.

Mark J. Cherry (ed.), The Death of Metaphysics; The Death of Culture: Epistemology, Metaphysics, and Morality, 167—181.

1. WHY THE PRINCIPLE OF DOUBLE EFFECT APPEARED IN THE WEST

Central to understanding PDE is the distinction between intended and unintended consequences of actions.[2] In popular language, I can know that by doing one thing I can achieve something good or prevent something evil and at the same time also know that my action will yield an effect that is harmful. However, as long as the intended purpose of my action is only the former, the secondary effect will not be imputable as a moral fault. As examples, one can think of the defense of "collateral damage" in wartime, the defense offered by conscientious legislators in voting for an omnibus bill even though they find parts of it morally repugnant, the outcomes of some medical procedures that save a woman's life though they result in a miscarriage.

To some this distinction has seemed verbal legerdemain, a splitting of hairs, a rationalization that obscures an agent's moral responsibility for the *full range of foreseen consequences* flowing from deliberate actions. These reservations are not without merit.[3] However, rather than directly joining this long-running debate, I would like to investigate what may be a hidden problematic that historically motivated interest in and defense of PDE in moral theology. In other words, I am suggesting that PDE reflects and responds to difficulties implicit in Christian moral theology. What are those *generative difficulties*?

Let me begin by sketching a series of theological assumptions that have characterized most forms of Christian theology. Attempts to reconcile certain types of moral choices with these assumptions will, I believe, define the implicit problematic.

1. Whatever exists is the creation of a divine Creator.
2. A creation that contains intelligent moral agents capable of understanding themselves and other entities and of conforming their actions to their best moral judgments requires a Creator who is intelligent and moral.
3. A universe created by an intelligent and benevolent God is completely intelligible and good.

Given these assumptions, we can wonder whether in such an intelligible universe persons ever face "complete" or strict moral dilemmas. By "strict dilemmas" I mean situations in which persons would be morally obligated to take *positive* actions involving the deliberate doing of some moral evil.[4] But are persons ever so obligated? If the answer is affirmative, then how is the universe completely intelligible and good? If the doing of moral evil is ever morally required, how can the universe be an intelligible order?[5]

The details of the problematic can be succinctly stated: moral evils are unintelligible, and so they cannot be positive features of an intelligible order. So, if being is completely intelligible, no moral agent must ever face a strict dilemma. In short, the theological assumptions cited above seem to rule out there ever being a strict moral dilemma.

Objections abound. Advocates of *political realism* can cite any number of cases in which the wish to do good in all things is at odds with what is possible and politically responsible. Constrained by circumstances beyond their control, political leaders claim that they must sometimes do things that, according to ordinary morality, are morally wrong.[6] In addition, popular literature has no shortage of stories of "tough choices" that leave actors with the options of either doing one evil to prevent a greater evil or allowing the greater evil to occur by refraining from action.[7] Since fiction and hypothetical cases are not proof of what in fact occurs but only of what we can imagine, any strong objections will cite actual cases. The fields of medicine supply such cases. For example, the allocation of scarce life-saving resources on the basis of likelihood of benefit will discriminate predictably against the elderly. But harmful acts of ageism, like those of racism and sexism, are prima facie morally blameworthy.[8] Even the non-controversial cases cited in medical texts may be troubling upon closer inspection. For instance, PDE is often employed in defending the administering of pain medication to terminally ill patients even though doing so hastens death. But is there an occasion when an increase in dosage is no different from terminating a life? Can the intending of the one outcome (pain relief) but not the other (death) really be all that clear cut?

So persons sometimes face terrible choices. Think of the burden of deciding who gets into the lifeboat and who is allowed to drown, of either choosing to pursue enemy combatants into civilian areas or allowing them to escape, of decreasing government spending during inflationary periods even though the human costs of higher unemployment are predictable; e.g., increases in cases of domestic violence, divorce, and suicide.

What guidance regarding such cases is available within traditional moral theology? Debates as early as the third century A.D. produced one guideline: Persons cannot justify doing a moral evil even if it is way of preventing some supposedly greater evil. For example, Christians were not to lie in order to save their lives when Roman persecutors inquired about their faith. Acts of commission were then distinguished from acts of omission. One need not volunteer for martyrdom by publicly revealing one's faith when no one asked the question (hence an act of omission is justifiable). But, if the question was put and responding was unavoidable, a lie was not justified. This distinction prepared the way for a traditional stance. When moral agents

face a "tough choice" between doing a moral evil to prevent a greater harm and refraining from doing that "lesser" evil, they should choose the second option. Failing to act may allow some evil to occur, but the moral agent faced with such limited options will not have done anything morally culpable either by commission or by omission. The moral fault will lie with those responsible for the actual commission of the greater harm.[9]

Objections will still arise since acts of omission are often instances of morally culpable behavior. But these objections need not detain us since our focus is on PDE, and it seems relevant only to cases involving acts of commission. That is, it applies to cases in which positive acts are potentially justifiable even though some foreseen evil consequences result from them. While the full range of such positive acts is indeterminable, it seems that any pertinent case will have at least two characteristics: (1) some act of commission is thought to be obligatory and/or justifiable even though (2) one foresees harmful consequences following from it. A third characteristic should probably be noted. The harmful consequences should be of the type that ordinarily would make an act morally indefensible. For example, the act of killing someone or of betraying a trust would, in isolation from other considerations, be morally unjustified.[10] PDE comes into play when such harmful consequences are so-called side effects of an act. The principle would not seem to be needed when an act proceeds from a choice between competing goods; e.g., choosing between increasing employee salaries or increasing returns to investors. But the principle seems relevant when the choice is between downsizing one's workforce, thereby harming employees' dependents, and retaining those employees despite predictable losses to one's investors. While some may hold the old maxim of choosing the lesser or least evil (*minima de malis eligenda*) is relevant in this case, I think it obscures the key issue: Is one doing a moral wrong no matter which choice one makes or is one choosing to protect one good while neglecting another?

If we accept the earlier theological assumptions, we must conclude at a minimum that harmful consequences by themselves do not make an actor morally culpable. Such a conclusion is not controversial when the harms done were unforeseeable by the actor. But what of cases in which harms were foreseen? Again, the advocate of PDE will point out the distinction between intended and unintended consequences or between deliberately chosen outcomes and *foreseen but not willed* side effects. However controversial the distinction may be, it is perhaps a secondary maneuver. What is basically being defended is the assumption that this is a moral and intelligible universe in which human actors are responsible for making sense and not nonsense of their lives. Perhaps a parallel problematic and its "resolution" set something of an example for this appeal to a distinction

between intended and unintended consequences. The old question was how a loving Creator could create a world in which sin and its effects could occur. The traditional resolution was to acknowledge that God could create (be responsible for) only the good, but that He could choose to allow unintended evils.

In summary, strict moral dilemmas, were they to occur, would entail nonsense and so be at odds with some basic theological assumptions. Hence, PDE emerged and was defended as a way of reconciling basic beliefs and troubling cases.

2. COMMON HUMANITY AND THE PRINCIPLE OF DOUBLE EFFECT

The preceding account of the origins of PDE as a response to assumptions within traditional Christian theology seems plausible. Still, the association of the principle with the Natural law tradition returns us to the earlier question of whether it reflects anything of the "common humanity" assumed by that tradition. At issue is whether the principle can be explained and defended independently of any particular religious tradition and its assumptions.

Does PDE reflect and respond to a problematic, or set of questions, not generated by theological assumptions? In the following paragraphs I will suggest that it does because (1) it reflects an understanding of how strict moral dilemmas, no matter how imaginable they may be, would be unintelligible; and (2) its distinction between intended and unintended consequences represents an understanding of how some "constrained" moral acts that yield harmful consequences are nevertheless intelligible and justifiable.

When we ask *why* persons did something they knew they could and should avoid doing, we are anticipating finding a reason for their behavior.[11] But a little reflection may detect how what is anticipated is never to be found, i.e., a reason for irrational behavior or a justification for unjustifiable action. A generalized negative insight may eventually follow: Why-questions about the deliberate doing of moral evil are unanswerable since the doing is unintelligible. If there were a positive answer to the why-question, then the action would be excusable and so not a moral evil. But, if there are strict dilemmas that require deliberate positive acts that are morally evil, they would not be intelligible actions. Absent rationalizations and excuse-making, an inquirer would be left with a matter-of-fact that was unexplainable. But is this not what we face in every instance of moral fault?

While this section is supposed to be free of theological assumptions, an adaptation of Augustine's notion of evil as *privatio boni* may be useful.

What every instance of moral fault has in common is the absence (privation) of intelligibility. This much is ascertainable by reflection on common human experiences and insights. While not all will escape the "picture thinking" that confuses the imaginable and describable with the intelligible and explainable,[12] there is some evidence that the incessant why-questions of five-year olds are not totally forgotten by adults. Some adults will recognize that why-questions about immoral acts are pointless.[13] All the same, many adults miss this basic insight. Consider how the popular media tend to handle lurid cases of serial killings. Assuming questions of moral and legal sanity have been settled in the affirmative, reporters often proceed to ask the why-question about a defendant's bloody acts. The usual "guesses" are not worth reviewing; perhaps what needs reviewing are common experiences of rationalizations for bad behavior and subsequent dismissals of them as "no excuse." At least on some occasions most of us still have an unarticulated awareness of how moral faults have no intelligibility.

To connect this general negative insight with a "secular" understanding of PDE, we can revisit the remarks about how strict moral dilemmas would entail nonsense. The "nonsense" can be indicated by noting how a strict dilemma would lead to a logical contradiction. Such a dilemma would involve a *moral* obligation to do what was morally evil.[14] Translated into the language of "duty," it would mean a duty to violate one's duty.[15] But does this make any sense? While persons often have competing obligations or duties, to rank one above the others may involve no more than to pursue one good or to avoid an evil while failing to promote or to avoid alternatives. This is far from claiming that when duties conflict one is obligated to take positive actions that are morally evil. Here again the distinction between acts of commission and those of omission proves useful. So perhaps a benefit of PDE is that it provides a way of talking about conflicts among duties without talking nonsense. When all goods cannot be equally well protected and all evils effectively deterred, human decisions can still make sense. The distinction within PDE between intended and unintended consequences may be what allows this.

Previously I suggested that this distinction was a secondary maneuver to keep faith with basic theological assumptions. Now the question is whether this distinction can be defended without reference to those assumptions. Some insights from child psychology offer one path of inquiry. Early on in life most persons learn the relevance of "intention" in evaluating moral responsibility. But the distinction is learned not innate. Very young children first evaluate the blameworthiness of acts in terms of the "quantity" of harm done. For example, a child will judge the *accidental* breaking of five dinner plates a greater wrong than the *deliberate* breaking of a single plate. In time,

however, intention (a form of the lawyer's *mens rea*) becomes decisive in evaluating personal moral responsibility.[16] Now what PDE presupposes is precisely this emergent moral insight: intent does make a difference in moral culpability. Still, there are complications. A person's moral culpability is usually negligible when the harm done was unintended and unforeseen. But the cases to which PDE is relevant are those in which the harm is foreseen even if unintended.

To return to an earlier puzzle: can the distinction between intended and unintended (yet foreseen) consequences deflect the weight of the charge that one is responsible for "the *full range of foreseen consequences* flowing from deliberate acts"? In a legal setting one may be held responsible for unforeseen consequences, especially if the courts have found the outcomes might have been foreseen.[17] The standards of moral culpability tend to be more lenient. The fact that one did not foresee, even though with more careful reflection one might have foreseen, eventual harm may mitigate personal responsibility.[18] But PDE is relevant to cases where harms are in fact foreseen. In these cases, the actor responsible for the effects is not judged to be morally responsible. So "responsible" seems to be used in two different ways, to have two different meanings. As an efficient cause one is responsible for the harm done, yet, as not intending the harm, one is not morally responsible for it. Can this differentiation between types of responsibility be defended on the basis of the presence or absence of intent?

The example above of dish-breaking supports the relevance of intent in judging moral responsibility. Judging who were the efficient causes will treat both dish-breakers similarly, but judging their moral blameworthiness will treat each case differently because intent or its absence is a relevant dissimilarity. The basic argument here depends on an analysis of spontaneous human performance in generalizing. Aristotle formulated the key insight into the process of generalizing about cases: "Similars should be similarly understood." This same generalized insight is implicit in his principle of formal equality: "Treat equals equally and unequals unequally in proportion to their differences." So does the presence or absence of intent make cases dissimilar in relevant ways? If the issue is the moral culpability of an individual, the presence or absence of intent is commonly recognized in legal proceedings as relevant in judging the responsibility of the individual. If the issue, however, is judging the merits of a policy, the presence or absence of intent may be deemed irrelevant since a policy commonly is judged on the basis of outcomes. So intent is, in secular terms, at least, sometimes a relevant dissimilarity.

To conclude this section: without relying on theistic assumptions, we can defend PDE as consistent with an understanding of moral living as

intelligible; i.e., moral acts do not involve contradictory stances or "a duty to violate one's duty." Further, the key distinction between intended and unintended consequences reflects a developed moral understanding of how intent does make a difference in assessing personal moral and legal blameworthiness. Presumably "developed" means a change for the better, so developed and historically emergent insights, independent of theological commitments, are the basis for approving of intention as a relevant measure of personal responsibility and for citing its absence as relevant in exonerating an actor.

3. HISTORICALLY "LOCAL" BUT UNIVERSALLY VALID?

Recall the second question at the beginning of this essay: If PDE emerged within the context of Christian moral theology, are its "local" roots at odds with the common humanity that the natural law tradition assumes is the basis of its principles? Then there was the third question: How can something be parochial in origin yet universally valid? If the alternative to distinction is confusion, we need to differentiate between questions of genesis and questions of validity. Every concept has a history. For example, the ideal of the moral equality of persons has not been universally recognized though it plausibly claims a universal validity. In other words, the understanding of persons as deserving of consideration and respect emerges in some places and at some times but has a purported validity independently of those locales and periods. So it is we now fault slavery as a policy, not just for our times but as morally defective at any time.[19] Analogously, chemistry has a history, but we do not expect chemical compounds to vary according to differences in space and time lest there be a different periodical table for every difference in locale and age.

The distinction between questions of genesis (or historicity) and questions of validity enables us to identify the emergence of PDE within a particular theological tradition without limiting its validity to that same tradition. The same is true of the insight into "intent" as pertinent in assessing personal responsibility. The insight emerges within a process of human development, but that does not mean its validity is restricted to a population which has undergone this development. For example, in the *ordo cognoscendi*, persons may only slowly learn that slavery is morally wrong and so may in some cases be morally blameless for their endorsement of slavery. However, in the *ordo essendi*, the validity of subsequent judgments about the evils of slavery is independent of the variable perspectives of ages and cultures.

What Section 2 argued was that PDE reflects common moral experiences and insights that are not limited to a particular religious tradition. Section 3

has further diminished the importance of the question of local origins by distinguishing the questions of genesis and validity. Still, we should not lose track of a more fundamental question: Is human moral experience, regardless of religious tradition, intelligible or absurd? To affirm the reality of strict dilemmas is to affirm the latter. It seems that PDE is part of the defense of the other option.

4. THE CONTENT OF NATURAL LAW

The introductory remarks promised that a concluding set of comments would: (1) qualify the usual talk of the natural law in terms of "principles," and (2) relate the preceding analysis of PDE to a broader question about the natural law: How is talk of a universal moral law compatible with the fact of diversity in moral beliefs and practices?

Moral principles are formulations of generalized insights, and the generalized insights are answers to questions about similar cases. But then principles are products of a process that begins with questions about specific cases, proceeds to questions about similarities among cases and then sometimes leads to formulating answers as general principles. Now to identify the natural law with the end products of this process of inquiry will be to ignore more basic steps in the inquiry. For example, PDE (as explicated in four distinct conditions or criteria for a morally defensible act involving harmful effects)[20] has its genesis presumably in (1) various questions about and insights (both specific and general) into options and their consequences, (2) an inquirer's theological assumptions, (3) questions about how to harmonize the former and the latter, and (4) answers to these questions. In short, PDE is a product of a series of questions and answers, first about individual cases, then about a class of cases, and finally about how various theological beliefs help one to understand such cases.

Obviously, the raising and answering of questions "takes time." To admit this much is to begin to recognize the "historicity" of the natural law. What might this mean? At a minimum, it means that any understanding of the natural law develops over time. Secondly, any formulation of one's understanding of the natural law (in the form of principles?) will have a history. Thus, even if a formulation is stable over time, the words first uttered in one century and repeated without change in a later century may provide the exegete with different meanings. This possibility gives rise to the common warning that simple repetition of formulations is not evidence that one knows the mind of an earlier author.[21]

But historical variations in wording and/or meaning would seem to undercut claims that the natural law is universally accessible or knowable.

Perhaps this criticism is avoidable if the basic content of natural law is not identified with formulations. In the search for what is invariant within the natural law, the recurrent conundrum is that, whenever one puts into words what one claims is invariant, the objection quickly follows that this is just one expression among many, one formulation out of an indefinite number of possible formulations.[22] Far from being invariant, the selected wording will be open to any number of rewordings.

One way around this difficulty is to locate the invariant element of the natural law in what precedes formulated statements. Gregory Baum favored this strategic maneuver when he wrote:

> In the first place, the expression "natural *law*" has suggested to many that the principle of morality is present in us as some kind of formulated law or set of laws. It has sometimes created the impression that a good philosopher should be able to write down a list of the universal norms which make up this "natural law" in us. In reality, however, the natural law is the deep inclination of man to be faithful to himself, the orientation of man to grow and mature, to seek the truth and to do good. This basic orientation is in us, not in a conceptualized form, not as a set of laws, but as a direction which our reason, reflecting on experience, is able to discover (Baum, 1971, p. 201).

The appeal of this approach lies in its recognition of a performance that precedes any formulated principles or laws. A deficiency in this approach is its vagueness in referring to "a deep inclination of man to be faithful to himself" and a pre-conceptual "orientation…to seek the truth and to do good."

Another twentieth-century thinker, Bernard Lonergan, offered a far more detailed account of such an orientation and its resulting performance. In his monumental *Insight*, he surveys the search for understanding in the sciences and in common-sense living, but his primary goal is to invite readers to find in themselves the invariant and structured performance that is presupposed by every product of inquiry. Still even more fundamental than this structured performance is the dynamism of human intentionality as a spontaneous reaching for an understanding and an effective embodiment of what is true and good. But the reaching is dynamic, and a differentiated understanding of it emerges slowly in human history. So Lonergan wrote:

> …the structure of our knowing and doing expresses the conditions of being an authentic person; but this structure is a matter of being attentive, being intelligent, being reasonable, being responsible; accordingly there are four basic precepts that are independent of cultural differences. Moreover, since the actuation of the structure arises under social conditions and within cultural traditions, to the four there may be added a fifth, Acknowledge your historicity (1984, p. 27).[23]

Whether Lonergan succeeds in identifying the core meaning of the natural law is a question better suited to the beginning than to the end of a paper.

The limited purpose here has been to suggest that formulated principles are not that core meaning. Furthermore, there was a promise made at the beginning of this essay to relate its analysis to a broader question: How is talk of a universal moral law compatible with the obvious diversity in moral beliefs and practices?[24] If the previous remarks about "principles" and "laws" are kept in mind, some progress can be made on this question by employing the old distinction between the *ordo cognoscendi* and the *ordo essendi*.

Recall that moral principles, as the formulated products of prior inquiries, have a history. If the natural law is identified with these formulations, then expressions of its content will be liable to criticism as historically variable and not universally recognized or accepted. But it is in the *ordo cognoscendi* that persons first have questions and only later come to answers and formulations. Along the way all sorts of personal and cultural variables will condition inquiries so that they come to different insights and expressions of them. Yet, if answers to moral questions are ever correct, then in the *ordo essendi* inquirers will have reached what is true independently of such variables. This much was implied in the preceding section where the question of genesis and the question of validity were distinguished. So the first question is: Do moral inquiries ever reach correct answers? An affirmative answer is unavoidable if one consults one's own performance since moral judgments on courses of action are not deferred or second guessed indefinitely. But then the next question is whether any of these answers to specific questions are generalizable as universally valid principles? Caution, again, is needed in distinguishing between a generalized insight and its formulation. While a formulation may be an adequate or an inadequate expression of the insight, the latter may be closer to the core of the natural law. But then how can anyone say what it is? Any attempt to say directly what this content is will remain liable to the standard objection about optional and variable expressions. Formulations are not invariant but historically emergent and mutable. Perhaps, then, the search for the core content of the natural law is best focused on the searching itself; i.e., on the performance of inquirers intent on understanding and embodying what is true and good prior to formulations.

Are we left with two contrasting positions? As formulated in principles, the natural law is historically variable since inquiries and their expressed results are historical and variable. But, in the *ordo essendi*, any content of the natural law that is affirmed in a correct judgment will not be a historically contingent truth; rather, it will be a statement of what is true independently of variable times and places. Can we really have it both ways: the natural law as both variable and invariant?

This would seem to be one challenge to any contemporary theory of the natural law. If the historicity of human inquiry, learning and expression is taken seriously, then whatever one says about the natural law will be a variable. The only alternative seems to be to focus attention on the intentional operations that precede formulations.

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NOTES

[1] On the question of the independence of the natural law from religious revelation or theistic conviction, see Boyle, 1999, p. 111.

[2] This is the second of the four conditions often cited in regard to justifying actions from which both good and bad effects follow. "(1) The act itself must be morally good or at least indifferent. (2) The agent may not positively will the bad effect but may merely permit it. […] (3) The good effect must flow from the action at least as immediately (in the order of causality, though not necessarily in the order of time) as the bad effect. In other words, the good effect must be produced directly by the action, not by the bad effect. Otherwise the agent would be using a bad means to a good end, which is never allowed. (4) The good effect must be sufficiently desirable to compensate for the allowing of the bad effect" (Connell, 2003, p. 880). The *locus classicus* for the emergence of PDE is Aquinas, *Summa Theologiae* II - II, q.64, a.7.

[3] I understand Alan Donagan's position to be representative of this last objection: "an action is identical with the causing of each and every consequence to which the doer's agency in doing it extends" (Donagan, 1977, p. 160).

[4] Aquinas' distinction between perplexity *simpliciter* and perplexity *secundum quid* is relevant here. "Strict dilemmas" are instances of the former but not of the latter. If prior moral faults have produced circumstances in which one is forced to do further evils, the resulting perplexity *secundum quid* does not raise the question of justifying either choice but only challenges one to offend against the lesser moral rule. For a discussion of this point, see Donagan, 1977, pp. 144-145.

[5] Kierkegaard's famous reading of the story of Abraham's willingness to sacrifice his son at God's command makes clear that a universe in which one is obligated to do moral evil is non-rational. How should one read this biblical narrative? At a minimum perhaps one should read it as an imaginative story that emphasizes the rigors of faith. At the same time one need not treat it as historical fact lest one confuse whatever persons can imagine with what is intelligible or in need of explanation. Absent this distinction between what we can imagine and what we can understand, theological conundrums endure. Recall, for example, the old puzzle: Can God create a rock so heavy that He cannot lift it?

[6] As examples of political realism and its defenses, consider the following claims. It may be necessary to lie to one's own citizens in order to avoid embarrassing and losing an important ally; it may be advisable not to warn innocent civilians of imminent dangers lest one alert enemies that their military codes have been broken.

[7] The movie "Sophie's Choice" may come to mind as such a story of "tough choices." My memory of the story is that Sophie could choose to save one child or could refuse to select between the two children in which case both would be killed. Does her positive act of choosing one make her responsible for the death of the other?

[8] For a brief suggestion of how such allocation may exhibit the use of PDE, see Boyle, 2002, p. 92.

[9] What many find puzzling about religiously based forms of pacifism is the refusal to kill in defense of large numbers of the innocent. Perhaps there would be less puzzlement if an often implicit theology of history were made explicit. What is history the history of? If it is assumed to be the story of achieving victory over enemies, e.g., finding pragmatic solutions to problems of injustice and exploitation, then pacifism would seem to be repeatedly guilty of sins of omission. But what if the story is fundamentally about divine call and human response? Then perhaps what is asked is faithfulness in doing good and not victory over enemies by whatever means. The complementary beliefs are: (1) the Lord of history does not abandon its victims *in perpetuo*; and (2) the reversal of historical evils requires the voluntary acceptance of suffering, the rejection of vengeance and the returning of good for evil.

[10] Alan Donagan makes this point when he asserts that PDE "becomes controversial when it is applied to cases in which the action of causing the bad effect is held to be impermissible when taken by itself" (1977, p. 159).

[11] Assumed here is a fairly conventional distinction between "motive" and "reason." The former term is commonly used in providing a psychological account of choices; i.e., in accounting for how persons are likely to behave. The latter term may be reserved for talking about the ethics of choice; i.e., accounting for how persons should behave. Hence, "reasons" are answers to normative questions while "motives" are answers to descriptive questions.

[12] Picture thinking is often presupposed by objections to the notion of *privatio boni*. For example, because a morally evil act and its consequences are imaginable, one may assume they must be a positive feature of what is real. But, then, have Augustine's years of struggle to distinguish between truth and imaginable "bodies" been repeated in the minds of those raising the objections?

[13] How is the why-question "pointless" in regard to moral wrongdoing? If moral fault is an instance of acting against one's best understanding of what one can and should do, does the why-question anticipate finding a "better" understanding than the "best"?

[14] In Aeschylus' "The Suppliants," the king of the Argives does not face a strict dilemma. In offering shelter to the suppliant women, he does expose his city to harm, but the harm done will be the responsibility of the rejected Egyptian suitors. The king may be accused of failing in his duty to protect his city, but his is an act of omission; i.e., failing to protect his city by handing over the refugees to their pursuers. His duties to the gods, his subjects and the refugees are in conflict, but his positive act of offering refuge is not morally evil.

[15] Kant was aware of and dismissed the possibility of this contradiction. "Since duty and obligation in general are concepts which express the objective practical necessity of certain actions and since two opposite rules cannot be necessary at the same time…it therefore follows that a conflict of duties and obligations is inconceivable [*obligationes non colliduntur*]." (Quoted in Donagan, 1977, p. 145.)

[16] The evaluation of policy decisions will, of course, disregard the intention of the policy-maker. Judgments about the moral character of a policy-maker may consider intention, but the merits of a policy must be judged on the impersonal grounds of actual

consequences. To confuse these two distinct measures seems to be a recurrent failing in political life. The history of U.S. foreign policy debates supplies unfortunate examples.

[17] Manufacturers of new products (e.g., drugs and automobiles) having unpredicted consequences have found themselves exposed to this sort of judgment.

[18] An example can be found in the ordinary behavior of consumers who purchase products of "sweat labor" or products made under dehumanizing working conditions. Their purchase may perpetuate harms, but most consumers blithely (innocently?) shop without asking further questions about the sources of their products.

[19] Note that variables of time and place may be relevant to assessing personal responsibility in the practice of slavery; e.g., persons may not understand why a practice is morally wrong. Personal responsibility is *ceteris paribus* relative to one's degree of understanding. Still, a policy or social practice is to be judged on its own merits and not on the intent or understanding of its users.

[20] See endnote 2 for these four conditions.

[21] The general criticism here was specifically leveled against thirteenth-century theology when a writer noted: "it lacked what we call the historical sense, namely, an awareness that concepts are functions of time, that they change and develop with every advance of understanding, that they become platitudinous and insignificant by passing through minds that do not understand…." (Lonergan, 1992, pp. 16-17).

[22] This difficulty is apparent in Eric Voegelin's search for the constants in human history. See 1990, pp. 115-133.

[23] In an earlier work Lonergan made much the same point by setting up a contrast between his account of the Natural Law and an earlier worldview. "Classicism…is not mistaken in its assumption that there is something substantial and common to human nature and human activity. Its oversight is its failure to grasp that that something substantial and common also is something quite open. It may be expressed in the four transcendental precepts: Be attentive, Be intelligent, Be reasonable, Be responsible" (1971, p. 8).

[24] For a lengthier review of this question, see Zanardi, 2004, pp. 101-113.

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Section III

Applications and Criticisms

CHAPTER 9

JAMES M. DUBOIS

HOW MUCH GUIDANCE CAN A SECULAR, NATURAL LAW ETHIC OFFER?

A Study of Basic Human Goods in Ethical Decision-Making

A good ethical theory prohibits all actions that are morally wrong, but no actions that are morally permissible. It avoids the vicious extremes of ethical over-determinism (that is, removing the discretion that prudential reasoning should enjoy), as well as ethical under-determinism (that is, encouraging prudential deliberation about things that are wrong).

Very few secular ethical theories could be accused of being overly deterministic. The universal principles that they offer are typically highly general (e.g., respect persons[1] or maximize the balance of goods over evils[2]), and the specific duties recognized are typically viewed as merely prima facie.[3] An example of a prima facie duty would be, "in general, one should not lie." But where lying is the only way to avoid an evil, where the evil avoided is significant, and the bad consequences of lying are minimized, then it will be viewed by many theories as permissible or perhaps even obligatory.[4]

One exception to this trend is new natural law theory. It offers more specific moral guidance than most theories, condemning entire species of acts such as lying, suicide, and contraception. According to new natural law theory, each of these species of acts violates the first principle of morality, namely, that one "remain open to integral human fulfillment" (Finnis, 1983, p. 76).[5] They do so because they involve acting directly against a basic human good,[6] an intuitively known aspect of human well-being. Such basic goods include life, knowledge, and play.[7]

Highly specific guidance—including not only prohibitions but also positive commands—is not at all unusual within religious ethical systems. But at least as developed by John Finnis, new natural law theory presents itself as a secular theory in at least two senses: it does not explicitly depend

Mark J. Cherry (ed.), The Death of Metaphysics; The Death of Culture: Epistemology, Metaphysics, and Morality, 185—197.

upon a revealed or religious framework, and it is supposed to be suitable for use in crafting the laws and policies of pluralistic states.[8]

While many individuals might welcome more specific guidance than the categorical imperative or the rule of utility offer, in what follows, I will argue that new natural law theory—with its doctrine that one may never act against a basic human good—falls into the error of over-determinism. While I will focus on new natural law theory, my criticisms actually apply to any secular natural law theory that analogously teaches that one may never act against a natural (for humans that means rational) inclination.

I build my argument in the course of considering four basic questions:

First, does the moral relevance of basic goods exist at the level of abstract goods or of real, instantiated goods? For example, is an act of having oneself sterilized wrong because it acts against an abstract good called "life" or some real good in the world called "fertility"?

Second, does the moral force of basic goods derive from their intrinsic value (from their being valuable in their own right like medieval pure perfections[9]) or rather from their beneficent character for human beings? For example, knowledge could be viewed as per se better than ignorance, or it could be viewed as better *for me* than ignorance.

Third, can an instantiated basic good or human capacity ever lose its beneficent character for a person? For example, can the basic good of life *as instantiated* in the form of fertility ever cease to be good for the fertile person? (Alternately, one might ask whether the basic goods are merely *prima facie* goods for an individual person.)

Fourth, is the application of the theory arbitrary as it defines moral objects, that is, species of moral acts? For example, is it plausible to say that sterilization *must* be described in terms that involve acting against the good of life whereas capital punishment can be described in terms that do not involve acting against the good of life?

In what follows, I will argue that a natural law theory loses its intuitive appeal and becomes ethically overly deterministic when one: (1) attaches moral relevance to abstract human goods rather than real human goods and capactities; (2) fails to see that instantiations of basic human goods are not always good for an individual; and (3) persists in arbitrarily defining species of acts with reference to abstract goods that are not included in the choices people make (i.e., they are not the object of the agent's intention).

1. QUESTION ONE: ABSTRACT OR REAL GOODS?

I am not interested in exploring debates over the ontological status of abstract entities. Regardless of their status, I assume that we can have

abstract knowledge of things like life, play and knowledge. My interest is rather in determining whether in making ethical decisions we should focus on basic goods like life as abstract or as really instantiated.

I think Finnis's stance is fairly clear: in practical and moral reasoning we are related to the basic goods primarily as abstract, generic values. This can be seen both in his general discussion of basic goods and in his analysis of the goods at stake in real moral decisions. First, consider his general discussion of basic goods:

> The pursuit or realization of any of the basic values is effected partly through physical routines … and partly through programmes ... But one's self-determination and self-realization is never consummated, never successfully and finally completed. And none of the basic aspects of one's well-being is ever fully realized … it is convenient to say that one *participates* in the basic values (1980, p. 96).

This view is consistent with his claim that sterilization acts against the basic good of life (Finnis, 1991, pp. 85ff.). This not only considers "life" in the abstract, but in a very broad abstract manner such that the good of life is instantiated not only by my own life but also by the capacity to play a role in generating new lives. In contrast, the real good or capacity that is at stake in sterilization is simply one's own fertility. It is not life in the abstract—a scholastic pure perfection—but a real capacity to co-generate life.

Approaching basic goods in the abstract when making ethical decisions has at least two problems. First, it is insulting to real beings—it denigrates them by treating them as mere instances of a type. When I fall in love and marry, I am not responding to an abstract value but to the real value of the woman I love. When a child dies, our loss is not the loss of "life" in general but the loss of an irreplaceable and absolutely unique child. No theory of natural law should count as adequate unless it understands the nature of human persons: their value is not merely the borrowed value of instantiating a type, but a real and unique value. Moral decisions made vis-à-vis other persons must take into account their real capacities and modes of flourishing, which are related to abstract types or kinds but not reducible to them.

Second, such an approach fails to appreciate the potential discrepancies that exist between abstract entities and real instantiations. For example, natural law ethics is premised on a specific notion of human nature: to be human is to be a free and rational being. However, small children or people with severe mental retardation are human yet limited in their rationality and freedom; in some cases these traits may be wholly lacking, and this fact is relevant to how we treat them (e.g., denying to them certain rights that others have, such as, the right to vote or marry—for their own protection).

2. QUESTION TWO: BASIC GOOD AS INTRINSICALLY VALUABLE OR AS GOOD FOR HUMAN BEINGS?

Things can be viewed as valuable in at least two different ways. For example, we can consider knowledge to be good in itself—as better than ignorance, as the sort of property we would expect a perfect being to possess, as something that is better to exist than not exist. This kind of value of a property or being is what phenomenologists like von Hildebrand call "intrinsic value" and they would attribute it to knowledge, personhood, love, beauty, and many other things considered in themselves.[10] Or knowledge can be considered in relationship to human beings as something that helps them to flourish. This kind of value, good, or importance is what von Hildebrand calls "objectively good for the person" (Hildebrand, 1972, chapter 7). (Note: Scholastics sometimes call the latter kind of goods "intrinsic goods" to indicate the fact that they can be rationally chosen as ends and not merely as means; but this still views the good in relation to human needs rather than in and of itself.)[11]

Finnis is concerned with basic goods as aspects of human fulfillment, that is, as objectively good for the human person. He writes that, "a man who is well informed … simply *is* better-off;" and the assertion that knowledge is better than ignorance is "a rational judgment about a general form of human well-being, about the fulfillment of a human potentiality" (1980, p. 72). He assumes that "if one attends carefully and honestly to the relevant human possibilities one can understand, without reasoning from any other judgment, that the realization of those possibilities is, as such, good and desirable for the human person" (1980, p. 72). This is the foundation of Finnis's approach to human goods; it is not the phenomenological description of knowledge as intrinsically valuable in the abstract as a "pure perfection" but rather as an aspect of human well-being, as a human possibility that is good to actualize. While this intuition of goods is, according to Finnis, a pre-moral intuition, it nevertheless provides the foundational understanding of basic goods that is operative in his moral theory (1980, p. 73).

3. QUESTION THREE: ARE INSTANTIATIONS OF BASIC GOODS ALWAYS GOOD FOR THE PERSON?

Can human capacities that instantiate an abstract basic good ever lose their beneficent character for a person? That is, is it possible that some human capacities—even while remaining valuable or pure perfections in the abstract, even while remaining abstract aspects of human fulfillment—could interfere with the integral human fulfillment of particular human being at a particular time?

I propose three examples of this:

Example 1: *Knowledge*. An 8-year old child is conscious and aware of what is happening to him. As he consciously lives through experiences, he gains knowledge of them and retains this knowledge in memory. He is able to use this knowledge to act—e.g., to react to painful stimuli and to avoid them in the future. He is about to undergo the first of a series of heart surgeries.

Example 2: *Play*. Two brothers are habitually late for school, are negligent in doing their household chores, and get too little exercise because they love to play chess and they play whenever they get the chance. Their school bus will arrive in 2 minutes. They have nevertheless just started a game of chess in which they are wholly immersed.

Example 3: *Life*. A 32 year-old pregnant woman with 3 children suffered a ruptured uterus during her last delivery. She has been informed that further pregnancies could endanger her life. While she ignored this for a time because she has great faith in modern medicine, she and her family will be moving to Ethiopia for two years on business and she is very worried, especially because her last two pregnancies were pleasant surprises.

Not one of these examples demonstrates that either knowledge, or play or life is not part of human fulfillment. Each remains a basic good considered in the abstract; they are the kinds of things it is reasonable for human beings to pursue or foster as an end. However, each example indicates that at particular times, real instantiations of these goods can cease to be good for a particular person. In fact, in each of these cases an instantiation of a prima facie human good actually interferes with the individual's integral human flourishing.

4. QUESTION FOUR: IS THE DEFINITION OF A SPECIES OF ACTS (MORAL OBJECTS) ARBITRARY?

In what follows, I will speak of species of acts rather than moral objects just to emphasize for the non-initiate the fact that species of acts may include in their description not only physical actions but also—*and essentially*—intentions and circumstances. For example, an act that produces death belongs to the species of "murder" only when there is an intention to kill, just as an act of sex belongs to the species of "adultery" only when one of the parties is married (an *essential* circumstance). Certainly there are intentions and circumstances that are not intrinsic to defining what an action is, but species of acts can and often do include descriptions of intentions and circumstances.

Herein lies the crux of my argument: When a real human possibility or basic good (knowledge, play, fertility) ceases to be good for a person in a particular situation, this circumstance can be part of the essential description of acts involving these possibilities; that is, in traditional language, they influence the definition of the moral object.

Consider the three examples of real human capacities presented above. Let us now assume the following developments and consider the proper description of the act:

Development of Example 1: *Knowledge. As the eight-year old boy is prepared for his first heart surgery, the anesthesiologist provides medications to achieve three aims: keeping the child pain free, preventing him from moving during the operation, and preventing him from remembering the traumatic procedure.*

Is this action best described as a direct attack on the abstract good of knowledge or rather as an attack on the boy's consciousness or capacity to know and will because at this particular moment it is not a good for him, it is not an aspect of his integral fulfillment?

Development of Example 2: *Play. Just as one brother moves his bishop against a knight, his father calmly picks up the chessboard and empties the pieces into the box—ruining the whole game. He informs them that he is confiscating their chessboard for a week.*

Is this action best described as a direct attack on the abstract good of play or rather as an act against a concrete instance of play and the boys' ability to play chess for a week because at this point in their life chess is not an aspect of their integral fulfillment?

Development of Example 3: *Life. Four weeks before moving to Ethiopia, the woman undergoes a tubal ligation.*

Is this action best described as a direct attack on the abstract good of life or rather as an act against her fertility because at this point in her life it is no longer part of her integral fulfillment, but a threat to her health?

In each of these cases, I believe it is most accurate to say that the agent is directed toward the relevant human capacity—knowledge, play, and fertility—as a real human capacity that is not good for the person in a specific context. I am not sure how one would act against an abstract value like life or play (How would the abstraction be harmed?); but I feel sure that their intention is not to attack an abstract good.

Thus, when Finnis says "choosing to contracept is simply contralife" he is mistaken if he presents it as a universal rule and if he thinks of life as an abstract value (1991, p. 86); one's intention need not be directed toward a generic value called life. In the same passage Finnis seems to concede this as he alternately writes that contraception is a choice "that a prospective new

human life not begin" (1991, p. 86). Seen in this light the choice is directed against a prospective life, not the value of life per se. But why should we accept this description? Why not look more directly at the thing that is attacked in the sterilization described above: it is not a prospective life or many prospective lives (along Finnisian lines we must insist that the person cannot really know the consequences of intercourse), it is the capacity to conceive, and it is not attacked as an instantiation of a form of human fulfillment, but precisely as a capacity that is currently contrary to her human fulfillment.

Finnis makes the relevant point here: "And so it is with all the moral absolutes in dispute. The physical behavior and causality and outcome can be exactly the same, when completely different human acts are done" (1991, p. 39). As an illustration of the discretion that must be used in determining moral objects or moral choices, we can consider the following passage from Finnis's book, *Moral Absolutes*:

> But does not the infliction of capital punishment entail a choice to destroy a basic human good, human bodily life itself? Here there is room, it seems to me, for debate and further reflection … It seems possible to hold that, just insofar as the action chosen immediately and of itself instantiates the good of retributive justice, the death of the one punished is not being chosen either as an end in itself or as a means to an ulterior end. Others disagree (1991, p. 80).

Thus, I am proposing that the moral choice underlying certain behaviors is not at first glance obvious, that we first need to determine whether a prima facie human good is in fact good for the person. Accordingly, we may contrast the sterilization of a playboy (whose fertility may remain objectively good for him) to that of a woman whose fertility is a high morbidity factor. We may contrast the attack on play done by an obnoxious sibling to that of a concerned father. We may contrast the attack on consciousness and knowledge made by a heroin dealer to that of an anesthesiologist. But we can only comprehend these different choices by comprehending an *essentially* different circumstance: in the one case the basic human potentiality in question is objectively good for the person; in the other it is not.

5. CLARIFICATION OF THE NATURE OF THE EXAMPLES AND THE FIRST PRINCIPLE OF MORALITY

Note that in none of these cases am I appealing to double effect reasoning, and nor can one appeal to double effect reasoning.[12] The claim is not that the harms to knowledge, play or fertility are foreseen but unintended; rather, the agent intends to act against an instance of knowledge, play, and fertility

because in each instance the relevant human potentiality has ceased to be a real good for the person in his or her specific situation.

Note too that I am not making an appeal to proportionality. I am not claiming that knowledge, play, or fertility remains an objective good for the relevant person but is simply outweighed by other objective goods for the person. (That would violate the Pauline principle Finnis rightly espouses: do not do evil that good may come of it. See 1983, p. 75). I am saying that they have ceased to be a good for the person in his or her concrete situation.

In essence I am arguing that the relevant dictum is not "never act against a basic human good" (understood as one of seven abstract goods or generic forms of human fulfillment), but rather "never intentionally act against a real aspect of a human being's fulfillment." Each of the cases cited above is compatible with the latter dictum. And the latter dictum is compatible with what Finnis has claimed to be the first principle of morality: "remain open to integral human fulfillment." In fact, it is driven by this principle.

6. THE SCOPE OF THESE CRITICISMS

It is important to note that the criticisms I have leveled against new natural law theory actually apply to all natural law theories that embrace statements of the form "one may never act against *x*" without adequately examining *x* as instantiated and in relation to the integral fulfillment of a real human person. It matters little whether one speaks of basic goods as Finnis does or speaks of natural human inclinations that supposedly everyone has (e.g., to know, to play, or to reproduce), and imagines that these inclinations are under all circumstances rational or that they maintain their normative force even when they cease to be rational.

Second, these criticisms do not undermine natural law as a robust ethical theory. As a theory that focuses on integrated human fulfillment and that spells out prima facie elements to that fulfillment, it is extremely useful and powerful. The basic goods that Finnis delineates really do meet the criteria he initially sets out: special regard is paid to them by all societies, they are all aspects of human well-being, and each can be rationally chosen as an end. Its just that basic human goods cannot be objects of moral absolutes without further consideration because they are only prima facie aspects of human well-being.

Third, these objections do not do away with moral absolutes. As long as a basic good like knowledge, play, or fertility remains good for a person, it is always and everywhere wrong for that individual and for others to act intentionally against the basic good.

Fourth, accordingly, these objections do not dispense with the need for the principle of double effect. However, the principle will not need to be invoked in every permissible instance of harming a prima facie basic good.

7. HEIGHTENED BURDEN ON PRUDENTIAL REASONING

Because this framework introduces a new question into the realm of ethical decision-making, it places a greater burden on prudential reasoning. As such it also opens the door to rationalizations. How easy it might be for someone to seek solace in the bottom of a whiskey bottle because he has convinced himself that consciousness is no longer good for him given the depth of his suffering from unrequited love. Rationalizations are a threat, but that is simply the human situation, and it remains a threat even within the confines of Finnis's version of natural law given that there is some flexibility in how moral objects are defined and when double effect may be invoked. Ultimately, there can be no substitution for integrity and prudence.

Some may also object that this framework is just back door proportionalism. One could claim, for example, that the reason why I assert that instantiations basic of human goods sometimes are not good for an individual is because the instantiation will harm other basic goods (e.g., in the case of surgery, consciousness and knowledge would harm bodily and maybe even mental health).

But considering consequences is not proportionalism, and the logic behind the ethical decisions presented here is not proportionalist. I am deviating from new natural law theory in claiming that the seven basic human goods are merely prima facie goods. But the actual ethical logic used in this paper thoroughly belongs to the natural law tradition: the principle of remaining open to integral human fulfillment is what drives recognition of the intermediate principle "never intentionally act against a real aspect of a human being's fulfillment." And this principle yields moral absolutes. Thus, for example, the kind of prudential natural law reasoning I am defending could never be used to justify the bombings of Hiroshima and Nagisaki—even if it were conceded that the bombings ultimately saved lives by ending the war more quickly. In part, this is because the same insight that drives our concern with real as opposed to abstract goods also drives our resistance to any moral system that would intentionally harm the good of an individual for the sake of a collective good: the relevant goods in the moral life are real goods borne by real individuals, whose value cannot be reduced either to participation in an abstract value or to being a part of a collective good.[13]

8. BEYOND SECULAR NATURAL LAW

This paper has restricted itself to secular reasoning, to natural law as a theory that does not depend on revelation or religious traditions and that could rightly be brought into public discussions because its norms are, in principle, accessible to everyone.[14] Especially because this paper draws conclusions that contradict certain religious teachings (e.g., the Catholic teaching that sterilization is intrinsically evil), it is important to emphasize the secular nature of the claims it makes.

There are two ways that a theological natural law framework could yield prohibitions of the sort I have asserted a secular natural law theory cannot yield: through claims of dominion and through claims to have better knowledge of human flourishing than secular reasoning can produce. For example, a religious tradition could make the dominion claim that God is the author of life and death, that God should be trusted completely in matters of life and death, and that accordingly we should never interfere in such matters (e.g., through contraception). This is basically the approach that von Hildebrand takes.[15] Alternately, a religious tradition could set sexual relationships in the context of a particular picture of human flourishing, e.g., in which sexual acts not aimed at procreation do not lead to flourishing and should be avoided[16] (e.g., because they encourage excessive carnality).[17]

A secular natural law will have little to say about such claims one way or the other, except to test them for consistency with other claims put forth by the religious body or for consistency with human experience. A secular ethic must acknowledge that a conclusion that is unsubstantiated on secular natural law grounds may be supported given privileged knowledge; that is, what counts as over-determinism in the realm of secular reasoning may be wholly justified once new knowledge or beliefs are introduced. However, what must be resisted is the passing off of prohibitions as grounded in secular (or so-called natural) reasoning when such is not possible.

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NOTES

[1] This is taken to be the insight underlying one of Kant's three formulations of the categorical imperative: "Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only" (1989, p. 54). It is also taken as the guiding principle in the ethical theory of Alan Donagan, *The Theory of Morality* (1977).

[2] John Stuart Mill's *Utilitarianism* is typically seen as laying the foundation for this maxim, which has inspired the ethics of numerous twentieth-century philosophers. See, e.g., Dan W. Brock, "Recent Work in Utilitarianism" (1973, pp. 241-76).

[3] An idea developed by W. D. Ross, *Foundations of Ethics* (1939), and prominent in Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (2001).

[4] This line of reasoning represents an application of the balancing rules presented by Beauchamp and Childress, *Principles of Biomedical Ethics*.

[5] A fuller version of this first principle of morality is offered in Grisez, Finnis, and Boyle, "Practical Principles, Moral Truth, and Ultimate Ends" (1987, p. 128): "in voluntarily acting for human goods and avoiding what is opposed to them, one ought to choose and otherwise will only those possibilities whose willing is compatible with a will toward integral human fulfillment."

[6] One of the intermediate principles that Finnis claims must be respected in remaining open to integral human fulfillment is "Do not choose directly against any basic human good." Finnis takes this to be an articulation of the Pauline principle "never do evil that good may come of it" or the second formulation of the Kantian categorical imperative (1983, p. 75). What is meant by choosing *directly* is simply choosing something as an end or as a means. See *Moral Absolutes: Tradition, Revision, and Truth* (1991, p. 40).

[7] The actual list has been formulated differently across the writings of Finnis, Grisez and Boyle, but typically includes seven. "Play," which is mentioned by Finnis in *Natural Law and Natural Rights* (1980), was replaced later by "skilled performances of all kinds" in Grisez, Finnis, and Boyle's essay, "Practical Principles"—but this does not affect my examples (1987). Finnis alternately speaks of basic goods, basic human values, aspects of human fulfillment, and human capacities or potentialities. My language will also vary throughout; however, I will attempt to be consistent in distinguishing between these goods as abstract versus as instantiated.

[8] See, for example, Finnis's treatment of the relationship between natural law and God in the concluding chapter of John Finnis, *Natural Law and Natural Rights* (1980). In what follows I focus on Finnis's writings because I am focused on new natural law as a philosophical theory (whereas Grisez propounded his version within a book entitled, *The Way of the Lord Jesus, Volume One: Christian Moral Principles*), and because it is the version with which I am most familiar.

[9] On the idea of pure perfections, see Josef Seifert's "Transcendental and Pure Perfections" (1991, pp. 909-911).

[10] See Dietrich von Hildebrand, *Ethics* (1972), especially chapter 7, "The Categories of Importance as Properties of Beings."

[11] See Finnis's use of the term intrinsically good in *Natural Law and Natural Rights*, p. 62.

[12] In this regard, I think my examples are better than the counter-example offered by Jean Porter in "Basic Goods and the Human Good in Recent Catholic Moral Theology" (1993, pp. 27-50). Finnis et al. could easily reply that when one evacuates a football field in the middle of a game one is not directly attacking the game, one is simply evacuating a field with foresight that the game will be harmed – and indeed the principle of double effect could be applied.

[13] Put another way, I am moving the principle of totality to the level of assessing (pre-moral, but morally relevant) concrete goods. I am not using it at the level of analyzing the morality of a species of act, which is what Janssens and other proportionalists tend to do. See, e.g., Louis Janssens, "Ontic Evil and Moral Evil" (1972, pp. 115-161). By moving the principle of totality to a level prior to moral evaluation—the perception of morally relevant goods—I bypass the logic of proportionalism. I think this mirrors our lived experience of

goods as instantiated. Again, just as humans can be instantiated without being rational, so too play, consciousness, and fertility can be instantiated without being good for the person. The principle of totality helps us to articulate how this can be the case; it is not being invoked in the moral evaluation of a species of acts.

[14] In saying this, I am not denying that specifically religious claims can have a place in public debates.

[15] See, for example, Dietrich von Hildebrand (1993, p. 116): "…it is the same sinfulness that lies in suicide or in euthanasia, in both of which we act as if we were masters of life. … To the sublime link between marriage and procreation Christ's words on the marriage bond also apply: 'What God has joined together, let no man put asunder.'" However, von Hildebrand's view may lack internal consistency insofar as he overlooks the fact that in allowing someone to die one may—according to Catholic teaching—never intend death (see the *Ethical and Religious Directives*, Part V, USCCB, 2001), whereas he seems to allow the intention to have sexual relations while avoiding conception: "it is definitely allowed *expressly* to avoid conception when the conjugal act takes place *only* in the *God-given* infertile time – that is, only by means of the rhythm method and for legitimate reasons" (p. 124). (His emphasis.) Intended ends may still determine the moral object, even when means are passive and natural.

[16] Certainly, a number of authors have argued that sexual relations that are not open to procreation do not lead to flourishing. For example, Janet Smith, "Natural Law and Sexual Ethics": Smith states that her "first principle of sexual morality" is "Don't have sexual intercourse until you are ready to be parents" (2000, p. 206). Her reasoning is precisely that violating this principle leads to human misery.

[17] I am not claiming that either of these views represents Catholic teaching; I merely use them to illustrate the two forms of reasoning that would go beyond secular natural law reasoning.

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CHAPTER 10

MARY ANN GARDELL CUTTER

ON WOMEN'S HEALTH CARE

In Search of Nature and Norms

Much has been said in the latter part of the twentieth century in the United States about the importance of addressing more closely women's health and disease. Discussions have led to an increase of women physicians, women's health care centers, and the involvement of women in clinical research projects. The call is for more attention on women's health and disease in order to better serve women. This is to ask that we pay closer attention to how gender frames[1] health and disease. This paper takes a look at this request. In it, I argue that gender matters in how we understand disease. The task, then, is to determine the kind, level, or degree of "gender bias" in the framing of women's disease that is appropriate for knowledge and action. To do this, we'll need to take nature seriously, resist empirical reductionism, and view knowledge, including moral knowledge, contextually or locally (which is not the same thing as relative). Moral casuistry, as an arm of the natural law tradition, may have some guidance to offer here in composing what I call a "gendered clinical epistemology."

1. RISE OF THE U.S. WOMEN'S HEALTH MOVEMENT

The rise of the women's health movement in the United States in the 1970s is a result of a complex set of influences. Issues raised by advocates of the rights of minorities, consumers, the mentally ill, and prisoners often include health care components and help reinforce public acceptance of acknowledging women's concerns regarding their health care. The women's health movement in particular encourages women to question established medical authority, to take responsibility for their own bodies (Boston Women's Health Book Collective, 1973, 1998), and to express new demands for clinical research and access to appropriate health care.

Mark J. Cherry (ed.), The Death of Metaphysics; The Death of Culture: Epistemology, Metaphysics, and Morality, 199—217.

Between 1974 and 1983, the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (1978) and the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research (1983) developed guidelines that require any research project that is federally funded to ensure humane treatment for human subjects (both females and males), including the acquisition of informed consent. In 1985, a Task Force on Women's Health Issues began work to aid the Public Health Service (PHS) "to improve the health and well-being of women in the United States" (Department of Health and Human Services, 1985). In 1993, the National Institutes of Health (NIH) (1993) issued guidelines to ensure that federally funded investigations include an analysis to determine whether the interventions being studied affect women and members of minority groups differently from other groups. Further, section 429B of the NIH Revitalization Act enjoined the NIH Director to guarantee that women and members of minority groups are included in all research projects, unless exclusion is appropriate because of health, the specific focus of the research, or other circumstances that the NIH Director approves. In 1993, the Food and Drug Administration (FDA) (1993) issued guidelines concerning the participation of women in studies of medical products. Guidelines state that scientists must formulate research hypotheses so as not to exclude sex as a crucial part of the research question being asked. For example, when exploring the metabolism of a particular drug, one must routinely run tests on both males and females in order to ensure that potential differences in drug reaction and efficacy between the sexes are analyzed. In 1993 as well, the FDA altered a 16-year-old policy that had excluded most women of child-bearing potential from the early phases of clinical trials. In 1995, as reports from the Fourth World Conference on Women in Beijing and an issue of *Science* (1995) illustrate, women's health and disease emerge as foci of concern for researchers, health care practitioners, organizations, institutions, and governments in the global order. Such attention continues into the Third Millennium with added emphasis on woman and HIV/AIDS and other immune deficiency conditions, safe motherhood practices, and maternal and child nutrition (World Health Association, 2003), and cardiovascular disease, cancer, and osteoporosis (Office of Research on Women's Health, 2005).

Crucial to developments involving interest in women's health is the recognition that, among females and males, many diseases have different frequencies (e.g., lupus, depression, lupus, anorexia nervosa), different symptoms (e.g., AIDS, heart disease, alcoholism, gonorrhea), and different complications (e.g., heart disease, connective tissue disease, sexually transmitted diseases). These differences can no longer be seen as inherent

deficits or deficiencies (Tavris, 1992), but rather point to significant *variations* in biological and psychosocial factors. Such differences call for careful understandings of particular diseases and modes of intervention, including preventive, palliative, curative, and long-term care.

As a consequence, there emerges a growing consensus that women (1) need to be listened to more closely, (2) need to be included in research projects, and (3) require their own special studies (Dresser, 1996; Rosser, 1992; Merton, 1996; Office of Research on Women's Health, 2005) and clinical settings (Council on Ethical…," 1991; Lurie, 1993; Purdy, 1996; "Gender Differences…," 2004).[2] Further reflections by those participating in the discussions agree that any consideration of the role gender plays in the construction of disease must be accompanied by ones recognizing the interplay among gender, ethnicity, and class (Rothenberg, 2004).[3] Such would bring about a broader view of women's health and disease, one that goes beyond the confines of the reproductive system (Achterberg, 1991; Borysenko, 1996; Wolf, 1996, Mahowald, 1999) and leads to more appropriate definitions of women's disease and consequently better health care for women (as well as men[4]).

2. WHY GENDER MATTERS

The message here is that gender matters.[5] Before we can understand what constitutes an appropriate appeal to gender in the framing of disease, we need to understand more specifically *why* gender matters. To begin with, in medicine, nature, or in this case *sex*[6] (L. *sexus*, sex), matters (Sax, 2002, 2005). The phenomenological distinction between female and male is one that dates long back in history and provides a basis for analysis of diseases particular to females and males. There are diseases particular to organs that are found exclusively in females (e.g., ovarian or uterine cancer) and males (e.g., penal or prostrate cancer). One cannot have uterine cancer without having a uterus. There are diseases particular to females (e.g., fragile X) and males (e.g., hemophilia) that have to do with changes in the sex chromosomes. In the case of fragile X, males and females exhibit different physical, cognitive, behavioral, sensory, speech and language impacts of fragile X syndrome. In general, females with fragile X either do not have the characteristics seen in males, or the characteristics show up in milder forms. The difference is probably due to the fact that females have two X chromosomes, instead of the one that males carry. As a result, females who have fragile X have two sets of instructions for making FXMP (fragile X mental retardation protein), one that works and one that does not. Males with fragile X have only one X chromosome with its nonfunctioning FMR1

(fragile X mental retardation 1) gene. It appears that females are able to produce enough of the FMRP to fill most of the body's needs, but not all. (The National Fragile X Foundation, 2005).

Despite research on distinct expressions of disease in males and females, we need to recognize that the distinction between and among sex differences is neither exhaustive nor exclusive. Human beings display a range of sexual diversity. There are those who fall in so-called exclusive genetic classes (e.g., a "normal"[7] homologous XX [female] or nonhomologous XY [male]). There are those who do not fall within either class (e.g., those with Turner's syndrome[8] or Klinefelter's syndrome[9]) and those who fall in both (e.g., so-called hermaphrodite,[10] male pseudohermaphrodite,[11] and female pseudohermaphrodite[12]). Studies show that at least 1.7% of the human population express sexual diversity or are "intersexual" (Fausto-Sterling, 2000).[13] Sometimes a child is born with genitalia which cannot be classified as female or male. A genetically-speaking female child (i.e., with XX chromosomes) may be born with external genitalia which appear to be those of a normal male. Or, a genetically male child (i.e., with XY chromosomes) may be born with female-appearing external genitalia. In very rare cases, a child may be born with both female and male genitalia. Because these conditions are in some sense "in-between" the two sexes, they are collectively referred to as "intersexual." These findings lead some to argue that sex is a malleable continuum that challenges the constraints of simple binomial categories (Fausto-Sterling, 1996, 2000).

Nevertheless, there is something that we can say about sex differences or distinct expressions of sexuality. Anything does not go. There are limited expressions of genetic sexuality (e.g., XX, XY, XO, XXX, XXY, XYY, XXXY), gonadal sexuality (e.g., ovaries, testes), hormonal sexuality (e.g., presence of estrogens or androgens), genital sexuality (e.g., clitoris, penis), sex assignment (e.g., "The baby is female!" "The baby is male!" "The baby is transsexual."), and sex identity (e.g., "I am female." "I am male." "I am a hermaphrodite."). Limited expressions of genetic sexuality are a function of the designs of nature, including select ways to propagate the species.[14] These limitations and expressions of sexuality are supported by biological accounts of nature and methodological assumptions including judgments concerning simplicity, orderliness, usefulness, and predictability. They give rise to gender classifications such as feminine and masculine, girl and boy, woman and man, and "unisexual" and intersexual, leading some such as Sax (2002, 2005) to argue that sexuality is a dichotomy, rather than a continuum.

Regardless of the differences, Sax and Fausto-Sterling call our attention to the normative character of nosologies. Clinical medicine and the classifications it adopts presuppose and make empirically explicit sexuality

and gender in various and complex ways. Classifications of sexuality give rise to the development of norms, and particularly to gender-norms. Here *gender* (L. *genus*, race) refers to a set of claims, categories, assumptions, and stereotypes involved in the social construction of sexuality. In contexts where sexual or gender roles are well-entrenched, the corresponding norms function prescriptively; they serve as the basis for judgments about how individuals ought to be, act, and so on. Furthermore, we decide how to act, what to strive for, and what to resist in light of such norms. Gender-norms of femininity and masculinity are clusters of characteristics and abilities that function as standards by which individuals are judged to be "good" instances of their gender. On one prominent model, for example, to be "good" at being female or feminine, one should be nurturing, emotional, cooperative, sexually restrained, pretty, etc; to be good at being a male or masculine, one should be strong, active, independent, rational, sexually aggressive, handsome, etc. (Tuana 1988; Achterberg, 1991, Part IV).[15]

As framed here, the *descriptive* level of analysis in discussions of sexuality and gender is inextricably tied to the *prescriptive* level. Sex is tied to gender, female to femininity, male to masculinity, trans-sexual to bisexual, and vice-versa. Facts and values, as Fleck (1979 [1935]) and others (e.g., Engelhardt, 1996) teach us, interweave in complex ways. Observations in medicine are always ordered around theoretical assumptions, including judgments concerning how to select and organize evidence into explanations. Further, observations are always ordered around evaluative assumptions, including those concerning what objects are assigned significance and what actions are appropriate in order to achieve certain goals. In the case of disease, signs and symptoms are singled out as worthy of focus and intervention for purposes of relieving patients of pain and suffering. This is not to undermine facts, or the separation of facts and values, but rather to indicate their character, limitations, and relations.

Moreover, the prescriptive force is backed by *social* sanctions fashioned in light of what goals are seen as worthy of achievement. If one aspires to conform to such norms, one is rewarded. This is the message forwarded, for example, by health care professionals who prescribe hormone therapies and cosmetic surgeons who promote the benefits of facial lifts (Borysenko, 1996, Chs. 11-13; Northrup, 2001). A glance at newsstand magazines geared toward women (not only *Cosmos* but *Outdoor Adventures*) provides plenty of examples of the norms of health that women are encouraged to achieve. Alternatively, if one does not conform, one is censured, sometime weakly and sometimes severely. For example, if a woman's behavior violates expected gender-role norms, her behavior is frequently attributed to various physical or mental illnesses and in turn treated in a variety of ways,

including name calling (e.g., "b..., " "d..."), pharmaceutical agents (e.g., antidepressants [Greenspan, 1993; Weissman and Olfson, 1995; Acocella, 1998; Bhatia and Bhatia, 2005]), and gynecological surgeries (e.g., hysterectomies and clitorectomies [Waisberg and Paige, 1988; Broverman et al., 1970]).

In short, given that sex matters in the framing of health and disease, and gender is inextricably tied to sex, gender matters in how we understand disease.

3. TOWARD A GENDERED CLINICAL EPISTEMOLOGY

Given that disease is gendered, the task is to determine the kind, level, or degree of gender bias that is justifiable in the framing of women's disease and create the conditions appropriate for judgment and action. On first response, the recognition that gender matters appears adventitious to the promotion of women's health. Women do differ from men. We now know that the X chromosome has 164 million bases whereas the Y chromosome has 59 million bases, leading to work on important biological differences between males and females in how they express disease, especially X-linked disorders, such as hemophilia and fragile-X ("Gender Differences…," 2004). In addition, singling out women is an appropriate response to past discriminatory practices in medicine. The largest study investigating the effects of aspirin on heart disease rates involved exclusively men, yet the results in the 1990s continued to be used to advise women (Dresser, 1992, p. 24). The presumption was that heart disease is expressed identically in men and women, that the appropriate mode of treatment would be identical, and that all men and all women are the same, all of which is not the case. To see women as different from men, then, has its advantages.

Yet, on second thought, singling out women may lead to a segregation that might be harmful. Women share many biological features with men and are, genetically speaking, members of the human species, just like men. A separation between men and women's health research may put women's research behind and delay the development of possible treatments because of the time and resources needed to develop women-only research. Studies of women from particular racial, ethnic, and class groups could indicate that these populations are more susceptible to conditions (e.g., alcoholism [Cloninger, 1996]) that reinforce group stereotypes (e.g., women are loose). In addition, to single out *all* women as different may fail to account for important differences among women, ones that arise from biological, class, and ethnic differences. ("Gender Differences…," 2004). The question is, then, how can we appropriately accommodate gender into clinical nosology

(i.e., the science of classification of disease) and nosography (i.e., the science of description of disease) so that women receive the best medical care?

A "gendered clinical epistemology" is offered here to aid our response. Feminists such as Susan Sherwin (1992) and Sue Rosser (1992) assert that the exclusion of women in research is a form of continued oppression and that such oppression must be voiced, criticized, resisted, and responded to with alternatives that promote women's emancipation. This direction leads us to seek to change the institution of medicine, to encourage women to enter into high-level professional roles, and to design policies that accommodate women in clinical and scientific medicine. Good strides have taken place on this level. Medicine already has begun to incorporate women into clinical research projects in order to study gender differences that might influence diagnostic and treatment procedures (Office of Research on Women's Health, 2005). Women are clearly recognized as a significant consumer group in medicine (Dresser, 1996, p. 149). Women are increasingly being admitted to medical schools and promoted to higher ranks in medical administration (Achterberg, 1991, Part IV).

Such socio-political changes have been requisite for the reconstruction of medical institutions and the status of women as patients, advocates of patients, and health care providers and administrators. Complementing the call for these changes in institutional structure and power is a gendered clinical epistemology,[16] one that offers gender-dependent accounts of clinical reality. A starting point of a gendered clinical epistemology is a focus on questions by and from the perspective of women concerning what is known and how and by whom in order to uncover assumptions about sex and gender and the workings of power and dominant ideologies at play in knowledge claims. In other words, if we are going to make claims regarding socio-political problems, it will be important to think through how we know what we know about these problems. A gendered clinical epistemology may begin to set forth the relations among the descriptive, evaluative, and social commitments that frame knowledge of women in clinical medicine. This approach is important because medicine as a science (L. *scientia*, knowledge) concerns knowledge and so it should be open to epistemological suggestions.

The gendered clinical epistemology offered here finds affinity with a contextual account of knowledge (Fleck, 1979 [1935]); Lakatos, 1970; Annis, 1978; Longino, 1997; Cutter, 2003, Ch. 8). A contextual account of knowledge denies the existence of basic statements in the foundationalist's sense (although it allows for contextually basic statements) and it denies that coherence as it has traditionally been explained (using the raft metaphor) is insufficient for justification. Both foundationalist (Chisholm, 1977) and

coherence (Dancy, 1985) accounts of knowledge overlook contextual parameters necessary for justifications. In particular, they overlook the "issue-context" and the social nature of knowledge and its justification (Annis, 1978). The "issue-context" determines the level of understanding and knowledge that the knower and appropriate objector group must exhibit. Since the issue-context is embedded in a social nexus, the beliefs, information, and theories of others are an important part in justification for they in part determines what objections will be raised, how a knower will respond to them, and what responses the objectors will accept. If this account is correct, then justification and its objections will be primarily "local" as opposed to global in character (Annis, 1978; Longino, 1997; Cutter, 2003, Ch. 8).

A contextual or local account of knowledge is to be distinguished from two others, namely, "naturalized" and "postmodern" ones. First, it distinguishes itself from a "naturalized epistemology" (Antony, 1993), which holds that objective, impartial, natural, and universal standards of behavior are reducible to empirical data, such as what is produced in and by science. In that this view reduces reality to facts, thereby delinking facts from values, it cannot guide us in thinking through clinical issues. A localized epistemology distinguishes itself as well from a postmodern or radical anti-foundationist view (Alcoff, 1995, 434-456). The postmodern view suggests that what we call epistemology is really ideology, that there is no such thing as objective knowledge, and that the word "knowledge" is simply another term for the arbitrary pronouncements of whoever happens to be in power. In the end, all is relative.

The problems with relativism are well-recognized—and, if I could emphasize, a contextual account is not a relativist one. Conceptually speaking, relativism advances the view that "truth is relative." If the claim is taken seriously, then it backfires on itself: if it is true, it must be false. If truth is relative, then the claim itself is relative, thereby undermining its ability to establish anything, and certainly not the claim itself. Practically speaking, relativism fails to take into account what common sense tells us: that we do act as if there is understanding or certainty in our world. We rely on math and science to build our world and are often quite successful in doing so. We do think and act as if things matter. We vote, crusade for causes, make sacrifices for various ideals, and hold each other responsible for personal actions. Rationally and practically speaking, then, there is really no such thing as a consistent relativist.

In order to think through how we might navigate between the extremes of universalism and relativism, we might turn to casuistry for guidance. Casuistry is as a method of analyzing and resolving instances of moral

perplexity by interpreting general moral rules in light of particular circumstances (Jonsen et al., 1992) and provides a flexible, practical approach to problems involving values. Even though the focus is on *moral* concerns, it necessarily involves those about knowledge claims and therefore can be considered an epistemological approach, one that has relevance for the question before us, namely, how gender frames disease. Casuistry works in medicine because medical care is about cases: the illness and treatment of particular persons with particular diseases. Medicine uses cases to elucidate the meaning of concepts (e.g., disease, health, quality of life) and the concrete possibilities of resolution (e.g., What ought to be done about the patient's clinical condition?) (Jonsen et al., 1992). It relies on paradigm cases and analogical reasoning to draw similarities and differences between situations. It identifies what presumptions are relevant to the event under investigation and how those presumptions add to our perception of the case. Its method is interdiscipinary, historical, and hermeneutical as it resists timeless, fixed analysis using positivist logic-chopping. It celebrates the role reason plays in the analysis, rejects empirical reductionism (the divorce between facts and values), and supports a localized view of knowledge.

As an offspring of the natural law tradition, casuistry also takes nature seriously. As an approach in the realist tradition, casuistry rejects the view that reality is solely created by the knower. While realism is nothing less than a complex tradition, casuistrists tend to agree that there is a reality out there to be discovered, but it is discovered within the framework of particular contexts, ones that are historically and culturally conditioned. In this way, knowers neither know reality truly nor make reality up. One of the major reasons for rejecting the view that reality may be known truly is that it is always presented to knowers within socio-cultural contexts, which are dynamic and limited. Yet, reality is not completely a figment of our imagination for all the above reasons given for the indefensibility of relativism.

Applied to nature, nature cannot be known truly because the highly inductive methodology of science is such that only probability claims can be made—and probability claims can never assert "always" and "never." Alternatively, nature is not a figment of individual imaginations because science shows us that numerous claims can be made about particular expressions of science. With regard to sexuality, Fausto-Sterling and Sax may both be correct: sexuality is in some sense a continuum (when considering the relation between men and women on the chromosomal level and those that vary in between) and in some sense a dichotomy (there's far more crowding on distinct regions of the continuum, thus leading to the phenomenological categories of "males" and "females"). With regard to

women, the uterus is in some sense a creation of our language and cultural expectations, but in some sense women do make it up. And men as much as they try to imagine having one would probably not succeed. How the uterus or sex chromosomes or whatever is understood will be a function of numerous forces.

As Engelhardt (1996) reminds us, casuistry is not without its limits. One cannot discursively know how, and under what circumstances, particular cases should direct decisionmaking without a framing context, narrative, or set of rules. Consider a devout Roman Catholic and radical feminist debating abortion. The Roman Catholic will inevitable oppose nontherapeutic abortion (on non-consequential grounds) and the radical feminist will see no significant moral evil in it (on consequential grounds, including appeal to the role oppression plays in the cultural context). Because casuistry does not offer a guiding framework beyond the cases themselves, it will be impossible to navigate this dispute regarding abortion—or any other one regarding competing epistemological and evaluative claims.

If one searches for THE answer to our epistemological and evaluative conflicts, then casuistry will be disappointing. But casuistry does not promise such a perspective—and rightly so in cases involving limited knowers such as humans. (Things are surely different for unlimited knowers, as the fashioners of the natural law tradition are well aware.) It rather offers a way to think through the geography of ideas, concepts, and values offered by competing parties, thus offering the parties themselves a way to make bridges—or not. This is the best that we can do as limited being who are inevitably faced with choices.

4. DETERMINING THE BOUNDARIES BETWEEN APPROPRIATE VERSUS INAPPROPRIATE GENDER BIAS IN MEDICINE

Returning to the task of mapping out the ways in which disease is gendered, any and all diseases of the female reproductive system will necessarily involve issues of gender. How cervical cancer (Cutter, 1992; Cutter 2003, Ch. 7), for example, is classified, diagnosed, and treated turns on a set of biological criteria regarding cell location and size as well as judgments concerning avoiding false positives and false negatives for purposes of saving lives. The rationale for revising the classification of the Paps Smear in the 1980s was that women with mild and severe dysplasia tended to be undertreated and those with small carcinoma *in situ* tended to be overtreated. The goal here was to minimize transaction (e.g., financial) and opportunity (e.g., morbidity and mortality) costs to the patient and related parties. It will be important in these and related cases of reproductive disease to assess

whether gender is used in an appropriate way at the various stages of the disease. One might explore the extent to which gender enters into assessments about how much women's lives are worth and are in turn protected by public or private programs that offer education, screening, and/or treatment.

But women are not solely their reproductive systems; they are not reducible to their uteruses or their X chromosomes (Wolf, 1996). Consider three clinical cases of disease (i.e., AIDS, alcoholism, and heart disease) that are not based in the reproductive system and that lend themselves to further considerations regarding the role gender plays in the framing of disease. The first case, AIDS, illustrates how the *absence* of gender considerations that affect women leads to problems regarding how medicine constructs and implements its clinical nosology. A second case, on the genetics of alcoholism, illustrates how the inclusion of gender considerations leads to stereotypes of women that are misleading and harmful. The third case, heart disease, involves what appears to be an appropriate appeal to gender in the construction of disease categories. The challenge here is to navigate the use of gender considerations in appropriate ways that lead to better medical knowledge about and care for women.

4.1 AIDS

A first example illustrates how the absence of gender considerations leads to problematic gender stereotypes. The year 1981 marks the emergence of a clinical condition that comes to be known in 1983 as autoimmune-deficiency syndrome (AIDS) (Cutter, 2003, Ch. 2). AIDS is initially seen as a disease of the 4-H groups, namely, homosexuals, Haitians, hemophiliacs, and heroine users, in other words, men. The first natural history study of HIV disease in women does not begin until 1992, and it is in 1993 that the CDC first publicly recognizes that HIV-related symptoms specific to women exist. At that time, the agency modifies its surveillance definition of AIDS by adding invasive cervical cancer to the list of AIDS-defining conditions, along with pulmonary tuberculosis and recurrent pneumonia (Centers for Disease Control, 1992). Conditions that are manifested most frequently in HIV-infected women, e.g., recurrent vulvovaginal candidiasis, pelvic inflammatory disease, and cervical dysplasia, are part of the list of "symptomatic conditions in an HIV infected adolescent or adult" but are not included among conditions listed as "AIDS-defining" (Centers for Disease Control, 1992). Critics (e.g., Goldsmith, 1992; Faden et al., 1996) have argued that if the CDC criteria were to have taken women more fully into account by including these symptomatic conditions in the "AIDS-defining"

category, the number of women with AIDS would have doubled, and women (and their children) would have been treated more effectively in the early years of AIDS.

The case of AIDS illustrates how appropriate gender considerations fail to operate in the development and implementation of a clinical nosology. The exclusion of women in medical research and public health initiatives leads to medicine's failure to respond appropriately to AIDS in the first decade of its occurrence.

4.2 Alcoholism

For a second example, consider how gender considerations lead to problematic gender stereotypes. New knowledge in genetics leads to a host of research on the genetic basis of particular conditions (e.g., colon cancer, schizophrenia, depression, and alcoholism). Scientific advances over the past twenty years have shown that drug addiction is a chronic, relapsing disease that results from the prolonged effects of drugs on the brain (Leshner, 1997). This is in contrast to a previous view that holds that addiction is a social or moral problem (Trotter, 1804), which can be handled only with social or moral solutions such as the criminal justice system or moral therapy. Recent work on the genetic basis of alcoholism finds gender differences in the personality traits of alcoholics (Hill, 1995). More specifically, people dependent on alcohol tend to display the extremes of gender characteristics: aggressiveness and impulsiveness for men, and emotionality and neuroticism for women (Cloninger et al., 1996, pp. 20-21). This finding is confirmed for both types of alcoholism, Type-I which is late-onset and environmentally-mediated, and Type II, which is early onset and primarily genetically-mediated or "only weakly [influenced] by environmental factors" (Cloninger et al., 1996, p. 18).

By claiming that the genetics of alcoholism leads to certain phenotypes that are stereotypic for men (aggressiveness) and women (neuroticism), genetic research on alcoholism sets up a host of concerns. For female alcoholics, it creates an association between alcoholism and neuroticism and other typical female stereotypes (e.g., high level of anxiety, emotional dependence). For a model that is suppose to minimize social stigmas, it may in fact encourage them, in this case typical gender stereotypes. In addition, it gives the message that genes are deterministic, a claim that has many problems (Cutter, 2003, Ch. 9), especially when applied to women who were for centuries thought to be determined by their reproductive systems. Moreover, such deterministic view is also a reductionist one—women are reduced to their genes. It employs terms describing gender traits that are

broad, easily misinterpreted, and in the end non-falsifiable. We as humans simply can never have a solely genetic perspective on matters given that we are always knowing within contexts or environments. In the end, such supposedly "gender-sensitive" research does more harm than benefit to women.

4.3 Heart Disease

A third example illustrates many of the goods that may arise from including gender in clinical studies. The Women's Health Initiative is a 15-year-health study undertaken by the National Institutes of Health (1993) that includes controlled clinical trials examining strategies to prevent heart and other diseases in post-menopausal women. We have already heard about the absence of women in heart studies and the harms that accrued (Dresser, 1996). Things are changing. So far, study results show that coronary artery disease is the leading cause of death in women. Heart disease kills more women than all cancers combined. Women are twice as likely as men to die within a year after having a heart attack and are also at greater risk of having a second heart attack. Males are more at risk than women at a younger age, but after menopause the incidence of heart disease in men and women is nearly the same. African-American women are sixty percent more likely to die of heart disease than white women (Colorado Hospital Association, 1997; "Gender Differences…," 2004). In these studies, traditional risk factors such as family history and cigarette smoking are considered along with others such as hormonal status, diet, exercise, and lifestyle (e.g., roles assumed in home and work life). Recommendations from studies encourage women to listen to their unique signs and symptoms for heart disease, take more time to exercise, to relieve stress, and to find assistance in their care-taking roles.

Such studies on heart disease in women illustrate how gender can be understood appropriately to include biological forces (e.g., how hormones affect organ function), as well as cultural ones (e.g., women's social roles as caretakers). Unlike studies on alcoholism, variables appear to be definable and testable. Studies such as this are bound to benefit women in terms of education, diagnosis, and treatment.

4.4 Navigating Gender Determinations

Given that gender matters in the construction of disease, the task is to determine the kind, level, or degree of gender bias that is justifiable in the framing of disease and create the conditions appropriate for judgment and

action. To begin with, one might consider appropriate versus inappropriate kinds of gender bias in medicine. It is one thing to say that lumps on a woman's uterus are likely signs of disease, and another to say that a uterus (or "womb") in *any* woman is cause for disease (Tuana, 1988). Thank goodness that we are beyond the latter diagnoses—at least in some parts of the world. The point here is that differences between appropriate and inappropriate gender bias turn on the relevancy of the criteria that are employed in the judgment. One will need to navigate judgements concerning appropriate and inappropriate bias or discrimination. To take a simple example, deciding who is eligible for a driver's license based on skin color is inappropriate because the criteria used (i.e., skin color) is irrelevant to driving. Deciding who is eligible for a driver's license based on ability to see illustrates the use of appropriate criteria that are relevant to the situation. With regard to disease, gender matters insofar as it is a specifically *relevant* criterion in classifying, diagnosing, treating, or researching disease. To return to an earlier example, diagnosing a woman as diseased simply because she is a woman—or has a uterus—is problematic. This is to use gender as an irrelevant criterion. In contrast, diagnosing a woman with disease when cancer in the uterus is detected makes sense because of the relevancy of gender in this disease category. Difficulty arises, of course, when one considers the extent to which depression or heart disease is gender-dependent. Our cursory analysis indicates that they may be. Determining the extent to which they are will require careful analysis of the signs, symptoms, and etiological factors that comprise such diseases and how the inclusion of such considerations benefits the patient.

Once gender is determined to be relevant, we will need to be reminded that gender is not simply a matter of accepted epistemological standards but a function of numerous ontological, axiological, and cultural assumptions, all of which may require reassessment (Cutter, 2003). In other words, gender is a category of identity that both intersects with other categories as well is a function of that intersection. In judging the appropriateness of the appeal to gender in a clinical classification, then, one will need to be open to the analyses and critiques of those from various perspectives or standpoints. This is not to say that clinical classifications are the product of a vote or majority will, but rather to acknowledge that clinical classifications are designations that take place within clinical communities, broadly construed.

In some sense this is how things work anyway. Whether in debates regarding classifying premenstrual syndrome (PMS) or heart disease in women, clinical communities come together to discuss the signs, symptoms, etiology, prognosis, and treatment options of conditions presented in the clinic. Clinical communities are composed of health care professionals as

well as patients, both groups of which live in diverse socio-economic and cultural settings. In a socio-political climate in which the various voices can be heard, clinical classifications are bound to be influenced by concerns about patient welfare and appropriate access to health care. The moral appeals may vary world-wide, but all share assumptions regarding standards of treatment to be upheld and ways in which clinical medicine as an arm of culture has varied from such standards. The task to decipher the appropriate role gender plays in fashioning clinical classifications is daunting, but made more accessible by thoughtful analysis.

5. CLOSING

The current search to understand and aid women's health and disease will benefit from a reformulation of the presumptions and approaches embraced by medical research, clinical care, and health care policy. A gendered clinical epistemology is offered as one step in the direction of reformulating medicine for the twenty-first century, which may ultimately lead to carefully crafted gendered-dependent approaches to health and disease. But the implications of this analysis go beyond a simple analysis of gender in medicine. They raise issues about the methodologies we use in medicine to think through the problems. This essay also argues that those interested in medicine may benefit from returning to casuistry for insight into how to avoid what many see to be the challenges of contemporary scientific reductionism and postmodern relativism. Casuistry, as an arm of the natural law tradition, aids us in avoiding such contemporary epistemological problems. Granted, additional work is needed on casuistry and the natural law tradition, but this essay is offered simply as a start.

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NOTES

[1] I use the term "frame" to signify the discovery and creation of that which is being addressed.

[2] Note the rise of women's health centers in major academic institutions and local communities across the U.S. in the late twentieth and early twenty-first centuries.

[3] The interplay among gender, ethnicity, and class is complex. Gender is a term used by sociologists to refer to certain social categories: masculinity, femininity, etc. These categories refer to a complex set of characteristics and behaviors prescribed for a particular

sex by society (e.g., aggressiveness, nurturing) and learned through the socialization experience. Ethnicity designates sociological divisions of groups of people based on physical characteristics, language, and customs (e.g., African-American, Irish-American). Class refers to a group of people as a unit according to economic, occupational, or social status (e.g., rich, poor). While it is traditional in modern western thought to associate strength with the masculine, one notes that black slave women in nineteenth century America were considered strong. Female college professors are considered upper class even though they earn no more than an experienced plumber (Rothenberg, 2001, p. 9). More work is needed on the interplay among gender, ethnicity, and class, especially in the context of health and disease.

[4] The analysis will be restricted to so-called "women's disease" because of the ground-swell of interest in this area and the opportunity to provide a depth of analysis. The findings here no doubt affect how we think about men's disease.

[5] Since at least the time of Hippocrates (approx. 460-377 B.C.) (1943) and Aristotle (384-322 B.C.) (1984), medicine has used gender to justify its actions towards women (Tuana, 1988).

[6] Sex (L. *sexus*, sex) is a term used by biologists to refer to certain biological categories: male and female. Identification of sex is based on key factors: chromosomal patterns (e.g., XY, XX), hormonal make-up (e.g., testosterone, estrogen), and genital structure (e.g., penis, clitoris).

[7] Here, normal is a complex notion that requires careful use.

[8] Turner's syndrome involves XO or a single X chromosome.

[9] Klinefelter's syndrome involves the presence of one or two additional X chromosomes in a male (XXY or XXXY).

[10] A hermaphrodite possesses some ovarian and some testicular tissue.

[11] A male pseudohermaphrodite has testes and some aspects of the female genitalia but lacks ovaries.

[12] A female pseudohermaphrodite has ovaries and some aspects of the male genitalis but lacks testes.

[13] Note Sax's (2002) disagreement about the number of intersexuals.

[14] Here it is interesting to reflect on the implication of cloning from the standpoint of revising our understanding of sexuality and gender, and the power that women have (assuming the technology) in being able to clone without assistance from men.

[15] Nevertheless, it is important to recognize the absence of a singular gender-norm cross-culturally (Simons and Hughes, 1987; Veatch, 1992; American Psychiatric Association, 2000) and even within a given culture (Spector, 1996; Hufford, 2005).

[16] In previous works, I have referred to this as a feminist clinical epistemology (Cutter, 1997). I have changed the label because of criticisms I have received regarding not offering what is considered a "feminist" account. Because I am not a strict social constructionist and cannot adopt all of the premises offered by my critics, I have decided to change the label as opposed to revising my position.

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CHAPTER 11

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TOWARD AN INCLUSIVE EPISTEMOLOGY

1. INTRODUCTION

Several developments have led to the somewhat complicated situation in medicine and in medical ethics today. There has been a greater awareness of the particular needs of different categories of persons. There has been tremendous growth in new types of research, technology and medical care. As costs have gone up, and as medical resources have become more limited, there is an increasing challenge to providing equal access to care for all members of society. There has also been an erosion in the trust between doctors and patients. The integrity of medical professionals is no longer taken for granted, and there is a sense that their decisions are not always in the best interests of those who are being treated. Hence the system is not adequately addressing the demand for equitable access to competent and appropriate health care.

Dr. Cutter's concern has specifically to do with the health care provided to women. She wants medical research and care to take better account of the differences of women while not neglecting their sameness. To advance her project, Dr. Cutter describes an approach to medical care 1) that takes nature seriously, 2) that resists empirical reductionism, and 3) that views knowledge *contextually* or "locally." In short, she offers suggestions with the intent that particular differences between human beings will be more adequately taken into account. Dr. Cutter does not intend to offer a polemical analysis of the situation in medicine today as it pertains to women. She is genuinely in search of a more radical and fair approach to the diagnosis and treatment of disease. She intends her argument to have universal appeal; all human beings ought to care about the health care provided to women, and indeed to all whose care may at times be inadequate. It is this concern that drives her desire that health care practitioners understand each human being in his or her particularity.

Mark J. Cherry (ed.), The Death of Metaphysics; The Death of Culture: Epistemology, Metaphysics, and Morality, 219—229.

Dr. Cutter describes some past research practices. These have to do with AIDS, alcoholism, and heart disease. In each case something appropriate or inappropriate was done. In the case of AIDS research women were assumed to be just like men, which led to bad medicine because different symptoms went unnoticed. In the case of alcoholism women were stereotyped as different in ways that also led to bad medicine. With respect to heart disease, a more accurate understanding of difference/sameness was at work and therefore good medicine took place.

There are several causes of the increase in the concern for women's health. For one thing, the rights of minorities have been more widely recognized, Dr. Cutter notes. Women have been encouraged to challenge "established medical authority" and to "take responsibility for their own bodies" (pp. 197-198). Dr. Cutter offers her work, in part, as a response to "past discriminatory practices" (p. 202). This approach is understandable given the way so many problems in our society are framed, particularly those that have to do with women and minorities. However, I see a danger in viewing past imbalances as *discriminatory*. I think it is more appropriate to assume that what happens in cases like these is that doctors learn from mistakes and that they see more clearly the sameness within the difference and the difference within the sameness. In short, medicine has become more inclusive and more localized. The principle that should drive everyone is the equal dignity of every human being. Acceptance of the view that we must carve out a place for some particular group that has been discriminated against will lead to more of the same. Such an approach runs the risk of paralyzing the health care system; there will always be someone whose particular case was not adequately handled. Gilbert Meilander expresses a related concern in his review of Rosemarie Tong's "Feminist approaches to bioethics" (Lahey Clinic, Medical Ethics Newsletter, Winter 1999). He writes:

> Granting all this, we should still pause to reflect upon the fact that this is an approach to moral reasoning that places at the center the interests of women - that is, one 'special interest' among others. Perhaps one might try to justify this as a temporary measure, necessary in response to a gravely unjust world. But pressing special interests and putting one's ideal of fairness on hold for a time should, at least, be worrisome. This 'power-focused feminist approach' will need to explain how it differs from unjust special preference (Lahey Clinic, Medical Ethics Newsletter, Spring 1999).

What I would want to avoid is an emphasis on *equal rights*. My conviction is that moving in that direction will not be successful because there will be no end to it. One can delineate more and more rights of more and more subcategories of persons, until one arrives at the realization that

each and every person is unique and different. I suggest that much of what Dr. Cutter hopes to correct is in fact in the area of *prudence*; that is, in the proper application of the principle that all human beings are of equal dignity and that their different concerns ought to be handled equitably. Not because it is their right to be so treated, although it is, but because it is the *right* thing to do. I suggest moving in the direction of fostering a more profound awareness of the sacred nature of the human being who is before me who needs medical attention. The flawed generalizations that a doctor might be working with are simply *given*; one must start somewhere. For example, it may not have been irrational or discriminatory, early on, to focus on *male* AIDS patients. And since a medical professional wants *this* person to be healthy, it is natural that he or she will be attentive to ways of improving the care given to those who are like *this* person, namely, *males*. What should drive the arguments for inclusivity is a more fully expressed understanding of the nature of human life. Attentiveness to difference and to sameness will be crucial to this approach because it is crucial to good health care within a system that proclaims that all human beings are of equal value.

2. RELATIVISM AND EPISTEMOLOGY: GENERAL CONCERNS

Dr. Cutter is very concerned to avoid errors in definition (of what it means to be woman or feminine, for example). She wants to avoid reductionism, yet take account of nature; to avoid relativism, yet be localized. She has the conviction, generally speaking, that facts do entail values. Regarding Louise Antony's "naturalized epistemology," Cutter writes: "In that this view reduces reality to facts, thereby delinking facts from values, it cannot guide us in thinking through clinical issues" (p. 204). However, in its current form, Dr. Cutter's call for a localized approach comes dangerously close to promoting the relativism she wants to avoid. The *objective nature* of women, so important to her argument, is defined in such a way that it no longer appears to be objective. This is because she does not want to describe woman (or man), or even sexuality in general, in so specific a way as to be inaccurate. As I have noted, Dr. Cutter's *feminist clinical epistemology* is a version of what she calls a "localized epistemology" (pp. 204-205). On this view, there is truth to be known (e.g., about nature), but knowledge of this truth is always situational, partial, and practical. Dr. Cutter seems unaware that such an understanding of truth undermines confidence that it can ever be known in a comprehensive or known-to-be-accurate manner. Hence, to call it truth no longer seems appropriate, because truth itself is not known; rather, there is philosophical *faith* that truth is "out there." Each person in each place has his or her own take on the matter at hand, with Cutter offering no

help with how to discern between truth claims. I appreciate Dr. Cutter's conviction that we must "localize" our concerns, that we must understand each situation in its uniqueness. But as it stands, her thinking opens the door to a relativistic understanding of nature, despite her desire to avoid this.

My point here is that *wanting* one's epistemic claims to be more than "perspectival reports" does not make them so. Dr. Cutter's project demands a much more developed theory of knowledge. In other words, she must find a way to justify truth claims so that they are not reduced to the level of perspective. This is not easy! But without it, in my view, the goal of actually helping particular persons with particular and unique problems, will not be achieved. Good casuistry cannot occur unless objective norms are more firmly in place. Dr. Cutter is very attentive to how misunderstandings can develop. For example, terms like *diversity*, *motherhood*, *aggressiveness*, and *femininity*, have certain implications depending on who is using them and in what context. Her recognition of this fact helps to reveal how and why inappropriate norms of health and behavior can emerge. However, as above, to recognize this fact is one thing; to provide a solid foundation for norms that would be more appropriate is another.

The resolution of the problem to which Dr. Cutter points is not by way of a *women's* epistemology, but by attentiveness to evidence; a more comprehensive understanding of woman, a more comprehensive understanding of human nature in all its manifestations. In her fourth footnote she writes: "The analysis will be restricted to so-called 'women's disease' because of the ground-swell of interest in this area and the opportunity to provide a depth of analysis. The findings here no doubt affect how we think about men's disease." This is exactly right, and the chapter would benefit from a more explicit articulation of the implications of this insight. To be sure, some might argue that the fact of her sensitivity to the concerns of all persons is itself a *feminine* or *feminist* trait; whereas, in my view, it is simply good medicine. We should have better information about all races, minorities, rich and poor. Why? Because we are created in the image and likeness of God; each person is of immeasurable value; charity and justice demand it. To speak of a "feminist clinical epistemology" is unnecessarily polemical. The difficulty is that it sets the stage for conflict, as if there is a group of persons who want to give women and minorities inferior care and with whom one must play "hard ball" to make changes. Should any man, the child of a woman, and often a husband and father, be presumed to want to provide inferior health care to the women in his life? Why not focus attention more clearly on bringing out into the open the biological differences and similarities between men and women, blacks and whites, the general population and other minorities?

3. PARTICULAR CONCERNS

Dr. Cutter notes that in1993, the FDA altered a 16-year-old policy that had excluded most women of child-bearing potential (p. 198). This is mentioned as a change for the better. However, there is a strain of feminism that pushes for the equality of women in such a way as to deny or downplay important differences. One wonders if there is not some wisdom in not using women of child-bearing age in certain studies. I mention this not because Dr. Cutter would not agree, but because I should like to see her distance herself more clearly from less thoughtful approaches than her own.

A more serious concern has to do with the question of motherhood and abortion. On page 198, Dr. Cutter writes of the importance of "safe motherhood practices, and maternal and child nutrition." This is something on which Dr. Cutter and I strongly agree, or at least I thought so until I read her section on the limits of the use of casuistry. "Because casuistry does not offer a guiding framework beyond the cases themselves," she writes, "it will be impossible to navigate this dispute regarding abortion—or any other one regarding competing epistemological and evaluative claims. If one searches for THE answer to our epistemological and evaluative conflicts, then casuistry will be disappointing. But casuistry does not promise such a perspective—and rightly so in cases involving limited knowers such as humans." It may well be that Dr. Cutter believes in the full humanity of every human being from the moment conception. But she does not say this, and she seems to suggest that such a thing cannot be known by humans. My point here is not only that I think she is wrong about such a thing being unknowable. It is that if she *does* think it is unknowable, then there is a serious problem at the heart of her argument, namely, the question of what grounds human rights, specifically the right to good medical care. For Dr. Cutter, the right to adequate health care is an *absolute* right, universal for all human beings, although her particular focus is on women. Yet, it appears that, for her, the basic understanding of what makes someone to be human appears depend on one's "narrative." Hence she places her argument on a fundamentally shaky foundation.

Dr. Cutter is quite aware of the limitations involved in using casuistry as she is using it. Because people approach ethical problems with a variety of cultural, religious, and moral assumptions, casuistry itself will appear at times to be relativistic. Dr. Cutter's work reveals the need to address the question of nature in a much more substantial way. Perhaps she will conclude that truth claims regarding nature are irresolvable in an objective way, and then explain what such a conclusion implies for health care policy. Research in this area would be most helpful.

On a related matter, Dr. Cutter makes her search for "nature" virtually impossible. She writes that "we need to recognize that the distinction between and among sex differences is neither exhaustive nor exclusive. Human beings display a range of sexual diversity" (p. 200). After a discussion of this sexual diversity, she writes that the findings "lead some to argue that sex is a malleable continuum that challenges the constraints of simple binomial categories" (p. 200). Nevertheless, she claims, we can say something substantive about "sex differences and distinct expressions of sexuality." Reading further, however, one sees that this claim is somewhat precarious. On page 201 we find that "gender (L. genus, race) refers to a set of claims, categories, assumptions, and stereotypes involved in the social construction of sexuality." The "social construction of sexuality" does not sound much like the kind of thing one would would expect in one's search for "nature and norms." Rather, it suggests that one simply has no hope of finding anything but one's own perspective on the matter, informed perhaps by the perspectives of many other persons.

Dr. Cutter writes that "On one prominent model, for example, to be 'good' at being female or feminine, one should be nurturing, emotional, cooperative, sexually restrained, pretty, etc; to be good at being a male or masculine, one should be strong, active, independent, rational, sexually aggressive, handsome, etc." (p. 201). For her argument to have substance, much more needs to be said, for example about how the models developed, whether they have a biological basis or whether *everything* is constructed. I think that Dr. Cutter needs more clearly to distance herself from extreme views of social construction lest she unwittingly imply that the male/female difference itself is a matter of social construction. If one's perspective determines what count as facts about needs, interests, and so forth, then one has escaped reductionism AND objectivity. It is then no longer accurate to speak of *facts* in any meaningful sense.

4. CONCLUSION

As health care costs continue to rise and research continues at a pace that is almost beyond belief, humanity is faced with more and more complicated ethical questions. Is there a right to health care? If there is, what are the limits to this right? For example, should some procedures be rationed for some types of persons, perhaps the elderly? Some sort of rationing seems inevitable, because unlimited care for everyone is simply not a possibility. But how should care be rationed? And should health care be treated as a commodity or as a basic human right?

Yet another challenge to health care is the fact that we can now more accurately predict the future health costs of particular persons and of

particular sets of persons. Health insurance was simpler at a time when we knew less about projected costs; no one knew with confidence whose care would be more costly, so it was reasonable and acceptable to spread costs over a large population. However, because we are now more aware of risks associated with particular behaviors, and with particular biological profiles, we are less likely to want to pay for insurance for which we will have little or no use. Hence, because of our advances, insurance coverage is becoming more and more complicated. For some, the answer is to keep private that information that will make insurance companies less likely to cover someone. This would involve a type of "feigned ignorance" in order that everyone be given coverage. My own view is that, however desirable such a policy might be, it will not be sustainable. More and more information will be available, whether we like it or not.

This fact puts us face to face with the most serious challenge: how to set up equitable structures given that we are able to know with higher and higher levels of certainty just whose health care will be most expensive. On the one hand, in a society that values autonomy and individual freedom, it seems unfair to ask those who will have lower costs to pay for those who will have higher costs. On the other hand, in a society that values the social dimension, questions will arise regarding the limits of one's autonomy and individual freedom. For example, if I am going to pay for your health care, I will likely want to have a say regarding whether you should be engaging in some high risk behaviors.

Are we autonomous? Are we communal? If communal, what is the basis of our equal value or equal dignity?

The "older" feminist perspective was that women and others are not being treated fairly and that they ought to be. The new perspective, for which Dr. Cutter begins to make a case, builds on the conviction that all human beings ought to be treated fairly but it recognizes that different populations have different needs and that their costs vary greatly. The challenge that Dr. Cutter does not adequately address is this more complicated situation. And it is a situation that must be addressed philosophically and politically because of the great difficulty in determining what is truly most equitable. This explains why there is so much controversy regarding drugs that are specific to particular races. Funds are not unlimited. And if one does not trust that others truly believe that we are all equal and should be treated as such, he or she will feel very vulnerable in relation to health care. This is especially true if one is a member of a minority group, racially, medically, or otherwise.

Recently, researchers have found that a particular mix of drugs could dramatically reduce the death rate of blacks with heart disease (See "Race-Specific Drug Raises Ethical Questions," by Monica Brady-Myerov,

November 18, 2004, http://www.voanews.com/english/AmericanLife/2004-11-18-voa44.cfm). Oddly, responses to this discovery have been mixed. Some fear that the discovery of racial differences in propensity to certain diseases will cause claims of racial inferiority to re-emerge. Others fear that the fact of differences will be over-hyped as a marketing ploy. But neither of these concerns has to do with whether or not there are such differences and whether being attentive to such differences can lead to better care of patients. Rather, the concerns are at two very different levels. The first has to do with challenges to the view that all human beings are equal. That is, the more we discover differences, perhaps even relative *weaknesses* between races, the more difficult it will be to uphold the absolute view of human equality. To uphold such a view will require a robust understanding of human "sameness" and, even more importantly, an articulation of the legal, moral, and economic implications of that sameness. The second challenge is the fact that human beings may take advantage of information about differences in order to benefit themselves while *appearing* to benefit others. The response to this challenge is long term: form citizens who are morally upright. I am quite serious about this. There is a limit to how much society can do to police immorality of this type. More importantly, for our purposes, the fact that there will be such unscrupulous use of the racial differences does not provide sufficient reason to cease such research and development.

Dr. Cutter touches upon many issues that will benefit from further investigation. On page 201 she notes the power of social sanctions and of "norms" that are created in order to foster demand for certain types of surgery or other treatments that are deemed to be worth pursuing. No doubt magazines, drug companies, and others are interested in fostering demands for their products and services. It is important to note to what degree human beings can be shaped by outside forces that are not operating in their best interests. However, such observations on Dr. Cutter's part only scratch the surface of what is going on. Why are human beings vulnerable to such marketing? What "truths" present in the nature of human beings makes them susceptible to false advertising? Name-calling is wrong only if it is inaccurate. Certain cosmetic surgeries are inappropriate only if they contradict some truth about human beings, only if they somehow go against someone's better interests even if they appear to be good for them. Discussing the fact of deception and the creation of demand is only the beginning of the process of getting at how to redeem the situation.

Dr. Cutter perhaps does not want to get into specifics because she is wary of making the same error she is criticizing. Being attentive to human freedom, she does not want to call something objectively *wrong* if some others might feel is right *for them*. Various forms of cosmetic surgery, for

example, seem to enhance self-esteem for some persons, even if to others such surgery is seen as unnecessary and perhaps even immoral.

In short, the lack of a discussion of fundamental natural law principles prevents Dr. Cutter's paper from engaging the questions she raises at the depth she seems to want to engage them.

A second problem has to do with how Dr. Cutter understands the way to respond to the fact of inequities in health care. Given that different diseases affect different populations differently, the task is to determine "the kind, level, or degree of gender bias that is justifiable in the framing of women's disease and create the conditions appropriate for judgment and action" (p. 202). In addition to the fact that the term "bias" connotes an improper favoritism, Dr. Cutter's approach keeps the discussion at a level of generality that is at best exhortative. The really hard questions have to do with how we ought to handle the fact that appropriate health care for one category of persons may be much more costly than it is for another category. If we approach the problem from a starting point of "equal rights," then providing more resources for one category will seem unfair. And if we describe this difference as an instance of *bias*, then we risk exacerbating gender and racial tensions unless we make a substantial argument for the social nature of human beings. I am not suggesting that Dr. Cutter is unaware of these facts, but that she has omitted what I think would be a most helpful discussion of them.

Ambiguity at the level of principle emerges again in Dr. Cutter's discussion of "a contextual account of knowledge" (p. 203). She writes out of a deep concern for fairness and for the plight of those who have been the victims of discrimination. In doing so, her own truth claims require an objectivity that is not vulnerable to charges of relativism. Dr. Cutter shows that she is attentive to this by her specific claim that a *contextual* account does not mean a *relativistic* account. However, it is one thing to recognize the dilemma and another to resolve it. She wants an approach that is not too "universal" as to be rendered "locally irrelevant," but that is not too local as to be *relative*. It is to her credit that she also recognizes the pitfalls both of "naturalized" and of "postmodern" accounts of knowledge. Here she resists, respectively, the reduction of reality to facts and the claim that epistemology is really ideology. But I fear that she is not sufficiently attentive to the force of the postmodern challenge. In her argument that truth is not relative, she notes that relativism "fails to take into account what common sense tells us: that we do act as if there is understanding or certainty in the world" (p. 204). The point of the postmoderns is that we have no way of knowing if what our common sense tells us is *true*. And as long as we do not actually have that foundational certainty, our approach to knowledge cannot help but be reduced to ideology.

Dr. Cutter thinks that this particular problem can be resolved, at least in part, by *casuistry*, which she describes as "a method of analyzing and resolving instances of moral perplexity by interpreting general moral rules in light of particular circumstances and provides a flexible, practical approach to problems involving values" (pp. 204-205). Casuistry "takes nature seriously," and "rejects the view that reality is solely created by the knower" (p. 205). In this she is surely correct. However, the resolution so desired by Dr. Cutter is undermined by her own uneasiness with landing on any stable understanding of "nature." Taking nature "seriously" loses its gravity if reality is understood to be "discovered within the framework of particular contexts, ones that are historically and culturally conditioned" (p. 205).

While Dr. Cutter has the very best of intentions, she is not fully attentive to what it takes to defend against relativism and postmodern challenges to truth claims. We are indeed part of a living and changing reality. And our level knowledge of this reality is itself changing, and not always for the better. However, to take an ethical stand for justice and fairness, one must find a stable point on the basis of which to make one's case. It is in the articulation of this stable point that I suggest Dr. Cutter pursue further research. What she is attempting to do is extremely valuable, but it represents a challenge to both relativists and absolutists. Once the claim of "nature" are more sufficiently justified, she will have made a case that ought to provide a helpful contribution to the often fruitless conversations between "contextualists" and "absolutists."

She refers to the "construction of disease" (p. 199) and the "social construction of sexuality" (p. 201), without explanation. I found this very difficult to make sense of. To be sure we can define someone as *healthy* who is actually *unhealthy*. And we can call someone by a name that is based on our knowledge of his or her sexual preferences, but that has nothing to do with the health of that person's body. But the talk of "construction" is at best distracting. It is clear that Dr. Cutter thinks such construction can be done poorly, but it is not clear how it ought to be done. So the norms she is seeking remain somewhat hidden from view.

What I am suggesting is that Dr. Cutter's paper only points in the direction of where thinking needs to go on such matters, but does not move the discussion forward in substantial ways. We must be attentive to difference, and we must be fair. Medically, it is wrong to treat human beings differently unless the different treatment is based upon physiological differences. And researchers should try to "think outside the box," to be open to developments in their findings, to allow both for better care of individual subgroups but also to provide better care for the general

population. In short, patients should be treated differently if such different treatment is medically warranted and not the result of racial or gender bias. Society will benefit the more persons like Dr. Cutter can make a case for this approach. In these pages I have attempted to offer some suggestions for how Dr. Cutter's argument might be improved.

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Section IV

A Moral Culture Without Metaphysics is Empty

CHAPTER 12

NICHOLAS CAPALDI

USING NATURAL LAW TO GUIDE PUBLIC MORALITY

The Blind Leading the Deaf

1. INTRODUCTION

In order to answer the question, whether natural law can guide public morality, we need to do three things: first, identify what we mean by natural law; second, identify what we mean by public morality; third, explain what it would mean to "guide" the latter.

In this essay, I shall argue that natural law, in any interesting and traditional sense, is incapable of guiding, in any positive sense, what we mean by public morality. I shall take this opportunity to critique natural law severely both in general and for what I take to be its negative impact on public morality. Turning to the issue of public morality, I shall maintain that the lived character of (our) public morality is (a) not the sort of thing that can be theorized and (b) has been both misrepresented and distorted by all forms of so-called ethical theory. Finally, I shall indicate in what sense public morality can benefit from critical reflection, but it will turn out that this sort of "guiding" is not what I understand natural law theorists have in mind.

2. WHAT IS NATURAL LAW?

Natural law, in general, is comprised of a metaphysics, an epistemology, and an axiology. In its Aristotelian form it espouses a naturalistic and teleological account of the universe, a realist theory of knowledge, and a teleological account of human societies and the role of individuals within them. In its later Christian forms, beginning with Aquinas, a supernatural telos supplements the purely naturalistic teleology. Catholic thinkers figure

Mark J. Cherry (ed.), The Death of Metaphysics; The Death of Culture: Epistemology, Metaphysics, and Morality, 233—239.

prominently among its current and distinguished exponents; but it should be noted that there are competing versions even amongst such exponents. (By the way, these are all very decent guys and gals whose moral advice you should take seriously if you are wise enough to seek it out; that it is possible to hold a 'bad' theory and yet give good advice is evidence for my larger set of theses.)

3. WHERE DID TRADITIONAL-OFFICIAL CATHOLIC NATURAL LAW METAPHYSICS GO WRONG?[1]

The Thomistic-Aristotelian conception of metaphysics is defective for a number of reasons. To begin with, Aristotelian metaphysics is rooted in a particular scientific conception of the world; namely, one in which the categories of teleological biology are primary. Once science departs from that model and embraces another such as Newtonian mechanism or even indeterminism, the metaphysics has become anachronistic. Reintroducing the teleology becomes a form of metaphysical slight-of-hand, in practice a form of obsessive natural theology condemned to potentially endless embarrassment, and intellectually a transparent anthropomorphic projection.

Second, revived Thomism, especially in the works of Maritain[2] and Gilson blocked serious consideration of the Copernican turn so prominent in nineteenth and twentieth century German Catholic thought. Because of Thomistic-Aristotelianism's intransigent objection to the Copernican Revolution in Philosophy, many important contributions of post-Kantian German Catholic philosophy, especially *phenomenology*, have been marginalized. It has thereby blocked adequate consideration of *interiority* or the inner domain.

Third, the Thomistic-Aristotelian conception of metaphysics obfuscates the very nature of metaphysical discourse. In a kind of authoritarian and imperialistic way it declares itself the hegemonic proprietor of the very term 'metaphysics' so that not to be a Thomist is not to have a metaphysics at all. Much of value in the Augustinian-Platonic and neo-Platonic tradition has been neglected. Any survey of the history of the term 'metaphysics' will show not only that there are conflicting metaphysical positions but there are conflicting views about what metaphysics itself is. The meaning of the term 'metaphysics' is itself difficult to divorce from substantive metaphysical positions. Although this is an obstacle, it also tells us something important about the attempt to abstract form from substantive beliefs.

Let us note a fourth defect of Aristotelian metaphysics. A static metaphysics that denies the possibility of new forms becomes in practice a defense of the status quo. Ptolemaic astronomy, feudalism, agrarianism, and

the mindless opposition to market economies suddenly become features of Christianity rather than historical accidents. We soon forget that Christianity does not entail a particular economic or political system.

A fifth defect of the Thomistic-Aristotelian metaphysical system is that it transforms morality into an intellectual exercise, the application of theory to practice or morality as the reflective observance of rules or ideals. Emphasis is put upon having a correct and defensible theory rather than on how to act. The ideals too quickly turn into obsessions. Inevitably moral sensibility is inhibited or even eroded in favor of an elaborate casuistry. The object seems to be to observe a rule instead of behaving in a certain concrete manner. It achieves the appearance of stability at the price of imperviousness to change. When change can no longer be resisted it occurs as a revolution rather than as an evolution. Obsession with rigid deductive structures and a preoccupation with logical systematicity has been destructive of both historical understanding and rational criticism.

The great roadblock to the future of Catholic metaphysics is Leo XIII's *Aeterni Patris* (1879) in which he ordered a return to the Scholastic philosophy of St. Thomas Aquinas.[3] Under Kleutgen's influence,[4] Thomism was first divorced from the tradition of thought and practice out of which it had emerged and was presented as a finished system. Next, Thomism was presented as primarily an epistemological doctrine addressing the issues of modern epistemology generated by modern science.

The trouble with this approach is that it is ultimately rooted in the same Aristotelian metaphysical tradition that is at the root of scientism. The commitment to the Aristotelian model of metaphysics effectively reinforces the scientific-naturalistic paradigm. What I mean by this is the following. It presumes first that there is an order or structure in nature independent of cognition; it presumes that human beings can grasp or abstract that structure in a purely naturalistic way since human beings are themselves a part of the natural order and to be understood largely in the same manner; finally, it presumes that a study of the natural order leads naturally to an understanding of the supernatural behind that order. The common philosophical assumption is that we first start with the intelligibility of nature and then move progressively to the understanding of ourselves and then God. It assumes that how we understand the world is primary and how we understand ourselves is secondary. It assumes that an understanding of God is gained through an understanding of the natural world. Christianity is reduced to the status of an ingenious hypothesis within the scientific game.

Even aside from Kleutgen's misrepresentation, Thomism is a metaphysical dead-end. Aristotle's metaphysics is an improper vehicle for Christianity. The purely naturalistic reading of Aristotle was a problem even

within medieval Christendom. Averroes of Cordoba, for example, an Arab commentator on Aristotle, exercised enormous influence on the early introduction and understanding of Aristotle in the West. Averroes maintained that (1) God is so self-contained that individual human actions are not guided by divine providence, (2) the material world is eternal and not created, (3) the material world is further governed by an internal necessity under the influence of celestial bodies, (4) there was no first human being, (5) the individual soul dies with the body, and (6) the human will acts within material necessity. Aristotelian naturalism was always a two-edged sword, and the advocates of the Enlightenment did not hesitate to use it to undercut Christianity.

4. PUBLIC MORALITY

I understand public morality to comprise the following:

1. Action precedes thought. This usually comes as a big surprise to intellectuals [teachers and some students; not to all students but for a different reason].
2. Public morality is primarily a matter of habit; on most occasions, and especially in emergency situations, it is an unreflective habit.
3. We are initially educated into this morality in the same way we are initially educated to speak a language, that is, by osmosis; eventually we come to do self-consciously what was originally done unreflectively. This form of education accompanies every social practice. The genius of this education is that it enables us to act without hesitation when such occasions are demanded.
4. The stability of public morality is the result of the fact that it is not part of a fixed system, i.e., it can withstand partial demise; its great strength is its flexibility and its capacity to evolve under pressure of novel circumstances.
5. Its weak spot is its capacity to degenerate into superstition.
6. Public morality can be subject to critical reflection, but it is critical reflection of a special kind. We call it explication (P/T). Explication is a mode of understanding social practices. It presupposes that all social practices function with implicit norms and that to explicate a practice is to make explicit the inherent norms. In explication we try to clarify that which is routinely taken for granted, namely our ordinary understanding of our practices, in the hope of extracting from our previous practice a set of norms that can be used reflectively to guide future practice. Explication attempts to specify the sense we have of ourselves when we act and to clarify that which serves to guide us. We do not change our

ordinary understanding but rather come to know it in a new and better way. Explication is a way of arriving at a kind of practical knowledge that takes human agency as primary. It seeks to mediate practice from within practice itself. Explication is a form of practical knowledge and presupposes that practical knowledge is more fundamental that theoretical knowledge. Explication presupposes that efficient practice precedes the theory of it. All reflection is ultimately reflection on primordial practices that existed prior to our theorizing about them. Language is a good example. Natural languages were and are spoken prior to the explication of their grammar. Contemporary intellectuals in general and philosophers in particular have trouble with this idea because they are part of an institution that is meant to be almost exclusively reflective. It is easy to lose sight of the fact that reflection is, ultimately, a reflection not on other reflections but on actions in which human beings engaged prior to theorizing about them.

7. Sometimes the morally right thing to do is to use force in a situation where argument has reached the limits of what it can accomplish. Morality, in the end, is about action and not discourse.

5. TO GUIDE OR NOT TO GUIDE

The traditional idea that has come down to us from classical Greek philosophy is that theory is prior to practice (T/P). That is, we must first apprehend the external structure of truth (there are of course conflicting versions of how one does this) and then conform our behavior to that truth. Two things can be seen immediately from this. First, when later medieval Christians (not the Christianity of the first two centuries) decided to rationalize Christianity, they did so by appeal to classical Greek models. They thereby infected Christian thought with this misconception. Second, it is to my mind a misconception because I have been advocating explication (P/T).

What are the positive benefits of attempting to guide practice by reference to theory, any theory? The major benefit is that it provides work for philosophers. In the course of this attempt, philosophers will discover or rediscover that:

1. There is no theory on how to apply theory to practice. Theory must be supplemented by an elaborate casuistry or hermeneutic. There will be endless lively and witty conversations punctuated by competing intuitions and “what if” scenarios. Professional philosophers love these conversations, it helps them to publish, and it keeps them out of trouble.

2. This will give rise, in turn, to competing versions of the theory. Whole careers can be based on a new version.
3. Any theory is, in the end, a set of abstractions. Abstractions are so general that with a little ingenuity any abstraction may be stretched to cover any context. This creates the illusions that (a) classical thinkers anticipated every later permutation of thought and that (b) one's own favored theory must be correct because it fits or can be made to fit everything. I say these are illusions because the same "stretch" capacity is inherent in all the competing abstractions.
4. Finally, the really best philosophers will emerge and help us to understand (a) that we live in a world of incommensurable rival moralities (i.e., moral theories); (b) that agreement can be obtained only on procedural norms, not substantive norms; and that (c) conflict may still be unavoidable if one of the rival claimants is unable to find the resources within its substantive view to endorse the procedural norms.

These are the good things. Now let us turn to the bad things, the negative consequences of attempting to guide practice by reference to a theory.

1. Theory surreptitiously suggests a utopian resolution to the human condition. It is what Voegelin identifies as the immanentization of the eschaton. It is the false and dangerous promise that we can do without morality and instead replace it with a "plan".
2. Theoretical obsession undermines confidence in habit and ultimately the habit itself.
3. People will tend to confuse having a coherent ideology with being moral. By analogy, literary criticism replaces literature and theology replaces piety. At the very least, students will be given a familiarity with one or more philosophical languages, but they will confuse facility with these languages for the ability to make moral decisions.
4. Unable to establish through theory its own universality (see 3 and 4 above), it will undermine faith in its applicability to its own context of origin. In the pursuit of peace, it will advocate pacifism in the face of enemies determined to destroy it; in the name of tolerance, it will tolerate intolerant enemies determined to destroy it.
5. Unable to establish its own universality by theoretical means alone, the entire moral code collapses and is replaced by a rival code that promises and is seen temporarily at least to deliver a form of universality. An instance of this is the rapidity with which Thomistically-trained Catholics embraced Marxism, a secular theory which promises to achieve the unrealistic ideals of social justice.

6. In order to shore up faith in a tottering morality, some extremists will arbitrarily select a few ideals and turn them into a rigid prosecutorial ideology. Contemporary Islamic extremism is just such an instance. In the name of some ideal ordinary human decency is abandoned.

6. CONCLUSION

It is high time to abandon moral theory in the sense I have described, and natural law as an example of it. Theory is blind and therefore cannot help us find our way. We should turn a deaf ear to it.

Of course, I shall be accused of abandoning reason and rationality. And this, despite the fact that I indicated earlier in what positive sense critical reflection on practice was to be prized. Some of you were not listening.

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NOTES

[1] This section first appeared in "Catholic Metaphysics in the Wake of the Collapse of the Enlightenment Project" (2001, pp. 45-72).

[2] Jacques Maritain, *The Degrees of Knowledge* (1932). Gilson has been defended against this charge by Emerich Coreth, *Metaphysics* (1968). This defense along with the renaming of the *New Scholasticism* to The *American Catholic Philosophical Quarterly* marks the beginning of the decline of Thomism and the reclamation of the Copernican turn.

[3] My critique of Aristotelian realism is not meant to deny or obscure the fact that both Aquinas and Aristotle were among the wisest philosophers ever to have lived or written. But it is necessary to distinguish between the specific insights of great philosophers and the system into which they embed those insights. One can recognize the defects of the system without delegitimating the insights.

[4] See, e.g., Alasdair MacIntyre, *Three Rival Versions of Moral Enquiry* (1990), pp. 72-76.

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CHAPTER 13

PETER WAKE

ETHICAL LIFE AND THE NATURAL LAW

Hegel and the Limits of Morality

> The man who does not enjoy doing noble actions is not a good man at all: no one would call a man just if he did not like acting justly, nor liberal if he did not like doing liberal things, and similarly with the other virtues.
>
> —Aristotle, *Nichomachean Ethics*, 1099a

1. MORALITY AND THE DISINTEGRATION OF ETHICAL LIFE

In "Using Natural Law to Guide Public Morality: The Blind Leading the Deaf," one of Capaldi's central aims is to remind us of the primacy of moral practice over moral theory. What exactly does Capaldi mean by 'theory' and 'practice' and what is the relation between them? It would certainly be possible to grasp the two in a broadly dialectical manner: while theory is that which is not practice and practice is that which is not theory, they are, at the same time, reciprocally dependent upon each other for their distinct meanings. But Capaldi does not follow this route. Instead, theory is understood *as* a practice, and the central activity of this practice is abstraction. The error of so much moral theory is that it mistakenly assumes that the proper function of theory is to grasp moral laws or procedures that transcend practice itself. Once this assumption is made and these abstract laws have been secured, the further assumption is that they can then be used to guide moral practice. The moral theory that Capaldi condemns not only fails to recognize that it *is* a practice, but also that it is a practice which is parasitic upon other more primordial practices. We will return to the specific dangers inherent in this error, for they are, according to Capaldi, manifold and severe, but we can encapsulate these negative effects by saying that

Mark J. Cherry (ed.), The Death of Metaphysics; The Death of Culture: Issues in Epistemology, Metaphysics, and Morality, 241—265.

moral theory runs the risk of ossifying what Capaldi calls the "*lived* character of public morality" (Capaldi, p. 231).

The criticisms that Capaldi raises against moral theory correspond in many ways to the challenges that Hegel poses to the modern attempts to ground moral practice in theory. Most importantly, Hegel too holds that moral theory, in both its empirical and idealist guises, undermines the 'lived' character of ethical practice. In what follows, I appeal to Capaldi's essay to pose the question of the limits of moral reasoning and I will then turn to Hegel to consider his response to this same question. While Hegel shares many of Capaldi's criticisms against moral theory, and he too understands himself to be living in a culture that has been deeply affected by this kind of theory, he is, nevertheless, motivated to reflect upon these practices with the aim of revitalizing them, and revitalizing them *by way of* philosophy. I will concentrate on Hegel's early writings in particular, those produced before the publication of the *Phenomenology of Spirit* (1807), because the goal of resuscitating the 'lived' character of ethics in modern society figures much more prominently than it does in his later writings. Indeed, I would argue, that it is his guiding concern during this earlier period.[1] It is striking to see the manner in which this problem can be found at the roots of Hegel's philosophical project and it is my contention that a reading of his later, mature system will be greatly enhanced by recognition of these roots. Among his early writings, his most detailed, published engagement with the question of the natural foundation of moral theory and their potential corruption can be found in the 1802/1803 "Natural Law" essay, published in the *Critical Journal* that he founded with Schelling. Prior to this, he had been most concerned with (i) diagnosing the problems that he saw modernity confronting and then (ii) explaining why and how these arose historically. Confronted by modern social and historical practices that inhibited the fulfillment of human autonomy, he attempts to address the limitations in contemporary practice by tracing the norms operative in them back to their origin. In doing so, he had focused for the most part on the religious dimension of the problem, or, more precisely, the degree to which the idea of freedom defined the religious life of Greek and Roman paganism, Judaism, and both early and modern Christianity. In the "Natural Law" essay, however, he enlists philosophy, and not only religion, in the service of restoring the ethical unity that he thinks has been so profoundly disrupted in modernity. This disruption was particularly pronounced in Germany, which he speaks of as a "disintegrated nation" (Hegel, 1975, p. 131), and what has been disintegrated, as a partial result of the effects of moral theory, is "ethical life" (*Sittlichkeit*).[2]

*

What, then, is the "*lived* character of public morality," to use Capaldi's terms, or "ethical life," to use those of Hegel? For Capaldi, we can say, positively, that the lived character of public morality is marked by its largely unreflective, habitual nature. As a kind of second nature, it allows us to act in both a flexible and unhesitating manner. Above all, it is not a fixed system and this openness is precisely the source of its resilience. As Capaldi writes, "The stability of a public morality is the result of the fact that it is not part of a fixed system" (Capaldi, p. 234). Among the ill effects that arise as a result of an excess of moral theory, perhaps the core problem is that habitual action is undermined. Once habit has been uprooted and thus made ineffectual as a source of action, moral theory, as a set of abstractions, is unable to provide adequate guidance for making concrete moral decisions. Morality is reduced to a mere intellectual exercise, coherent moral theory replaces action, and complex casuistic systems are constructed at the expense of moral sensibility. The most dangerous consequence of this is that ordinary human decency risks becoming supplanted by fanaticism.

In the analysis that Hegel develops in his early writings, this set of symptoms—the loss of the living character of ethical life, the impotency of moral theory, fanaticism—adds up to a social condition that he calls 'positivity' (*Positivität*). Hegel does not contrast 'positivity' and the laws that embody it with a set of 'nature laws,' but with the universal 'moral law.' As he presents them, 'positive' laws are those that are posited by an external, dominant authority and he contrasts these with laws that are self-given or autonomous. Rather than distinguishing the 'positive' from the 'natural,' he compares it to *life*. What is distinct about 'life' is that it moves, which is to say, *qua* moral practice, that it is fundamentally *historical*. As such, it cannot be commandeered and conceptualized into a static theoretical system. Any attempt to do so will produce the effects that Capaldi attributes to the theoretical abstraction.

The philosophical context for Hegel's focus on lived ethical and religious practice—the two are intimately united in this period of his thought—arises from his overarching concern with determining the means of bridging the gap, opened most decisively by the second *Critique*, between practical reason and sensibility. Or, to put the problem in the political register that was so prominent in these early texts, he posed to himself the question concerning how to overcome the divide that existed between the random power of a despotic state and our autonomous ethical reason. Hegel's early focus on different religious practices and their historical unfolding stem from his view that these could potentially act as the mediation between reason and sensibility, duty and desire—or, in the political register, the proper supplement to a free political order. *Life*, in the form of *love*, comes to mean,

for Hegel, the fulfillment, the *plēroma*, of the law, or, more precisely, the canceling of the stark opposition between positive and moral laws.[3] What Hegel calls "absolute ethical life" (Hegel, 1975, p. 92 *ff.*), *Sittlichkeit*, assumes a similar role in the "Natural Law" essay.[4] However, the existence of the gap and opposition between duty and desire, autonomy and concrete political institutions, indicates the disruption of ethical life. An extreme manifestation of positivity, as a manifestation of this absence of life, is the construction of elaborate systems of casuistry. Casuistry is meant to serve as the potential mediation between pure duty and action, but, for Hegel, it fails to fulfill this function. He describes the effects of this, bluntly, in a passage from the 1796 essay, "The Positivity of the Christian Religion":

> A [casuistic] arithmetic can become so extensive and the multitude of duties is consequentially so infinitely enlarged that little is left to free choice.…
>
> With this kind of system, to judge how we ought to act in every individual situation is of course very hard for the laity and the unlearned, because there is such a mass of moral and prudential rules that several of them may clash with one another in the simplest of matters, and it needs a keen and practiced eye to find a happy way out of situations that have thus become so involved. Of course, healthy common sense has taken no thought for all these precautions, and immediate feeling has generally seized on a more correct line of conduct than the most learned casuists….
>
> In all these moral and prudential rules the procedure is *a priori*; i.e., a dead letter is laid down as a foundation and on it a system is constructed prescribing how men are to act and feel, what motives are to be produced by this and that "truth." Legislative power is ceded to memory above all the soul's other capacities, even the noblest of them (Hegel, 1992a, pp. 136-137).

The danger Hegel sees in moral theory, and the casuistry that arises from it, is that it abstracts from the historical, communal context out of which "healthy common sense" grows. This kind of abstraction leads to the legalistic and rule focused thinking that results in the loss of the living significance of original moral practices. In these early writings, he focuses on Periclean Athens and the birth of Christianity as two examples of original practice. He is clearly drawn to these two historical moments because he sees in them the dual origin of the cultural world he now inhabits. Indeed, one could argue that he is only able to recognize the *absence* of a truly living moral practice in his own time by comparing it with the more original practices in which it *was* present. Although a period of pure moral practice, one untouched by moral theory, can certainly be the object of wistful longing, Hegel holds firmly to the position that this is not a situation to which we can hope to return. Despite the dangers of moral theory, he does not claim that it can simply be banished and forgotten, as if it had never existed.

2. SPECULATIVE THOUGHT AND ABSOLUTE UNITY

After ethical life has been uprooted by the excessive self-reflexivity of moral theory, what is the antidote? Hegel's response is what he calls 'natural law.' But to what degree does it make sense to speak of 'natural law' in relation to Hegel? This, of course, depends on how the two terms are defined. 'Natural law' translates the German *Naturrecht*. When Hegel writes of *Naturrecht*, it does not denote a specific set of laws that are universally applicable for all rational beings, regardless of time and place. Nor does it denote the law through which we, as rational creatures, participate in the Eternal Law (Aquinas, 1a 2ae, q. 91, a. 1-2; cited in Kainz, p. 17). Rather, for Hegel and his contemporaries, *Naturrecht* was used to designate what we could today refer to as the Philosophy of Law (Hegel, 1975, p. 16). Although Hegel at times uses *Recht* in a way that is very similar to the English 'right' or 'justice,' he employs it in a more technical manner to mean the rational foundation of law and, more broadly still, he claims that "right is something *utterly sacred*, for the simple reason that it is the existence [*Dasein*] of the absolute concept, of self-conscious freedom" (Hegel, 1991, §31). Thus, the German Recht is a broader concept that Gesetz, which translates 'law,' in the sense of a specific, legal statute. In his 1805-1806 Lectures on *Realphilosophie*, Hegel states, "Right is the relation of the person in his behavior towards others, it is the universal element of his existence, or, in other words, the … delimitation of his empty freedom" (Hegel, 1931, p. 206, cited in Lukács, p. 384, translation altered). Right, we could say, is freedom made manifest; it is our abstract, human capacity for free action made concrete. As Wood notes, 'right' refers to both the *objects* in which freedom is realized—property, social institutions, and so forth—as well as "the *relations* between the free will and such an object" (Wood, p. 73).

As for the appeal to 'nature' in *Naturrecht*, Wood claims that Hegel's ethics can be compared to the classical naturalism found in Plato and Aristotle, in that "his ethical theory is founded on a conception of human nature that had implications for what human beings need, what is good for them, what fulfills or actualizes them" (Wood, p. 33). Like the ancients, this self-actualization of human beings takes place *qua* our rational nature. Unlike the ancients, however, what is being fulfilled or actualized is the very modern notion of (absolute) freedom. We will return to what Hegel means by freedom below, but at this point we should say that human nature as freedom shares with non-human nature the quality of movement. This dynamic, dialectical 'nature' is, again, what goes by the name 'life', and this quality of movement extents to both ethical life and the science of Naturrecht that account for it. Given this, Wood has labeled Hegel's position a "historicized naturalism" (Wood, p. 33). So although *Naturrecht*

encompasses the study of law, insofar as it is scientific, which is to say, universal, its object and objective is 'life'—'life' as the "*sheer identity of universal and particular*" (Hegel, 1975, p. 126, my italics). Thus, Hegel will write that "natural law bears directly on the ethical, the mover of all things human" (Hegel, 1975, p. 58). Ethical life (*das Sittliche,* Hegel, 1975, p. 438), then, unites universal laws of action with particular passions and desires, which is to say that it shapes human desires, passions, and rational decisions in a way that directs concrete human actions. As the science of the ethical, natural law is under "the necessity of being at one with the empirical shape [*Gestalt*] of the ethical" (Hegel, 1975, p. 58). Since the empirical shape is defined by its historicity, natural law is the expression of universality at the same time that it is thoroughly determined by the ethical shape of a particular historical period in time.

The object of natural law is, for Hegel, the Idea of the Absolute, where the Absolute is conceived as the union of Idea and reality (*Realität*), thought and thing.[5] He conceives of it as a whole that is differentiated in itself on the model of the body and its organs. The organic metaphor is helpful in that it draws attention to the *systematic* nature of the relation of the parts to the whole. Unlike a mere aggregate, the organs of the system are fundamentally determined by their relation to all other organs. Properly understood, the whole is nothing other than this systematic relation of parts that is organized according to its own immanent logic. Rather than being the product of an external cause, it creates itself.[6] The Absolute is the differentiated, articulate whole, and the whole is 'alive'. It is defined by its perpetual, historical movement.

Hegel appeals to this organic model both to describe the object of natural law—absolute ethical life—and to convey how the properly philosophical *sciences* are related. The individual sciences have independence, which is to say that they are defined by an internal necessity, but each science is then organized with the others into a richer whole: the Idea is "reflected in the determinate science just as purely as absolute life is expressed in every living thing" (Hegel, 1975, p. 55). Only a science of this kind can fulfill the interest of reason (*Vernunft*), as opposed to those of the understanding (*Verstand*).[7] In his first acknowledged publication (Jena 1801), and his first detailed elaboration of speculative philosophy, Hegel writes, "The cultures of various times have established opposites [he mentions spirit and nature, soul and body, freedom and necessity, Reason and sensibility] which we supposed to be the products of Reason and absolutes, in various ways, and the intellect [*Verstand*] has labored over them as such." But this supposition is wrong. For Hegel, the "sole interest of Reason [*Vernunft*] is to suspend such rigid antitheses."[8]

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Natural law, then, as the fulfillment of the speculative need to present the Idea of the Absolute, is clearly very different from the enumeration and justification of a series of eternal laws that is to be imposed upon concrete moral practice. The obvious criticism of Hegel's position, which determines our ethical obligations in relation to the particular historical and cultural situation in which we are located, is that it reduces ethics to mere contingent duties. Yet he comes to his position in part because of the failure of modern moral theories to determine the kind of pure duties that would guide moral practice. Indeed, the disintegration of modern ethical life is reflected in the way in which modern thought attempts to gain scientific knowledge of natural law. According to Hegel, it can be divided into the 'empiricist' and 'formalist' approaches. (He does not make reference to any empiricists by name, but he does single out Kant and Fichte as exemplary of formalism.) Very generally, if empiricism, according to its essence or principle, presents the particular, that is, the concrete ethical content of a specific moral community, formalism attempts to provide universal moral principles. Hegel's approach to these two traditions is indicative of the speculative aim found throughout his writing. He judges both empiricism and formalism, retrospectively, against the Idea of the absolute unity and shows the way in which both of these one-sided approaches are limited. He will attempt to organize and unite the scattered observations of empirical thought in such as way that it draws out the universal nature of these observations without sacrificing the 'lived' quality of what is being observed. The formalist systems of Kant and Fichte fail in this regard, for reasons that we will see, and are thus judged to be 'empty' or 'contentless.' Thus, the ethical life that speculative thought presents would be a synthesis of the particularity, multiplicity, finitude, and completeness of empiricism with the universality, unity, infinitude, and consistency of formalism.[9]

3. EMPIRICISM VERSUS FORMALISM, PARTICULAR VERSUS UNIVERSAL

While I cannot hope fully to explicate and defend Hegel's criticisms of empiricism and formalism here, it is necessary, however, to sketch his positions to show why he holds natural law, as the science of ethical life, to be higher than the moral standpoint.

3.1 Empiricism

The danger of a science developing independently of the Idea stems from the fact that it is precisely through the Idea that each science determines its

proper limit. Hegel's central criticism of the empiricist approach to natural law is that it does not recognize its proper scientific limits and, as a result, it makes unwarranted claims for itself. The 'principle' of empiricism is experience, but to know the nature of experience requires a higher context that is beyond experience itself. Experience cannot tell us what experience is. It cannot tell us its principle, which is to say, the limit of its scope. Hegel distinguishes two kinds of empiricism, 'pure' and 'scientific' empiricism, where 'pure' empiricism is *pure* because it does not attempt to go beyond its structural limits. It operates according to perception and, as it relates to morality, it is only entitled to offer a thorough *description* of the qualities related to moral phenomenon. As Hegel writes, with pure empiricism, "everything has equal rights with everything else" (Hegel, 1975, p. 62) and this democracy of qualities is what he calls a "multiplex of being." Thus, properly circumscribed, the empirical approach to punishment would account for its diverse determinations—revenge, reform, deterrence, and so on. Hegel's great admiration for this tradition of thought comes from (i) its insistence that philosophy must be oriented by experience and (ii) its opposition to an artificial framework of principles. As Hegel writes,

> [pure empiricism] rightly prefers its own confusion—for instance, of ethical life, morality, legality, or, in the more specific case of punishment, of revenge, security of state, reform, execution of a threat, deterrence, prevention, etc. (whether from the point of view of science or practical life)—to the absolute distinction of these different facets of one and the same intuition and the characterization of the whole of these qualities by a single one of them (Hegel, 1975, p. 69).

Through its fidelity to the specificity and complexity of moral experience, it is able to offer an *intuition* of the living, organic whole.

This intuition of the ethical whole is, however, killed by the "elevation of the unsubstantial abstractions and details to absoluteness" (Hegel, 1975, p. 69), and the perpetrator of this is empiricism itself when it attempts to attain the status of a science. Because empiricism is properly defined by its adherence to "multiplex being," it is, as Hegel puts it, unable to press on to "the absolute nullity of its qualities" (Hegel, 1975, p. 63). The sense of this is that these qualities are, for empiricism, absolute and, thus, their integration into a larger, systematic whole is impossible. Empiricism does not have the resources within itself to determine what qualities take precedence over others. That is, given the myriad of explanation from the phenomenon of punishment, it is unable to determine its 'essence'. Despite the structural limitations of empiricism, there is a drive toward a 'scientific' empiricism. This entails isolating a limited number of qualities, relating them to each other in a certain way, and then assigning to this arrangement the status of

universality, thus "fixing" (*fixieren*, Hegel, 1975, p. 58) these relations into a conceptual form. The use of the verb *fixieren* indicates, to Hegel's mind, the limitation and danger of this form of empirical science. To 'fix' does not mean to 'correct, but is more akin to what is done to a randy mutt. It is the attempt to make something that is fundamentally mobile stand still by separating out distinct qualities—or, in Hegel's language, determinacies—of ethical life and then 'fixing' them into static relations, thus upsetting its organic totality. This may be appropriate for the mutt, but not for ethical life.

We can witness this empiricist logic most clearly in the appeals made by modern philosophers like Hobbes and Locke to the "state of nature." Rather than the absolute unity that Hegel presents as the proper aim of philosophy, the unity that scientific empiricism produces is a "single, simple, and small mass of qualities" (Hegel, 1975, p. 63) and this smallest possible mass of the multiplex is meant "to suffice for a knowledge of the rest" (Hegel, 1975, p. 63). The name he gives to this is "chaos," in both the natural and ethical realm. As a state of *existence*, chaos, the mass of core qualities, is presented by way of the imagination (*Phantasie*, Hegel, 1975, p. 63) as the "state of nature." By empirical psychology, it is described, as "*the nature and destiny of man*" (Hegel, 1975, p. 63), which is to say, as a list of potentialities found in man. Thus, what is taken to be absolute, and thus utterly necessary, is, at the same time, presented as purely imaginary, as a fictive state of nature or as mere possibility.

Is it fair to say, however, that the qualities attributed to the state of nature are simply products of the imagination? If we were to subtract all the ethical qualities that we take to be contingent, accidental, the product of a specific culture, or historical period, then are we not left with what is essential? Hegel's claim, again, is that empiricism has no criteria for isolating a core unity from the multiplicity of qualities or determinations. It has "no criteria for drawing the boundary between the accidental and necessary" (Hegel, 1975, p. 64). Instead, the qualities that are to remain in the state of nature are those "required for the exposition of what is found in the real world [*Wirklichkeit*]" (Hegel, 1975, p. 64).[10] The criterion for what belongs in the state of nature is contingent upon the social world that the fiction of the state of nature is supposed to be explaining. Or, in Hegel's words, "the governing principle for this *a priori* is the *a posteriori*" (Hegel, 1975, p. 64). Whatever one wants to justify in the state of law or culture, one posits in the state of nature as force, capacity, and so forth.[11] And beyond the *a posteriori* basis for choosing certain qualities as natural, they are related to one another as a mere aggregate. As such, these different determinations will be self-opposed and in absolute conflict with one another. Indeed, Hegel describes the relation between these qualities as a war of mutual destruction. Thus, it is the

qualities and not the agents themselves who are caught in a war of all against all. The Hobbesian view is an artificial construction and the real battle occurs at the theoretical level. In other words, the conflict takes place between those who hold punishment to be revenge rather than reform, reform rather than prevention, and so forth. The conflict is interminable, *qua empiricism*, because empiricism is deemed incapable of engaging in the necessary "absolution reflection" (Hegel, 1975, p. 65) upon itself and the core qualities it presents. As I understand this, an "absolute reflection" would expose nothing less than the manner in which the qualities attributed to the state of nature have been posited by empirical thinking. The reflection is absolute in that it shows the manner in which apparent opposites—nature versus culture, essential versus inessential qualities—are reciprocally determined.

The limit, then, of the empirical scientific approach to natural law is its failure to recognize that the opposition between the state of nature and the state of law are merely abstractions from a prior 'living' unity. Thus, one might claim that self-preservation is the essential quality that defines the relation between human beings. As such, love, honor, and empathy must be understood always and ultimately in terms of self-preservation. A theory of natural law that is grounded on this kind of principle fixes (presents in an abstract and artificial manner) the relation between qualities in a conceptual form that is insufficient to the lived character of ethical life. *Nevertheless*, as Hegel says, 'scientific' empiricism does all of this without entirely severing the universal form from the content, because what is taken to be the central quality or the universal (self-preservation, in our example) is something concrete. Although abstract and contingent, it is contentful. It contains "a *this*, a living relation and absolute presentness" (Hegel, 1975, p. 82).

3.2 Formalism

This is not the case with what Hegel calls formalism. He defines a purely formal science as "that form of science in which the opposition of form and content is absolute, and pure unity (or, infinity, the negative absolute) is wholly separated from the content and posited independently" (Hegel, 1975, pp. 58-59). If empiricism overreaches its principle of experience, and its proper sphere of the multiplicity of finite ethical qualities, the formalism of Kant and Fichte thoroughly severs the content of ethical life from "infinity." Hegel's use of the term 'infinite' varies, but what he means in this formalist context is best described as the negative power of freedom. The infinite is said to be the "negation of multiplicity" (Hegel, 1975, p. 71), which means that the concrete, or substantial, content of ethical life can be brought into

question, uprooted, rejected, or "negated," by free reflection and action. This infinite of Kant and Fichte is what Hegel calls the "negatively absolute," the principle of change and movement, and as such, its "essence is nothing but to be the unmediated opposite of itself" (Hegel, 1975, p. 71). Movement, *qua* infinity, is conceived as a transformation of something into its opposite. Hegel is thinking along the following lines: infinity, freedom, is the negation of multiplicity that makes up the concrete content of ethical life and this content is a multiplicity of finite qualities or determinations; as infinite, as the power of the negative, freedom clearly cannot be reduced to a quality of this kind; rather, it is "the abstraction of form, which, as pure identity is immediately pure non-identity or absolute opposition which, … as the infinite is the absolutely finite" (Hegel, 1975, p. 71). "The infinite is the absolutely finite": for Kant, we are free insofar as our actions are commanded by the moral law, yet for Hegel, the formalist moral law may be pure, but it is also empty. The categorical imperative will never command us to perform any specific actions. We will turn to why Hegel draws this conclusion below, but at this point, we need only note that, to his mind, formalism simply smuggles in empirical content to fulfill this need. Thus, the 'infinite'—pure moral duty—becomes the 'absolutely finite'—contingent empirical desires.

Despite this charge of emptiness, Hegel still finds in formalism a kind of advance over empiricism precisely because the Critical philosophy pushes this opposition between form and content, duty and desire, to its "culminating point." This opposition becomes increasingly pronounced through the development of modern science and philosophy and, for Hegel, it reaches self-understanding in transcendental idealism. The need that speculative philosophy attempts to fulfill is the need to cancel (*aufheben*, Hegel, 1975, p. 57) this opposition.

In this extremely abbreviated account of movement as the transformation of an identity into opposite, we witness the debt that the Hegelian dialectic owes to Fichte. Indeed, Hegel continues by citing what he takes to be the absolute principle of Fichte's philosophy, and that of formalism generally, "the opposition of a divisible ego to a divisible non-ego in the ego" (Fichte, 1966, I, §3, cited in Hegel, 1975, p. 71).[12] How are the ego and non-ego united in the ego? The formalist absolute of Kant and Fichte attempts to do so through "pure reason," and, ultimately, through pure *practical* reason. Their claim is that only in the practical sphere does duty, as the infinite, correspond with finite desire (see Hegel, 1975, p. 57). Hegel's charge of formalism, or emptiness, stems from this priority given to practical over theoretical reason. The pure unity of practical reason is only ideal—it has no substance, no content—because the irrational many (Fichte equates this with

'nature') is simply posited as non-substantial by reason. Irrational nature is to be ordered through its negation by practical reason. For Hegel, this is a completely abstracted, empty notion of nature: "the many is just as much absolute unity of the one and the many, as unity is. And nature or theoretical reason, which is the many, must, as absolute unity of the one and the many, be characterized conversely as real reason" (Hegel, 1975, p. 72). Theoretical reason, as that which grasps the 'many' of nature, can discover in nature the unity of the one and many. (We could formulate this as 'the opposition of a divisible non-ego to a divisible ego in the non-ego.') The conclusion that Hegel draws from this is that practical reason affords only a formal Idea of the identity of the real and the ideal, the many and the one, nature and thought. Although he could have spoken of an "absolute unity," Hegel makes use of Schelling's terminology when he claims that this Idea ought to be the point of "indifference" between nature and thought. It fails to achieve this unity, however, because the "real is essentially posited outside reason and practical reason resides only in its difference from it" (Hegel, 1975, p. 72).

This is the heart of the matter, but Hegel's text is extremely cryptic at precisely this point. He does, however, give what I take to be an elaboration of this same point in a roughly contemporaneous article entitled "Faith and Knowledge" (1802). In this essay, his criticism of Fichte is framed in terms of the latter philosopher's idea of freedom, which is conceived in terms of an infinite struggle—a struggle without end—against nature, or the natural element in the 'self.' The dualism of this position and its existential meaning are perhaps most explicitly revealed at the point when, as Fichte writes, the 'I' recognizes itself to be a "manifestation, determined by the universe, of a force of nature that determines itself, […] that it is nature which acts in him, that he is subject to the eternal laws of nature, to strict necessity."[13] Fichte continues by writing that "he must not hide the sadness, the loathing [*Abscheu*], the horror [*Entsetzen*] … which seizes upon his inmost heart at such a conclusion" (Hegel, 1977b, pp. 175-76). It is precisely Fichte's reaction to nature that Hegel rejects in the most strenuous way. He condemns what he calls,

> the monstrous arrogance, the conceited frenzy of this self who is horrified, filled with loathing and sadness, at the thought that he is one with the universe, that eternal nature acts in him—to be filled with loathing, horrified and sad over the resolve to subjugate oneself to the eternal laws of nature and to its hallowed and strict necessity, to be in despair because one is not free, free for the eternal laws of nature and its strict necessity, to believe that one makes oneself indescribably miserable by this obedience—all this presupposes an utterly vulgar view of nature and of the relation of the singular person [*Einzelheit*] to nature (Hegel, 1977b, p. 176).

This is a more concrete example of how formalism is the "culminating point" of the opposition between the ideal and the real, thought and nature. As such, Fichte's thought is a clear affront to the speculative principle of unity and thus Hegel concludes that "the absolute identity of subject and object is entirely alien to it, and its principle is their absolute non-identity" (Hegel, 1977b, p. 176). The desperation of the Fichtean 'I' follows from the inability to reconcile itself with the necessity of nature and this inability stems from the principle of non-identity at the core of Fichte's thought.

The solution that both Kant and Fichte present to this non-identity between ego and non-ego, freedom and necessity, duty and desire, is to claim that the concrete realization of the ethical idea is always to come. In Fichte's terms, "the moral world order," and in Kant's, "the kingdom of ends," is something that we ought always to strive toward, knowing all the while that it will never be reached. Formalist practical reason only exists in the space opened by the impossibility of realizing this regulative ideal. That is to say, this form of practical reason depends upon the opposition and antagonism between our desires, on the one hand, and what duty commands, on the other. If this antagonism were no longer to exist, then this form of practical reasoning would be meaningless, since it is premised upon precisely this antagonism. What this means concretely is that Kantian and Fichtean ethics is premised on an irresolvable antagonism between freedom and necessity, duty and desire.

If formalism postulates a 'negative absolute' (a 'moral world order' that will never be realized), the *true* absolute is, according to its Idea, "wholly free from this opposition to nature" (Hegel, 1975, pp. 72-73). The true absolute is defined as a unity of freedom and necessity that, at the same time, allows the two opposed characteristics to maintain their determinate character. The subjectivism that defines the formalist science of natural law attempts to understand freedom in a way that is not properly united with necessity, but instead reduces it to the activity of the rational will dominating the real, where the 'real' is understood here as the sensuousness, inclinations, lower appetites, and so forth. Although Hegel does not want to deny this aspect of freedom ('formal freedom'[14]), he does want to insist that it is not the absolute standpoint. It is, as we have seen, only the negatively absolute. As such, the formalist attempt to found 'the moral world order' turns into its opposite: "since morality is something absolute, [formalism] is not the standpoint of morality and there is no morality in it" (Hegel, 1975, p. 74). Hegel illustrates his point with reference to Kant. Again, this not the place to consider the challenge to Kant in all of its detail, but I mention Hegel's conclusions to indicate why he thinks morality fails according to its own terms and, thus, why he turns to ethical life.

As we have seen, Hegel claims that pure practical reason is unable to derive any content from itself. Instead, the content that formalism offers is ultimately nothing more than the maxim provided by the arbitrary will (*Willkür*). In theory, the activity of practical reasoning elevates this content to the form of pure unity. That is, if the content can be taken up into this pure form without canceling itself (that is, if no contradiction results from submitting the maxim to the categorical imperative), then it is justified and "has itself become absolute through negative absoluteness as law and right or duty" (Hegel, 1975, p. 75). Hegel's criticism is that the maxim, the content, remains singular and the universality that is supposedly achieved through the application of the categorical imperative is merely an analytical unity. "The production of tautologies is in truth what the sublime lawgiving power of pure practical reasoning's autonomy in legislating consists of" (Hegel, 1975, p. 76). The idea is that the pure form of the categorical imperative does not transfer to the content under consideration. So, faced with the opportunity to steal a deposit that has been entrusted to us, the transformation of the conditioned (the maxim) into the unconditioned (duty) fails, for what practical reason gives us is the tautology "deposits are deposits," "property is property." And pure practical reason will also produce its opposite, "non-property is non-property." With the form, "specific A is specific A," all content is merely hypothetical. The form of the sentence, "Property is property," is absolute, but this does not justify the claim that "property is absolute." Thus, we are not told and cannot be told whether the existence of property is justified. The conclusion that Hegel draws from this is that the principle of formalist morality is, in actuality, the "principle of immorality" (Hegel, 1975, p. 78), precisely because any proposition that the arbitrary will (*Willkür*) chooses can be justified on the grounds that it is not self-contradictory: "when a specific and individual thing is elevated to something inherently [necessary], absurdity and, in the moral sphere, immorality are posited" (Hegel, 1975, p. 78).

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The limitations that he finds in Kant and Fichte draw attention to the fundamental problem facing Hegel and his speculative aim of uniting the universal and the particular, that is, how to 'elevate' the particular to the universal in a way that is not arbitrary. Hegel's own 'solution' will be the movement of 'sublation,' *Aufhebung*, and although the logic of this has yet to be fully articulated in the "Natural Law" essay, it is still very much operative. [15] Looking back at the essay from the mature system, we can see that Hegel essentially frames the failure of formalism's attempt to unite freedom and necessity, duty and desire, with reference to the logic of sublation. If his aim is initially to show that the pure form of the categorical

imperative does not transfer to the content, he continues by claiming that even if the specific content were equated with the form, this would annihilate the specific (e.g., property) and thus preclude any practical legislation. In this case, the specific is sublated (*aufgehoben*), lifted up to the universal, but not preserved. As such, the specific content is simply cancelled and with this, so is the sublation itself. Thus, the specific maxim, "help the poor," expresses the sublation (*Aufhebung*) of the specific thing, that is, poverty, but Hegel's claim is that when universalized, this maxim will annihilate itself. He writes, "If the thought is that the poor generally should be helped, then either there are no poor left or there are nothing but poor" (Hegel, 1975, p. 80). His position seems to be that if the poor are aided sufficiently, there will be no more poor to help, and thus the duty cannot be fulfilled, or, alternatively, all become poor, presumably from helping others, and so, similarly, there is no one to fulfill the duty. And if poverty is maintained in order that one's duty can be exercised, then, of course, the duty is also not fulfilled. This is a concrete example of how formalist practical reason *requires* an antagonism between duty and desire. To fulfill the duty is destroy it. Above duty and moral reasoning, Hegel will place *virtue* as a properly ethical 'duty,' one that remains or is preserved in its fulfillment.

4. ETHICAL LIFE AND THE FULFILLMENT OF MORALITY

At stake is the nature of unification and Hegel's aim has been to show that both empiricism and formalism fail in their attempts to ground natural law and unite specific content with the form of universality. We can see retrospectively, in Hegel's presentation of empiricism and formalism an early attempt to work out what he will later call in the *Phenomenology* 'shapes' of consciousness (see, for example, Hegel, 1977c, §§5, 8). He focuses on the immanent logic of these two philosophical positions and shows how they attempt to fulfill the core speculative need of philosophy to reach absolute unity. The failure of formalist practical reasoning to elevate specific content to universality—the failure of the categorical imperative—is mirrored in the degradation of ethical life in modernity. Fichte's approach to natural law is, for Hegel, exemplary of this. At the social level, Fichte opposes the pure self-consciousness—the empty ethical law that is based on the universal freedom of all—to real consciousness—to individual freedom. He attempts to unite the two moments, but he does so in a formal and external way, which is to say, by *coercion*. An individual is compelled through coercion to act in accordance with the universal, or general, will. If we do not do so, we are subject to the force of the state. The problem that Fichte's position poses is a straightforward one: who in Fichte's "perfect

police" state (Hegel, 1975, p. 124) will police the police? Or, as Hegel puts it, "There must be a supreme positive point from which compulsion according to the concept of universal freedom starts. But this points, like all others must be compelled to compel …" (Hegel, 1975, p. 85). The conclusion Hegel draws is that an ethical whole ordered solely according to external, coercive relations is "self-canceling," and that coercion is "nothing real, nothing in itself" (Hegel, 1975, p. 88).

What does it mean to say that coercion does not exist? Hegel's response stems from his conception of true, absolute freedom and it points the way toward his 'sublation' of the moral world order of formalism. He rejects the very possibility of coercion because it is premised on an idea of freedom that is necessarily opposed to desire. He holds that, "a freedom for which something is genuinely external and alien [like the internal force of desire or the external force of coercion] is no freedom; [freedom's] essence and its formal definition is just that nothing is absolutely external" (Hegel, 1975, p. 89). Hegel categorically rejects the view of freedom that understands it as a choice between opposed entities. Choosing either +A or –A is merely what he calls "empirical freedom" (Hegel, 1975, p. 89). To assume the position of +A, one becomes indissolubly tied to –A. That is, a particular identity position is determined by what it takes to be its opposite—so, the Republican is fundamentally determined by the position of Democrats and vice versa. Or, more generally, the position of freedom is determined by its opposite, necessity. As such, one never entirely escapes from necessity. And from the side of freedom, the individual always remains free, even when confronted by an alien power. *Absolute* freedom, then, is the "negation or ideality of the opposites, as much of +A as –A" (Hegel, 1975, p. 89).[16] Thus, we may be subjected to something and consequently *subdued*, but never coerced. We could only be coerced if some quality, +A, were absolutely fixed in us, but Hegel's claim is that we are able to abstract from all specific determinations of this kind. When he conceives of the subject as negativity,[17] the point, in this context, is that the subject cannot be reduced to an essence that consists of particularized determinations. In the "Natural Law" essay, our mortality is the concrete manifestation of freedom as negativity: "as his ability to die the subject proves himself free and entirely above all coercion. Death is the absolute subjugator" (Hegel, 1975, p. 91). Regardless of the alien power confronting us, we are free to fight and die. He continues, there is "freedom in subjection [versus coercion] because subjection bears purely on the cancellation of a determination, not simply one side of the determination, but the determination posited positively as well as negatively, subjectively as well as objectively" (Hegel, 1975, p. 91). The logic of fulfilment—through subjection—consists in transcending oppositions, rather than choosing sides,

and it stands as the foundation of ethical life beyond morality. Taken to its extreme, this logic of subjection ends in death, but there are less severe examples of it and in these we can see the way in which morality is fulfilled as ethical life.

A clear example of this logic can be found in Hegel's famous master/slave dialectic in the "Self-consciousness" section of the *Phenomenology*. The one who becomes the slave is enslaved through self-subjection and *Angst*. Death, "the absolute Lord," becomes real to the future slave, and the sentiment he experiences in his fear before death is basically this, 'I would rather submit than fight and risk death' (Hegel, 1977c, §194. The dialectic will show that the spirit of freedom follows the slave who labors, rather than the master who commands and consumes.[18] Moving from the individual to the social level, in the "Natural Law" essay, Hegel addresses this logic when he argues that in order to remain vital, an ethical totality—a people—needs both peace and conflict.[19] We will not be surprised to learn that Hegel insists that we recognize the mutual dependence of these two opposites. More concretely, Hegel's argument for the necessity of war and social conflict is based on his view that without this kind of disruption social institutions will be taken for granted. The effect would be a "hardening" (Hegel, 1975, p. 93) of the institutions in particular and a loss of the vibrancy of ethical life in general. Thus, for Hegel, the continual calm that he sees in the Kantian ideal of "perpetual peace" is a recipe for corruption (see Kant, 1983, passim). Logically, the error in Kant's position is precisely his postulating of one side of an opposition as the ideal. This is an ideal that is impossible to reach in its perfection, for it would assume the absence of individual self-interest, and Hegel rejects it for this reason.[20] He will later make this same general point when presenting the shape of Greek ethical life in the *Phenomenology*. According to the logic of the ethical order, there is danger that the principle of individuality that is concerned with narrow self-interest and private wealth will become too powerful and thus disrupt the harmony of the whole:

> In order not to let them [individuals as narrowly self-interested and independent economic associations based on this same self-interest] become rooted and set in this isolation, thereby breaking up the whole and letting the [communal] spirit evaporate, government has from time to time to shake them to their core by war. By this means the government upsets their established order, and violates their right to independence, while the individuals who, absorbed in their own way of life, break loose from the whole and strive after the inviolable independence and security of the person, are made to feel in the task laid on them their lord and master, death. Spirit, by thus throwing into the melting-pot the stable existence of these systems, checks their tendency to fall away from the ethical order, and to be submerged in a [merely] natural existence; and it preserves and raises conscious self into freedom and its own power (Hegel, 1977c, §455).

He must reiterate that in this passage Hegel is describing the logic operative in the ancient Greek *polis*. He is not advocating that conflicts and war be manufactured in the name of long term domestic tranquility. His broader point is that social conflict, like mortality at the level of the individual subject, is inevitable and philosophy performs no service by denying it.

Hegel finds the same kind of danger existing in the modern world, albeit in a less dramatic form. Indeed, I think it is fair to say that one of the central problems that he sees modern ethical life facing is how to negotiate the role of economic (self-) interest within the ethical totality. The issue is so pressing because the burgeoning modern, industrialized economy, based as it is on the logic of individual self-interest, is a defining moment of modern ethical life. Hegel is well-aware that in modernity the physical needs and enjoyments of a people taken as a whole are entirely intertwined and thus the labor needed to fulfill these exists as a "system of universal mutual dependence" (Hegel, 1975, p. 94). In other words, modern labor is fundamentally social. "Political economy" (Hegel, 1975, p. 94) is the science that studies this system of social labor and it focuses on the abstract unity of private individuals that this society produces—that is, a unity that grounded in self-interested commercial exchange. The class that embodies this is what Hegel calls the *bourgeois* and the subjectivist moral philosophies of Kant and Fichte are the philosophical expression of this class—Fichte's system is nothing less than the "philosophy of absolute subjectivity" (Hegel, 1977b, p. 108). His fundamental fear in this regard is that the economic sphere will become a "self-constituting and independent power" (Hegel, 1975, p. 94). An ethical order that is essentially based around the pursuit of private property would be defined by "an inner nullity" (Hegel, 1975, p. 94) and would only result in the increasing "difference and inequality for which its nature strives" (Hegel, 1975, p. 94). "Universal private life" (Hegel, 1975, p. 102) is the phrase Hegel assigns to the reduction of ethical life to the economic, and to the dominance of legalism and the atomized individuality that accompany it. The realm of law and justice are necessary to tame the sphere of property and private life so as to ensure that it does not triumph over all others. Hegel acknowledges, however, that "perfect legislation is inherently impossible, just as true justice … is impossible *in concreto*" (Hegel, 1975, p. 97). Using the tools of justice to legislate the ethical world is like the attempt to measure an infinite line. Recalling his earlier criticisms of casuistry, he claims that multiplying laws gets us no closer to the ideal of pure justice.

5. PHILOSOPHY AND THE TRAGEDY OF ETHICAL LIFE

The modern ethical order must prevent the excessive expansion of the private sphere. It must be included, but, as Hegel says, "kept to one side" (Hegel, 1975, p. 99). The reconciliation achieved by absolute ethical life "lies precisely in the knowledge of necessity, and in the right which ethical life concedes to its inorganic nature [economic life], and to the subterranean powers by making over and sacrificing to them one part of itself" (Hegel, 1975, p. 104). The accommodation of the bourgeois class, the sphere of private life, possession, and legalism, is this sacrifice made by modern ethical life. It has the virtue of facing the involvement with the inorganic and by doing this, "the inorganic is separated and, recognized for what it is, is itself taken up into indifference while the living, by placing into the inorganic what it knows to be a part of itself and surrendering it to death, has all at once recognized the right of the inorganic and cleansed itself of it" (Hegel, 1975, p. 104). This is Hegel's description of the proper unification of freedom and necessity, the reconciliation that is absent in both empiricism and formalism. It is the essential movement that justifies the position that ethical life (*Sittlichkeit*) is the fulfillment of morality (*Moralität*).

Hegel's mature thought will be devoted to developing this unification in all of its complexity as both a logical and historical progression. At this point, however, he offers Aeschylus' *Eumenides* as a mythical portrayal of this movement. More specifically, he appeals to the scene of litigation between the Furies ("as the power of the law in the sphere of difference": the unwritten laws of tradition and the private sphere, the spirit of vengeance, or, in this context, "the blind, elemental character of the capitalist economy" (Lukács, p. 413) and Apollo ("the god of indifferenced light" and the public realm, Hegel, 1975, p. 105). Should Orestes be punished for the crime of matricide or praised for avenging the death of his father, Agamemnon, at the hands of his wife and Orestes' mother, Clytamnestra? The judgment by the Athenian jury is evenly divided between the two 'cases' presented by the Furies and Apollo, but Athena sides with Apollo and thus breaks the deadlock. In light of the contradiction between the priority given to the public (the sphere of Apollo) and the private (that of the Furies), the divine—Athena—sides with the public. Hegel interprets this as an advance of the Idea of freedom and, thus, as the further realization of human 'nature.' But despite the final verdict in favor of Apollo, reconciliation is achieved because the Furies, as necessity, are not banished. Rather, they are to be afforded a place in the *polis*, "kept to one side," but included, *and* revered (*ehren*, Hegel, 1975, p. 105). Thus, their savage nature is pacified. And through this conflict and sacrifice, here represented by an agonistic legal trail rather than brute physical conflict, the 'individuality' of the Furies is

transformed. They are now the Eumenides. This movement is, Hegel claims, "nothing else but the performance, on the ethical plane, of the tragedy which the Absolute eternally plays with itself, by eternally giving birth to itself into objectivity, submitting in this objective form to suffering and death, and rising from its ashes into glory" (Hegel, 1975, p. 104).

If modern moral theory, *Moralität*, works to divide ethical life, as both Capaldi and Hegel argue, how is life to rise again from "ashes into glory"? And more to the point, what is the role of the properly philosophical science of natural law? Hegel's description for the relation between morality and natural law is the following, "the ethical life of the individual [the domain of morality] is one pulse beat of the whole system and is itself the whole system [the system being the concern for natural law]" (Hegel, 1975, p. 112). The point is that a true *ethos*, an absolute ethical life, is of the essence of the individual. For Hegel, the individual is the 'negative' of the whole, the negation of absolute ethical life. The positive comes before the negative, whole before the individual, or, as Aristotle puts the same idea, "The state comes by nature before the individual; … a man incapable of communal life, or who is so self-sufficient that he does not need it, is no part of the state and must be either a beast or a god" (Aristotle, 1253a, 25-29, cited in Hegel, 1975, p. 113). Ethical life is said to express itself through individuals and, expressed in this way, ethical life is posited as a 'negation,' as a potentiality. These are the *virtues* that can, potentially, be fulfilled by individual agents. Virtues, we could say, are the 'sublation' of desire and pure duty: they are neither arbitrary, nor do they claim for themselves the *a priori* status of Kantian duties. Instead, they are culturally and historically determined and since the virtues are the proper subject matter of morality, the relation of natural law and morality has been, as Hegel says, "reversed" (*umkehren*: revered, turned upside-down, converted, Hegel, 1975, p. 113). Properly understood, natural law, does not involve morality guiding practice. We have seen how, in its highest, formalist articulation, the individual reasoning of morality cannot provide the content needed to guide our actions. Instead, "natural law is to construct how ethical nature attains its true right" (Hegel, 1975, p. 113)—true right, or the true positive whole. As such, natural law does not exclude morality. Nor does it exclude 'positive' laws. The moral law without positive laws is empty and positive laws without the moral law are blind. Natural law is the union of the two. What this means at the level of absolute ethical life is that morality, for example, is relegated to its proper sphere within ethical life. Hegel analyzes these spheres in terms of different 'classes' within society, the bourgeois being one. The idea is that the true positive, the whole of absolute ethical life, must be 'articulated,' or differentiated within itself, and it is the task of philosophy to determine

the proper division within this differentiated whole. Thus, the role that philosophy is to play is a critical one. However, 'critique' is not as Kant conceived it. Instead of attempting strictly to determine the division between the phenomenal and noumenal realms, Hegel focuses on determining the proper way in which the ethical whole is to be divided within itself. The critical concern with limits is still very much present, but the limits that Hegel endeavors to establish do not mark the absolute bifurcation of irreconcilable opposites, but the limits that divide the different spheres within the Absolute. When he claims that the relation between natural law and morality is 'reversed' from the way it is usually understood in modernity, he means that one's duties, or more properly, 'virtues,' are circumscribed, made concrete, by the position one holds in the ethical whole. If, for Kant, the good is achieved through acting according to pure duty, for Hegel, the good is achieved when duty is reconciled with empirical desires (see Wood, p. 214). With Capaldi, Hegel argues that moral reflection uproots ethical life, but Hegel insists upon the inevitability of reflection disrupting ethical life. This is an example, I think, of the "performance, on the ethical plane, of the tragedy which the Absolute eternally plays with itself" (Hegel, 1975, p. 104).

Since moral theory cannot command from a position of purity what we ought to do, Hegel claims that absolute ethical life in the form of universality is its system of legislation and this system is the expression, as law, of the living customs and principles present in the nation. It is the expression of what in a nation is 'right,' or the manner in which freedom is manifested in a specific society. By presenting absolute ethical life in this way, Hegel is rejecting the stark distinction between legality and morality. Rather than seeing these in a position of opposition, wherein one side, morality, for example, dictates the content of the second,[21] Hegel attempts to situate these different moments within the larger whole of ethical life. 'Natural law,' as philosophical science, is the presentation of the moments of absolute ethical life as an Idea. More generally, Hegel's view is that the absolute unity of ethical life is based precisely on its historical fluidity and the fluidity of its different spheres. At certain points one sphere might become dominant, such as the bourgeois manufacturing class, and, for Hegel, this is akin to sickness in a body. The role of philosophy is 'critical' in that it articulates the proper limits of the different spheres of ethical life, but, ultimately, this is in the service of ensuring that these do not extend beyond their proper limits. This is the danger we saw in relation to Fichte's "perfect police" state. The overextension of his subjective principle of morality leads to a state where the individual is supervised, known, and regulated by the universal in a way that leads to "the profoundest despotism" (Hegel, 1975, p. 124). This kind of

erroneous extension can take place in the sphere of natural law itself, if, for example, the contractual form of law proper to the civil sphere is extended over constitutional and international law.

There is, of course, no algorithm for determining these limits. Anticipating Hegel's famous remark that philosophy is "its own time *comprehended in thoughts*" (Hegel, 1991, p. 21), natural law "is under the necessity of being one with the empirical shape of the ethical … [and] as science natural law expresses that shape in the form of the universal" (Hegel, 1975, p. 58). Hegel's criticism of moral theory in particular opens onto a larger point about the role of philosophy as such. The ethical philosophy that succeeds morality is one that "learns to honor necessity" (Hegel, 1975, p. 126). More concretely, the individual and the accidental do not hinder life, but instead, "letting the individual and accidental persist as they are of necessity removes them from this necessity and permeates and vitalizes them" (Hegel, 1975, p. 126). At the end of the "Natural Law" essay, Hegel points toward his later philosophy of history when he claims that a balancing of these different spheres takes place through history. Yet his appeal to the eternal tragedy of the Absolute appears to ward against any ultimate resting place. This would, after all, not be peace, but death.

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NOTES

[1] The standard periodization of Hegel's early writing is based on the cities in which he lived at the time. Fresh from a five year regime of philosophy and theology at the Tübingen *Stift*, he moved to Berne (1794-1796) to work as a house tutor. His central works during this period were "The Positivity of the Christian Religion" and a biographical account of Jesus. At the behest of his friend Hölderlin, he moved to Frankfurt in the last days of 1796 and his greatest work from this period was the manuscript, "The Spirit of Christianity and it Fate." In 1800, Schelling helped Hegel secure a position as *Privatdozent* teaching philosophy at Jena.

[2] Although there is much that changes in the presentation of 'ethical life' (*Sittlichkeit*) from his earliest theological writings to his account of *Sittlichkeit* in the *Philosophy of Right* (1817), nevertheless, there is also a constant attempt to articulate an idea of ethics that overcomes the limitations that Hegel sees in morality (*Moralität*). Much of the labor of this essay will be in the service of distinguishing *Sittlichkeit* from *Moralität*, but we can say very generally that *Sittlichkeit* corresponds to public morality, the communal life of a "people" (Hegel, 1975, p. 92). Indeed, Hegel presents the term as the German equivalent of *ethos* (Hegel, 1975, p. 112). He refers to it as "substance" to draw attention to its stability, and to distinguish it from the negativity of subjectivity, but, unlike nature, this substance is born of free action and its laws are self-imposed (see Wood, p. 198). Hegel

uses *Moralität* to denote the modern moral thinking that emphasizes individual, self-reflexive deliberation. It is exemplified by the moral theories of Kant and Fichte, but it also comes to define the *ethos* of modernity more generally. This is precisely Hegel's concern.

[3] In love, we do our duty because we desire to do so (See Hegel, 1992b, p. 214).

[4] We might note that Hegel's *Philosophy of Right* is divided along the same basic lines. The central divisions in the book are between "Abstract Right," "Morality," and "Ethical Life." Ethical life stands as the union or fulfillment of the legalism associated with rights and the subjectivism of morality.

[5] Hegel understands 'reality' here in terms of the Kantian *Ding-an-sich*. He writes, "The Critical philosophy has had the important *negative* effect on theoretical sciences of proving that the scientific element in them is not objective, but belongs to a middle realm between nothing and reality" (Hegel, 1975, p. 57). The theoretical sciences cannot know the noumenal realm.

[6] Hegel will consistently distinguish the Absolute from the mechanical. A machine is clearly more than simply an aggregate or collections of parts. It makes a system of sorts, but it is inadequate for describing the Absolute because we usually understand a machine to have its organizing principle outside of itself.

[7] Hegel distinguishes 'reason' (*Vernunft*), as the synthetic power that unifies oppositions and that determines concrete practical ends, from the 'understanding' (*Verstand*), the calculative logic that guides a mechanical adherence to law. When Hegel personifies *Verstand*, it is as a courtier because of its shrewdness: "It knows how to hunt up rationalizations for every passion, every venture" (Hegel, 1984, p. 21). Ultimately, however, it does not put principles into actions, but waits for orders from its master. In other words, it does not set its own ends, but is in servitude to self-interest.

[8] Hegel continues, "But this does not mean that Reason is altogether opposed to opposition and limitation. For the necessary dichotomy is one factor in life. Life eternally forms itself by setting up oppositions, and totality at the highest pitch of living energy [*Lebendigkeit*] is possible only through its own re-establishment out of the deepest fission. What Reason opposes, rather, is just the absolute fixity which the intellect [*Verstand*] gives to the dichotomy [*Entzweiung*]" (Hegel, 1977a, pp. 90-91).

[9] Hegel's terminology in this essay is not uniform. There is, however, a general deployment of oppositional terms: subject versus object; ideal versus real; infinite versus finite, freedom versus necessity; freedom versus nature; duty versus desire. Each of the terms on the left is affiliated with the others on that side of the opposition, and similarly with those on the right.

[10] Marx points to the same problem when he writes, "It is remarkable how Darwin can examine the world of plants and animals and discover there his own English society with its division of labour, competition, the opening of new markets, "inventions," and Malthus' "struggle for existence" (cited in Lukács, p. 417).

[11] Empiricism uses the fictional state of nature not only to justify a certain form of civil law, but it also posits a quality like gregariousness among the set of original, natural qualities, or faculties in order to provide the source for the transition from nature to civilization itself. That is to say, concisely, "the desired outcome is presupposed" (Hegel, 1975, p. 65).

[12] Fichte's *Foundations of Natural Law* was published in 1796.

[13] Hegel is both quoting and paraphrasing Fichte's *Bestimmung des Menschen* (see Fichte, 1845-46, pp. 189-90; cited in Hegel, 1977b, pp. 175-76).

[14] "Formal freedom" is the ability to abstract from our desires. It is proof that our actions are not reducible to these (see Wood, p. 37).

[15] Hegel speaks of the uncanny existence of two opposed meanings within the one word, *aufheben*: "it means to preserve, to maintain, and equally it also means to cause to cease, to put an end to. Even 'to preserve' includes a negative element, namely, that something is removed from its immediacy and so from an existence which is open to external influences, in order to preserve it. Thus, what is sublated [*das Aufgehobene*] is at the same time preserved; it had only lost its immediacy but is not on that account annihilated" (Hegel, 1969, p. 107). The achievement of sublation is that something enters into a unity with its opposite and, as such, can be said to lift or raise up.

[16] Hegel is, in effect, showing the limits of the stale and endless debates between the position that says, 'we are all absolutely responsible for our actions, and thus our crimes,' and that which holds, 'one's environment has a 'coercive' effect on one's actions.' Neither side can be discarded. As Hegel writes, the one is flatly bound up with the other, and therefore each can be directly derived from its opposite" (Hegel, 1975, p. 121).

[17] The subject's "power to move, taken abstractly, is *being-for-itself* or pure negativity" (Hegel, 1977c, §22).

[18] "The truth of the independent consciousness is accordingly the servile consciousness of the bondsman" (Hegel, 1977c, §193).

[19] On the inevitability of wars and social conflict, see, for example, Hegel, 1977c, §455 and Hegel, 1991, §324.

[20] Kant, of course, also recognizes that self-interest can never be abolished and this is one way of understanding why he posits the ideal as a regulative one. Again, it is this appeal to the regulative that Hegel rejects. Wood puts Hegel's concerns very succinctly, "Kant falsifies the finitude of the human condition when he attempts to place the good will beyond the reach of nature and fortune. This moral "displacement," or "pretense" … is neither innocent nor without cost. Every hidden value we hope to possess in the beyond must be paid for out of the real worth we enjoy in the here and now. … Our noblest actions and highest accomplishments become for us nothing but so much worldly splendor, the dazzling costume that cloaks a bad will. In the long run, the lies serve the ends only of envy and hypocrisy" (Wood, p. 153).

[21] The other position stemming from the same basic opposition between morality and legality would hold that the morality is nothing other than an unwavering adherence to the law.

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