

Interpretation

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Reply to James Carey

JOHN GRANT

I thank James Carey for his very learned, serious book *Natural Law and Natural Reason* and for his extensive engagement with my review. My review and my reply to his response focus on matters where I take issue with Carey; I wish to make it clear that Carey's book is a valuable contribution to the literature on Thomas and Strauss. His powerful exposition and defense of the Thomistic natural law teaching in light of Straussian criticisms is worthy of the attention of anyone interested in the Thomas, the natural law tradition, or Strauss. My comments are intended above all to provoke thought and further discussion in light of Carey's important work.

The central point in my review was this: Strauss was principally concerned with understanding the idea of the natural law. He was not merely or chiefly interested in criticizing or defending the Thomistic teaching or any particular natural law doctrine. I believe that Strauss's fundamental intention emerges if we consider pertinent writings of Strauss not addressed in Carey's *Natural Reason and Natural Law*. I think Thomas's presentation indicates that he too manifests a deep interest in understanding or investigating problems that are coeval with the natural law and not simply presenting a teaching that is the final word on the subject.

One of the pieces of Strauss that I think is very relevant to Strauss's understanding of the natural law is his essay on Halevi. But, as Carey rightly notes, after the first several pages, Thomas is hardly discussed at all in Strauss's chapter on the *Kuzari*. Carey goes so far as to say that "Thomas is not *treated* in Strauss's *Kuzari* essay at all."¹ It is certainly true that Strauss's essay on Halevi is not an article about Thomas Aquinas, at least in the ordinary academic sense. But it is the case that the whole treatment of the *Kuzari* is framed in terms of the dispute between Thomas on one side and Marsilius and

¹ All quotes without citations are to Carey's response to my review.

Maimonides on the other. And the themes of the five sections of the essay are all very much related to Thomas's natural law teaching. It is hard to imagine that anyone would deny that Thomas was concerned with the themes of the essay: philosophic communication; the relationship between reason and revelation; the law of reason or natural law as a complete theologico-political code (like Plato's *Laws*) or the framework of every code. Strikingly, the last section of Strauss's chapter is headed "The Law of Reason and the Natural Law."

Carey does discuss the conclusion of the Halevi essay in his response, especially the denial by Strauss's Halevi of the existence of any morally obligatory commandments known to reason. But it is important to note that, in this same passage discussed by Carey, Strauss points out that the lack of obligatory rules known to reason is a grave problem for the philosophic position. Revelation is required for genuine morality.² In other words, Strauss here manifests his concern with a theoretical problem requiring further reflection; his conclusion is an invitation to further study, not an attack on Thomas. An explicit confrontation with Strauss on this matter and the other themes of the Halevi essay would help us better understand both Strauss's understanding of the natural law and Thomas.

Carey's response on the status of the natural virtue of religion is puzzling. He very plausibly maintains that Thomas would have rejected Moloch worship as it calls for the murder of the innocent and hence violates the cardinal virtue of justice. But then he tells us that even Moloch worship "contains the *rudiments* of religion, namely, the belief that there is something higher than man, something to which man owes his very existence, and that, accordingly, man has a duty of sacrifice to this higher being." Worship of such a deity is evidence that man can go "abominably wrong" in comprehending "the nature of this higher being" and consequently "in his understanding of what is proper to sacrifice to him." This seems like a restatement of the problem posed by Strauss, at least to this point.

Lest we be left wondering if Moloch worship is better than no worship at all, Carey tells us that this is further evidence that for Thomas "the *need* for divine illumination cannot be denied." This does not dispose of the problem raised by Strauss. The virtue of religion is, as Carey himself notes, a moral virtue subordinated to the natural moral virtue of justice. Carey consistently, and rightly, maintains that Thomas does not conflate reason and revelation

² Strauss, *Persecution and the Art of Writing*, 140–41.

in his book. The natural virtues are of course known and directed by reason. The natural virtues are virtues in their own right, but can it be the case that it is virtuous to believe in and worship a false god, even if that God is not as abominable as Moloch? This is an instance where there is an apparent contradiction or tension in Thomas's argument. He describes the natural virtue of religion in this way: "It belongs to the dictate of natural reason that man should do something through reverence for God. But that he should do this or that determinate thing does not belong to the dictate of natural reason, but is established by Divine or human law" (*ST II-II*, q. 81 art. 2 ad 3). The natural virtue of religion, in itself, is distinct from divine revelation. If the natural virtues "need" revelation, then they are not virtues: if the natural law requires revelation to be a law, then it is not a law.³ Thomas, like Strauss, is pointing to an enduring problem requiring further investigation.⁴

The Israelites' theft from the Egyptians and Abraham's willingness to slay his son are other examples of tensions or contradictions requiring further thought. Carey notes Thomas's claim that "God can, without injustice, command something contrary to the wonted course of virtue." But the genuinely radical character of Thomas's position becomes clearer if we look at the rest of the passage Carey cites. "Even as God does nothing contrary to nature (since 'the nature of a thing is what God does therein,' according to a gloss on *Rm.* 11), and yet does certain things contrary to the wonted course of nature; so too God can command nothing contrary to virtue since virtue and rectitude of human will consist chiefly in conformity with God's will and obedience to His command." The command to Abraham to "slay" (*occideret*) his "innocent son" (*filium innocentem*) was not unjust, Thomas says, because God is the author of life and death. Similarly, the Israelites stealing from the Egyptians was licit because all things are God's, and He gives to whom He wills (*ST II-II*, q. 104 art. 4 ad 2; see also *I-II*, q. 100 art. 8 ad 3).

In short, here the claim is that the just is what God wills, even when it is contrary to the normal course of nature as well as to reason or the natural law. Murder and theft are unjust—except when they are commanded by God. It is hard to see how this goes together with the God of part 1 of the *Summa*, or the later argument that God, reason, and the eternal law are one and the same.⁵

³ Thomas's treatment of idolatry further indicates the difficulties with religion as a natural virtue. It is difficult to see how almost any worship directed by unguided reason could be licit. See *ST II-II*, q. 94 art. 1.

⁴ This may be the reason why thinkers such as Hobbes and Locke do not include religion as a virtue under the natural law.

⁵ See especially *ST I-II*, q. 93 art. 1.

Carey wonders why I did not address his long footnote on the Abraham and Isaac episode. I did not address it because he makes no attempt to solve this puzzle in terms of Thomas's arguments. It would be unreasonable to fault this, because Thomas leaves us with a puzzle. There are of course arguments that would diminish the shocking character of this episode; Thomas does not make them. He simply asserts that obedience to God, even when it is contrary to the normal course of nature and virtue, is just. In his note, Carey attempts to deal with this difficulty. He argues that the text of Genesis has "offer" rather than "murder." He then relates this to the miraculous conception of Isaac; God gave Isaac to his parents, so He can rightly demand that Abraham give him back. But even if that interpretation is correct, it is not the argument Aquinas makes. As we saw above, he has "murder" and not "offer," and he defends the justice of the command in terms of the intended slaying of Isaac.⁶

I suggest that Thomas is pointing to a central difficulty in reconciling the God of the Bible with God as the eternal law.⁷ He sets aside his typical, harmonizing teaching in order to point to a problem requiring further thought.⁸ This is also important in connection with Thomas's manner of writing: we should pay attention not only to what Thomas has to say about his manner of writing, but examples where contradictions or apparent contradictions are manifest to a philosophically concerned reader.

In terms of the conscience, a central consideration is whether sufficient sanction for the natural law is provided by the conscience. Carey says, "Natural law does not coerce by depriving man of free choice. Nonetheless it does provide for a punishment that is peculiarly its own, namely, the remorse of conscience. This provision suffices to bring natural law . . . into perfect accord with Thomas's general claim that punishment pertains to law." Carey goes on to say that "some people are not deterred from violation of natural law by the prospects of a gnawing conscience."⁹ But Thomas does not link the remorse of conscience to the natural law. The passage cited by Carey refers to the human experience of remorse of conscience, but there is no connection to the natural law or an argument that remorse of conscience is sufficient to make the natural law a law (*ST* I, q. 87 art.1). It is difficult to see how the punishment of a gnawing conscience is both effectual and ineffectual as a

⁶ Carey, *Natural Reason*, 202n42.

⁷ As I mentioned previously, Strauss's essay "Jerusalem and Athens" is relevant here.

⁸ For an example of Thomas's more usual, harmonizing approach, see *ST* I-II, q. 69 on the Beatitudes.

⁹ Carey, *Natural Reason*, 175.

punishment—how can it be both? And Thomas was aware of the existence of whole nations that violated basic precepts of the natural law—meaning whole nations where conscience was ineffectual as a punishment (*ST* I-II, q. 94 art. 4). If effective sanctions for the natural law existed according to nature, the human law would seem to be unnecessary.

The consideration of difficulties with Thomas's natural law teaching should lead to ongoing reflection about the relationship between reason and revelation in Thomas's thought. We must ask, with Kant, whether philosophy, as the servant of theology, carries the train of her mistress or lights the way before her.¹⁰ I believe Strauss thought questioning of this sort was a remedy against the danger of obscurantism which attends the recovery of natural right.¹¹

¹⁰ Immanuel Kant, "The Conflict of the Faculties," in *Kant: Religion and Rational Theology*, trans. Mary J. Gregor and Robert Anchor (Cambridge: Cambridge University Press, 1996), 255.

¹¹ Strauss, *Natural Right and History*, 6.

