

The intellectual is effectively responsible to no one. Forgetting that like a tree he has roots, destabilized and vulnerable to ideology because of the loss of a religious foundation, he lives with his "head in the clouds of theory" and calls for reigns of virtue that turn into reigns of terror. Then he says "Oops — sorry about that!" and writes his memoirs.

— Reviewed by Leslie Mellichamp

## Constitutionalism and Transcendence

**Belief, Faith and Reason**, edited by John H. Howard, *Belfast, Ireland: Christian Journals Limited, 1981. iv + 126 pp.*

**Essays on Christianity and Political Philosophy**, edited by George W. Carey and James V. Schall, S.J., *Lanham, Md.: University Press of America, 1984. ii + 186 pp. \$21.50 (paper \$8.75).*

THESE TWO BOOKS are collections of essays by fourteen contributors containing no duplication of authorship. The reviewer's problem, therefore, is to seek unity in diversity — to find a common thread of meaning which includes some things and excludes others. It is obvious from the names of the editors and contributors that these two books reflect a conservative orientation generally associated with Russell Kirk and William Buckley. As a result, ideologies like liberalism, communism, socialism, and liberation theology are therefore rejected. Likewise, such philosophies as positivism, relativism, scientism, and behaviorism are held in disfavor. What the contributors in these books advocate is constitutionalism and religion.

Constitutionalism has a long history reaching back through Anglo-American

history to ancient Greece and Rome. An excellent survey is offered by Ellis Sandoz. The contents are quite familiar: government by law and under law, separation of powers, separation of church and state (but not of religion and politics), and limited popular participation. Sandoz points out that the American Revolution was in the first instance a protest against repeated violations by the British government of its own positive law.

Similar violations and deviations from our own constitutional order can be found. Dallin Oaks, for example, shows how the Supreme Court has denatured the free exercise of religion clause of the First Amendment. It did so by expanding it to include non-theistic philosophies, thereby robbing religion of its meaning as understood by the framers of the Bill of Rights and all Americans until the middle of the twentieth century. Checks and balances do not always work. No constitutional order, not even our own, is entirely self-corrective. Something more than structural devices is needed.

What is that a "something more"? The most inclusive and least controversial suggestion is transcendence or, as Claes Ryn put it, "a grasp of the divine." One of the most common and time-honored manifestations of transcendence is natural law, written in the hearts of men and read by right reason. It is universal, eternal, and immutable. Aquinas identified it as man's participation in eternal law. Its source is generally ascribed to God, though not necessarily as a person as in the Christian God. The deists, for example, regarded Him as a concept or an axiom. Natural law is usually invoked when there is a serious breakdown in the operation of positive law, as was the case when the American Declaration of Independence was issued or when William H. Seward met the crisis over slavery by proclaiming, "There is law higher than the Constitution."

Practically all of our contributors believe in natural law. Especially interesting is the attempt by Father Stanley Jaki to add the prestige of natural science to it. He argues that the world is a cosmos

and not a chaos. Cosmos implies order that can be grasped by logic. But no one, not even a scientist, can prove that the world is a cosmos. And yet, Jaki does not say that one can grasp it by faith. What he says is that, unless reason assumes that it is a cosmos, scientific methods and conclusions make no sense. This is the nearest he comes to reconciling reason and faith.

Experience proves that natural law is not enough to protect a constitutional order. Natural law requires human interpretations, and human interpretations vary widely and are unreliable. This flaw comes from a finiteness which cannot encompass the whole truth and from sin which distorts it. These observations do not deny the validity of natural law: they only point to its limited utility.

Can religion, another form of transcendence, do better? One difficulty here is that there are many religions. Robert Farr Capon's solution is this: "Christianity is not a religion at all." The reason is that Christianity has already accomplished what religions promise so that "no one will ever have to worry about religion again." Capon's contention will get nowhere as does all discourse which radically departs from accepted usage. There are, of course, the great pagan religions like Buddhism and Hinduism, which Ryn seeks to include in the religious undergirding of constitutionalism. For practical purposes, however, our concern is with the Christian religion, which in any case does what Ryn wants, namely, to separate the "things of God" from the "things of Caesar." All the contributors to these two books agree that Christians have a duty to get involved in politics but not to get assimilated by it; that there is no salvation in politics; that no political program is ever wholly right. On the other hand, all of them also agree that politics without the transcendental dimension brought by religion is doomed to corruption and failure.

We are now brought to the separation of church and state. Some misguided followers of the American Civil Liberties Union appear to think that the separation of church and state is an invention beginning

with the adoption of the First Amendment. This idea is completely erroneous. During the Middle Ages, it was known as the separation between Empire and Papacy. Since the Reformation, the Roman Catholic Church shares with the Protestant churches the duty of maintaining the transcendent thrust of religion in politics without thwarting the legitimate concerns of politics. This task cannot be performed by theology alone. Theology may draw most of the lines but it cannot guarantee respect for these lines. A long way toward such a guarantee comes if theology is institutionalized in the church. That is why the separation of church and state, not the separation of religion and politics, is essential to the preservation of constitutionalism and human freedom.

One of the most crucial aspects of the relation between religion and politics is what is conceived to be the nature of God. The Christian God is a person, not a concept. He is not the Creator and Nature's God of the Declaration of Independence or George Washington's references to the Arbiter of the universe. As such, He would be a lifeless abstraction and mankind would be the helpless victim of unpredictable or all-too-predictable temporal vicissitudes. The Christian God is a living God.

The difference and its implications for politics are seen by only two contributors, Thomas Molnar and Father James V. Schall. The issue is centered on William of Ockham. These two contributors take the position that Ockham erred by arguing that God is not subject to natural law. Says Molnar: "It is on God's will, on revelation and on the Bible, that spiritual authority rests, and this was enough to validate it in Ockham's eyes." Schall links Ockham's view with the absoluteness of "modern political theory." The idea is that, by liberating God from the restrictions of natural law, one thereby liberates earthly rulers from the same restrictions. "At the risk of over-simplification," asserts Schall, "one might say that the God of Aquinas was a constitutional monarch who did not change the rules as he went along; that of Ockham was — at least potentially — a

capricious despot." But the identification of Ockham's God with a capricious despot fails because it does not recognize that God is omnipotent and omniscient whereas earthly rulers assuredly are not. God needs no restrictions; earthly rulers do. The reference to Aquinas is also misleading in that Aquinas added the category of divine law to his otherwise threefold category of eternal law, natural law, and human law. Divine law was an act of will recognizing the inadequacy of the other three categories for human guidance.

God is not the prisoner of His creation. One cannot pray to the Sphinx nor respond to a will that does not exist. Because God is free, man is free — free from both determinism and happenstance and, with it, consitutionalism is maintained.

— Reviewed by René Williamson

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## *The Jesuits*

**The Pope and the Jesuits: John Paul II and the New Order in the Society of Jesus**, by James Hitchcock, *New York: National Committee of Catholic Laymen, 1984. 210 pp. \$3.95 (paper).*

IN 1534, Saint Ignatius Loyola launched a religious movement known as the Society of Jesuits; the almost-450-year-old religious order is now known as the Society of Jesus, or more commonly, "the Jesuits." For hundreds of years after their founding, the Jesuits were looked upon as loyal apologists of the Pope — the Vatican's "shock troops" — who promoted the strict orthodoxy to which they adhered.

But then came the twentieth century, and with it the culmination of hundreds of years of scattered heresy. Pride, the sin which all Jesuits forswear, began to make an amazing comeback. Free-thinking

Jesuits like George Tyrrell began to advocate ideas alien to the Church; once solid theological foundations were shaken. Liberal Jesuits took heart as they watched Church dogma begin to crack: the sooner change came, the better. This revolutionary attitude came into its own during the turbulent 60s, when the Society of Jesus exploded with heresy and radicalism, never to be the same again.

James Hitchcock, professor of history at St. Louis University and author of *Catholicism and Modernity: Confrontation or Capitulation?*, has here written a stunning exposé of the organization which takes a special vow of obedience to the Pope — yet consistently engages in activities specifically condemned by the Pontiff. Mr. Hitchcock begins his startling book with a brief history of the Society and then explains the "unraveling" which it was to experience after the Second Vatican Council. Although the Council "scarcely authorized such a result," Hitchcock writes, it was nevertheless "widely interpreted as an overwhelming signal of release, 'liberating' Catholics from all the obligations to which their faith had historically committed them." Hence, a "whole generation of [religious] trained under the older rigorous system now chose to throw off its alleged 'repression.'" Nowhere was this more evident than in the Society of Jesus, which now "no longer represented itself to its newest members as a cohesive organization to which they must aspire to be worthy, but as a loosely organized group of idealistic men, often possessed of the most diverse and contradictory notions of what Jesuits ought to be and do."

"Many Jesuits," continues Hitchcock, now believed that "the true meaning of Christianity was only discovered at the time of the Second Vatican Council." Papal authority subsequently gave way to individualism; disdain for Church dogma and teaching became commonplace. "Personal feelings [were] now given a status bordering on the holy." Consequently, the euphemistic phrase "the spirit of Vatican II" became the all-purpose alibi for the